



Village of
ESTERO

VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
PACKET
JULY 12, 2022, 04:30 PM



The Village Planning Zoning and Design Board Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity for members to participate virtually. The meeting will be broadcasted live via the Village of Estero website <https://estero-fl.gov/council/watch-meetings-online/>. Please see the [bottom of this agenda](#) for further information and instructions for public participation.

AGENDA
PLANNING ZONING AND DESIGN BOARD MEETING
9401 Corkscrew Palms Circle, Estero, Florida
July 12, 2022, 04:30 pm

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. BUSINESS

Items on the agenda are generally treated in sequential order, and due to the length of the agenda, any or all of the items listed for discussion may be rescheduled to a later date for consideration.

The meeting will adjourn no later than 9:00 P.M. unless extended by the Board.

a. Consent Agenda

Approval of June 14, 2022

Attachment: [06142022 PZDB Minutes.pdf](#)

b. Confirm selection of Marlene Naratil as Vice Chair per May 10, 2022, Planning Zoning and Design Board vote.

6. PUBLIC HEARING (Quasi-Judicial)

The public will have an opportunity to speak for five minutes per agenda item.

a. COP Extension of Outdoor Area - South Fork Grille/El Nido Modern Mexican Restaurant (ADD2022-E005) (District 6) 23161 Village Shops Way, Unit 113 Coconut Point Mall, located in the southern portion of Coconut Point Mall, south of Divieto Ristorante.

Applicant seeks to expand the outdoor seating area and outdoor service of alcoholic beverages.

- See Staff Report
- Planning Zoning and Design Board will make a decision on this case.

Attachment: [1. South Fork Grille El Nido Staff Report.pdf](#)

Attachment: [2. South Fork Grille El Nido Staff Report Attachment A. Coconut Point Location Map.pdf](#)

Attachment: [3. South Fork Grille El Nido Staff Report Attachment B. Final Buildout Floor Plan.pdf](#)

Attachment: [4. South Fork Grille El Nido Staff Report Attachment C. COP in Vacinity Map.pdf](#)

Attachment: [5. Resolution PZDB 2022-01 South Fork Grille El Nido.pdf](#)

Attachment: [6. Resolution PZDB 2022-001 Exhibit A Final Buildout Floor Plan.pdf](#)

7. PUBLIC INFORMATION MEETINGS

(No votes are taken at Public Information Meetings)

The public will have an opportunity to speak for three minutes per agenda item.

- a. AT&T Cell Tower (District 1) (SEZ2020-E0101) 3231 Coconut Road, located on the property of Bonita Springs #2753 Benevolent and Protective Order of Elks, west of US 41 and south of Coconut Road.**

Attachment: [1. AT_T Application Public Information Meeting Request revised to 100 .pdf](#)

Attachment: [2. AT_T Cell Tower Coconut Road Final Survey.pdf](#)

Attachment: [3. AT_T Powerpoint Presentation.pdf](#)

- b. Culver's Coconut Point (D.O. application pending) (District 6) 8400 Murano Del Lago Drive, Tract 3C Coconut Point Mixed Planned Development, vacant lot on the southeast corner of US 41 and Pelican Colony Boulevard, just north of Extra Space Storage.**

Development Order for a 4,052 square foot Fast Food Restaurant.

Attachment: [1. Culver_s Application PIM Request.pdf](#)

Attachment: [2. Site Plan with Aerial.pdf](#)

Attachment: [3. Site Plan.pdf](#)

Attachment: [4. Architectural Elevations.pdf](#)

Attachment: [5. Architectural Floor Plan.pdf](#)

Attachment: [6. Architectural Renderings.pdf](#)

Attachment: [7. Dumpster Enclosure.pdf](#)

Attachment: [8. Landscape Plans.pdf](#)

Attachment: [9. Photometrics.pdf](#)

Attachment: [10. PowerPoint Presentation.pdf](#)

8. PUBLIC HEARINGS (Quasi-Judicial)

The public will have an opportunity to speak for five minutes per agenda item.

**a. Zoning Amendment and Deviations - Estero Town Center - Wawa (DCI2021-E004) (District 5)
10081 Estero Town Commons, located on the south side of Corkscrew Road on the parcel
previously occupied by Ruby Tuesday in Lowe's Plaza.**

Applicant seeks to amend the Commercial Planned Development to allow a convenience store with gas pumps on a 2.6-acre outparcel previously developed as Ruby Tuesday.

- A Public Information Meeting was held September 21, 2021.
- See Staff Report.
- Planning, Zoning and Design Board will make a recommendation to Council.

Attachment: [1. Estero Town Center Staff Report.pdf](#)

Attachment: [2. Estero Town Center Attachment A - Zoning and FLUM Maps.pdf](#)

Attachment: [3. Estero Town Center Attachment B - MCP.pdf](#)

Attachment: [4. Estero Town Center Attachment C - Revised Conditions of Approval 7-1-2022.pdf](#)

Attachment: [5. Estero Town Center Attachment D - Pattern Book.pdf](#)

Attachment: [6. Attachment E Applicant Information 1. - Changes to Z-03-032 and ADD2006-00163.pdf](#)

Attachment: [7. Attachment E Applicant Information 2. - Public Information Meeting.pdf](#)

Attachment: [8. Attachment E Applicant Information 3. - Request Statement.pdf](#)

Attachment: [9. Attachment E Applicant Information 4 - TIS Report wo tables.pdf](#)

Attachment: [10. 8-Day Letter - Wawa Estero Town Center.pdf](#)

Attachment: [11. Estero Town Center Presentation.pdf](#)

b. Ordinance 2022-09 Planning Zoning and Design Board Membership Qualifications

Amend Land Development Code Section 2-302C.2. to change membership qualifications of the Planning Zoning and Design Board.

- Planning, Zoning and Design Board will make a recommendation to Council.

Attachment: [1. Ordinance 2022-09 Amending LDR Section 2-302C Membership.pdf](#)

9. PUBLIC INPUT (Each individual will be given five minutes to speak)

10.BOARD COMMUNICATIONS

a. Next meeting - August 9, 2022

11.ADJOURN

General Attachments

[- Transcript.pdf](#)

VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
TUESDAY, JULY 12, 2022, 4:30 P.M.

DISCLAIMER:

THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
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.

04:30:30 >>Scotty Wood: WELCOME, EVERYONE, TO THE JULY 12th MEETING
04:30:33 OF THE VILLAGE OF ESTERO PLANNING, ZONING, AND DESIGN BOARD.
04:30:37 WE ALWAYS START THE MEETINGS WITH A PLEDGE OF ALLEGIANCE.
04:30:40 PLEASE RISE.
04:30:44 [PLEDGE OF ALLEGIANCE]
04:31:01 >>Scotty Wood: THANK YOU.
04:31:02 TAMMY, WOULD YOU PLEASE CALL THE ROLL?
04:31:06 >>Tammy Duran: BOARD MEMBER GARGANO?
04:31:08 >>Anthony Gargano: HERE.
04:31:09 >>Kristin Jeannin: HERE.
04:31:09 >>Barry Jones: HERE.
04:31:12 >>Marlene Naratil: HERE.
04:31:13 >>Michael Sheeley: HERE.
04:31:16 >>James Tatoes: HERE.
04:31:17 >>Jim Wallace: HERE.
04:31:19 >>Scotty Wood: HERE.
04:31:19 >>Tammy Duran: OUR ATTORNEY, NANCY STROUD, IS IN ZOOM.

04:31:25 >>Scotty Wood: COULD I HAVE A MOTION TO APPROVE THE AGENDA?
04:31:28 >> I'LL SO MOVE.
04:31:29 >> SECOND.
04:31:30 >> SECOND.
04:31:30 >>Scotty Wood: ALL IN FAVOR?
04:31:32 ANY OPPOSED?
04:31:32 OKAY.
04:31:34 THE FIRST ITEM OF BUSINESS IS THE CONSENT AGENDA, WHICH
04:31:38 CONSISTS OF TWO ITEMS.
04:31:41 ONE IS THE APPROVAL OF THE MINUTES FROM LAST MONTH'S
04:31:44 MEETING, JUNE 14th, AND ALSO IT IS NECESSARY THAT WE
04:31:49 CONFIRM OUR EARLIER SELECTION OF MARLENE AS VICE-CHAIR OF
04:31:53 THIS BOARD BECAUSE TECHNICALLY UNTIL THE VILLAGE COUNCIL
04:31:58 APPROVED THAT ACTION, THE VOTE THAT WE TOOK LAST MONTH WAS
04:32:02 NOT VALID.
04:32:02 SO WE NEED TO RECONFIRM.
04:32:06 I WOULD ASK FOR A MOTION TO RECONFIRM.
04:32:09 THIS IS A MINISTERIAL ACTIVITY.

04:32:11 >> SO MOVED.
 04:32:11 >>Scotty Wood: WE HAVE A MOVE AND A SECOND.
 04:32:13 ANY FURTHER DISCUSSION?
 04:32:14 DO I ROLL CALL THIS?
 04:32:17 MARY?
 04:32:21 >>Mary Gibbs: I DON'T THINK WE NEED TO DO THAT.
 04:32:23 >>Scotty Wood: OKAY.

 04:32:24 ALL IN FAVOR SAY AYE.
 04:32:25 OPPOSED?
 04:32:26 YOU ARE NOW OFFICIALLY VICE-CHAIR.
 04:32:30 >>Marlene Naratil: THANK YOU VERY MUCH.
 04:32:31 >>Scotty Wood: UNANIMOUSLY SO.
 04:32:32 THE NEXT ITEM IS A PUBLIC HEARING.
 04:32:40 >>Nancy Stroud: MR. CHAIRMAN, THERE IS ANOTHER ITEM ON THE
 04:32:43 CONSENT AGENDA.
 04:32:43 I DON'T KNOW THAT YOUR MOTION INCLUDED THAT.
 04:32:45 >>Scotty Wood: I WAS ASSUMING THAT WAS THE CASE.
 04:32:50 INCLUDING THE MINUTES IN THAT MOTION?
 04:32:51 >> YES.
 04:32:53 >>Scotty Wood: YOU DO.
 04:32:54 OKAY.
 04:32:58 LET'S REMOVE IT.
 04:32:59 >> NO, I AGREE.
 04:33:00 >>Scotty Wood: DID YOU HEAR THAT, NANCY?
 04:33:02 OKAY WITH THAT.
 04:33:03 >>Nancy Stroud: I'M FINE WITH THAT.
 04:33:05 THANK YOU.
 04:33:05 >>Scotty Wood: THE NEXT ITEM IS THE PUBLIC HEARING ON AN
 04:33:10 EXTENSION OF A CONSUMPTION ON PREMISES LICENSE FOR A
 04:33:15 RESTAURANT IN THE COCONUT POINT AREA.
 04:33:18 BUT BEFORE GETTING INTO THAT, SINCE THIS IS A PUBLIC
 04:33:22 HEARING, I NEED TO READ A STATEMENT.

 04:33:24 WHEN THIS BOARD IS SCHEDULED TO CONSIDER AND VOTE ON A
 04:33:28 ZONING APPLICATION, DEVELOPMENT ORDER OR OTHER SITE-SPECIFIC
 04:33:33 APPLICATION, IT SITS IN A QUASI-JUDICIAL CAPACITY.
 04:33:36 THIS MEETING'S AGENDA INCLUDES ITEMS SUBJECT TO
 04:33:39 QUASI-JUDICIAL PROCEEDINGS.
 04:33:41 IF YOU INTEND TO PROVIDE TESTIMONY ON THE QUASI-JUDICIAL
 04:33:45 MATTER, BEFORE THE MATTER IS CALLED, YOU MUST FILL OUT A
 04:33:49 PUBLIC SPEAKER'S CARD AND GIVE IT TO THE BOARD CLERK AND
 04:33:52 MUST BE SWORN IN BY THE BOARD ATTORNEY.
 04:33:55 BEFORE THE MATTER BEGINS, ANY WRITTEN COMMUNICATIONS THAT
 04:33:58 HAVE BEEN RECEIVED BEFORE THE CUTOFF DATE WILL BE PLACED
 04:34:01 INTO THE PUBLIC RECORD.
 04:34:02 BOARD MEMBERS WILL BE ASKED TO DISCLOSE ANY EX PARTE
 04:34:07 COMMUNICATIONS.

04:34:07 BOARD MEMBERS WILL BE ASKED IF THEY HAVE A CONFLICT
 04:34:10 REGARDING THE MATTER AND MUST DECLARE IT.
 04:34:12 IF THEY DO, THEY WILL NOT BE ALLOWED TO PARTICIPATE IN BOARD
 04:34:16 DISCUSSION OR VOTE ON THE MATTER.
 04:34:18 THE VILLAGE DIRECTOR OF COMMUNITY DEVELOPMENT WILL INTRODUCE
 04:34:22 THE MATTER AND THEN ASK THE APPLICANT TO MAKE A PRESENTATION
 04:34:25 AND SUMMARIZE ANY RELATED AFFIDAVITS FROM APPLICANT'S
 04:34:30 EXPERTS IN ATTENDANCE.
 04:34:31 FOLLOWING THIS, THE DIRECTOR OF COMMUNITY DEVELOPMENT, OR
 04:34:33 STAFF DESIGNEE, WILL MAKE A PRESENTATION PROVIDING THE STAFF
 04:34:37 REPORT, FINDINGS, AND RECOMMENDATIONS.

04:34:40 AFTER THIS, THE PUBLIC HEARING IS OPENED.
 04:34:43 AND ANYONE WHO HAS BEEN SWORN IN MAY PROVIDE TESTIMONY.
 04:34:46 IT'S IMPORTANT TO BE CONCISE AND LIMIT TESTIMONY TO FIVE
 04:34:51 MINUTES OR LESS.
 04:34:52 THE APPLICANT HAS THE RIGHT TO CROSS-EXAMINE ANY WITNESS,
 04:34:56 INCLUDING THE PUBLIC, AND MAY PROVIDE REBUTTAL.
 04:34:58 THE PUBLIC MAY NOT CROSS-EXAMINE WITNESSES BUT MAY REQUEST
 04:35:02 THE BOARD TO DIRECT QUESTIONS ON THEIR BEHALF TO EITHER THE
 04:35:05 APPLICANT OR COMMUNITY DEVELOPMENT STAFF.
 04:35:07 PERSONS WHO HAVE BEEN DETERMINED BY THE BOARD TO BE
 04:35:10 INTERESTED PARTIES MAY CROSS-EXAMINE WITNESSES.
 04:35:14 IF A PERSON REPRESENTS AN ORGANIZATION, EVIDENCE OF THEIR
 04:35:18 AUTHORITY TO SPEAK FOR THE ORGANIZATION MUST BE PROVIDED.
 04:35:21 IN MAKING ITS RECOMMENDATION OR DECISION, THE BOARD SHALL
 04:35:25 CONSIDER EVIDENCE IN THE RECORD, THE PUBLIC'S INPUT AND ANY
 04:35:29 RECOMMENDATIONS OF THE VILLAGE STAFF.
 04:35:32 THE BOARD'S RECOMMENDATION OR DECISION SHALL BE BASED ON
 04:35:35 COMPETENT, SUBSTANTIAL EVIDENCE IN THE RECORD OF THE
 04:35:37 PROCEEDING AND THE APPLICABLE LAW.
 04:35:40 SHOULD ANY APPLICATION BE DENIED, THE BOARD SHALL STATE
 04:35:44 FINDINGS IN REGARD TO THE CRITERION OR CRITERIA THAT ARE NOT
 04:35:48 MET.
 04:35:49 NOW, WILL ALL OF THOSE WHO INTEND TO TESTIFY IN THIS MATTER,
 04:35:53 NOW, WE'RE TALKING ABOUT TWO MATTERS.
 04:35:55 THE FIRST ONE IS THE CONSUMPTION ON PREMISES APPLICATION.

04:36:01 AND THE SECOND ITEM IS THE WAWA GAS STATION CONVENIENCE
 04:36:07 STORE LOCATION IN THE SHOPPING CENTER WHERE THE LOWE'S IS.
 04:36:11 SO IF ANY OF YOU INTEND TO PROVIDE TESTIMONY IN THIS MATTER,
 04:36:17 WOULD YOU PLEASE RISE?
 04:36:23 I'M GOING TO HAVE THE VILLAGE LAND USE ATTORNEY WHO IS
 04:36:27 LINKED TO US VIA ZOOM TO ADMINISTER THE OATH.
 04:36:31 GO AHEAD, NANCY.
 04:36:31 >>Nancy Stroud: THANK YOU.
 04:36:32 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU WILL BE
 04:36:35 GIVING TONIGHT IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT

04:36:38 THE TRUTH?
 04:36:41 >>Scotty Wood: IT WAS AFFIRMATIVE ON THE PART OF THE
 04:36:43 RESPONDENTS, NANCY.
 04:36:44 >>Nancy Stroud: THANK YOU.
 04:36:45 >>Mary Gibbs: MAY I JUST SAY SOMETHING, THOUGH.
 04:36:47 I DON'T THINK THE WAWA CONSULTANTS ARE HERE YET.
 04:36:50 SO THEY MAY HAVE TO SWEAR IN LATER.
 04:36:52 ONE, BUT I THINK WE'RE MISSING SEVERAL.
 04:36:59 >>Scotty Wood: FAIR ENOUGH.
 04:37:00 WE'LL DO IT AGAIN, THEN.
 04:37:01 NANCY, ANY LETTERS OR OTHER WRITTEN COMMUNICATIONS ON THE
 04:37:08 COP MATTER?
 04:37:12 >>Mary Gibbs: NO.
 04:37:15 >>Scotty Wood: BOARD MEMBERS, ANY EX PARTE COMMUNICATIONS ON
 04:37:18 THIS MATTER?

 04:37:19 >> NO.
 04:37:19 >>Scotty Wood: ANY CONFLICTS?
 04:37:21 >> NO.
 04:37:26 >>Scotty Wood: GO AHEAD, MARY.
 04:37:27 >>Mary Gibbs: JUST TO INTRODUCE THIS, THIS IS THE REQUEST TO
 04:37:32 EXPAND OR EXTEND THE CONSUMPTION ON PREMISES TO AN
 04:37:35 ADDITIONAL OUTDOOR SEATING AREA AT COCONUT POINT.
 04:37:38 THERE IS A RESTAURANT THAT WAS THE SOUTH FORK GRILLE THAT
 04:37:43 USED TO BE THE GRAPE IF YOU REMEMBER FROM YEARS AGO.
 04:37:46 THE GRAPE HAD AN OUTDOOR SEATING AREA.
 04:37:48 AND NOW THE GRAPE HAS BECOME SOUTH FORK, AND THERE IS EL
 04:37:52 NIDO WHICH IS BEING ADDED ON.
 04:37:55 IT'S AN INTERESTING CONCEPT.
 04:37:57 TWO RESTAURANTS WITH A SHARED KITCHEN.
 04:37:59 THEY ARE AT THE SOUTH END OF THE MALL AREA KIND OF NEAR THE
 04:38:02 CALIFORNIA PIZZA KITCHEN.
 04:38:05 SO THEY ARE EXPANDING.
 04:38:07 THEY APPLIED FOR A REMODEL PERMIT, SO THEY ARE EXPANDING THE
 04:38:10 OUTDOOR SEATING AREA, AND NEED TO EXPAND THE CONSUMPTION ON
 04:38:15 PREMISES BY ABOUT 1500 SQUARE FEET.
 04:38:17 SO WHEN WE HAD LOOKED AT THIS BEFORE, BECAUSE HAD APPROVAL
 04:38:22 FROM THE COUNTY TO DO CONSUMPTION ON PREMISES BUT IT WAS
 04:38:24 LIMITED TO ABOUT HALF OF THAT AREA.
 04:38:26 WE LOOKED BACK AT THE COUNTY RECORDS TO SEE IF WE COULD FIND
 04:38:29 ANYTHING THAT EXPANDED THAT AREA AND WE COULDN'T.

 04:38:33 WE JUST REALLY WANT TO CLARIFY THAT TO MAKE SURE THAT THIS
 04:38:37 AREA IS COVERED IN THE CONSUMPTION ON PREMISES.
 04:38:39 THEY ALREADY HAVE A 4 COP LICENSE, WHICH IS BEER, WINE AND
 04:38:45 LIQUOR.
 04:38:47 THE PROPOSED OPERATING HOURS ARE THE SAME.
 04:38:50 11 A.M. TO 10 P.M., SUNDAY THROUGH THURSDAY AND 11 TO 11 ON

04:38:55 FRIDAY AND SATURDAY FOR THE INDOOR AND THE OUTDOOR SEATING.
 04:38:58 SO THE STAFF IS RECOMMENDING APPROVAL.
 04:39:01 AGAIN, WE LIMIT IT TO THE 4-COP LICENSE WHICH THEY ALREADY
 04:39:05 HAVE IN CONJUNCTION WITH THE RESTAURANT.
 04:39:07 AND WE WOULD LIMIT IT TO THE AREA SHOWN ON THE SITE PLAN,
 04:39:11 WHICH IS ATTACHED TO THE RESOLUTION THAT WE HAVE IN YOUR
 04:39:13 PACKET.
 04:39:14 THE OUTDOOR AREA IS ABOUT 3200 SQUARE FEET.
 04:39:18 WE'RE NOT SPECIFICALLY APPROVING ANY NUMBER OF SEATS OR ANY
 04:39:22 NUMBER OF TABLES, EVEN THOUGH THE SITE PLAN SHOWS LITTLE
 04:39:25 TABLES.
 04:39:25 WE'RE NOT APPROVING THAT BECAUSE WE WANT TO MAKE SURE THAT
 04:39:29 SIMON HAS APPROVAL AUTHORITY OVER HOW THE SEATS ARE ARRANGED
 04:39:33 TO MAKE SURE THAT THERE'S ROOM ON THE SIDEWALK AND
 04:39:35 EVERYTHING IS ADA COMPLIANT.
 04:39:37 WE'RE JUST APPROVING THAT GENERAL OUTDOOR AREA FOR SERVICE
 04:39:41 OF ALCOHOL.
 04:39:42 ALSO, WE HAVE A CONDITION THAT THERE'S NO OUTDOOR
 04:39:46 ENTERTAINMENT WITHOUT AN AMENDMENT TO THIS RESOLUTION.

 04:39:48 THEY HAVE NOT PROPOSED ANY.
 04:39:51 BASICALLY, THAT'S THE STAFF'S PRESENTATION.
 04:39:58 >>Marlene Naratil: MARY, ARE THE TWO RESTAURANTS OWNED BY
 04:40:01 THE SAME --
 04:40:02 >>Mary Gibbs: YES.
 04:40:03 WE HAVE THE APPLICANTS HERE TONIGHT IF YOU HAVE QUESTIONS OR
 04:40:06 IF YOU WANT THEM TO ANSWER ANY QUESTIONS OR IF YOU WANT THEM
 04:40:09 TO SPEAK.
 04:40:10 JOSEPH SOFIA AND HIS WIFE DONNA.
 04:40:14 DO YOU WANT TO TALK?
 04:40:15 IF YOU DO, YOU HAVE TO COME UP HERE.
 04:40:23 >>Scotty Wood: WELCOME.
 04:40:24 >> THANK YOU.
 04:40:24 WE'RE EXPANDING.
 04:40:28 >>Scotty Wood: CAN YOU STATE YOUR NAME, PLEASE FOR THE
 04:40:30 RECORD?
 04:40:32 >> JOE SOFIA.
 04:40:33 WE'VE BEEN IN SOUTH FORK, SLASH, THE GRAPE FOR 15 YEARS.
 04:40:40 AND WE ALWAYS LIVED THROUGH THE RESTAURANT NEXT TO US COMING
 04:40:45 ALIVE.
 04:40:46 IT CAME ALIVE THREE TIMES.
 04:40:48 AND THIS BOARD, NOT THIS BOARD PARTICULARLY, BUT THE COUNTY
 04:40:50 HAD ALREADY APPROVED THE SPACE FOR PATIO CONSUMPTION OF
 04:40:56 ALCOHOL.
 04:40:57 WE'RE JUST -- WE JUST DECIDED TO TAKE OVER THE SPACE, OPEN

 04:41:01 UP A NEW CONCEPT, CONCEPT BEING ONE KITCHEN, TWO CONCEPTS
 04:41:07 UNDER ONE ROOF.

04:41:08 THE STATE ALCOHOL DIVISION REQUIRES US TO HAVE A
 04:41:11 PASS-THROUGH THE TWO RESTAURANTS IN ORDER TO KEEP THE
 04:41:16 EXISTING LICENSE TO OPERATE BOTH PREMISES OR BOTH
 04:41:21 RESTAURANTS.
 04:41:21 SO THERE IS A PASS-THROUGH ON THE INSIDE AND, OF COURSE,
 04:41:24 THERE IS A PASS-THROUGH ON THE OUTSIDE.
 04:41:26 WE ARE IN DESIGN FOR SOME AWNINGS COVERS FOR THE ENTIRE
 04:41:34 OUTSIDE PATIO.
 04:41:35 SO EVERYTHING WOULD BE CONTAINED WITHIN THE PROPERTY OF OUR
 04:41:41 LEASE.
 04:41:42 SO THIS IS AN EXTENSION OF AN EXISTING LICENSE.
 04:41:46 WE ALREADY HAVE APPROVAL FOR HALF OF IT, AND THIS IS JUST
 04:41:50 GOING TO EXTEND IT.
 04:41:52 HOPE THAT CLARIFIES EVERYTHING.
 04:41:55 >>Scotty Wood: ANY QUESTIONS?
 04:42:02 >>Jim Wallace: I DO.
 04:42:03 I GUESS IT IS A QUESTION BASED ON MY EXPERIENCE OF THAT
 04:42:06 RESTAURANT, THE OUTSIDE DINING OF THAT RESTAURANT.
 04:42:09 THAT SIDEWALK AREA IS WIDE, BUT I HAVE SEEN PERSONALLY MANY
 04:42:15 TIMES THAT THE WALKING SPACE BETWEEN THE TABLES IS VERY,
 04:42:19 VERY RESTRICTED.
 04:42:22 IT CERTAINLY ISN'T FIVE FEET.
 04:42:27 I NOTICED EVEN HERE, DOWN WHERE THE NEW SECTION STARTS, IT

 04:42:33 HAS EVEN LESS SPACE BETWEEN THE TABLES.
 04:42:35 SO THAT SIDEWALK OR SIDEWALK WALKING SPACE DOESN'T APPEAR TO
 04:42:42 EXIST ON YOUR PLAN AND IN REALITY -- AND I'M LOOKING IN
 04:42:46 FRONT OF SOUTH FORK -- VERY OFTEN IT FEELS THAT THERE'S
 04:42:50 VERY, VERY LIMITED SPACE BETWEEN THE TABLES.
 04:42:53 AND THE NEW SECTION SHOWS VIRTUALLY NONE IN SOME AREAS, SO
 04:42:57 IT FORCES PEOPLE TO FIND A WAY AROUND THE TABLES OR WALK OUT
 04:43:01 INTO THE STREET TO GET AROUND THE TABLES.
 04:43:04 WHAT ARE YOU GOING TO DO SO THAT SIMON, THAT FOUR OR FIVE
 04:43:09 FEET IS NECESSARY FOR PEDESTRIAN TRAFFIC, WHAT ARE YOU GOING
 04:43:13 TO DO TO GUARANTEE THAT THAT IS THERE AND AVAILABLE SO
 04:43:16 PEOPLE AREN'T WALKING ON THE STREET?
 04:43:18 BECAUSE IF THEY ARE WALKING NORTH, THEN CARS ARE COMING
 04:43:21 IMMEDIATELY ADJACENT TO THEM FROM THE SOUTH.
 04:43:24 >> CORRECT.
 04:43:25 THE RECONFIGURATION OF BOTH PATIOS, WHICH IS NOW CONSIDERED
 04:43:30 ONE PATIO ALLOWS.
 04:43:33 WE'RE GOING TO DEMOLISH WHAT IS EXISTING -- [INTERFERING
 04:43:38 AUDIO FROM ZOOM] -- CONSTRUCT ONE UNISON AWNING STRAIGHT
 04:43:43 ACROSS.
 04:43:43 THERE ARE SOME PLANTINGS AND OTHER GARDEN HARD SCAPES THERE
 04:43:47 THAT'S GOING TO BE REMOVED.
 04:43:48 NEW SIDEWALKS ARE GOING TO COME IN AND THERE WILL BE A
 04:43:53 BARRIER WITHIN THE SPACE WHERE THE SEATING IS AND IT WILL BE

04:43:58 CLEARLY --

04:44:00 >>Jim Wallace: ON THE EXISTING SOUTH FORK SPACE.
 04:44:03 >> THE ENTIRE SPACE.
 04:44:06 >>Jim Wallace: RIGHT NOW EXISTING SOUTH FORK SPACE, THAT
 04:44:09 PEDESTRIAN WALKWAY IS VERY, VERY RESTRICTED IN REALITY.
 04:44:13 IT WORKS WELL MAYBE CONCEPTUALLY -- TO INVOLVE PEOPLE IN THE
 04:44:20 ENVIRONMENT, BUT IT ALSO HAS TO BE SAFE FOR PEOPLE TO WALK
 04:44:24 WITH THEIR DOGS, CHILDREN, WHATEVER ELSE.
 04:44:28 >> I'M ASKING AND CONFIRMING TO YOU AND WE'RE WORKING WITH
 04:44:32 SIMON PROPERTIES TO COME UP WITH A SOLUTION, AND THE
 04:44:35 SOLUTION IS JUST THIS.
 04:44:36 THERE WILL BE NOTHING LESS THAN 60 INCHES OF WALKWAY SPACE.
 04:44:44 >>Barry Jones: IS THAT WITH CHAIRS OUT WITH PEOPLE IN THEM
 04:44:46 OR CHAIRS IN AS SHOWN IN THE TEXT.
 04:44:49 >> THE CHAIRS WILL BE INSIDE A BARRIER.
 04:44:51 NOT OPEN TO THE PUBLIC.
 04:44:54 >>Barry Jones: THE WALKWAY WILL BE DEFINED, THE INTERNAL
 04:44:58 SIDEWALK WILL BE DEFINED BY A BARRIER.
 04:45:01 >> THE PASSAGE WAY FOR FOOT TRAFFIC WILL BE ON THE OUTSIDE
 04:45:05 OF THE BARRIER.
 04:45:08 >>Barry Jones: YOU'RE PUTTING BETWEEN THE STREET AND THE
 04:45:11 TABLES.
 04:45:12 >> THERE WILL BE 60 INCHES OF CLEAR WALKWAY.
 04:45:14 >>Barry Jones: ABUTTING THE CURB.
 04:45:16 >> FROM THE CURB -- [INAUDIBLE]
 04:45:18 >>Jim Wallace: CHANGING WHAT YOU CURRENTLY HAVE.

04:45:21 >> [INTERFERING AUDIO FROM ZOOM]
 04:45:24 >>Jim Wallace: TWO TABLES THEN THE WALKWAY?
 04:45:27 >> THAT CONCEPT WILL BE ABOLISHED.
 04:45:30 >>Jim Wallace: I THINK THAT IS AN IMPROVEMENT.
 04:45:32 >> GOOD EXAMPLE WOULD BE RUTH'S CHRIS, THEIR AWNING, THEIR
 04:45:35 BARRIER, AND THEN THEIR SIDEWALK.
 04:45:39 THAT IS WHAT WE ARE PROPOSING.
 04:45:42 >>Barry Jones: THEY WILL END UP WITH ONE TABLE AND AISLE.
 04:45:46 THE OTHER PROBLEM IS THEY GET A LOT MORE THAN GENERAL
 04:45:49 TRAFFIC.
 04:45:49 YOU GOT A WAITER OR WAITRESS CARRYING A TRAY IN ONE
 04:45:52 DIRECTION AND SOMEBODY WALKING A DOG TRYING TO CROSS ON
 04:45:57 LIMITED SIDEWALKS.
 04:45:58 IF YOU'RE ISOLATING IT, THAT IS MUCH BETTER THAN WHAT WE'RE
 04:46:01 SEEING.
 04:46:02 >> YES.
 04:46:02 >>Barry Jones: ANY OUTDOOR ENTERTAINMENT FOR SPECIAL EVENTS?
 04:46:07 >> WE HADN'T REALLY --
 04:46:09 >> WE HAVEN'T GIVEN IT MUCH THOUGHT.
 04:46:12 >>Barry Jones: IF YOU WANTED TO DO A SPECIAL EVENT, THE WAY

04:46:15 THIS IS WRITTEN RIGHT NOW, YOU'LL HAVE TO COME BACK IN FOR A
 04:46:18 PUBLIC HEARING.
 04:46:18 AND SPECIAL EVENT NOT CODIFIED AS ADMINISTRATIVE OR WHERE
 04:46:23 ARE WE?
 04:46:24 >>Mary Gibbs: WELL, IF THEY WANT TO DO A SPECIAL EVENT, YOU

 04:46:27 CAN GET A SPECIAL EVENT PERMIT.
 04:46:29 THEY CAN GET LIKE A CERTAIN -- NO, THAT WOULDN'T PRECLUDE
 04:46:33 IT.
 04:46:33 THIS IS JUST SAYING -- THEY DIDN'T ASK FOR OUTDOOR
 04:46:37 ENTERTAINMENT.
 04:46:38 TYPICALLY YOU WANT TO KNOW WHAT IT IS.
 04:46:39 THE PROBLEM WE HAD WITH THE OPERA SINGER WHICH YOU DON'T
 04:46:43 WANT ME TO TALK ABOUT AGAIN.
 04:46:44 >>Barry Jones: I READ THIS, NO OUTSIDE ENTERTAINMENT
 04:46:47 PERMITTED WITHOUT AN AMENDMENT TO THE RESOLUTION.
 04:46:49 MAYBE THE ADMINISTRATIVE CODE OVERRIDES THIS.
 04:46:52 >>Mary Gibbs: IF THEY WANTED A SPECIAL EVENT LIKE A ONE-TIME
 04:46:55 THING OR OCCASIONAL THING, WE CAN DO THAT ADMINISTRATIVELY.
 04:47:00 >>Barry Jones: SO YOU KNOW WHERE YOU ARE AT WITH THAT.
 04:47:02 WE DON'T WANT TO LIMIT YOUR FLEXIBILITY.
 04:47:06 THERE IS AN AREA FOR OUTDOOR ENTERTAINMENT TO BE UTILIZED,
 04:47:09 IT WOULD BE IN AN AREA LIKE THIS.
 04:47:11 >> UNDERSTOOD.
 04:47:13 >>Marlene Naratil: I THINK THAT THESE RESTAURANTS ARE
 04:47:16 LIMITED AS TO WHAT THEY COULD DO.
 04:47:17 AND I'M THINKING LIKE WITH THE MEXICAN RESTAURANT, YOU'VE
 04:47:21 GOT A NICE NIGHT OF MEXICAN MUSIC OR ENTERTAINMENT OF SOME
 04:47:26 SORT, NOT OVER NIGHT, BUT LET'S SAY THEY ARE LIMITED TO
 04:47:30 TWICE A MONTH OR WHATEVER IS GOOD.
 04:47:39 >>Jim Wallace: THIS WOULD ACTUALLY WORK OUT BETTER FOR YOU

 04:47:40 WITH SHADING BY PUTTING PEDESTRIAN ON THE OUTSIDE.
 04:47:46 FINAL BUILD-OUT PLAN?
 04:47:49 >> FINAL BUILD-OUT PLAN HAS NOT BEEN APPROVED BY SIMON
 04:47:52 PROPERTIES AND THEY ARE --
 04:47:54 >>Jim Wallace: SOMETHING THAT REPRESENTS WHAT YOU'RE
 04:47:56 ACTUALLY GOING TO BUILD.
 04:47:58 >> IT'S IN THE DESIGN CENTER RIGHT NOW, THE ACTUAL
 04:48:01 STRUCTURE.
 04:48:02 >>Barry Jones: [INAUDIBLE]
 04:48:09 >> THE PLANS WILL INDICATE EXACTLY THAT.
 04:48:12 >>Barry Jones: [INAUDIBLE]
 04:48:16 >> MAKE THAT AS ANOTHER CONDITION.
 04:48:19 >>Scotty Wood: ANY OTHER COMMENTS, QUESTIONS?
 04:48:21 THEN I'LL OPEN THE PUBLIC HEARING.
 04:48:27 IS THERE ANYONE SIGNED UP TO SPEAK?
 04:48:30 >>Tammy Duran: WE DON'T HAVE ANYBODY FOR THIS ONE.

04:48:32 >>Scotty Wood: OKAY.
 04:48:32 THEN I'LL CLOSE THE PUBLIC HEARING.
 04:48:34 ANY OTHER BOARD QUESTIONS?
 04:48:38 THEN LET ME CALL FOR A MOTION TO APPROVE THE STAFF REPORT
 04:48:46 THAT CONTAINS FIVE CONDITIONS AND WE'RE ADDING A SIXTH
 04:48:50 CONDITION REQUIRING A 60-INCH SPACE IN THE WALKING AREA
 04:48:55 BETWEEN THE BACK OF CURB AND THE BARRIER TO THE OUTDOOR
 04:49:00 SEATING.
 04:49:02 >>James Tatoes: SO MOVED.

 04:49:04 >> SECOND.
 04:49:04 >>Barry Jones: OFFER A MINIMUM OF 60 INCHES SO THEY HAVE
 04:49:08 FLEXIBILITY IF THEY WANT TO GO MORE.
 04:49:10 >>Scotty Wood: YEAH.
 04:49:11 EVERYBODY OKAY WITH THAT MOTION?
 04:49:13 >>Barry Jones: ANYTHING YOU CAN DO TO BREAK UP --
 04:49:15 [INAUDIBLE]
 04:49:15 >>Scotty Wood: CONSIDER THAT AS PART OF A MINIMUM OF 60
 04:49:18 INCHES.
 04:49:21 >>Nancy Stroud: MR. CHAIR, IS THE MOTION TO APPROVE THE
 04:49:23 RESOLUTION, NOT THE STAFF REPORT.
 04:49:27 >>Scotty Wood: RIGHT.
 04:49:28 SO THIS IS A MOTION TO APPROVE THE RESOLUTION EXPANDING THE
 04:49:34 COP PREMISES AS DESCRIBED WITH THE FIVE CONDITIONS IN THE
 04:49:38 RECOMMENDATION WITH THE SIXTH CONDITION ADDED.
 04:49:41 ARE WE ALL IN SYNC ON THAT?
 04:49:44 >> YES.
 04:49:45 >> YES.
 04:49:46 >>Tammy Duran: THE MOTION WAS MADE BY BOARD MEMBER TATOLES
 04:49:49 AND SECONDED BY -- OKAY.
 04:49:50 >>Scotty Wood: YES.
 04:49:51 TAMMY CALL THE ROLL, PLEASE.
 04:49:54 >>Anthony Gargano: YES.
 04:49:55 >>Kristin Jeannin: YES.
 04:49:56 >>Barry Jones: YES.

 04:49:57 >>Marlene Naratil: YES.
 04:49:59 >>Michael Sheeley: YES.
 04:50:01 >>James Tatoes: YES.
 04:50:02 >>Jim Wallace: YES.
 04:50:04 >>Scotty Wood: YES.
 04:50:05 GOOD LUCK.
 04:50:07 >> THANK YOU.
 04:50:08 >>Mary Gibbs: MAY I ADD THAT I ALSO HEARD THAT THE FOOD IS
 04:50:10 VERY GOOD.
 04:50:12 SO EVERYBODY -- EVEN THOUGH YOU DIDN'T BRING ANY SAMPLES
 04:50:16 TONIGHT, WE'LL HAVE TO GO THERE.
 04:50:25 >>Scotty Wood: THE NEXT ITEM IS NOT A QUASI-JUDICIAL MATTER.

04:50:30 IT IS A PUBLIC INFORMATION MEETING.
 04:50:33 AND FOR THE BENEFIT OF THE RESIDENTS AND OTHER PEOPLE
 04:50:35 ATTENDING THIS MEETING, DECISIONS ARE NOT MADE IN A PUBLIC
 04:50:39 INFORMATION MEETING.
 04:50:41 ITS PURPOSE IS JUST AS ITS NAME IMPLIES, TO GIVE THE PUBLIC
 04:50:45 INFORMATION.
 04:50:45 THIS PARTICULAR ITEM IS THE AT&T CELL TOWER, WHICH IS
 04:50:52 LOCATED ADJACENT TO COCONUT ROAD AND U.S. 41, WEST AND
 04:51:00 SLIGHTLY SOUTH.
 04:51:01 AND IN THE BACK OF THE ROTARY.
 04:51:04 >>Mary Gibbs: ELKS CLUB.
 04:51:06 >>Scotty Wood: ELKS CLUB, FORGIVE ME.
 04:51:09 GO AHEAD, MARY.

 04:51:11 >>Mary Gibbs: I'LL HAVE MATT NOBLE JUST GIVE YOU A BRIEF
 04:51:16 UPDATE ON THIS BECAUSE YOU SAW IT A LONG TIME AGO.
 04:51:19 IT'S HAD CHANGES SINCE THEN.
 04:51:21 HE'LL GIVE YOU THE QUICK OVERVIEW BEFORE WE TURN IT OVER TO
 04:51:24 THE APPLICANT.
 04:51:28 >>Matt Noble: MATT NOBLE, COMMUNITY DEVELOPMENT.
 04:51:30 THIS IS THE PROPOSED -- CELL TOWER.
 04:51:34 [INTERFERING AUDIO FROM ZOOM]
 04:51:36 I THINK YOU SAW IT PREVIOUSLY AT 150 FEET.
 04:51:39 IT IS NOW A PROPOSED 99-FOOT MONOPOLE WITH A ONE-FOOT
 04:51:44 LIGHTNING ARRESTER ON TOP OF IT FOR TOTAL HEIGHT OF HUNDRED
 04:51:49 FEET.
 04:51:49 THEY DID WITHDRAW THE VARIANCE REQUEST.
 04:51:53 IT'S NO LONGER NEEDED.
 04:51:55 THAT'S ABOUT ALL I HAVE TO SAY.
 04:51:59 THERE IS A SCHEDULED BALLOON TEST.
 04:52:02 I THINK ANDY IS GOING TO COVER THAT IN HIS PRESENTATION, AND
 04:52:07 THIS WILL BE COMING FORWARD FOR A PUBLIC HEARING RELATIVELY
 04:52:10 SOON WITHIN THE NEXT COUPLE OF MONTHS, THREE MONTHS,
 04:52:14 WHATEVER IT IS.
 04:52:15 AS SOON AS WE GET THROUGH THE BALLOON TEST AND OTHER STUFF,
 04:52:18 SUCH AS THE STAFF REPORT BEING DRAFTED AND ISSUED.
 04:52:22 >>Kristin Jeannin: CAN YOU EXPLAIN WHAT A BALLOON TEST IS?
 04:52:25 >>Matt Noble: THEY PUT A BALLOON UP ON A WIRE TO THE HEIGHT
 04:52:31 OF THE PROPOSED TOWER SO EVERYBODY GETS A SENSE OF WHAT THE

 04:52:36 TOWER IS GOING TO DO VISUALLY.
 04:52:38 >>Barry Jones: CREATES A TRUE LINE OF SIGHT AND TAKE A
 04:52:42 PICTURE.
 04:52:43 >> SO YOU CAN SEE THE PERSPECTIVE OF HEIGHT.
 04:52:45 >>Barry Jones: THESE IMAGES APPEAR TO SHOW, I DON'T KNOW IF
 04:52:50 IT'S FLAGS, STRUCTURE, DUPLICATE, AT THE TOP OF THE POLE.
 04:52:54 THIS IS JUST A SINGLE POLE STRAIGHT UP.
 04:52:57 >>Matt Noble: IT'S A MONOPOLE, YES.

04:52:59 >>Barry Jones: IT DOESN'T HAVE ANY APERTURES ON TOP OF IT,
 04:53:02 REALLY.
 04:53:02 >>Matt Noble: I'M GOING TO LET ANDY KIND OF ANSWER THAT.
 04:53:06 HE DOES HAVE A PRESENTATION TO PROVIDE YOU GUYS.
 04:53:09 >>Barry Jones: THANK YOU.
 04:53:55 >> GOOD AFTERNOON.
 04:53:56 I'M ANDY, AS MATT SAID.
 04:53:59 MY NAME IS ANDY ROTENSTREICH.
 04:54:01 420 20th STREET NORTH IN BIRMINGHAM.
 04:54:04 I'M HERE ON BEHALF OF THE APPLICANT, AT&T.
 04:54:07 LET ME JUST EXPAND A LITTLE BIT ON WHAT MATT TOLD YOU.
 04:54:11 YOU MAY REMEMBER ME, YOU MAY NOT, FROM ABOUT A YEAR AGO.
 04:54:15 I WAS HERE.
 04:54:16 WE WERE DOING ANOTHER PUBLIC INFORMATION MEETING.
 04:54:18 AT THAT TIME, AS MATT SAID, THE PROPOSAL WAS FOR AT&T TO
 04:54:21 CONSTRUCT A MONOPOLE AT 150 FEET ROUGHLY.
 04:54:26 THAT WAS GOING TO GET US THE BEST SIGNAL TO IN ESSENCE MEET

 04:54:30 THE ENGINEERING REQUIREMENTS TO SOLVE THE ISSUES THAT AT&T
 04:54:33 IS HAVING IN THAT AREA WITH THEIR COVERAGE.
 04:54:36 THIS IS A TWO-PRONG ISSUE THAT AT&T IS TRYING TO SOLVE.
 04:54:41 ONE IS COVERAGE, RIGHT?
 04:54:44 DOES YOUR PHONE, DOES YOUR IPAD, DOES YOUR CHILD OR
 04:54:47 GRANDCHILD'S COMPUTER WORK FROM HOME OR IN THE CAR?
 04:54:53 THE OTHER IS CAPACITY.
 04:54:56 WHEN EVERYBODY STARTS USING THEIR PHONES AND THEIR IPADS
 04:54:59 AND THEIR HOME COMPUTERS ALL AT ONCE, THAT PUTS A LOT OF
 04:55:02 PRESSURE ON THE EXISTING NETWORK.
 04:55:04 IN ORDER TO RELIEVE THAT PRESSURE SO THAT YOU DON'T GET
 04:55:07 DROPPED CALLS, SO YOU DON'T GET THE FAST BUSY SIGNAL WHEN
 04:55:11 YOU TRY TO CALL SOMEBODY, IN ORDER TO RELIEVE THAT
 04:55:14 CONGESTION, WE NEED MORE SIGNAL INTO THAT AREA.
 04:55:19 WE CALL THAT CAPACITY ISSUES.
 04:55:20 SO THIS IS TO FIX BOTH THE COVERAGE AND THE CAPACITY ISSUES.
 04:55:27 THE CAPACITY ISSUE MAINLY IS ALONG TAMIAMI ROAD AND 41.
 04:55:33 LOTS OF TRAFFIC, LOTS OF CARS.
 04:55:35 FOLKS USING THEIR PHONES, THE CONGESTION AT THOSE
 04:55:38 INTERSECTIONS AND BUSINESSES AND SO FORTH IN THOSE
 04:55:40 COMMERCIAL AREAS.
 04:55:41 THE COVERAGE GOES TO THE WEST.
 04:55:45 CAPACITY ISSUES TO THE EAST, COVERAGE ISSUE TO THE WEST.
 04:55:50 MAINLY IN AREAS SUCH AS EL DORADO ESTATES AND THE COLONY AT
 04:55:56 PELICAN LANDING.

 04:55:57 HIGH DENSITY RESIDENTIAL AREAS WHERE THE COVERAGE IS NOT
 04:56:00 GETTING IN THERE SO THOSE FOLKS CAN USE THEIR EQUIPMENT.
 04:56:03 WITH THIS ONE SITE, WE'RE ABLE TO HELP SOLVE BOTH OF THOSE
 04:56:08 ISSUES.

04:56:08 THE LAST APPLICATION, WHEN I WAS HERE A YEAR AGO, AGAIN AT
 04:56:15 149 FEET, YOUR ORDINANCE REQUIRES THAT THE TOWER BE SET BACK
 04:56:21 FROM ALL PROPERTY LINES ON THE ELKS LODGE PROPERTY THE
 04:56:25 HEIGHT OF THE TOWER.
 04:56:26 WE NEED TO BE 149 FEET FROM THE PROPERTY LINE.
 04:56:29 THE WAY THE ELKS LODGE PROPERTY IS SHAPED -- AND I'LL SHOW
 04:56:35 ON YOU THE MAP HERE -- THERE IS AN INDENTION IN THE PROPERTY
 04:56:40 LINE, DOWN IN THIS AREA RIGHT HERE.
 04:56:42 THE PROPERTY LINE COMES IN AND THEN DROPS DOWN.
 04:56:45 SO WE COULDN'T MEET THE 150-FOOT SETBACK FROM THIS CORNER
 04:56:49 BACK HERE.
 04:56:50 NOW, THIS IS A POWER LINE EASEMENT WITH POWER LINES AND
 04:56:55 POLES IN IT RUNNING NORTH-SOUTH RIGHT NEXT TO IT.
 04:56:58 SO BECAUSE WE COULDN'T MEET THAT HEIGHT OF THE TOWER SETBACK
 04:57:02 REQUIREMENT, WE NEEDED A VARIANCE.
 04:57:05 SO WE WERE GOING BACK AND FORTH WITH STAFF.
 04:57:07 I WENT BACK TO AT&T AND SAID, LOOK, CAN WE LOWER THE TOWER
 04:57:12 TO MEET THE HEIGHT OF THE TOWER SETBACK FROM THE PROPERTY
 04:57:15 LINE?
 04:57:16 SO AT&T CAME BACK AND SAID, YES, THE COVERAGE WON'T BE AS
 04:57:20 GOOD.

 04:57:20 IT MAY REQUIRE ADDITIONAL SITES IN THE FUTURE, BUT THIS WILL
 04:57:24 AT LEAST GIVE US WHAT WE NEED TO MEET OUR ENGINEERING
 04:57:28 REQUIREMENTS AT GOING 100 FEET.
 04:57:31 WE LOWERED THE TOWER TO 100 FEET, WHICH THEN MAKES THE
 04:57:35 SETBACK SMALLER TO A HUNDRED FEET, WHICH WE NOW MEET SO WE
 04:57:39 DON'T NEED A VARIANCE.
 04:57:40 THAT'S THE CHANGE.
 04:57:41 SO WE THOUGHT AFTER TALKING TO MARY AND MATT THAT IT WOULD
 04:57:46 BE GOOD FOR ME TO COME BACK TO YOU TONIGHT IN A PUBLIC
 04:57:49 INFORMATION MEETING SETTING, SHOW YOU WHAT'S CHANGED, WHY
 04:57:54 IT'S CHANGED.
 04:57:55 WE'RE STILL TRYING TO ACCOMPLISH THE SAME THING, BUT WE'VE
 04:57:58 LOWERED THE HEIGHT AND NOW, THE IMPORTANT PART, MEET YOUR
 04:58:01 ORDINANCE.
 04:58:02 WE DO NOT NEED ANY VARIANCE.
 04:58:05 >>Jim Wallace: THE FACT THAT YOU SAY IT IS A HUNDRED FEET.
 04:58:08 IS THE SETBACK 100 FEET, 120 FEET, 135 FEET?
 04:58:15 HOW FAR AWAY WOULD YOU NEED TO BE?
 04:58:17 >> 100 FEET.
 04:58:18 I THINK IT'S ACTUALLY, LIKE MATT SAID, IT IS A 99-FOOT TALL
 04:58:25 WITH A ONE-FOOT LIGHTNING RODS.
 04:58:27 AND, OF COURSE, THERE ARE LIGHTNING RODS ON ALL THE TOWERS
 04:58:29 TO ATTRACT THE LIGHTNING.
 04:58:31 THAT'S WHAT YOU WANT.
 04:58:34 >>Scotty Wood: IS THERE ANY OTHER MACHINERY ON THE POLE?

04:58:37 >> THERE WILL BE AT&T ANTENNAS AT THE TOP OF THE POLE.
 04:58:40 >>Scotty Wood: HOW MANY?
 04:58:43 >> WE PLAN FOR 12.
 04:58:44 FOUR ON EACH SECTOR.
 04:58:46 THERE IS A MOUNT SYSTEM THAT IS A TRIANGLE.
 04:58:48 SO YOU HAVE FOUR ANTENNAS ON EACH OF THE THREE SECTORS.
 04:58:51 YOU'RE TRYING TO GET A 360-DEGREE SIGNAL OUT THERE.
 04:58:55 BUT THE TOWER IS BUILT OR WILL BE BUILT STRONG ENOUGH TO
 04:59:00 ACCOMMODATE AT&T COMPETITORS, VERIZON, T-MOBILE, DISH IS NOW
 04:59:05 THE FOURTH CARRIER AFTER THE T-MOBILE-SPRINT MERGER.
 04:59:11 DISH WILL BE DEPLOYING THEIR EQUIPMENT.
 04:59:13 THIS TOWER WILL BE BUILT STRONG ENOUGH SO THEY CAN HANG
 04:59:17 THEIR ANTENNAS UNDERNEATH AT&T IN THE FUTURE SO THEY DON'T
 04:59:20 NEED TO COME BACK AND ASK FOR ANOTHER POLE IN THE SAME AREA.
 04:59:26 >>Jim Wallace: THE POLE IN BONITA SPRINGS RIGHT NEXT TO
 04:59:32 I-75, CLOSE TO THE ESTATES AND ALSO LIGHTHOUSE BAY, I'M VERY
 04:59:40 FAMILIAR WITH, IS WHAT EVERYBODY CALLED AT THE TIME A
 04:59:44 STEALTH POLE BECAUSE ALL OF THE COMMUNICATION EQUIPMENT,
 04:59:47 GEAR IS INSIDE THE POLE AND THE RESIDENTS AREN'T LOOKING AT
 04:59:54 ALL THE DISHES ON THE POLE.
 04:59:56 ANY REASON THIS POLE, SINCE IT IS ONLY A HUNDRED FEET AND I
 04:59:59 THINK THAT ONE WAS A HUNDRED FEET, ANY REASON THIS ONE COULD
 05:00:02 NOT BE STEALTH AS WELL?
 05:00:05 >> AT 149 FEET, THE ORIGINAL APPLICATION, WE WERE ABLE TO DO
 05:00:08 THAT.

 05:00:09 WHAT THAT DOES, THOUGH, IS YOU CAN ONLY FIT THREE ANTENNAS
 05:00:12 INSTEAD OF 12 AT EACH HEIGHT.
 05:00:15 SO YOU'D HAVE THREE TO FOUR, DEPENDING ON THE ANTENNAS YOU
 05:00:18 USE, THREE TO FOUR VERTICAL SECTIONS OF THAT POLE BEING USED
 05:00:24 STRICTLY BY AT&T, WHICH THEN MADE THE SIGNAL LESS.
 05:00:29 BY GOING AT HUNDRED FEET, WE CANNOT DO THAT, AND WE HAVE TO
 05:00:33 USE THE REGULAR MOUNT, LIKE YOU SEE ON THIS POLE RIGHT
 05:00:36 OUTSIDE.
 05:00:37 THIS POLE OUTSIDE IS TWICE AS HIGH AS WHAT WE'RE PROPOSING.
 05:00:40 THIS HAS A LIGHT ON IT, WHICH MEANS IT'S 200 FEET OR HIGHER.
 05:00:44 WE'RE GOING AT HUNDRED FEET, NO LIGHT ON THE TOP.
 05:00:47 SO, YES, WE LOOKED AT THAT AT 149 FEET, WE COULD HAVE DONE
 05:00:51 THAT.
 05:00:51 BUT BECAUSE THE SIGNAL, WE WOULD BE AT HUNDRED FEET, 90
 05:00:55 FEET, 80 FEET, 70 FEET, THAT'S NOT TALL ENOUGH TO GET THE
 05:00:58 SIGNAL WE NEED.
 05:00:59 >>Jim Wallace: YOU REFERENCED THIS POLE RIGHT NEXT DOOR, I
 05:01:03 CAN PERSONALLY TELL YOU THAT THAT POLE WITH ALL ITS ANTENNAS
 05:01:08 THERE WERE FOR THE GENOVA DEVELOPERS, WERE VERY SPECIFIC
 05:01:17 COMPLAINTS, IF YOU WOULD, PEOPLE WHO WEREN'T WILLING TO BUY
 05:01:20 IN ADJACENT BUILDINGS BECAUSE OF THE POLE.
 05:01:23 EVEN THOUGH IT IS VERY DIFFICULT TO SEE.

05:01:25 YOU LOOK OUT THE WINDOW, YOU REALLY CAN'T SEE BUT THE
 05:01:29 PERCEPTION.
 05:01:29 DOESN'T THAT ALSO IMPACT OF WHAT YOU'RE INTENDING TO DO,

 05:01:34 DOES THAT IMPACT PROPERTY VALUES OF ADJACENT PROPERTIES?
 05:01:38 >> IT DOESN'T.
 05:01:39 I THINK WE MAY HAVE SUBMITTED A REPORT TO THAT FACT.
 05:01:44 BUT THE EVIDENCE SHOWS IT DOES NOT.
 05:01:46 YOU'VE GOT APARTMENTS AND CONDOS RIGHT NEXT TO THIS POLE
 05:01:51 HERE.
 05:01:54 >> I'M A DEVELOPER.
 05:01:56 I UNDERSTAND THE RESISTANCE.
 05:01:59 THERE WAS A LOT OF RESISTANCE TO BUILDINGS ADJACENT TO THE
 05:02:03 POLE.
 05:02:03 >> THE ANSWER IS THERE'S NO EVIDENCE TO SHOW THAT IT REDUCES
 05:02:07 PROPERTY VALUES.
 05:02:08 AND I WILL BRING THAT FOR THE PUBLIC HEARING IF YOU'D LIKE
 05:02:10 TO SEE IT.
 05:02:11 >>Marlene Naratil: THE MONOPOLE, IS IT MADE OF STEEL?
 05:02:15 >> IT IS.
 05:02:16 IT'S HOLLOW ON THE INSIDE, BELIEVE IT OR NOT, BECAUSE YOU
 05:02:20 RUN ALL THE CABLES UP THROUGH THE MIDDLE SO THEY ARE NOT ON
 05:02:23 THE OUTSIDE, AT LEAST FOR THE FIRST COUPLE OF TENANTS ON
 05:02:26 THERE.
 05:02:26 >>Marlene Naratil: I WAS WONDERING ALSO ABOUT HURRICANES.
 05:02:30 ARE THEY HURRICANE-PROOF?
 05:02:32 ANYTHING HIGH IS PROBLEMATIC.
 05:02:35 >> JUST LIKE ANY STRUCTURE IN SOUTH FLORIDA, WE HAVE TO MEET
 05:02:38 CERTAIN BUILDING CODE REQUIREMENTS AND THERE ARE SPECIFIC

 05:02:41 CODE REQUIREMENTS FOR TOWERS AND WE WILL HAVE TO MEET THOSE.
 05:02:44 A QUESTION WAS ALSO BROUGHT UP, I THINK MATT ADDRESSED IT
 05:02:47 ALSO ABOUT THE TYPE OF TOWER.
 05:02:49 THIS IS NOT THE THREE-LEGGED LATTICE MONSTER TOWER THAT WE
 05:02:53 SEE IN A LOT OF PLACES ALONG THE INTERSTATE, NOT ONE WITH
 05:02:56 BIG GUIDE WIRES.
 05:02:59 SINGLE POLE DESIGN.
 05:03:02 SAME POLE FOR POWER LINES, POWER POLES, MADE BY THE SAME
 05:03:05 PEOPLE, JUST USED FOR A DIFFERENT PURPOSE.
 05:03:07 >>Jim Wallace: ONCE WE APPROVE THIS --
 05:03:11 >> WE'RE NOT APPROVING ANYTHING TONIGHT.
 05:03:13 >>Jim Wallace: ONCE WE APPROVE THIS, YOU ALREADY SAID TO US
 05:03:16 AND I APPRECIATE YOU BEING TRANSPARENT ABOUT IT, THAT THERE
 05:03:19 WILL BE QUITE A FEW OTHER PROVIDERS.
 05:03:25 >> OTHER TENANTS.
 05:03:25 >>Jim Wallace: ARE YOU GOING TO SHOW US WHEN YOU COME BACK,
 05:03:29 WHAT IT WILL LOOK LIKE FROM NEIGHBORHOOD WITH ALL OF THOSE
 05:03:35 CUSTOMERS ON IT?

05:03:38 ONE THING TO PUT A LITTLE BALLOON AND A LINE.
 05:03:40 IT'S SOMETHING ELSE TO PUT ALL THE BRANCHES ON THE TREE AND
 05:03:44 SEE WHAT IT'S GOING TO BE.
 05:03:47 >> THE ANSWER IS I CERTAINLY CAN DO THAT.
 05:03:50 YOU BRING UP A GOOD POINT.
 05:03:52 LET ME MAKE SURE I'M CLEAR.
 05:03:54 THE POLE IS AVAILABLE FOR OTHER TENANTS.

 05:03:57 WHETHER THE OTHER TENANTS DECIDE TO GO THERE OR NOT IS UP TO
 05:04:00 THEM, I DON'T KNOW.
 05:04:01 IT MAY NEVER HAPPEN.
 05:04:04 >>Jim Wallace: AT&T WOULD BE A FOOL TO TURN DOWN THE
 05:04:06 REVENUE.
 05:04:07 >> ABSOLUTELY.
 05:04:07 AND WE GET ON THEIR POLES EVERY DAY, TOO.
 05:04:09 THE QUESTION IS WHETHER THE OTHER CARRIERS HAVE A NEED IN
 05:04:15 THAT AREA BECAUSE EVERYBODY OPERATES ON A DIFFERENT
 05:04:18 FREQUENCY, SO THE COVERAGE IS A LITTLE DIFFERENT.
 05:04:20 >>Jim Wallace: THEY WILL BE UP FOR A LONG TIME.
 05:04:22 >>Barry Jones: THE QUESTION WOULD BE, WILL YOU BE SUBMITTING
 05:04:26 IT FOR A BUILD-OUT CONDITION SO IF OTHER PEOPLE WANTED TO
 05:04:30 COME BACK IN, IT WOULDN'T BE A PROBLEM, WE WANT TO SEE IT AT
 05:04:33 THE BUILD-OUT SCENARIO.
 05:04:35 >> THAT'S FINE.
 05:04:36 YOUR ORDINANCE ENCOURAGES THE POLES TO BE BUILT TO
 05:04:40 ACCOMMODATE MULTIPLE CARRIERS SO THERE'S LESS POLES.
 05:04:45 >>Barry Jones: I THINK THE CHALLENGE IS THE BIRD NEST THAT
 05:04:48 WILL GO ON TOP.
 05:04:50 THIS IS MADE FOR A BIRD'S NEST.
 05:04:53 WHAT DO YOU DO TO PRECLUDE THAT OTHER THAN THE LIGHTNING
 05:04:56 STRIKE THING?
 05:04:57 >> YES, IN CERTAIN PARTS OF THE COUNTRY BIRDS CAN BE AN
 05:05:00 ISSUE.

 05:05:01 OSPREYS HAVE NESTED AND WE'RE REGULATED BY THE FCC.
 05:05:07 THE FCC REQUIRES THAT WE FOLLOW ALL THE ENVIRONMENTAL EPA
 05:05:11 LAWS.
 05:05:11 ONE OF THOSE GETS INTO FISH AND WILDLIFE.
 05:05:14 IF AN OSPREY BUILDS A NEST IN THE TOWER, WE HAVE TO WAIT
 05:05:20 UNTIL THAT BIRD LEAVES THE NEST FOR THE SEASON BEFORE WE CAN
 05:05:24 GO TAKE THE NEST AWAY.
 05:05:27 >>Barry Jones: YOU CAN'T STRING PIANO WIRE TO DISCOURAGE.
 05:05:32 >> WE ARE VERY LIMITED IN DEAL WITH THE POLE.
 05:05:35 >>Barry Jones: GROUND MOUNTED EQUIPMENT.
 05:05:38 I WASN'T SURE THAT HE WAS CLEAR.
 05:05:41 ARE THERE ANY GENERATORS OR PAD-MOUNTED EQUIPMENT OR SMALL
 05:05:44 BUILDINGS OR ANYTHING THAT WILL BE ASSOCIATED WITH THIS AT
 05:05:47 BUILD-OUT?

05:05:48 >> SO THE RADIO EQUIPMENT WHICH HELPS THE SIGNAL GET BACK TO
 05:05:51 THE CENTRAL HUB THAT MAKES THE CALL HAPPEN IS ON THE GROUND.
 05:05:57 ANTENNAS ON THE POLE AND THE WIRES THAT GO DOWN THE POLE
 05:06:01 FEED THAT CALL YOU MAKE TO ME TO THE EQUIPMENT ON THE GROUND
 05:06:06 WHICH THEN THROUGH FIBER GETS IT TO A HUB AND THEN COMES OUT
 05:06:09 AND FINDS ME AS A RECIPIENT.
 05:06:10 >>Barry Jones: I THINK IT WOULD BE HELPFUL WHEN YOU COME
 05:06:13 BACK TO HAVE SOME SORT OF FOOTPRINT THAT DEMONSTRATES HOW
 05:06:16 MANY AND APPROXIMATELY WHAT SIZE.
 05:06:19 WE DON'T CARE WHERE THEY ARE, BUT WHAT'S THEIR HEIGHT?
 05:06:22 HOW BIG ARE THEY?

 05:06:23 DO YOU HAVE A GENERATOR?
 05:06:24 IS IT GOING TO RUN?
 05:06:26 ALL THAT TYPE OF STUFF SO WE HAVE A FULL PICTURE OF THE
 05:06:28 EXTERNAL IMPACT.
 05:06:30 >> FAIR ENOUGH.
 05:06:31 I WILL MAKE A NOTE OF THAT.
 05:06:32 SO WE'RE LEASING A SQUARE PIECE OF PROPERTY, I BELIEVE IT'S
 05:06:37 50 BY 50 ROUGHLY FROM THE ELKS LODGE, AND THEN THAT WILL
 05:06:42 HAVE WITHIN THAT FENCED AND LOCKED COMPOUND WILL BE THE
 05:06:47 POLE.
 05:06:47 AND THEN PLACES FOR THE DIFFERENT CARRIERS WHO MAY SHOW UP
 05:06:51 BESIDES AT&T TO PLACE THEIR EQUIPMENT.
 05:06:53 I CAN SHOW THAT.
 05:06:55 >>Jim Wallace: IF YOU DON'T MIND, I THINK THIS IS A BIGGER
 05:07:00 ISSUE THAN MAYBE WE THINK IT IS.
 05:07:03 DID YOU SAY -- I'M TRYING TO UNDERSTAND.
 05:07:06 DID YOU SAY IF YOUR POLE WAS 150 FEET THAT YOU COULD PUT THE
 05:07:10 ANTENNAS INSIDE THE POLE?
 05:07:12 >> IN THIS PARTICULAR CASE, WE DID LOOK AT DOING THAT
 05:07:16 BECAUSE THAT HEIGHT ALLOWED US TO DO THAT.
 05:07:18 WITH A LOWER HEIGHT, WE CAN'T.
 05:07:20 >>Jim Wallace: AS A CHOICE BETWEEN -- I'M JUST THINKING OF A
 05:07:24 HUNDRED FOOT POLE WITH A WHOLE BUNCH OF BRANCHES ON IT AND
 05:07:28 150-FOOT POLE WITH NOTHING ON IT.
 05:07:30 ONE DISAPPEARS INTO THE SKY AND THE OTHER ONE DOES NOT IN MY

 05:07:34 OPINION, PARTICULARLY HAVING DEALT WITH A POLE THAT IS 200
 05:07:39 FEET NEXT DOOR WITH ALL KINDS OF BRANCHES ON IT, I JUST
 05:07:43 WONDER WHETHER OR NOT WE SHOULD BE LOOKING AT A PERSPECTIVE
 05:07:49 FROM NEARBY RESIDENTIAL THAT SHOWS HERE'S 150 FOOTER WITH
 05:07:52 NOTHING ON IT.
 05:07:53 HERE'S A HUNDRED FOOTER WITH A WHOLE LOT OF BRANCHES ON IT
 05:07:57 SO THAT THE PUBLIC AND THE COMMITTEE HERE, OR THE BOARD
 05:08:01 HERE, CAN COMMENT ON THE DIFFERENCE BETWEEN THE TWO BECAUSE
 05:08:05 WE MAY BE SHORTSIGHTED IN THINKING THAT A HUNDRED-FOOT POLE
 05:08:10 IS THE ANSWER.

05:08:11 >> THE PROBLEM IS THE WAY THE ORDINANCE IS WORDED AND THE
 05:08:14 WAY THE PROPERTY IS SHAPED.
 05:08:16 WE COULDN'T MEET THE SETBACKS THAT WAY.
 05:08:18 IN WORKING WITH STAFF, BY NOT MEETING THE ORDINANCE AND
 05:08:21 NEEDING A VARIANCE THAT PUT THE POLE IN JEOPARDY.
 05:08:24 THAT'S WHY WE LOWERED IT TO DO WHAT WE DID.
 05:08:27 >>Barry Jones: I THINK WHAT MR. WALLACE IS TRYING TO SAY, WE
 05:08:30 MAY BE MORE IN FAVOR TO GRANT YOU A VARIANCE THAN GRANT YOU
 05:08:33 A BIRD'S NEST.
 05:08:35 >> LET ME ASK THE QUESTION.
 05:08:37 THAT'S WHAT THIS IS ABOUT.
 05:08:38 THAT WILL REQUIRE ANOTHER VARIANCE WITH ANOTHER APPLICATION,
 05:08:41 ANOTHER PUBLIC HEARING --
 05:08:43 >>Barry Jones: I DEFER TO STAFF.
 05:08:46 >> THAT'S WHY I KIND OF CAME BACK TO THIS BECAUSE THE

 05:08:48 ORDINANCE GOT US TO THIS.
 05:08:53 >>Jim Wallace: BUT IN THE END, WE WANT THE RIGHT SOLUTION,
 05:08:56 EVEN IF IT TAKES US ANOTHER COUPLE OF WEEKS TO GET THERE.
 05:08:59 WE'RE GOING TO LIVE WITH THIS POLE FOR A LONG TIME.
 05:09:02 >> WE FILED THIS APPLICATION IN DECEMBER OF 2020.
 05:09:05 THE FOLKS THAT NEEDED THE SERVICE THEN NEED THE SERVICE NOW.
 05:09:12 >>Barry Jones: I LIVE IN THE SERVICE AREA.
 05:09:13 I EMPATHIZE.
 05:09:14 >>James Tatoes: WHAT IS THE DIFFERENCE IN DIAMETER OF THE
 05:09:16 HUNDRED FOOT MONOPOLE TO THE 150 ONE?
 05:09:20 >> IT'S BASICALLY THE SAME POLE.
 05:09:23 YOU KEEP ADDING SECTIONS, AND IT DOES TAPER AS IT GOES UP.
 05:09:27 BUT THIS WILL, AT A HUNDRED FEET IT WOULD BE THE SAME IF IT
 05:09:31 WAS HUNDRED TO 150 POLE.
 05:09:33 AT HUNDRED FEET IT IS THE SAME DIAMETER.
 05:09:35 IT'S PROBABLY TWO TO THREE FEET.
 05:09:40 >>James Tatoes: WHAT JIM IS SAYING, AS YOU'RE GOING FROM
 05:09:44 100 FEET TO 150 FEET, YOUR POLE WOULD BE BASICALLY NARROWER,
 05:09:50 BUT WITH OTHER ADDITIONAL ANTENNA THAT YOU WOULD PUT IN
 05:09:54 THERE.
 05:09:55 IT COULD BE ENCLOSED WITHIN THE POLE SO YOU COULD NOT SEE
 05:09:59 IT.
 05:09:59 >> THAT BECOMES A PROBLEM AS WELL.
 05:10:01 ONE OF THE OTHER THINGS WE DID LOOK AT IS THE AMOUNT OF
 05:10:05 EQUIPMENT THAT WE NOW PUT ON THE POLE, AND YOU CAN SEE OUT

 05:10:09 HERE, EVEN I WAS LOOKING AT IT TODAY, BEHIND THE ANTENNAS IS
 05:10:14 SOME OF THE RADIO EQUIPMENT.
 05:10:15 AND THAT IS PART OF THE UPGRADED SERVICE.
 05:10:19 AND THAT IS NOW GETTING TO A POINT WHERE WE CAN'T HIDE THE
 05:10:22 WHOLE THING WITHIN THE SHROUD OF THE TOWER.
 05:10:25 >>Jim Wallace: I'M ONLY MAKING THE SUGGESTION BECAUSE THAT'S

05:10:28 WHAT WE DID FOR THE BONITA SPRINGS POLE, AND IT WAS VERY
 05:10:31 CLEAR, ONCE WE TOOK PERSPECTIVES AND WE SAW THE POLE, ONE
 05:10:35 WAS 150.
 05:10:36 ONE WAS A HUNDRED.
 05:10:39 YOU REALLY DIDN'T SEE A WHOLE LOT OF DIFFERENCE BUT HERE WAS
 05:10:42 ONE THAT WAS LOADED AND HERE WAS ANOTHER THAT WAS JUST A
 05:10:45 POLE AND IT KIND OF DISAPPEARED IN THE SKY.
 05:10:47 I THINK EVERYBODY THERE WAS SURPRISED AT THE TIME.
 05:10:51 I JUST THINK WE SHOULD LOOK AT IT SO WE CAN REALLY BE
 05:10:57 LOOKING AT WHAT IT'S GOING TO LOOK LIKE.
 05:10:59 IT'S GOING TO BE THERE A LONG TIME.
 05:11:01 >> IT IS.
 05:11:01 WHAT I WANT TO MAKE SURE I'M STRESSING TO YOU IS WE DID LOOK
 05:11:04 AT THAT.
 05:11:05 WE WERE THINKING THE SAME WAY YOU WERE AND DID.
 05:11:08 BASED ON HOW THE ORDINANCE IS WORDED AND DISCUSSIONS WITH
 05:11:10 STAFF AND THE WAY THE PROPERTY IS, THIS IS HOW WE GOT TO
 05:11:14 THIS.
 05:11:15 I DON'T WANT YOU TO THINK WE DIDN'T LOOK AT IT.

 05:11:17 >>Jim Wallace: IS IT IMPOSSIBLE TO GET A VARIANCE?
 05:11:20 >>James Tatoes: -- IT'S A QUESTION OF HOW MUCH YOU ARE
 05:11:23 AWAY FROM THE PROPERTY LINE.
 05:11:25 >> THAT'S RIGHT.
 05:11:25 THAT'S WHY WE'RE HERE.
 05:11:26 BECAUSE WE LOWERED THE TOWER TO 100 FEET SO WE DID NOT NEED
 05:11:30 THE VARIANCE.
 05:11:31 LOOK, WE HAVE THIS FEDERAL LAW OUT THERE.
 05:11:33 NANCY, I KNOW YOU'RE AROUND HERE SOMEWHERE.
 05:11:36 NANCY CAN EXPLAIN IT TO YOU.
 05:11:37 BUT THE FACT THAT WE MEET THE ORDINANCE KIND OF KICKS IN THE
 05:11:41 FEDERAL LAW HERE.
 05:11:43 SO THAT'S WHAT WE'RE TRYING TO DO IS MAKE IT SO WE'VE KIND
 05:11:47 OF LAID IT OUT AND WE CAN COME TO YOU AND SAY YOU GUYS PUT
 05:11:50 THE RULES OUT THERE.
 05:11:51 WE MET THE RULES, WOULD YOU PLEASE APPROVE IT.
 05:11:54 >>Mary Gibbs: MAY I ADD SOMETHING, THOUGH?
 05:11:56 YOUR QUESTION, IS IT IMPOSSIBLE TO GET A VARIANCE?
 05:11:59 NO, IT'S NOT IMPOSSIBLE.
 05:12:00 BUT THE THING WITH THE VARIANCE, YOU HAVE TO HAVE A
 05:12:03 HARDSHIP.
 05:12:03 AND THE HARDSHIP CAN'T BE ECONOMIC.
 05:12:07 IT HAS TO BE SOMETHING UNIQUE TO THE LAND.
 05:12:10 IT CAN'T BE, OH, GRANT ME A VARIANCE.
 05:12:13 LIKE A DEVIATION, PRETTY EASY TO GET.

 05:12:16 A VARIANCE IS A LOT STRICTER.
 05:12:22 >>Barry Jones: [INAUDIBLE]

05:12:25 >>Mary Gibbs: WHEN WE LOOKED AT THIS, REMEMBER, WE'RE ALSO
 05:12:27 BALANCING -- WE HAVE SOME NEIGHBORS THAT ARE PROBABLY GOING
 05:12:30 TO TALK TONIGHT.
 05:12:31 WE HAVE SOME NEIGHBORS IN FAVOR.
 05:12:33 WE HAVE SOME NEIGHBORS THAT ARE NOT IN FAVOR.
 05:12:35 WE HAD A COUPLE OF MEETINGS THAT ANDY ROTENSTREICH AND THEIR
 05:12:40 TEAM HAD A COUPLE OF INFORMATION MEETINGS AT THE ELKS CLUB
 05:12:43 ITSELF THAT I WENT TO WHERE THEY SHOWED, DISPLAYED A LOT OF
 05:12:48 PICTURES, THE BALLOON AND A LOT OF DIAGRAMS I DIDN'T
 05:12:51 UNDERSTAND BECAUSE THEY WERE PRETTY HIGH TECH.
 05:12:53 BUT THEY KIND OF MET WITH THE NEIGHBORS.
 05:12:56 SO WE'RE TRYING TO SEE TO BALANCE THESE ISSUES BECAUSE THE
 05:13:01 150-FOOT, I KNOW THERE WERE A LOT OF NEIGHBOR OBJECTIONS TO
 05:13:04 150-FOOT.
 05:13:05 SO IS 150-FOOT WITH THE ENCLOSED BETTER THAN THE 100-FOOT
 05:13:11 THAT'S 50 FEET LOWER?
 05:13:15 THIS IS WHERE WE KIND OF CAME UP WITH --
 05:13:18 >>Michael Sheeley: ISN'T THE SETBACK DETERMINED BECAUSE OF
 05:13:20 THE FALL RADIUS OF THE TOWER?
 05:13:23 >>Mary Gibbs: YES, EXACTLY.
 05:13:24 THE SETBACK IS THE HEIGHT OF THE TOWER.
 05:13:26 >>Michael Sheeley: A VARIANCE THAT REDUCE THE SETBACK, THEN
 05:13:29 YOU ARE AT RISK OF DAMAGE TO THE BUILDING PERHAPS OR OTHER

 05:13:33 THINGS IF THERE WAS A FALL.
 05:13:34 THAT'S THE PURPOSE OF THE --
 05:13:41 >>Mary Gibbs: THAT'S WHY WE ENDED UP BACK HERE.
 05:13:49 >> MR. CHAIRMAN, I HAVE A QUESTION FOR NANCY.
 05:13:51 NANCY, THE APPLICANT MADE REFERENCE TO THE FEDERAL LAW THAT
 05:13:55 KICKS IN WITH A HUNDRED-FOOT TOWER.
 05:13:57 CAN YOU PLEASE EXPLAIN WHERE THAT IS?
 05:14:11 >>Nancy Stroud: I THINK WHAT THE APPLICANT IS REFERRING TO
 05:14:13 IS THE DIFFERENCE BETWEEN A PERMITTING PROCESS THAT
 05:14:17 BASICALLY GIVES THE ADVANTAGE TO THE APPLICANT IF HE MEETS
 05:14:21 ALL OF THE CRITERIA VERSUS A VARIANCE WHICH IS TOTALLY --
 05:14:29 IT'S A HARD TEST TO MEET FOR THE APPLICANT.
 05:14:34 AND IF HE'S DENIED, HE REALLY DOESN'T HAVE MUCH LEGAL
 05:14:39 RECOURSE AGAINST THE VILLAGE.
 05:14:41 HE'S REALLY SAYING THAT THE FEDERAL LAW PROTECTS APPLICANTS
 05:14:45 WHO MEET ALL THE CRITERIA WITHOUT HAVING TO GO THROUGH A
 05:14:51 VARIANCE, AND THAT'S PROBABLY WHY HE'S GOING IN THIS
 05:14:55 DIRECTION INSTEAD OF TRYING TO GO FOR A VARIANCE.
 05:15:02 >> I'M HAPPY TO EXPAND, MR. GARGANO, BUT NANCY IS RIGHT.
 05:15:05 IF YOU DENY A CELL TOWER FOR ZONING, YOU HAVE TO PUT THE
 05:15:12 DENIAL IN WRITING AND SUPPORT THE DENIAL WITH SUBSTANTIAL
 05:15:15 EVIDENCE -- EVIDENCE, NOT JUST IN TESTIMONY -- EVIDENCE IN
 05:15:19 THE WRITTEN RECORD.
 05:15:21 AND THEN IT GOES ON TO SAY LOCAL JURISDICTIONS CANNOT

05:15:25 DISCRIMINATE AMONG CARRIERS.

05:15:27 YOU CAN'T GRANT ONE TO AT&T AND NOT TO VERIZON.

05:15:30 YOU CAN'T PROHIBIT WIRELESS SERVICE OR EFFECTIVELY PROHIBIT

05:15:37 LIKE HAVE AN ORDINANCE THAT SAYS NO CELL TOWERS IN

05:15:40 RESIDENTIAL AREAS BECAUSE THAT WOULD PROHIBIT SERVICE THERE.

05:15:43 SO BY ASKING FOR A VARIANCE, A VARIANCE IS A WAY THAT A

05:15:47 JURISDICTION COULD SAY, WELL, WE DON'T THINK YOU MET THE

05:15:51 REQUIREMENTS, THE HARDSHIP, AS MARY SAID.

05:15:54 WE'RE TAKING THAT AWAY, BUT WE'RE LOWERING THE TOWER IN

05:15:58 ORDER TO SAY, OKAY, WE NOW MEET YOUR ORDINANCE.

05:16:02 >>Anthony Gargano: WHAT YOU'RE SAYING IS THERE IS A LEVEL OF

05:16:04 FEDERAL PREEMPTION AGAINST WHAT LOCAL MUNICIPALITIES CAN DO,

05:16:13 WHICH WOULD PREVENT FROM INSTALLING A CELL TOWER.

05:16:16 >> RIGHT.

05:16:17 IT GETS BACK TO WHAT I WAS SAYING.

05:16:20 THE RULES WERE MADE BY THE JURISDICTION.

05:16:21 WE'VE NOW FOLLOWED THE RULES.

05:16:23 SO IF YOU'RE GOING TO DENY US, THERE NEEDS TO BE SOME HEAVY

05:16:27 BURDEN ON THE BOARD TO SAY WHY.

05:16:33 >>Jim Wallace: BUT THE JURISDICTION DOES NOT HAVE TO DENY

05:16:35 YOU.

05:16:36 THE FEDERAL -- DOES NOT FORCE A LOCAL JURISDICTION TO DENY

05:16:40 YOU.

05:16:41 THEY CAN APPROVE YOU WITH A VARIANCE.

05:16:43 >> RIGHT.

05:16:44 THAT'S RIGHT.

05:16:44 THEY CAN APPROVE THE VARIANCE, THAT'S RIGHT.

05:16:47 BUT IF THEY DENY THE VARIANCE, THEN WE DON'T --

05:16:51 >>Jim Wallace: THEY CAN DENY IT BUT THEY ALSO CAN APPROVE

05:16:53 IT.

05:16:54 >> THEY CAN.

05:16:54 LOOK, AND MARY AND MATT ARE DOING THEIR JOB WHEN THEY SAY,

05:17:00 LOOK, THIS IS WHAT OUR ORDINANCE SAYS AND YOU'RE NOT MEETING

05:17:03 IT AND WE'RE NOT SURE THAT WE SEE THE HARDSHIP THAT WE CAN

05:17:05 RECOMMEND IT TO YOU GUYS, SO THOSE ARE THE DISCUSSIONS WE'VE

05:17:08 HAD WITH THEM ABOUT WHAT TO DO NEXT.

05:17:11 >>Jim Wallace: I WANT TO BE SURE THE CITIZENS' BENEFIT --

05:17:14 OUR JOB HERE IS NOT ONLY TO MAKE SURE IT MEETS THE CODE BUT

05:17:19 WHAT IS IN THE BEST INTEREST OF THE CITIZENS OF ESTERO.

05:17:23 >>James Tatoes: I THINK TO SUMMARIZE, WHY YOU'RE STANDING

05:17:25 THERE, YOU DECIDED YOU WOULD RATHER HAVE A POLE AND FORFEIT

05:17:29 50 FEET OF IT SO YOU CAN HAVE A POLE RATHER THAN FIGHT FOR

05:17:33 THE 150 FEET AND MIGHT NOT HAVE THE POLE.

05:17:36 IS THAT CORRECT?

05:17:37 >> YES, SIR.

05:17:38 THAT WAS WELL SAID.

05:17:41 >>Scotty Wood: LET ME SPIN THE TAPE BACK A YEAR.
 05:17:43 IN THE PREVIOUS PUBLIC INFORMATION MEETING, THERE WAS SOME
 05:17:46 DISCUSSION, I THINK AMONGST THE PUBLIC, WANTING TO KNOW WHY
 05:17:51 THIS TOWER COULDN'T BE LOCATED ON THE EAST SIDE OF U.S. 41,
 05:17:56 AND IT SPEAKS TO THE CAPACITY POINT THAT YOU RAISED EARLIER

 05:18:00 THIS EVENING.
 05:18:02 CAN YOU TELL US WHY THAT IS NOT A FEASIBLE LOCATION?
 05:18:06 >> AGAIN, WE HAVE THE SITUATION OF CAPACITY AND COVERAGE.
 05:18:09 YOUR ORDINANCE REQUIRES THE LEAST AMOUNT OF POLES AS
 05:18:13 POSSIBLE.
 05:18:13 THIS IS THE ONLY WAY BY BUILDING THIS POLE IN THIS LOCATION
 05:18:16 WE CAN COVER AND SOLVE BOTH OF THOSE ISSUES.
 05:18:19 THERE IS A TOWER ACTUALLY IN THE INDUSTRIAL AREA -- I FORGET
 05:18:29 THE NAME OF IT, THE STREET.
 05:18:34 STARTS WITH A P.
 05:18:36 PRODUCTION.
 05:18:38 PRODUCTION CIRCLE, PRODUCTION COURT.
 05:18:40 THAT'S AN INDUSTRIAL AREA.
 05:18:42 WE LOOKED AT THAT AREA.
 05:18:44 HOWEVER, THERE IS ANOTHER AT&T SITE JUST SOUTH OF THERE.
 05:18:49 BY GOING ON THE POLE ALREADY THERE OR PUTTING ANOTHER POLE
 05:18:52 IN THE INDUSTRIAL AREA, WE WERE TOO CLOSE TO OUR SITE TO THE
 05:18:56 SOUTH.
 05:18:56 SO IT DIDN'T GET THE COVERAGE AND CAPACITY RELIEF WE NEEDED
 05:19:00 UP HERE, BUT IT ALSO INTERFERED WITH OUR SITE.
 05:19:03 YOU CAN HAVE TOWERS TOO CLOSE TOGETHER AND CAUSE
 05:19:05 INTERFERENCE.
 05:19:06 AND IT REALLY IS, YOU'VE GOT TO THINK OF IT KIND OF LIKE A
 05:19:09 HONEYCOMB.
 05:19:10 IT REALLY IS A NETWORK.

 05:19:13 THE SITES HAVE TO BE STRATEGICALLY PLACED BASED ON THE
 05:19:16 TERRAIN, THE HEIGHTS OF THE TOWERS SO THE SIGNAL CAN TALK TO
 05:19:21 EACH OTHER.
 05:19:24 >>Barry Jones: A COUPLE MORE QUESTIONS, IF YOU WOULD.
 05:19:26 WHEN I READ THE STRUCTURAL REPORT, IT TALKED ABOUT ASSUMING
 05:19:29 THE WIND PRESSURE PROFILE IS SIMILAR TO THAT OF A MONOPOLE.
 05:19:33 MONOPOLE WOULD BUCKLE AT THE LOCATION OF THE HIGHEST
 05:19:36 COMBINED STRESS RATIO.
 05:19:37 IS THAT SOMETHING THAT CAN BE DESIGNED SO IT'S AT HUNDRED
 05:19:40 FOOT AND BUCKLES AT HUNDRED FOOT AND YOU'VE GOT 50-FOOT, SO
 05:19:44 YOU STILL LIMIT THE IMPACT OF YOUR FALL RADIUS, SO WE
 05:19:49 ADDRESS THE SETBACK ISSUE BY DESIGNING WHERE THAT BUCKLE
 05:19:52 WOULD OCCUR.
 05:19:53 >> THAT IS A STRATEGY WE EMPLOY QUITE OFTEN WHEN THERE'S NO
 05:19:56 WAY FOR US TO MOVE THE POLE SO THAT IT IS HEIGHT OF THE
 05:20:00 TOWER FROM THE PROPERTY LINE, WE WILL BUILD A STRESS POINT

05:20:03 IN THERE SO THAT THE FALL RADIUS IS LESS THAN THE HEIGHT OF
 05:20:06 THE TOWER.
 05:20:07 >>Barry Jones: AND LESS THAN THE SETBACK.
 05:20:10 >> LESS THAN THE SETBACK, EXACTLY.
 05:20:11 >>Barry Jones: THAT IS SUPPORT FOR THE VARIANCE.
 05:20:14 >> BUT THIS ORDINANCE DOESN'T ALLOW US.
 05:20:16 SOME ORDINANCES SAY IF YOU BUILD THE TOWER WITH THAT STRESS
 05:20:19 POINT, THEN WE WILL GRANT YOU RELIEF, A WAIVER FROM THE
 05:20:23 SETBACK REQUIREMENTS.

 05:20:25 >>Barry Jones: WE'RE ALL LEARNING SOMETHING TODAY.
 05:20:27 SO THANK YOU.
 05:20:29 >> THIS ORDINANCE DOESN'T HAVE THAT.
 05:20:31 >>Barry Jones: WE MAY NEED TO LOOK AT THAT.
 05:20:33 >> LOOK, I HELPED JURISDICTIONS WRITE ORDINANCES FOR CELL
 05:20:36 TOWERS ALL THE TIME.
 05:20:37 WE HAVE A GREAT WORKING RELATIONSHIP WITH THEM.
 05:20:39 I'M HAPPY TO ANSWER ANY QUESTIONS.
 05:20:41 STRATEGICALLY, THAT DIDN'T HELP OUR CASE FOR THE 150.
 05:20:45 >> THAT IS A GOOD IDEA, THOUGH, BARRY.
 05:20:47 >>Barry Jones: THANK YOU.
 05:20:50 THE GENERATOR IS IT NATURAL GAS OR DIESEL?
 05:20:52 DOES THAT IMPACT HOW OFTEN IT HAS TO RUN TO CYCLE FUEL?
 05:20:57 WHAT ARE YOU DOING THESE DAYS?
 05:20:59 >> I'VE SEEN BOTH NATURAL GAS AND DIESEL.
 05:21:01 IT'S TYPICALLY DIESEL.
 05:21:03 THEY ARE SELF-CONTAINED TANKS THAT ARE DOUBLE HULLED.
 05:21:08 >> I UNDERSTAND HOW OFTEN THEY HAVE TO RUN.
 05:21:11 >> TEN MINUTES A WEEK TO CHARGE THE BATTERIES AND RUN.
 05:21:14 AND THEN IF THE POWER IS OUT.
 05:21:16 >>Barry Jones: ANY SORT OF SCHEDULE LIKE THAT WOULD BE GOOD
 05:21:19 TO BE INCLUDED SO THE PUBLIC UNDERSTANDS HOW OFTEN IT IS SO
 05:21:22 THAT THERE'S A NOISE IMPACT THERE WE WANT TO CONSIDER.
 05:21:25 >>Kristin Jeannin: THERE'S MORE TO THIS PRESENTATION, TOO,
 05:21:28 RIGHT?

 05:21:28 YOU'RE GOING TO GO THROUGH YOUR SLIDES HERE, TOO, RIGHT?
 05:21:32 >> I'M HAPPY TO, YES.
 05:21:37 >>Jim Wallace: BARRY, WHAT YOU WERE TALKING ABOUT, DID YOU
 05:21:40 EXAMINE AT ALL THE IDEA OF THIS BREAK POINT THAT BARRY TALKS
 05:21:45 ABOUT, DID YOU EXAMINE WITH STAFF WHETHER OR NOT THAT WOULD
 05:21:49 MAKE A VARIANCE MORE ACCEPTABLE TO THEM?
 05:21:51 >> WE TALKED ABOUT IT, BUT THE ORDINANCE DIDN'T GRANT US
 05:21:54 RELIEF IF WE DID THAT.
 05:21:55 SO WE COULDN'T MEET THE ORDINANCE ANYWAY.
 05:21:57 AND WE GOT BACK TO THE VARIANCE ISSUE.
 05:22:00 >>Jim Wallace: THIS IS LIKE THE CHICKEN AND THE EGG.
 05:22:03 IT HAS ALL THE SAFETY ISSUES BUILT IN.

05:22:11 >> IF I GO TO LEE COUNTY, WE'RE TALKING ABOUT A WHOLE OTHER
 05:22:14 SET OF ISSUES BECAUSE THEY HAVE THE SAME ORDINANCE.
 05:22:16 YOU NEVER KNOW.
 05:22:17 YOU'VE GOT THE WORDS AND WE'VE GOT TO FOLLOW IT.
 05:22:20 WE'RE TRYING TO DO WHAT WE CAN UNDER THE GUISE OF THE
 05:22:22 ORDINANCE, AND IT'S GOTTEN US TO THIS POINT.
 05:22:25 >>Barry Jones: NANCY, IS THERE FLEXIBILITY FOR THE BOARD TO
 05:22:31 DETERMINE WHAT CONSTITUTES A HARDSHIP AND WHAT WOULD
 05:22:33 CONSTITUTE REMEDIATION?
 05:22:38 >>Nancy Stroud: THERE ARE CRITERIA TO DETERMINE WHAT
 05:22:40 CONSTITUTES A VARIANCE IN THE CODE.
 05:22:44 AND THE CRITERIA AS IN ALL VARIANCES IN FLORIDA, BASICALLY,
 05:22:52 REQUIRE THE APPLICANT TO SHOW A HARDSHIP.

 05:22:55 AND HARDSHIP IS A VERY DIFFICULT REQUIREMENT TO MEET UNLESS
 05:23:01 YOU HAVE AN ODD-SHAPED LOT OR SOMETHING UNUSUAL ABOUT THE
 05:23:08 PROPERTY.
 05:23:09 IN THIS CASE, THERE'S NOTHING UNUSUAL ABOUT THE PROPERTY.
 05:23:14 SO YOU COULD CONSIDER CHANGING THE CODE FOR THE FUTURE
 05:23:23 APPLICATIONS.
 05:23:25 I'M SURE THE STAFF AND WE WOULD BE HAPPY TO WORK WITH THE
 05:23:29 APPLICANT FOR FUTURE APPLICATIONS.
 05:23:31 BUT IT WOULDN'T APPLY TO THIS APPLICATION.
 05:23:38 >>Kristin Jeannin: CAN YOU REPEAT -- DID YOU MENTION IN
 05:23:40 THERE WHAT THE DEFINITION OF HARDSHIP WAS AND WHETHER --
 05:23:44 BARRY'S QUESTION WAS WHETHER WE HAD ANY SAY IN THAT MATTER.
 05:23:48 >>Nancy Stroud: A HARDSHIP IS USUALLY DEFINED AS, NUMBER
 05:23:53 ONE, SOMETHING THAT THE OWNER DIDN'T CREATE OR SOMETHING
 05:23:59 THAT IS NOT A FINANCIAL HARDSHIP.
 05:24:02 IT IS SOMETHING THAT HAS TO DO WITH NORMALLY THE SPECIFIC
 05:24:07 CONFIGURATION OF THE PROPERTY.
 05:24:09 AND THE TYPICAL EXAMPLE IS WHEN YOU HAVE A SUBSTANDARD LOT,
 05:24:15 AN OLD SUBSTANDARD LOT AND YOU WANT TO BUILD A SINGLE-FAMILY
 05:24:20 HOUSE ON IT, YOU KNOW, YOU CAN NORMALLY GET A VARIANCE IF
 05:24:26 YOUR LOT IS JUST A LITTLE BIT TOO SMALL AND OTHERWISE YOU
 05:24:32 WOULDN'T HAVE ANY REASONABLE USE OF THE PROPERTY.
 05:24:36 BUT OTHERWISE, IN THIS KIND OF CIRCUMSTANCE, WE HAVE HAD
 05:24:42 THIS DISCUSSION WITH THE APPLICANT AND WE DO NOT SEE A
 05:24:44 JUSTIFICATION FOR A VARIANCE.

 05:24:48 >>Barry Jones: NANCY, IF WE LOOK AT THIS GEOGRAPHICALLY LIKE
 05:24:52 THEY HAVE AND THESE THINGS CAN ONLY OCCUR IN SO MANY
 05:24:55 LOCATIONS TO GET THE COVERAGE THEY NEED AND CERTAINLY THE
 05:24:58 SPECIALIZED COVERAGE THEY NEED, DOES THE GEOGRAPHICAL
 05:25:02 LIMITATIONS OF THE OPPORTUNITIES FOR CELL TOWERS PRESENT A
 05:25:07 HARDSHIP FOR THEM?
 05:25:10 AND DOES THE FACT THAT THEY ARE WILLING TO COHOST OTHER
 05:25:14 THINGS SO ALL THE OTHER UTILITIES AREN'T REQUESTING TOWERS

05:25:17 IN OUR AREA GIVE THEM ANY BENEFIT TO THE PUBLIC TO SUPPORT
 05:25:22 THE VARIANCE?
 05:25:24 >>Nancy Stroud: NO.
 05:25:26 IN FACT, OUR CODE REQUIRES THAT HOSTING IS BUILT INTO
 05:25:37 WIRELESS SYSTEMS, BECAUSE THAT IS A WAY TO DECREASE THE
 05:25:42 NUMBER OF WIRELESS FACILITIES THAT NEED TO LOCATE IN AN
 05:25:46 AREA.
 05:25:52 >>Kristin Jeannin: WHAT ABOUT THE FIRST PART OF THE
 05:25:54 QUESTION?
 05:25:55 >>Nancy Stroud: I WAS GOING TO GET TO THAT.
 05:25:57 THE COVERAGE ISSUE.
 05:25:58 WE DID DISCUSS COVERAGE ISSUE WITH THE APPLICANT AND WE
 05:26:02 WEREN'T CONVINCED THAT THERE WEREN'T OTHER LOCATIONS THAT
 05:26:05 WOULD HAVE COVERAGE, THAT WOULD ENABLE THEM TO HAVE
 05:26:08 COVERAGE.
 05:26:08 AND WE HAVEN'T SEEN ANY KIND OF SUBSTANTIAL, COMPETENT
 05:26:16 EVIDENCE THAT WOULD TELL US OTHERWISE.

 05:26:20 WHILE COVERAGE MIGHT BE AN ISSUE THAT WOULD REQUIRE US TO
 05:26:29 ALLOW THE LOCATION HERE, AT THIS TIME THERE'S NOT THE
 05:26:35 EVIDENCE THAT WOULD REQUIRE THAT.
 05:26:39 >> NANCY, ARE THESE OTHER SITES THAT WOULD BE BETTER, ARE
 05:26:44 THEY AVAILABLE?
 05:26:45 ARE THE PEOPLE WILLING TO HAVE A TOWER PUT UP THERE?
 05:26:48 I THINK THE LOSS OF QUALITY OF SERVICE TO THEIR CUSTOMERS
 05:26:52 WOULD BE A HARDSHIP.
 05:26:54 BUT MAYBE THAT'S JUST --
 05:26:56 >>Nancy Stroud: NO.
 05:26:57 THAT IS AN ECONOMIC HARDSHIP.
 05:26:58 AND VARIANCES DO NOT GO TOWARD ECONOMIC HARDSHIP.
 05:27:03 >> YOU JUST HAD THE EXACT CONVERSATION WITH NANCY THAT WE
 05:27:06 HAD.
 05:27:07 WE'RE TRYING TO WORK WITHIN THE PARAMETERS OF THE WORDING OF
 05:27:11 THE ORDINANCE.
 05:27:12 WE HAVE MADE ARGUMENTS LIKE THAT IN THE PAST, BUT WE WEREN'T
 05:27:18 DEALING WITH THE SAME ORDINANCE.
 05:27:20 >>Jim Wallace: I'M JUST CONCERNED THAT THE 150-FOOT POLE
 05:27:25 WITHOUT THE BRANCHES WOULD BE MORE ATTRACTIVE TO THE
 05:27:27 CITIZENS THAN A HUNDRED FOOT POLE WITH A WHOLE BUNCH OF
 05:27:30 THINGS HANGING OFF IT.
 05:27:32 >> JIM, THE PROBLEM IS MIKE BROUGHT IT UP, IT IS THE FALL
 05:27:36 RADIUS.
 05:27:36 >>Jim Wallace: THAT WAS A GREAT IDEA --

 05:27:39 >>Barry Jones: I JUST ASKED THE QUESTION.
 05:27:41 HE SAID IT COULD BE DONE.
 05:27:46 >>Scotty Wood: I DON'T THINK WE CAN SUPPORT SOMETHING WHERE
 05:27:47 A STRUCTURE COULD FALL ON ANOTHER STRUCTURE AND DO PERSONAL

05:27:54 INJURY OR PROPERTY DAMAGE.
 05:27:55 >>Jim Wallace: THE STRUCTURE WOULD BE THE ELKS CLUB?
 05:27:59 >>Scotty Wood: 150-FOOT TOWER, AT THE HUNDRED-FOOT SETBACK,
 05:28:04 I DON'T KNOW WHAT'S ON THE OTHER SIDE OF THE HUNDRED-FOOT
 05:28:07 SETBACK, BUT IT WOULD BE SUBJECT TO DAMAGE.
 05:28:10 >>Barry Jones: YOU COULD DESIGN THE TOWER TO HAVE A SPECIFIC
 05:28:13 FAIL POINT.
 05:28:14 THEY DESIGN THE FAIL POINT AT HUNDRED FEET.
 05:28:20 AND THE ADDITIONAL 50 FEET HANGS.
 05:28:24 THAT'S WHAT I READ.
 05:28:25 >>Mary Gibbs: I FEEL LIKE WE'RE GETTING MORE INTO A
 05:28:28 SUBSTANTIVE REVIEW.
 05:28:29 THIS IS SUPPOSED TO BE A PUBLIC INFORMATION MEETING.
 05:28:31 IT FEELS LIKE WE'RE STRAYING INTO A REVIEW OF SUBSTANTIVE
 05:28:36 ISSUES.
 05:28:37 >>Barry Jones: HE'S BEEN SO FAR DOWN THIS PATH AND WE'VE
 05:28:40 HELD HIM UP SO FAR ALREADY --
 05:28:45 >> THIS IS ENLIGHTENING TO ME.
 05:28:46 I USUALLY DON'T GET THESE GOOD, THIS OUT-OUT QUESTIONS.
 05:28:50 THIS TO ME IS GIVING YOU THE INFORMATION YOU'RE LOOKING FOR.
 05:28:55 >>Barry Jones: I THINK THE PUBLIC IS LOOKING FOR IT, TOO.

 05:28:58 >>Mary Gibbs: MAYBE IF WE GET --
 05:29:01 >> I WANT YOU TO KNOW AS A BOARD THAT WE'VE GONE DOWN THAT
 05:29:03 PATH.
 05:29:04 THIS IS NOT JUST SOMETHING THAT, HEY, THIS IS LOOKS LIKE A
 05:29:08 GREAT SPOT.
 05:29:09 WE WANT TO PUT A HUNDRED-FOOT POLE HERE.
 05:29:11 THAT'S NOT HOW THIS HAPPENED.
 05:29:13 THIS HAS BEEN YEARS IN THE MAKING.
 05:29:16 >>James Tatoes: I THINK THIS IS A MOOT POINT ALL THESE
 05:29:18 OTHER CONVERSATIONS BECAUSE BY -- LIKE I SAID BEFORE, YOU
 05:29:23 DECIDED YOU WOULD TAKE THE HUNDRED-FOOT RATHER THAN NOTHING,
 05:29:26 AND YOU'LL TAKE IT AND GO HOME WITH IT AND LIVE WITH IT,
 05:29:29 RIGHT?
 05:29:30 >> IT'S GOING TO HELP THE PROBLEM BUT NOT GOING TO SOLVE THE
 05:29:34 PROBLEM, BUT IT'S GOING TO HELP.
 05:29:36 AND THEN WE'LL HAVE TO LOOK TO SEE WHERE ELSE WE NEED TO PUT
 05:29:39 A POLE TO FIX THE PROBLEM WE CREATED BY LOWERING THIS ONE 50
 05:29:43 FEET.
 05:29:44 >>Jim Wallace: THEN WE END UP WITH 200-FOOT POLES.
 05:29:49 >> THAT GETS TO PHYSICS.
 05:29:51 DID YOU WANT ME TO RUN THROUGH THESE.
 05:29:54 >>Scotty Wood: I'M GOING TO CALL AN END TO THE DISCUSSION SO
 05:29:56 WE CAN HAVE SOME PUBLIC INPUT.
 05:29:59 >>Mary Gibbs: I DON'T THINK YOU LET HIM FINISH.
 05:30:02 >> THIS IS -- THE YELLOW IS WHERE WE ACCESS.

05:30:06 THE ORANGE IS THE LEASE AREA SO YOU CAN TAKE A LOOK AT IT
 05:30:09 AND STUDY IT.
 05:30:10 >>Barry Jones: YOU'LL LANDSCAPE AROUND IT.
 05:30:17 >> WHATEVER THE ORDINANCE REQUIRES WE'RE GOING TO DO.
 05:30:20 WE PROBABLY WON'T LANDSCAPE TO THE NORTH BECAUSE THAT'S UP
 05:30:23 AGAINST THE BUILDING.
 05:30:25 BUT, YES, IF REQUIRED, WE WILL.
 05:30:27 >>Marlene Naratil: MARY, WHEN DO YOU THINK A PUBLIC HEARING
 05:30:31 CAN BE ARRANGED?
 05:30:33 >>Mary Gibbs: THEY ARE JUMPING WAY AHEAD.
 05:30:35 WE'RE AT THE PUBLIC INFORMATION MEETING TONIGHT.
 05:30:37 WE HAVEN'T EVEN HEARD FROM THE PUBLIC YET, WHICH WE WILL
 05:30:40 WHEN ANDY IS DONE.
 05:30:41 HE HAS TO DO A BALLOON TEST.
 05:30:43 WE HAVE TO LOOK AT THE RESUBMITTAL INFORMATION.
 05:30:46 WE HAVE TO WRITE A STAFF REPORT.
 05:30:48 I THINK MATT MENTIONED WE'RE AT LEAST A COUPLE OF MONTHS
 05:30:50 AWAY.
 05:30:51 >> OUR BALLOON TEST, WE SCHEDULED IT YESTERDAY BECAUSE THE
 05:30:53 ORDINANCE TELLS US WHEN WE CAN SCHEDULE IT.
 05:30:55 SO WE'VE SCHEDULED IT FOR AUGUST 2nd AND A BACKUP DATE OF
 05:30:59 AUGUST 3rd.
 05:31:00 IT'S COMING UP AND PROBABLY TAKE A WEEK OR TWO TO PUT A
 05:31:04 REPORT TOGETHER TO SUBMIT AND THEN THAT WILL BE REVIEWED AND
 05:31:07 WE'LL LOOK FOR THE STAFF REPORT AND THEN WE'D ASK FOR THE

 05:31:11 PUBLIC HEARING.
 05:31:11 >>Barry Jones: DO YOU HAVE TO GET A TALL STRUCTURE PERMIT
 05:31:14 HERE?
 05:31:15 ARE YOU WITHIN THE FLIGHT PATH?
 05:31:16 >> UNDER THE ORDINANCE, I BELIEVE --
 05:31:19 >>Mary Gibbs: I THINK YOU'VE GOT TO ASK FOR THE REVIEW BY
 05:31:21 THE PORT AUTHORITY, BUT I DON'T KNOW.
 05:31:24 THEY DON'T USUALLY OBJECT TO THESE.
 05:31:26 >> WE HAVE ASKED THAT AND GOTTEN APPROVAL AT 150.
 05:31:29 I THINK WE'RE FINE AT 100.
 05:31:31 SORRY TO TAKE SO MUCH TIME.
 05:31:44 >>Scotty Wood: PUBLIC INPUT.
 05:31:48 >>Tammy Duran: JOHN McFADDEN AND THEN KATHERINE COHEN WILL
 05:31:51 BE NEXT.
 05:32:00 >> GOOD EVENING.
 05:32:01 MY NAME IS JOHN McFADDEN.
 05:32:03 I'M A 25-YEAR RESIDENT OF THE COMMUNITY LONG BEFORE ESTERO
 05:32:08 WAS INCORPORATED.
 05:32:11 I LIVE APPROXIMATELY 275 FEET FROM THE PROPOSED TOWER.
 05:32:14 LET ME BE CLEAR.
 05:32:18 I AM NOT OPPOSED TO THE ERECTION OF AN ANTENNA TO IMPROVE
 05:32:23 COMMUNICATION.

05:32:25 WHAT WE ARE OPPOSED TO IS THIS PARTICULAR SITE BECAUSE IT IS
 05:32:30 WITHIN SEVERAL HUNDRED FEET OF OUR FRONT DOORS.
 05:32:36 I THINK SOMEONE ASKED THE QUESTION ABOUT WHAT DOES IT LOOK

 05:32:39 LIKE?
 05:32:40 CERTAINLY, OUR APPLICANT PROVIDED PICTURES IN THE PAST OF
 05:32:43 WHAT IT WOULD LOOK LIKE DRIVING FROM 41 ON THE NORTH, FROM
 05:32:47 41 FROM THE SOUTH, BUT THIS IS WHAT IT WILL LOOK LIKE FROM
 05:32:50 OUR COMMUNITY.
 05:32:52 THIS IS THE PHOTO FROM THE BALLOON TEST OF LAST YEAR OF
 05:32:57 150-FOOT TOWER.
 05:32:59 AND EVEN IF YOU SHAVE OFF 50 FEET, IT'S GOING TO BE QUITE AN
 05:33:04 OBSTACLE IN THE AIR OVER ALL OF OUR HOMES.
 05:33:09 THE SITE IS IN THE MIDDLE OF A U IN WHICH THERE ARE HOMES TO
 05:33:14 THE SOUTH, TO THE WEST, AND TO THE NORTH THAT ARE GOING TO
 05:33:18 BE STARING RIGHT DOWN AT THIS LARGE METAL STRUCTURE.
 05:33:24 MY OPPOSITION IS THAT IT REALLY IS AGAINST THE AESTHETIC AND
 05:33:31 THE COMPREHENSIVE PLAN SET OFF FOR ESTERO WHEN THERE HAS TO
 05:33:36 BE OTHER OPTIONS AVAILABLE.
 05:33:38 I FIND IT HARD TO BELIEVE THAT THIS ONE PLOT OF LAND IS THE
 05:33:43 ONLY ACCEPTABLE PIECE OF LAND IN ALL OF THE 41 COCONUT POINT
 05:33:50 AREA THAT CAN ACCOMMODATE A TOWER.
 05:33:54 WE HAVE NO PROBLEM WITH THE TOWER GOING SLIGHTLY TO THE
 05:33:58 RIGHT, TO THE EAST.
 05:33:59 WE HAVE NO PROBLEM WITH WORKING WITH THE HOTEL DEVELOPER ON
 05:34:03 THE CORNER OF 41 AND COCONUT TO BLEND IT IN WITH THAT
 05:34:08 COMMERCIAL PROPERTY.
 05:34:09 BUT YOU ARE IN THE MIDDLE OF A RESIDENTIAL AREA.
 05:34:14 AND TO OUR APPLICANT'S POINT THAT THIS DOES NOT AFFECT

 05:34:17 PROPERTY VALUES, YOU KNOW, IN GOD WE TRUST.
 05:34:20 IN ALL OTHERS, SHOW ME THE EVIDENCE.
 05:34:23 IT DOES NOT EXIST AND OUR FRIEND THAT IS A DEVELOPER SAID IT
 05:34:27 VERY ELOQUENTLY.
 05:34:29 PEOPLE DO NOT WANT TO STARE OUTSIDE THEIR WINDOWS LOOKING AT
 05:34:34 THIS HUGE STRUCTURE IN THE AIR.
 05:34:38 THE PLANTING OF TREES AROUND IT WILL NOT COME CLOSE TO
 05:34:44 POSSIBLY MASKING THIS ANTENNA.
 05:34:50 AND SO I ASK YOU TO GIVE GRAVE CONSIDERATION TO THIS.
 05:34:54 THERE ARE QUESTIONS THAT REMAIN.
 05:34:57 AND THE APPLICANT ALLUDED TO ADDITIONAL TOWERS.
 05:35:01 I HAVE TO ASK WHAT IS THE DETAILED PLAN?
 05:35:06 AND IF THERE WAS A DECREASE FROM 150 TO 100 FEET, WE KNOW
 05:35:11 THAT 5G CAN BE TRANSMITTED AS LOW AS 50 FEET.
 05:35:15 CAN ADDITIONAL TOWERS AT A LOWER HEIGHT BE PLACED, AS HE HAS
 05:35:20 SUGGESTED, THERE WILL BE MORE TOWERS PLACED IN THE AREA.
 05:35:24 CAN WE LOOK AT THAT AS A POSSIBILITY?
 05:35:26 THIS HEIGHT REALLY IS --

05:35:29 >>Tammy Duran: EXCUSE ME.
 05:35:30 YOUR TIME IS UP.
 05:35:31 I'M SORRY.
 05:35:31 KATHERINE.
 05:35:33 FRANK TONER WILL BE NEXT.
 05:35:43 >> GOOD EVENING.
 05:35:43 MY NAME IS KATHERINE COHEN.

 05:35:45 I'M A RESIDENT OF PELICAN LANDING.
 05:35:48 JOHN'S NEIGHBOR, ACTUALLY.
 05:35:49 SO THE TOWER WILL BE EQUALLY CLOSE TO MY HOUSE AS IT IS TO
 05:35:54 HIS HOUSE.
 05:35:55 I HAVE QUESTIONS REGARDING THE BALLOON TEST AND THE DESIGN
 05:35:58 OF THE TOWER.
 05:35:58 THE ORIGINAL TOWER BEING AT 150 FEET, THE ANTENNA WE'RE
 05:36:03 GOING TO BE STORED INTERNALLY.
 05:36:06 AT A HUNDRED FEET, NOW THE ANTENNAS ARE GOING TO BE WRAPPED
 05:36:11 AROUND THE OUTSIDE OF THE STRUCTURE, WHICH MAKES IT A LOT
 05:36:14 MORE IMPOSING A SIGHT TO US WHO HAVE TO LOOK AT IT ALL DAY
 05:36:19 EVERY DAY THAN THE 150-FOOT TOWER WHERE WE'RE NOT LOOKING AT
 05:36:24 ALL THOSE ANTENNA.
 05:36:25 I ALSO HAVE A QUESTION REGARDING THE LIGHT, NO LIGHT IS
 05:36:31 NEEDED, YET I UNDERSTAND THAT MOSQUITO CONTROL REQUIRES
 05:36:37 LIGHTS AT A CERTAIN HEIGHT AND DO WE HAVE AGREEMENT FROM
 05:36:43 THEM THAT THEY WON'T NEED A LIGHT ON TOP OF THIS TOWER AT A
 05:36:47 99-FOOT TOWER?
 05:36:49 AND THEN REGARDING THE BALLOON TEST, WE JUST HEARD THAT THE
 05:36:53 BALLOON TEST IS SCHEDULED FOR THE FIRST WEEK OF AUGUST.
 05:36:56 THIS IS WHEN THE LEAST NUMBER OF RESIDENTS ARE IN OUR
 05:37:01 NEIGHBORHOOD.
 05:37:02 OUR NEIGHBORHOOD HAS SEASONAL RESIDENTS AND FULL-TIME
 05:37:07 RESIDENTS.
 05:37:08 MANY OF THE FULL-TIME RESIDENTS, AND THERE AREN'T THAT MANY,

 05:37:11 ARE GOING TO BE ON VACATION IN AUGUST, AS IS EVERYBODY ELSE.
 05:37:15 SO I WOULD PROPOSE THAT THE NEW BALLOON TEST BE DONE ROUND
 05:37:21 ABOUT NOVEMBER WHEN THE MAJORITY OF PEOPLE ARE BACK IN THE
 05:37:24 NEIGHBORHOOD.
 05:37:24 THE PEOPLE THAT ARE GOING TO HAVE TO LOOK AT THIS TOWER ALL
 05:37:29 DAY, EVERY DAY.
 05:37:30 THANK YOU.
 05:37:35 >>Tammy Duran: FRANK.
 05:37:40 >> MY NAME IS FRANK TONER.
 05:37:42 I'M A FLORIDA RESIDENT FOR 22 YEARS.
 05:37:45 RECENTLY, IN THE LAST TWO AND A HALF YEARS, I MOVED INTO
 05:37:52 ESTERO.
 05:37:53 I WOULD LIKE TO SPEAK IN FAVOR OF THE TOWER.
 05:37:57 I THINK IT WOULD BE AN ASSET TO THE CITY OF ESTERO, TO THE

05:38:01 ELKS, AND ALSO TO THE RESIDENTS IN THE AREA AS FAR AS
 05:38:08 COVERAGE.
 05:38:09 THAT'S BASICALLY ALL I HAVE TO SAY.
 05:38:13 >>Tammy Duran: DIANE AND THEN DALE IS AFTER THAT.
 05:38:28 >> I'M DEANNE WILHELM AND I AM A MEMBER OF THE ELKS LODGE.
 05:38:33 AND I JUST WANT TO SAY THAT I THINK IT'S A GOOD IDEA TO HAVE
 05:38:38 A TOWER BECAUSE WE DO NOT HAVE VERY GOOD COVERAGE.
 05:38:43 I DO NOT LIVE IN ESTERO, BUT I'M AT THE LODGE QUITE A BIT,
 05:38:46 AND OUR COVERAGE IS NOT VERY GOOD THERE.
 05:38:49 SO THAT IS ONE OF THE REASONS I AM FOR IT.
 05:38:53 SO THAT'S MY ONLY THING I CAN SAY ABOUT IT.

 05:38:56 THANK YOU.
 05:38:58 >>Tammy Duran: DALE.
 05:38:59 AND THEN DARLENE IS AFTER THAT.
 05:39:07 >> HI.
 05:39:08 MY NAME IS DALE SAYSET.
 05:39:10 I AM AN 18-YEAR RESIDENT OF ESTERO.
 05:39:13 I, TOO, WOULD ENCOURAGE THE BOARD TO APPROVE THE REQUEST FOR
 05:39:18 THE TOWER AT THE REQUESTED LOCATION.
 05:39:20 THE RECEPTION FOR WIRELESS CELLULAR PHONES IN THIS AREA, I'M
 05:39:28 SURE YOU'RE ALL AWARE, IS JUST HORRENDOUS, AND IT'S BEEN
 05:39:31 THAT WAY FOR A WHILE.
 05:39:32 MY CONCERN IS NOT ONLY FOR THE RESIDENTS WHERE THEY HAVE
 05:39:35 DROPPED CALLS OR THEY ARE UNABLE TO COMPLETE A CALL OR GET
 05:39:39 THE FAST BUSY, MY MAIN CONCERN IS BECAUSE OF 911
 05:39:42 TRANSMISSIONS.
 05:39:43 THOSE TWO ARE AFFECTED MORE SO THAN YOUR REGULAR
 05:39:47 TRANSMISSIONS OF PHONE CALLS.
 05:39:49 HAVING BEEN A 30-YEAR LAW ENFORCEMENT OFFICER, I KNOW
 05:39:52 SECONDS CAN COUNT WHEN IT COMES TO CALLING 911 AND GETTING A
 05:39:57 RESPONSE.
 05:39:57 SO, AGAIN, I WOULD ENCOURAGE THE BOARD TO VOTE IN FAVOR OF
 05:40:01 IT.
 05:40:01 THANK YOU VERY MUCH.
 05:40:07 >>Tammy Duran: BEN IS AFTER HER.
 05:40:12 >> HELLO.

 05:40:12 MY NAME IS DARLENE SEACHRIST.
 05:40:16 I'M A FIVE-YEAR RESIDENT OF ESTERO.
 05:40:19 I MOVED OVER HERE FROM FT. LAUDERDALE, AND I HAVE TO SAY I
 05:40:22 DO LIKE IT MUCH BETTER.
 05:40:24 BUT THE REASON I AM SPEAKING, I AM SPEAKING ON BEHALF OF THE
 05:40:30 CELL TOWER FOR MANY REASONS.
 05:40:32 NUMBER ONE, I HAVE A LOT OF HEALTH ISSUES.
 05:40:35 I'M 100% DEPENDENT ON A PACEMAKER DEFIBRILLATOR TO KEEP ME
 05:40:41 ALIVE EVERY DAY.
 05:40:42 WHEN WE LOSE, WHERE I LIVE, WE LOSE OUR PHONE SERVICE A LOT,

05:40:49 AND I HAVE TO DEPEND ON MY CELL PHONE AS MUCH AS POSSIBLE.
 05:40:53 AND SINCE I'VE LIVED HERE, I HAVE HAD FOUR DIFFERENT CELL
 05:40:58 COMPANIES, AND THEY ALL -- I LOSE THEM ALL EVERY TIME I COME
 05:41:02 THROUGH ESTERO AND BONITA SPRINGS, I LOSE CALLS CONSTANTLY.
 05:41:06 I EVEN LOSE THEM IN MY HOME.
 05:41:09 TO ME, I WAS TOLD FROM MY DOCTORS THAT IF SOMETHING HAPPENS,
 05:41:15 I NEED IMMEDIATE ATTENTION.
 05:41:18 SO THAT 911 CALL IS VERY IMPORTANT FOR ME TO BE ABLE TO STAY
 05:41:24 ALIVE.
 05:41:25 I KNOW I'M 69 YEARS OLD AND SOME PEOPLE WOULD THINK I'M OVER
 05:41:28 THE HILL -- WELL, I HAD FOUR GRANDCHILDREN.
 05:41:32 I HAVE THREE GRANDCHILDREN NOW.
 05:41:33 ONE PASSED AWAY.
 05:41:34 AND I WOULD LIKE TO STAY AROUND LONG ENOUGH TO WATCH THEM
 05:41:37 GET MARRIED AND HAVE CHILDREN.

05:41:39 SO THANK YOU FOR LISTENING TO ME AND THANK YOU VERY MUCH FOR
 05:41:43 DOING WHAT YOU DO EVERY DAY.
 05:41:46 >> THANK YOU.
 05:41:49 >>Tammy Duran: KATHY WILL BE AFTER THAT.
 05:41:51 >> HELLO.
 05:41:52 MY NAME IS BEN MASCOLI, ESTERO RESIDENT.
 05:41:56 I WAS A FORMER EMPLOYEE, SLASH, OFFICER OF THE ELKS FOR
 05:41:59 ROUGHLY FIVE YEARS.
 05:42:00 I CAN SPEAK FIRST HANDED TO THE FACT THAT THERE'S ABSOLUTELY
 05:42:05 NO SERVICE RIGHT THERE.
 05:42:06 I PRACTICALLY HAVE TO STAND IN THE MIDDLE OF THE PARKING LOT
 05:42:09 TO GET ONE BAR AS AN AT&T CUSTOMER.
 05:42:12 THIS WHOLE AREA, ACTUALLY, I LIVE ON CORKSCREW, AND I
 05:42:15 BASICALLY HAVE TO DO THE SAME THING, GO OUT ON MY LANAI IN
 05:42:19 ORDER TO GET AT LEAST ONE BAR.
 05:42:21 IT'S INFRASTRUCTURE.
 05:42:21 I'M NOT CRAZY ABOUT WHAT'S GOING ON ON CORKSCREW ROAD, BUT
 05:42:25 YOU KNOW WHAT?
 05:42:25 IF YOU WANT PEOPLE TO LIVE HERE AND YOU WANT INFRASTRUCTURE,
 05:42:29 YOUNG PEOPLE USE CELL PHONES LIKE CRAZY.
 05:42:32 NOT JUST US.
 05:42:33 SO WE NEED TO IMPROVE THAT SERVICE, AND THAT CORRIDOR IS
 05:42:38 AWFUL.
 05:42:39 I DON'T KNOW IF YOU FOLKS HAVE EVER BEEN TO THE ELKS OR IN
 05:42:42 THAT AREA OR KNOW IT AT ALL, BUT IT'S VERY, VERY POOR, THE

05:42:47 RECEPTION.
 05:42:47 ANYBODY THAT CAN SPEAK FROM AN EMERGENCY STANDPOINT, WHETHER
 05:42:50 POLICE OR FIREMEN, THEY CAN TELL YOU HOW MUCH YOU NEED THAT
 05:42:53 SERVICE.
 05:42:53 THANK YOU FOR YOUR TIME.
 05:42:56 >> THANK YOU.

05:42:57 >>Tammy Duran: KATHY.
 05:42:59 AND THEN TIM IS AFTER THAT.
 05:43:12 >> MY NAME IS KATHY LINESCH.
 05:43:15 I LIVE IN THE PELICAN LANDING NEIGHBORHOOD.
 05:43:18 I FEEL THE SAME WAY AS MY NEIGHBORS.
 05:43:20 THE ELKS HAS A LOT TO GAIN BY REVENUE FROM THAT TOWER BEING
 05:43:25 THERE.
 05:43:25 WE HAVE NOTHING TO GAIN EXCEPT LOOKING AT THAT.
 05:43:30 WE HAVE SEVERAL NEIGHBORS THAT HAVE ALREADY SAID THEY ARE
 05:43:34 MOVING BECAUSE OF THE TOWER.
 05:43:37 ONE FELLOW MOVED IN, SAID, I DIDN'T PAY THIS MUCH FOR A
 05:43:41 HOUSE WITH THE IDEA THAT I WOULD HAVE TO STARE AT THAT TOWER
 05:43:47 EVERY SINGLE DAY.
 05:43:49 IT MIGHT SOUND LIKE A FIRST-WORLD PROBLEM, BUT FOR THOSE OF
 05:43:53 US THAT NOT ONLY IN OUR NEIGHBORHOOD, BUT THE ADJOINING
 05:43:59 NEIGHBORHOODS, IT'S A BIG PROBLEM WHEN WE HAVE TO FACE THAT.
 05:44:03 MR. WALLACE INDICATED HOW UNDESIRABLE IT WAS FOR PEOPLE OF
 05:44:11 GENOVA.
 05:44:13 WE FEEL LIKEWISE.

 05:44:14 WE GET NO REVENUE BENEFIT FROM IT, BUT WE COULD GET A LOT OF
 05:44:20 LOSS OF PROPERTY VALUE REGARDLESS OF WHAT AT&T SAYS.
 05:44:25 THANK YOU.
 05:44:26 >> THANK YOU.
 05:44:37 >> GOOD AFTERNOON.
 05:44:38 MY NAME IS TIM DEATON.
 05:44:39 ENGINEER WITH A MASTER'S DEGREE -- DATA COMMUNICATIONS FROM
 05:44:44 M.I.T.
 05:44:45 I'VE BEEN ON THE TECHNOLOGY ADVISORY BOARD FOR THE CITY OF
 05:44:47 BONITA SPRINGS FOR NEARLY 15 YEARS.
 05:44:50 I DO NOT SPEAK FOR THE CITY OF BONITA SPRINGS.
 05:44:54 I SPEAK FOR MYSELF.
 05:44:56 WE HAVE BEEN LOOKING AT THIS ISSUE FOR TWO AND A HALF YEARS.
 05:44:58 WHAT WE HAVE FOUND IS RESTRICTIVE ORDINANCES IS WHAT IS
 05:45:02 CAUSING CELL PHONE COMPANIES TO GO ELSEWHERE.
 05:45:05 YOU HIT ONE ON THE HEAD TODAY WITH THE FALL RADIUS.
 05:45:08 THAT'S ONE OF THEM AND IT CAN BE DESIGNED.
 05:45:10 AN ENGINEER CAN TELL YOU, IT CAN BE DESIGNED TO FALL
 05:45:13 DIFFERENTLY.
 05:45:14 I'M ALSO AN AT&T CUSTOMER.
 05:45:16 AND I'M NOT HAPPY.
 05:45:17 I'M NOT HAPPY IT'S NOT 150 FEET BECAUSE MY SERVICE IS NOT
 05:45:21 GOING TO IMPROVE AT ALL.
 05:45:23 WHAT WE DETERMINE FROM THE POOR SERVICE IS 86%, AS WE LOOKED
 05:45:27 AT THIS, 86% OF THE 911 CALLS COME IN ON CELL PHONES.

 05:45:30 IF THOSE ARE DROPPED OR LOST OR MISROUTED BECAUSE OF
 05:45:34 CAPACITY PROBLEMS OR BECAUSE OF COVERAGE PROBLEMS IS FOUR TO

05:45:39 SEVEN MINUTES BEFORE THAT'S PICKED UP AGAIN.
 05:45:42 AND THE QUESTION OUR TECHNOLOGY ADVISORY BOARD CHAIRMAN
 05:45:45 ASKED IS HOW LONG CAN YOU HOLD YOUR BREATH?
 05:45:48 I HAVE EXPERIENCED MYSELF A 15-MINUTE OUTAGE AT 4:00 IN THE
 05:45:54 MORNING WHEN I WAS MAKING A 911 CALL SEEING A DOOR OPEN AND
 05:45:59 ALARM GOING OFF.
 05:46:00 AND IF IT HADN'T BEEN FOR THE QUICK ACTION OF THE LEE COUNTY
 05:46:05 SHERIFF'S DEPARTMENT, THIS GENTLEMAN MIGHT HAVE HAD A
 05:46:10 SERIOUS PROBLEM.
 05:46:11 FORTUNATELY, HE DID NOT.
 05:46:12 FAMILIAR WITH THE TOWER ON EAST TERRY STREET.
 05:46:15 I KNOW THE PEOPLE THERE.
 05:46:17 USED TO GO TO CHURCH THERE.
 05:46:18 AFTER TWO OR THREE WEEKS, YOU DON'T EVEN SEE THAT THE TOWER
 05:46:21 IS THERE.
 05:46:21 I SPEAK TO PEOPLE THAT USED TO GO TO CHURCH THERE AND SAY,
 05:46:24 HAVE YOU SEEN THE TOWER?
 05:46:26 THEY DON'T EVEN SEE IT WHEN THEY GO BY.
 05:46:28 THESE FOLKS KNOW WHAT THEY ARE DOING.
 05:46:30 WHEN WE'VE HAD THEM IN, THEY ARE VERY CAUTIOUS ABOUT WHERE
 05:46:34 THEY LOCATE TOWERS.
 05:46:35 IT IS CORRECT.
 05:46:36 THERE ARE ONLY CERTAIN PLACES YOU CAN PUT A TOWER TO GET

 05:46:39 BOTH ECONOMIC COVERAGE AND ECONOMIC CAPACITY AS WELL.
 05:46:43 WHEN I LOOK AT THESE THINGS, THE RESTRICTIVE ORDINANCES
 05:46:51 CAUSE A PROBLEM, BUT IF THEY ARE WILLING TO DROP IT TO A
 05:46:55 HUNDRED FEET, LOOK WHO WINS.
 05:46:57 WE GET BETTER CAPACITY.
 05:46:59 WE GET BETTER COVERAGE.
 05:47:01 WE HAVE A VENDOR THAT COMES IN AND CAN MAKE MONEY.
 05:47:03 THAT'S WHAT AMERICA IS ALL ABOUT.
 05:47:05 IF EVERY LEGITIMATE VENDOR NEEDS TO MAKE SOME MONEY.
 05:47:08 WE SEE THAT THE PUBLIC GETS BETTER COVERAGE.
 05:47:12 BETTER 911 SERVICE.
 05:47:13 AND WE SAY -- THE ELKS GETTING SOME TYPE OF REVENUE.
 05:47:20 JUST LIKE THE CHURCH, IT WAS ON A CHURCH LOT, THE ONE IN
 05:47:23 BONITA SPRINGS, THEY GET THE COVERAGE AS WELL.
 05:47:26 I WOULD ENCOURAGE YOU TO NOT ONLY APPROVE THIS, BUT
 05:47:28 ENCOURAGE IT AND SEE IF YOU CAN LOOK BACK AND SEE IF SOME OF
 05:47:33 THESE RESTRICTIVE ORDINANCES, ESPECIALLY SOME THAT HAVE TO
 05:47:36 DO WITH FALL RADIUS CAN BE REEVALUATED.
 05:47:38 THANK YOU VERY MUCH.
 05:47:42 >>Tammy Duran: DICK GLADDING.
 05:47:59 >> HI.
 05:47:59 MY NAME IS DICK GLADDING.
 05:48:02 I LIVE 265 FEET FROM WHERE THEY ARE GOING TO PUT THE TOWER
 05:48:06 IN AND I CAN SEE IT.

05:48:08 THANK YOU.

05:48:11 >>Tammy Duran: THAT'S EVERYONE.

05:48:20 >>Scotty Wood: THAT CONCLUDES PUBLIC INPUT, UNLESS THERE'S

05:48:23 ANYONE ELSE.

05:48:24 THAT THEN CONCLUDES THIS ITEM.

05:48:27 >>Mary Gibbs: MAY I JUST MENTION THAT WE DID HAVE SOME

05:48:32 E-COMMENTS WHICH WERE SENT TO YOU YESTERDAY.

05:48:34 I THINK WE HAD MAYBE SEVEN COMMENTS ON THIS ITEM.

05:48:38 >>Scotty Wood: AND THEY ARE IN THE RECORD, CORRECT?

05:48:39 >>Mary Gibbs: YES.

05:48:42 >>Scotty Wood: THAT THEN CONCLUDES THIS ITEM AND YOU HAVE

05:48:45 THE COMMENTS FROM THE BOARD AS WELL AS FROM THE PUBLIC, AND

05:48:51 WE'LL SEE YOU WHENEVER.

05:48:52 WE ARE NOW GOING TO MOVE FROM THE AT&T CELL TOWER TO A

05:49:09 CULVER'S RESTAURANT BEING PROPOSED FOR COCONUT POINT.

05:49:18 >>Mary Gibbs: THIS IS MAKING ME A LITTLE BIT HUNGRY NOW.

05:49:21 [LAUGHTER]

05:49:21 THIS IS ANOTHER INFORMATION MEETING, AND THIS IS FOR

05:49:26 PROPOSED CULVER'S AT COCONUT POINT.

05:49:29 IT'S ON THE SOUTH SIDE OF COCONUT ROAD.

05:49:32 IT'S ACTUALLY WHERE THE INTERSECTION OF PELICAN COLONY AND

05:49:35 U.S. 41 IS JUST NORTH OF THE EXTRA SPACE STORAGE.

05:49:38 IF YOU REMEMBER, WE'VE TALKED ABOUT THAT BUILDING A FEW

05:49:41 TIMES.

05:49:41 THE APPLICANT IS PROPOSING A CULVER'S.

05:49:45 IF YOU LOOK AT THE SITE PLAN, YOU'LL SEE THERE'S ACTUALLY

05:49:48 TWO BUILDINGS.

05:49:49 I DON'T THINK THEY KNOW WHAT THE SECOND BUILDING IS, SO THEY

05:49:51 ARE HERE TONIGHT TO JUST GIVE YOU AN OVERVIEW.

05:49:54 I DO WANT TO MENTION THAT WE HAD A LITTLE MIX-UP ON THIS

05:49:57 BECAUSE TYPICALLY BECAUSE THIS IS IN COCONUT POINT, OAK

05:50:01 BROOK PROPERTIES REVIEWS THESE PLANS BEFORE THEY COME TO

05:50:06 THIS BOARD AND GIVE THEM SOME PRELIMINARY COMMENTS.

05:50:09 HAD A LITTLE BIT OF A MIX-UP BECAUSE IT WAS AN INFORMATION

05:50:12 MEETING, WE DIDN'T REALIZE THEY NEEDED TO HAVE COCONUT

05:50:15 POINT'S REVIEW.

05:50:17 WE WERE CONTACTED BY NED DEWHURST YESTERDAY.

05:50:19 THE APPLICANT IS GOING TO GET WITH OAKBROOK.

05:50:25 THE APPLICANT STILL WANTED TO GO AHEAD BECAUSE THEY WERE

05:50:28 FLYING IN ONE OF THE PRINCIPALS FROM THE COMPANY, WAS

05:50:32 ALREADY ON THE PLANE WHEN THIS ISSUE SURFACED.

05:50:34 SO THEY ARE GOING TO EXPLAIN THE SITE PLAN.

05:50:36 SOME OF THE THINGS MAY CHANGE DUE TO THE COMMENTS BUT THEY

05:50:42 WOULD LIKE TO GO AHEAD TONIGHT.

05:50:44 BRENT ADDISON IS HERE TO START THE OVERVIEW.

05:50:50 DID YOU BRING ANY SAMPLES, BRENT?

05:51:24 NO, THE OTHER KIND OF SAMPLES.
 05:51:30 >>D. Brent Addison: GOOD EVENING, EVERYBODY.
 05:51:36 THANK YOU FOR HAVING US TODAY.
 05:51:37 MY NAME IS BRENT ADDISON WITH BANKS ENGINEERING.
 05:51:40 AS MARY SAID, I'M HERE TO REPRESENT THE APPLICANT,

 05:51:45 MIKE BUSALACCHI, WHO IS CULVER'S FRANCHISEE, HAS SEVERAL
 05:51:51 CULVER'S LOCATIONS.
 05:51:52 ACTUALLY, I THINK HE HAD THE FIRST ONE THAT OPENED UP IN
 05:51:55 NAPLES.
 05:51:55 I KNOW HE HAS THAT ONE, BUT I BELIEVE IT WAS THE FIRST ONE
 05:51:58 TO OPEN UP IN FLORIDA.
 05:52:00 WE'RE HERE TONIGHT TO TALK ABOUT THE NEW CULVER'S.
 05:52:08 WITH ME TONIGHT IS GOING TO BE GREG DISERIO FROM DAVID M.
 05:52:12 JONES AND ASSOCIATES TO SPEAK ABOUT THE LANDSCAPING.
 05:52:14 AND WE HAVE WENDY MARTIN, THE ARCHITECT WHO IS ON ZOOM.
 05:52:19 ARE YOU THERE, WENDY?
 05:52:21 >>Wendy Martin: YES, I AM HERE.
 05:52:22 >>D. Brent Addison: OKAY.
 05:52:24 COOL.
 05:52:24 SO THIS IS THE LOCATION.
 05:52:29 THIS IS AT THE SOUTHEAST CORNER OF PELICAN COLONY BOULEVARD
 05:52:34 AND U.S. 41.
 05:52:39 SUMMARY OF OUR PROJECT, SITE PLAN, LANDSCAPING AND
 05:52:42 ARCHITECTURAL REVIEW IN PREPARATION FOR OUR DEVELOPMENT
 05:52:45 ORDER APPLICATION, WE'RE PROPOSING JUST OVER 4,000 SQUARE
 05:52:48 FOOT FAST-FOOD RESTAURANT WHICH IS A CULVER'S ON 2.3 ACRES.
 05:52:55 THE PROPOSED SITE PLAN IS CONSISTENT WITH THE EXISTING
 05:52:57 ZONING, WHICH IS MIXED USE PLANNED DEVELOPMENT.
 05:53:00 AS MARY SAID, WE GOT OUR WIRES A LITTLE CROSSED WITH THE
 05:53:05 REVIEW FOR COCONUT POINT.

 05:53:09 AND I TAKE RESPONSIBILITY FOR THAT.
 05:53:11 I DID TALK TO NED DEWHURST AND AT THIS POINT WE'RE GOING TO
 05:53:15 MOVE FORWARD, GET THE COMMENTS FROM THE BOARD, GET THE
 05:53:18 COMMENTS FROM OAK BROOK AND IF NECESSARY, WE WILL COME BACK
 05:53:21 AND HAVE ANOTHER MEETING PRIOR TO SUBMITTING FOR THE
 05:53:24 DEVELOPMENT ORDER.
 05:53:25 HERE IS THE AERIAL OF THE SITE TO GIVE YOU A BETTER
 05:53:34 PERSPECTIVE OF THE LOCATION THERE.
 05:53:35 I THINK EVERYBODY IS FAMILIAR.
 05:53:36 THIS IS AN OVERLAY OF OUR SITE PLAN ON THE AERIAL.
 05:53:48 WANTED TO POINT OUT THAT WE CURRENTLY HAVE SIDEWALKS ON 41,
 05:53:55 ON PELICAN COLONY BOULEVARD AND THEN ACROSS THE ROAD HERE,
 05:53:59 I'M NOT SURE WHAT THE NAME OF THIS ROAD IS BEHIND US, AND I
 05:54:02 WILL ADMIT THAT MY SITE PLAN IS LACKING PEDESTRIAN
 05:54:06 CONNECTIVITY.
 05:54:07 I'M SURE YOU PROBABLY NOTICED.

05:54:09 WE HAD SOME PLAN CHANGES, AND WHEN WE SHIFTED THINGS AROUND,
 05:54:13 I DID NOT GET THAT BACK INCORPORATED, BUT I WILL BE WORKING
 05:54:16 ON THAT BECAUSE I KNOW THAT'S IMPORTANT TO BRINGING PEOPLE
 05:54:19 INTO THE SITE AND THEN FROM ONE BUILDING TO THE OTHER.
 05:54:23 WHILE I'M SPEAKING ON THAT, THE SITE WAS A LITTLE LARGE FOR
 05:54:27 ONE USER.
 05:54:29 SO WE ARE LOOKING FOR OTHER USERS ON THE SITE.
 05:54:34 MY CLIENT WOULD MOST LIKELY BE A LEASE.
 05:54:38 MAINTAIN ONE PROPERTY ON THERE.

05:54:40 WE DON'T HAVE -- WE DON'T KNOW WHAT IT IS.
 05:54:42 WE DON'T HAVE DRAWINGS FOR THAT.
 05:54:43 THE IDEA IS TO SHOW HOW -- TO LEAVE IT ON THE SITE PLAN SO
 05:54:47 YOU GUYS CAN SEE HOW IT RELATES TO THE OTHER BUILDINGS, BUT
 05:54:50 WE DO UNDERSTAND WE WOULD HAVE TO COME BACK FOR ANOTHER
 05:54:53 REVIEW WHEN THAT BUILDING IS DECIDED WHAT THE USER WILL BE.
 05:54:57 IN THE MEANTIME, IT WILL PROBABLY JUST BE A BLANK SPACE
 05:55:00 UNTIL WE CAN GET THERE TO FIGURE OUT WHO THAT TENANT WOULD
 05:55:04 BE.
 05:55:05 HERE IS A SITE PLAN.
 05:55:11 I THINK MOST EVERYBODY HAS BEEN TO CULVER'S.
 05:55:15 IN THIS CASE, WE'RE ACTUALLY HAVING A DOUBLE DRIVE-THROUGH
 05:55:18 WHERE THE BYPASS -- WITH THE BYPASS LANE RUNNING AROUND.
 05:55:21 THEY HAVE THE TYPICAL ORDER WAITING AREAS, SO YOU COME IN,
 05:55:26 ORDER YOUR FOOD.
 05:55:27 THEY GIVE YOU YOUR DRINK AND THEN YOU GO AROUND THE CORNER
 05:55:30 OR YOUR CUSTARD, IF YOU WANT IT, AND THEN YOU WAIT IN A LINE
 05:55:33 AND THEY BRING OUT THE FOOD TO YOU.
 05:55:35 WE ALSO HAVE A COUPLE OF ORDER-WAITING SPACES ON THE SIDE
 05:55:40 THERE.
 05:55:42 WE WANT TO MAKE SURE THAT THE SITE FUNCTIONS WELL.
 05:55:45 WE DON'T WANT TO DESIGN SOMETHING THAT WON'T WORK OR CAUSE
 05:55:48 PROBLEMS OR HAVE FUNCTIONAL ISSUES.
 05:55:50 AGAIN, LIKE I MENTIONED, WE'RE GOING TO BE PROVIDING
 05:55:54 PEDESTRIAN CONNECTIONS FROM OFF-SITE INTO THE PROPERTY AND

05:55:58 THEN THROUGH THE SITE WE'LL HAVE SOME MORE PEDESTRIAN
 05:56:01 CONNECTIONS RUNNING THROUGH FROM BUILDING TO BUILDING FOR
 05:56:04 THE FUTURE CONNECTION OF THAT BUILDING.
 05:56:07 WE HAVE DRY DETENTION AREAS ON THE NORTH AND EAST AND SOUTH
 05:56:13 SIDES THERE TO MEET THE REQUIREMENTS FOR THE ENVIRONMENTAL
 05:56:17 RESOURCE PERMITS.
 05:56:20 AND THERE IS ACTUALLY -- GREG CAN TALK ABOUT IT LATER --
 05:56:26 THERE IS AN EXISTING BUFFER ALONG THE ROAD, ALONG ALL THE
 05:56:30 ROADS.
 05:56:31 THERE'S SEVERAL TREES AND SHRUBS IN THE FRONT HERE AND THEN
 05:56:35 TREES AROUND HERE.
 05:56:36 WE HAVE UTILITIES TO THE SITE THAT HAVE BEEN STUBBED OUT.

05:56:39 BONITA SPRINGS UTILITIES WILL BE GOING IN AND APPLYING FOR A
 05:56:43 CONSTRUCTION PERMIT WITH THEM.
 05:56:45 AND WE'VE GOT A DUMPSTER ENCLOSURE HERE FOR CULVER'S AND
 05:56:54 THEN THERE'S ANOTHER DUMPSTER ENCLOSURE SHOWN FOR THE FUTURE
 05:56:57 TENANT.
 05:57:00 I THINK THAT'S ABOUT IT.
 05:57:01 ALL I HAVE ON THE SITE.
 05:57:04 DO YOU GUYS HAVE ANY QUESTIONS FOR ME?
 05:57:06 >> YES, HOW WOULD YOU SPLIT THE PARKING BETWEEN THE TWO
 05:57:09 BUILDINGS?
 05:57:12 >>D. Brent Addison: WE MADE SURE WE MEET THE PARKING
 05:57:14 CALCULATIONS FOR BOTH OF THOSE.
 05:57:15 RIGHT NOW, WE'RE ASSUMING IT'S SOME SORT OF RETAIL USE.

 05:57:18 SO MY CLIENT, AT LEAST THE WAY WE SEE IT NOW, IS GOING TO BE
 05:57:22 OWNING THE BUILDING.
 05:57:24 HE'S NOT GOING TO PUT ANYBODY IN THERE -- I MEAN, HE'S GOING
 05:57:27 TO OWN CULVER'S AND OWN THE OTHER BUILDING, SO HE'S NOT
 05:57:30 GOING TO HAVE ANYBODY COME IN THAT'S GOING TO PUT A
 05:57:33 HINDRANCE ON HIS PARKING FOR CULVER'S.
 05:57:36 BUT WE CURRENTLY AT A RETAIL USE, WE DO MEET THE
 05:57:39 REQUIREMENTS OF THE LAND DEVELOPMENT CODE.
 05:57:43 >>Barry Jones: I'VE BEEN KNOWN TO FREQUENT CULVER'S ONCE OR
 05:57:47 TWICE BEFORE.
 05:57:48 IT ALWAYS SEEMS THE DRIVE-THROUGHS ARE BUSY, SO IT'S NICE TO
 05:57:52 SEE THIS MUCH THOUGHT PUT INTO ADDING CAPACITY TO THAT.
 05:57:58 DRIVE-THROUGHS ARE BUSIER AND THE ROOMS ARE MUCH LESS SO.
 05:58:06 IS THERE ANY THOUGHT TO REDUCTION IN CAPACITY OF PARKING, OR
 05:58:10 IS THIS DESIGNED JUST TO CODE?
 05:58:13 >>D. Brent Addison: I THINK WE'RE A FEW SPACES HEAVY AT THE
 05:58:16 MOMENT.
 05:58:18 >>Barry Jones: JUST THAT 18 SPOTS THAT NORTHWEST CORNER,
 05:58:21 NORTHEAST CORNER THAT'S SO ISOLATED OUT THERE.
 05:58:24 HARD TO GET IN AND GET OUT.
 05:58:30 >>D. Brent Addison: WHERE ARE YOU REFERRING TO?
 05:58:32 >>Barry Jones: I'M SORRY.
 05:58:33 SOUTHWEST CORNER.
 05:58:36 >>D. Brent Addison: OH, OVER HERE.
 05:58:38 >>Barry Jones: WEST SIDE OF BUILDING 2.

 05:58:42 >>D. Brent Addison: YEAH, IDEALLY, THAT'S PROBABLY GOING TO
 05:58:45 BE EMPLOYEE PARKING FOR THAT FUTURE BUILDING, HOPEFULLY.
 05:58:50 >>Barry Jones: DELIVERIES.
 05:58:51 YOU'VE GOT RETAIL AND YOU'VE GOT THIS RESTAURANT.
 05:58:54 ARE DELIVERIES OFF CYCLE TO WHERE THEY ARE THERE WHEN THE
 05:58:58 BUSINESSES ARE CLOSED OR DO YOU NEED A LOADING AREA?
 05:59:03 >>D. Brent Addison: I'M ASSUMING THEY ARE OFF PEAK WHEN THE
 05:59:06 DELIVERIES ARE.

05:59:07 I THINK CULVER'S OPENS UP AT 11.
 05:59:09 I BELIEVE THEY PROBABLY HAVE THEIR DELIVERIES EARLIER IN THE
 05:59:13 MORNING FOR THAT, NOT KNOWING WHAT THE USER IS GOING TO BE
 05:59:17 ON THE OTHER SITE RIGHT NOW, I'M NOT SURE, BUT I DON'T THINK
 05:59:21 -- I MEAN, IT'S A GOOD POINT TO BRING UP ABOUT THAT AND
 05:59:25 PROBABLY THE SPACE THAT YOU'RE TALKING ABOUT WHERE THAT
 05:59:27 DEAD-END PARKING IS, IS PROBABLY A GOOD SPOT TO DO SOME
 05:59:32 LOADING.
 05:59:32 BUT IT'S DEFINITELY SOMETHING TO CONSIDER.
 05:59:33 >>Barry Jones: AND THEN HAS THE TRAFFIC BEEN DONE ON THIS
 05:59:38 YET?
 05:59:39 >>D. Brent Addison: NO.
 05:59:39 >>Barry Jones: YOU DON'T KNOW HOW IT'S GOING TO AFFECT THAT
 05:59:43 INTERSECTION.
 05:59:44 IS THAT INTERSECTION ANYWHERE NEAR WARRANTS OR DO YOU KNOW?
 05:59:48 >>D. Brent Addison: IF I'M NOT MISTAKEN, THE LIGHT IS
 05:59:51 PROPOSED, IS IN THE WORKS TO BE CONSTRUCTED AT THAT

 05:59:53 INTERSECTION.
 05:59:53 I CAN'T CONFIRM THAT, BUT THAT'S WHAT I WAS TOLD IS THE
 05:59:57 LIGHT WAS COMING.
 05:59:58 >>Mary Gibbs: THERE IS A LIGHT PLANNED.
 06:00:01 >>Barry Jones: IS THIS GOING TO BE SIMILAR TO LOWE'S THAT
 06:00:03 THE LIGHT HAS TO BE OPERATIONAL BEFORE THIS GOES CO OR WHERE
 06:00:06 IS THAT?
 06:00:07 >>Mary Gibbs: WELL, WE DON'T KNOW.
 06:00:13 >>D. Brent Addison: LIKE I WAS TELLING ED, WE'RE VERY EARLY
 06:00:19 IN THE PROCESS.
 06:00:19 WE WANTED TO GET IN HERE AND GET FEEDBACK ON THE BUILDING
 06:00:22 MOSTLY.
 06:00:23 BUT WE'RE STARTING TO WORK ON THE TRAFFIC.
 06:00:26 >>Barry Jones: YOU'RE NOT TRIPPING THE LIGHT.
 06:00:28 THE LIGHT WAS REQUIRED BEFORE --
 06:00:30 >>D. Brent Addison: IT WAS ALREADY ON ITS WAY.
 06:00:33 >>Barry Jones: THANK YOU.
 06:00:36 >>Jim Wallace: I HAVE A COUPLE OF QUESTIONS.
 06:00:38 I GUESS I HAVE A CONCERN ON WHAT YOU CALL THOSE WAITING
 06:00:43 PARKING SPACES THAT IT'S GOING TO REQUIRE CARS TO BACK UP
 06:00:46 INTO THE ONCOMING TRAFFIC OF THE DRIVE-THROUGH TRAFFIC.
 06:00:56 I JUST ANTICIPATE THAT IT'S GOING TO BE AN ACCIDENT TODAY,
 06:00:59 TOMORROW, OR THE DAY AFTER.
 06:01:00 WOULD WE NOT BE BETTER OFF TO HAVE MAYBE PARALLEL PARKING
 06:01:06 THERE?

 06:01:06 YOU LOSE ONE PARKING SPACE, WHATEVER.
 06:01:09 YOUR MEDIANS, YOUR LANDSCAPE MEDIANS ARE A LITTLE FAT.
 06:01:13 YOU COULD PICK UP A PARKING SPACE SOMEWHERE ELSE.
 06:01:15 I'M MORE CONCERNED ABOUT DRIVER SAFETY.

06:01:19 I KNOW YOU HAVE THAT THIRD LANE.
 06:01:21 I DIDN'T QUITE UNDERSTAND WHAT THE PURPOSE OF THE THIRD LANE
 06:01:24 IS.
 06:01:24 >>D. Brent Addison: THAT'S TO MAKE SURE, TO HAVE A BYPASS.
 06:01:29 IF YOU'VE EVER BEEN IN A DRIVE-THROUGH AND YOU GET TRAPPED
 06:01:32 OR WAITING TOO LONG AND YOU DON'T WANT TO BE THERE, WE WANT
 06:01:35 TO MAKE SURE THAT PEOPLE HAVE THE ABILITY TO GET OUT.
 06:01:38 >>Jim Wallace: YOU'RE SAYING THAT ALLOWS PEOPLE TO PULL OUT
 06:01:40 OF THE DRIVE-THROUGH LANE.
 06:01:43 >>D. Brent Addison: CORRECT.
 06:01:44 >>Jim Wallace: AND SAY FORGET IT, I'M GOING HOME.
 06:01:47 >>D. Brent Addison: CORRECT.
 06:01:48 >>Jim Wallace: THE OTHER THING, THE BACKOUT, THE 45-DEGREE
 06:01:52 PARKING TO ME WAS A CONCERN.
 06:01:54 I THOUGHT YOU COULD HAVE PARKING SPACES ELSEWHERE, IF THAT
 06:01:58 ENDED UP ONLY BEING TWO OR ONE.
 06:02:01 THE OTHER THING I HAD A CONCERN WITH WAS THE LOCATION OF THE
 06:02:06 DUMPSTERS.
 06:02:07 IT SHOWS A FAIRLY LARGE DUMPSTER THERE.
 06:02:11 I'M THINKING OF CARS PULLING IN FOR THIS.
 06:02:14 YOU'VE GOT THREE LANES COMING INTO DRIVE-THROUGH, ET CETERA,

 06:02:18 AND THEN OTHERS COMING INTO PARKING, AND NOW WE'RE GOING TO
 06:02:21 HAVE PERPENDICULAR TO THAT, WE'RE GOING TO HAVE A GARBAGE
 06:02:25 TRUCK PICKING UP, IT LOOKS LIKE TWO SETS OF DUMPSTERS.
 06:02:30 TO ME, YOU'VE GOT A CONFLICT THERE.
 06:02:36 I DON'T KNOW, SEEMS LIKE THERE MUST BE A BETTER PLACE ON THE
 06:02:39 WEST SIDE THAT COULD BE OR SOMEWHERE ELSE THAT WOULD BE A
 06:02:42 BETTER PLACE FOR THE DUMPSTER.
 06:02:44 THAT JUST SEEMS LIKE A HIGH-TRAFFIC AREA, AND NOW WE'RE
 06:02:47 GOING TO PUT A GARBAGE TRUCK IN THE MIDDLE OF IT.
 06:02:49 >>D. Brent Addison: I'M OPEN TO SUGGESTIONS.
 06:02:51 ONE OF THE THINGS IS PROXIMITY TO THE RESTAURANT, TO THE
 06:02:54 BACK OF RESTAURANT WHERE THEY ARE GOING TO NEED TO GO, WHERE
 06:02:56 THE PEOPLE THAT ARE GOING OUT TO.
 06:02:57 SO WE DON'T WANT TO GET TOO FAR AWAY FROM WHERE THE PEOPLE
 06:03:01 THAT ARE WHEELING THE GARBAGE OUT TO THE DUMPSTER FROM THE
 06:03:04 RESTAURANT, NOT JUST THE PICKUP BUT ALSO TO PUT IN.
 06:03:08 >>Jim Wallace: I REALIZE THAT.
 06:03:09 YOU'RE SAYING STAFF WILL WALK FROM THE RESTAURANT THROUGH
 06:03:11 THE INCOMING TRAFFIC INTO PARKING AND YOUR DRIVE-THROUGH TO
 06:03:14 GO TO THE DUMPSTER.
 06:03:15 WOULDN'T IT BE BETTER TO PUT THE DUMPSTER SOMEWHERE ELSE FOR
 06:03:18 FOOT TRAFFIC BUT ALSO FOR THE GARBAGE TRUCK?
 06:03:21 >>D. Brent Addison: IT'S ALWAYS A CHALLENGE TO FIGURE OUT
 06:03:23 THE DUMPSTER FOR A LOT OF REASONS.
 06:03:26 NOBODY WANTS ONE BUT YOU'VE GOT TO HAVE ONE.

06:03:29 YOU HAVE TO MAKE SURE YOU HAVE THE PROPER BACKOUT SPACE SO
 06:03:32 SOLID WASTE IS CAPABLE.
 06:03:33 THAT'S WHY IT'S LINED UP WITH THE DRIVE AISLE.
 06:03:36 I CAN LOOK AT SOME OPTIONS.
 06:03:40 >>Jim Wallace: I THINK IT IS A CONFLICT THERE.
 06:03:42 I'M NOT TRYING TO REDESIGN YOUR SITE PLAN.
 06:03:45 >>D. Brent Addison: IRONICALLY, THEY ACTUALLY PREFER TO HAVE
 06:03:48 THEM IN THE GREENSPACE RIGHT NEXT TO THE BUILDING.
 06:03:50 BUT I'VE NEVER BEEN ABLE TO SUCCESSFULLY DO THAT DOWN HERE
 06:03:53 FOR FIRE PROTECTION REASONS.
 06:03:55 A LOT OF TIMES -- ACTUALLY, THE MODEL COMES FROM CULVER'S.
 06:04:00 THAT'S WHY THE SPACE IS HERE.
 06:04:02 THEY ACTUALLY ACCESS THE DUMPSTER RIGHT HERE.
 06:04:05 BUT WE HAVE ISSUES WITH THE PROXIMITY OF THE DUMPSTER TO THE
 06:04:08 BUILDING AND FIRE PROTECTION.
 06:04:10 >>Jim Wallace: THERE ARE SOME OTHER LOCATIONS THAT YOU COULD
 06:04:13 PICK UP A COUPLE OF PARKING SPACES, SHIFT IT AROUND.
 06:04:18 I THINK IT IS A CONFLICT AREA AND VERY HIGH-TRAFFIC AREA FOR
 06:04:21 YOU.
 06:04:21 VEHICULAR TRAFFIC.
 06:04:24 THAT'S MY COMMENTS.
 06:04:31 >>D. Brent Addison: ANY MORE QUESTIONS FOR ME?
 06:04:36 >> I HAVE A QUESTION ABOUT THE ARCHITECTURE.
 06:04:37 >>D. Brent Addison: OKAY.
 06:04:38 WE'LL GET TO THAT PART.

 06:04:40 JUST TAKE --
 06:04:43 NEXT, I'LL BRING UP GREG TO TALK ABOUT THE LANDSCAPING.
 06:04:57 >>Gregory Diserio: GOOD EVENING.
 06:04:58 GREG DISERIO, LANDSCAPE ARCHITECT.
 06:05:03 OTHER THAN THE MOVING PARTS OF THE SITE PLAN GETTING
 06:05:06 FINALIZED, THIS IS A FAIRLY SIMPLE, READY-MADE SITE.
 06:05:10 AS BRENT MENTIONED, THERE ARE EXISTING BUFFERS ALONG U.S. 41
 06:05:15 WITH AN EXISTING BERM AND OAKS, BLACK OLIVES, SABAL PALMS
 06:05:21 AND UNDERSTORY SHRUBS.
 06:05:24 WE WILL BE -- ANY TREES OR SHRUBS THAT ARE IN CONFLICT,
 06:05:30 WHICH I DON'T THINK THERE WILL BE, BUT THERE MAY BE DEAD
 06:05:33 SHRUBS OUT THERE NOW.
 06:05:35 WE OBVIOUSLY WILL BE REPLACING THEM TO FILL THE BUFFER.
 06:05:38 THERE ARE EXISTING STREET TREES ON THE NORTH AND EAST SIDE.
 06:05:43 MAINLY TO LOOK AT THOSE AS WELL AND SEE HOW THE RETENTION
 06:05:47 AREAS OR SWALES WORK WITH THEM AND WE MAY NEED TO REMOVE
 06:05:51 THEM.
 06:05:52 THEY ARE SMALL.
 06:05:53 THEY ARE NOT LARGE TREES AND REPLACE THEM ON OUR FINAL PLAN.
 06:05:57 THE BUILDING TO THE SOUTH, AS MENTIONED BEFORE, IS SHOWN
 06:06:07 THERE JUST AS A FOOTPRINT PLACEHOLDER RIGHT NOW.
 06:06:11 WE'RE NOT PROPOSING ANYTHING THERE AT THE MOMENT BECAUSE WE

06:06:13 HAVE NO ARCHITECTURE ON THAT, AND THAT WILL BE COMING BACK
 06:06:16 IN AT A FUTURE DEVELOPMENT.
 06:06:18 OTHER THAN THAT, PROVIDING THE FULL BUFFER.

06:06:22 PLANTING OUT THE DETENTION AREAS, PRETTY MUCH PLANTING OUT
 06:06:27 THE ISLANDS AND THE PARKING LOT AS WELL.
 06:06:33 I HAVE A LITTLE BIT MORE WORK TO DO UP AROUND THE BUILDING,
 06:06:36 AROUND THE MENU BOARD ONCE THAT'S FINALIZED.
 06:06:39 THERE'S A LITTLE BIT OF A BLANK SPACE UP THERE.
 06:06:41 JUST USING A MIXTURE OF NATIVE/NON-NATIVE SPECIES.
 06:06:52 COMPLY WITH THE CODE.
 06:06:53 THIS IS YOUR TYPICAL NOTES AND DETAILS THAT ARE REQUIRED.
 06:06:59 OTHER THAN THAT, IT IS A PRETTY SIMPLE LAYOUT AND BE HAPPY
 06:07:05 TO ENTERTAIN ANY QUESTIONS OR COMMENTS.
 06:07:10 >>Kristin Jeannin: MY COMMENT IS IT'S A VERY NICE LANDSCAPE
 06:07:14 PLAN.
 06:07:14 >>Gregory Diserio: THANK YOU.
 06:07:15 APPRECIATE THAT.
 06:07:17 >>Scotty Wood: ANY OTHER LANDSCAPE COMMENTS?
 06:07:18 THANK YOU.
 06:07:23 >>Gregory Diserio: I'LL TURN IT BACK OVER TO BRENT.
 06:07:29 >>D. Brent Addison: I'M GOING TO RUN THE MACHINE SO WENDY
 06:07:32 CAN DO HER PRESENTATION.
 06:07:33 WENDY, YOU'RE ON.
 06:07:36 >>Wendy Martin: ALL RIGHT.
 06:07:38 GOOD EVENING, EVERYONE.
 06:07:39 I'M ASSUMING YOU CAN HEAR ME WELL.
 06:07:46 >>D. Brent Addison: PRETTY GOOD.
 06:07:47 MAYBE GET A LITTLE CLOSER.

06:07:51 >>Wendy Martin: WE ARE WORKING FOR MIKE AND ALONGSIDE BRENT
 06:07:54 TO DEVELOP THE BUILDING AND THE ARCHITECTURE FOR THE
 06:07:57 CULVER'S RESTAURANT, AND WHAT WE SEE HERE IS OUR FOOD
 06:08:03 SERVICE PLAN SHOWING OUR SEATING AND OUR OVERALL KITCHEN
 06:08:08 LAYOUT.
 06:08:08 WE HAVE A SEATING CAPACITY OF 59, AND WE HAVE SOME WAITING
 06:08:14 SPACES FOR AN ADDITIONAL FIVE PEOPLE.
 06:08:17 SO THIS IS BASICALLY THE INTENT OF WHAT WE'RE SHOWING WITH
 06:08:23 THIS FLOOR PLAN.
 06:08:24 AND IF YOU CAN FLIP TO THE NEXT SLIDE, WE HAVE PREPARED 2-D
 06:08:29 AND 3-D ELEVATIONS OF THE BUILDING.
 06:08:33 AND AFTER TAKING A READ THROUGH THE DESIGN RECOMMENDATIONS,
 06:08:40 WE HAVE INCORPORATED SOME OF THE STYLINGS AND DIFFERENT
 06:08:47 FEATURES THAT ARE RECOMMENDED AND NOTED IN THAT DOCUMENT.
 06:08:51 HERE WE CAN SEE THAT WE HAVE THE HIPPED ROOF ELEMENTS.
 06:08:56 EACH FACADE FEATURES WHAT WE CALL A TOWER WHERE WE RAISE
 06:09:02 ABOVE THE STANDARD PARAPET HEIGHT AND WE HAVE A GABLED TOWER
 06:09:07 WITH THE CLAY TILE ROOFING ACCENT THERE.

06:09:15 WE HAVE SOME DENTAL FEATURES AND THEN WE HAVE SOME
 06:09:18 HORIZONTAL BANDING TO ACCENT THE FACADE AND TIE THE BUILDING
 06:09:26 AROUND, ALL THE WAY AROUND THE PERIMETER.
 06:09:28 SO HERE IS OUR EAST AND WEST, FRONT AND REAR.
 06:09:34 2-D FACADES OF THE BUILDING AND THEN, BRENT, IF YOU CAN HIT
 06:09:38 THE NEXT SLIDE, PLEASE.
 06:09:39 THIS IS OUR DRIVE-THROUGH ELEVATION, WHICH IS ON THE NORTH,

 06:09:46 AND THEN YOU CAN SEE HERE THAT IN ADDITION TO THE
 06:09:49 DRIVE-THROUGH BUMP-OUT TOWER THAT WE ARE SHOWING, WE ARE
 06:09:53 INCORPORATING WHAT IS CALLED IN THE WORLD OF CULVER'S A
 06:09:57 RUNNER CANOPY.
 06:09:58 WE SEE THAT TO THE RIGHT OF THE DRIVE-THROUGH SERVICE WINDOW
 06:10:02 HERE, AND THAT IS FOR THE OPERATIONS OF THE RESTAURANT, AS
 06:10:09 BRENT MENTIONED EARLIER, A RUNNER WILL COME OUT AND DELIVER
 06:10:12 YOUR FOOD, AS I'M SURE MANY OF YOU ARE AWARE, LOTS OF RAIN
 06:10:15 IN FLORIDA AT TIMES.
 06:10:16 SO THERE IS A FULL COVERAGE WITH A RUNNER CANOPY THAT WE SEE
 06:10:20 THERE.
 06:10:21 AND WE'RE USING THAT TO GET ANOTHER INSTANCE OF THAT CLAY
 06:10:26 TILE ROOFING.
 06:10:27 AND ON THE NEXT SLIDE, I THINK WE'RE GOING TO SEE THE SOUTH
 06:10:30 ELEVATION, WHICH IS OUR MAIN ENTRY.
 06:10:34 WE ARE SHOWING, AGAIN, A WIDER CANOPY OVER THE MAIN ENTRY
 06:10:40 DOORS, AGAIN, FOR COVERAGE.
 06:10:43 WE FEATURE THE MAIN ENTRY TOWER AND ON ALL OF THE FACADES
 06:10:51 THAT WE'VE SEEN SO FAR, YOU CAN SEE THAT WE ARE REALLY
 06:10:56 SHOWING A FAIR AMOUNT OF GLAZING IN THE DINING ROOM AND
 06:11:03 MAYBE WE CAN SEE THAT ON MULTIPLE FACADES ON THE NEXT SLIDE
 06:11:08 A LITTLE BIT BETTER, WHICH I THINK SHOULD BE OUR 3D.
 06:11:12 THIS IS ACTUALLY SHOWING THE REAR OF THE RESTAURANT AS WE
 06:11:15 WOULD APPROACH DRIVE-THROUGH AFTER MAKING OUR ORDER.
 06:11:18 SO HERE WE'RE LOOKING AT THE BACK OF HOUSE.

 06:11:21 AND THEN LET'S FLIP TO THE NEXT ONE, PLEASE.
 06:11:24 SO HERE IS A GOOD VIEW, WHAT WE SEE IN THIS SOUTHWEST VIEW
 06:11:31 IS WE'RE STANDING AT THE CORNER OF THE DINING ROOM, SO YOU
 06:11:33 CAN SEE WE'VE GOT A FAIR AMOUNT OF GLAZING ALL ACROSS TO
 06:11:38 REALLY LIGHTEN UP THAT DINING ROOM AND GET SOME GOOD ACCESS
 06:11:46 TO THE PATIO FOR DINERS OUT THERE.
 06:11:51 AND THE NEXT SLIDE, AGAIN, IS AN ANGLE FROM THE REAR SHOWING
 06:11:57 WHAT YOU MIGHT SEE AS YOU APPROACH DRIVE-THROUGH.
 06:12:03 AND THE REMAINING SLIDE, DUMPSTER ENCLOSURE ELEVATIONS TO
 06:12:07 DEMONSTRATE THAT WE ARE MATCHING THE BUILDING ARCHITECTURE
 06:12:12 WITH WHAT WE ARE PROPOSING FOR THE DUMPSTER ENCLOSURE TO
 06:12:16 MAKE SURE EVERYTHING IS OF SAME QUALITY AND DESIGN.
 06:12:22 AND WE DID PUT TOGETHER AS WELL A PHOTOMETRIC PLAN, AND WE
 06:12:32 FAILED TO INCLUDE THE DETAILS OF THE FIXTURES.

06:12:35 I APOLOGIZE FOR THAT.
 06:12:37 BUT WE ARE CERTAINLY WILLING TO WORK WITH WHAT WE'RE SHOWING
 06:12:44 HERE IS AN LED FIXTURE, LOOKING AT THE SURROUNDING AREAS.
 06:12:53 WITH BRENT, WE DO SEE THERE IS A VARIETY OF POLE TYPES AND
 06:12:57 FIXTURE TYPES AS WELL.
 06:12:59 SO WE'RE NOT SURE IF WE WOULD BE ABLE TO USE WHAT WE USE
 06:13:05 TYPICALLY, WHICH IS JUST A NONDESCRIPT LED FIXTURE OR IF
 06:13:10 THAT'S NOT DESIRED, YOU KNOW, WE HAVE CERTAINLY BEFORE
 06:13:15 DEVIATED FROM THAT IF WE ARE REQUIRED TO MATCH DEVELOPMENT
 06:13:21 STANDARD OR SOMETHING LIKE THAT.
 06:13:25 >>D. Brent Addison: I'LL ADD TO THAT WENDY, THAT WILL BE A

 06:13:28 DISCUSSION WITH NED DEWHURST AS WELL WITH THE LIGHTING
 06:13:31 STYLES OUT THERE.
 06:13:32 >>Scotty Wood: WOULD YOU LIGHT THE ENTIRE SITE?
 06:13:34 >>D. Brent Addison: YES, WE'RE REQUIRED TO.
 06:13:40 >> BASICALLY YOU FIX THE DIMENSIONS OF THE FUTURE BUILDING
 06:13:43 WHEN YOU DO THAT.
 06:13:46 >>D. Brent Addison: IDEALLY, WE'RE GOING TO HAVE SOMEBODY IN
 06:13:49 LINE SOONER RATHER THAN LATER BEFORE THIS IS ACTUALLY
 06:13:52 CONSTRUCTED.
 06:13:53 WE MAY BE MAKING CHANGES IN THE MEANTIME ON PLANS.
 06:13:57 BUT, AGAIN, WE KNOW THAT WE HAVE TO COME BACK IN TO DO THAT.
 06:14:00 RIGHT NOW, OUR APPLICATION IS ONLY FOR THE CULVER'S
 06:14:03 BUILDING.
 06:14:08 >>Barry Jones: CAN I ASK A QUESTION ABOUT THE HEIGHT OF THE
 06:14:09 TOWER OVER THE FRONT WEST ELEVATION, THE EAST ELEVATION AND
 06:14:14 EVEN THE SOUTH ELEVATION.
 06:14:16 IT CREATES A LOT OF BLANK SPACE IN THERE.
 06:14:19 I WAS CURIOUS TO UNDERSTAND THE REASONING FOR ELEVATING
 06:14:21 THOSE TOWERS SO TALL ACROSS THOSE BROAD FACES.
 06:14:27 >>Wendy Martin: WELL, OF COURSE, PART OF THE DESIRE IS TO
 06:14:32 GET THE SIGNAGE UP AT A GREATER ELEVATION ABOVE GRADE.
 06:14:40 BUT IF ULTIMATELY IT IS DETERMINED THAT THIS IS TOO HIGH, WE
 06:14:48 ARE OPEN TO REDUCING IT.
 06:14:50 WE WOULDN'T WANT TO GO ANY LESS THAN WHAT WE SEE HERE ON
 06:15:00 WHAT WE HAVE PREPARED TO DATE THIS ELEVATION OF THE

 06:15:02 DRIVE-THROUGH AND THE REAR ARE BOTH THE SAME HEIGHT, THOSE
 06:15:06 TOWERS, WE WOULDN'T WANT TO GO ANY LOWER THAN WHAT WE ARE
 06:15:09 SHOWING THOSE.
 06:15:11 BUT IF THE COMMITTEE FEELS THIS IS TOO HIGH, WE WOULD BE
 06:15:18 WILLING TO ENTERTAIN SOME REDUCTION.
 06:15:25 >>Michael Sheeley: I HAVE SOME QUESTIONS AND COMMENTS,
 06:15:26 WENDY.
 06:15:27 TO THE TOWER POINT, I THINK IT'S NOT SO MUCH THE HEIGHT BUT
 06:15:30 THE PROPORTION.
 06:15:31 THEY APPEAR QUITE SKINNY.

06:15:33 MAYBE YOU COULD REVISIT THE OVERALL PROPORTION AND WIDTH AND
 06:15:36 DEPTH OF THE TOWER VERSUS THE HEIGHT WHERE IT GIVES THEM
 06:15:39 THAT KIND OF ODD POP-UP.
 06:15:41 SECONDLY, THE COLORS PRESENTED, ARE THEY TRUER IN THE 2-D
 06:15:48 VIEW OR THE 3-D VIEW?
 06:15:51 IS THERE A DIFFERENCE?
 06:15:53 >>Wendy Martin: YEAH, THAT'S ONE OF THE THINGS THAT'S A
 06:15:55 LITTLE TRICKY WITH THE DIFFERENT RENDERING SOFTWARE.
 06:15:59 I THINK THAT THE 2D VIEWS ARE MORE REALISTIC.
 06:16:08 WHEN WE RENDER THEM, WE SPEND MORE TIME TRYING TO GET THOSE
 06:16:12 TO MATCH SAMPLES.
 06:16:15 >>Michael Sheeley: BRENT JUST SHOWED US THE SAMPLES.
 06:16:18 FRANKLY, I THINK THE 2D VIEWS ARE MORE OF A DISSERVICE TO
 06:16:21 YOU THAN THE 3D VIEWS.
 06:16:23 OVERALL, I FIND THE PALETTE, MY OPINION, IS RATHER DULL AND

 06:16:27 A LITTLE BORING AND PERHAPS GIVEN THE COLORS THAT ARE
 06:16:31 EXPRESSED IN OUR LOCAL ARCHITECTURE IN ESTERO, YOU MIGHT
 06:16:35 TAKE A LOOK AT TRYING TO LIVEN UP THAT PALETTE SOMEWHAT AND
 06:16:39 GET A LITTLE MORE COLOR GOING.
 06:16:41 MAYBE YOU'VE GOT CORPORATE COLORS YOU'RE TRYING TO WORK
 06:16:44 WITH, AFTER ALL THIS BUILDING IS GOING IN ESTERO.
 06:16:47 I THINK IT COULD FIT IN BETTER WITH A MORE LIVELY COLOR
 06:16:50 PALETTE.
 06:16:53 >> THAT WAS MY COMMENT AND QUESTION EXACTLY.
 06:16:55 >>Michael Sheeley: ANOTHER QUESTION, THE CANOPIES, WHICH ARE
 06:16:59 CALLED OUT TO BE AN ALUMINUM SURFACE IN THE RENDERINGS, IT
 06:17:03 KIND OF APPEAR TO BE A GLOSS FINISH, BUT ARE THEY A MILL
 06:17:07 FINISH OR CLEAR FINISH ALUMINUM?
 06:17:11 >>Wendy Martin: YES.
 06:17:12 MILL FINISH.
 06:17:13 NOT A HIGH GLOSS.
 06:17:14 THAT IS AGAIN A RENDERING THING.
 06:17:19 >>Michael Sheeley: ANOTHER COMMENT, I THINK YOUR DENTAL
 06:17:21 MOLDING, IN MY OPINION, IS A BIT AWKWARD AND PERHAPS IT
 06:17:25 MIGHT SERVE YOU BETTER IF YOU HAD BRACKETS UNDER THE EAVES
 06:17:29 LIKE SO MANY OF OUR OTHER BUILDINGS HERE IN ESTERO.
 06:17:33 IT MIGHT READ BETTER.
 06:17:36 TO ME, THIS IS A BIT OF AN AWKWARD DETAIL THAT DOESN'T SEEM
 06:17:40 TO KIND OF FIT ANYTHING THAT I'M FAMILIAR WITH.
 06:17:43 THE REAR ELEVATION, THE DRIVE-THROUGH ELEVATION IS QUITE

 06:17:53 PLAIN.
 06:17:54 YOU'VE USED THE LOUVERS ON THE SIDES WHERE THERE'S NO
 06:17:59 WINDOWS WHICH ADDS SOME SHADOW AND COLOR AND MAYBE YOU MIGHT
 06:18:02 WANT TO CONSIDER SOMETHING FURTHER ON THE REAR OF THE
 06:18:05 BUILDING AS WELL.
 06:18:06 >>Wendy Martin: WE COULD VERY EASILY PUT ONE IN WHAT WE SEE

06:18:09 HERE ON THE RIGHT SIDE OF THE REAR TOWER.
 06:18:13 >>Michael Sheeley: OTHER THAN THAT, I KNOW IT'S FOR A
 06:18:16 ONE-STORY BUILDING, IT'S A TALL BUILDING.
 06:18:18 I KNOW THAT'S FOR IDENTITY PURPOSES AND TO GET THE PRESENCE
 06:18:23 OF THE BUILDING AND CULVER'S NAME UP THERE.
 06:18:26 I UNDERSTAND ALL THAT.
 06:18:27 I THINK IT'S MORE DEALING WITH THE PROPORTIONS OF THE REST
 06:18:30 OF EVERYTHING YOU'VE GOT.
 06:18:31 I LIKE THE WAY THE MAIN TOWERS KIND OF COME TO THE GROUND
 06:18:36 AND READ AS SUCH.
 06:18:38 I THINK OVERALL WITH SOME IMPROVEMENT, THIS WOULD BE OKAY.
 06:18:41 THANK YOU.
 06:18:42 >>Wendy Martin: THANK YOU.
 06:18:45 >>Jim Wallace: WOULD YOU ADDRESS THE LITTLE CUBICLES WITH
 06:18:48 THE AIR-CONDITIONING UNITS THAT YOU SEE HERE?
 06:18:52 ARE THESE WHERE THEY TAKE THE ORDER?
 06:18:54 THE KIOSKS.
 06:19:01 >>Barry Jones: THEY HAVE LITTLE AC UNITS IN THEM.
 06:19:07 >>Jim Wallace: THEY DIDN'T LOOK COMPATIBLE WITH THE

 06:19:09 BUILDING.
 06:19:09 I DON'T KNOW IF YOU ADDRESSED IT OR NOT.
 06:19:12 LOOKS LIKE AN I-75 TOLLBOOTH.
 06:19:14 DO YOU JUST BUY THEM AND STICK THEM DOWN?
 06:19:22 >>Wendy Martin: THIS IS A NEW THING WITH CULVER'S, BROUGHT
 06:19:27 ABOUT BY THE PANDEMIC, ONE OF MANY THINGS, RIGHT?
 06:19:31 AND SO THERE AREN'T NECESSARILY A LOT OF THESE YET IN THE
 06:19:37 SYSTEM.
 06:19:37 THERE ARE SOME WHICH ARE PREFABRICATED.
 06:19:41 THERE ARE OTHERS WHICH ARE POTENTIALLY NOT PREFABRICATED.
 06:19:46 SO WE TOOK A STAB HERE AT ONE WHICH IS A CURRENT
 06:19:52 PREFABRICATED MODEL.
 06:19:53 BUT AS I SAID, IT DOESN'T NEED TO BE THAT.
 06:19:57 WE'RE NOT SUPER HUGE FANS OF THE AC BOX.
 06:20:04 WE THINK THERE MAY BE SOME OPTIONS TO DO SOMETHING THAT IS A
 06:20:08 LITTLE BIT MORE LOW PROFILE ON THE ROOF OF THAT UNIT.
 06:20:13 >>Jim Wallace: DOESN'T SEEM COMPATIBLE.
 06:20:20 DOESN'T SEEM TO BE THE SAME DESIGN STANDARDS AS THE
 06:20:24 BUILDING.
 06:20:24 >>Barry Jones: THE WHOLE BUILDING DOESN'T SEEM TO BE
 06:20:27 COMPATIBLE TO ANYTHING.
 06:20:29 >>Jim Wallace: IT SORT OF BECOMES THE UNATTRACTIVE PART OF
 06:20:33 YOUR BUILDING AND SERVICE.
 06:20:35 I WOULD THINK YOU WOULD WANT IT ALL CONSISTENT AND ALL THE
 06:20:39 SAME QUALITY OF DESIGN.

 06:20:40 >>Wendy Martin: WE CAN CERTAINLY WORK ON THAT SOME.
 06:20:43 AS I SAID, IT'S A NEW PART OF THE OPERATING MODEL, IF YOU

06:20:49 WILL.
 06:20:50 AND WE STARTED WITH WHAT WE DO HAVE, BUT WE CAN CERTAINLY
 06:20:53 WORK ON THAT.
 06:20:56 >>Jim Wallace: IT NEEDS SOME WORK.
 06:21:00 >>Scotty Wood: I WOULD NOTE THAT THIS BUILDING IS
 06:21:02 CONSIDERABLY DIFFERENT FROM THE CULVER'S ON CORKSCREW ROAD.
 06:21:05 AND FURTHER, THE OTHER CULVER'S I'M FAMILIAR WITH, UP AT THE
 06:21:11 GULF TOWN CENTER, AND THE ARCHITECTURE JUST SEEMS TO BE
 06:21:17 SOMETHING THAT I'M HAVING DIFFICULTY CONNECTING TO
 06:21:21 MEDITERRANEAN OR FLORIDA VERNACULAR OR THE OTHER TYPES OF
 06:21:25 ARCHITECTURE THAT WE EMBRACE HERE IN ESTERO.
 06:21:29 AND I'M PARTICULARLY CONCERNED ABOUT THOSE KIOSKS.
 06:21:33 I THINK THEY ARE COMPLETELY NONCOMPATIBLE WITH THE BUILDING.
 06:21:38 COMPLETELY.
 06:21:39 I WOULD URGE YOU TO RETHINK NOT ONLY THOSE, BUT ALSO LOOKING
 06:21:47 AT THE ARCHITECTURE OF THE BUILDING FROM THE STANDPOINT OF
 06:21:50 THE TYPE OF ARCHITECTURE THAT WE EMBRACE IN ESTERO.
 06:21:56 >>Wendy Martin: SURE.
 06:22:00 >>Marlene Naratil: -- DON'T FIT IN THAT KIND OF A STRUCTURE
 06:22:03 FOR THE KIOSK BEING THERE.
 06:22:06 ALL YOUR OTHER PLACES, PEOPLE DON'T GO THROUGH THAT.
 06:22:11 THE ONE UP ON CORKSCREW ROAD, THEY DON'T HAVE ANYTHING LIKE
 06:22:16 THAT.

 06:22:17 >>D. Brent Addison: I THINK SHE WAS MENTIONING THIS IS KIND
 06:22:19 OF PANDEMIC-DRIVEN.
 06:22:21 IT'S A NEW PROCEDURE TO TRY TO GET PEOPLE BECAUSE YOU HAVE
 06:22:24 SO MUCH MORE DRIVE-THROUGH TRAFFIC NOW, INSTEAD OF PEOPLE
 06:22:27 GOING INTO STORES.
 06:22:29 >>Marlene Naratil: EXTRANEIOUS AND DIMINISH -- MIKE POINTED
 06:22:33 OUT SOME AESTHETIC THINGS, AND I THINK THEY DETRACT FROM THE
 06:22:37 BUILDING EVEN FURTHER.
 06:22:40 >>D. Brent Addison: YEAH, I DON'T DISAGREE WITH YOU.
 06:22:42 I THINK WE OBVIOUSLY NEED TO WORK ON THEM TO MATCH THE
 06:22:44 BUILDING AT LEAST.
 06:22:47 >>Jim Wallace: MIGHT BE SOME TIPS YOU COULD PICK UP, IF THAT
 06:22:50 WAS SATISFACTORY TO MANAGEMENT, THE ONE ON CORKSCREW AND
 06:22:53 WE'RE HAPPIER WITH THAT ONE THAN THIS ONE, YOU MIGHT WANT TO
 06:22:57 PICK UP SOME -- THE ONLY OTHER COMMENT I HAVE TO THE
 06:22:59 ARCHITECT HERE IS THAT THE ELEVATIONS ARE -- WITH THAT
 06:23:03 LANDSCAPING.
 06:23:04 AND ONE OF THE THINGS THAT IT APPEARS THAT WOULD HAPPEN IS
 06:23:07 ALL THAT STONE THAT YOU HAVE IN THE FIRST TWO AND A HALF,
 06:23:11 THREE FEET, I GUESS ABOUT THREE FEET, IT WILL ALL BE HIDDEN
 06:23:14 BY LANDSCAPING.
 06:23:15 EITHER RAISE IT OR -- WE'RE JUST NOT GOING TO SEE THAT
 06:23:19 STONE.
 06:23:20 IT'S BEAUTIFUL, BUT IT'S ALL GOING TO BE HIDDEN WITH

06:23:25 LANDSCAPING.

06:23:26 BETTER MAKE IT HIGHER IF YOU WANT TO SEE IT.

06:23:28 >>Wendy Martin: SURE, WE CAN LOOK INTO THAT.

06:23:36 >>Mary Gibbs: MAY I MAKE A SUGGESTION?

06:23:38 TO THE ARCHITECT AND BRENT, BEFORE YOU GET TOO FAR IN THE

06:23:41 PROCESS HERE, I WOULD SUGGEST IF -- IF THE ARCHITECT HASN'T

06:23:47 SEEN THE BEAUTY BOOK FOR COCONUT POINT, YOU HAVE TO BE

06:23:50 CONSISTENT WITH THE BEAUTY BOOK FOR COCONUT POINT.

06:23:53 LOOKING AT THE ARCHITECTURE, IT DOESN'T LOOK TO ME LIKE THE

06:23:56 ARCHITECTURE IN THE BEAUTY BOOK.

06:23:57 IF YOU DON'T HAVE IT, I CAN SEND IT TO YOU.

06:23:59 TAKE A LOOK AT THAT, AND I WOULD ALSO LOOK AT THE BUILDINGS

06:24:01 THAT ARE IN THE SURROUNDING AREA BECAUSE IT SEEMS A LITTLE

06:24:05 DISPARATE FROM THE BUILDINGS IN THE SURROUNDING AREA.

06:24:08 I THINK THAT WILL HELP GIVE YOU SOME IDEA.

06:24:10 I'M SURE WHEN YOU GET TO OAK BROOK, NED WILL HAVE SOME

06:24:13 SUBSTANTIAL COMMENTS ABOUT THE ARCHITECTURE AS WELL AND THEN

06:24:16 YOU HAVE TO HAVE A PRE-APPLICATION MEETING WITH THE STAFF AT

06:24:19 SOME POINT.

06:24:20 SO MAYBE WE CAN HELP WORK WITH YOU AND WITH OAK BROOK SO

06:24:24 THAT IT'S MORE COMPLEMENTARY AND NOT A SERIES OF DIFFERENT

06:24:27 MEETINGS.

06:24:28 BUT WE'RE HAPPY TO HELP.

06:24:29 BUT I FEEL LIKE IT DOESN'T REALLY COMPLY WITH THE BEAUTY

06:24:33 BOOK.

06:24:35 >>Wendy Martin: YEAH, I DON'T HAVE THAT DOCUMENT.

06:24:37 I HAVEN'T HEARD OF IT UNTIL NOW.

06:24:39 IF YOU COULD SHARE IT, THAT WOULD BE FANTASTIC, PLEASE.

06:24:41 >>Mary Gibbs: SURE.

06:24:46 >>Scotty Wood: ARE WE READY FOR PUBLIC INPUT?

06:24:50 >>Barry Jones: I HAD ONE OTHER COMMENT.

06:24:52 THE LADDER, TYPICALLY WE DO SOMETHING TO HIDE THE LADDER.

06:25:03 >>Wendy Martin: WE CAN LOOK AT WAYS TO DO THAT, TOO.

06:25:06 SOMETIMES WE'RE IN LOCATIONS THAT DON'T ALLOW ONE ON THE

06:25:10 EXTERIOR AND WE CAN FIND A PLACE TO PUT IT INSIDE IF IT

06:25:14 COMES TO IT.

06:25:17 >>Barry Jones: THANK YOU.

06:25:18 >>Scotty Wood: ANYTHING ELSE FROM THE BOARD?

06:25:21 OKAY.

06:25:21 PUBLIC INPUT.

06:25:23 >>Tammy Duran: WE DON'T HAVE ANYBODY.

06:25:25 >>Scotty Wood: NONE.

06:25:26 OKAY.

06:25:27 I THINK THAT'S IT.

06:25:28 YOU'VE GOT COMMENTS AND I URGE YOU TO TAKE THEM INTO

06:25:35 CONSIDERATION.

06:25:35 >>Mary Gibbs: I DID HAVE A QUESTION.
 06:25:39 I DIDN'T KNOW WHAT THE FLAVOR OF THE DAY WAS TODAY BECAUSE I
 06:25:41 HAVE TO DRIVE BY ON MY WAY HOME.
 06:25:44 >>D. Brent Addison: I'M NOT SURE.
 06:25:47 >>Mary Gibbs: WELL, I'LL HAVE TO FIND OUT LATER.

06:25:52 >>Scotty Wood: WE'RE NOW TWO HOURS INTO THIS MEETING AND WE
 06:25:54 HAVE TWO MORE AGENDA ITEMS.
 06:25:57 I'M GOING TO SUGGEST WE TAKE A FIVE-MINUTE BREAK THAT I KNOW
 06:26:02 WILL ACTUALLY BE TEN.
 06:26:03 THEY ALWAYS ARE.
 06:26:08 [BREAK]
 06:34:33 >>Scotty Wood: LET'S RECONVENE.
 06:34:35 THE NEXT ITEM IS ALSO A PUBLIC HEARING.
 06:34:42 SO IT'S QUASI-JUDICIAL.
 06:34:44 I WANT TO MAKE SURE -- WE HAVE NOT SWORN IN A LOT OF PEOPLE
 06:34:47 WHO WERE NOT HERE WHEN WE READ THE FIRST QUASI-JUDICIAL
 06:34:51 STATEMENT.
 06:34:52 IS THERE ANYONE WHO IS GOING TO TESTIFY WHO IS NOT FAMILIAR
 06:34:56 WITH THE QUASI-JUDICIAL PROCEEDINGS?
 06:34:57 IF SO, IF THEY ARE NOT FAMILIAR, I'LL READ THE WHOLE THING.
 06:35:02 YOU'RE GOOD.
 06:35:03 NANCY, WOULD YOU PLEASE ADMINISTER THE OATH?
 06:35:12 >>Nancy Stroud: I WILL.
 06:35:12 WILL YOU RAISE YOUR RIGHT HANDS, PLEASE?
 06:35:16 ALL THOSE WHO ARE ABOUT TO TESTIFY, DO YOU SWEAR OR AFFIRM
 06:35:18 THAT THE TESTIMONY THAT YOU WILL GIVE IS THE TRUTH, THE
 06:35:22 WHOLE TRUTH, AND NOTHING BUT THE TRUTH?
 06:35:24 THANK YOU.
 06:35:27 >>Scotty Wood: AFFIRMATIVE RESPONSES, NANCY.
 06:35:29 THIS IS A ZONING AMENDMENT AND DEVIATIONS OF THE ESTERO TOWN

06:35:36 CENTER FOR THE PURPOSES OF A PROPOSED WAWA, A GAS STATION
 06:35:41 AND CONVENIENCE STORE.
 06:35:42 MARY, YOUR BALL.
 06:35:47 >>Mary Gibbs: ALL RIGHT.
 06:35:47 SO I'M JUST GOING TO DO A VERY QUICK OVERVIEW BEFORE I TURN
 06:35:50 IT OVER TO THE APPLICANT.
 06:35:53 AS YOU SAID, THIS IS A ZONING AMENDMENT FOR THE PROPOSED
 06:35:56 WAWA, AND WITH SOME DEVIATIONS AS WELL.
 06:35:59 AND THIS IS LOCATED ON THE SMALL PARCEL OF PROPERTY AT THE
 06:36:05 LOWE'S SHOPPING PLAZA THAT EVERYBODY I THINK IS FAMILIAR
 06:36:07 WITH, IF YOU REMEMBER, THE RUBY TUESDAY'S RESTAURANT, IT'S
 06:36:11 STILL THERE, BUT IT'S VACANT.
 06:36:12 SO IT'S ON THIS PIECE OF PROPERTY THAT RUBY TUESDAY'S IS ON.
 06:36:17 AND THERE'S A -- IT'S DIRECTLY ADJACENT TO THE NEW TRAFFIC
 06:36:20 LIGHT THAT IS NOW OPERATIONAL, YAY.
 06:36:23 WE'RE ALL SUPPOSED TO CHEER ABOUT THAT.

06:36:27 JUST TO GIVE YOU -- I WANT TO FRAME THIS UP BECAUSE IT CAN
 06:36:30 GET CONFUSING WITH ALL THE DEVIATIONS.
 06:36:32 I WANT TO FRAME IT UP TO KEEP IT AS SIMPLE AS WE CAN.
 06:36:36 IN ORDER FOR THIS APPLICANT TO DO THE WAWA CONVENIENCE STORE
 06:36:39 GAS STATION, THEY NEED TO GET A DEVIATION, BECAUSE THERE IS
 06:36:42 A REQUIREMENT IN THE CODE THAT SAYS GAS STATIONS HAVE TO BE
 06:36:47 500 FEET AWAY FROM EACH OTHER. SO THIS ONE, I THINK IT IS
 06:36:50 THE MARATHON ON THE NORTH SIDE OF CORKSCREW ROAD, IS ABOUT
 06:36:53 200 FEET.

 06:36:54 SO THEY NEED THE DEVIATION.
 06:36:56 AND IN THE PAST, WE'VE BEEN PRETTY STRICT WITH THE
 06:36:59 DEVIATIONS.
 06:37:00 BUT IN THIS CASE, WE FEEL THAT THE APPLICANT HAS SOME PRETTY
 06:37:03 GOOD JUSTIFICATION TO SUPPORT GRANTING THAT.
 06:37:07 WE, THE STAFF, ARE IN FAVOR OF THIS DEVIATION.
 06:37:11 BUT THERE'S ONE OTHER ITEM.
 06:37:13 THERE IS A ZONING CONDITION, WHEN THE COUNTY APPROVED THE
 06:37:16 ZONING, THEY HAVE A CONDITION THAT SAID IF YOU DEVELOP A GAS
 06:37:20 STATION CONVENIENCE STORE, THEN YOU CANNOT HAVE THE
 06:37:23 FAST-FOOD RESTAURANT.
 06:37:24 SO THERE WAS LIKE AN EITHER-OR IN THE ZONING.
 06:37:27 YOU EITHER GOT THE FAST-FOOD OR YOU GOT THE CONVENIENCE
 06:37:30 STORE.
 06:37:30 SO THE APPLICANT WANTS TO STILL HAVE THE FAST FOOT AND THE
 06:37:35 WAWA GAS STATION.
 06:37:36 SO THEY'VE ASKED FOR, THAT'S THE AMENDMENT, THEY WOULD LIKE
 06:37:40 TO HAVE THAT.
 06:37:40 WE, THE STAFF FEEL THAT WE CAN SUPPORT THE DEVIATION FOR THE
 06:37:43 GAS STATION BUT NOT THE EXTRA ADD FOR THE FAST FOOD.
 06:37:47 SO THAT'S THE BASIC DISAGREEMENT BETWEEN THE STAFF AND THE
 06:37:50 APPLICANT, JUST TO FRAME IT UP FOR YOU.
 06:37:55 >>Michael Sheeley: THE FAST FOOD, IS THAT A SEPARATE USE,
 06:37:57 SEPARATE BUILDING, OR IS IT THE DELI WITHIN THE WAWA BEING
 06:38:01 CONSIDERED FAST FOOD?

 06:38:03 >>Mary Gibbs: NO.
 06:38:03 IT WOULD BE LIKE A SEPARATE BUILDING ON A SEPARATE PARCEL.
 06:38:07 SEPARATE BUILDING THAT MIGHT BE ONE OF THE OTHER PARCELS
 06:38:10 THAT'S NOT DEVELOPED YET.
 06:38:11 DID SOMEBODY SAY SOMETHING?
 06:38:19 >> I'M SORRY.
 06:38:19 CLARIFY THAT FOR ME.
 06:38:20 THEY ARE ASKING TO HAVE A FAST FOOD, STAND-ALONE BUILDING ON
 06:38:25 A SEPARATE PARCEL AS WELL AS THE EXISTING, THE ONE WE'RE
 06:38:31 SEEING HERE.
 06:38:31 >>Mary Gibbs: THE RUBY TUESDAY WOULD BE DEMOLISHED AND
 06:38:35 BECOME THE WAWA GAS STATION.

06:38:38 THEN THEY WANT -- THERE IS A CONDITION IN THE ESTERO TOWN
 06:38:42 CENTER ZONING THAT SAYS IF YOU HAVE A GAS STATION, THEN YOU
 06:38:46 CAN'T HAVE THE FAST FOOD.
 06:38:49 IT COULD BE ON A DIFFERENT PARCEL.
 06:38:53 THEY WANT TO STILL RETAIN THE GAS STATION AND THE FAST FOOD
 06:38:56 AND THE FAST FOOD WOULD BE ON A DIFFERENT PARCEL, NOT THIS
 06:39:00 PARCEL.
 06:39:01 I WAS TRYING TO SIMPLIFY IT.
 06:39:04 IN THE DEVELOPMENT ALONG CORKSCREW ROAD AREA ON ONE OF THESE
 06:39:10 VACANT PARCELS.
 06:39:16 >>Michael Sheeley: ARE THOSE OTHER PARCELS CONTROLLED BY
 06:39:18 THIS OWNER?
 06:39:20 >>Mary Gibbs: WELL, THEY ARE GOING TO EXPLAIN THIS TO YOU.

 06:39:22 I ASKED THEM TO EXPLAIN THIS TO YOU BECAUSE THE SHOPPING
 06:39:25 CENTER, THE REPRESENTATIVE OF THE SHOPPING CENTER, THERE ARE
 06:39:30 SOME DEED RESTRICTIONS AND SOME ODD THINGS.
 06:39:33 I'LL ASK THE APPLICANT TO EXPLAIN THAT.
 06:39:34 I WAS TRYING TO FRAME UP KIND OF THE BIG PICTURE OF WHAT
 06:39:38 YOU'RE BEING ASKED TO DECIDE.
 06:39:41 >>Jim Wallace: MARY, I WAS INCORRECT.
 06:39:42 I THOUGHT THEY WERE ASKING FOR GAS PUMPS ALONG WITH A
 06:39:48 CONVENIENCE STORE AND A FAST FOOD ALL ON THE SAME SITE AS
 06:39:53 RUBY TUESDAY'S.
 06:39:54 >>Mary Gibbs: NO.
 06:39:55 THE GAS STATION CONVENIENCE STORE, WAWA, ON THE RUBY
 06:39:58 TUESDAY'S, NOT A PAST FOOD ON RUBY TUESDAY.
 06:40:02 FAST FOOD ELSEWHERE.
 06:40:04 >>Jim Wallace: WHY WOULD THEY NEED A VARIANCE IF THEY ARE ON
 06:40:08 A SEPARATE PARCEL FOR FAST FOOD.
 06:40:10 I DON'T UNDERSTAND.
 06:40:11 >>Mary Gibbs: IT'S NOT A VARIANCE.
 06:40:12 THERE IS A CONDITION IN THE OLD ZONING THAT SAID YOU COULD
 06:40:16 ONLY HAVE IN THIS AREA FRONTING CORKSCREW ROAD, THAT GENERAL
 06:40:20 AREA, YOU COULD ONLY HAVE ONE, EITHER A GAS STATION OR A
 06:40:24 FAST FOOD, NOT BOTH.
 06:40:26 SO THEY WANT BOTH.
 06:40:28 >>Jim Wallace: AREA SAYING WITHIN ESTERO TOWN COMMONS.
 06:40:32 >>Mary Gibbs: YES.

 06:40:33 >>Jim Wallace: YOU CAN ONLY HAVE ONE OR THE OTHER.
 06:40:35 >>Mary Gibbs: RIGHT.
 06:40:36 >>Barry Jones: MARY, THERE'S ONE OTHER OBJECTION I NOTICE
 06:40:39 STAFF HAS, THAT IS TO THE ROOF OVER THE GAS PUMPS.
 06:40:44 >>Mary Gibbs: I WAS GETTING TO THAT.
 06:40:45 BEFORE I TURN IT OVER TO THE APPLICANT IS WE WOULD LIKE TO
 06:40:48 HAVE BOARD COMMENTS ON THE ARCHITECTURE BECAUSE THE
 06:40:52 ARCHITECTURE, THEY CAME FOR A PUBLIC INFORMATION MEETING, IT

06:40:55 WAS A WHILE BACK.
 06:40:58 WHAT I RECALL THE BOARD SAID, IT WAS A GOOD START, BUT IT
 06:41:02 HASN'T BEEN BACK.
 06:41:03 SO I WANT TO MAKE SURE BEFORE THIS GOES TO COUNCIL THAT IF
 06:41:06 YOU ALL HAVE ANY COMMENTS OR ANY REVISIONS OR ANY COMMENTS
 06:41:09 ON THE ARCHITECTURE THAT WE DO THAT TONIGHT AND THAT TIES
 06:41:11 INTO THE GAS CANOPY BECAUSE WE POINTED OUT TO THE APPLICANT
 06:41:15 THAT THE CANOPY IS KIND OF FLAT AND PROBABLY NEEDS
 06:41:19 SOMETHING.
 06:41:20 SO THOSE ARE BASICALLY THE STAFF MAIN POINTS.
 06:41:24 IF YOU DON'T HAVE ANY QUESTIONS, I'LL TURN IT OVER TO THE
 06:41:29 APPLICANT AND SEE IF HE CAN CONFUSE YOU SOME MORE.
 06:41:32 DAN DELISI.
 06:41:34 >>Daniel DeLisi: THANK YOU, MARY.
 06:41:36 LET ME JUST UP FRONT HIT THE ISSUE THAT YOU ALL WERE TALKING
 06:41:40 ABOUT.
 06:41:41 IT'S NOT WAWA THAT WANTS A FAST-FOOD USE.

 06:41:44 THE OWNER OF THE SHOPPING CENTER IS KITE DEVELOPMENT.
 06:41:50 THEY OWN EVERYTHING EXCEPT FOR THIS PARCEL.
 06:41:53 SO THIS PARCEL IS NOW OWNED BY BRIGHTWORK, WHO IS WORKING
 06:41:56 WITH WAWA TO PUT THE WAWA HERE.
 06:41:59 THEY NEED TO -- BECAUSE THERE'S AN EXISTING BUILDING
 06:42:03 ON-SITE, THERE IS A COVENANT THAT GOES WITH THE LAND, AND
 06:42:07 THE COVENANT SAYS THAT THE ONLY THING THAT CAN BE ON THE
 06:42:13 PARCEL IS THE BUILDING THAT'S THERE TODAY.
 06:42:16 IN ORDER FOR THEM TO GET THAT COVENANT RELEASED, THEY NEED
 06:42:19 TO GO BACK TO KITE DEVELOPMENT, AND THEY HAVE, TO SAY, OKAY,
 06:42:21 THIS IS WHAT WE WANT TO DO RATHER THAN THAT RUBY TUESDAY'S,
 06:42:26 AND GET KITE'S PERMISSION.
 06:42:27 THE ONLY WAY KITE WAS GOING TO GIVE THEM PERMISSION IS TO
 06:42:32 SAY, OKAY, WELL, THERE'S A CONDITION THAT WE CAN ONLY DO
 06:42:35 EITHER A FAST FOOD OR A GAS STATION.
 06:42:38 THEY WANT TO DO -- THEY WANT TO HAVE THE ABILITY TO DO A
 06:42:41 FAST FOOD ON ESTERO TOWN CENTER, ESTERO TOWN COMMONS, SO
 06:42:46 THEY DIDN'T WANT TO LOSE THEIR ABILITY TO DO FAST FOOD BY
 06:42:50 WAWA COMING IN AND DOING THE GAS STATION.
 06:42:52 SO THAT'S THE ISSUE.
 06:42:54 THE BOTTOM LINE WITH THAT CONDITION IS THAT'S AKIN TO A
 06:42:58 DENIAL OF THE APPLICATION.
 06:43:00 IF WAWA DOES NOT HAVE THE ABILITY TO GO IN -- IF THIS
 06:43:06 APPLICATION, OR IF THE ZONING IS NOT AMENDED TO ALLOW FOR
 06:43:11 BOTH, THEN THE PERMISSION TO DO THE GAS STATION FROM THE

 06:43:14 OWNER OF THE REST OF THE SHOPPING CENTER WILL NOT BE
 06:43:18 GRANTED, AND THAT IS ALREADY WRITTEN DOWN IN THE AGREEMENT
 06:43:24 THAT WAWA HAS WITH KITE.
 06:43:26 DOES THAT CLARIFY IT?

06:43:30 >> YES.
 06:43:31 >> YES.
 06:43:34 >>Daniel DeLisi: SO WITH THAT, LET ME GO THROUGH THE
 06:43:36 PRESENTATION.
 06:43:36 I'LL SKIP THROUGH SOME OF THIS FAIRLY QUICKLY BECAUSE, AS
 06:43:40 MARY SAID, WE'RE IN AGREEMENT WITH ALMOST EVERYTHING EXCEPT
 06:43:45 FOR TWO THINGS.
 06:43:47 ONE VERY MAJOR.
 06:43:48 WE DO HAVE OUR ARCHITECT WITH US, NATHAN GRIFFIS.
 06:43:57 IF YOU WANT TO TALK ABOUT THE ARCHITECTURE, PLEASE SAVE THAT
 06:43:59 FOR HIM.
 06:44:00 I'M DEFINITELY NOT THE PERSON TO TALK TO ABOUT THAT.
 06:44:03 I WILL TOUCH ON THAT DEVIATION ABOUT THE CANOPY, THOUGH,
 06:44:07 JUST TO GIVE MY PERSPECTIVE ON THAT.
 06:44:09 SO THE PROPERTY LOCATION, AS MARY SAID, IT'S AT THE
 06:44:15 NORTHEAST CORNER OF THE SHOPPING CENTER AT ESTERO TOWN
 06:44:20 COMMONS PLACE AND CORKSCREW ROAD.
 06:44:22 ORIGINALLY, THIS WAS ZONED IN 2003 FOR BIG-BOX RETAIL AND
 06:44:30 ADDITIONAL USES ALONG CORKSCREW AND THREE OAKS.
 06:44:33 YOU CAN SEE HOW IT'S DEVELOPED OVER TIME.
 06:44:38 AND AS MARY SAID, WE'RE HERE BECAUSE OF THE DEVIATIONS WE

 06:44:41 NEED TO BE GRANTED IN ORDER TO DEVELOP THE CONVENIENCE STORE
 06:44:44 AT THIS LOCATION.
 06:44:45 ALREADY TALKED ABOUT WHAT THE ZONING REQUEST IS FOR THE
 06:44:50 DEVIATIONS TO ALLOW FOR THE RESTAURANT HERE AND TO ALLOW FOR
 06:44:54 BOTH THE CONVENIENCE STORE AND THE FAST FOOD.
 06:44:58 I'D LIKE TO TAKE YOU ALL BACK IN TIME A LITTLE BIT TO 2002
 06:45:04 WHEN THIS WAS ORIGINALLY SUBMITTED, AND THEN WENT TO HEARING
 06:45:07 IN 2003.
 06:45:09 I WAS THE PLANNER ON THIS CASE WHEN IT WENT THROUGH THE
 06:45:13 PROCESS THE FIRST TIME.
 06:45:16 AT THE TIME, I WAS ALSO VERY ENGAGED, AS SOME OF YOU
 06:45:19 REMEMBER, WITH THE ESTERO COMMUNITY.
 06:45:22 I SERVED OVER THE YEARS ON THE ESTERO PLANNING PANEL AND AT
 06:45:26 THE TIME I WAS A RESIDENT OF COUNTRY CREEK JUST ON THE NORTH
 06:45:29 SIDE OF CORKSCREW ROAD.
 06:45:31 I WAS A CONSULTANT TO THE PLANNING PANEL.
 06:45:33 SO WHEN I TALK ABOUT THIS, I'M THINKING ABOUT BOTH THE CASE
 06:45:36 AT THE TIME AND WHAT WE WERE TRYING TO DO WHEN WE WERE
 06:45:39 PLANNING OUT THE AREA.
 06:45:40 YOU CAN SEE ON THIS AERIAL FROM 2002, THERE WAS NOTHING
 06:45:44 DEVELOPED ON THE SOUTH SIDE OF CORKSCREW ROAD.
 06:45:47 VERY SPARSE.
 06:45:50 SOME LARGE LOT HOMES BUT GENERALLY NOTHING.
 06:45:55 AND THERE WAS VERY LITTLE ON THE NORTH SIDE OF CORKSCREW
 06:45:57 ROAD.

06:45:58 SO BACK AT THAT POINT IN TIME, WHAT THE LEE PLAN SAID WAS
 06:46:02 THAT THERE WAS A COMMERCIAL NODE AT THE CORNER OF THREE OAKS
 06:46:07 AND CORKSCREW ROAD.
 06:46:09 SO WE WERE EXPECTING INTENSE DEVELOPMENT THERE.
 06:46:13 AND ALL OF THE AREA BETWEEN THIS PROPERTY AND I-75 WAS IN
 06:46:18 THE GENERAL INTERCHANGE LAND USE CATEGORY.
 06:46:21 AND THE GENERAL INTERCHANGE LAND USE CATEGORY SPECIFICALLY
 06:46:26 ALLOWS FOR AND ENCOURAGES THINGS FOR THE TRAVELING PUBLIC --
 06:46:30 GAS STATIONS, FAST-FOOD RESTAURANTS.
 06:46:32 AND SO PART OF OUR THINKING AT THE TIME -- AND JUST ON THIS
 06:46:41 NORTHEAST CORNER HERE, NORTHWEST CORNER HERE, WE HAD THE
 06:46:46 ARBY'S AND I THINK 7-ELEVEN STILL AT THAT TIME, VERY EARLY
 06:46:50 ON.
 06:46:50 SO LOOKING AT THAT ARBY'S, WE WERE THINKING EVERYTHING WAS
 06:46:55 GOING TO BE GAS STATIONS AND FAST FOODS.
 06:46:58 AND SO BACK IN 2003, THIS PARCEL IS GOING IN, AND THEY WANT
 06:47:04 A GAS STATION AND A FAST-FOOD RESTAURANT.
 06:47:07 THE COMMUNITY IS THINKING ALL OF THIS IS LIKELY TO BE GAS
 06:47:11 STATIONS AND FAST FOOD.
 06:47:12 AND AT THE TIME, THIS WAS PERMITTED FOR, IT WAS A COMMERCIAL
 06:47:17 PLANNED DEVELOPMENT AND IT SHOWED OUTPARCELS ALL ALONG
 06:47:21 CORKSCREW ROAD.
 06:47:22 SO THE ASSUMPTION WAS, IT WAS ALL GOING TO BE GAS STATIONS
 06:47:25 AND FAST FOODS.
 06:47:26 SO WE ABSOLUTELY NEEDED A LIMITATION ON THIS PARCEL HERE.

 06:47:31 AND SO THAT'S WHERE THE LIMITATION CAME FROM.
 06:47:35 WE ALL KNOW HOW CORKSCREW ROAD DEVELOPED SINCE THEN.
 06:47:38 RIGHT NOW, AS WE SPEAK, THE ONLY FAST FOOD RESTAURANT IS
 06:47:42 STILL THE ARBY'S RIGHT HERE.
 06:47:45 THERE ARE NO OTHER FAST FOOD RESTAURANTS.
 06:47:47 NOW, DUNKIN' DONUTS IS GOING INTO ESTERO CROSSING HERE, BUT
 06:47:52 AFTER THAT, THOSE ARE THE ONLY TWO.
 06:47:55 >>Mary Gibbs: CULVER'S.
 06:47:59 >>Daniel DeLisi: IS CULVER'S A FAST FOOD?
 06:48:02 >> IT HAS A DRIVE-THROUGH.
 06:48:04 >>Daniel DeLisi: I'VE NEVER BEEN TO A CULVER'S.
 06:48:06 YOU ALL ARE LOOKING AT EACH OTHER.
 06:48:19 >> DID WE CONVINCE YOU CULVER'S IS FAST FOOD?
 06:48:25 >>Daniel DeLisi: YES.
 06:48:26 IT HAS A DRIVE-THROUGH.
 06:48:27 CURRENTLY, THERE ARE ONLY TWO.
 06:48:29 ARBY'S AND CULVER'S.
 06:48:31 AND THERE WILL BE A THIRD.
 06:48:36 DUNKIN' DONUTS.
 06:48:37 BUT THE POINT STILL REMAINS.
 06:48:38 THERE'S NOT A PROLIFERATION OF FAST FOODS ALONG CORKSCREW
 06:48:42 ROAD AT THIS POINT IN TIME.

06:48:44 IN FACT, WHAT WE'VE HAD TRANSPIRES AT THIS COMMERCIAL NODE,
 06:48:50 YOU HAVE RESIDENTIAL HERE.
 06:48:54 RIGHT HERE INSTEAD OF ALL THESE OUTPARCELS THAT WE WERE

 06:48:57 CONCERNED WITH THE CAR DEALERSHIP CAME IN AND RE-DID THAT
 06:49:04 ENTIRE COMMERCIAL PLANNED DEVELOPMENT.
 06:49:06 NOW YOU HAVE A MIX OF, WELL, CAR DEALERSHIP AND THEN OFFICE
 06:49:09 SPACE.
 06:49:09 THEN ON THE NORTH SIDE, ORIGINALLY, THERE WAS MY LEAST
 06:49:14 FAVORITE USE EVER, WHICH WAS A GOLF CART DEALERSHIP.
 06:49:21 I REMEMBER WHEN THAT WENT IN.
 06:49:22 BUT NOW IT'S RESIDENTIAL COMMUNITY.
 06:49:24 SO THE WHOLE INTERCHANGE, THE WHOLE AREA HAS DEVELOPED
 06:49:29 TOTALLY DIFFERENT THAN WHAT WE WERE THINKING WOULD HAPPEN
 06:49:32 BACK IN 2003.
 06:49:34 SO THE IDEA THAT THERE NEEDS TO BE EITHER ONE OR THE OTHER I
 06:49:38 THINK IS CERTAINLY LESS APPLICABLE NOW THAN IT WAS BACK
 06:49:44 THEN.
 06:49:45 BUT I DO WANT TO ALSO STRESS TO YOU THAT IF WE CAN'T GET
 06:49:51 THAT AMENDED, THEY CAN'T GO FORWARD.
 06:49:56 THAT'S THE BOTTOM LINE CONTRACTUALLY WITH WHAT THEY HAVE
 06:49:59 WITH THE RELEASE OF THE COVENANT.
 06:50:01 I TALKED LAST TIME I WAS HERE ABOUT WHO WAS WAWA.
 06:50:10 I THINK YOU ALL UNDERSTAND THAT.
 06:50:12 JUST SINCE THE LAST TIME I'LL TELL YOU I'VE DISCOVERED THEIR
 06:50:16 ITALIAN HOAGIE AND I DRIVE AN ELECTRIC CAR.
 06:50:19 SO I HAVE NO BUSINESS GOING TO GET GAS THERE.
 06:50:23 I DO OCCASIONALLY WHEN THEY HAVE CHARGERS, I GO TO THEIR
 06:50:26 CHARGING SPOTS, BUT I ALSO GO THERE WITHOUT.

 06:50:29 IT IS PRINCIPALLY A CONVENIENCE STORE UNLIKE OTHER PLACES,
 06:50:35 AND THEN THEY ALSO HAVE GAS AS AN ANCILLARY USE.
 06:50:41 THIS IS THE SITE PLAN.
 06:50:43 YOU CAN SEE THE ENTRANCE OFF OF ESTERO TOWN COMMONS PLACE.
 06:50:46 RIGHT IN.
 06:50:47 THIS IS AN EXISTING RIGHT-IN ONLY.
 06:50:49 AND THEN THERE'S THE EXIT/ENTRANCE IS OVER HERE ON THE WEST
 06:50:55 SIDE THAT, AGAIN, GETS OUT ON ESTERO TOWN COMMONS.
 06:50:58 AFTER I FINISH UP, I'M GOING TO HAVE TED TREESH COME UP HERE
 06:51:03 AND TALK ABOUT, THERE IS A CONDITION IN THE STAFF REPORT
 06:51:06 THAT WE'RE CONCERNED ABOUT THAT INDICATES AT THE TIME OF
 06:51:10 DEVELOPMENT ORDER, STAFF WILL EVALUATE AND DECIDE WHETHER
 06:51:13 THERE IS A RIGHT IN HERE OR NOT OR THAT GETS CLOSED OFF.
 06:51:18 I CAN TELL YOU WITHOUT THE RIGHT IN, YOU ALSO CAN'T DO THE
 06:51:22 USE.
 06:51:23 THE CIRCULATION WOULD JUST SIMPLY BE A MESS.
 06:51:26 IF ALL THE ENTERING AND EXITING TRAFFIC HAD TO COME AROUND
 06:51:30 HERE, IN HERE, THEN CIRCULATE AND GO OUT, IT JUST -- IT

06:51:35 WOULD BE UNTENABLE.
 06:51:36 RIGHT NOW IT'S DESIGNED SO THAT PEOPLE PULL IN.
 06:51:40 THERE'S NO STOPPING CONDITION.
 06:51:42 THEY PULL IN.
 06:51:42 THEY GO STRAIGHT TO THE CANOPY OR THEY PULL IN AND THEY GO
 06:51:46 AROUND STRAIGHT TO THE CONVENIENCE STORE.
 06:51:48 IT IS A FREE-FLOWING MOVEMENT.

06:51:50 THEN THEY GO OUT HERE AND BACK.
 06:51:53 >>Jim Wallace: WHAT IS DOWN IN THE SOUTHEAST CORNER?
 06:51:55 DOWN HERE.
 06:51:58 THREE, FOUR PARKING SPACES, BUT THERE'S SOMETHING IN FRONT
 06:52:03 OF IT.
 06:52:03 >>Daniel DeLisi: THOSE ARE THE FUEL TANKS, I BELIEVE.
 06:52:08 >>Jim Wallace: HOW DO YOU HAVE PARKING THERE AND OIL TRUCKS
 06:52:13 AT THE SAME TIME?
 06:52:14 >>Daniel DeLisi: THE GAS TRUCKS AREN'T GOING TO FILL UP --
 06:52:22 >>Jim Wallace: THEY PULL IN AND UNLOAD.
 06:52:24 >>Daniel DeLisi: THEY DO.
 06:52:25 PEOPLE CAN'T PARK THERE WHEN A FUEL TRUCK IS THERE.
 06:52:29 >>Jim Wallace: IF I PARK THERE AND THE TRUCK PULLS IN, I'M
 06:52:33 STUCK?
 06:52:33 >>Daniel DeLisi: I ASSUME THE TRUCK CAN'T COME IN AND BLOCK
 06:52:36 YOU.
 06:52:38 I DON'T KNOW.
 06:52:38 I CAN GET ONE OF THE PEOPLE UP TO EXPLAIN IT.
 06:52:43 I RARELY GO TO GAS STATIONS THESE DAYS.
 06:52:48 >>Jim Wallace: I'M SORRY.
 06:52:49 CONTINUE.
 06:52:51 >>Daniel DeLisi: SO THIS IS THE EAST ELEVATION, AND WE CAN
 06:52:55 GET THESE SLIDES BACK UP IF YOU WANT TO TALK ABOUT THE
 06:52:59 ELEVATIONS WITH THE ARCHITECT.
 06:53:01 I'M JUST GOING TO RUN THROUGH THIS QUICKLY.

06:53:03 HERE'S THE CORKSCREW ROAD ELEVATION.
 06:53:07 WHAT I'LL MENTION HERE IS JUST THE DESIGN ALONG CORKSCREW
 06:53:10 ROAD EARLY ON, WE HAD TALKED WITH STAFF AND THEY HAD
 06:53:15 SUGGESTED HAVING SOME SORT OF PUBLIC SEATING AREA ALONG
 06:53:19 CORKSCREW ROAD, SO THAT'S BEEN PROGRAMMED IN.
 06:53:22 THIS IS THE TYPICAL OUTDOOR SEATING THAT YOU SEE AT WAWAS
 06:53:27 AND THAT'S GOING TO BE AGAIN FACING CORKSCREW ROAD IN THE
 06:53:31 BUFFER AREA.
 06:53:31 SO THE DEVIATIONS I'M NOT GOING TO GO THROUGH ONE BY ONE.
 06:53:34 I CAN IF YOU HAVE ANY QUESTIONS ON THEM.
 06:53:38 BUT LET ME JUST LOOK AT THE GAS CANOPY FOR A SECOND, AND WE
 06:53:44 CAN, AGAIN, COME BACK TO THIS.
 06:53:47 WHAT I'LL SAY ABOUT THIS, BACK IN THE DAY WHEN THE ESTERO
 06:53:54 CODES WERE BEING WRITTEN, THIS WASN'T QUITE WHAT WE WERE

06:53:57 TRYING TO PREVENT.
 06:53:58 SO THERE IS A CODE FOR PITCHED ROOF, BUT THERE'S ALSO A LOT
 06:54:04 OF ARTICULATION.
 06:54:06 IT'S NOT QUITE THE POLE BARN THAT WE WERE TRYING TO PROTECT
 06:54:11 AGAINST BACK THEN.
 06:54:13 YOU ALL ARE MUCH MORE INTO THIS THESE DAYS THAN I AM.
 06:54:17 SO YOU HAVE YOUR OWN OPINIONS ON THAT.
 06:54:19 BUT THIS IS THE WAWA BRAND AND WHAT YOU SEE AT EVERY STATION
 06:54:27 THAT THEY ARE KNOWN FOR.
 06:54:29 AND I DON'T HEAR A LOT OF COMPLAINTS FROM PEOPLE ABOUT
 06:54:33 UGLINESS OF THE CANOPY, BUT AGAIN, WE CAN TALK MORE ABOUT

 06:54:37 THAT.
 06:54:38 LET ME JUST TALK THROUGH SOME OF THE -- I HAD SUBMITTED AN
 06:54:43 EIGHT-DAY LETTER.
 06:54:48 I JUST WANT TO MAKE SURE I DON'T MISS ANYTHING.
 06:54:53 JUST IN ORDER OF IMPORTANCE TO US, OF COURSE, THAT CONDITION
 06:55:03 ABOUT HAVING EITHER THE FAST FOOD OR THE CONVENIENCE STORE
 06:55:07 IS VERY IMPORTANT TO THIS APPLICATION.
 06:55:10 I TALKED ABOUT, MARY TALKED ABOUT, AND WE DISAGREE ON, BUT
 06:55:14 WE ABSOLUTELY NEED THAT FOR THIS TO GO FORWARD.
 06:55:18 AS I MENTIONED, THE RIGHT-IN ONLY ACCESS, WE DEFINITELY NEED
 06:55:21 THAT.
 06:55:23 WE NEED THAT APPROVED TO MOVE FORWARD AS WELL.
 06:55:25 WE CAN TALK MORE ABOUT THE GAS CANOPY IF THAT IS A CONCERN
 06:55:32 OF YOURS.
 06:55:34 ON CONDITION THREE, WE HAD PROPOSED SOME TWEAKS TO THAT
 06:55:42 LANGUAGE, AND I BELIEVE STAFF IS OKAY WITH IT.
 06:55:46 AND THE PURPOSE OF THE TWEAKS WERE WE JUST WANTED IT TO BE
 06:55:49 CLEAR THAT WE'RE RESPONSIBLE FOR OUR PROPORTIONATE SHARE NOT
 06:55:56 ESTERO TOWN COMMONS PROPORTIONATE SHARE.
 06:55:59 SO THE WAWA IS RESPONSIBLE FOR ITS PROPORTIONATE SHARE OF
 06:56:04 THE COST OF SIGNALIZATION.
 06:56:07 OF THE COST OF SIGNALIZATION.
 06:56:10 CONDITION 4 WE'RE FINE WITH.
 06:56:18 ADA PARKING SPACES THAT WE'RE GOING TO COMPLY WITH IT
 06:56:22 ANYWAYS.

 06:56:23 WHETHER THAT STAYS OR GOES IS FINE WITH US.
 06:56:25 CONDITION 7, AS I TALKED ABOUT TODAY, THIS IS THE AGREEMENT
 06:56:32 TO AMEND THE COVENANT THAT STAFF IS REQUIRING.
 06:56:39 OUR POINT THERE WAS WE DON'T UNDERSTAND WHY THE VILLAGE
 06:56:45 WOULD WANT TO GET THEMSELVES INTO THE POSITION OF BEING A
 06:56:49 RESPONSIBLE PARTY FOR ENFORCEMENT OF A PRIVATE COVENANT, BUT
 06:56:52 IT'S GOT TO CHANGE ANYWAYS.
 06:56:54 WE KNOW THAT.
 06:56:55 THAT'S IN THE PROCESS, AND SO WHETHER THAT STAYS OR GOES IS
 06:56:59 UP TO YOU ALL.

06:57:00 I'M JUST NOT SURE WHY IT'S THERE AND WHY THE VILLAGE WOULD
 06:57:06 WANT IT THERE.
 06:57:07 AND THEN THE LAST ONE IS THE FIRST PARAGRAPH OF CONDITION
 06:57:18 NINE WE WERE ASKING -- WELL, THE LAST ONE WE DON'T -- IT
 06:57:22 DOESN'T MATTER TO US.
 06:57:23 IF YOU ALL HAVE CHANGES TO THE PATTERN BOOK BETWEEN NOW OR
 06:57:28 TODAY, WE ARE FINE WITH MAKING THEM.
 06:57:33 OF COURSE, WE'RE GOING TO MAKE THEM BEFORE THE CITY COUNCIL
 06:57:36 MEETING TO THE EXTENT WE'RE IN AGREEMENT.
 06:57:38 WITH THAT, LET ME GET TED UP HERE TO TALK ABOUT THE RIGHT-IN
 06:57:46 ACCESS.
 06:57:47 AND THEN IF YOU HAVE ANY QUESTIONS FOR US OR THE ARCHITECT,
 06:57:54 WE ARE HERE TO TAKE THEM.
 06:58:00 >>Ted Treesh: GOOD EVENING.
 06:58:01 TED TREESH WITH TR TRANSPORTATION CONSULTANTS.

06:58:05 WE CONDUCTED THE TRAFFIC ANALYSIS AS PART OF THIS PROJECT.
 06:58:08 WE'LL BE DOING ANOTHER TRAFFIC STUDY AS THE PROJECT COMES IN
 06:58:13 FOR A DEVELOPMENT ORDER APPLICATION, ONCE THE SITE PLAN, IF
 06:58:17 IT'S APPROVED AND THE SITE PLAN PROCEEDS THROUGH THE
 06:58:20 APPROVAL PROCESS, WE'LL BE DOING AN UPDATED TRAFFIC STUDY AS
 06:58:24 WELL.
 06:58:24 I JUST WANTED TO TALK A LITTLE BIT ABOUT THE CIRCULATION.
 06:58:35 AND, AGAIN, AS DAN POINTED OUT, THE ACCESS TO THIS PARCEL,
 06:58:42 AS YOU MAY BE FAMILIAR WITH IT, THERE IS AN EXISTING
 06:58:45 RIGHT-IN ONLY AS YOU COME IN OFF OF CORKSCREW ROAD ON ESTERO
 06:58:49 TOWN COMMONS PLACE.
 06:58:51 THAT ROADWAY AS YOU COME IN TO THE LOWE'S PLAZA, IT'S A
 06:58:55 DIVIDED ROADWAY SO THE INBOUND LANES AND THE OUTBOUND LANES
 06:59:00 ARE SEPARATED BY A MEDIAN.
 06:59:02 THERE IS THE NEW TRAFFIC SIGNAL THERE THAT'S NOW
 06:59:05 OPERATIONAL.
 06:59:07 SO AS TRAFFIC COMES IN, YOU'LL BE ABLE TO TURN RIGHT INTO
 06:59:11 THIS PROPERTY UNDER A FREE-FLOW CONDITION.
 06:59:14 YOU WON'T HAVE TO STOP.
 06:59:15 THERE ARE NO STOP BARS, JUST AS YOU DID WHEN THE RUBY
 06:59:18 TUESDAY WAS THERE.
 06:59:20 AND WHEN THE GAS STATION IS THERE, YOU CAN SEE FROM THIS
 06:59:23 PLAN, AS YOU TURN IN, YOU'LL BE COMING INTO THE CANOPY SO IF
 06:59:27 YOU WANT TO REFUEL, YOU'LL TURN IN FACING THE CANOPY.
 06:59:31 YOU'LL BE ABLE TO EITHER ENTER THE CANOPY TO COMPLETE YOUR

 06:59:35 FUEL TRANSACTION OR YOU CAN TURN LEFT OR RIGHT OR CONTINUE
 06:59:38 STRAIGHT THROUGH UNDERNEATH THE CANOPY AND TRAVEL INTO ONE
 06:59:42 OF THE PARKING SPACES IF YOU JUST WANT TO VISIT THE
 06:59:45 CONVENIENCE STORE.
 06:59:46 IF WE DIDN'T HAVE THAT ACCESS, 100 PERCENT OF THE TRAFFIC
 06:59:52 WOULD HAVE TO COME IN, THAT SINGULAR ACCESS ON THE SOUTH

06:59:57 SIDE OF THE PROJECT, AND THE VOLUME OF TRAFFIC THAT THESE
 07:00:01 FACILITIES GENERATE, ESPECIALLY DURING THE PEAK HOURS, ONE
 07:00:05 ACCESS JUST WOULD CREATE A NUMBER OF PROBLEMS, ESPECIALLY
 07:00:10 ON-SITE.
 07:00:11 YOU'RE FAMILIAR WITH GAS STATIONS.
 07:00:12 WE ALL VISIT THEM, WELL, EXCEPT, DAN, BECAUSE HE DRIVES AN
 07:00:16 ELECTRIC VEHICLE.
 07:00:17 I DRIVE A DIESEL GAS GUZZLER.
 07:00:20 UNFORTUNATELY, I VISIT THESE WAY TOO OFTEN.
 07:00:22 THE FOLKS FROM BRIGHTWORK AND WAWA CAN GET INTO THIS MORE IF
 07:00:28 YOU NEED TO.
 07:00:29 BUT THE IMPORTANCE TO THEM IS BASICALLY THE AREA BETWEEN THE
 07:00:33 CANOPY AND THE CONVENIENCE STORE.
 07:00:36 THAT'S WHERE YOU HAVE A LOT OF PEDESTRIAN ACTIVITY FOLKS
 07:00:40 THAT HAVE THEIR VEHICLE AT THE PUMPS, WALKING BETWEEN THE
 07:00:44 PUMPS AND THE CONVENIENCE STORE.
 07:00:45 SO IF WE DON'T HAVE THAT ACCESS ON THE EAST SIDE, THAT
 07:00:51 CREATES A LOT MORE VEHICULAR TRAFFIC BETWEEN THE CANOPY AND
 07:00:54 THE BUILDING AND CREATES MORE CONGESTION BETWEEN THE

 07:00:58 PEDESTRIANS AND THE VEHICLES.
 07:01:00 TALK ABOUT YOUR QUESTION ABOUT THE TANKERS AND THOSE FOUR
 07:01:07 PARKING SPACES PROBABLY WILL NEVER BE UTILIZED.
 07:01:12 THOSE ARE THE FARTHEST PARKING SPACES FROM THE CONVENIENCE
 07:01:17 STORE.
 07:01:18 BUT A TANKER TYPICALLY DELIVERS TO THE PROPERTIES ON OFF
 07:01:21 PEAK HOURS, EVENING, LATER IN THE EVENINGS OR EARLY IN THE
 07:01:24 MORNINGS ON PURPOSE.
 07:01:25 THEY DON'T WANT THE TANKERS THERE DURING THE BUSY TIMES TO
 07:01:29 CONFLICT WITH THE HEAVY VOLUMES OF TRAFFIC DURING THEIR PEAK
 07:01:32 TIMES.
 07:01:33 THEY TYPICALLY TRY AND SCHEDULE THEIR TANKER DELIVERIES
 07:01:38 DURING OFF PEAK TIMES.
 07:01:40 WHEN THE TANKERS ARE SITTING ON TOP OF THE TANKS ARE
 07:01:43 TYPICALLY DURING OFF PEAK TIMES WHEN THE STORES AREN'T AS
 07:01:46 BUSY.
 07:01:47 OBVIOUSLY, DURING PEAK TIMES, THERE ARE TIMES WHEN THERE
 07:01:50 MIGHT BE A TANKER THERE DURING SOME PEAK TIMES.
 07:01:53 BUT THEY TYPICALLY TRY AND VISIT THE PROPERTIES DURING OFF
 07:01:58 PEAK TIMES.
 07:01:59 HOPEFULLY THEY WON'T BLOCK A VEHICLE IN THOSE PARKING SPACES
 07:02:03 WHILE THEY ARE THERE.
 07:02:04 OTHER THAN THAT, OUR ANALYSIS SHOWED THAT WE MEET ALL THE
 07:02:10 REQUIREMENTS OF THE ESTERO LAND DEVELOPMENT CODE AND
 07:02:13 COMPREHENSIVE PLAN FOR THE REQUEST AND I THINK THAT IS

 07:02:18 EVERYTHING I WANTED TO ADDRESS.
 07:02:21 I WOULD BE MORE THAN HAPPY TO ANSWER ANY QUESTIONS IF YOU

07:02:23 HAVE ANY.
 07:02:23 >>Scotty Wood: I HAVE ONE.
 07:02:25 YOUR TIS IS BASED UPON JUST THE CONVENIENCE STORE AND THE
 07:02:29 FUELING STATIONS.
 07:02:31 >>Ted Treesh: CORRECT.
 07:02:33 >>Scotty Wood: IT DOES NOT INCLUDE ANYTHING WITH REGARD TO
 07:02:36 THE FAST FOOD RESTAURANT.
 07:02:37 WE'RE BEING ASKED TO RECOMMEND APPROVAL OF A FAST FOOD
 07:02:40 RESTAURANT WITH NO TRANSPORTATION ANALYSIS.
 07:02:43 >>Ted Treesh: WE LOOKED AT SPECIFICALLY THIS PARCEL.
 07:02:45 WE DIDN'T LOOK AT THE ENTIRE CPD.
 07:02:47 >>Scotty Wood: I UNDERSTAND.
 07:02:48 BUT WE'RE ASKED TO LOOK AT THE ENTIRE.
 07:02:51 >>Daniel DeLisi: JUST TO CLARIFY, YOU'RE NOT BEING ASKED TO
 07:02:54 APPROVE A FAST FOOD.
 07:02:58 THE CONDITION THAT REQUIRES EITHER-OR, THAT COULD CHANGE IT
 07:03:03 SO MAYBE THERE IS A FAST FOOD IN THE FUTURE, BUT WE DON'T
 07:03:06 KNOW FOR SURE IF THERE IS GOING TO BE A FAST FOOD.
 07:03:09 >>Scotty Wood: DAN, I WOULD CHALLENGE YOU ON THAT.
 07:03:12 IF IT CAN'T GO FORWARD WITHOUT A FAST FOOD THEN HOW CAN IT
 07:03:16 BE ANYTHING BUT A FAST FOOD GOING FORWARD?
 07:03:18 >>Daniel DeLisi: BECAUSE THEY DON'T WANT TO GIVE UP THEIR
 07:03:21 RIGHT.

 07:03:21 >>Scotty Wood: THAT'S THE POINT.
 07:03:22 IT'S DE FACTO, THEY WANT A FAST FOOD RESTAURANT THERE.
 07:03:25 THAT'S DE FACTO.
 07:03:29 >>Daniel DeLisi: I DISAGREE.
 07:03:30 I KNOW THAT --
 07:03:33 >>Scotty Wood: YOU CAN DISAGREE.
 07:03:34 I UNDERSTAND THAT.
 07:03:35 >>Ted Treesh: WHEN THE TRAFFIC STUDY FOR THIS ZONING WAS
 07:03:39 DONE, IT WAS DONE AS A SHOPPING CENTER WHICH INCLUDES FAST
 07:03:42 FOOD USES, SO THAT WOULD HAVE BEEN DONE IN THE OVERALL
 07:03:45 ZONING.
 07:03:46 WHEN AND IF A FAST FOOD WERE TO COME IN ON ANOTHER PARCEL,
 07:03:49 THERE WOULD HAVE TO BE A TRAFFIC STUDY DONE FOR THAT PARCEL
 07:03:52 AT THE TIME.
 07:03:52 SO I WOULD COUNTER THAT THERE WAS -- THAT USE WAS INCLUDED
 07:03:56 IN THE ORIGINAL ZONING FOR THE CPD BECAUSE IT WAS ANALYZED
 07:04:01 AS A SHOPPING CENTER, WHICH DOES INCLUDE OUTPARCELS THAT
 07:04:05 INCLUDE FAST FOOD, OFFICE, RETAIL, ALL THOSE USES.
 07:04:12 >> WOULDNT A SEPARATE TIS BE REQUIRED?
 07:04:15 >>Scotty Wood: THAT'S WHAT HE JUST SAID.
 07:04:19 >> DO WE REQUIRE THAT?
 07:04:21 >>Barry Jones: I DEFER TO MARY.
 07:04:24 >>Mary Gibbs: YES, IF THEY COME IN LATER, SO THE WAWA IS ON
 07:04:28 THIS PARCEL.

07:04:29 THE FAST FOOD IS ON ANOTHER PARCEL.

07:04:31 WHEN THEY COME IN, IF THEY HAVE A FAST FOOD, THEY HAVE TO DO
 07:04:36 A TRAFFIC ANALYSIS AT THE TIME.
 07:04:37 THE THING THAT I WOULD ASK TED MAYBE TO EXPLAIN, BECAUSE I
 07:04:41 THINK -- I'M TRYING TO -- I'M THINKING AHEAD TO WHAT COUNCIL
 07:04:44 MIGHT BE CONCERNED ABOUT OR WANT SOME ANSWERS TO.
 07:04:47 LET'S SAY YOU HAVE THE FAST FOOD.
 07:04:50 YOU COME IN WITH WAWA.
 07:04:52 I THINK THE COUNCIL WILL WANT TO MAKE SURE THAT IF YOU KEEP
 07:04:57 THIS RIGHT TURN IN ONLY, WILL THERE BE ANY SCENARIO?
 07:05:01 BECAUSE WE KNOW WAWAS ARE POPULAR AND GENERATE A LOT OF
 07:05:05 TRAFFIC, WHERE THERE COULD BE ANY POTENTIAL BACKUP ON
 07:05:08 CORKSCREW ROAD OR HOW WOULD IT BE QUEUED?
 07:05:12 >>Kristin Jeannin: THAT SEGUES INTO A QUESTION I HAVE.
 07:05:15 THERE ARE PRETTY MUCH TWO PLACES I WANT TO GO BEFORE AND
 07:05:19 AFTER A HURRICANE AND THAT IS LOWE'S AND THE GAS STATION.
 07:05:21 HOW DO YOU SEE STACKING HAPPENING OR HAVE YOUR STUDIES
 07:05:26 INCLUDED WHAT CIRCULATION WOULD LOOK LIKE IN AN EXTREMELY
 07:05:30 HIGH FLOW EVENT LIKE THAT?
 07:05:32 >>Ted Treesh: OBVIOUSLY, PRE-HURRICANE EVENTS, ALL BETS ARE
 07:05:35 OFF IN TERMS OF HOW GAS STATIONS OPERATE.
 07:05:38 THE NORMAL DAY-TO-DAY OPERATIONS, THIS FACILITY WILL OPERATE
 07:05:43 WITHOUT ANY QUEUING DIFFICULTIES BECAUSE THE INBOUND TRAFFIC
 07:05:46 DOESN'T STOP.
 07:05:48 AS YOU ENTER -- THE TRAFFIC SIGNAL NOW AT CORKSCREW AND
 07:05:52 ESTERO COMMONS PLACE CONTROLS THE FLOW OF TRAFFIC.

07:05:55 SO AS YOU GET THE GREEN LIGHT ON CORKSCREW TO TURN INTO THIS
 07:05:59 PROPERTY, YOU'LL TURN IN AND AS YOU'RE COMING IN, YOU'LL
 07:06:03 EITHER MAKE THE DECISION TO TURN RIGHT INTO THIS PROPERTY OR
 07:06:06 CONTINUE STRAIGHT INTO THE LOWE'S PROPERTY OR YOU CONTINUE
 07:06:11 TO GO STRAIGHT WITHOUT STOPPING.
 07:06:12 SO THE ONLY TIME YOU'LL STOP IS WHEN YOU GET TO EITHER THE
 07:06:16 PUMP OR A PARKING SPACE INTO THE WAWA BUILDING.
 07:06:22 >>Jim Wallace: THE ISSUE REALLY BECOMES IN TERMS OF -- I'M A
 07:06:26 NEOPHYTE HERE, BUT DOESN'T THE LOCATION OF THE FAST FOOD
 07:06:30 BECOME A CRITICAL ISSUE?
 07:06:32 THEY HAVE SEVERAL VACANT PARCELS RIGHT NOW.
 07:06:36 IF A McDONALD'S OR WENDY'S OR CHICK-FIL-A WENT IN RIGHT
 07:06:42 BESIDE WAWA, THEN THAT ROAD COULD SEE A SIGNIFICANT AMOUNT
 07:06:47 OF TRAFFIC, THE ENTRY ROAD, BEFORE PEOPLE TURN RIGHT TO
 07:06:54 EITHER GO INTO WAWA.
 07:06:55 SO THE LOCATION WITHIN THE ESTERO TOWN COMMONS MAKES A
 07:06:58 DIFFERENCE.
 07:06:58 ARE PEOPLE COMING IN OFF THREE OAKS PARKWAY?
 07:07:02 ARE THEY COMING IN AT THE OTHER ENTRANCE OFF CORKSCREW OR
 07:07:04 COMING IN OFF THIS ENTRANCE?

07:07:08 >>Ted Treesh: AGAIN, THAT WAS ALL PLANNED WHEN THIS PLAZA
 07:07:11 WAS ZONED AS CPD, AND IT WAS ANALYZED AS A RETAIL
 07:07:17 DEVELOPMENT.
 07:07:17 THE PRIMARY TENANT OF THIS PLAZA IS A HOME IMPROVEMENT
 07:07:22 CENTER WHICH CREATES LOWER TRIPS THAN A RETAIL SQUARE

 07:07:26 FOOTAGE OF SIMILAR SIZE.
 07:07:28 >>Jim Wallace: THINKING AT THAT TIME WAS TO NOT HAVE BOTH.
 07:07:31 SO IF YOU'RE THINKING ABOUT HAVING BOTH, YOU WANT TO BE SURE
 07:07:36 IT'S NOT ALL COMING IN ON ONE ENTRY, ONE ROAD.
 07:07:42 YOU'RE THE TRAFFIC GUY.
 07:07:43 >>Ted Treesh: THE ROADS ARE ALREADY BUILT TO THIS PLAZA.
 07:07:46 WE HAVE THE MAIN ENTRANCE NOW THAT IS SIGNALIZED.
 07:07:49 THIS AERIAL SHOWS, WE HAVE ANOTHER RIGHT-IN, RIGHT-OUT.
 07:07:53 YOU'LL SEE TO THE WEST.
 07:07:54 SO IF THE FAST FOOD WERE TO GO ON THE LOT IMMEDIATELY TO THE
 07:07:59 WEST OF THIS WAWA PARCEL, THEY HAVE A RIGHT-IN, RIGHT-OUT
 07:08:04 THAT'S RIGHT NEXT TO THAT LOT. SO IF YOU'RE HEADING
 07:08:07 EASTBOUND ON CORKSCREW, YOU KNOW, THAT WOULD BE YOUR FIRST
 07:08:12 DRIVEWAY YOU WOULD COME TO.
 07:08:13 AND THEN YOU WOULD COME -- THAT WOULD BE YOUR FIRST ENTRANCE
 07:08:18 YOU WOULD USE.
 07:08:19 AND THEN YOU ALSO HAVE AN ACCESS ON THREE OAKS PARKWAY
 07:08:22 FURTHER TO THE SOUTH THAT'S JUST OFF THIS AERIAL PHOTO THAT
 07:08:26 YOU CAN GET INTO THIS PLAZA.
 07:08:34 >>Neale Montgomery: NEALE MONTGOMERY, FOR THE RECORD.
 07:08:37 MR. TREESH, DID YOU WORK ON -- DID YOU DO THE TRAFFIC
 07:08:41 ANALYSIS FOR THE ORIGINAL ZONING?
 07:08:43 >>Ted Treesh: NO, I DID NOT.
 07:08:45 >>Neale Montgomery: AND WHEN YOU DID THE ANALYSIS AT THAT
 07:08:48 TIME --

 07:08:49 >>Ted Treesh: I DIDN'T DO IT.
 07:08:51 >>Neale Montgomery: YOU DIDN'T.
 07:08:51 BUT YOU REVIEWED IT.
 07:08:53 >>Ted Treesh: I'VE BEEN INVOLVED IN THE PROJECT.
 07:08:55 I DID THE PROJECT ADJACENT TO THIS.
 07:09:00 ACROSS THIS STREET.
 07:09:01 I HAVE REVIEWED THE PROJECT AND THE ANALYSIS OF THE ORIGINAL
 07:09:03 ZONING MANY TIMES.
 07:09:04 >>Neale Montgomery: LIKE THE ONES YOU HAVE WORKED ON, THE
 07:09:06 ORIGINAL ANALYSIS BASED ON WORST-CASE SCENARIO?
 07:09:10 >>Ted Treesh: YES.
 07:09:11 >>Neale Montgomery: CAN YOU HELP ME BECAUSE A PHENOMENON
 07:09:13 THAT I EXPERIENCE -- I DON'T KNOW IF EVERYBODY ELSE DOES --
 07:09:16 BUT I THINK IT RELATES TO PASS-BY TRIPS.
 07:09:19 I DON'T LIKE TO STOP.
 07:09:21 SO IF I'M ON THE ROAD, I WANT TO BE ABLE TO TURN IN AND KEEP

07:09:25 GOING IN THE SAME DIRECTION.
 07:09:27 I DON'T WANT TO TURN LEFT AND FIGURE OUT HOW TO GET BACK ON
 07:09:30 THE ROAD.
 07:09:30 IS THAT A COMMONPLACE EXPERIENCE WITH GAS STATIONS?
 07:09:35 >>Ted Treesh: YES.
 07:09:35 >>Neale Montgomery: FROM A TECHNICAL STANDPOINT CALLED
 07:09:39 PASS-BY TRIPS.
 07:09:40 >>Ted Treesh: RIGHT.
 07:09:41 A MATTER OF CONVENIENCE, YES.

 07:09:44 >>Neale Montgomery: HOW DOES THAT WORK IN TERMS OF PASS-BY
 07:09:46 TRIPS?
 07:09:47 IN OTHER WORDS, HOW DO THEY GET FACTORED IN WHEN YOU DO YOUR
 07:09:51 OVERALL ANALYSIS?
 07:09:54 >>Ted Treesh: WELL, THE ANALYSIS THAT WE DO IN TERMS OF THE
 07:09:58 IMPACTS THAT A PROJECT HAS ON THE ADJACENT ROADS, WE LOOK AT
 07:10:01 TWO TRIP TYPES.
 07:10:03 PASS-BY TRIPS WHICH NEALE WAS TALKING ABOUT, WHICH IS A TRIP
 07:10:08 YOU ARE MAKING FROM ONE POINT TO YOUR DESTINATION, AND YOU
 07:10:11 STOP SOMEWHERE IN BETWEEN.
 07:10:12 SO IF YOU'RE GOING FROM HOME TO WORK, BUT YOU STOP AT THE
 07:10:15 GROCERY STORE OR THE GAS STATION BETWEEN YOUR TRIP FROM HOME
 07:10:19 TO YOUR OFFICE.
 07:10:20 SO THAT TRIP THAT YOU STOP AT IN BETWEEN, THAT TRIP IS
 07:10:25 REALLY A PASS-BY TRIP.
 07:10:27 AND THAT TRIP IS CALCULATED IN IMPACT FEES FOR THAT USE,
 07:10:31 ET CETERA.
 07:10:31 THE OTHER TRIP IS A NEW TRIP.
 07:10:34 SO THE OFFICE TRIP WAS YOUR DESTINATION, THAT HE IS A NEW
 07:10:40 TRIP.
 07:10:41 GAS STATIONS, FAST FOODS, F.D.O.T., LEE COUNTY, THEY HAVE
 07:10:45 STUDIED THESE USES, GAS STATIONS, 70 TO 80% OF THE TRAFFIC
 07:10:49 GOING IN AND OUT OF THE USES ARE PASS-BY TRIPS.
 07:10:53 PEOPLE STOP AT THE USES ON THE WAY TO SOMEWHERE ELSE.
 07:10:56 THEY TYPICALLY DON'T STOP HERE ON THE WAY, COME HERE AS A

 07:11:00 DESTINATION USE AND THEN RETURN BACK TO WHERE THEY CAME
 07:11:04 FROM.
 07:11:04 THEY STOP HERE ON THEIR WAY HOME, ON THEIR WAY TO WORK, ON
 07:11:08 THEIR WAY SHOPPING TO SOMEWHERE ELSE.
 07:11:09 IT'S NOT A NEW TRIP TO THE ROAD NETWORK -- THE ROADWAY
 07:11:14 NETWORK.
 07:11:15 IT'S A TRIP.
 07:11:16 SO BY THAT THEY TYPICALLY LIKE A CONVENIENCE, THE RIGHT-IN,
 07:11:20 RIGHT-OUT.
 07:11:21 THEY DON'T LIKE TURNING LEFT IN, LEFT OUT.
 07:11:23 THEY LIKE MAKING THAT RIGHT IN, RIGHT OUT BECAUSE IT'S AN
 07:11:27 EASIER MOVEMENT.

07:11:27 THERE'S GAS STATIONS ON A LOT OF CORNERS, SO THEY LIKE
 07:11:34 MAKING THAT EASY MOVEMENT.
 07:11:35 THEY DON'T LIKE TRYING TO TURN LEFT IN AND OUT.
 07:11:39 THE SIGNAL AT THIS LOCATION MAKES IT BENEFICIAL TO BE ABLE
 07:11:41 TO TURN LEFT IN AND LEFT OUT.
 07:11:44 IF YOU TRIED TO MAKE THAT LEFT IN AND LEFT OUT BEFORE THAT
 07:11:46 LIGHT WAS THERE, YOU KNOW HOW DIFFICULT THAT WAS BEFORE THAT
 07:11:51 SIGNAL WAS PUT IN TO COMPLETE THAT MOVEMENT.
 07:11:53 SO NOW THAT SIGNAL HAS MADE THAT MUCH SAFER AND MUCH MORE
 07:11:58 EASIER TO BE ABLE TO COMPLETE THAT MOVEMENT.
 07:12:00 BUT A GAS STATION IS TYPICALLY A RIGHT IN, RIGHT OUT
 07:12:04 MOVEMENT.
 07:12:06 >>Mary Gibbs: I HAVE A QUESTION.

 07:12:09 DON'T GO AWAY YET.
 07:12:10 ACTUALLY, I HAVE A COMMENT AND A QUESTION.
 07:12:12 MAYBE A COMMENT TO HELP GIVE A LITTLE PERSPECTIVE.
 07:12:14 SEVERAL YEARS AGO, I THINK WHEN I WAS PRETTY NEW HERE, THIS
 07:12:18 IS PROBABLY SIX YEARS AGO -- NEW IN ESTERO.
 07:12:27 I THINK YOU JUST INSULTED ME AND CALLED --
 07:12:30 >>Ted Treesh: NO, NO.
 07:12:31 >>Mary Gibbs: ANYWAY, WAWA CAME IN BECAUSE THEY WERE
 07:12:35 ACTUALLY LOOKING AT THE OTHER LOT WHICH I DON'T KNOW IF --
 07:12:38 THE WESTERN-MOST LOT HERE ON THE SITE PLAN.
 07:12:42 I DON'T KNOW IF YOU ALL KNOW THIS, BUT WALTER AND I --
 07:12:45 WALTER MCCARTHY AND I WORKED WITH THEM AT THE TIME AND
 07:12:48 THIS CORNER LOT AT THREE OAKS AND CORKSCREW WHERE WAWA WAS
 07:12:51 GOING TO LOCATE, WE HAD SOME MEETINGS WITH THE WAWA FOLKS.
 07:12:54 THE ISSUE, THOUGH, BECAUSE LEE COUNTY HAS JURISDICTION OF
 07:12:57 THE ROAD, THERE WAS AN ISSUE BECAUSE THEY WANTED I THINK THE
 07:12:59 RIGHT IN, RIGHT OUT, AND THE COUNTY SAID IT'S TOO MUCH OF A
 07:13:03 SAFETY HAZARD, SO IT'S NOT -- THEY DIDN'T WANT TO APPROVE
 07:13:06 IT.
 07:13:07 SO IF THEY DIDN'T APPROVE IT, WAWA WENT AWAY.
 07:13:09 NOW THEY HAVE COME BACK I THINK FROM OUR STAFF POINT OF
 07:13:12 VIEW, THIS LOCATION WITH THE TRAFFIC LIGHT IS A BETTER
 07:13:18 LOCATION.
 07:13:18 BUT, AGAIN, THE REZONING ASKS YOU ABOUT THE TRAFFIC BACKING
 07:13:21 UP IS BECAUSE I KNOW THE COUNCIL WILL ASK THIS QUESTION.

 07:13:24 I WANT TO MAKE SURE THAT THE TRAFFIC DOESN'T BACK UP.
 07:13:26 CAN YOU GO BACK TO THAT SITE PLAN BECAUSE THIS GETS TO MY
 07:13:30 QUESTION.
 07:13:31 SO WOULD IT MAKE ANY SENSE TO SHIFT THE LOCATION OF THE
 07:13:41 RIGHT IN, RIGHT OUT?
 07:13:43 IF YOU'RE SAYING IT'S -- SOUNDS LIKE YOU'RE SAYING IT'S
 07:13:46 BETTER TO HAVE TWO ACCESSES TO DISBURSE THE TRAFFIC.
 07:13:50 WOULD IT MAKE SENSE TO SHIFT THIS LOCATION OF THE EXISTING

07:13:55 RIGHT IN FURTHER SOUTH OR ARE YOU SAYING IT DOESN'T MATTER
 07:13:58 BECAUSE THERE WON'T BE A BACKUP SITUATION?
 07:14:01 >>Ted Treesh: IF WE SHIFT IT FURTHER SOUTH, THEN WE'RE
 07:14:04 GETTING CLOSER TO THAT INTERSECTION AS YOU TURN INTO THE
 07:14:08 LOWE'S.
 07:14:09 NOW THERE'S TURNING MOVEMENTS AND NOW THAT'S A FOUR-WAY
 07:14:12 INTERSECTION BECAUSE NOW YOU'VE GOT A DRIVEWAY THAT'S GOING
 07:14:16 TO THE EAST, TURNING INTO -- I CAN'T REMEMBER THE NAME OF
 07:14:19 THE PROJECT.
 07:14:22 >>Mary Gibbs: STOCK DEVELOPMENT.
 07:14:24 >>Barry Jones: -- FURTHER SOUTH YOU ALSO HAVE A DEEPER
 07:14:27 THROAT GOING IN THAT YOU'RE NOT HAVING TO COME IN AND STOP
 07:14:29 AND LOOK AND ASSESS, OKAY, WHICH ONE OF THESE FOUR OR FIVE
 07:14:31 PUMP ANGLES AM I TAKING?
 07:14:33 IF YOU MOVE IT FURTHER SOUTH, A DRIVER COMES IN, HE'S GOT
 07:14:36 FREE FLOW INTO THE DRIVEWAY AND THEN CAN CIRCLE BACK TO A
 07:14:40 GAS PUMP RATHER THAN MAKE THE INSTANTANEOUS DECISION.

 07:14:43 >>Ted Treesh: IT'S NOT AN INSTANTANEOUS DECISION, BARRY.
 07:14:46 IT'S QUITE A FAR DISTANCE.
 07:14:49 IT MAY LOOK LIKE A SHORT DISTANCE ON THE SITE PLAN.
 07:14:53 BY THE TIME YOU MAKE THE TURN, THAT'S 30 FEET OF BUFFER
 07:14:56 DISTANCE.
 07:14:57 BY THE TIME YOU TURN IN AND THEN YOU'VE GOT 40 FEET BETWEEN
 07:15:00 THERE AND THE CANOPY, IT'S A GOOD DISTANCE.
 07:15:05 I WOULDN'T SAY IT'S INSTANTANEOUS.
 07:15:07 YOU'RE MOVING AT 15, 20 MILES AN HOUR.
 07:15:11 YOU'RE NOT TRAVELING 45 MILES AN HOUR.
 07:15:14 >> I DROVE THIS WHOLE PARKING LOT SEVERAL TIMES TODAY,
 07:15:18 TODAY, BEFORE I CAME HERE BECAUSE I DIDN'T WANT TO BE
 07:15:20 UNINFORMED.
 07:15:21 AND I HAVE TO AGREE THAT THE EXISTING RIGHT IN AND RIGHT OUT
 07:15:25 OR RIGHT IN HERE SEEMS TO BE THE ANSWER.
 07:15:30 RIGHT NOW, IT'S JUST PARKING SPACES, BUT YOU CAN IMAGINE
 07:15:33 THAT YOU WOULD DRIVE AND EITHER VEER TO THE LEFT, VEER TO
 07:15:37 THE RIGHT TO A PUMP, GO STRAIGHT TO A PUMP OR GO TO PARKING.
 07:15:41 YOU COME INTO THE ENTRANCE AND NOW YOU HAVE A CHOICE OF FIVE
 07:15:45 PLACES TO GO, AND YOU KNOW WHERE YOU'RE GOING.
 07:15:48 I THOUGHT THIS MADE SENSE TO ME.
 07:15:53 >>Mary Gibbs: I JUST HAVE ONE LAST QUESTION.
 07:15:55 I'M SORRY.
 07:15:56 IF YOU COME IN -- SAY YOU COME IN WITH A DEVELOPMENT ORDER
 07:16:01 AND HAVE TO DO ANOTHER TIS OR AN UPDATED TIS, IS THAT TIS

 07:16:07 GOING TO SHOW ANYTHING DIFFERENT?
 07:16:08 IS IT GOING TO SHOW ANY ISSUE?
 07:16:12 I'M SURE YOU PROBABLY KNOW BECAUSE YOU'VE DONE SO MANY.
 07:16:16 >>Ted Treesh: WE'LL DO UPDATED TRAFFIC COUNTS NOW THAT THE

07:16:19 TRAFFIC LIGHT IS IN SO WE'LL HAVE NEW TRAFFIC INFORMATION,
 07:16:22 TURNING COUNT DATA AT THE INTERSECTION SO WE CAN DO AN
 07:16:26 ANALYSIS.
 07:16:26 WE CAN DO SIMULATION OF THE TURNING MOVEMENTS TO SHOW A MORE
 07:16:31 DETAILED ANALYSIS AT THE DEVELOPMENT ORDER STAGE.
 07:16:34 MAKE SURE MAKE SURE WOULD YOU EXPECT ANYTHING --
 07:16:36 >>Ted Treesh: NO, I WOULD NOT EXPECT ANYTHING DIFFERENT.
 07:16:39 >>Mary Gibbs: I WAS JUST CURIOUS.
 07:16:44 >>Ted Treesh: ALL RIGHT.
 07:16:45 THANK YOU.
 07:16:47 >>Michael Sheeley: I HAVE A QUESTION FOR NEALE.
 07:16:50 I HAVE A QUESTION FOR NEALE AND MARY.
 07:16:54 I KNOW WE'RE WELL IN THE WEEDS IN THIS THING, BUT TO ME, WE
 07:16:58 HAVE A FUNDAMENTAL QUESTION HERE.
 07:17:00 AND THAT IS HOW DO WE APPROVE A DEVIATION FOR TWO DIFFERENT
 07:17:06 PROPERTY OWNERS?
 07:17:07 IT'S NOT A COAPPLICATION.
 07:17:10 ISN'T THE APPLICATION JUST ON BEHALF OF THE WAWA PEOPLE?
 07:17:14 AND WE'RE BEING ASKED TO APPROVE A FAST FOOD USE FOR ANOTHER
 07:17:20 OWNER.
 07:17:21 >>Neale Montgomery: NO.

 07:17:23 FAST FOOD IS ALREADY APPROVED USE.
 07:17:25 YOU'RE ALLOWED TO HAVE FAST FOOD WITHIN THE CENTER.
 07:17:28 THEY ARE ALREADY ALLOWED TO HAVE A CONVENIENCE STORE WITH
 07:17:32 FUEL PUMPS IN THE CENTER.
 07:17:34 THERE IS A CONDITION THAT WAS IMPOSED FOR THE REASONS MR.
 07:17:41 DELISI EXPLAINED, BUT THEY WERE -- LEE COUNTY AT A CERTAIN
 07:17:45 POINT IN TIME HAD A CONCERN ABOUT A PROLIFERATION OF GAS
 07:17:50 STATIONS AND FAST FOOD THAT WAS PARTICULARLY TRUE AT THE
 07:17:54 TIME ON CORKSCREW ROAD BECAUSE OF THE GENERAL INTERCHANGE
 07:17:59 AND THE COMMERCIAL NODES.
 07:18:01 MR. DELISI POINTED OUT, THAT PROLIFERATION DIDN'T HAPPEN.
 07:18:06 THIS CENTER HAS BEEN APPROVED SINCE, WHAT, 2003 AND
 07:18:11 OBVIOUSLY THERE HAS NOT BEEN A LOT OF TRACTION ON THE
 07:18:15 OUTPARCELS.
 07:18:17 SO THERE'S NOT A LOT OF USES -- I DON'T WANT TO TAKE DAN'S
 07:18:24 EXPERTISE, BUT THERE ARE NOT A LOT OF USES AT THIS POINT IN
 07:18:27 TIME IN THIS LOCATION ON OUTPARCEL.
 07:18:30 FAST FOOD IS A REASONABLE USE.
 07:18:31 IF YOU ARE THE OWNER OF THE CENTER, YOU WANT TO BE ABLE TO
 07:18:34 KEEP THAT USE SO THAT THOSE PARCELS DON'T STAY VACANT
 07:18:37 FOREVER.
 07:18:38 IT WOULD STILL BE LIMITED TO ONE FAST FOOD AND ONE
 07:18:42 CONVENIENCE STORE, WHICH IS NOT AN UNUSUAL USE IN A SHOPPING
 07:18:46 CENTER OR A POWER CENTER ON OUTPARCEL.
 07:18:49 IT'S A REASONABLE USE OF THE LAND THAT'S ALREADY PERMITTED.

07:18:52 WHAT WE'RE DOING IS NOT ISSUING A DEVIATION.
 07:18:55 WE'RE SIMPLY AMENDING A CONDITION THAT WAS IMPOSED IN 2003
 07:19:00 THAT'S UP THERE ON THE BOARD.
 07:19:03 SO IT'S NOT A DEVIATION.
 07:19:04 IT'S JUST AMENDING A PRIOR CONDITION TO ALLOW ONE OF EACH.
 07:19:08 STILL LIMITED TO ONE OF EACH, BUT BE ABLE TO HAVE BOTH
 07:19:13 INSTEAD OF ONE OR THE OTHER.
 07:19:15 >> WOULDN'T THE CENTER OWNER BE ABLE TO COME IN AT A LATER
 07:19:18 DATE AND APPLY FOR A FAST FOOD?
 07:19:20 >>Neale Montgomery: IN THEORY COULD.
 07:19:23 NOT GOING TO ELIMINATE A PRIVATE AGREEMENT OR RESTRICTION
 07:19:26 UNLESS THEY RETAIN THAT ABILITY.
 07:19:27 THEY'LL JUST KEEP THAT ABILITY AND THE WAWA WILL NEVER
 07:19:33 HAPPEN.
 07:19:34 AND AS A PERSON WHO DRIVES IN ESTERO AND HAVING BEEN FROM
 07:19:41 PENNSYLVANIA WHERE WAWA CAME FROM, I HAPPEN TO BE SOMEWHAT
 07:19:44 OF A FAN, THERE ISN'T A LOT OF GAS -- TO THE INTERSTATE.
 07:19:52 >> GOING EASTBOUND.
 07:19:55 >>Neale Montgomery: IF YOU HEAD FURTHER EAST, NOT YOU GUYS
 07:19:59 NECESSARILY ARE INVOLVED, BUT WHEN THE PROJECT, THE
 07:20:03 ENVIRONMENTAL OVERLAY PROJECTS WERE APPROVED EAST OF BELLA
 07:20:06 TERRA, NONE OF THEM WERE ALLOWED TO HAVE GAS STATIONS.
 07:20:10 SO YOU'VE GOT NOW SEVERAL THOUSAND PEOPLE WHO LIVE OUT THERE
 07:20:14 THAT HAVE NO GAS.
 07:20:16 THEY ARE GOING TO HAVE TO COME INTO ESTERO TO GET GAS.

 07:20:22 AND, FRANKLY, SOME OF THE GAS STATIONS ON THE NORTH SIDE ARE
 07:20:27 LIMITED IN TERMS OF PUMPS AND THEY ARE SHOWING THEIR AGE.
 07:20:31 AGAIN, IF I'M HEADING TO THE INTERSTATE, TO YOUR POINT, IF
 07:20:34 THERE IS A HURRICANE AND I WANT TO GET -- PROBABLY GO TO
 07:20:37 LOWE'S, GET GAS AND I'M LEAVING.
 07:20:40 SO IT'S AN IMPORTANT USE FROM A PUBLIC SAFETY STANDPOINT
 07:20:43 HERE.
 07:20:43 WE'RE JUST SIMPLY ASKING TO CHANGE THAT CONDITION.
 07:20:47 >>Michael Sheeley: WHY DOES THE STAFF RECOMMEND AGAINST THAT
 07:20:49 CHANGE?
 07:20:51 >>Mary Gibbs: WELL, BECAUSE I THINK THE IDEA WAS NOT TO HAVE
 07:20:55 THE PROLIFERATION.
 07:20:56 I AGREE WITH DAN, THAT WAS THE IDEA WHEN IT STARTED WAS NOT
 07:21:00 TO HAVE THE PROLIFERATION.
 07:21:01 AND I THINK THE STAFF LOOKED AT THIS AND SAID, WELL, THIS
 07:21:06 LAND USE CATEGORY IS NOW TRANSITIONAL MIXED USE.
 07:21:09 IF YOU REMEMBER, WE HAD THIS CONVERSATION WHEN WE HAD I
 07:21:11 THINK BURGER KING OR THE FIRESTONE, SOME OF THE OTHER
 07:21:16 PROJECTS.
 07:21:17 WHAT DOES TRANSITIONAL MIXED USE MEAN?
 07:21:20 IS IT SUPPOSED TO BE ALL THESE VEHICULAR AUTO CENTRIC TYPE
 07:21:24 OF USES OR IS IT SUPPOSED TO BE SOMETHING ELSE?

07:21:29 THAT WAS SORT OF THE PHILOSOPHICAL REASON.
 07:21:31 I THINK THE STAFF SAID WE DON'T THINK THEY NEED THE EXTRA
 07:21:33 FAST FOOD.

07:21:34 NOW, IN THE MEANTIME, THE APPLICANT DID TELL US AND I'M NOT
 07:21:37 SURE THAT THE OWNER OF THE SHOPPING OR THE REPRESENTATIVE OF
 07:21:41 THE SHOPPING CENTER HAD BEEN WORKING WITH A FAST FOOD
 07:21:47 POTENTIAL APPLICANT FOR SEVERAL MONTHS.
 07:21:49 I DON'T KNOW IF THAT'S STILL A FACTOR OR NOT.
 07:21:52 I'M SEEING HEADS SHAKING.
 07:21:55 NEVER MIND.
 07:21:55 WE THOUGHT THERE MIGHT BE EXTENUATING CIRCUMSTANCES, BUT
 07:21:59 THAT'S BASICALLY THE REASON.
 07:22:00 IT'S UP TO YOU ALL IF YOU WANT TO --

>>Michael Sheeley: IN MY MIND, IT DOESN'T SEEM INCOMPATIBLE
 07:22:05 WITH HAVING THE WAWA THERE AND ARBY'S ACROSS THE STREET.
 07:22:08 >>Mary Gibbs: IT'S NOT INCOMPATIBLE WITH WHAT'S AROUND IT
 07:22:11 BECAUSE IT'S ALL COMMERCIAL.
 07:22:14 >>Anthony Gargano: MARY, A LEGAL QUESTION HERE.
 07:22:19 DOESN'T THE OWNER OF THE LAND HAVE TO REQUEST THAT AMENDMENT
 07:22:21 TO THE CONDITION?
 07:22:27 >>Mary Gibbs: WELL, THE OWNER OF THE LAND FOR THIS --
 07:22:29 >>Anthony Gargano: SHOULDN'T THE OWNER OF THE LAND BE AN
 07:22:33 APPLICANT TO REQUEST THAT AMENDMENT?
 07:22:36 THAT CHANGE?
 07:22:38 >>Mary Gibbs: I THINK THAT'S -- I THINK THAT IS A NANCY --
 07:22:40 >>Nancy Stroud: I THINK THAT IS AN EXCELLENT QUESTION,
 07:22:46 ACTUALLY.
 07:22:49 BECAUSE, OBVIOUSLY, THE OWNER OF THE LAND FOR THE WAWA IS

07:22:53 MAKING THE REQUEST, BUT THE FAST FOOD RESTAURANT IS NOT
 07:22:56 GOING TO BE AT THE WAWA SITE.
 07:22:58 THEY ARE APPLYING FOR WAWA, NOT A FAST FOOD.
 07:23:02 I THINK WE DO NEED TO LOOK INTO THAT.
 07:23:03 BEFORE THE COUNCIL.
 07:23:08 I HAVE TO ASSUME THAT THE OWNER WOULD SUPPORT THAT BECAUSE
 07:23:13 OF WHAT HE'S REQUIRING FOR THE COVENANT TO CHANGE.
 07:23:17 BUT IT IS A VERY GOOD QUESTION.
 07:23:20 >>Mary Gibbs: I THINK DAN WANTED TO ADD SOMETHING.
 07:23:23 >>Daniel DeLisi: THE LAND DEVELOPMENT CODE ALLOWS US AS A
 07:23:26 PROPERTY OWNER OF THE PLANNED DEVELOPMENT, REQUEST A CHANGE
 07:23:30 TO THE PLANNED DEVELOPMENT.
 07:23:32 THE APPLICANT IS BRIGHTWORK DEVELOPMENT.
 07:23:35 >>Jim Wallace: WHO IS THAT?
 07:23:36 THEY OWN THE ESTERO TOWN COMMONS?
 07:23:42 >>Daniel DeLisi: NO.
 07:23:43 KITE OWNS ESTERO TOWN COMMONS -- [INTERFERING AUDIO] -- KITE
 07:23:50 OWNS ALL THE REST.

07:23:51 SO THE ISSUE WITH THE USE IS THAT KITE OWNS EVERYTHING ELSE.
 07:23:58 THEY DON'T OWN THIS.
 07:23:59 THEY DON'T GET ANYTHING FROM THIS LAND DEAL THAT TRANSPIRED.
 07:24:03 THEY DIDN'T OWN IT WHEN RUBY TUESDAY'S OWNED IT.
 07:24:07 SO TO ALLOW THIS LAND DEAL TO GO FORWARD, THEY HAD NO
 07:24:14 INCENTIVE TO DO IT.
 07:24:15 THEY WEREN'T GETTING ANYTHING FOR IT.

07:24:17 WHY WOULD THEY GIVE UP ANY USE, WHETHER A SIT-DOWN
 07:24:20 RESTAURANT, FAST-FOOD RESTAURANT, SPECIALTY RETAIL,
 07:24:25 ANYTHING.
 07:24:25 >>Jim Wallace: COULDN'T BE ALL THREE.
 07:24:29 >>Daniel DeLisi: [INAUDIBLE] [INTERFERING AUDIO]
 07:24:35 >> DOESN'T KITE HAVE TO BE THE ONE TO COME TO THE BOARD AND
 07:24:39 ASK FOR THE CHANGE?
 07:24:43 >>Daniel DeLisi: SO THE CONDITION AFFECTS US AND IT AFFECTS
 07:24:47 THEM.
 07:24:47 AND SO AS AN OWNER WITHIN THE PLAN DEVELOPMENT CAN ASK FOR
 07:24:53 ANY CHANGE TO THE PLAN DEVELOPMENT.
 07:24:56 NOW, IF ANYTHING, THEY MAY NEED TO GIVE AUTHORIZATION FOR US
 07:25:01 TO MOVE FORWARD AS THE OWNER OF THE MAJORITY OF THE PD, BUT
 07:25:09 I'VE DONE PLANNED DEVELOPMENTS ON NUMEROUS OCCASIONS WHERE
 07:25:13 WE'RE AMENDING AN ENTIRE PLAN DEVELOPMENT BUT ONLY OWNING A
 07:25:18 PORTION OF THE PROPERTY.
 07:25:18 THAT'S NOT UNCOMMON.
 07:25:20 >>Mary Gibbs: I THINK IT'S MESSY WHEN YOU GET INTO THESE
 07:25:23 PLANNED DEVELOPMENTS AND THEY START GETTING SPLIT OFF, IT
 07:25:25 BECOMES MESSY.
 07:25:26 BUT I THINK DAN HAD A GOOD POINT.
 07:25:29 I THINK THE QUESTION YOU'RE ASKING IS MAYBE WE DO NEED TO
 07:25:32 HAVE AUTHORIZATION FROM KITE BECAUSE WE KEEP HEARING THAT
 07:25:35 KITE HAS THESE DEED THINGS.
 07:25:37 KITE HAS THIS, KITE HAS THAT, BUT WE HAVEN'T REALLY HEARD

07:25:41 FROM KITE.
 07:25:42 MAYBE WE DO NEED SOME TYPE OF AUTHORIZATION.
 07:25:44 >>Nancy Stroud: AGAIN, I WOULD SAY, ARE YOU THINKING, DAN,
 07:25:48 THAT KITE WOULD NOT GIVE AUTHORIZATION?
 07:25:50 IT SEEMS TO BE -- USING THIS PROPERTY TO GET WHAT THEY WANT.
 07:25:56 WHY WOULDN'T THEY GIVE AUTHORIZATION?
 07:25:58 >>Daniel DeLisi: YEAH, NOT ONLY DID THEY GIVE AUTHORIZATION,
 07:26:00 BUT IT'S A REQUIREMENT IN THIS CONTRACT TO RELEASE THE
 07:26:04 COVENANT THAT I TALKED ABOUT BEFORE.
 07:26:08 SO KITE HAS IT AS A REQUIREMENT OF BRIGHTWORK TO MOVE
 07:26:12 FORWARD AND GET THIS AMENDED, OTHERWISE KITE DOES NOT GIVE
 07:26:18 THEIR APPROVAL ON THE CHANGE IN BUILDING.
 07:26:22 >>Jim Wallace: ANY DECISION WE WOULD RECOMMEND WOULD BE
 07:26:24 CONDITIONED UPON KITE AGREEING.

07:26:27 >>Daniel DeLisi: NO.
 07:26:27 IT'S THIS SIMPLE.
 07:26:29 IF THE CONDITION 14 THAT'S ON THE SCREEN IS NOT CHANGED TO
 07:26:35 ALLOW FOR BOTH A FAST FOOD AND A CONVENIENCE, THEN
 07:26:41 BRIGHTWORK DOES NOT FULFILL THEIR END OF THE AGREEMENT AND
 07:26:45 KITE DOESN'T GIVE THEIR APPROVAL FOR WAWA TO MOVE FORWARD.
 07:26:52 >>Mary Gibbs: WE DON'T HAVE THAT AGREEMENT, CORRECT?
 07:26:55 >>Daniel DeLisi: I E-MAILED IT.
 07:26:57 NUMBER 6 UNDER CONTINGENCY.
 07:27:02 OWNER CONSENT AND APPROVAL, ET CETERA.
 07:27:12 >>Nancy Stroud: SIMPLE AGREEMENT, AT LEAST WHAT DAN SENT TO

 07:27:14 US.
 07:27:15 IT'S EXACTLY WHAT HE SAID.
 07:27:16 IT'S JUST A RATHER TECHNICAL QUESTION ABOUT WHETHER KITE
 07:27:22 NEEDS TO BE PART OF THE APPLICATION, BUT THE MAIN QUESTION
 07:27:25 IS WHETHER I THINK THIS BOARD IS THINKING THAT IT'S A GOOD
 07:27:34 IDEA FROM A PLANNING AND ZONING PERSPECTIVE TO HAVE BOTH OF
 07:27:39 THOSE USES IN THE PD.
 07:27:52 >>Neale Montgomery: [INAUDIBLE] MR. DELISI DIDN'T QUALIFY
 07:27:57 HIMSELF.
 07:27:57 HE IS AN EXPERT IN PLANNING.
 07:28:00 HE HAS A MASTER'S DEGREE FROM M.I.T.
 07:28:05 MR. DELISI, IN YOUR EXPERT OPINION AS A PLANNER, IS IT
 07:28:08 REASONABLE ON A COMMERCIAL CPD AT THE INTERSECTION OF TWO
 07:28:12 ARTERIALS TO BE ABLE TO HAVE A CONVENIENCE STORE AND A FAST
 07:28:16 FOOD RESTAURANT?
 07:28:18 >>Daniel DeLisi: I BELIEVE THAT IS A REASONABLE REQUEST,
 07:28:21 YES.
 07:28:21 I CAN SUBMIT THIS FOR THE RECORD.
 07:28:26 >> IT'S ALREADY BEEN SUBMITTED, I THINK.
 07:28:28 RIGHT, NEALE?
 07:28:29 MY COMMENT HAS TO DO WITH WHAT YOU END UP WITH BOTH.
 07:28:40 I HAVE PERSONAL EXPERIENCE WITH THAT BECAUSE I SPEND MY
 07:28:43 SUMMERS IN HENDERSONVILLE, NORTH CAROLINA.
 07:28:47 IF YOU EXIT I-26 UP THERE ONTO A ROAD CALLED FOUR SEASONS
 07:28:52 BOULEVARD, IT'S VERY SIMILAR TO EXITING I-75 AND COMING

 07:28:56 WESTBOUND ON CORKSCREW ROAD.
 07:28:58 IN HENDERSONVILLE, ON FOUR SEASONS BOULEVARD JUST WEST OF
 07:29:02 THAT EXIT, THERE ARE NO LESS THAN SEVEN FAST FOOD
 07:29:07 RESTAURANTS AND FOUR GAS STATIONS ALL LINED UP AND IT LOOKS
 07:29:11 LIKE A BLIGHTED AREA, BECAUSE NOT ONLY, WHILE THEY MAY BE
 07:29:15 ALL APPROVED USES, THE FACT IS THE McDONALD'S BUILDS IT
 07:29:19 ONE WAY, BURGER KING ANOTHER, HARDEE'S ANOTHER, AND YOU END
 07:29:24 UP WITH A HODGEPODGE.
 07:29:25 AND THAT'S ONE OF MY CONCERNS WITH THIS DEVELOPMENT IS THAT
 07:29:28 YOU'RE ALLOWING -- YOU TAKE THE LOWE'S, WHICH IS A

07:29:31 MAGNIFICENT EXAMPLE OF A BIG-BOX RETAIL RESPONDING TO
 07:29:37 PLANNING CONSIDERATIONS IN A COMMUNITY.
 07:29:39 THAT FACADE IS ALMOST UNIQUE TO ALL OF THE LOWE'S
 07:29:43 NATIONWIDE.
 07:29:44 AND WE'RE SPOILING THAT BY JUST DEVELOPING WILLY-NILLY THIS
 07:29:51 AND THIS AND THIS AND WHATEVER WILL SELL.
 07:29:55 >>Neale Montgomery: MR. DELISI, YOU WERE INVOLVED IN THE
 07:29:57 ORIGINAL ZONING EVEN BEFORE BEAUTY BOOKS OR PATTERN BOOKS
 07:30:00 WERE REQUIRED.
 07:30:01 IS THERE ONE ASSOCIATED WITH THIS DEVELOPMENT?
 07:30:04 >>Daniel DeLisi: YEAH.
 07:30:05 IN FACT, I THINK THIS WAS THE SECOND ONE EVER DONE IN ESTERO
 07:30:07 AFTER COCONUT POINT.
 07:30:12 >>Neale Montgomery: DID YOU HAVE TO SUPPLEMENT THE BEAUTY
 07:30:14 BOOK OR PATTERN BOOK AS PART OF THIS APPLICATION?

 07:30:17 >>Daniel DeLisi: WE DID.
 07:30:17 >>Neale Montgomery: ARCHITECTURALLY CONSISTENT AND
 07:30:22 CONSISTENT WITH THE APPROVED BEAUTY BOOK AND PATTERN BOOK.
 07:30:26 >>Daniel DeLisi: YES.
 07:30:28 >>Neale Montgomery: WE WON'T HAVE A HODGEPODGE OR
 07:30:30 PROLIFERATION BECAUSE THE ESTERO, AS PREPARATION PART OF THE
 07:30:34 PLANNING -- YOU WERE PART OF REQUIRED A BEAUTY BOOK AND
 07:30:36 CONSISTENCY ON THIS SITE.
 07:30:38 >>Daniel DeLisi: YES.
 07:30:39 TO GO TO YOUR POINT, CHAIRMAN WOOD, WHAT YOU'RE TALKING
 07:30:47 ABOUT IS EXACTLY WHAT WE WERE TRYING TO PREVENT BACK IN 2002
 07:30:51 AND 2003.
 07:30:53 WE DON'T WANT SEVEN, EIGHT, SIX FAST FOODS ALONG CORKSCREW
 07:30:59 ROAD.
 07:30:59 AND THAT'S WHAT WE THOUGHT WAS GOING TO HAPPEN AND THAT'S
 07:31:02 WHY WE PUT THIS CONDITION IN.
 07:31:07 THANKFULLY THAT'S NOT WHAT DID HAPPEN AND NOT WHAT CAN
 07:31:10 HAPPEN AT THIS POINT IN TIME.
 07:31:11 AGAIN, AT THIS POINT IN TIME, YOU HAVE THE CULVER'S ON NORTH
 07:31:14 SIDE OF CORKSCREW ROAD, ARBY'S ON THE NORTHWEST CORNER, SO
 07:31:18 THAT'S TWO.
 07:31:19 YOU WILL HAVE THE DUNKIN' DONUTS, THAT'S THREE.
 07:31:21 AND THEN IF YOU HAVE A FAST FOOD IN THIS SHOPPING CENTER,
 07:31:26 YOU WOULD HAVE FOUR.
 07:31:27 THAT'S NOT A PROLIFERATION, BUT I THINK IT'S COMPATIBLE.

 07:31:34 IT CERTAINLY MAKES SENSE FOR THIS AREA, AND IT DOESN'T RUN
 07:31:39 COUNTERPART TO WHAT WE ARE TRYING TO ACHIEVE BACK IN 2002.
 07:31:43 >>Mary Gibbs: MAY I ASK A QUESTION, DAN, JUST A QUICK
 07:31:46 QUESTION?
 07:31:47 IF YOU LOOK AT THE SITE PLAN THAT'S UP ON THE POWERPOINT
 07:31:50 NOW, IF YOU'VE GOT THE WAWA AT THE CORNER, THEN IF THEY

07:31:57 APPROVE THIS -- LET'S WAIT UNTIL WE HAVE A CONVERSATION --
 07:32:05 >> JIM, EVERYBODY IS LISTENING TO WHAT YOU'RE SAYING.
 07:32:07 >>Mary Gibbs: I DON'T KNOW.
 07:32:08 WE HAVE WAWA AT THE CORNER.
 07:32:10 IF THIS WERE TO BE APPROVED WITH THE WAY YOU WANT IT, DOES
 07:32:12 THIS MEAN -- ARE THESE THE ONLY TWO VACANT PARCELS LEFT ON
 07:32:18 THIS SITE?
 07:32:19 SO IF THERE WAS A FAST FOOD, IT WOULD BE EITHER DIRECTLY
 07:32:22 WEST OF WAWA OR IT WOULD BE AT THE CORNER?
 07:32:25 >>Daniel DeLisi: I BELIEVE SO.
 07:32:28 >>Mary Gibbs: SO THOSE ARE THE ONLY TWO.
 07:32:31 I THINK THOSE ARE THE ONLY TWO VACANT SITES LEFT.
 07:32:34 I JUST WANTED TO CLARIFY THAT.
 07:32:37 >>Jim Wallace: I THINK THERE IS A VERY STRONG ARGUMENT HERE
 07:32:39 FOR A GAS STATION ON THE SOUTH SIDE OF CORKSCREW ROAD.
 07:32:42 START THERE.
 07:32:43 AND THEN WE SAY A GAS STATION CANNOT EXIST TODAY WITH THE
 07:32:46 LOW MARGINS THEY HAVE WITHOUT A CONVENIENCE STORE.
 07:32:49 YOU'LL HAVE GAS AND CONVENIENCE.

 07:32:50 NOW, IN 19 YEARS, I HAVE TO AGREE WITH I GUESS DAN AND THE
 07:32:57 OTHER PEOPLE.
 07:32:58 I WAS ON THE DESIGN REVIEW BOARD WHEN LOWE'S CAME IN.
 07:33:01 I REMEMBER THE DISCUSSION, AND EVERYBODY WAS SURPRISED WHEN
 07:33:04 THE CAR DEALER CAME IN, ET CETERA, ET CETERA.
 07:33:07 OVER THE LAST 19 YEARS, WHAT EVERYBODY WAS CONCERNED ABOUT
 07:33:10 DID NOT HAPPEN. HOW MANY FAST FOOD RESTAURANTS ARE THERE ON
 07:33:16 THE SOUTH SIDE OF THE ROAD?
 07:33:17 WELL, RIGHT NOW THERE'S ZERO.
 07:33:19 AND THERE WILL EVENTUALLY BE TWO.
 07:33:23 AND THERE'S TWO ON THE NORTH SIDE.
 07:33:24 AND THERE'S ONLY GOING TO BE TWO GAS STATIONS AND A THIRD.
 07:33:30 I THINK WE'VE ACHIEVED WHAT WE WANTED TO ACHIEVE BACK IN
 07:33:33 2003.
 07:33:34 WHICH IS A LIMITED AMOUNT.
 07:33:37 YOU'RE GOING TO HAVE SOME, BUT A LIMITED AMOUNT OF BOTH THE
 07:33:40 GAS STATIONS AND I THINK THE AREA REFLECTS IT.
 07:33:43 IT DOESN'T LOOK LIKE WHATEVER SCOTTY WAS DISCUSSING.
 07:33:48 I KNOW WHAT YOU'RE TALKING ABOUT.
 07:33:51 IT JUST FEELS LIKE WHERE YOU DON'T WANT TO GO AND YOU DON'T
 07:33:54 WANT TO LIVE.
 07:33:55 I CERTAINLY DON'T HAVE ANY PROBLEMS WITH WHAT'S BEING ASKED.
 07:34:01 THE ONLY QUESTION I HAVE, IS THE RIGHT PERSON ASKING OR DOES
 07:34:04 KITE HAVE TO BE INVOLVED OR DO YOU HAVE SOMETHING THAT GIVES
 07:34:08 THE WAWA PEOPLE AUTHORIZATION TO DO THIS, TO ASK THIS?

 07:34:17 >>Marlene Naratil: -- PERTINENT NECESSARILY TO THIS REQUEST,
 07:34:24 BUT DON'T THEY SELL FAST FOOD OUT OF LOWE'S?

07:34:27 I CAN REMEMBER MANY TIMES COMING OUT OF LOWE'S WHEN THEY
 07:34:31 HAVE A HOT DOG.
 07:34:33 >>Mary Gibbs: THAT WAS A HOT DOG VENDOR.
 07:34:37 >>Marlene Naratil: MY QUESTION IS, DO THEY HAVE A LICENSE?
 07:34:40 >>Mary Gibbs: HOT DOG VENDOR IS ALLOWED IF THEY ARE UNDER
 07:34:44 LIKE THE AWNING OF THE LOWE'S.
 07:34:46 IT'S JUST CONSIDERED A ROADSIDE VENDOR, BUT NOT ON THE ROAD.
 07:34:50 IT'S NOT REALLY A FAST FOOD RESTAURANT.
 07:34:52 >>Marlene Naratil: FIT INTO OUR LAND CODE, THOUGH?
 07:34:55 >>Mary Gibbs: IT'S NOT REALLY ADDRESSED MUCH BY THE LAND
 07:34:57 DEVELOPMENT CODE.
 07:34:58 IT'S CALLED A ROADSIDE VENDOR.
 07:35:00 YOU CAN'T HAVE A ROADSIDE VENDOR.
 07:35:02 YOU HAVE TO BE UNDER THE AWNING.
 07:35:04 THAT WAS DONE MANY YEARS AGO BY THE COUNTY.
 07:35:06 THERE'S ONE AT HOME DEPOT, I THINK.
 07:35:09 >>Marlene Naratil: IT IS THERE ON MANY OCCASIONS WHEN I'VE
 07:35:12 BEEN.
 07:35:14 >>Mary Gibbs: IF WAWA IS APPROVED, YOU MIGHT NOT HAVE TO
 07:35:17 HAVE THE HOT DOG AND GO TO WAWA INSTEAD.
 07:35:23 >>Kristin Jeannin: THE 14 A WOULD STILL STAY IN PLACE BUT
 07:35:26 STILL LIMITED TO JUST ONE FAST FOOD ON THIS SITE.
 07:35:30 >>Daniel DeLisi: YEAH, I THINK OUR PROPOSED AMENDMENT WAS --

 07:35:36 >>Mary Gibbs: STRIKE B.
 07:35:37 I THINK YOU WERE GOING TO STRIKE B.
 07:35:38 >>Daniel DeLisi: YEAH, ONE FAST FOOD AND ONE CONVENIENCE
 07:35:42 STORE.
 07:35:43 SO ONE OF EACH.
 07:35:45 >>Kristin Jeannin: 14 B WOULD BE STRICKEN BUT 14 A WOULD
 07:35:49 STAND.
 07:35:49 >>Daniel DeLisi: THAT'S CORRECT.
 07:35:53 >>Kristin Jeannin: BECAUSE THAT WOULD MEAN WE DON'T HAVE TO
 07:35:56 FEAR THREE FAST FOODS GOING ON THOSE THREE EMPTY PARCELS.
 07:36:01 >>Daniel DeLisi: YEAH.
 07:36:04 >>Scotty Wood: YOU WANT TO TALK ABOUT THE CANOPY WHILE WE'RE
 07:36:07 AT IT?
 07:36:08 >>Daniel DeLisi: SURE.
 07:36:09 LET ME GET THE ARCHITECT TO COME UP HERE.
 07:36:22 >> NATHAN GRIFFIS, CUHACI PETERSON.
 07:36:23 2600 MAITLAND CENTER BOULEVARD, MAITLAND, FLORIDA.
 07:36:26 WE'VE BEEN FORTUNATE TO BE WORKING WITH WAWA.
 07:36:29 WE'RE ACTUALLY CELEBRATING THE TEN-YEAR ANNIVERSARY OF THE
 07:36:32 FIRST STORE OPENING IN SEAWORLD HERE ON THE 18th OF THE
 07:36:35 MONTH.
 07:36:36 BIG MILESTONE MONTH FOR WAWA.
 07:36:38 OBVIOUSLY, AS DAN MENTIONED, THIS IS ACTUALLY A TRADEMARK
 07:36:43 THAT THEY HAVE, THEY'VE PUT IN PLACE, WHICH MAKES THEM

07:36:48 UNUSUAL.

07:36:49 I HAVE A HARD TIME SAYING THIS IN FRONT OF MY CLIENT, BUT
 07:36:51 THIS IS NOT THE ONLY CONVENIENCE STORE WE WORK WITH AS A
 07:36:54 COMPANY BUT THIS IS THE ONLY PLACE WE DO THIS TYPE OF
 07:36:58 CANOPY.
 07:36:59 AND IT SPEAKS BACK TO THEIR ROOTS AS A FAMILY WHEN THEY
 07:37:02 OWNED AN IRON MILL.
 07:37:05 NOT ONLY DID THEY HAVE A DAIRY, BUT THEY ALSO DID FABRICS
 07:37:09 AND ALSO IRON WORK IN THEIR FAMILY HISTORY.
 07:37:13 SO THIS WAS A CALL BACK TO NOT ONLY A WING, WHICH TIES WITH
 07:37:19 THE GOOSE, OBVIOUSLY, BUT ALSO A TIE BACK TO THAT IRON WORK
 07:37:24 AND THAT'S WHY THE EXPOSED TRUSS.
 07:37:30 THERE IS A LOT OF HISTORY.
 07:37:31 PART OF THEIR IDENTITY.
 07:37:32 YOU SEE IT FROM A LONG WAYS AWAY AND THAT'S WHY WE CONTINUE
 07:37:34 TO PROPOSE IT AND WE'VE DONE ALL BUT ONE OF THE WAWAS IN THE
 07:37:41 STATE OF FLORIDA.
 07:37:41 THAT HURTS A LITTLE BIT, BUT ALL OF THEM DO HAVE THIS CANOPY
 07:37:45 IN VARIOUS FORMS OR FUNCTIONS.
 07:37:48 THE ONLY VARIATION THAT WE HAVE IS WE HAD ONE KIND OF BUILT
 07:37:51 TO THE PROPERTY LINE WHERE IT'S LONGER ON THE FRONT SIDE AND
 07:37:54 A LITTLE LESS SLOPE.
 07:37:55 BUT ALL THE REST OF THEM MAINTAIN THIS PROFILE.
 07:37:59 AND EARLY ON, WE DID A LITTLE LESS STONE.
 07:38:01 AND SO THE STONE GOT A LITTLE TALLER, BUT THAT'S BEEN
 07:38:05 CONSISTENT.

07:38:06 THE VARIATION HERE THAT WE'VE PROPOSED SPECIFICALLY FOR THE
 07:38:11 VILLAGE OF ESTERO IS THE USE OF THE BARREL TILE TO MATCH THE
 07:38:15 TOWER.
 07:38:16 OBVIOUSLY, REACHING TO THE MEDITERRANEAN REQUIREMENTS HERE.
 07:38:20 SO THAT'S A LITTLE BACKSTORY ON THE CANOPY AND ONE OF THE
 07:38:23 MODIFICATIONS THAT WE'VE MADE SPECIFICALLY FOR THE VILLAGE.
 07:38:27 >>Michael Sheeley: WHAT IS YOUR STANDARD ROOFING?
 07:38:29 METAL?
 07:38:31 >> YES, STANDING SEAM.
 07:38:33 COMMONLY, IT IS A BRONZE-COLORED STANDING SEAM METAL ROOF
 07:38:39 THAT'S ON THE TOWER AND ALSO ON THE CANOPY.
 07:38:44 >>Michael Sheeley: MY OPINION AS AN ARCHITECT IS THAT I WAS
 07:38:48 A LITTLE BIT SURPRISED WHEN I SAW THE FIRST WAWA GO UP IN
 07:38:51 FORT MYERS.
 07:38:52 I THOUGHT, WOW, WHY DID THEY DO THE CANOPY LIKE THAT?
 07:38:57 OBVIOUSLY IT IS ICONIC, SYMBOL, IMAGE.
 07:39:00 IT'S EXTRAORDINARILY IMPRACTICAL IN FLORIDA.
 07:39:02 WE GET A BLOWING RAIN AND HALF OF THE CANOPY, YOU'RE GETTING
 07:39:06 SOAKED. IT WOULD MAKE A LOT MORE SENSE TO ME IF YOU DID A
 07:39:11 CENTER RIDGE AND HAD THE EXPOSED TRUSS AND BE DONE WITH IT.

07:39:15 I KNOW THAT WOULD VIOLATE THEIR SENSIBILITIES IN TERMS OF
 07:39:18 THEIR ICON BUT TO ME IT WOULD BE FAR MORE PRACTICAL AND I
 07:39:22 THINK ALSO FIT BETTER WITH OUR LOCAL ARCHITECTURE.
 07:39:27 >>James Tatoes: AS FAR AS YOUR LOGO AND THAT BEING THE
 07:39:31 REQUIREMENT, YOU MUST LOOK WHAT OUR CHAIRMAN JUST SAID

 07:39:35 BEFORE, WHAT HAPPENED WITH LOWE'S.
 07:39:37 LOWE'S HAD THEIR OWN FACADE AND THEIR OWN TYPE OF STYLE
 07:39:44 BUILDING THEY HAD, BUT IF THEY DIDN'T DO WHAT THEY DID, THEY
 07:39:48 WOULDN'T BE IN ESTERO.
 07:39:50 AND WE COULD DO THE SAME THING IF YOU GO INTO WALMART.
 07:39:53 EVERY OTHER WALMART AROUND IS BLUE.
 07:39:56 AND THIS WALMART IS NOT BLUE, AND IT DOESN'T LOOK LIKE A
 07:40:01 WALMART.
 07:40:02 AND YET IT DOES A THRIVING BUSINESS.
 07:40:05 I THINK THE FACT THAT YOU'RE TRYING TO PIN YOURSELF TO YOUR
 07:40:08 REQUIREMENT IS FIGHTING WITH THE VILLAGE'S REQUIREMENT.
 07:40:12 AND I COULD TELL YOU PERSONALLY FROM THE NORTH SHORE OF
 07:40:16 CHICAGO AREA WHERE THE GOLDEN ARCHES ARE A SYMBOL OF
 07:40:22 McDONALD'S, BUT THERE'S NOT A SINGLE McDONALD'S THAT HAS
 07:40:27 GOLDEN ARCHES ANYWHERE UP AND DOWN THE NORTH SHORE OF
 07:40:30 CHICAGO.
 07:40:31 JUST BECAUSE IT HAPPENS TO BE YOUR LOCAL DOESN'T NECESSARILY
 07:40:34 MEAN THAT WE HAVE TO ABIDE BY YOUR LOCAL BECAUSE WE ABIDE BY
 07:40:40 OUR VILLAGE'S LOCAL.
 07:40:42 >> SURE, ABSOLUTELY.
 07:40:43 IRONICALLY, THAT FIRST WAWA THAT WE DID AT SEAWORLD IS THE
 07:40:46 ONLY ONE IN THE COUNTRY THAT HAS A BLUE ROOF.
 07:40:49 AND THEN THAT WAS PART OF THE SEAWORLD DEAL.
 07:40:51 SO, OBVIOUSLY, WAWA ALSO IS A BIG CONTRIBUTOR TO THE
 07:40:57 COMMUNITIES THEY ARE PART OF.

 07:40:59 THEY DO WANT TO I'LL SAY BLEND BUT ALSO REINFORCE WHAT THOSE
 07:41:05 STANDARDS ARE.
 07:41:06 SO WE'RE HAPPY TO TAKE THAT FEEDBACK BACK TO THEM AND LOOK
 07:41:12 AT AN OPTION FOR A PEAKED ROOF IN THE CENTER.
 07:41:18 WOULD THAT BE SOMETHING THAT WOULD COMPLY WITH THE
 07:41:26 RECOMMENDATIONS HERE OF THE BOARD?
 07:41:32 >>James Tatoes: I THINK IN THIS CASE, PEOPLE ARE NOT GOING
 07:41:33 TO COME TO THE STATION BECAUSE OF THE CANOPY.
 07:41:36 THEY ARE GOING TO COME BECAUSE IT IS A WAWA AND THEY ARE
 07:41:40 USED TO DOING BUSINESS WITH A WAWA.
 07:41:42 I DON'T THINK IT WILL BE ANYTHING DETRIMENTAL ABOUT CHANGING
 07:41:46 THE STYLE OF THE CANOPY AT ALL.
 07:41:48 IF THEY WANT TO DO BUSINESS WITH THIS COMPANY, THEY'LL DO
 07:41:51 BUSINESS WITH THIS COMPANY.
 07:41:52 IF THEY DON'T, THEY WON'T.
 07:41:57 THE CANOPY I DON'T THINK WILL BE A DETERMINING FACTOR

07:41:59 WHETHER THEY DO BUSINESS THERE.
 07:42:03 >> I THINK THEY ARE CERTAINLY OPEN TO THAT AND WE'VE HAD
 07:42:06 DISCUSSIONS LEADING INTO THIS JUST RECOGNIZING THAT,
 07:42:09 OBVIOUSLY, THE GOAL, RIGHT, IS TO MAINTAIN THEIR TRADEMARK,
 07:42:13 BUT FEEL FAIRLY CONFIDENT THAT WE CAN GET SOMETHING
 07:42:17 ACCOMPLISHED THAT MEETS.
 07:42:18 >>Jim Wallace: WE HAD SOMETHING VERY, VERY SIMILAR WITH
 07:42:22 RaceTrac WHEN THEY CAME IN.
 07:42:25 IN THE END, AND IT WAS LIKE THIS IS THE CORPORATE LOOK.

 07:42:31 THIS IS IT.
 07:42:32 WHEN WE WERE FINISHED THEY SAID, YOU KNOW, WE THINK WE LIKE
 07:42:36 THIS A LITTLE BETTER AND WE ALLOWED THEM TO IMPROVE THEIR
 07:42:40 IDENTITY, BUT THEY ALSO GAVE US MORE OF A LOOK THAT WE WERE
 07:42:43 LOOKING FOR.
 07:42:44 SO IT WAS A NICE COLLABORATION.
 07:42:47 IT'S ON U.S. 41.
 07:42:48 IT HAS HIGH VISIBILITY.
 07:42:50 THEIR BRAND IS HIGHLY VISIBLE, AND WE'RE HAPPY WITH THE WAY
 07:42:53 IT LOOKS.
 07:42:55 >> WELL, I'M NOT ALLOWED TO SPEAK TO THEIR SUCCESS, BUT I'M
 07:42:58 GLAD THAT YOU GUYS WERE ABLE TO GET SOMETHING ACCOMPLISHED
 07:43:01 WITH THEM.
 07:43:01 LIKE I SAID, IT'S NOT -- AND WAWA IS HERE TONIGHT
 07:43:05 REPRESENTED BY A COUPLE OF INDIVIDUALS.
 07:43:08 AND, OBVIOUSLY, OUR GOAL IS TO GET TO A PLACE WHERE WE CAN
 07:43:14 CONSTRUCT THIS FACILITY.
 07:43:16 SO WHILE I'M HERE, I THINK MY GOAL IS ALSO TO GET A LITTLE
 07:43:20 BIT OF FEEDBACK ON THE BUILDING AS WELL AND GET SOME
 07:43:24 THOUGHTS SO THAT WHEN WE DO COME BACK BEFORE COUNCIL, WE'RE
 07:43:27 ABLE TO MOVE THROUGH.
 07:43:29 SORRY, I WENT THE WRONG WAY.
 07:43:41 SO I THINK THE ONLY OTHER ITEM THAT REALLY WAS IN DIRECT
 07:43:53 RESPONSE TO COMMENTS WERE THE LOCATION OF SOME EXTERIOR
 07:43:59 COMPONENTS.

 07:43:59 WE HAVE A PROPANE SALES AND ALSO A STAFF ONLY ICE CONTAINER
 07:44:06 THAT WE'VE RELOCATED OR ARE PROPOSING TO RELOCATE TO THE
 07:44:10 SOUTH SIDE OF THE BUILDING.
 07:44:12 SO CURRENTLY, OUR ICE MERCHANDISER IS LOCATED HERE ON THE
 07:44:26 BACK WALL OF THE BUILDING.
 07:44:29 WE'RE PROPOSING TO ROTATE THAT AND MOVE IT HERE TO THE SOUTH
 07:44:32 SIDE ALONGSIDE OF THE PROPANE STORAGE TO ADDRESS THAT
 07:44:35 COMMENT.
 07:44:36 I BELIEVE THAT THAT WAS THE ONLY OTHER COMMENT THAT WE HAD
 07:44:43 RECEIVED.
 07:44:49 >>Michael Sheeley: I THINK THE BUILDING LOOKS GOOD.
 07:44:51 I THINK YOUR PROPORTIONS AND SCALE AND VARIATION IN MASS IS

07:44:55 WELL DONE.
 07:44:59 >> WE HAD A CHEAT CODE BECAUSE WE DID GO BACK TO THE
 07:45:02 BUILDING WE DID ON THE OPPOSITE CORNER A FEW YEARS AGO
 07:45:05 BECAUSE WE DON'T THROW ANYTHING AWAY.
 07:45:07 WE'RE ARCHITECTS.
 07:45:08 OBVIOUSLY, THE PATTERN BOOK AND AS WAS DISCUSSED, SHOULD
 07:45:11 SOME OF THAT CHANGE, APPRECIATE THE FEEDBACK, BUT SHOULD
 07:45:15 THAT CHANGE, WE'LL OBVIOUSLY COME BACK AND REVISIT AS
 07:45:17 NEEDED.
 07:45:18 ANY OTHER FEEDBACK OR QUESTIONS FOR ME?
 07:45:23 I'M HAPPY TO LISTEN --
 07:45:28 >>Scotty Wood: YOU ARE WILLING TO TAKE BACK THE COMMENT
 07:45:30 ABOUT THE SLOPED ROOF AND THE CANOPY.

 07:45:34 IN THEORY, THAT COULD THEN BECOME A CONDITION WHERE WE WOULD
 07:45:38 RECOMMEND APPROVAL.
 07:45:38 IT STILL LEAVES US, THOUGH, WITH THE STILL OPEN QUESTION, I
 07:45:42 BELIEVE, OF WHETHER WE RECOMMEND APPROVAL OF BOTH A FAST
 07:45:47 FOOD RESTAURANT AND A CONVENIENCE STORE ON THAT SITE.
 07:45:50 THAT'S STILL AN OPEN QUESTION.
 07:45:53 >>Daniel DeLisi: WE HAD REQUESTED A DEVIATION FOR THE GAS
 07:45:57 CANOPY.
 07:45:58 SO YOU DON'T NEED A CONDITION.
 07:45:59 IF YOU WANT US TO DO A CANOPY THAT'S COMPLIANT WITH CODE,
 07:46:04 WHICH YOU ALL WOULD THEN REVIEW AGAIN AT THE TIME OF
 07:46:07 DEVELOPMENT ORDER, YOU WOULD AGREE WITH STAFF'S
 07:46:10 RECOMMENDATION ON DENIAL OF THE DEVIATION REQUEST.
 07:46:12 YOU DON'T NEED A SPECIFIC ADDITIONAL CONDITION FOR THAT.
 07:46:17 >> THAT'S OKAY.
 07:46:17 >>Daniel DeLisi: THE BOTTOM LINE IS THEN DO YOU WANT AN
 07:46:23 ESTERO-SPECIFIC WAWA OR NOT?
 07:46:26 WHICH COMES DOWN TO THE QUESTION OF THE CONDITION 14 THAT I
 07:46:30 HAD ON THE BOARD BEFORE, CHANGING TO THE LIMITATION ON
 07:46:35 EITHER A GAS STATION OR A FAST FOOD.
 07:46:40 >>Scotty Wood: THAT'S WHAT IT BOILS DOWN TO, I THINK.
 07:46:42 >> I THINK WE WOULD BE HAPPY TO GIVE YOU A CANOPY.
 07:46:50 >> CONVENIENCE STORE AND FAST FOOD.
 07:46:53 >> RIGHT NOW, THE WAY IT'S BEEN CONSTRUCTED IS EITHER-OR BUT
 07:46:56 NOT BOTH.

 07:46:57 AND THAT'S THE OPEN QUESTION.
 07:46:58 MARY.
 07:47:00 >>Mary Gibbs: I THINK SINCE THAT SEEMS TO BE THE MOST
 07:47:03 IMPORTANT QUESTION, MAYBE YOU ALL WANT TO DISCUSS IT AND SEE
 07:47:07 IF YOU HAVE ANY CONSENSUS ON WHAT YOU WANT TO RECOMMEND
 07:47:10 BEFORE YOU ACTUALLY VOTE.
 07:47:12 >>Scotty Wood: WELL, BEFORE WE DO THAT, I NEED TO CALL FOR
 07:47:17 -- IF WE'RE THROUGH WITH PRESENTATIONS, THEN WE'RE INTO

07:47:20 DISCUSSION, WE DO NEED SOMETHING CALLED PUBLIC INPUT IF
 07:47:23 THERE IS ANY.
 07:47:23 >>Tammy Duran: WE DON'T HAVE ANYTHING.
 07:47:26 >>Scotty Wood: NOTHING.
 07:47:26 OKAY.
 07:47:27 I'LL OPEN AND CLOSE THE PUBLIC HEARING THEN.
 07:47:29 WE'RE BACK TO THE QUESTION.
 07:47:35 >>Michael Sheeley: I WOULD SUPPORT IT WITH THE FAST FOOD AND
 07:47:37 THE CONVENIENCE STORE.
 07:47:38 I DON'T THINK IT'S AN INCOMPATIBLE USE.
 07:47:42 AND I DON'T HAVE CONCERNS ABOUT THE PROLIFERATION THING THAT
 07:47:44 YOU MENTIONED, MR. CHAIRMAN.
 07:47:47 >>Marlene Naratil: IS THAT IN OUR PURVIEW, THOUGH, TO CHANGE
 07:47:49 SOMETHING AS MAJOR AS THAT?
 07:47:52 I WOULD THINK THAT WOULD BE LEGISLATIVE FIRST AND THEN WE
 07:47:55 WOULD REACT TO IT IN GIVING APPROVALS.
 07:47:58 >>Scotty Wood: THE VILLAGE COUNCIL HAS THE AUTHORITY TO

 07:48:01 AMEND THE LAND DEVELOPMENT CODE, AND WE WOULD BE AMENDING --
 07:48:04 >>Mary Gibbs: NO, YOU'RE NOT.
 07:48:05 >>Scotty Wood: NOT AMENDING THE LAND DEVELOPMENT CODE --
 07:48:08 >>Mary Gibbs: REMEMBER, YOU ARE MAKING A RECOMMENDATION TO
 07:48:10 COUNCIL.
 07:48:11 THAT'S WITHIN YOUR PURVIEW, AND THEN THE COUNCIL WILL MAKE
 07:48:14 THE DECISION.
 07:48:15 IT DOES NOT INVOLVE AMENDING THE LAND DEVELOPMENT CODE.
 07:48:21 >>Marlene Naratil: IN OTHER JURISDICTIONS THAT I'VE BEEN,
 07:48:24 THEY DON'T ALLOW THAT.
 07:48:25 YOU WORK WITH WHAT THE LEGISLATURE HAS SET UP AND THEN YOU
 07:48:32 RECOMMEND.
 07:48:33 >>Mary Gibbs: THIS WON'T BE LEGISLATIVE.
 07:48:35 THIS IS QUASI-JUDICIAL BECAUSE IT IS SITE-SPECIFIC FOR THE
 07:48:38 ZONING.
 07:48:40 >>Marlene Naratil: LITTLE BIT COMPLICATED, THOUGH.
 07:48:42 >>Scotty Wood: ANY OTHER COMMENTS?
 07:48:44 I HAVE ONE COMMENT REGARDING THE PATTERN BOOK.
 07:48:50 I DON'T THINK YOU WANT TO SHOW THAT TO THE VILLAGE COUNCIL.
 07:48:52 YOU NEED TO HAVE RENDERINGS THAT HAVE PERSPECTIVE IN THEM.
 07:48:57 THE VILLAGE COUNCIL IS EXTREMELY ON POINT ON THAT SUBJECT.
 07:49:03 THAT PATTERN BOOK IS BASICALLY A SET OF ELEVATIONS.
 07:49:07 AND IT WON'T QUALIFY AS A PATTERN BOOK IN THE COUNCIL'S
 07:49:11 EYES.
 07:49:15 >>Jim Wallace: YOU'RE NOT OBJECTING TO THE ELEVATIONS.

 07:49:18 JUST THE PERSPECTIVES WITH SOME LANDSCAPING SO WE SEE WHAT
 07:49:21 WE'RE GOING TO GET.
 07:49:23 >>Scotty Wood: IT'S BEEN DRUMMED INTO ALL OF US THAT THE
 07:49:27 PATTERN BOOK IS THE GUIDE FOR WHAT IT IS TO LOOK LIKE WHEN

07:49:33 IT'S BUILT.
 07:49:34 IF IT DOESN'T LOOK LIKE THE PATTERN BOOK, THERE'S A REAL
 07:49:38 PROBLEM.
 07:49:38 SO THAT'S AN IMPORTANT THING TO DO.
 07:49:42 >>Neale Montgomery: APPRECIATE THAT.
 07:49:43 THE ORIGINAL PATTERN BOOK IS LIKE A QUARTER INCH THICK.
 07:49:47 WE CAN BRING THAT ALONG WITH THE SUPPLEMENT --
 07:49:50 >>Scotty Wood: WE NEED TO SEE REAL RENDERINGS.
 07:49:53 >>James Tatoes: I THINK YOU'RE ABSOLUTELY RIGHT THAT MOST
 07:49:55 PEOPLE CANNOT READ AN ENGINEERING DRAWING OR AN
 07:49:59 ARCHITECTURAL DRAWING, BUT THEY CAN SEE A PICTURE.
 07:50:02 AND THE WAY THE RENDERINGS ARE CREATED TODAY, IF YOU DO IT
 07:50:08 THOROUGHLY, YOU WON'T EVEN BE ABLE TO TELL IT'S A RENDERING.
 07:50:11 YOU'LL THINK IT'S A PHOTOGRAPH.
 07:50:14 >>Scotty Wood: WHO WANTS TO PROPOSE A MOTION?
 07:50:18 >>Jim Wallace: I PROPOSE THAT WE ACCEPT BOTH FAST FOOD
 07:50:22 AND CONVENIENCE STORE.
 07:50:27 >>Michael Sheeley: SECOND.
 07:50:28 >>Scotty Wood: ANY DISCUSSION?
 07:50:31 >>Barry Jones: I THINK WHATEVER MOTION WE PASS NEEDS TO ALSO
 07:50:33 HAVE THE CONDITION -- [INAUDIBLE] -- CODE COMPLIANT.

 07:50:40 >>Scotty Wood: WE TALKED THAT THERE REALLY ISN'T A
 07:50:42 CONDITION --
 07:50:42 >>Mary Gibbs: I THINK WHEN YOU DECIDE ON THIS MAIN TOPIC,
 07:50:46 I'LL TIDY UP.
 07:50:47 I'LL EXPLAIN A LITTLE BIT ABOUT WHAT I THINK THE CONDITIONS
 07:50:50 ARE.
 07:50:51 >>Kristin Jeannin: GO AHEAD THEN.
 07:50:52 I THINK WE'RE READY.
 07:50:52 >>Mary Gibbs: WHAT I THINK YOU'RE SAYING, IF YOU APPROVE IT
 07:50:58 -- WELL, NO -- THIS IS WHAT I THINK I'M HEARING, BUT YOU
 07:51:02 TELL ME.
 07:51:02 IT SOUNDS LIKE YOU ARE OKAY WITH THE TWO USES, BUT YOU WANT
 07:51:09 THE DEVIATION FOR THE CANOPY WILL BE DENIED BECAUSE THEY'LL
 07:51:12 HAVE TO TWEAK THE CANOPY AND HAVE IT BE BETTER.
 07:51:17 I THINK THE TRAFFIC, WE'RE GOING TO TWEAK SOME LANGUAGE IN
 07:51:22 THE TRAFFIC SIGNAL THAT DAN AND I HAVE WORKED OUT.
 07:51:25 THAT WAS JUST SOME LITTLE WORDS.
 07:51:27 HANDICAPPED PARKING HE SAID HE WAS OKAY WITH THAT CONDITION.
 07:51:31 WE'RE GOING TO REMOVE CONDITION 7, WHICH WAS THE COVENANTS
 07:51:35 BECAUSE IT'S A PRIVATE ISSUE BETWEEN THE TWO PARTIES AND
 07:51:37 WE'RE COVERED ANYWAY.
 07:51:38 I THINK THE PATTERN BOOK WE'RE COVERED.
 07:51:41 WE MIGHT TWEAK IT A LITTLE BIT.
 07:51:43 THEY MAY WANT TO BRING SOME RENDERINGS TO THE COUNCIL
 07:51:46 MEETING SO WE'LL TWEAK THAT LANGUAGE, BUT I THINK THAT

07:51:50 LANGUAGE IS OKAY.
 07:51:51 IT SOUNDS LIKE YOU'RE OKAY WITH OMITTING THE CONDITION ABOUT
 07:51:56 THE RIGHT IN.
 07:51:57 SOUNDS LIKE YOU'RE ALL RIGHT WITH THE RIGHT-IN ACCESS.
 07:52:00 YOU HAVE TO TELL ME.
 07:52:01 AND THEN WE'LL JUST GET RID OF THAT CONDITION IF YOU'RE OKAY
 07:52:05 WITH THAT.
 07:52:05 AND THEN WE'LL CHANGE THE LANGUAGE ON THE FAST FOOD IF YOU
 07:52:10 WANT TO HAVE BOTH.
 07:52:12 AND THAT SHOULD COVER, I THINK, ALL THE CONDITIONS.
 07:52:16 >>Scotty Wood: EVERYBODY GOT THAT?
 07:52:17 >>Kristin Jeannin: MAKE SURE STILL NOT MORE THAN ONE --
 07:52:21 >>Mary Gibbs: NO, IT WILL JUST BE ONE.
 07:52:23 IT WILL BE ONE ON ONE OF THE LOTS.
 07:52:25 WE'LL MAKE SURE THE LANGUAGE IS VERY SPECIFIC.
 07:52:30 >>Nancy Stroud: CAN I ASK SOMETHING FIRST, MR. CHAIR?
 07:52:36 ARE THERE PROPOSED CHANGES TO ADD-2006 THAT WE NEED TO
 07:52:42 DISCUSS?
 07:52:47 >>Mary Gibbs: I DIDN'T BRING THAT UP BECAUSE WE WERE ALL IN
 07:52:50 AGREEMENT, AND THEY SHOWED A SIGN, A MONUMENT SIGN ON THIS
 07:52:54 LOT SO THEY COULD HAVE THE WAWA SIGN.
 07:52:57 THERE WAS AN ODD ADMINISTRATIVE APPROVAL THAT THE COUNTY DID
 07:53:00 THAT ONLY GAVE THEM THE TWO PROJECT DESIGNS, SO IT WAS VERY
 07:53:05 UNCLEAR IF THEY COULD GET THIS MONUMENT SIGN, SMALL MONUMENT
 07:53:08 SIGN ON THE CORNER, SO WE ARE PROPOSING AMENDING THAT

 07:53:12 CONDITION TO MAKE IT CLEAR THAT THEY CAN HAVE A MONUMENT
 07:53:14 SIGN FOR THE WAWA.
 07:53:18 >>Scotty Wood: ANYTHING ELSE?
 07:53:19 I THINK WE'RE READY FOR A ROLL CALL ON THE MOTION.
 07:53:24 >>Anthony Gargano: YEAH, I'M STILL NOT COMFORTABLE WITH
 07:53:30 MAKING A RECOMMENDATION TO COUNCIL FOR SOMETHING INVOLVING
 07:53:36 AN APPLICANT THAT I THINK SHOULD BE HERE.
 07:53:38 I'M GOING TO VOTE NO.
 07:53:43 >>Kristin Jeannin: YES.
 07:53:45 >>Barry Jones: KITE WAS NOTIFIED OF THIS LEGALLY, CORRECT?
 07:53:51 SO THEY WERE AWARE OF THE -- IF THEY HAD ANY OBJECTION --
 07:53:54 [INAUDIBLE]
 07:53:57 >>Mary Gibbs: KITE IS, YEAH, THEY KNOW.
 07:53:59 >>Barry Jones: WITH THAT UNDERSTANDING, I HAVE NO OBJECTION.
 07:54:03 [INAUDIBLE]
 07:54:07 >>Marlene Naratil: NO.
 07:54:10 I AGREE WITH MR. GARGANO.
 07:54:13 >>Michael Sheeley: YES.
 07:54:15 >>James Tatooles: YES.
 07:54:17 >>Jim Wallace: YES.
 07:54:19 >>Scotty Wood: NO.
 07:54:23 >>Tammy Duran: FIVE YESES AND THREE NOES.

07:54:27 >>Scotty Wood: IT'S APPROVED.
 07:54:30 >>Mary Gibbs: WELL, IT'S A RECOMMENDATION, REMEMBER.
 07:54:32 >>Scotty Wood: RECOMMENDATION.

 07:54:39 >>Jim Wallace: THAT WAS A VERY HEALTHY DISCUSSION.
 07:54:53 >>Scotty Wood: WE'RE NOT DONE.
 07:54:54 WE WILL BE DONE SHORTLY.
 07:55:31 OKAY.
 07:55:32 OUR FINAL ITEM HAS TO DO WITH THE MAKEUP OF THIS BOARD.
 07:55:41 I'M GOING TO ASK NANCY TO FRAME IT FOR US.
 07:55:48 >>Nancy Stroud: THANK YOU, MR. CHAIR.
 07:55:52 THE BOARD HAS BEEN LOOKING FOR A WHILE AT THE QUESTION OF
 07:55:55 HOW PROFESSIONAL MEMBERS OF THE BOARD, CERTAIN PROFESSIONAL
 07:55:59 MEMBERS SHOULD PARTICIPATE OR NOT IN CLIENT APPLICATIONS
 07:56:03 BEFORE THE BOARD.
 07:56:04 AND AT THE LAST MEETING, THE BOARD CAME TO A CONSENSUS, I
 07:56:08 THINK, THAT I'VE TRIED TO EXPRESS IN THE ORDINANCE THAT'S
 07:56:11 BEFORE YOU.
 07:56:12 SO THE ORDINANCE IDENTIFIES THE PROFESSIONAL MEMBERS TO
 07:56:16 INCLUDE THE ENGINEER, ARCHITECT, AND LANDSCAPE ARCHITECT.
 07:56:20 MEANING THAT THESE MEMBERS COULD REPRESENT A CLIENT AT A
 07:56:25 PUBLIC INFORMATION MEETING, BUT NOT AT ANY OTHER MEETING.
 07:56:30 MEMBERS OF THE FIRM, HOWEVER, CAN REPRESENT THE CLIENT AT
 07:56:33 ANY MEETING.
 07:56:35 SO THE ORDINANCE BEFORE YOU IS SOMETHING THAT THE VILLAGE
 07:56:43 COUNCIL HAS TO ADOPT AND AS THE LOCAL PLANNING AGENCY, THE
 07:56:50 BOARD WOULD MAKE A RECOMMENDATION TO THE VILLAGE.
 07:56:52 IF YOU BELIEVE THAT THIS IS AN ACCURATE CHANGE FOR WHAT THE
 07:57:02 DISCUSSION RESULTED IN LAST TIME, THEN I WOULD RECOMMEND

 07:57:04 THAT YOU MAKE A RECOMMENDATION FOR APPROVAL TO THE VILLAGE
 07:57:12 COUNCIL.
 07:57:14 >>Scotty Wood: THANK YOU.
 07:57:15 ANY COMMENTS?
 07:57:16 HAVE YOU READ IT?
 07:57:19 >> I HAVE ONLY ONE COMMENT ON LINE 28.
 07:57:22 >>Scotty Wood: LINE 28.
 07:57:25 >>Jim Wallace: NANCY, YOU MAYBE CORRECT ME HERE.
 07:57:30 I THOUGHT IT SHOULD READ THAT THE ADJUSTMENT OF A MEMBERSHIP
 07:57:34 QUALIFICATIONS SHOULD ALSO BE ACCOMPANIED BY -- IT SHOULD
 07:57:38 HAVE THE WORD BY RESTRICTIONS ON THE PRACTICE.
 07:57:41 >>Nancy Stroud: THANK YOU.
 07:57:47 >>Jim Wallace: THE OTHER THING WAS ON LINE 66, SHOULD IT SAY
 07:57:51 CIVIL ENGINEERING OR JUST ENGINEERING?
 07:57:53 BARRY, MAYBE YOU CAN -- THERE ARE SO MANY TYPES OF
 07:57:59 ENGINEERING.
 07:58:00 HVAC, ELECTRICAL, BUT WE REALLY WANT CIVIL ENGINEERING,
 07:58:05 DON'T WE.

07:58:06 LAND PLANNER.
 07:58:07 >>Scotty Wood: WHAT ABOUT TRANSPORTATION ENGINEERING?
 07:58:12 >>Jim Wallace: WE DON'T WANT -- PLUMBERS AND ELECTRICIANS.
 07:58:16 >>Barry Jones: USUALLY -- [INAUDIBLE]
 07:58:31 >>Scotty Wood: YOU CAN INCLUDE TRANSPORTATION WITHIN THE
 07:58:33 CONTEXT OF CIVIL ENGINEERING.
 07:58:37 >>Barry Jones: LIKE UTILITIES AT THE AIRPORT -- [INAUDIBLE]

07:58:44 >>Scotty Wood: NANCY, DO YOU AGREE WITH THAT?
 07:58:47 >>Nancy Stroud: YES.
 07:58:48 WE JUST PUT THE WORD CIVIL BEFORE --
 07:58:52 >> ENGINEERING.
 07:58:53 >>Scotty Wood: 66.
 07:58:59 >> IT'S THE FIRST I.
 07:59:01 INSERT THE WORD CIVIL IN FRONT OF ENGINEERING.
 07:59:03 >>Scotty Wood: ANY OTHER COMMENTS?
 07:59:06 >>Michael Sheeley: THE WORD ARCHITECTURE IS NOT BEFORE
 07:59:09 ENGINEERING.
 07:59:10 [LAUGHTER]
 07:59:21 >>Scotty Wood: ON THAT NOTE, CAN I HAVE A MOTION TO APPROVE
 07:59:23 A RECOMMENDATION, NOT AN APPROVAL, BUT A RECOMMENDATION THAT
 07:59:29 THIS -- TO THE VILLAGE COUNCIL THAT THIS ORDINANCE,
 07:59:32 SPECIFICALLY NUMBER 2022-09, BE APPROVED?
 07:59:36 >>Marlene Naratil: I'LL MAKE THE MOTION.
 07:59:40 >>Anthony Gargano: SECOND.
 07:59:41 >>Scotty Wood: ANY FURTHER DISCUSSION?
 07:59:42 TAMMY, PLEASE CALL THE ROLL.
 07:59:45 >>Anthony Gargano: YES.
 07:59:47 >>Kristin Jeannin: YES.
 07:59:48 >>Barry Jones: YES.
 07:59:50 >>Marlene Naratil: YES.
 07:59:52 >>Michael Sheeley: YES.
 07:59:53 >>James Tatooles: YES.

07:59:55 >>Jim Wallace: YES.
 07:59:57 >>Scotty Wood: YES.
 08:00:01 WE WILL RECOMMEND APPROVAL.
 08:00:02 BEFORE WE ADJOURN, MARY, DO YOU WANT TO TALK ABOUT AUGUST?
 08:00:08 >>Mary Gibbs: WELL, I THINK WE'RE GOING TO HAVE ANOTHER
 08:00:11 MAYBE FIVE OR SIX CASES.
 08:00:13 I'M TRYING TO SPREAD THEM OUT, BUT THERE SEEMS TO BE A GLUT
 08:00:16 COMING IN.
 08:00:17 AND SEPTEMBER, I DON'T KNOW.
 08:00:19 WE MAY HAVE TO TALK ABOUT TWO MEETINGS, I DON'T KNOW.
 08:00:22 BUT I'M TRYING TO GET A HANDLE ON THE AGENDA.
 08:00:26 I THINK WE'LL HAVE AT LEAST FOUR OR FIVE IN AUGUST.
 08:00:29 WE'LL TRY NOT TO MAKE THEM COMPLICATED.
 08:00:32 CASES.

08:00:35 >>Scotty Wood: ANYBODY GOING TO BE AROUND -- NOT GOING TO BE
 08:00:38 AROUND IN --
 08:00:40 >> I AM NOT SURE.
 08:00:46 >>Scotty Wood: WE'VE GOT THREE NOT SURES.
 08:00:49 >>Kristin Jeannin: I MIGHT NOT BE.
 08:00:57 >>Scotty Wood: AUGUST 9 IS THE MEETING.
 08:01:01 >>Kristin Jeannin: I WILL BE HERE, TOO, ACTUALLY.
 08:01:03 >> I'LL BE HERE.
 08:01:05 >> I'LL BE HERE.
 08:01:06 >>Mary Gibbs: DO WE HAVE A QUORUM FOR AUGUST?
 08:01:11 >>Scotty Wood: IT SOUNDS LIKE WE'VE GOT A QUORUM.

 08:01:13 AUGUST 9.
 08:01:16 DOES ANYBODY WANT TO SAY ANYTHING ELSE BEFORE WE HAVE A
 08:01:21 MOTION TO ADJOURN?
 08:01:23 >>Anthony Gargano: YES.
 08:01:24 I HAVE A REQUEST TO STAFF.
 08:01:27 WE SPENT A LOT OF TIME DURING THE CELL TOWER DISCUSSION ON
 08:01:32 THE AESTHETICS OF A CELL TOWER.
 08:01:35 I THOUGHT IT WAS INTERESTING THAT THE PUBLIC COMMENTS, TEN
 08:01:40 PEOPLE SPOKE.
 08:01:40 SIX SPOKE IN FAVOR OF THE CELL TOWER AND BROUGHT INTO
 08:01:49 DISCUSSION THE SAFETY ASPECT, YOU KNOW, THE 911 ASPECT.
 08:01:53 ONE OF THE THINGS IN THE MOTION WE JUST MADE A
 08:01:58 RECOMMENDATION ON IS THAT WE'RE TO BE SYMPATHETIC FOR THE
 08:02:01 HEALTH, SAFETY, AND WELFARE OF OUR RESIDENTS.
 08:02:04 SO A LOT OF THE COMMENTS BY THE PUBLIC WERE ANECDOTAL,
 08:02:12 EXCEPT BY THE ONE TECHNICAL CONSULTANT FROM BONITA SPRINGS.
 08:02:16 AND I WAS WONDERING IF WE COULD REQUEST THE APPLICANT, AT&T,
 08:02:21 WHEN THEY DO COME BACK HERE, TO COME BACK WITH SOME
 08:02:25 STATISTICS, SOME INFORMATION REGARDING WHAT HAPPENS WITH
 08:02:33 RESPECT TO THE IMPROVEMENT IN DROPPED CALLS.
 08:02:38 WHAT ARE THE STATISTICS?
 08:02:40 I THINK THAT'S A VERY SALIENT ISSUE THAT WE SHOULD SPEND AT
 08:02:44 LEAST AS MUCH TIME AS WE SPEND ON THE AESTHETICS.
 08:02:50 >>Mary Gibbs: I'LL MAKE SURE THE APPLICANT KNOWS.
 08:02:54 >>Anthony Gargano: THANK YOU.

 08:02:57 >>Jim Wallace: WE JUST WANT THE SIMPLEST PATH.
 08:03:03 THEY DIDN'T PRESENT A VERY GOOD CASE, IN MY OPINION.
 08:03:06 THE AT&T GUYS.
 08:03:10 BIG COMPANY, YOU WOULD THINK THEY WOULD HAVE ALL KINDS OF --
 08:03:17 DIFFERENT VISUALS, DIFFERENT FACTS.
 08:03:21 >>Scotty Wood: I DIDN'T MAKE THE COMMENT, BUT I WAS
 08:03:23 PREPARED TO.
 08:03:24 THE PICTURES THAT WERE IN THE PRESENTATION HAD NOTHING TO DO
 08:03:30 WITH THE RESIDENTS IN BONITA SPRINGS, NOTHING TO DO WITH
 08:03:34 THEM.

08:03:35 NOW THE BALLOON TEST IN THEORY WILL TELL THE STORY, BUT
08:03:41 WE'LL HAVE TO SEE.
08:03:42 I'D LIKE TO KNOW WHAT DIAMETER THE BALLOON IS GIVEN WHAT'S
08:03:48 GOING TO BE UP ON THAT 99-FOOT TOWER.
08:03:51 BECAUSE IF THE BALLOON IS 12 INCHES ACROSS, THAT'S ONE
08:03:55 THING.
08:03:56 IF IT'S SEVEN FEET ACROSS, THAT'S ANOTHER.
08:04:02 >>Jim Wallace: I WAS SURPRISED THAT BARRY BROUGHT UP FACTS
08:04:05 THEY DIDN'T BREAK UP.
08:04:06 THE BREAK POINT.
08:04:07 THEY DIDN'T DISCUSS ANY OF THOSE POSSIBILITIES.
08:04:13 >>Scotty Wood: OKAY.
08:04:13 ANYTHING ELSE?
08:04:14 MOTION TO ADJOURN?
08:04:17 >>Michael Sheeley: SO MOVED.
08:04:17 >> SECOND.
08:04:18 >>Scotty Wood: ALL IN FAVOR?
08:04:19 >> AYE.
08:04:20 >>Scotty Wood: ANY OPPOSED?
08:04:20 WE'RE ADJOURNED.

DISCLAIMER:

THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
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.

Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings, as well as transcripts. Video recordings of Design Review Board meetings from June 8, 2016, forward, as well as agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at <https://estero-fl.gov/agendas/> at the corresponding meeting date.

DRAFT MINUTES

Planning Zoning and Design Board Meeting

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
June 14, 2022 4:30 p.m.**

- 1. CALL TO ORDER:** 4:30 p.m.
- 2. PLEDGE OF ALLEGIANCE:** Led by Chairman Wood
- 3. ROLL CALL:**

Present: Chairman Scotty Wood, Boardmembers Marlene Naratil, James Tatooles (left at 6:30), Michael Sheeley, Barry Jones (left at 7:00 pm), Kristin Jeannin, and Jim Wallace.
Absent: Boardmember Anthony Gargano.

Also present: Village Land Use Counsel Nancy Stroud (via Zoom), Community Development Director Mary Gibbs, Development Review Manager Jim Hart, and Deputy Village Clerk, Tammy Duran.

- 4. APPROVAL OF AGENDA:**

A motion to approve the agenda was made and duly passed.

- 5. BUSINESS:**

(a) Consent Agenda

Approval of April 12 and May 10, 2022 meeting minutes.

A motion to approve the consent agenda was made and duly passed.

- 6. PUBLIC HEARINGS (Quasi-Judicial)**

Chairman Wood provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for the hearing were sworn in by Village Land Use Counsel Stroud.

- (a) Monument Sign – River of Life Assembly of God (Permit Pending) (District 5)
Located at 21580 River Ranch Road, north of Block Lane and on the west side of River Ranch

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

Lance Oij, Sign Permits Plus

Public Comment

None.

Board Questions or Comments

Board Members Naratil, Tatooles, and Chairman Wood.

Motion: Motion to approve the Monument Sign - River of Life Assembly of God.

Motion by: Board Member Naratil
Seconded by: Board Member Sheeley

Action: Approved the Monument Sign - River of Life Assembly of God.

Vote:

Aye: Board Members Jeannin, Naratil, Wallace, Tatooles, Jones, Sheeley, and Chairman Wood

Nay:

Abstentions:

- (b) Development Order - Estero Crossing Residential – Corsa (DOS2021-E007) (District 5)
43-acre site is located west of I-75, south of Corkscrew Road and east of the Lowe's Plaza. The residential units are south of the proposed commercial tract.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

John T. Wojdak, DeLisi Fitzgerald

Public Comment

None.

Board Questions or Comments

Board Members Naratil, Jones, Sheeley, Jeannin, Wallace, and Chairman Wood.

Motion: Motion to approve the Development Order for Estero Crossing Residential as described in the staff report and approve the Monument Sign.

Motion by: Board Member Sheeley
Seconded by: Board Member Jones

Action: Approved the Development Order for Estero Crossing Residential as described in the staff report and approved the Monument Sign.

Vote:

Aye: Board Members Jeannin, Naratil, Wallace,
Tatooles, Jones, Sheeley, and Chairman Wood

Nay:

Abstentions:

7. PUBLIC INFORMATION MEETINGS

(a) Special Exception & Limited Development Order - Riverwoods Plantation Pickleball Courts

- Applicant is seeking a Special Exception in the RM-2 Zoning District to add pickleball as a permitted amenity.
- Limited Development Order for the construction of 4 pickleball courts.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by

Roger Haab, Riverwood
Kathleen Gunning, Riverwoods Plantation Director

Public Comment

None.

Board Questions or Comments

Board Members Naratil, Jones, Wallace, Jeannin, and Chairman Wood.

(b) Zoning Amendment - (DCI2021-E003) (District 2) 4561 Pelican Sound Boulevard, located west of US 41 and north of Williams Road.

- Applicant is seeking; to amend the Pelican Sound Residential Planned Development Zoning Resolution and Master Concept Plan to allow pickleball courts as an accessory use and also amend a condition related to outdoor entertainment.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

Ken Gallander, RWA Consulting

Public Comment

None.

Board Questions or Comments

Board Members Naratil, Wallace, Jeannin, and Chairman Wood

- (c) Development Order - Arcos Executive Center (District 4) (DOS2017-E006) 10170 and 10150 Arcos Avenue, Plaza Del Sol Commercial Planned Development, Parcels B and C, Northeast corner of Corkscrew Road and Three Oaks Parkway.
- Development Order for a 45-foot, three-story office building with 66,000 square feet on a 3.72 ± acre site.
- Zoning amendments were approved by the Village Council on May 9, 2018 to allow the office development.
- Public Information Meeting for Development Order was held June 14, 2017. Workshop was held May 9, 2018. Public Hearing held June 27, 2018 and case was continued.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

Richard Losee, LAI Design Associates
Matthew Bechtel, LAI Design Associates

Public Comment

None.

Board Questions or Comments

Board Members Jones, Wallace, Naratil, Jeannin, Sheeley, and Chairman Wood

8. PUBLIC HEARINGS (Quasi-Judicial)

All audience members and staff providing testimony for the hearing were sworn in by Village Land Use Counsel Stroud.

- (a) Comprehensive Plan Amendment and Rezoning - Estero on the River and Happehatchee Properties (CPA2022-E002) (REZ2022-E001) (District 4)
32 acres, located at the northeast intersection of US 41 and Corkscrew Road, and bordered on the north by the Estero River, owned by the Village.

Village-initiated rezoning of the property south of the river from Mixed Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF).

Village-initiated Comprehensive Plan amendment to change the Future Land Use Map category from Village Center to Public Parks and Recreation.

Public Information Meetings were held May 10, 2022.

See Staff Reports

Planning Zoning and Design Board will make a recommendation to Council on both cases.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney

Board Questions or Comments

Board Members Naratil, Jeannin, Wallace, Jones, Sheeley, and Chairman Wood

Public Comments

Jeff Lewis, Estero Resident

Motion: Motion to recommend approval to the Council for the rezoning and the comprehensive plan amendment with the recommendation Council looks at long-term development.

Motion by: Board Member Sheeley

Seconded by: Board Member Jeannin

Action: Recommended to the Council for the rezoning and the comprehensive plan amendment with the recommendation Council looks at long-term development.

Vote:

Aye: Board Members Jeannin, Naratil, Wallace, Sheeley, and
Chairman Wood

Nay:

Abstentions:

(b) Comprehensive Amendment to include an element for property rights, required by State Statute.

- Public Information Meeting was held May 10, 2022.
- See Staff Report
- Planning Zoning and Design Board will make a recommendation to Council to transmit the amendment to the State.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Board Questions or Comments

Board Member Jeannin.

Public Comments

None.

Motion: Motion to recommend approval to the Council to include an element for property rights.

Motion by: Board Member Sheeley

Seconded by: Board Member Jeannin

Action: Recommended approval to the Council to include an element for property rights

Vote:

Aye: Board Members Jeannin, Naratil, Wallace, Sheeley,
and Chairman Wood

Nay:

Abstentions:

10. BOARD COMMUNICATIONS

(a) Next meeting – July 12, 2022

11. ADJOURNMENT: 7:15 pm.

Tammy Duran
Deputy Village Clerk

**VILLAGE OF ESTERO****ZONING STAFF REPORT**

PROJECT NAME: JDS OF COCONUT POINT, INC.

CASE TYPE: AMENDMENT TO EXPAND OUTDOOR AREA FOR CONSUMPTION ON PREMISES

CASE NUMBER: ADD2022-E005

PLANNING ZONING AND DESIGN BOARD: **DATE:** July 12, 2022

REQUEST

Extend the outdoor Consumption on Premises (COP) of alcoholic beverages for South Fork Grille Suite 113 Village Shops Way to the adjacent suite now occupied by the applicant and known as El Nido Modern Mexican at Coconut Point.

APPLICATION SUMMARY

Applicant: Joseph Sofia

Authorized Agent: None

Request: Request to expand the outdoor seating area from 56 to 145 seats.

Location: The subject property is located at 23161 Village Shops Way, Unit 113, Coconut Point Mall, Village of Estero, FL.

STRAP Number: 09-47-25-E2-360SC-0010

PROJECT HISTORY

The property is located within the Coconut Point Development of Regional Impact (DRI). It was rezoned from Agricultural (AG-2) to Mixed Planned Development (MPD) on October 21, 2002 by Lee County by Resolution #Z-02-009. Subsequent amendments have been approved which do not affect this property.

PROJECT DESCRIPTION

The applicant is the owner of South Fork Grille which was formally known as The Grape. The restaurant's name changed when The Grape's term franchise expired in 2012. This Group III restaurant received approval for Consumption on Premises in 2006 under COP2006-00169. The approval granted alcoholic beverage service to patrons within the 2,200 square foot indoor seating

July 12, 2022

Page 1 of 3

area and to the 330 square foot outdoor area serving 48 seats. The approval was limited to the sale of beer and wine between the hours of 11:00 AM and 10:00 PM Sunday through Thursday, and 11:00 AM and 11:00 PM Friday through Saturday.

No additional approvals have been located in County records by staff or provided by the applicant.

A search on the official site of the Florida Department of Business & Professional Regulation (DBPR) finds that JDS of Coconut Point Inc., doing business as South Fork Grille, holds a retail business license for a 4COP (BEV4607437). The licensure date is January 15, 2015 and has an expiration date of March 31, 2023.

Early this year the applicant applied for a remodel permit for South Fork Grille and El Nido, expanding the South Fork Grille approximately 1,500 square feet. The remodel permit application indicates the applicant's plans of providing 2 different restaurant concepts, with 2 menus, served out of 1 kitchen. With expansion to the neighboring space the restaurant's outdoor service area expands as shown on the Final Buildout Floor Plan dated February 15, 2021. The outdoor area totals 3,285 square feet, more than double the original outdoor area. The expanded area is comprised of the original outdoor area at South Fork of 56 seats, the area fronting Village Shops Way (in front of El Nido) with 56 seats, the area at the side of El Nido, with 24 seats, and an area in front of El Nido's side bar with 9 stools. It appears that pedestrian access is maintained along and through the outdoor service area.

Outdoor seating area is delineated on the Final Build Out Floor Plan, Exhibit B.

The application states that the full-service Group III Restaurant will continue with no change and that there will be no change to the existing 4COP beverage license. Currently the restaurant operates between the hours of 11:00 AM - 10:00 PM Sunday through Thursday, and 11:00 AM - 11:00 PM Friday and Saturday.

No music or entertainment is proposed in the outdoor seating area.

SURROUNDING USES

The surrounding uses at the Coconut Point Mall are primarily retail/commercial. Restaurants with Consumption on Premises located in the vicinity include Ruth's Chris Steak House, The Saloon, Divieto Ristorante, California Pizza Kitchen and Tommy Bahama Marlin Bar. See Attachment C.

The applicant has affirmed that there are no religious facilities, non-commercial schools, child day care centers, parks, dwelling units under separate ownership, or other establishments primarily selling alcoholic beverages for consumption on site, within 500 feet of South Fork Grille/ El Nido.

STAFF ANALYSIS

Staff has reviewed this request pursuant to Section 4-402, Sale or Service for On-Premises Consumption of the Land Development Code (LDC).

The applicant is requesting an administrative approval for the expansion of alcoholic beverage service to the 3,285 square foot outdoor area, shown on Attachment B.

The Lee County approval for South Fork Grille COP change from a 2COP to a 4COP was not provided with the application nor found by searching the Lee County records. However, a search of the Florida Department of Business and Professional Regulation (DBPR) finds that JDS of Coconut Point Inc. doing business as South Fork Grille holds an active retail business license for

July 12, 2022

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a 4COP (BEV4607437). This indicates that a filing for a change was received, and the appropriate license issued.

Staff finds the subject space is suitable in regard to location, site characteristics and intended purpose. Consumption on Premises with outdoor seating in conjunction with a Group II, III or IV restaurant is permitted if the outdoor seating area is not within 500 feet of a religious facility, school (non-commercial), day care center (child), park or dwelling unit under separate ownership. The applicant complies with the distance requirements for outdoor seating.

The application meets the requirements of the Land Development Code. The request for outdoor alcoholic beverage service requires a public hearing.

FINDINGS

1. The premises are suitable for the intended use.
2. There are no apparent deleterious effects upon surrounding properties and the immediate area.

RECOMMENDATION

Staff recommends approval with the conditions in the draft Resolution:

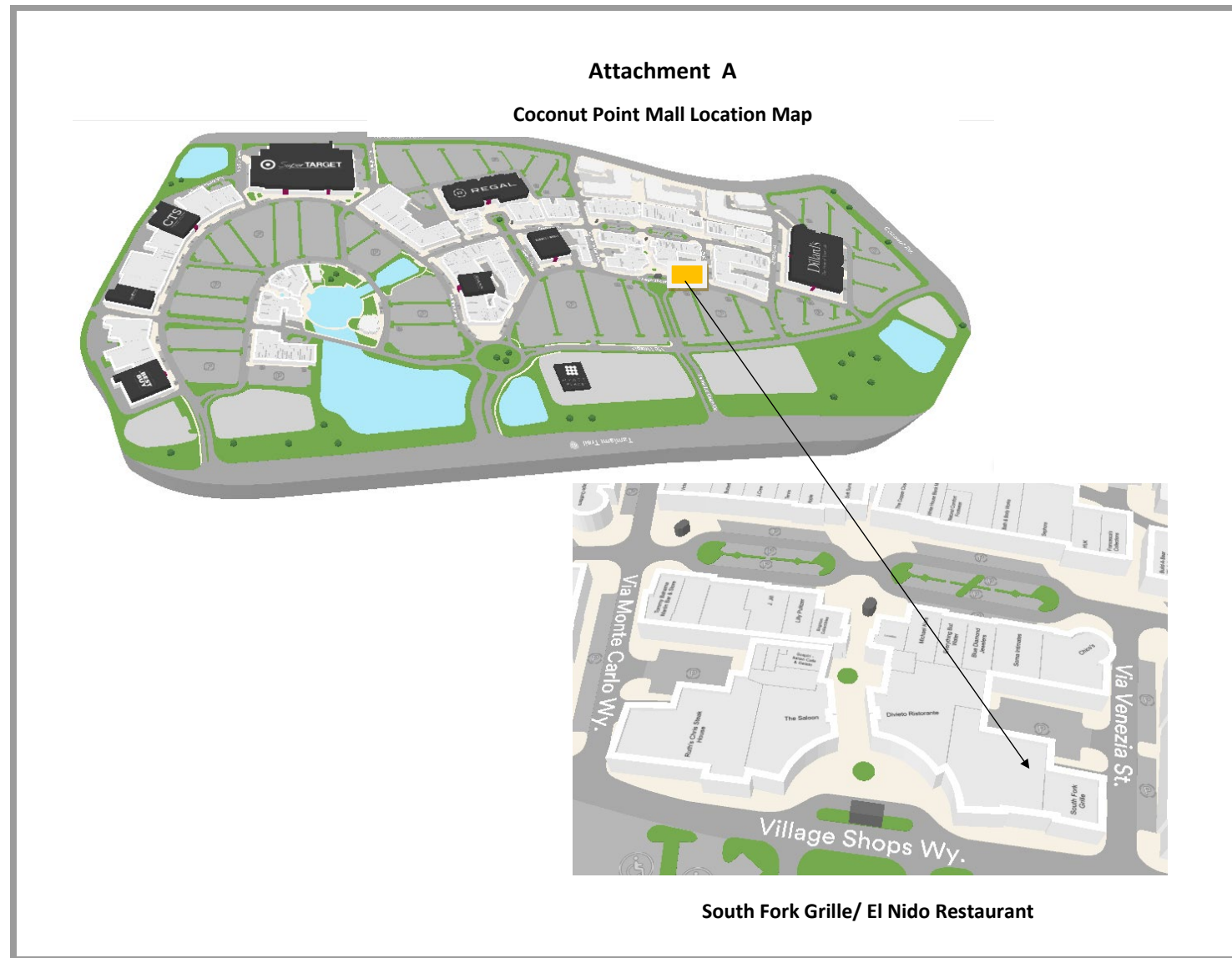
1. Approval is limited to a 4COP license in conjunction with a restaurant. If any other type of license is sought, a new approval in accordance with the LDC will be required.
2. Approval is limited to 23161 Village Shops Way, Suite 113 which has an outdoor area of 3,285 square feet as shown on Attachment B.
3. Approval is limited to the sale and service of alcoholic beverages between the hours of 11:00 AM - 10:00 PM Sunday through Thursday, and 11:00 AM - 11:00 PM Friday and Saturday for both indoor and outdoor seating.
4. No outdoor entertainment is permitted without an amendment to this Resolution.
5. If it is determined that inaccurate or misleading information was provided to staff or the Planning Zoning and Design Board or if this decision does not comply with the LDC when rendered then, at any time, the Planning Zoning and Design Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may seek necessary approvals by filing an application for public hearing in accordance with the provisions of the LDC.

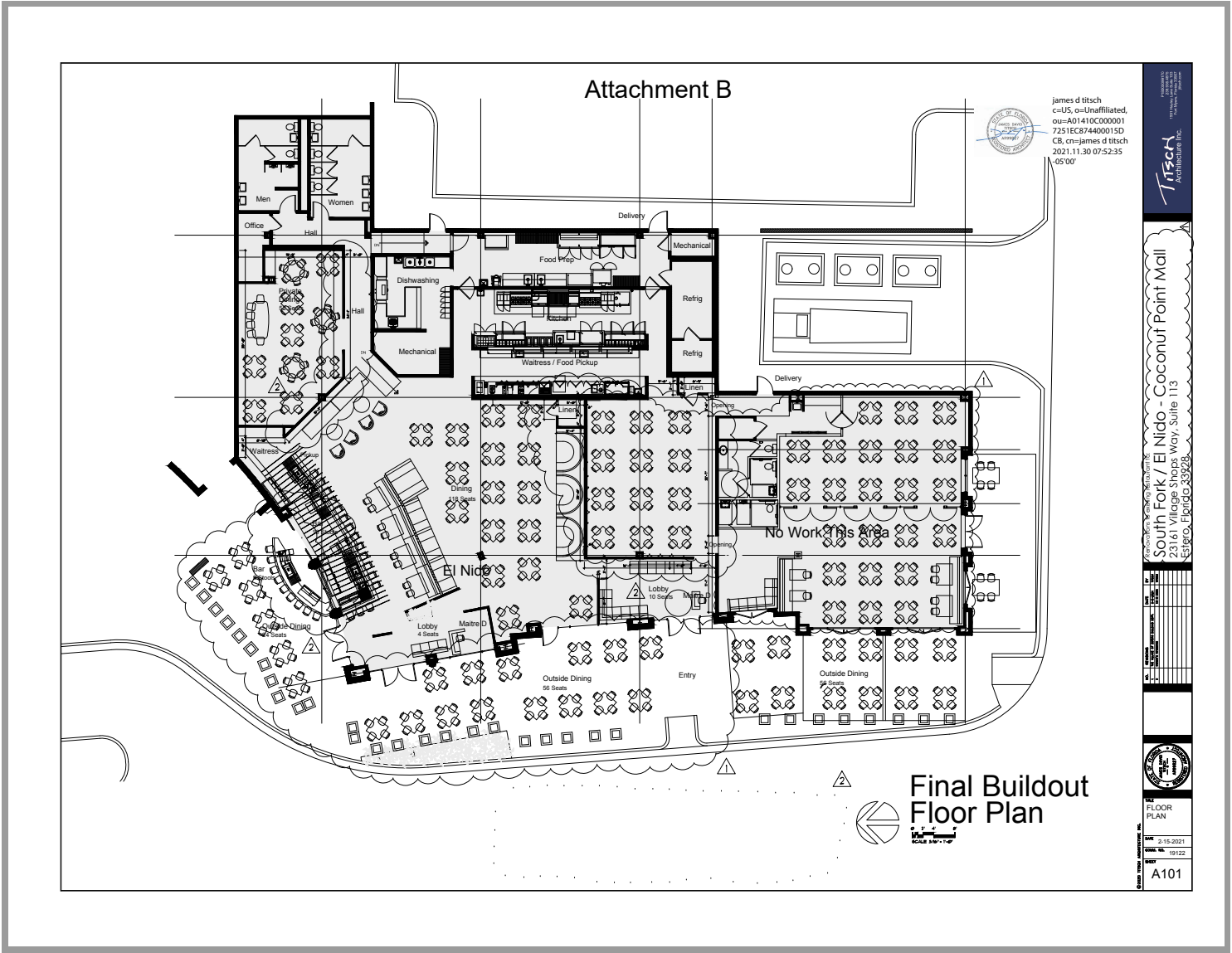
ATTACHMENTS

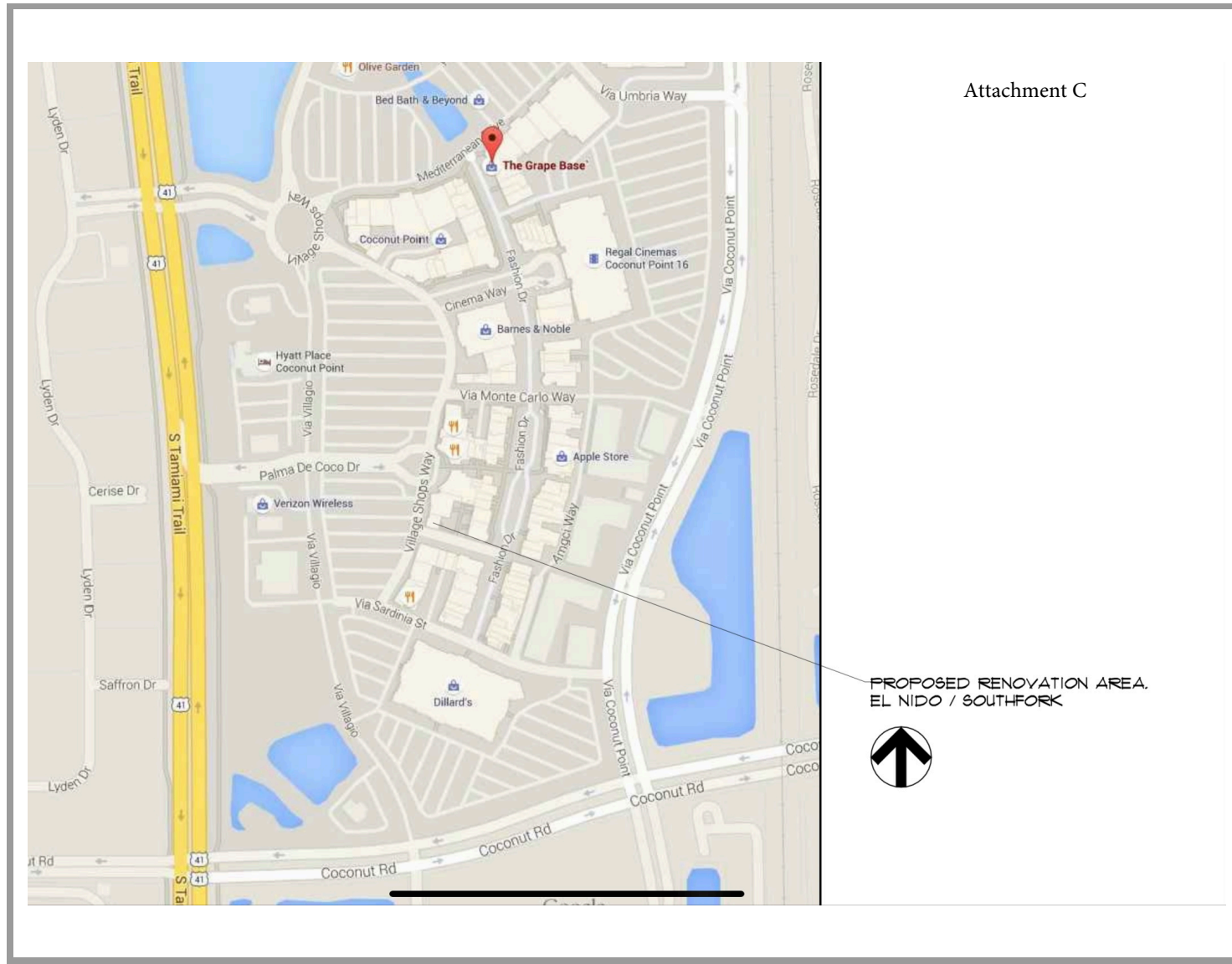
- A. Coconut Point Mall Location Map
- B. Final Buildout Floor Plan
- C. COPs in Vicinity

July 12, 2022

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RESOLUTION NO. PZDB 2022 - 01

**ADMINISTRATIVE AMENDMENT
JDS OF COCONUT POINT, INC.
ADD2022-E005
VILLAGE OF ESTERO, FLORIDA**

WHEREAS, JDS of Coconut Point, Inc. (“applicant”) filed an application for an approval of an expansion of the outdoor seating area for Consumption on Premises for a 4COP alcoholic beverage license for South Fork Grille/El Nido Modern Mexican; and

WHEREAS, the property is located at 23161 Village Shops Way, Suite 113 at the Coconut Point Mall and described as: Strap Number: 09-47-25-E2-360SC.0010; and

WHEREAS, the property was originally rezoned by Resolution Number Z-02-009 from Agriculture (AG-2) to Mixed Use Planned Development; and

WHEREAS, the subject property is zoned Mixed Use Planned Development (MPD) and is located in the Transitional Mixed Use Future Land Use Category of the Village of Estero Comprehensive Plan; and

WHEREAS, The Village of Estero Land Development Code (LDC) Section 4-402 provides for certain approvals for Consumption on Premises; and

WHEREAS, the Village of Estero Land Development Code requires a public hearing for review and approval of Consumption on Premises applications within a Planned Development that include outdoor seating areas; and

WHEREAS, the applicant has expanded the South Fork Grille restaurant and will operate the expanded area under the name El Nido; and

WHEREAS, both South Fork Grille and El Nido operate the indoor and outdoor service area under the existing South Fork Grille 4COP liquor license (BEV4607437); and

WHEREAS, the expanded outdoor seating area for South Fork Grille and El Nido totals 145 seats as shown on Exhibit A; and

WHEREAS, the hours of operation for the sale and service of alcohol will be from 11:00 AM to 10:00 PM Sunday through Thursday, and Friday and Saturday from 11:00 AM to 11:00 PM; for both indoor and outdoor seating; and

WHEREAS, the following findings of fact are offered for the expanded outdoor seating associated with the existing Consumption on Premises:

Resolution No. PZDB 2022-01
CASE NO. ADD 2022-E005

Page 1 of 3

1. There will be no apparent deleterious effect upon surrounding properties and the immediate area.

2. The premises are suitable in regard to their location, site characteristics and intended purpose.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an amendment to expand the Consumption on Premise for outdoor consumption of alcoholic beverages is approved, subject to the following conditions:

1. Approval is limited to a 4COP license in conjunction with a restaurant. If any other type of license is sought, a new approval in accordance with the LDC will be required.
2. Approval is limited to 23161 Village Shops Way, Suite 113 which has an outdoor area of 3,285 square feet as shown on the attached Final Buildout Floor Plan (Exhibit A).
3. Approval is limited to the sale and service of alcoholic beverages between the hours of 11:00 AM to 10:00 PM. Sunday through Thursday, and from 11:00 to 11:00 PM. Friday and Saturday for both indoor and outdoor seating.
4. No outdoor entertainment is permitted without an amendment to this resolution.
5. If it is determined that inaccurate or misleading information was provided to staff or the Planning Zoning and Design Board or if this decision does not comply with the LDC when rendered, then at any time the Planning Zoning and Design Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may seek necessary approvals by filing an application for public hearing in accordance with Section 4-402 of the Land Development Code.

PASSED AND DULY ADOPTED this 12th day of July, 2022.

**VILLAGE OF ESTERO, FLORIDA
PLANNING ZONING AND DESIGN
BOARD**

Scotty Wood, Chairman

Attest:

By: _____
Carol Sacco, Village Clerk

Resolution No. PZDB 2022-01
CASE NO. ADD 2022-E005

93 Reviewed for legal sufficiency

94

95

96 By: _____

97 Nancy Stroud, Esq., Land Use Attorney

98

99

100 **Vote:**

101 Scotty Wood Yes___ No___

102 Anthony Gargano Yes___ No___

103 Kristin Jeannin Yes___ No___

104 Barry Jones Yes___ No___

105 Marlene Naratil Yes___ No___

106 Michael Sheeley Yes___ No___

107 James Tatooles Yes___ No___

108 Jim Wallace Yes___ No___

109

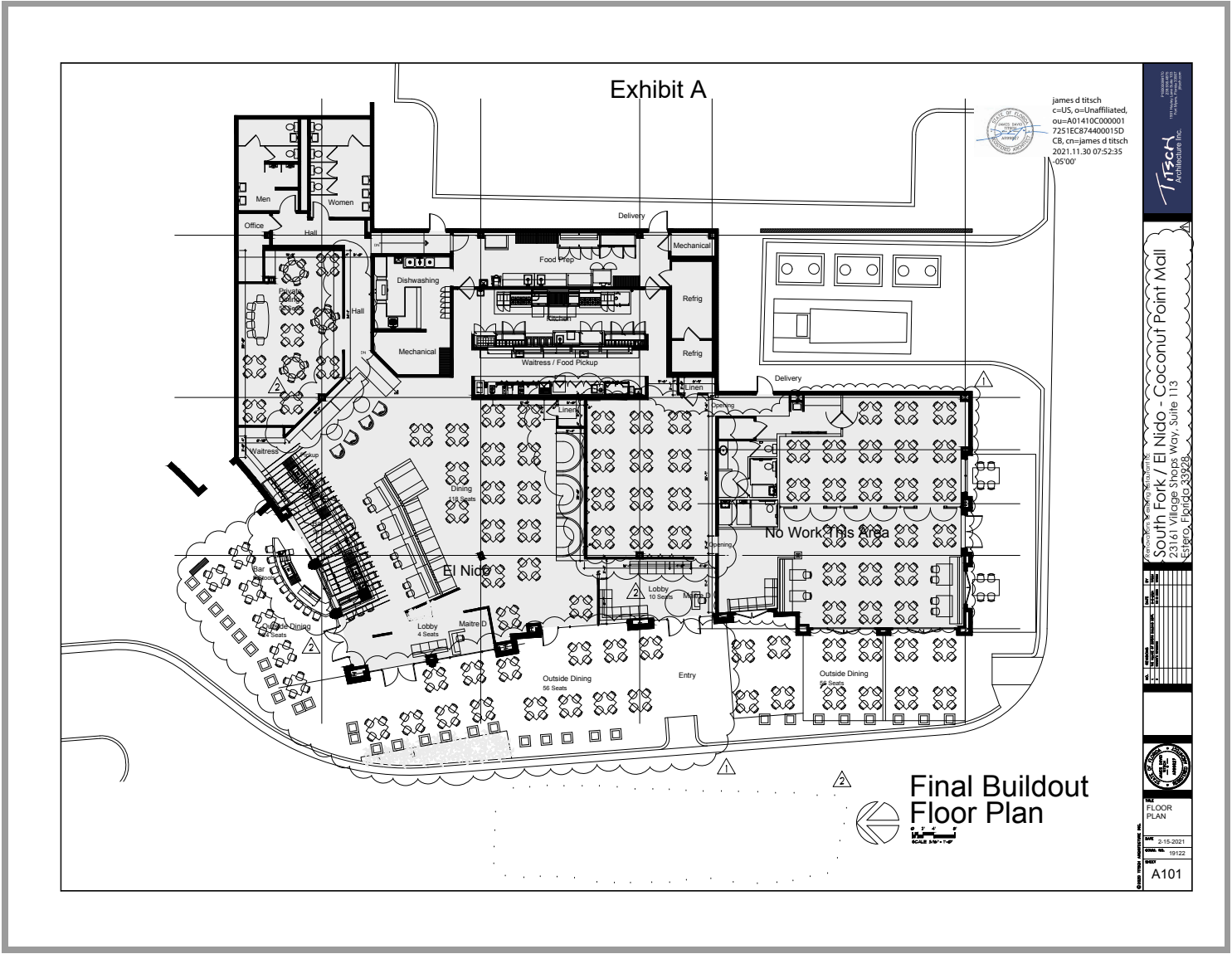
110

111 Exhibits:

112 A – Final Buildout Floor Plan

Resolution No. PZDB 2022-01
CASE NO. ADD 2022-E005

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**APPLICATION REQUEST FOR PLANNING AND ZONING BOARD
PUBLIC INFORMATIONAL MEETING IN THE VILLAGE OF ESTERO**
[LDC Section 33-54]

REQUEST IS FOR: Public Informational Meeting pursuant to LDC Section 33-54 (a) & (b)

1. Applicant/Project Name: A T& TCell Tower
2. Address: 3231 Coconut Road, Estero, Florida
3. Strap Number: 09-47-25-E4-U1869.1993
4. Application Number: SEZ2020-E001

5. Type of Application (check appropriate type(s)):
Comprehensive Plan Amendment ☐ Planned Development Zoning ☐
Planned Development -Amendment or Final Plan Approved ☐ Variance ☐
Conventional Rezoning ☐ Special Exception ☒
Plat ☐ Vacation ☐
Other ☐
(Specify)

6. Project Description (Brief description of project and need for application.)

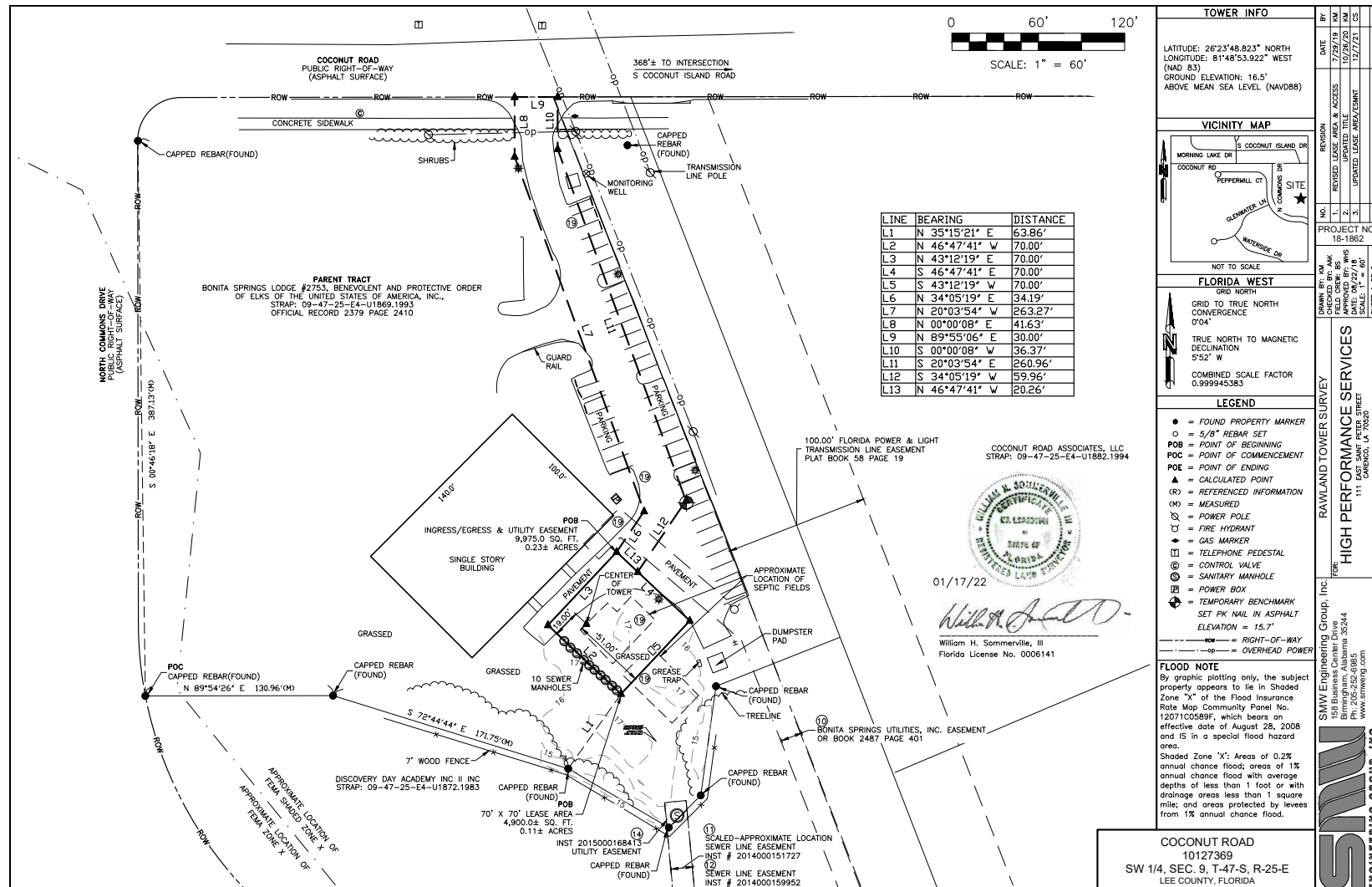
Special Exception to allow for the construction of a 100' wireless telecommunications facility

7. Application shall be accompanied by an electronic copy of the site plans drawn to scale, illustrating a detailed overview of the project. The plans shall define what is being requested and the deviation or change from the permitted and/or existing conditions.

Mary S. Palmer
Signature

6/23/2022
Date

**THE VILLAGE OF ESTERO
DEPARTMENT OF COMMUNITY DEVELOPMENT
9990 COCONUT ROAD
ESTERO, FLORIDA 34135
PHONE (239) 221-5036**



PARENT TRACT (FROM TITLE)

A portion of:
A tract or parcel of land lying in the Southwest 1/4 of Section 9, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
From the Northeast corner of the Southwest 1/4 of said Section 9 run South 01°00'24" East along the East line of said Southwest 1/4 for 62.16 feet to the South right-of-way line of Coconut Road (50 foot R.O.W.); thence run North 89°35'50" West along the South right-of-way line for 799.16 feet to the Point of Beginning. From said Point of Beginning run South 20°53'52" East for 748.16 feet to the North line of a proposed right-of-way; thence run along the arc of a curve to the left with a radius of 530.00 feet (Delta 27°42'00") (Chord bearing North 75°44'50" West) (Chord 253.74 feet) for 256.23 feet to a point of tangency; thence run North 89°35'50" West for 99.41 feet to a point of curvature; thence run along the arc of a curve to the right with a radius of 270.00 feet (Delta 90°00'00") (Chord bearing North 44°35'50" West) (Chord 361.84 feet) for 424.12 feet to a point of tangency; thence run North 00°24'10" East for 336.31 feet to a point of curvature; thence run along the arc of a curve to the right with a radius of 30.00 feet (Delta 90°00'00") (Chord bearing North 45°24'10" East) (Chord 42.43 feet) for 47.12 feet to a point of tangency and the intersection of said South right-of-way line of Coconut Road; thence run South 89°35'50" East along said South right-of-way for 314.00 feet to the Point of Beginning.

Less and except that portion conveyed in Official Records Book 4692, Page 777, of the Public Records of Lee County, Florida.

70' X 70' LEASE AREA (AS SURVEYED)

Being a portion of the Bonita Springs Lodge #2753 Benevolent and Protective Order of Elks of the United States of America, Inc. tract described in Official Record 2379 Page 2408 as recorded in the Office of County Clerk for Lee County, Florida, being in the SW 1/4 of Section 9, Township 47 South, Range 25 East, Lee County, Florida and being more particularly described as follows:
Commence at a capped rebar found marking the Easterly right-of-way of N Commons Drive and the Southwest corner of said Bonita Springs Lodge tract; thence leaving said right-of-way run N 89°54'26" E for a distance of 130.96 feet to a capped rebar found; thence N 35°15'21" E a distance of 63.86 feet to the Point of Beginning; thence N 46°47'41" W a distance of 70.00 feet to a point; thence N 43°12'19" E a distance of 70.00 feet to a point; thence S 46°17'41" E a distance of 70.00 feet to a point; thence S 43°12'19" E a distance of 70.00 feet to the Point of Beginning. Said above described Lease Area contains 4,900.0 square feet or 0.11 acres, more or less.

30' INGRESS/EGRESS & UTILITY EASEMENT (AS SURVEYED)

Being a portion of the Bonita Springs Lodge #2753 Benevolent and Protective Order of Elks of the United States of America, Inc. tract described in Official Record 2379 Page 2408 as recorded in the Office of County Clerk for Lee County, Florida, being in the SW 1/4 of Section 9, Township 47 South, Range 25 East, Lee County, Florida and being more particularly described as follows:
Commence at a capped rebar found marking the Easterly right-of-way of N Commons Drive and the Southwest corner of said Bonita Springs Lodge tract; thence leaving said right-of-way run N 89°54'26" E for a distance of 130.96 feet to a capped rebar found; thence N 35°15'21" E a distance of 63.86 feet to a point; thence N 46°47'41" W a distance of 70.00 feet to the Point of Beginning; thence N 34°05'19" E a distance of 34.19 feet to a point; thence N 20°03'54" W a distance of 263.27 feet to a point; thence N 00°00'08" E a distance of 41.63 feet, more or less, to a point on the south right-of-way line of Coconut Road; thence N 89°55'06" E along said south right-of-way distance of 30.00 feet to a point; thence S 00°00'08" W leaving said south right-of-way line a distance of 36.37 feet to a point; thence S 20°03'54" E a distance of 260.96 feet to a point; thence S 34°05'19" W a distance of 59.95 feet to a point; thence N 46°47'41" W a distance of 20.26 feet to the Point of Beginning. Said above described Easement contains 9,975.0 square feet or 0.23 acres, more or less.

SURVEYOR'S NOTES

1. This is a Rawland Tower Survey, made on the ground under the supervision of a Florida Registered Land Surveyor. Date of field survey is August 14, 2018.
2. The following surveying instruments were used at time of field visit: Nikon NPL-352, Total Station, Reflectors and Hiper + Legacy E RTK, GD 1HZ.
3. Bearings are based on Florida West State Plane Coordinates NAD 83 by GPS observation.
4. No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
5. Benchmark used is a GPS Continuously Operating Reference Station, PID DG4691. Onsite benchmark is as shown hereon. Elevations shown are in feet and refer to NAVD 88.
6. This survey was conducted for the purpose of a Rawland Tower Survey only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.
7. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled data.
8. This Survey was created with the benefit of an Abstract Title search.
9. Surveyor hereby states the Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 20 feet horizontally and to within +/- 3 feet vertically (FAA Accuracy Code 1A).
10. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
11. Field data upon which this map or plat is based has a closure precision of not less than one-foot in 15,000 feet (1"=15,000') and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.
12. This survey is not valid without the original signature and the original seal of a state licensed surveyor and mapper.
13. This survey does not constitute a boundary survey of the Parent Tract. Any parent tract property lines shown hereon are from supplied information and may not be field verified.
14. Per supplied information zoning classification CS-2.
15. Tower location meets 75' setback requirement.

PLOTTABLE EXCEPTIONS
Chicago Title Insurance Company
Issuing Office File No. Simms/Coconut Rd _ Order No: 7114930
Date May 20, 2020 @ 5:00 pm
Schedule B, Section II

Exception No.	Instrument	Comment
1-5	N/A	Standard exceptions. Contain no survey matters.
6	Book 228 Page 574	Document is illegible.
7	N/A	Intentionally deleted.
8	Book 2306 Page 2929	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
9	Book 2487 Page 401	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
10	Book 2551 Page 986	Does affect the easement, does not affect the lease area, and is shown hereon.
11	Official Record 2014000151727	Does affect the lease area, does not affect the easement, and is shown hereon.
12	Official Record 2014000159952	Does not affect the lease area and easement, is blanket in nature, & is shown for reference.
13	Official Record 2014000159953	Does not affect the lease area and easement, and is not shown hereon.
14	Official Record 2015000168413	Does affect the lease area, does not affect the easement, and is shown hereon.
15	Official Record 2015000220469	Does affect the lease area, does not affect the easement, and is shown hereon.
	Official Record 2008000255213	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
	Official Record 2018000010940	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
	Official Record 2008000255214	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
	Official Record 2008000255215	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
	Official Record 2013000162854	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
16	Official Record 2015000272403	Does affect the lease area and easement, is blanket in nature, and is not shown hereon.
17	N/A	No document.
18	N/A	No document.
19	Prior unsigned survey by High Performance project 18-1862, dated 8/22/18	
	1. Guard rails in easement area.	Does affect the easement & is shown hereon.
	2. Paved walkways in easement area.	Does affect the easement & is shown hereon.
	3. Parking spaces in easement area.	Does affect the easement & is shown hereon.
	4. Septic fields within easement & lease area.	Does affect the lease area, but not the easement & is shown hereon.
	5. Sewer line easement with lease area.	No document.

SURVEYOR'S CERTIFICATION

I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Florida to the best of my knowledge, information, and belief.



01/17/22

William H. Somerville, III
Florida License No. 0006141

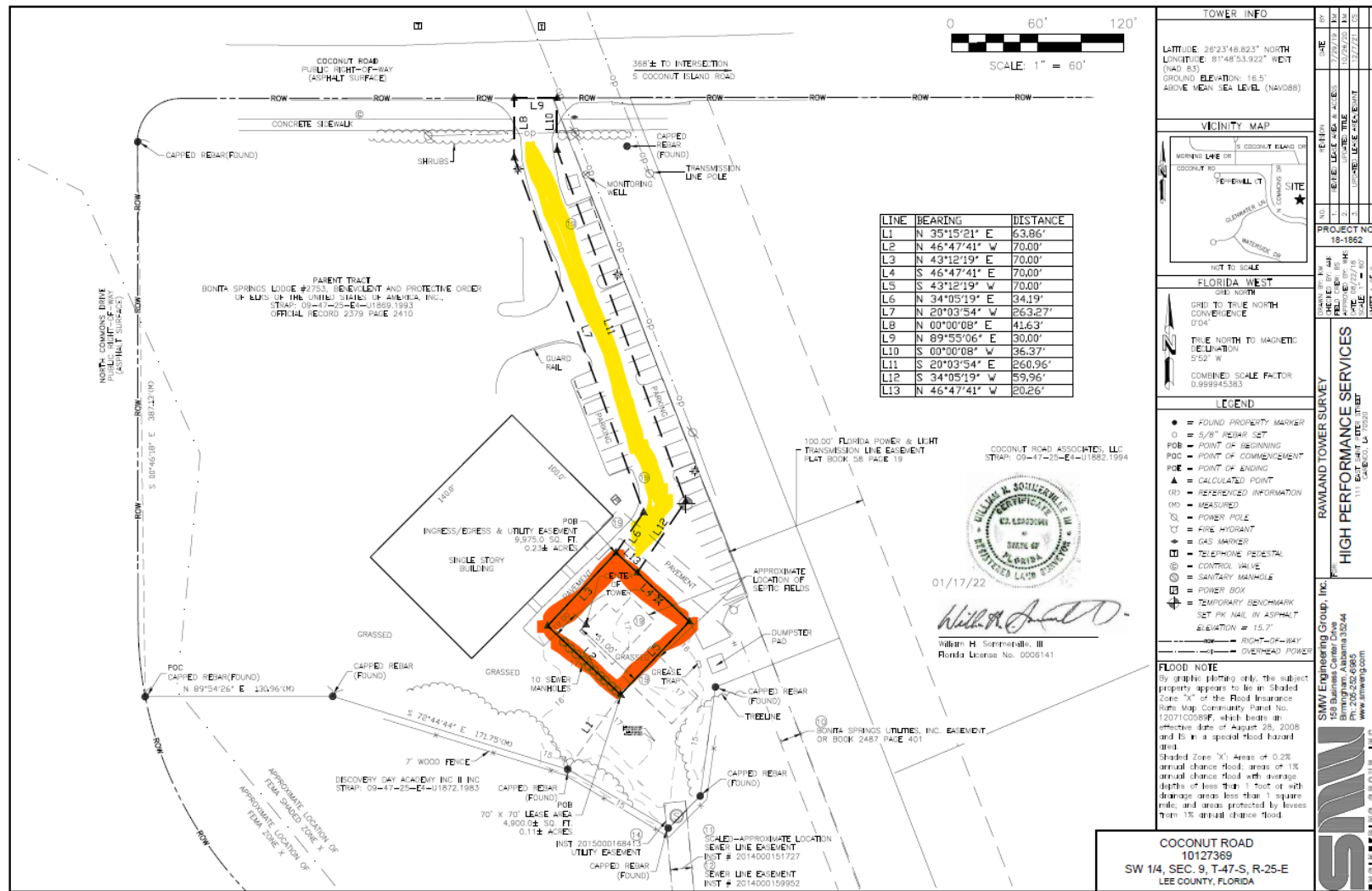
REASON	DATE	BY
REVIEWED LEASE AREA & ACCESS	7/29/19	AM
UPDATED TITLE	10/26/20	AM
UPDATED LEASE AREA/EASEMENT	12/7/21	CS
PROJECT NO.	18-1862	
CHECKED BY: AM	APPROVED BY: WBS	
DATE: 08/22/18	DATE: 08/22/18	
SHEET 2 OF 2		

RAWLAND TOWER SURVEY
FOR
HIGH PERFORMANCE SERVICES
SANK Engineering Group, Inc.
18181 Coconut Road
Birmingham, Alabama 35244
Ph: 205-252-4985
www.sankeng.com

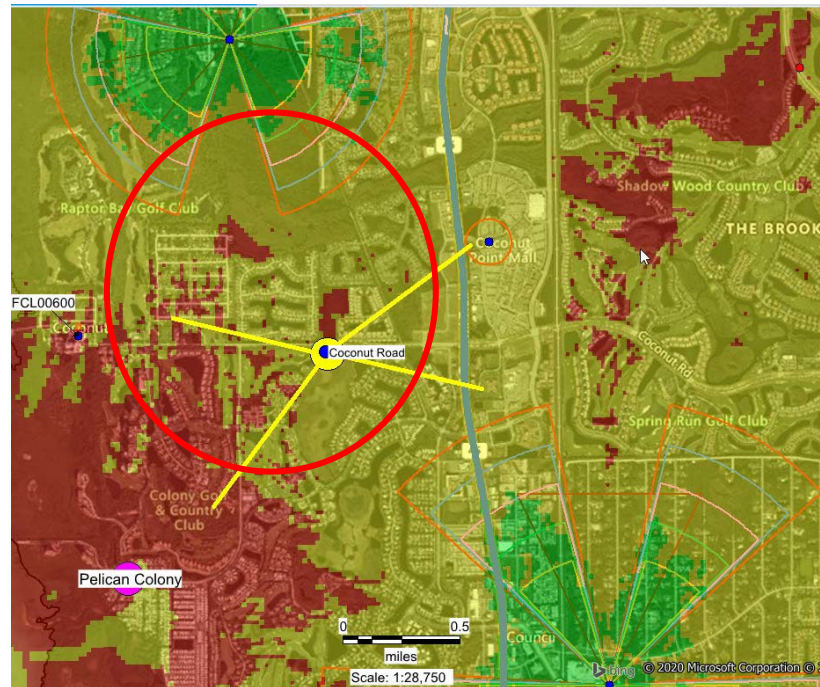
COCONUT ROAD
10127369
SW 1/4, SEC. 9, T-47-S, R-25-E
LEE COUNTY, FLORIDA

SANK ENGINEERING GROUP, INC.

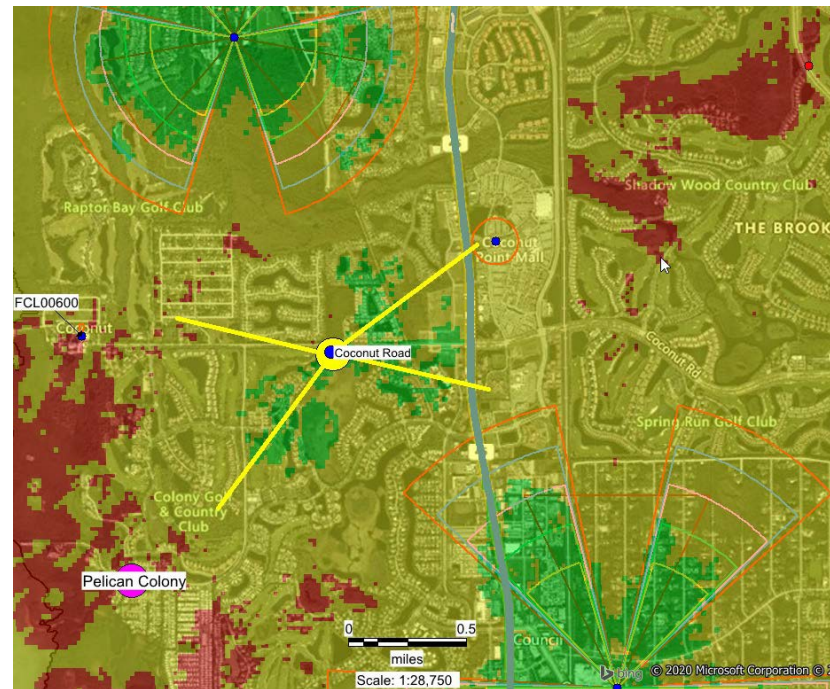




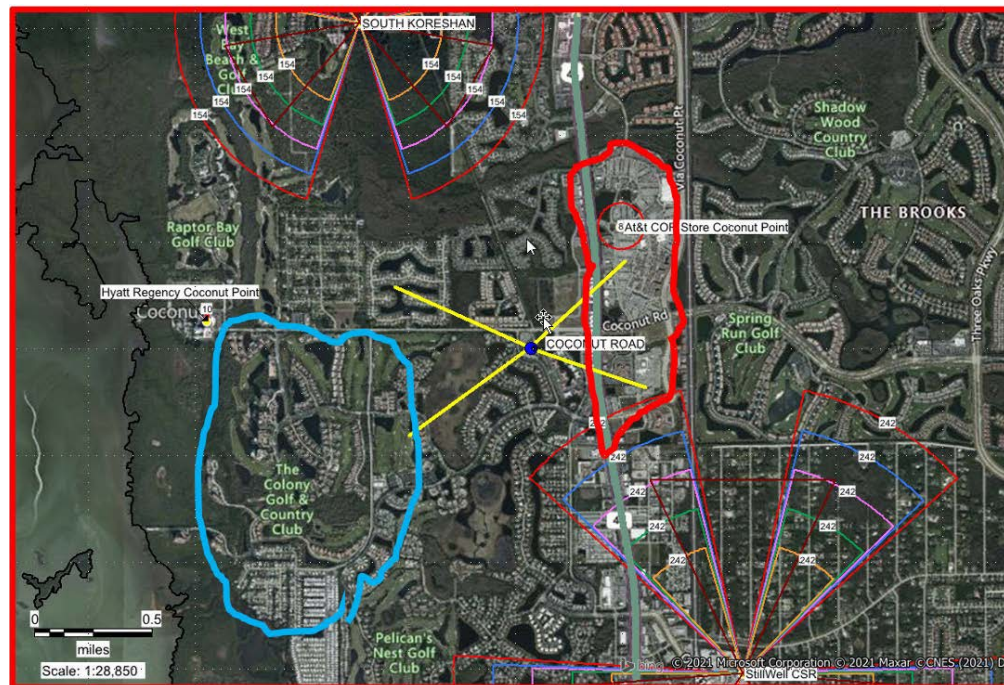
Signal level prediction plot, without proposed site; Coconut Rd.



Signal level prediction plot, with proposed site; Coconut Rd.



The area encircled in blue lines polygon is an area in need of coverage improvement and the area encircled in red lined polygon is a high traffic area in need of capacity improvement.



PHOTOGRAPHIC SIMULATION

PROPOSED WIRELESS COMMUNICATIONS FACILITY

SITE NAME: COCONUT ROAD
FA NUMBER: 10127369

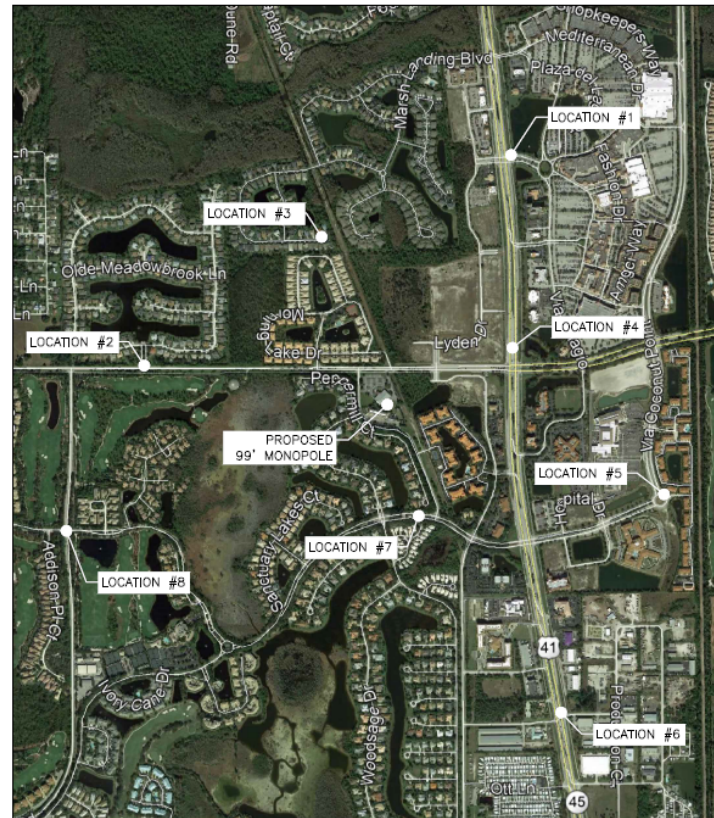
SITE LOCATION: 3231 COCONUT ROAD
ESTERO, FL 34134
(LEE COUNTY)

LATITUDE: 26° 23' 48.823" N
LONGITUDE: 81° 48' 53.922" W

PHOTO SIM LOCATION	DISTANCE TO PROPOSED TOWER
LOCATION #1	3,175'
LOCATION #2	2,855'
LOCATION #3	1,985'
LOCATION #4	1,515'
LOCATION #5	3,310'
LOCATION #6	4,135'
LOCATION #7	1,325'
LOCATION #8	4,005'
DISTANCES ARE APPROXIMATE AND FOR REFERENCE ONLY	

THE INCLUDED PHOTOGRAPHIC SIMULATION(S) ARE INTENDED AS VISUAL REPRESENTATIVES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. THE MATERIALS WITHIN THE INCLUDED PHOTOGRAPHIC SIMULATION(S) ARE SUBJECT TO CHANGE.

SITE LOCATION MAP



COCONUT ROAD
COVER SHEET



DATE: 06/28/22
DRAWN BY: BMD
SMW #: 18-1862
CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE NORTHEAST LOOKING SOUTHWEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 1)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
 UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE NORTHEAST LOOKING SOUTHWEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 1)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE WEST LOOKING EAST



COCONUT ROAD

PHOTO SIMULATION (LOCATION 2)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE WEST LOOKING EAST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 2)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE NORTH LOOKING SOUTH



COCONUT ROAD

PHOTO SIMULATION (LOCATION 3)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE NORTH LOOKING SOUTH



COCONUT ROAD

PHOTO SIMULATION (LOCATION 3)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE EAST LOOKING WEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 4)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
 UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE EAST LOOKING WEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 4)

FOR VISUAL REFERENCE ONLY. ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE SOUTHEAST LOOKING NORTHWEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 5)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE SOUTHEAST LOOKING NORTHWEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 5)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE SOUTHEAST LOOKING NORTHWEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 6)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE SOUTHEAST LOOKING NORTHWEST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 6)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE SOUTH LOOKING NORTH



COCONUT ROAD
PHOTO SIMULATION (LOCATION 7)
 FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
 UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22
 DRAWN BY: BMD
 SMW #: 18-1862
 CA #: FL 33693



AFTER

VIEW TAKEN FROM THE SOUTH LOOKING NORTH



COCONUT ROAD
PHOTO SIMULATION (LOCATION 7)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
 UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 05/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



BEFORE

VIEW TAKEN FROM THE WEST LOOKING EAST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 8)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



AFTER

VIEW TAKEN FROM THE WEST LOOKING EAST



COCONUT ROAD
PHOTO SIMULATION (LOCATION 8)

FOR VISUAL REFERENCE ONLY, ACTUAL VISIBILITY IS DEPENDANT
 UPON WEATHER CONDITIONS, SEASON, SUNLIGHT AND VIEWER LOCATION.



DATE: 06/28/22

DRAWN BY: BMD

SMW #: 18-1862

CA #: FL 33693



**APPLICATION REQUEST FOR PLANNING AND ZONING BOARD
PUBLIC INFORMATIONAL MEETING IN THE VILLAGE OF ESTERO
[LDC Section 33-54]**

REQUEST IS FOR: Public Informational Meeting pursuant to LDC Section 33-54 (a) & (b)

1. Applicant/Project Name: Culver's Coconut Point
2. Address: 8400 Murano Del Lago Dr, Estero, FL 34135
3. Strap Number: 09-47-25-E3-473C1.0000
4. Application Number: N/A

5. Type of Application (check appropriate type(s)):

Comprehensive Plan Amendment ☐

Planned Development Zoning ☐

Planned Development –Amendment or Final Plan Approved ☐

Variance ☐

Conventional Rezoning ☐

Special Exception ☐

Plat ☐

Vacation ☐

Other ☒

(Specify) Development Order

6. Project Description (Brief description of project and need for application.)

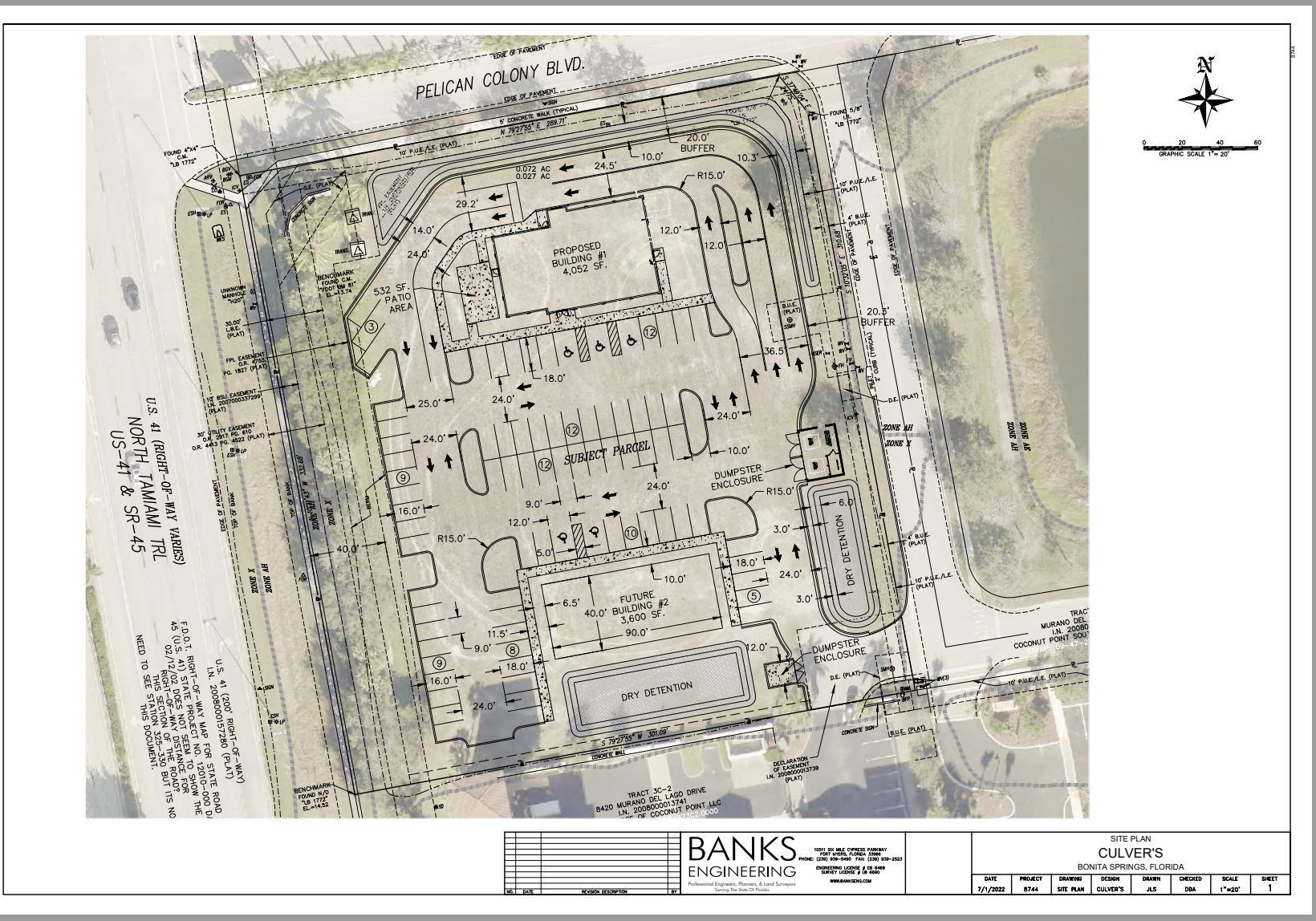
Construction of a 4,052 SF Fast Food Restaurant and associated parking and infrastructure.

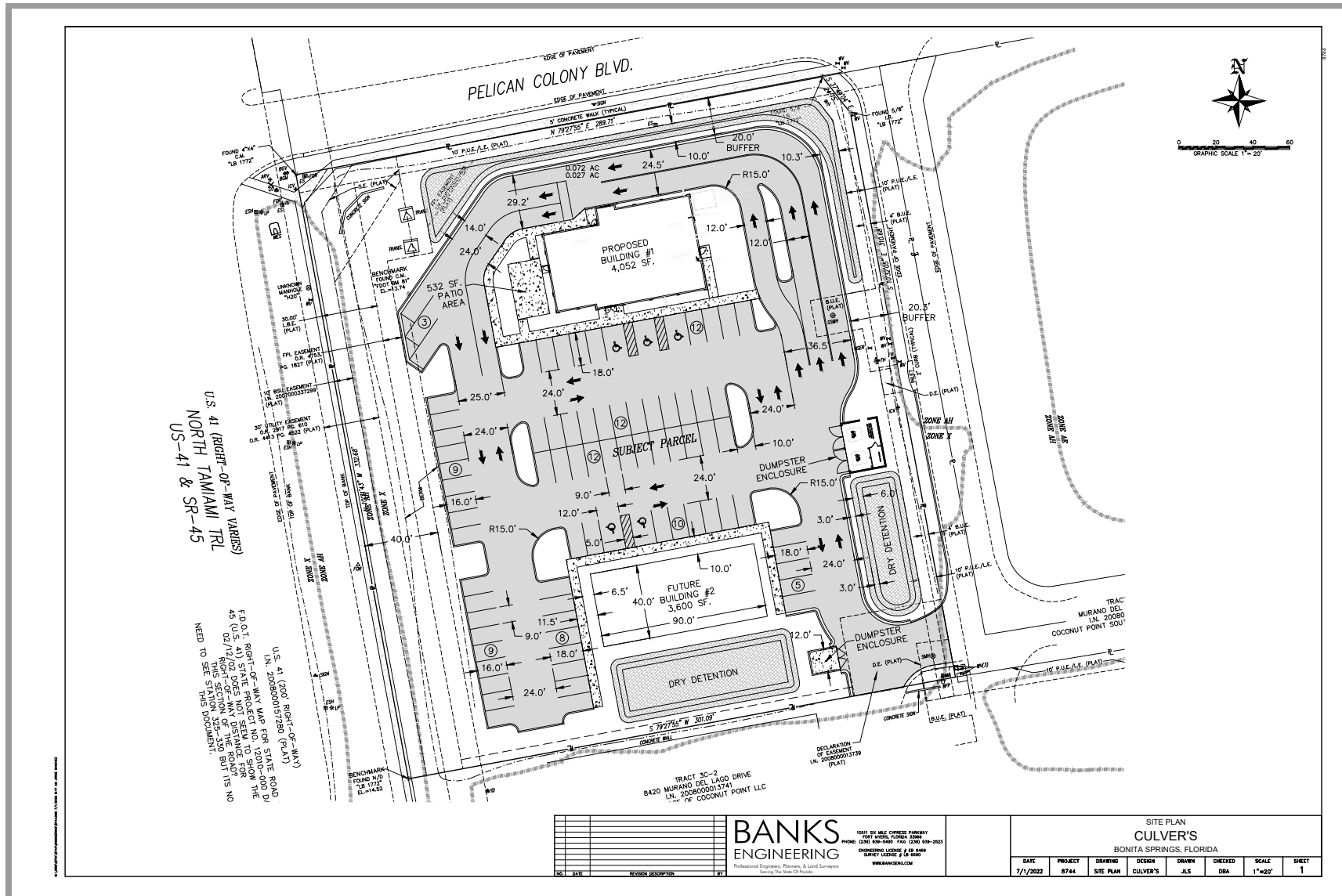
7. Application shall be accompanied by an electronic copy of the site plans drawn to scale, illustrating a detailed overview of the project. The plans shall define what is being requested and the deviation or change from the permitted and/or existing conditions.

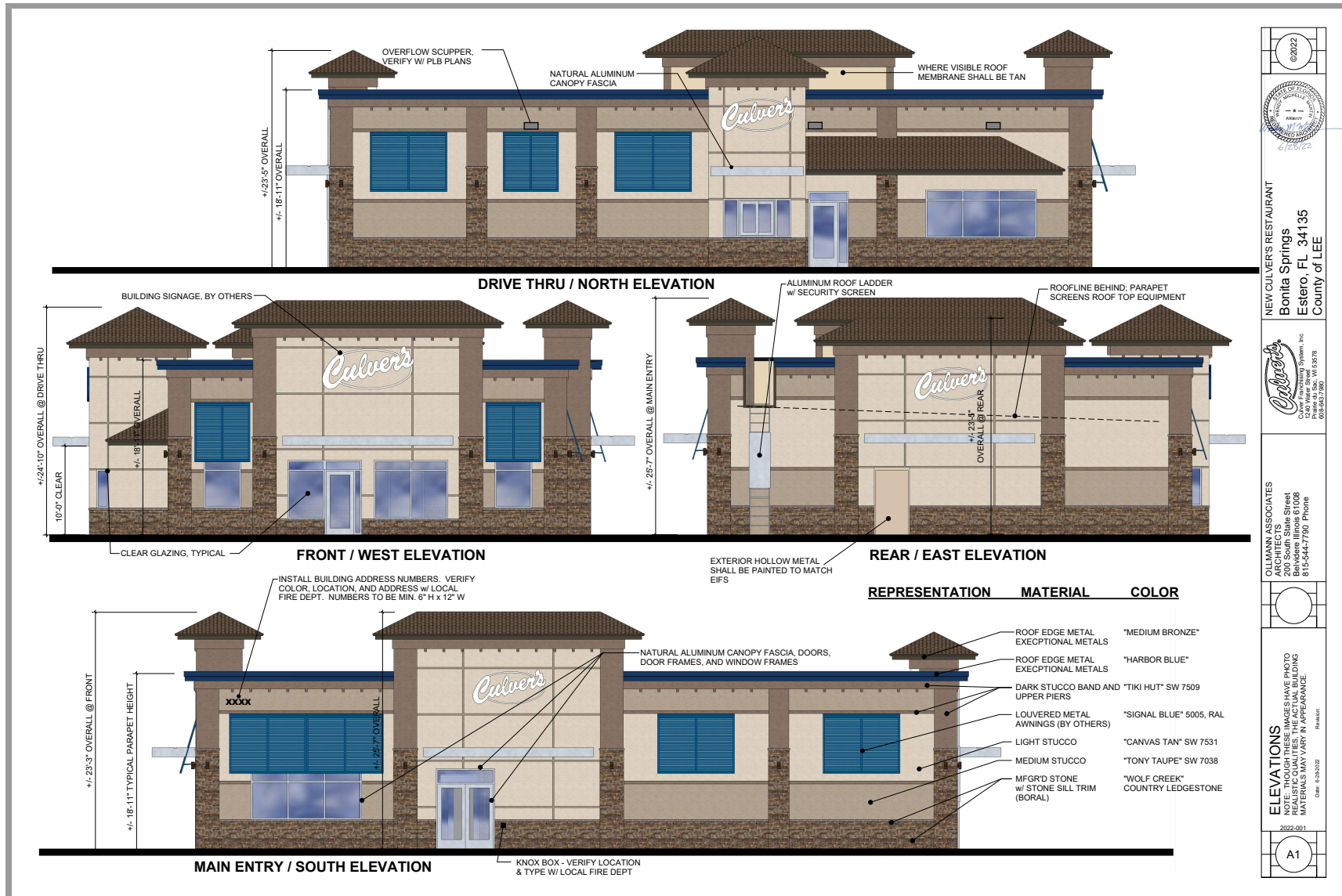
Megan Knight
Signature

6/16/2022
Date

**THE VILLAGE OF ESTERO
DEPARTMENT OF COMMUNITY DEVELOPMENT
9990 COCONUT ROAD
ESTERO, FLORIDA 34135
PHONE (239) 221-5036**









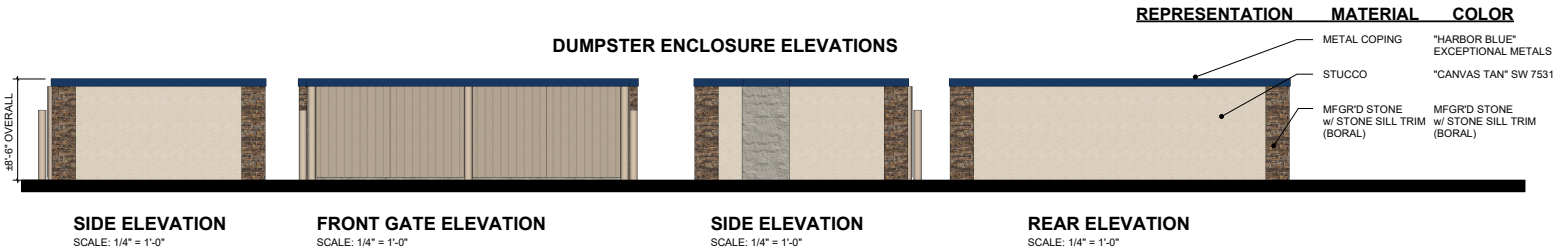




DUMPSTER ENCLOSURE
FRONT VIEW



DUMPSTER ENCLOSURE
REAR VIEW



©2022

ROBERT J. BORCHERT
12456
MECHANICAL

NEW CULVER'S RESTAURANT

Bonita Springs
Estero, FL 34135
County of LEE

Culver's
1240 Water Street, Suite 100
Bonita Springs, FL 34135
813-442-7900

GILMANN ASSOCIATES

200 South State Street
Beverly Hills, CA 90212
818-444-7790 Phone

ELEVATIONS

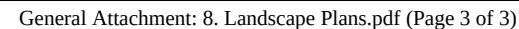
NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE.

Date: 6/16/2022
Revision:

2022-001

A3









VILLAGE OF ESTERO Planning, Zoning, & Design Review Board

**PUBLIC INFORMATIONAL MEETING
JULY 12, 2022**

1

APPLICANT REPRESENTATIVES

ENGINEER: D. Brent Addison, P.E.



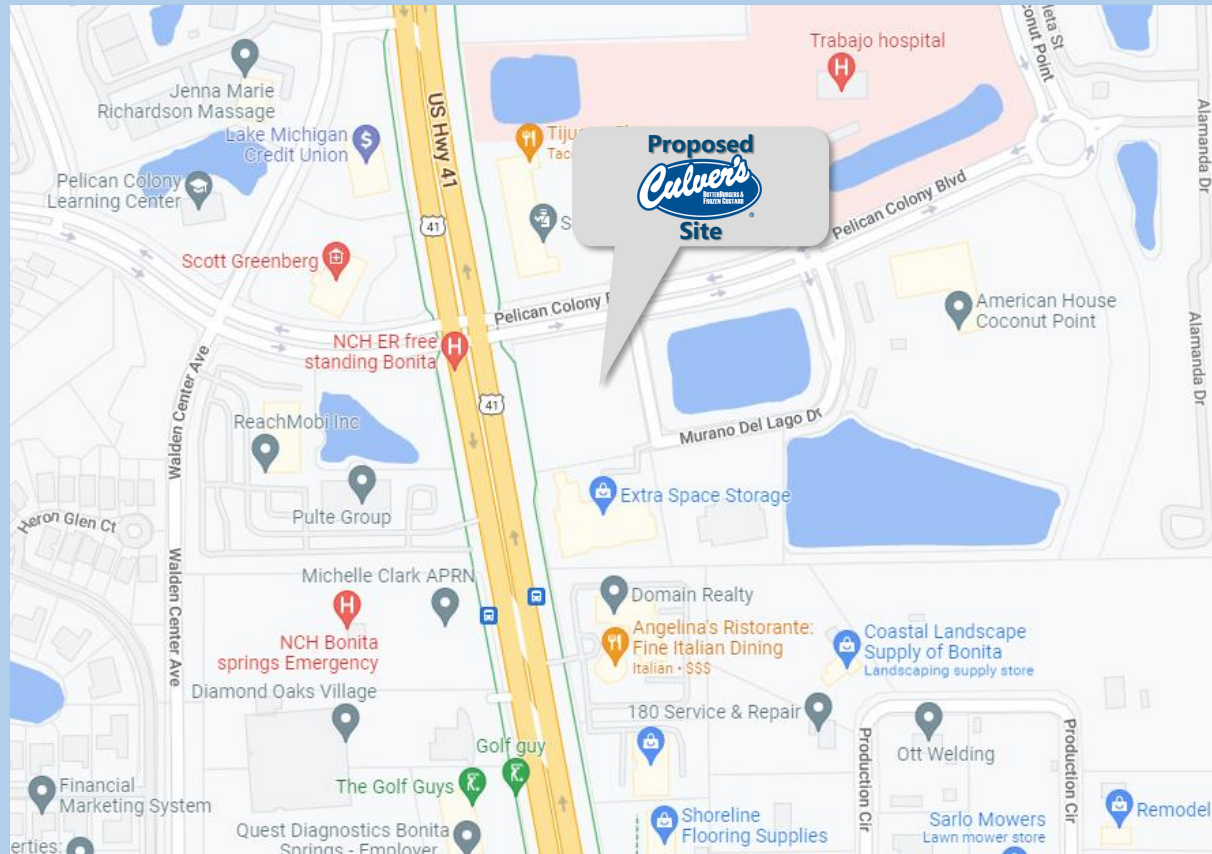
LANDSCAPE ARCHITECT: Gregory J. Diserio, RLA



ARCHITECT: Wendy Martin, AIA, NCARB



SITE LOCATION MAP



Site at SE corner of US 41 and Pelican Colony Blvd



PROJECT SUMMARY

REQUEST: Site Plan, landscaping and architectural review in preparation of a Development Order application.

- 4,052 SF± Fast Food Restaurant and associated infrastructure on a 2.3-acre parcel.
- Proposed use and site plan is consistent with existing zoning which is (MPD) Mixed-use Planned Development.



ENGINEER

D. BRENT ADDISON, P.E.



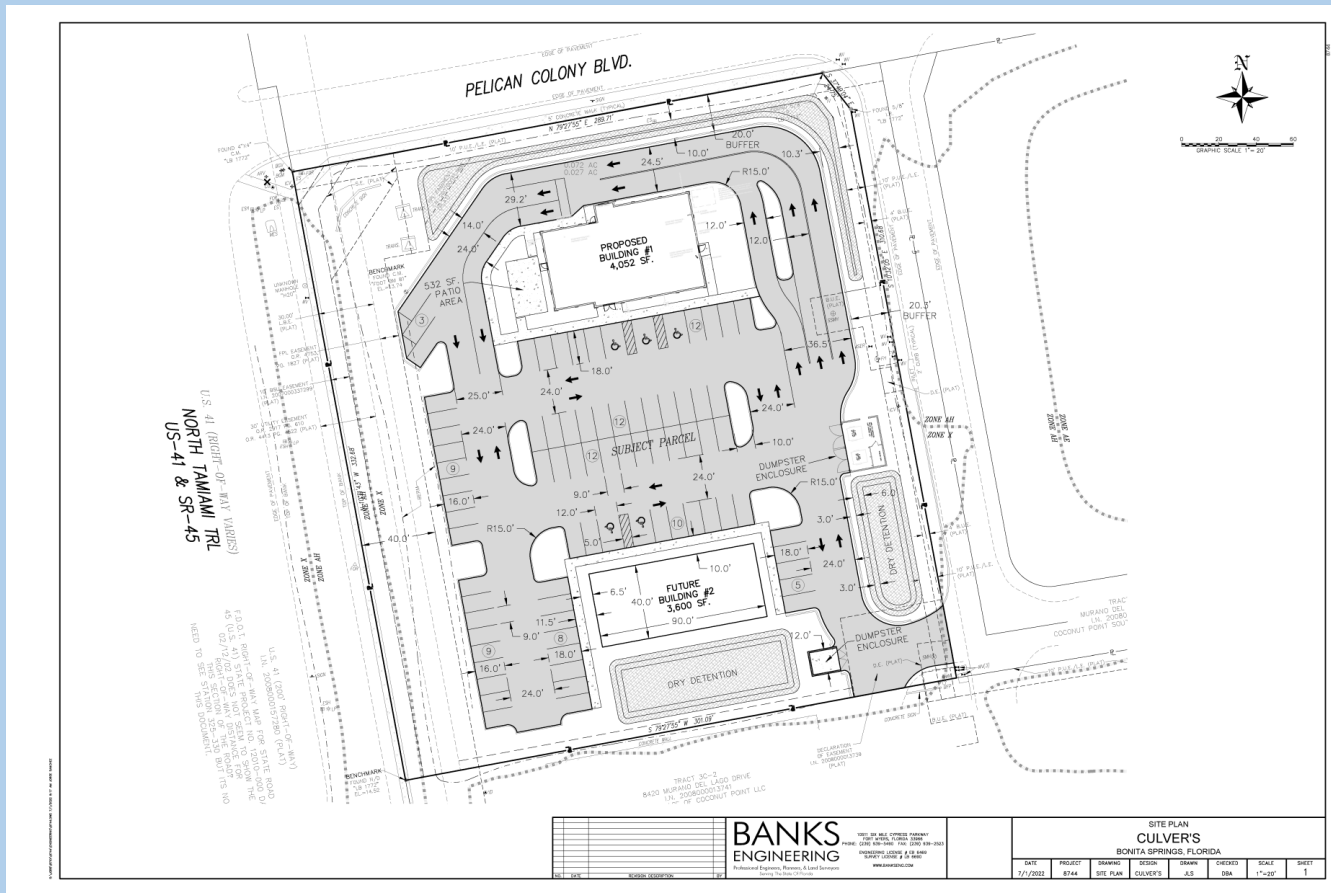
5

SITE AERIAL





SITE PLAN

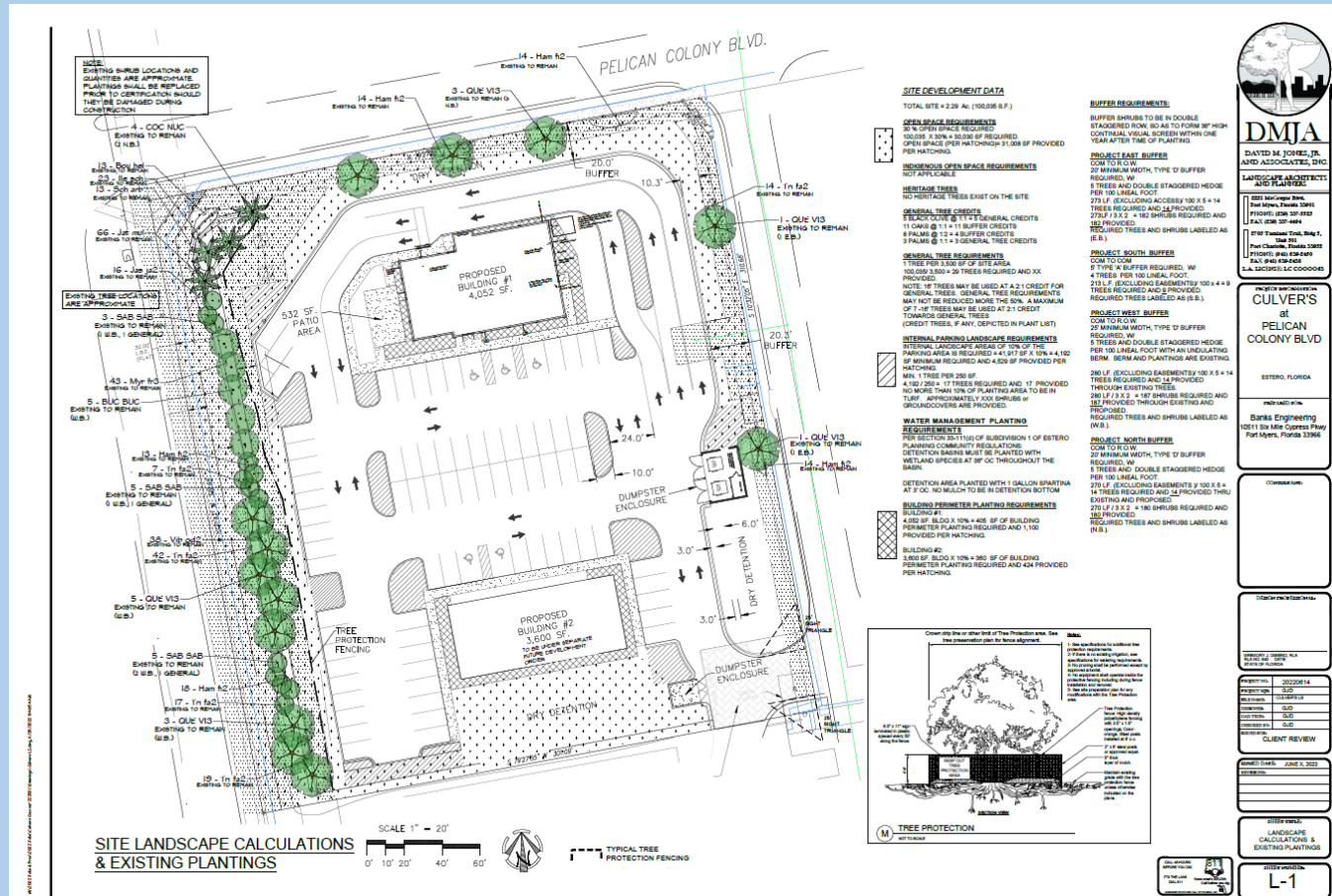


LANDSCAPE ARCHITECT

Gregory J. Diserio, RLA



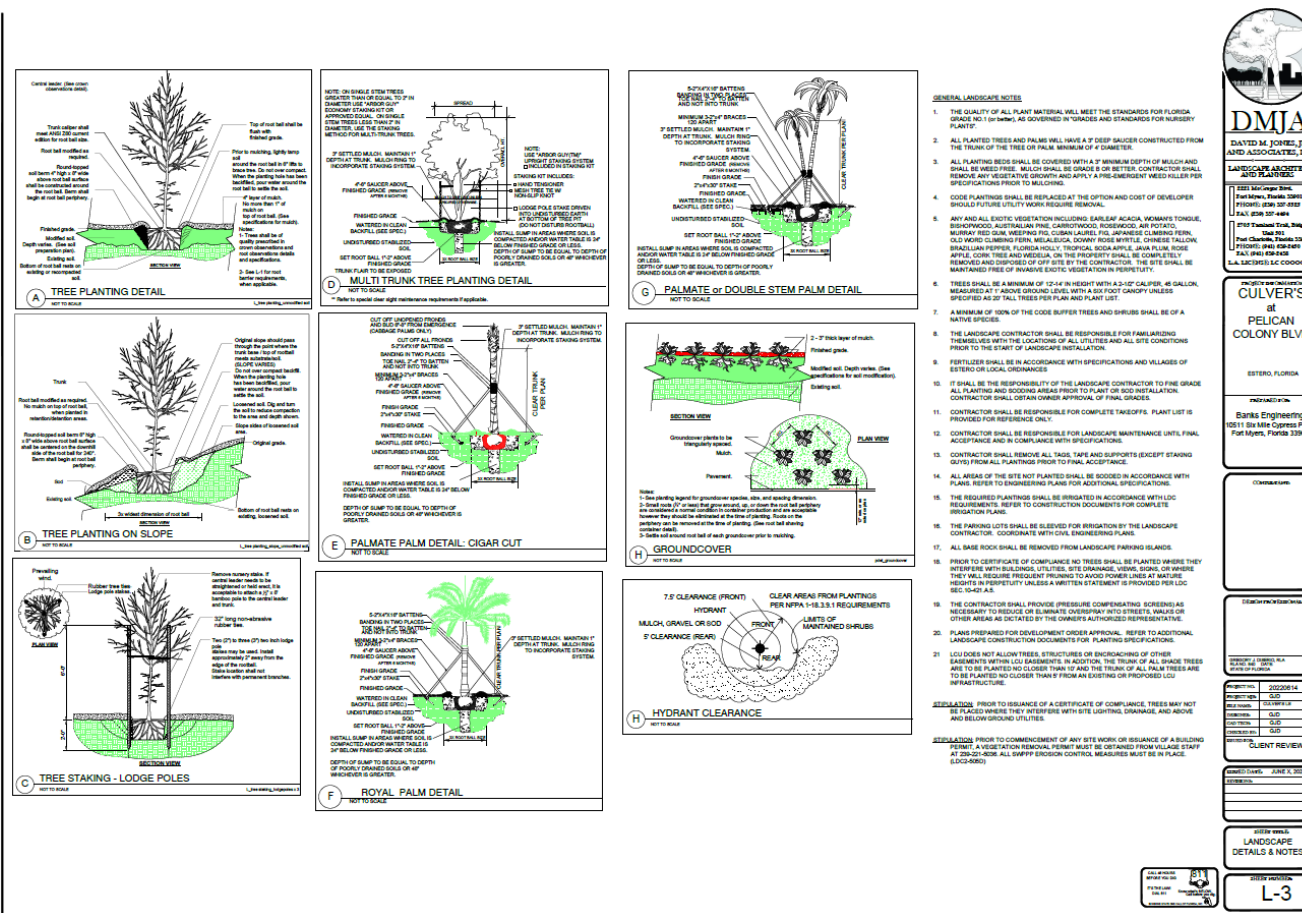
SITE PLAN



PRELIMINARY LANDSCAPE PLAN

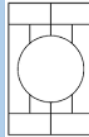


LANDSCAPE DETAILS



ARCHITECT

Wendy Martin, AIA, NCARB

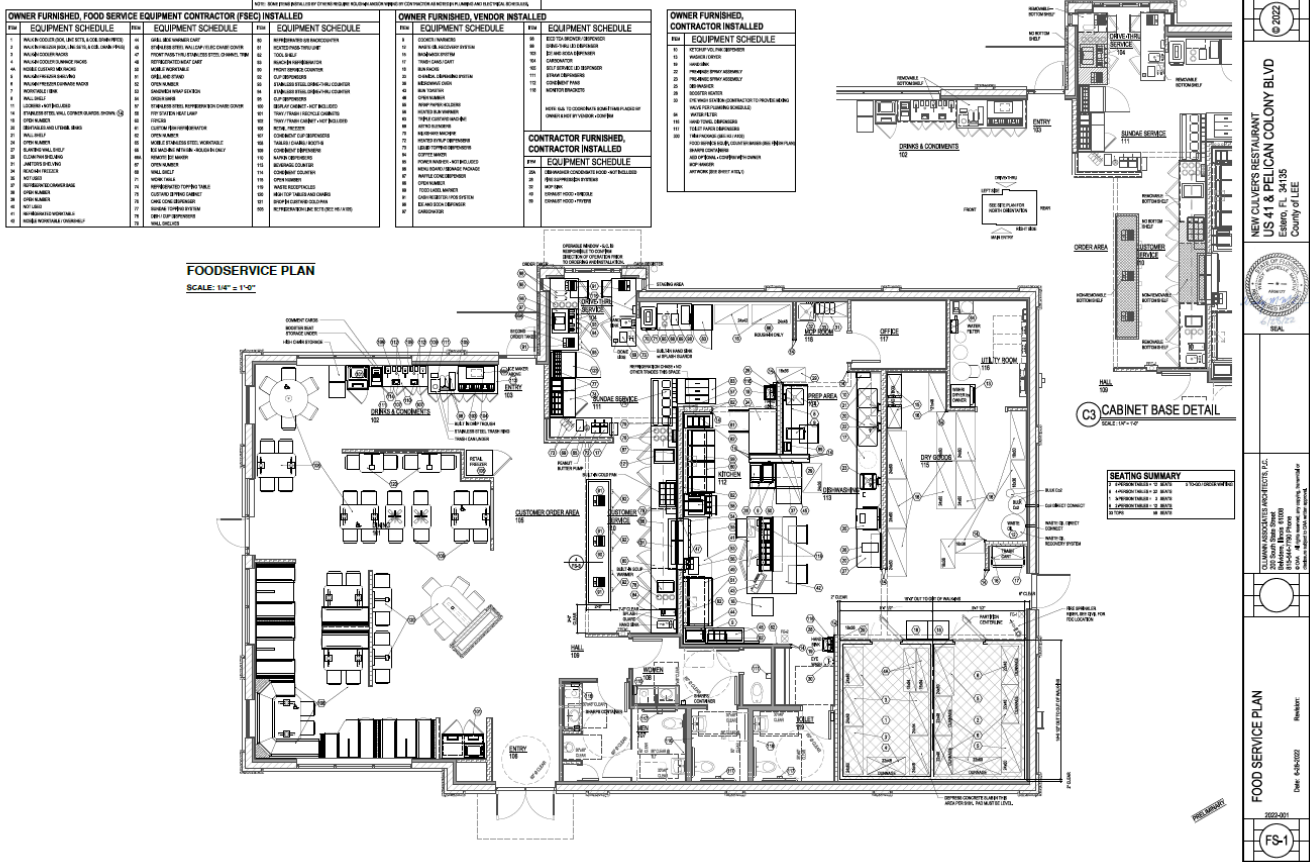


OLLMANN ERNEST MARTIN ARCHITECTS
200 South State Street
Belvidere, Illinois 61008
815-544-7790 Phone

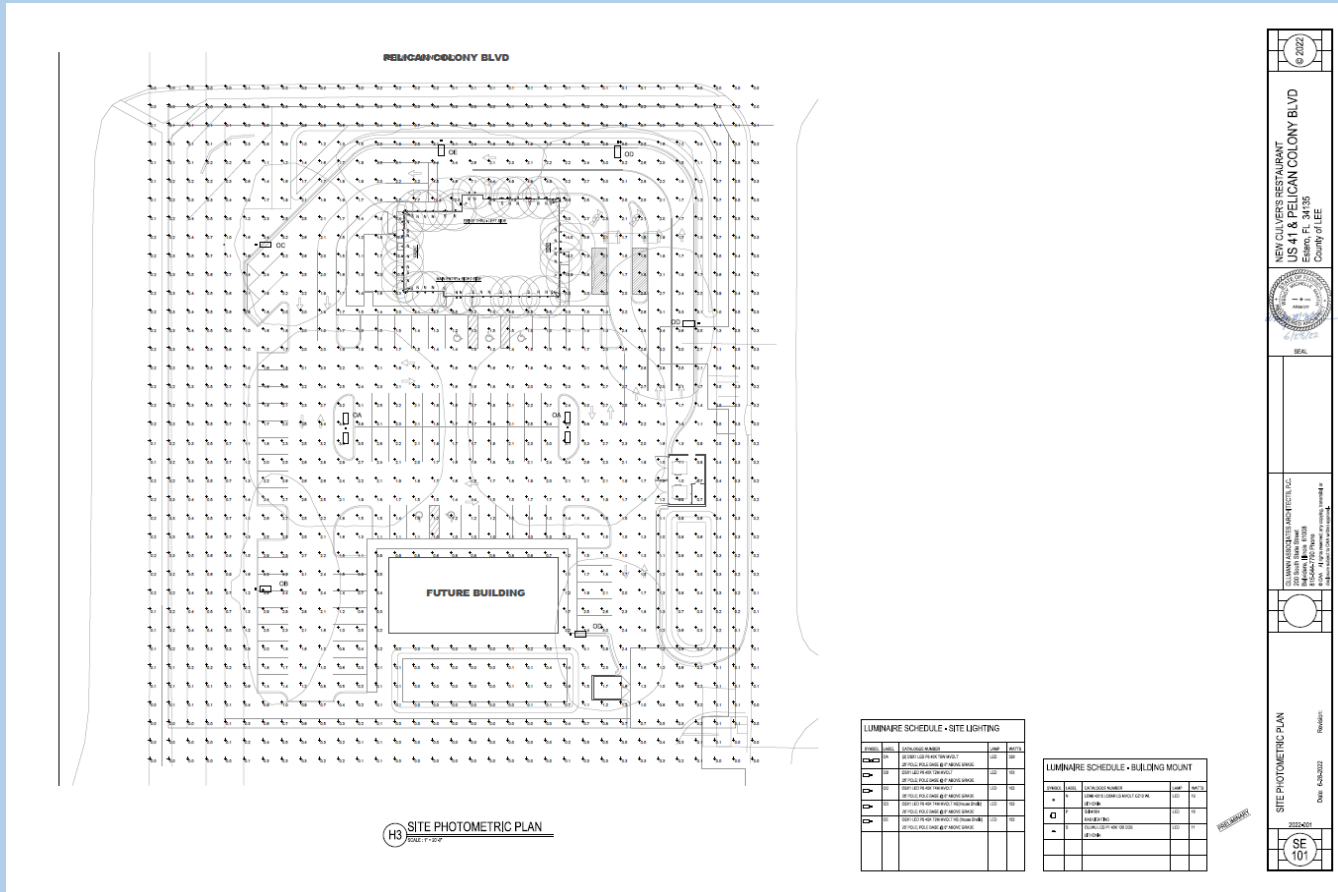


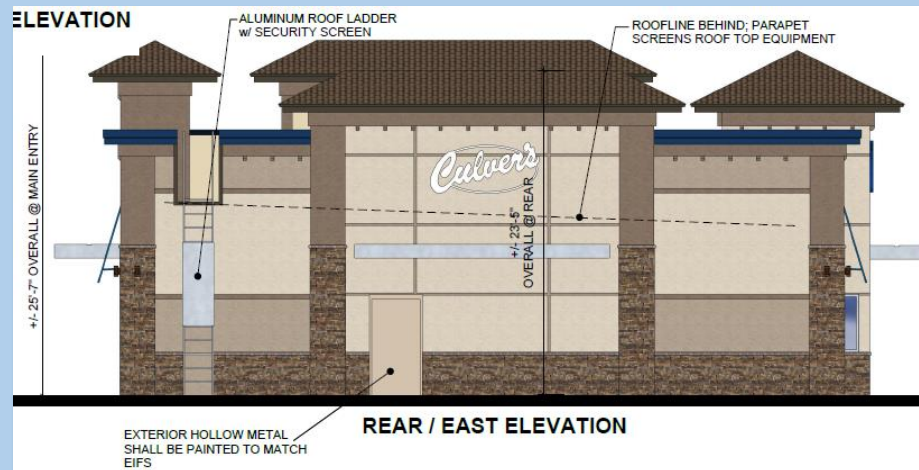
13

PROPOSED FLOOR PLAN



SITE PHOTOMETRIC PLAN



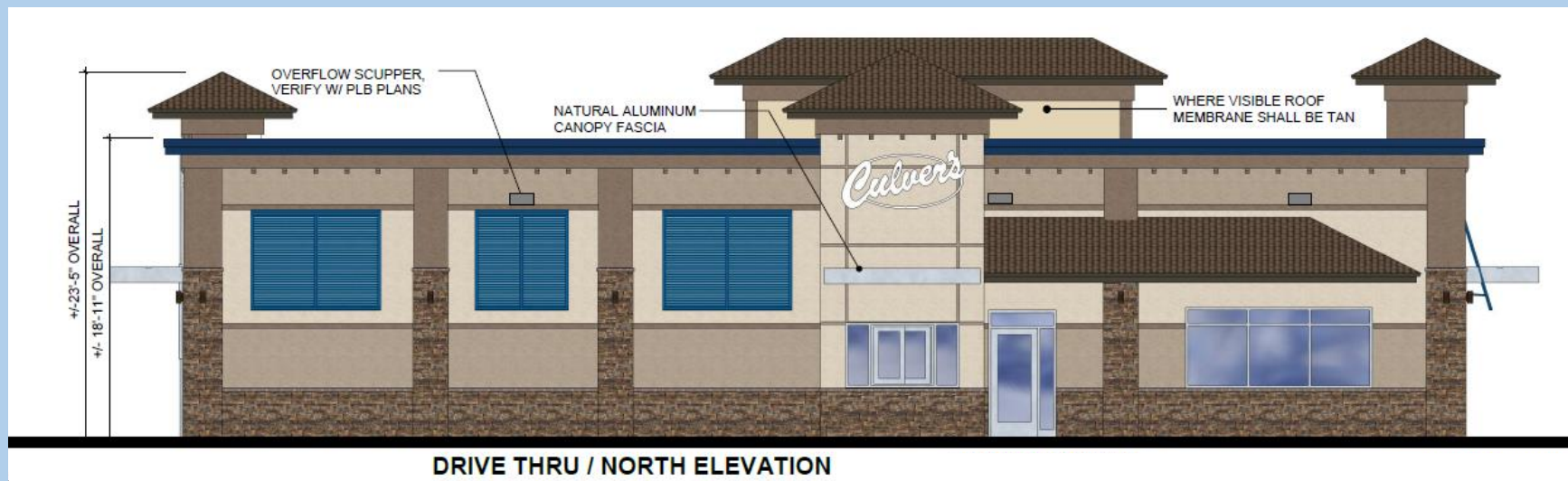


WEST AND EAST ELEVATIONS



16

NORTH ELEVATION



SOUTH ELEVATION



NORTHEAST VIEW



19

SOUTHWEST VIEW



20

SOUTHEAST VIEW



21

DUMPSTER ENCLOSURE



QUESTIONS?



23



ESTERO TOWN CENTER
Zoning Staff Report
for
Planning, Zoning and Design Board

PROJECT NAME:	Estero Town Center - Wawa
CASE TYPE:	Amendment to Commercial Planned Development Zoning
CASE NUMBER:	DCI2021-E004
PLANNING, ZONING AND DESIGN BOARD MEETING:	July 12, 2022

SUMMARY OF REQUEST

The applicant has requested to amend the following Estero Town Center Commercial Planned Development (CPD) to allow a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, more specifically on the Ruby Tuesday lot.

- Allow a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero and Commons Place, more specifically on the Ruby Tuesday lot, in Village Area 2.
- Allow a fast-food restaurant use within Estero Town Commons Place on Corkscrew Road, in addition to the Convenience Food and Beverage Store with Gas being requested.
- Amend Deviation 2.A. from Resolution Z-03-032, and request five new deviations related to setbacks and requirements of the Corkscrew Road Overlay.

Estero Town Center is a 31.9-acre commercial development that includes Lowe's Home Improvement Center, as well as other retail and service establishments, located at the southeast corner of Corkscrew Road and Three Oaks Parkway.

The Planning, Zoning, and Design Board will make a recommendation, and the Village Council will make a decision on the request.

STAFF RECOMMENDATION

Staff recommends:

- Approval with conditions of the Convenience Food and Beverage Store with Gas on the eastern portion of Parcel B of Estero Town Commons.
- Do not approve the requested Fast-Food Restaurant.
- Approval of Amended Deviation 2.A. and proposed Deviations 3, 4, 5, and 6, Do not approve Deviation 7.

Staff does not support the request to allow both the Convenience Food and Beverage Store with Gas and Fast-Food restaurant on Corkscrew Road within the Estero Town Center CPD.

GENERAL INFORMATION

Applicant

Amstin, LLC
Brightwork Real Estate

Authorized Agent

Dan DeLisi – DeLisi, Inc.

Additional Agents

Maleia Storum - Bowman Consulting Group
Neale Montgomery - Pavese Law Firm
Ted Treesh - TR Transportation

Location

10081 Estero Town Commons Place

STRAP Number

35-46-25-E1-3300B.0010

Size of Property

1.6-acres (Estero Town Center is 31.9-acres total)

Surrounding Zoning/Land Use

North Corkscrew Road then Plaza Del Sol CPD / Transitional Mixed Use

East Estero Town Commons Place then Estero Crossing MPD / Transitional Mixed Use

South Lowes Home Improvement Center CPD / Transitional Mixed Use

West Vacant Commercial Lot in Estero Town Center CPD / Transitional Mixed Use

Zoning

Commercial Planned Development (CPD)
Corkscrew Road Overlay

Comprehensive Plan Land Use Category

Transitional Mixed Use

July 12, 2022

DCI2021-E004

Page 2 of 11

Project History

Estero Town Center was approved in 2003 by Lee County in Resolution Z-03-032. The approval was for a big box anchor and outparcels with a maximum of 265,000 square feet of gross floor area. The subject site was developed as a Ruby Tuesday restaurant which has since closed.

Public Information Meeting

A Public Information Meeting was held on September 21, 2021. Questions regarding traffic stacking and the reason for the 500-foot separation of gas stations were discussed. A summary of the meeting is attached.

Project Description

The proposed CPD Amendment is for a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, the site of the closed Ruby Tuesday restaurant. The restaurant will be demolished to construct the Wawa.

Estero Town Center is a commercial plaza with two existing access points: one from Three Oaks Parkway, and one newly signalized intersection on Corkscrew Road at Puente Lane/Estero Town Commons Place.

The Master Concept Plan for the CPD designated three development areas: an Anchor Parcel where Lowe's is currently located; Village Area 1, which is located on Three Oaks Parkway and includes the Corkscrew Road intersection; and Village Area 2 at the eastern edge of the project along Corkscrew Road.

STAFF ANALYSIS**IDENTIFIED ISSUES**

There are three areas where staff has identified issues:

1. Request - For Fast-Food Restaurant on Corkscrew Road

Condition 14 of the Resolution Z-03-032 specifically allows for **either** a Convenience Food and Beverage Store with Gas **or** a Fast-Food Restaurant on Corkscrew Road, **but not both**. The resolution language below does not allow both uses in the development along Corkscrew Road. The applicant desires both the Wawa and a fast-food restaurant on Corkscrew Road which Staff does not support.

The Schedule of Uses limits Convenience Food and Beverage Store "abutting Corkscrew Road **only if no free-standing fast food use permitted within Village Area abutting Corkscrew Road.**" Specifically, Resolution Z-03-032, Schedule of Uses states "*Restaurant, Fast Food (Subject to Condition 14) and Convenience Food and Beverage Store (limited to one)(maximum of 12 fueling stations; permitted abutting Corkscrew Road only if no (emphasis added) free-standing fast food use permitted within Village area abutting Corkscrew Road.)*"

Condition 14 requires:

- No more than one freestanding fast food restaurant.
- No freestanding fast food restaurants if a convenience food and beverage store has been permitted abutting Corkscrew Road.
- No more than one fast food restaurant in a multi-occupancy building.

The applicant is requesting to amend this condition to allow for both a fast-food restaurant and the Wawa along Corkscrew Road.

Staff does not support this request, particularly given the original approval allowed for either a fast-food restaurant or a Convenience Food and Beverage with Gas, and did not allow both uses on Corkscrew Road. The Estero Comprehensive Plan Transitional Mixed Use category seeks more community oriented uses rather than the automobile-oriented uses that were previously approved along Corkscrew Road.

2. Right-In Only Access

A right-in only access to the site exists off Estero Town Commons Place, an access which served as one of two access points to the Ruby Tuesday restaurant. The applicant proposes to continue use of the right-in only, however the significant increase in traffic for the Wawa is a staff concern. Staff identified a potential issue regarding the stacking distances onto Corkscrew Road at the signalized intersection, which may conflict with the right-in access to the site. The right-in only on Estero Town Commons Place may have been adequate for Ruby Tuesday, however the additional traffic generated by the Wawa may result in a need to relocate the access further south or potentially remove the right-in only access.

Corkscrew Road is a County maintained road. When contacted regarding the proposed CPD amendment, the County stated that they currently had no comments but that further review would occur at the time of Development Order.

A condition of approval is recommended regarding further review of this issue at the time of Development Order.

3. Gas Canopy Deviation

The proposed gas canopy does not meet the requirements of the LDC which:

- Prohibits flat roof canopies.
- Requires at least two slopes on the long sides.
- Requires a roof detail change a minimum of every 50 feet.
- Must be consistent with the architectural design and features of the principal structure, including color.

The applicant has requested a deviation from this standard which staff does not support.

The proposed canopy is an inclined flat structure with visible structural supports underneath, does not have at least two slopes on the long side, and does not have a roof detail change.

The canopy is required to be consistent with the architectural design and features of the principal structure, including color. The roof materials and colors are similar; however, the principal structure has a Mediterranean-style with primarily earth-toned gold colors with copper accents. The gas canopy is 14-foot-tall, extending to 25-feet and is white with the copper accent band. Structural supports are white as well. The appearance of the canopy is more industrial than the primary structure.

GENERAL REVIEW

Pattern Book

The proposed Pattern Book, stamped "Received May 3, 2022", includes a Master Concept Plan, Pedestrian Circulation Plan, Public Amenity Area, Landscape Buffers, Building Elevations, Canopy Elevations, Trash Enclosure details, and Signage.

Architecture

The proposed building front faces east; however, a secondary front is proposed to face Corkscrew Road and will include outdoor seating and signage along the roadway. The architecture is Mediterranean with stucco, a barrel tile roof, cultured stone, and earth-toned colors on the façade. The building has a maximum height of approximately 33-feet. Refinement of the architecture will occur during the review process, particularly at the time of Development Order.

The gas canopy is a standard Wawa design, with a flat roof at an angle. The canopy does not meet the Estero Code, see discussion in Identified Issues section above,

Pedestrian Circulation

The pedestrian circulation through the site includes an existing sidewalk system on two sides of the site – along Corkscrew Road and along the eastern boundary on Estero Town Commons Place. Sidewalks are proposed on the south along Estero Town Commons Place, as well as a short segment on the west which crosses over the parking lot to the Wawa building and through to a public gathering area proposed along Corkscrew Road. This gathering area is in addition to the outdoor seating area which is for Wawa guests only.

Signs

A monument sign is proposed in the northwest area of the site, along Corkscrew Road. The addition of a monument sign to this site requires a change to an existing Administrative Amendment (ADD2006-00163) that limited signs in the project to two project identification signs, one at each entrance. These signs are currently existing. The applicant seek allowance for a Wawa monument sign on Corkscrew Road. Staff does not object to this request.

Buffers

This site requires buffers consistent with the original development approval, LDC use-specific buffers for the Convenience Food and Beverage Store with Gas use, as well as buffers compliant with the Corkscrew Road Overlay. Required buffers:

- North Buffer, along Corkscrew Road – A 30-foot buffer along Corkscrew Road is included in Resolution Z-03-032 due to a deviation being granted for the Corkscrew Road Overlay that allowed parking within 75' of the right-of-way. The deviation then required a 30-foot buffer from Corkscrew Road. The LDC contains additional landscape standards for a gas station, which includes a 25-foot buffer. The applicant seeks to amend the required 30-foot buffer to allow for a 20-foot buffer and seeks a deviation to the required 25-foot buffer along Corkscrew Road. The applicant proposes to meet the planting requirements within the reduced buffer width.
- South and East Buffers along Estero Town Commons Place – A 20-foot buffer is required along right-of-way and the project meets this requirement.
- West, adjacent to vacant CPD parcel - A 5-foot Type "A" Buffer along the western is proposed in compliance with the LDC.

Flood Issues

The site falls within a Special Flood hazard Area. Zone AH is the flood insurance rate zone that corresponds to the areas of 1 percent annual chance of shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The existing South Florida Water Management District Environmental Resources Permit (36-04799-P) for Estero Town Commons requires that all building finished floors with the subdivision be set at a minimum of 17.5 feet NGVD (15.3 feet NAVD).

Stormwater Management

There is an existing master stormwater management pipe network for the development. Further review of specific requirements will occur at Development Order.

Transportation

A Traffic Impact Statement was prepared for the applicant by TR Transportation Consultants, Inc. The TIS is based upon a 5,537 square foot convenience store and 12 fueling stations. Trip Generation is stated as 4,149 daily 2-way trips; however, some trips will be 'pass-by' traffic from vehicles already traveling along Corkscrew Road. The TIS then adjusts the trip numbers to account for the pass-by trips resulting in 1,037 Daily (2-way) net new trips for the project. The TIS concludes that the existing roadway network is sufficient and that "...no roadway capacity improvements will be required as a result of this analysis." Further, no turn lanes are warranted at the connections to Estero Town Commons Place. Lee County maintains Corkscrew Road and had no comments at this time, but states that further review would occur at development order.

A signalized intersection was recently constructed on Corkscrew Road at the Puente Lane / Estero Town Common Place. A condition of approval regarding the owner responsibility for paying a proportionate share of the cost of the signalization should be included as a condition of approval.

An existing right-in only was allowed for the prior use on the site, however increased traffic generation may result in changes. See Identified Issues section of this report, above for a full discussion of this issue.

A second full movement entrance to the site is located at the southwest corner of the site. Site circulation will be further reviewed at Development Order.

Utilities

All utilities are available to this previously occupied site.

Fire

An Auto Turn Path Analysis was required by Estero Fire Rescue to determine if the access points would provide adequate emergency vehicles access. This was provided by the applicant and no further comments were received from Estero Fire Rescue.

Corkscrew Road Overlay

This site is located within the Corkscrew Road Overlay and subject to the standards in this district. The overlay intends to create "...a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community." The overlay district seeks to create street front activity as well as buildings that front directly onto the adjacent sidewalks, creating definition and character within the corridor. Developments are encouraged to provide minimal setbacks to create a continuous street wall of building frontage. Parking lot setbacks for interior lots are required to be a minimum of 75-feet from Corkscrew Road in support of the intent to create a village atmosphere along this corridor.

The applicant has requested several deviations to these standards, including parking lot setbacks, building setbacks, and corner lot building requirements.

COMPREHENSIVE PLAN ANALYSIS

The project is in the Transitional Mixed Use Future Land Use Category. The category is described below:

FLU 1.2.8 Transitional Mixed Use

Transitional Mixed Use. The Transitional Mixed Use category is 'characterized by primarily existing or emerging developments where the Village's largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are readily expandable to support moderately intense levels of mixed commercial and residential development. These areas were typically designated Urban Community, General Interchange, or Suburban and within the Mixed Use Overlay per the Village's Transitional Comprehensive Plan.'

Transitional Mixed Use areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping, and employment centers and are generally accessible to the surrounding neighborhoods, serving as focal point or community centers where activity is concentrated.

Staff Comment: A broad mix of uses is allowed within the Transitional Mixed Use Future Land Use area, subject to compatibility standards, including regional, community, and neighborhood scale commercial to foster the live/work/play mixed use lifestyle sought in this category.

The proposed auto-oriented use of a Convenience Food and Beverage Store with Gas is a use that is currently allowed in the CPD. However, the additional request to allow an additional fast food restaurant is not supported by the Transitional Mixed Use land use category.

FLU 1.1.1 *Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing comprehensive plan policies, Land Development Code (LDC), and other planning tools.*

Staff Comment: The Corkscrew Road area is the very visible center of the Village, and therefore the character and quality of this corridor is critical to maintain a sense of place in the community. The proposed Fast-Food Restaurant, in addition to the Wawa creates a very suburban development pattern found in many suburban areas of the country. The Village of Estero changed the land use category to Transitional Mixed Use to foster more complementary and less auto-centric uses.

FLU 1.10.3 *Encourage commercial developments within the village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development's design.*

Staff Comment: The development has provided interconnections to the exterior of the development through a sidewalk connecting to Corkscrew Road and located a public gathering area along Corkscrew Road.

PROPOSED DEVIATIONS

Resolution Z-03-032 approved 2 deviations, Deviation 1, and Deviations 2A and 2B. The application seeks to amend deviation 2A and add deviations 3-7.

Existing Deviations (underline is additional proposed language)

1. No changes proposed.

2.A. (Amendment to an existing deviation – underlined red wording is proposed to be added) Seeks relief from LDC §34-2192(b)(5) and LDC §34-1047 (now Section 3-803 of the Estero LDC for the Corkscrew Road Overlay) requirement that all parking lots, access streets, and drives be setback a minimum of 75 feet from the Corkscrew Road right-of-way, to allow parking to be located no closer than 30 feet from the right-of-way in the specified locations and in accordance with the proposed Design guidelines (Attached as Exhibit D) and 20 feet for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place is approved, subject to the following conditions that:

- a) The deviation allows no more than 300 feet of the Corkscrew Road frontage (with no more than 200 feet in any single location) for the proposed parking use; and
- b) The area subject to this deviation is buffered in accordance with the Estero Town Center Design Guidelines attached as Exhibit D.
- c) The landscape buffer for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place must be buffered in accordance with the Pattern Book Addendum and consistent with Deviation #6 below.

Staff Comment: This deviation seeks to reduce the required buffer along Corkscrew Road from a 30-foot buffer to a 20-foot wide buffer.

A variety of regulations apply to the required buffers in this development including a 30-foot buffer requirement in Resolution Z-03-032, the LDC Type “D” 25-foot buffer requirement, and a use specific buffer requirement for a 25-foot buffer with a horizontal undulating berm. The applicant has stated that the required landscaping - such as the berm, the number, height and caliper of the trees and bushes will be met, therefore the 20' wide buffer is sufficient for this development.

Staff recommends approval of this deviation.

2.B. No changes proposed.

Proposed New Deviations

- 3. Seeks relief from LDC Sections 4-215.C and 5-707.D.1.d which require that the minimum distance between convenience stores with gas and super convenience stores with gas measured from the nearest points on any lot or parcel of land to be occupied by the use and any lots of existing or an approved convenience store with gas use shall be 500 feet, unless otherwise approved through deviation; to instead allow for a separation of 150 feet for the northeast parcel in Village Area #2.

Applicant Justification: The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market than the gas stations located on the north side of Corkscrew Road (Marathon Gas is directly across Corkscrew Road and a 7-11 is at the northern Corkscrew Road and Three Oaks Parkway intersection). The Wawa will serve the eastbound trips on Corkscrew Road that is not currently being provided.

Staff Comment: Staff agrees that there are few gas stations on the south side of Corkscrew Road. The only one located west of I-75 on the south side of Corkscrew Road is at US 41 and Corkscrew Road. The Stock Development adjacent to this site was not allowed to have a gas station due to the proximity to residential uses. This site is within an existing commercial development with no adjacent residential use and is therefore an appropriate location for the use.

Staff recommends approval of this deviation.

4. Relief from LDC Section 3-803.D which requires that buildings located on street corners have a maximum setback of 25-feet from each adjacent street, to instead allow for a maximum setback of 40-feet to Corkscrew Road only.

Applicant Justification: The intent of this code, as written in 2002 and adopted in 2005, was to create an urban context at the entry way point along the public corridors intersecting Corkscrew Road. At the time, this included Sandy Lane, Three Oaks Parkway, and River Ranch Road. The intent was not to apply to privately maintained commercial drives to access shopping centers. The parcel at the corner of Estero Town Commons Place and Corkscrew Road was not envisioned as the "corner parcel" during the drafting of this code. The corner parcel for this property was envisioned at Corkscrew Road and Three Oaks.

Staff Comment: The site is located at the intersection of Estero Town Commons Place and Corkscrew Road and therefore is considered a corner lot under the current Code adopted in 2021. The applicant requests this deviation from requirements of a corner lot as they seek to construct the new convenience store in the prior building location, which will be demolished. The site could be rearranged to place the building at the intersection, meeting the requirements of the Corkscrew Road Overlay, rather than at the opposite end of the site along Corkscrew Road. However, this site is at the signalized intersection of Corkscrew Road and Estero Town Commons Place and therefore the deviation, if granted, would allow for better site circulation based upon the existing right-in only to the site.

Staff recommends approval of this deviation.

5. Seeks relief from LDC Section 3-803.E Note 1C. which requires that 40% of the building frontage is required at the setback to instead allow for a reduction to 15%.

Applicant Justification: The applicant states that the orientation of the building provides safe and efficient vehicular circulation into, out of, and through the property while also providing pedestrian circulation and a Public Gathering Space

Staff Comment: The building could be re-oriented so that the long end is along Corkscrew Road thus complying with his requirement. However, the proposed orientation would allow for adequate site circulation based upon the existing right-in only to the site.

Staff recommends approval of this deviation.

6. Seeks relief from LDC Sections 5-412.C.3 which requires landscape buffers adjacent to external rights of way to be a minimum of 25 feet in width to instead allow for a buffer width a minimum of 20 feet with the same required plantings and design.

Applicant Justification: The proposed site redevelopment is located on a property on the corner of Corkscrew Road and Estero Town Commons Place. On the north side of the subject property there is a tract of land between the applicant's property and the Corkscrew Road right-of-way that is platted and owned by the POA for the development. The buffer proposed is in compliance with the requirements of Pattern Book approved by Resolution Z-03-032.

Staff Comment: The buffer along Corkscrew Road is required to be 30-foot in width by Resolution Z-03-032, due to a deviation being granted to allow for parking within 75' of

Corkscrew Road right-of-way. As stated earlier, the 20-foot buffer along Corkscrew Road will include all the required berm and all landscaping, and therefore should be sufficient to screen the site from Corkscrew Road.

Staff recommends approval of this deviation.

7. Seeks relief from LDC Section 4-215.B and 5-707.D.6.a which prohibits flat canopy roofs and requires roofs to have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet, to instead allow for a sloped roof with an angled return at the low end and with the detailing as shown in the Pattern Book.

Applicant Justification: The applicant explains that the roof is not flat, but instead is a downward sloped roof with a single slope. They explain that the roof meets the intent of the LDC which is to prohibit old style flat roofs, preferring an architectural style with more detail and interest. The purpose of the deviation is to allow for flexibility in the design of the canopy.

Staff Comment: The canopy is a standard Wawa design. The roof is a flat structure, even though it is at an angle. The flat roof canopy is prohibited by the LDC, and the canopy is not consistent with the architecture and colors of the principal structure.

Staff recommends denial of this deviation.

CONCLUSION

Section 2-501.C.2 of the LDC provides review standards for rezonings which include:

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.

Staff Comment: The proposed zoning amendment to allow for a Convenience Food and Beverage Store with Gas (maximum of 12 pumps) is currently an allowed use in the CPD, a use that was limited to a certain area within the project. The change in location within the project does not affect compliance with Comprehensive Plan policies or the Future Land Use designation.

The request to allow Fast-Food Restaurant in addition to the Convenience Store with Gas is not consistent with the Comprehensive Plan Transitional Mixed Use designation.

2. Is not in conflict with any portion of the LDC.

Staff Comment: The proposed rezoning to allow a Wawa is not in conflict with the LDC in general but does request deviations from required standards.

3. Addresses a demonstrated community need.

Staff Comment: The applicant has stated that east bound travelers on Corkscrew Road have limited options obtaining gas without crossing Corkscrew Road traffic. Staff agrees.

4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Staff Comment: The existing CPD zoning allows for Convenience Food and Beverage Store with Gas, just not in the proposed location. Near-by uses include commercial and service-oriented uses, including convenience stores with gas.

5. Would result in a logical and orderly development pattern.

Staff Comment: The Corkscrew Road corridor consists of a wide range of commercial uses for this area and the Convenience Food and Beverage Store with Gas will infill a small lot with an existing commercial use.

6. Would not adversely affect the property values in the area.

Staff Comment: The area currently consists of a variety of commercial uses and therefore the proposal for Convenience Food and Beverage Store with Gas would not adversely affect property values in the area.

7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities).

Staff Comment: Adequate public facilities are available to serve the site.

8. Would not result in significantly adverse impacts on the natural environment – including, but not limited to water air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical area, and the natural functioning of the environment.

Staff Comment: The proposed zoning amendment is for a property that is currently developed and therefore will not result in adverse impacts to the natural environment.

9. Is compatible with existing or planned uses in the surrounding area.

Staff Comment: The proposed Convenience Food and Beverage Store with Gas is compatible with the surrounding area, which is primarily commercial in nature.

COUNCIL DETERMINATION

In order to approve the rezoning, the Council must consider the review standards detailed above.

ATTACHMENTS:

- A. Maps – Vicinity Map, Zoning Map, and Future Land Use Map
- B. Master Concept Plan
- C. Zoning Conditions
- D. Pattern Book
- E. Applicant Information
 - 1) Proposed changes to Z-03-032 and ADD2006-00163
 - 2) Public Information Meeting
 - 3) Applicant Request Statement
 - 4) Traffic Impact Statement, excluding tables

Attachment A – Site Maps
Including Vicinity, Zoning, and Future Land Use

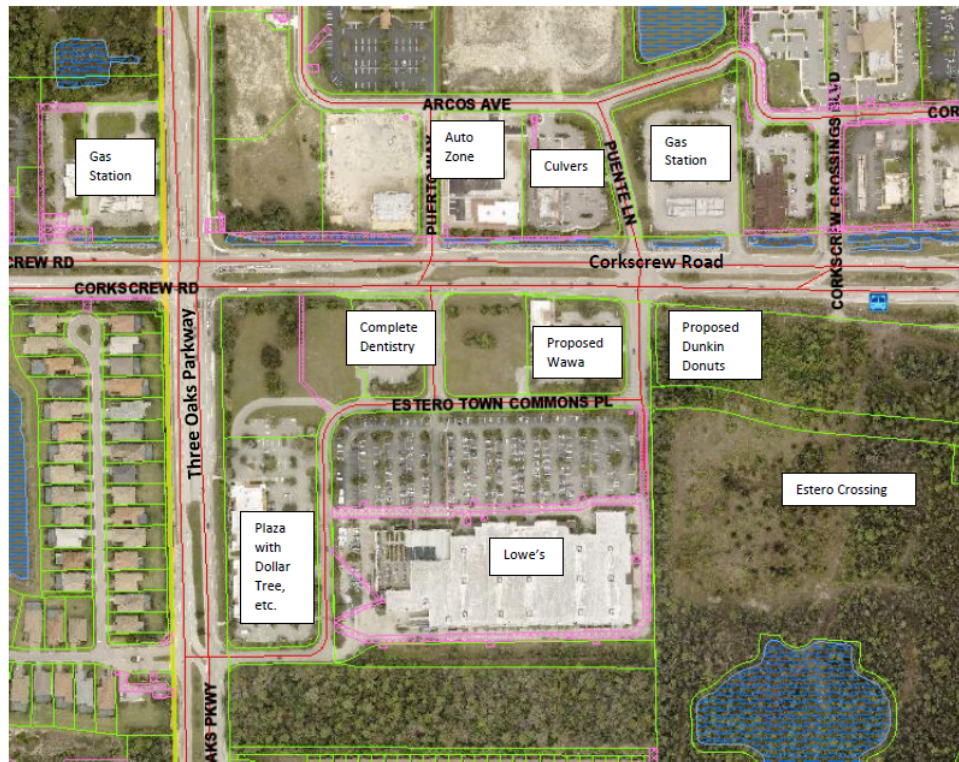


EXHIBIT A - ZONING MAP

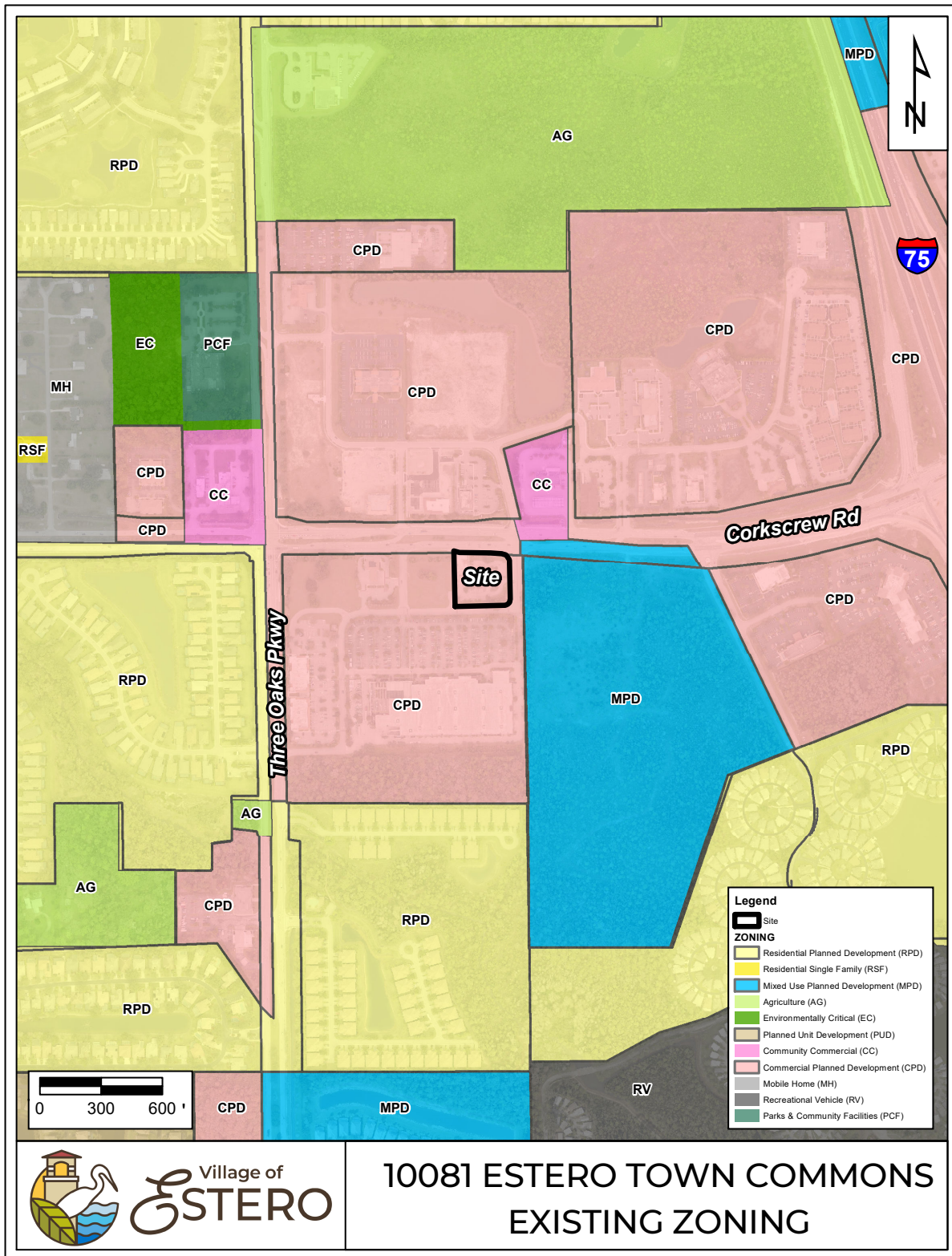
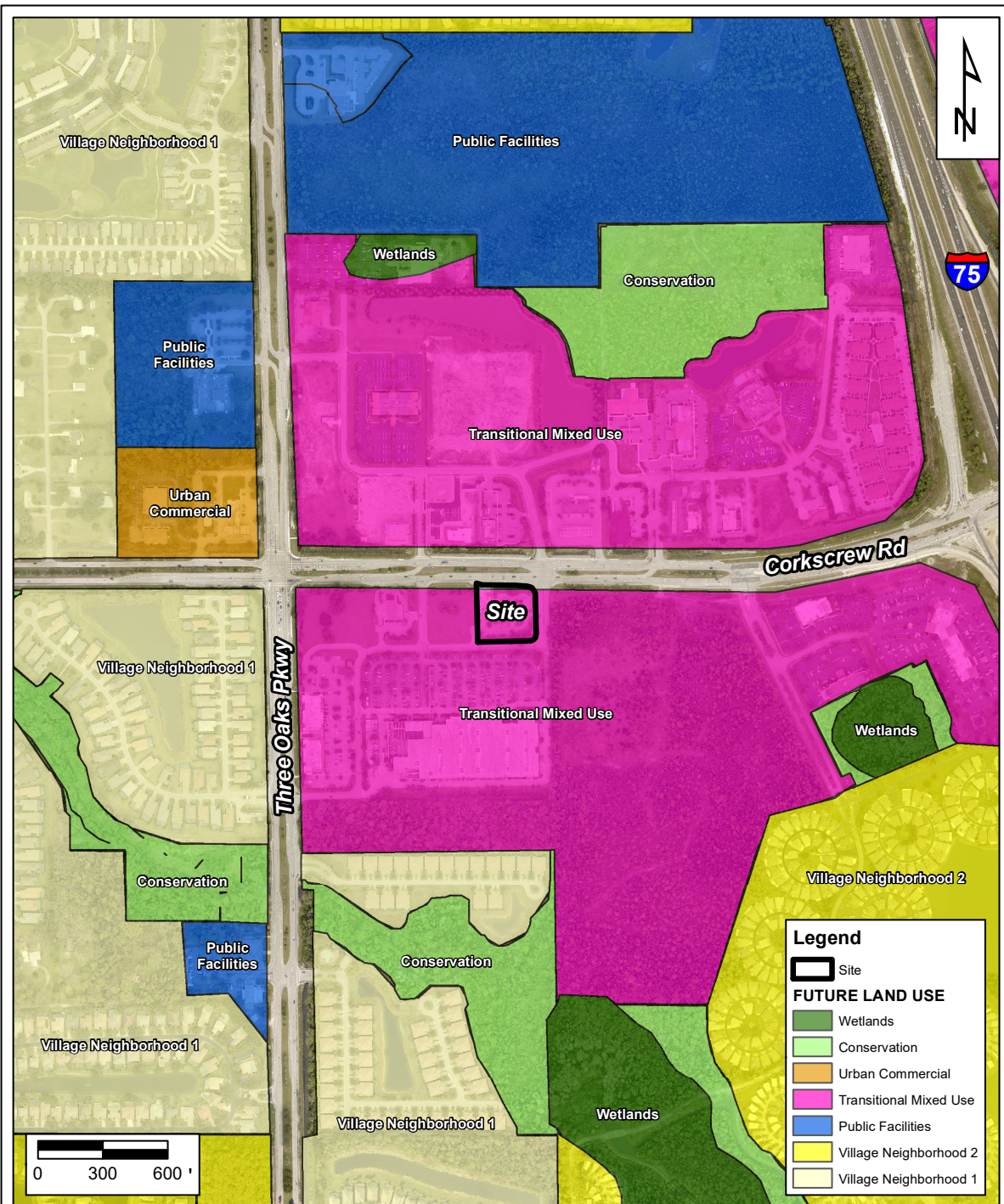


Exhibit A - FLUM



Village of
ESTERO

10081 ESTERO TOWN COMMONS
EXISTING FUTURE LAND USE



Attachment C

ESTERO TOWN CENTER - WAWA Zoning Conditions

1. Master Concept Plan

Development of this project must be consistent with the Master Concept Plan (MCP) titled “Estero Town Center”, stamped “Received Date May 3, 2022”, except as modified by the conditions below. The project is approved on the eastern portion of Tract B, Estero Town Commons.

2. Previous Approvals

The previous approvals contained in Resolution Number Z-03-032, ADD2005-00156, ADD2005-00235, ADD2006-00163, and ADD2007-00017, including conditions and deviations, remain in effect except as modified by the conditions and deviations contained in this approval. The Schedule of Uses and building heights for the site must be in accordance with Resolution Z-03-032.

3. Traffic Signal

The developer, successor or assigns (owner) is responsible for a proportionate share of the cost of signalization at the intersection of Corkscrew Road and Estero Town Commons Place, prior to issuance of any development order.

4. Parking

All handicap parking spaces must meet required standards and be located immediately adjacent to the entrance of the building.

5. Utilities

Water and sewer services are available to the site, and this development must connect to those services as part of any local development order for the site.

6. Replat

Prior to issuance of a development order a re-plat of Tract B must be submitted, reviewed, and approved by the Village Council.

7. Covenants

The project Covenants & Restrictions must be revised regarding the building location prior to or concurrent with the Development Order application.

8. Outdoor Display/Storage

Ice machines and propane tanks must be located adjacent to the south side of the building, as shown in the Pattern Book, to provide screening from Corkscrew Road.

9. Pattern Book

The architectural elements may be revised and refined based upon the review of the Planning, Zoning, and Design Board. The Pattern Book must be updated and revised prior to scheduling of Council First Reading.

Details of the public gathering area must be provided as part of the Development Order.

10. Sidewalk & Pedestrian Connections

Sidewalks and pedestrian connections must be provided consistent with the Pattern Book and Land Development Code.

Additionally, a pedestrian crosswalk must be installed at the existing full access entry to the site.

11. Buffers

As part of local development order approval, the development order plans must demonstrate buffering consistent with the Master Concept Plan, the Land Development Code, the Pattern Book, and any approved deviations.

As part of local development order approval, all required buffer plantings must be 100% native vegetation.

All buffer plantings required by the LDC will be required in all buffers even when deviations may be granted to reduce the width of the buffer.

12. Right-In Only Access

Approval of this zoning amendment does not approve the location or continued use of the existing right-in only access point on Estero Town Commons Place. Further evaluation is necessary at Development Order.

13. Amend Resolution Z-03-032

Condition 14 of Resolution Z-03-032 is amended as follows:

14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:

~~a) No more than one freestanding fast food restaurant (as defined in LDC §34-2) is permitted;~~

- b) No freestanding fast food restaurants are permitted ~~if a convenience store has already been is permitted in the Village Areas abutting Corkscrew Road;~~
- c) No more than one fast food restaurant is permitted in a multi-occupancy building.

14. Amend ADD2006-00163

1. The development must remain in compliance with the previously approved Master Concept Plan for the project. No specific change to the approved Master Concept is approved by this action~~s~~. The terms and of the original zoning resolutions remain in full force and effect, except as specifically amended herein.
- ~~2. The only change to the approved Commercial Planned Development is to add deviations from LDC Section 30-153(a), LDC Sections 30-153(b), and LDC Sections 30-406(a)(1)e. to allow for the development of two (2) 200 square foot Monument Style Identification Signs.~~
3. Development of the approved signage must be in substantial compliance ith the one-page "Monument Style Directory Sign" by Image Graphic Specialists, Inc, stamped received on August 23, 2006.
4. The approved locations for ~~the two~~ signs ~~is~~ are depicted on the Master Concept Plan, stamped received on August 23, 2006, and the Pattern Book Addendum, which are located as follows:
 - a. One sign at the proposed full access entrance from Corkscrew Road; and
 - b. One sign at the proposed full access entrance from Three Oaks Parkway.
 - c. One sign located at the western end of the parcel at the corner of Corkscrew Road and Estero Town Commons Place along Corkscrew Road, in accordance with the location shown in the Pattern Book Addendum

15. Deviations

- Deviation 2.A. is modified (see staff report).
- Deviations 3, 4, 5, and 6 are approved.
- Deviation 7 is denied.

Attachment D

Received May 3, 2022

Estero Town Center CPD

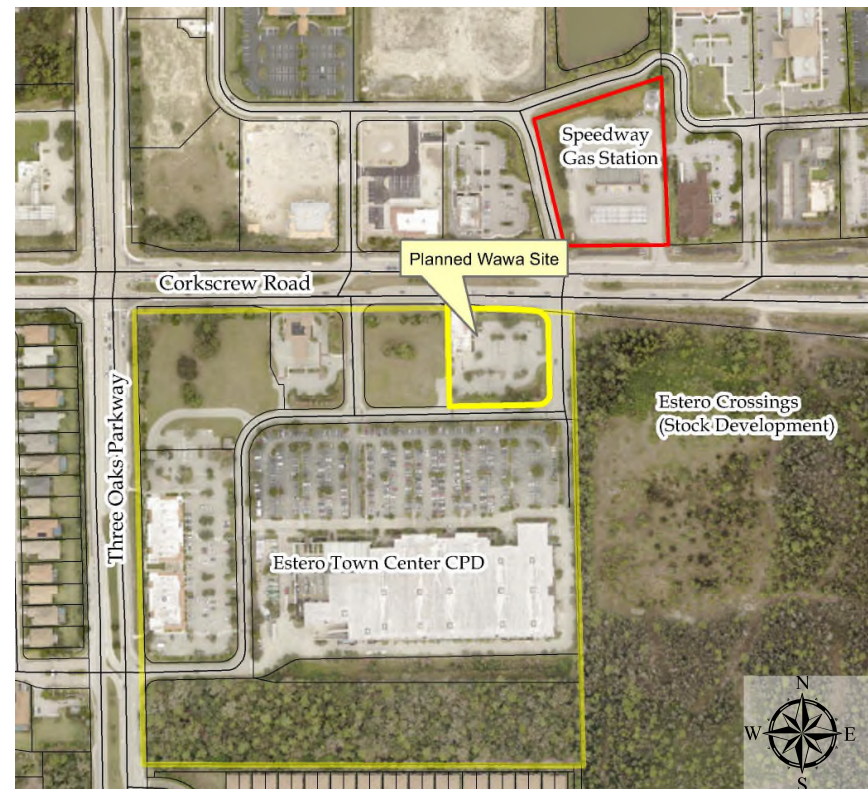
Pattern Book Addendum I Convenience Food and Beverage Use “Village Area 2”

2/28/2022

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Property Location

Location: Corner of Corkscrew Road and Estero Town Commons, at a signalized intersection

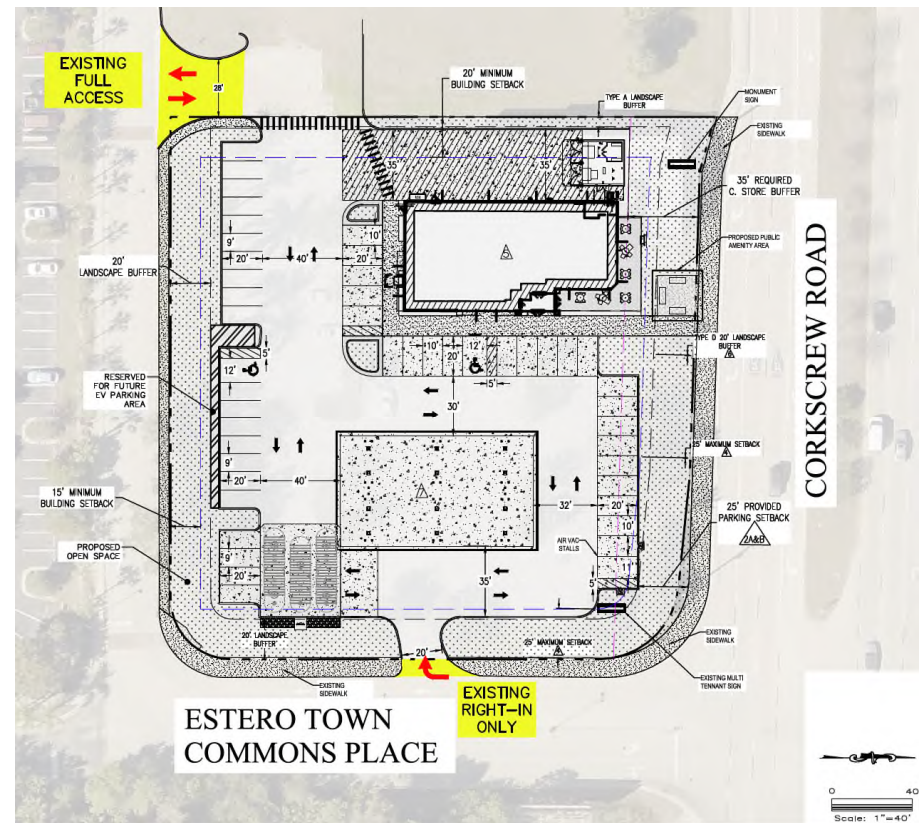


Concept Plan

Access: on the east and south along Estero Town Commons Place

Features: Outdoor seating, Building along the Corkscrew Road frontage

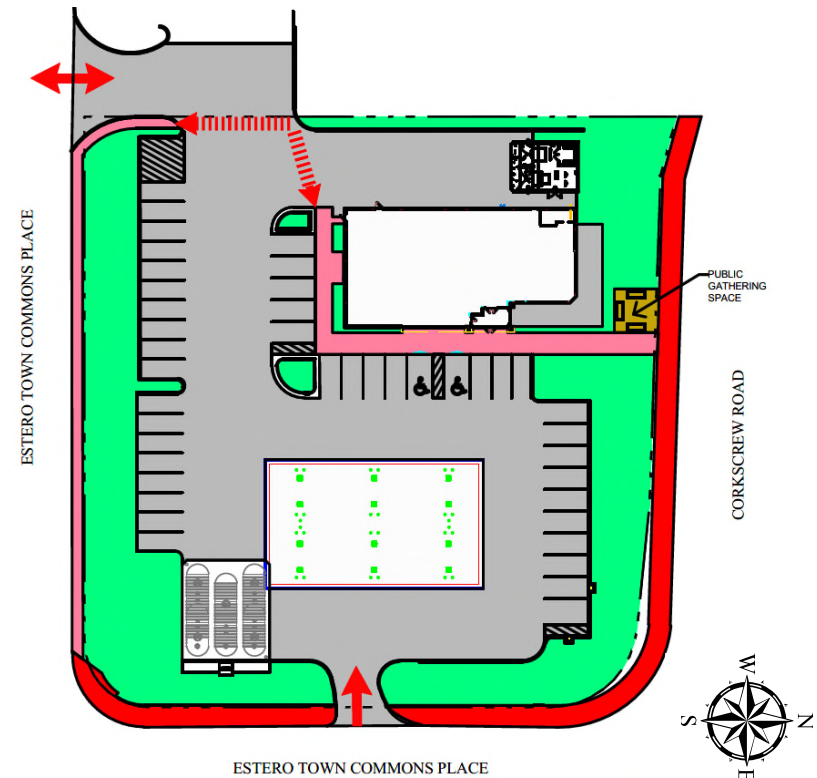
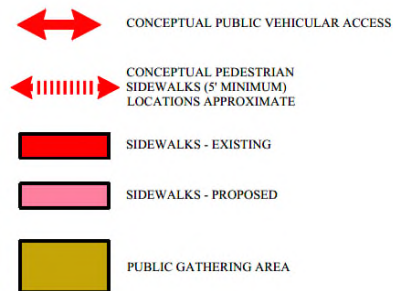
Building Placement: Oriented along Corkscrew Road. Open space/water management area along Corkscrew Road.



Pedestrian Circulation

Circulation: A sidewalk will be provided from the building to a “public gathering place” on the north side of the building and will connect with the sidewalk system along Corkscrew Road.

CONNECTIVITY LEGEND



Public Amenity Design

Amenity: Along Corkscrew Road, a seating area will be designed for use by the general public. This seating area will be separate and distinct from the outdoor seating proposed for the Convenience Store and separated by a sod/landscape strip but connected through the on-site sidewalk system.



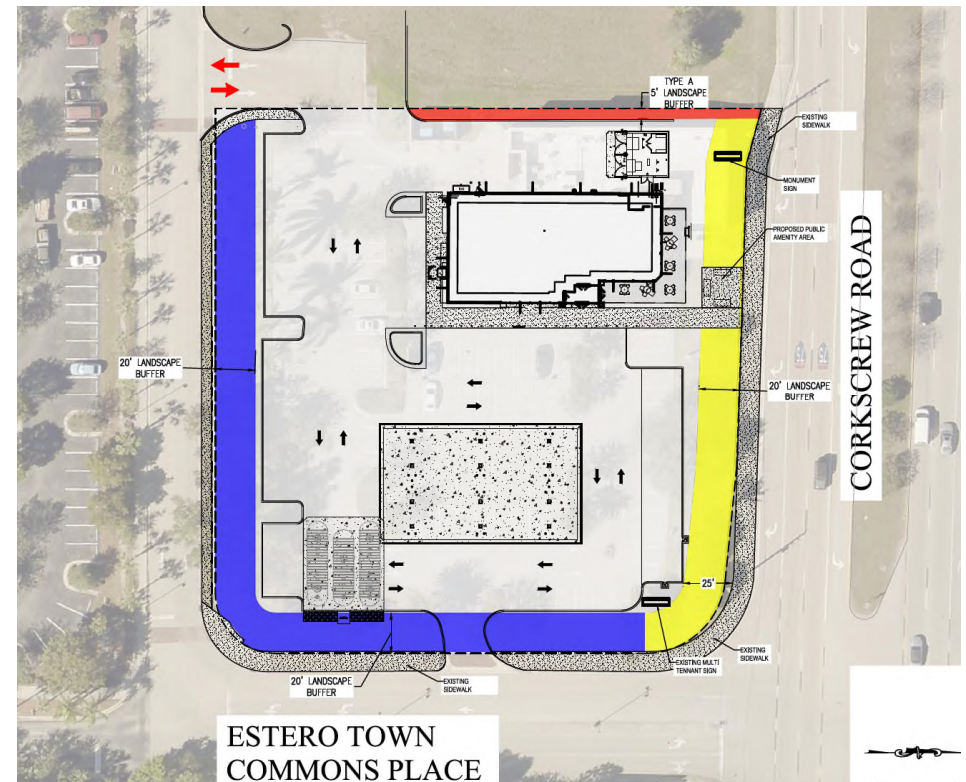
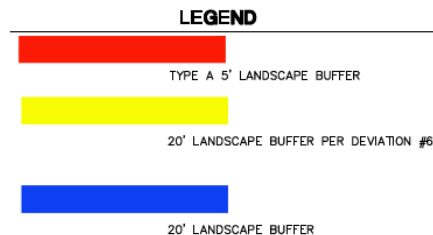
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Landscape Buffers

Buffers:

- A 20' buffer will be provided adjacent to Corkscrew Road, consistent with the planting requirements of LDC Section 5-412(C)3 and Deviation #6.
- A 5' Type A buffer will be provided to the west.



Building Elevations



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Building Elevations



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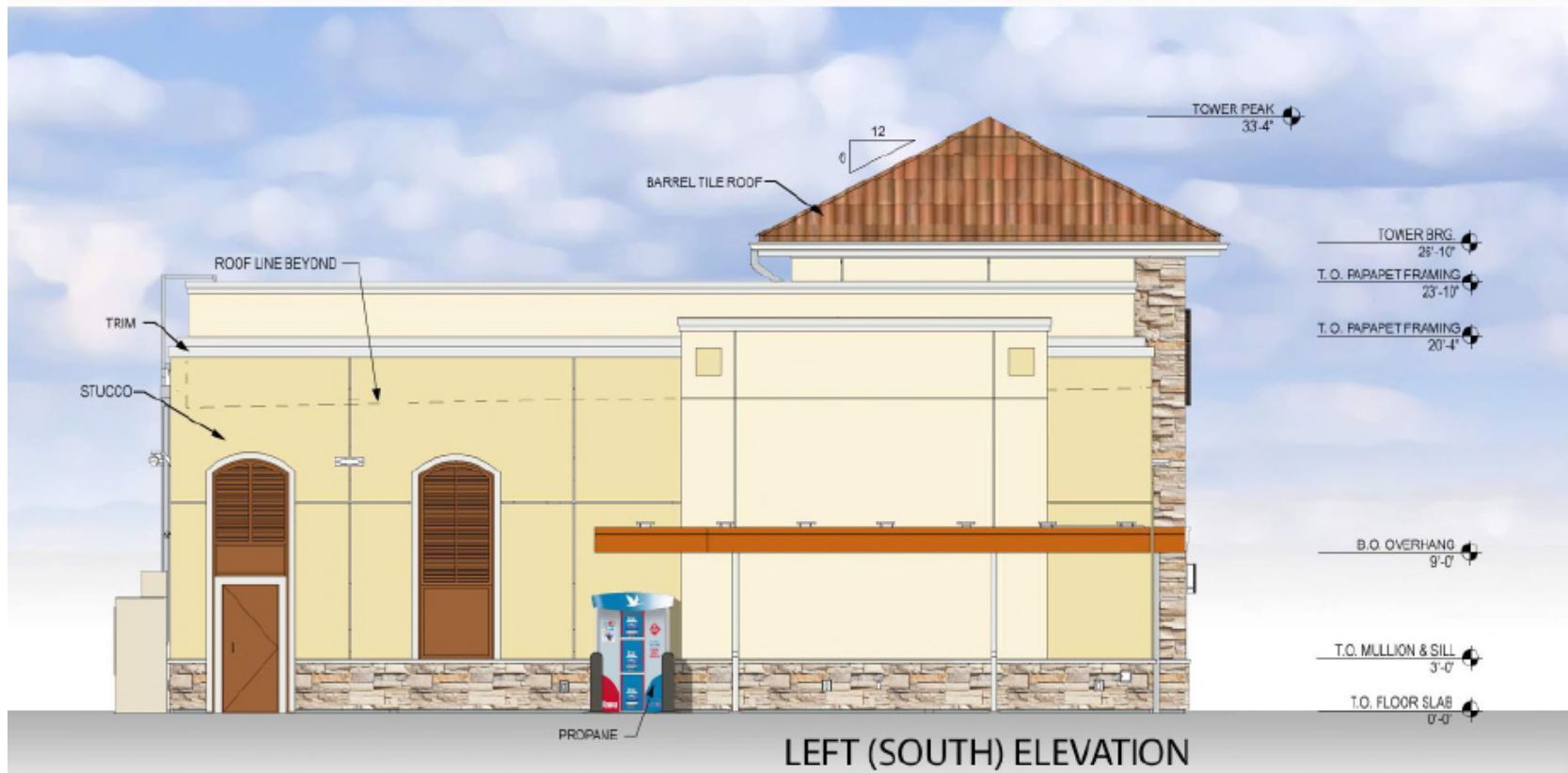
Building Elevations



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Building Elevations



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Canopy Elevations



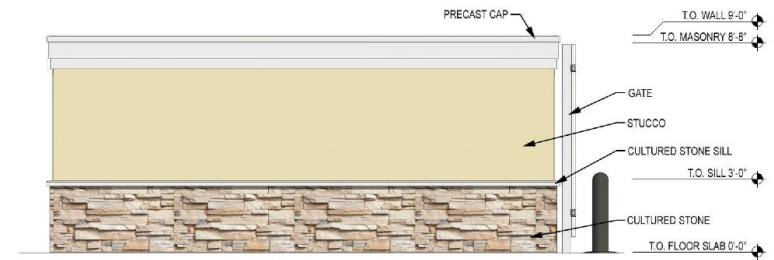
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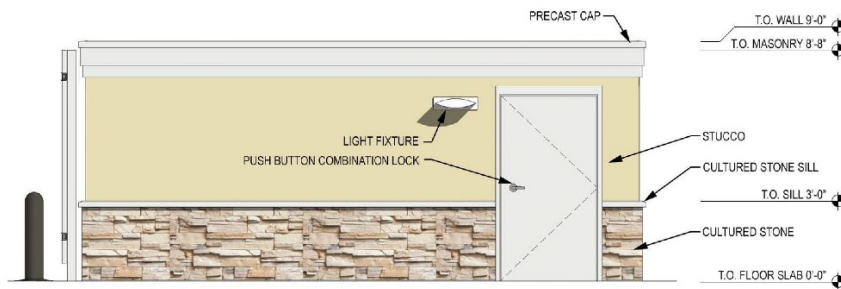
Trash Enclosure



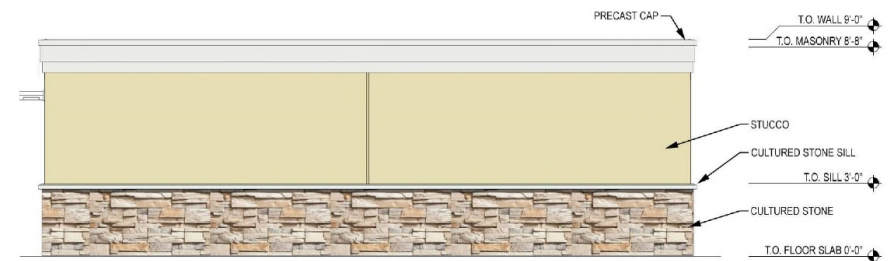
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

Metal Door
Benjamin Moore
White Diamond
BM 2121-60

Azek Trim
White

Stucco
Senergy
Meringue #3085

Exterior Stone
Cultured Stone
Southwest Blend

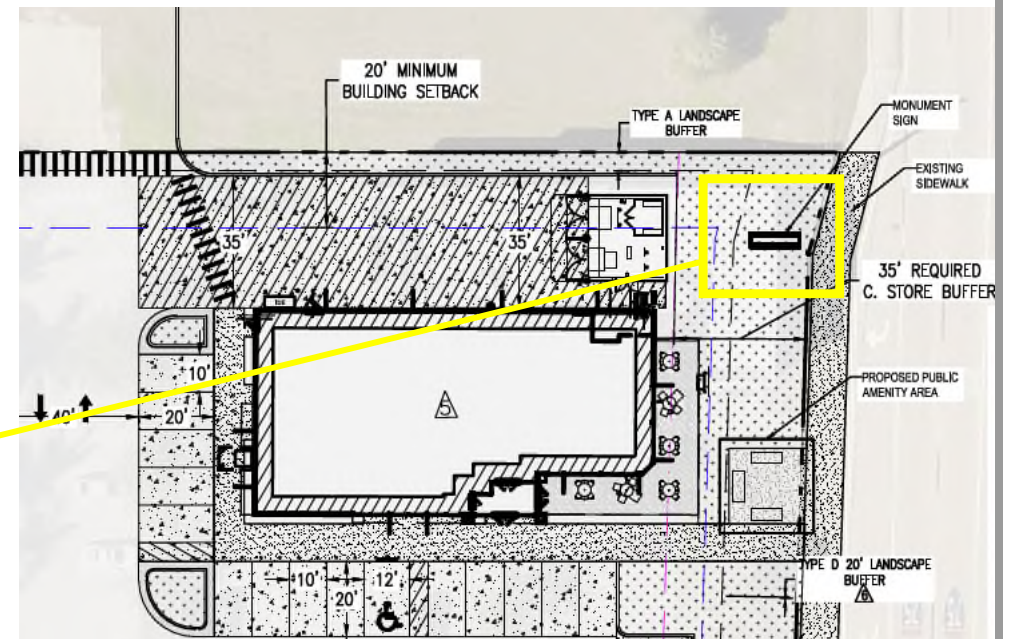
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Signage Location

Signage will be provided as a monument sign per Estero Code.

Sign location will be consistent with the site plan.



Attachment E1

PROPOSED CHANGES TO Z-03-032

a. Schedule of Uses

VILLAGE AREAS #1 and #2

ACCESSORY USES AND STRUCTURES (LDC §34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3106)

AUTO PARTS STORE - without installation facilities

AUTO REPAIR AND SERVICE (LDC §34-622(c)(2)), Group I only LDC §34-1351 *et seq.* (Limited to one as a subordinate use to a permitted use within this parcel; Garage doors may not face adjacent arterial; no outdoor storage or display)

BANKS AND FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)), Groups I and II

BUSINESS SERVICES (LDC §34-622(c)(5)), Groups I and II (with Group II limited to only Packing Services)

CAR WASH (limited to one) (Only in conjunction with Convenience Food and Beverage Store)

CLOTHING STORES, general (LDC §34-622(c)(8))

CONSUMPTION ON PREMISES (LDC §34-1261 *et seq.*) (only in conjunction with a standard restaurant and outdoor seating in the pedestrian open space areas identified on the MCP; subject to an Administrative Amendment for Outdoor Seating)

CONVENIENCE FOOD AND BEVERAGE STORE (~~limited to area #1~~; limited to one) (maximum of 12 fueling stations; permitted abutting Corkscrew Road only if no free-standing fast food use permitted within Village Area abutting Corkscrew Road.)

DAY CARE CENTER, CHILD, ADULT

DRIVE THRU FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY (limited to one within the planned development)

ESSENTIAL SERVICES (LDC §34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES (LDC §34-622(c)(13)), Group I (LDC §34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION Water retention (LDC §34-1651) (Subject to Condition 8)

FENCES, WALLS (LDC §34-1741)

FLORIST SHOP

FOOD STORES (LDC §34-622(c)(16)), Group I

GIFT AND SOUVENIR SHOP

HARDWARE STORE (Limited to 15,000 square feet)

HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))

HOUSEHOLD AND OFFICE FURNISHINGS (LDC §34-622(c)(22)), all groups

(no outdoor display)

LAUNDRY OR DRY CLEANING (LDC §34-622(c)(24)), Group I

MEDICAL OFFICE

NONSTORE RETAILERS (LDC §34-622(c)(30)), all groups

PARCEL AND EXPRESS SERVICES

PARKING LOT; Accessory

PERSONAL SERVICES (LDC §34-622(c)(33)), Groups I and II
PET SHOP (Indoor only; no outdoor runs)
REPAIR SHOPS (34-622(c)(40)), Groups I, II, and III
RESTAURANT, FAST FOOD (Subject to Condition 14)
RESTAURANTS (LDC §34-622(c)(43)), Groups I, II and III
SIGNS in accordance with Chapter 30
SPECIALTY RETAIL SHOPS (LDC §34-622(c)(47)), Groups I, II, III, and IV
VARIETY STORE

14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:
- a) No more than one freestanding fast food restaurant (as defined in LDC §34-2) is permitted;
 - b) Only 1 ~~No~~-freestanding fast food restaurants ~~are permitted if a and 1~~ convenience store ~~has already been is~~ permitted in the Village Areas abutting Corkscrew Road;
 - c) No more than one fast food restaurant is permitted in a multi-occupancy building.

Proposed Changes to ADD2006-00163

1. The Development must remain in compliance with the previously approved Master Concept Plan for the project. No specific change to the approved Master Concept Plan is approved by this action~~s~~. The terms and conditions of the original zoning resolutions remain in full force and effect, except as specifically amended herein.
- ~~2. The only change to the approved Commercial Planned Development is to add deviations from LDC Section 30-153(a), LDC Section 30-153(b), and LDC Section 30-406 (a)(1)c. to allow for the development of two (2) 200-square foot Monument Style Identification Signs~~
- ~~3.2.~~ Development of the approved signage must be in substantial compliance with the one-page "Monument Style Directory Sign" by Images Graphic Specialists, Inc, stamped received on August 23, 2006.
- ~~4.3.~~ The approved locations for ~~the two~~-signs ~~is~~are depicted on the Master Concept Plan, stamped received on August 23, 2006, and the Pattern Book Addendum, which are located as follows:
 - a. One sign at the proposed full access entrance from Corkscrew Road; and
 - ~~b.~~ One sign at the proposed full access entrance from Three Oaks Parkway.
 - ~~b.c.~~ One sign located at the western end of the parcel at the corner of Corkscrew Road and Estero Town Commons Place along Corkscrew Road, in accordance with the location shown in the Pattern Book Addendum.

Attachment E2

**ESTERO TOWN CENTER CPD AMENDMENT
PUBLIC INFORMATIONAL MEETING****Meeting Date:** September 28, 2021**Time:** 4:30pm**Location:** 9401 Corkscrew Palms Circle, 1st FL, Estero, FL 33928**Attendees:**

Planning and Zoning Board Members:

Co-Chairman Scotty Wood and Board Members Anthony Gargano, Kristin Jeannin, Marlene Naratil, Michael Sheeley, James Tatoes, and Jim Wallace.

Also present: Community Development Director Mary Gibbs and Village Land Use Counsel Nancy Stroud.

Meeting Summary:

Mary Gibbs introduced the item. She reviewed that the request is the reuse the existing Ruby Tuesdays parcel for a Wawa. Mary reviewed the deviation that would be needed to construct the Wawa and the change to the zoning resolution.

Mr. DeLisi gave an overview presentation. He provided an overview of the proposed project which included the location, the existing zoning resolution, the Wawa convenience store and food/sandwich shop, the conceptual site plan and the requested amendments.

Board Questions or Comments and Response:

- How many gas pumps will be put on the site?

Response: The zoning resolution limits the pumps to 12.

- Are we taking down the Ruby Tuesdays building or renovating it?

Response: Taking down the existing building.

- There is no other gas facility on that side of the street for a distance, right?

Response: Correct. The closest is at US 41 and Corkscrew Road.

- Question about stacking: When you are busy, will we have a stacking problem?

Response: Central entrance (centered in the middle of the canopy. There are two entrances. The other is on the "ring road" in the back. Wawa has many stores where cars enter in the middle of the canopy. The design works well for circulation.

- Does Wawa have less expensive gas?

Response: Competitive prices, but retail gas is generally the same.

- What are people going to be looking at from Corkscrew Road?

Response: Awning with fixed seating underneath.

- What is the oval along Corkscrew Roads?

Response: Water management.

- So along Corkscrew Road we will be seeing the building and lighting?

Response: Yes.

- What is the reasoning for the 500' distance in the code?

Response (Mary): The idea was to prevent the proliferation of gas stations on a single corner. When the applicant comes in, they need to justify why it makes sense here. Part of the justification is the side of the road they are on. This site is also farther from the urban core and residential uses.

- On the west elevation there is not a lot of articulation, is that ok with Mike Sheeley?

Response (Mike Sheeley): This is a prototype design that they are showing. They will need to come back in the future and will bring a more site-specific design. At that time, we can make those comments.

Response (Applicant): We are open to working with the Village on design. This is just a first step in the process.

- Are electric charging stations included?

Response: We have worked with Wawa sites around the country with Tesla. That is part of a lease deal depending on what the need is in the area. The sites are designed to allow for the spaces and equipment.



Attachment E3

**ESTERO TOWN CENTER CPD AMENDMENT
REQUEST STATEMENT
(REVISED 1/7/2022)**

Introduction

The attached application is to amend the Estero Town Center CPD to allow for a Wawa Convenience Store at the southwest corner of the intersection of Corkscrew Road and Estero Town Commons Place. The subject site is part of the Estero Town Commons Shopping Center, which is anchored by the Lowes big box store. The application requests three amendments to the approved Commercial Planned Development.

1. A deviation request to allow fuel pumps within 500 feet of an existing gas station. There is a Speedway gas station located to the northeast of the subject property on the other side of Corkscrew Road. In order for the Wawa to be located on the subject property a deviation would be necessary.
2. Deviation requests from the Corkscrew overlay to allow for redevelopment of the site consistent with the existing building location.
3. An amendment to the Schedule of Uses that limit Convenience Food and Beverage establishments to "Village Area 1". The subject property is located in "Village Area 2" as shown on the Master Concept Plan.
4. An amendment to Condition #14 that restricts the development to one of either a fast-food restaurant or a Convenience food and beverage store.

Entitlement History

The subject property was approved in 2003 for a big box shopping center with outparcels. The approval was the first big box retail development approved in Estero concurrent with the community's creation of design guidelines for big box development, and less than two years after the adoption of the Corkscrew Overlay and the limitations on location of gas stations. At the time of approval, there was no development north of the subject property on Corkscrew Road and Estero Town Commons Place had not yet been constructed. The location of a Convenience Store seemed much more likely closer to the corner of the newly constructed Three Oaks Parkway and Corkscrew Road. At the time, there was very little other development along Corkscrew Road except for the Arby's and 7-11 at the northwest corner of Corkscrew Road and Three Oaks Blvd. The desire of the community at the time was to

limit the subject property so that the intersection of Three Oaks Blvd. and Corkscrew Road did not have all four corners occupied by gas and fast food. Therefore, limitations were placed in the Estero Town Center CPD to limit these uses.

Since 2003 Corkscrew Road and Three Oaks have developed with residential and office uses. At the same time, the business of convenience stores has shifted from an emphasis on gas sales to an emphasis on the Convenience Store. This is especially the case for the proposed use, the Wawa Convenience Store, which is predominantly a store and café the sells gas as a secondary use. Wawa is known for its food, which is one of the reason the store includes outdoor seating for its food customers. Their clientele are attracted based on that reputation. Given the changing nature of the area, the original intent of the restrictions of the zoning are no longer needed for the proposed use.

Justification for Proposed Changes

All of the requested changes to the zoning resolution are needed for the proposed use to locate on the subject property. When the property was initially zoned, in response to a request for more specificity on the master concept plan, the applicant limited the location of the Convenience Store to the only area where it seemed logical that this use would locate at the time – the corner of the only two roads in the area. At the time, there was no development on the subject property, the property to the east, the property to the north or the property to the west. Of importance when designing the original concept plan and projecting the probable location of uses, Estero Town Commons Place has not been constructed and the property to the east had not even been zoned for development. At the time, there was no reason to believe that a convenience store would or could locate on the subject parcel. The limitation was offered by the developer to provide specificity, not to address compatibility with surrounding uses since none existed in 2003.

As described above, the location of a convenience store to the subject property does not have any negative impact on compatibility with adjacent uses, all of which are commercial. While there are residential apartment buildings planned for the property southeast of the proposed Wawa site, as described in the attached Residential Impact Statement, given the distance, the use itself and character of the mixed-use residential apartments, there will be no negative impact of the proposed Convenience Store at the proposed location.

Finally, due to the property ownership in the commercial planned development and the limitation of only one fast food or one convenience store, it will not be possible to get the required authorization/concurrence to amend the CPD without limiting the request's impact to the rest of the commercial center, which will contain a fast-food restaurant. The property's location along Corkscrew Road is ideal for both a fast-food restaurant and a convenience store.

The addition of these uses will not lead to a proliferation of either along the south side of Corkscrew Road. It is important to remember that when this limitation was put in place, in 2003, the property at the southwest corner of Corkscrew Road and Three Oaks Blvd. was anticipated to also be developed for commercial with outparcels, as was the property to the east. Both have been or are being developed in a different form, one as residential and the other as an integrated mixed-use development with fast food limited to in-line centers only with no drive-thru. Because of how the corridor has developed since the subject property's original zoning in 2003, the limitation of only 1 fast food or 1 convenience store is no longer needed as a proliferation of these uses along the corridor is no longer likely or possible.

Adjacent Uses

The subject property is in an area of existing development and infrastructure that supports the proposed use. The subject property is located along Corkscrew Road at the northeast corner of the Lowes shopping center (Estero Town Commons, AKA Estero Town Center CPD). The Lowes Home Improvement Store is located south of the subject property. The outparcel to the west is vacant. To the north, along Corkscrew Road is the Plaza Del Sol development which contains a mix of office and retail uses. To the east is the commercial portion of Stock development's project, Estero Crossings, which is now under construction.

Access:

The subject property is located on the south side of the Corkscrew Road. Access is provided via Estero Town Commons Place, which wraps around the parcel on the south and east. Estero Town Commons Place intersects with Corkscrew Road. A traffic light is being designed for the intersection.

Zoning Justification:

The subject property was originally zoned CPD (Commercial Planned Development) in 2003 for 265,000 square feet of retail floor area. The amendment is not seeking any changes to the overall allowable entitlements. The proposed amendment seeks to do the following:

1. Amendment the Schedule of Uses to allow a Convenience Store in Village Area 2 as well as Village Area 1.
2. Amendment Condition #14 that restricts the development to one of either a fast-food restaurant or a Convenience food and beverage store.
3. Add a deviation to allow for gas sales on the subject property, which is located within 500 feet of the Raceway gas station to the northeast of the subject property.

The proposed development of the subject property complies with the Village of Estero Land Development Code. A brief description of how the proposed development satisfies these criteria is presented below. This proposed development meets or exceeds all the requirements of the LDC. Below is an analysis of how the proposal addressed the required standards of approval in the LDC:

1. Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable Village-adopted plans;

Below is a description of how the proposed amendment is consistent with the Comprehensive Plan.

FLU-1.2.1 FUTURE LAND USE CATEGORIES. The Village shall designate on the Future Land Use Map (see Map FLU-1) use categories of varying densities and intensities to provide for a full range of land use activities appropriate to the character of the Village's neighborhoods. These designations are based upon environmental conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. Village future land use categories are summarized as follow:

The subject property is entirely located within the Transitional Mixed Use land use category. The table in Policy FLU 1.2.1 allows for "Regional, community, neighborhood and minor commercial uses" consistent with FLU 1.5 and the adopted zoning resolution. The proposed amendments to the zoning resolution do not request any change to the existing approved intensities in the Planned Development.

FLU-1.2.8 TRANSITIONAL MIXED USE. Transitional Mixed Use areas are characterized by primarily existing or emerging developments where the Village's largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are in place or readily expandable to support moderately intense levels of mixed commercial and residential development. These areas were typically designated Urban Community, General Interchange, or Suburban and within the Mixed Use Overlay per the Village's Transitional Comprehensive Plan. Transitional Mixed Use areas are generally the north Estero area near intersections of US 41 with Broadway and Estero Parkway, Coconut Point DRI, and the four quadrants of the I-75 and Corkscrew Road interchange. These areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping and employment centers and are generally accessible to the surrounding neighborhoods, serving as focal points or community centers where activity is concentrated.

A. Uses: A broad mix of uses, subject to compatibility standards of the Community Design Sub-Element, is allowed in the Transitional Mixed Use areas to foster the

conveniences and efficiencies of live/work/play environments, including regional, community and neighborhood scale commercial including shopping, restaurant, entertainment and office, low to moderate density residential, parks and recreation. Assisted living facilities, and public and quasi-public uses are allowed in the Transitional Mixed Use future land use category.

B. Development type, Density and Intensity: Development types and corresponding maximum densities and intensities allowed in the Transitional Mixed Use areas are outlined in the following table:

The transitional mixed-use areas allow for commercial development consistent with the approved Planned Development and proposed Convenience Store use. The proposed changes do not request any increase to the total approved intensity within the Planned Development. The existing planned development is classified as a single use development and is allowed for an intensity of up to a floor area ratio of 1.0. The existing approved are well within that intensity standard and are not proposed for an increase.

FLU-1.5 COMMERCIAL SITE LOCATION STANDARDS. The siting of commercial developments shall be controlled by location standards. These standards are intended to avoid proliferation of commercial strip development by identifying appropriate locations for commercial uses to meet the needs of residents and visitors and to be compatible with existing residential neighborhoods or residential uses.

FLU-1.5.1 Commercial development levels are categorized as minor, neighborhood, community, or regional scale. The Village assigns intensities to these commercial levels according to the context and accessibility of the commercial development described below. See Map TR-1 for Functional Classifications of roadways.

The location standards specified in Subsections A-D will apply to the following commercial developments: shopping centers, free-standing retail or service establishments, restaurants, convenience food stores, automobile dealerships, gas stations, car washes, and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in the Land Development Code (commercial clubs excepted); and other similar development.

C. Community Commercial

1. Provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.

2. Must be located at the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.

The Estero Town Center CPD has been determined to meet site location standards through the approval of the existing zoning which allows 265,000 square feet of commercial floor area. The overall Planned Development is located at the intersection of two arterial roads, Corkscrew and Three Oaks, with direct access to both. The specific site that is subject to the proposed changes is located at the intersection of Corkscrew Road and Estero Town Commons Place, an arterial and a local road. The overall development meeting the criterial and locational requirements for Community Commercial.

FLU-1.10 DESIGN OF COMMERCIAL USES. Attractively designed and high quality commercial uses can be allowed in the Village Center and Transitional Mixed Use and Urban Commercial future land use categories, and in minor commercial and neighborhood centers of the Neighborhood Village Future Land Use category. The objective is to promote Estero's quality of life and diverse local economy by fostering the development of targeted economic areas, as a preference over the development of strip commercial centers, in order to provide a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community. (Note: Lee Plan Objective 19.2)

The proposed development is located along Corkscrew Road at the intersection with Estero Town Commons Place. Careful thought has been put into the design of the site in order to comply with the Estero land development code and the intent of the Corkscrew Overlay. Building placement is along Corkscrew Road, with the remainder of the frontage being used for open space. The character and style of the building are designed to be attractive, utilizing varying materials to provide articulation in the building, canopy and signage, as well as in providing for outdoor seating and a "public amenity area" connecting to the sidewalk system along Corkscrew Road.

POLICIES

FLU-1.10.1 COMMERCIAL DEVELOPMENT FORM. To permit orderly and well planned commercial development at appropriate locations, all applications for commercial development will be reviewed and evaluated as to their compatibility with adjacent and nearby uses, including consideration of the following:

A. Traffic and access impacts (rezoning and development orders);

The subject property is zoned Commercial Planned Development (CPD) and allowed to build up to 265,000 square feet of commercial floor area. The proposed amendments do

not change the allowable development on the site. Further, the subject property is a redevelopment of an existing built restaurant. In accordance with the attached transportation impact statement, the proposed changes to the planned development do not have any impact on the anticipated traffic being generated by the approved planned development. Further, convenience stores draw significant traffic from pass by trips. Although Wawa is a location where destination trips are more common than other convenience stores, due to the food service, a very significant portion of the trips, especially for fuel sales, are already traveling moving from west to east along Corkscrew Road.

B. Architectural and landscape architectural design (rezoning and development orders);

The application includes a pattern book which demonstrated the developer's commitment to a tasteful and attractive architectural style. The pattern book has demonstrated a sensitivity to surrounding uses and creating a visual style that will continue to enhance the community.

C. Site planning, interconnectivity, and public space (rezoning and development orders)

The Commercial Planned Development site plan contains a reverse frontage road providing access for the commercial parcels, minimizing curb cuts along Corkscrew Road. The proposed Convenience Store will connected to this reverse frontage road, Estero Town Commons Place, and will not have direct access to Corkscrew Road. The pedestrian circulation plan however, does provide connectivity to the sidewalk network on Corkscrew Road and the site plan provides for outdoor seating and a "public amenity area" connecting to the sidewalk system to Corkscrew Road.

D. Screening, landscaping and buffering (rezoning and development orders);

The CPD amendment will comply with the Village of Estero's buffer requirements, providing attractive landscaping along Corkscrew Road as well as adequate buffering to the residential units to the west.

E. Availability and adequacy of services and facilities (rezoning and development orders);

The subject property is the redevelopment of an existing developed restraint parcel and in an area with development on all sides. Urban services are available and sufficient to meet the development that is already approved in the Commercial Planned Development.

F. Impact on adjacent land uses and surrounding neighborhoods (rezoning);

The proposed amendments to the CPD will not have any negative impacts on surrounding uses. The site is well isolated from residential development with existing or planned commercial development on all sides. To the south in the Lowes Home improvement store, to the west are additional commercial outparcels along Corkscrew Road, to the north are commercial outparcels on the north side of Corkscrew Road and to the east is the Commercial development within the Estero Crossings planned development.

G. Proximity to other similar centers (rezoning); and

The subject property is within 500 feet of an existing Convenience Store. As noted however in the deviation request:

The proposed intersection consists of only one other gas station, the Raceway, located to the northeast of the subject property on the north side of Corkscrew Road. The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market, those pass-by trips that are headed eastbound toward the interstate. Along the southside of Corkscrew Road, the only other gas station (east or west of I-75) is at the corner of Corkscrew Road and US 41, over 1.5 miles from the subject site. The proposed convenience store will provide a service for eastbound trips on Corkscrew Road that is not currently being provided and does not cause a proliferation of convenience stores at the intersection of Corkscrew Road and Estero Town Commons Place.

H. Environmental considerations (rezoning and development orders).

There are no impacts to environmentally sensitive areas. The area designated for development has already been cleared for development.

FLU-1.10.2 COMMERCIAL DEVELOPMENT STANDARDS. New commercial developments should be designed to arrange uses in an integrated and cohesive unit in order to address compatibility with the adjacent and nearby uses by adhering to the following standards:

A. provide visual harmony and screening;

The proposed development will incorporate required buffers on all sides.

B. reduce dependence on the automobile;

As shown in the pattern book, the proposed development is providing pedestrian connections to the sidewalks along Corkscrew Road. The subject property will be easily and conveniently accessible by pedestrians.

C. promote pedestrian movement within the development and connectivity to adjacent and nearby uses where such uses are compatible;

As shown in the pattern book, the proposed development is providing pedestrian connections to the sidewalks along Corkscrew Road. The subject property will be easily and conveniently accessible by pedestrians.

D. utilize joint parking, access and loading facilities;

Not applicable. The proposed project is the redevelopment of an existing restaurant parcel in an existing commercial development. The proposed project is not adjacent to residential uses or other uses that could utilize joint parking.

E. avoid negative impacts on surrounding land uses and traffic circulation;

The proposed site traffic circulation allows for easy movement of cars through the property along Estero Town Commons Place. There are no negative impacts on traffic circulation anticipated from the proposed development.

F. protect natural resources; and

The proposed plan of development will have no impacts to any environmentally sensitive land. The subject property is an existing restaurant site and therefore has already been cleared for development.

G. provide necessary services and facilities where they are inadequate to serve the proposed use.

The subject property is located in an area where all public services are available with adequate capacity to serve the proposed development.

H. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.

- 1. limited number and size of signs.**
- 2. landscaping and use of pocket parks and courtyards adequate to soften large building masses.**

The subject property is less than 10 acres of actual commercial development. The subject CPD is not be defined as "large scale".

FLU-1.10.3 Encourage commercial developments within the Village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development's design.

As shown in the pattern book, the proposed development is providing pedestrian connections to the sidewalk along Corkscrew Road. The subject property will be easily and conveniently accessible by pedestrians. The automobile connections are via a reverse frontage road to Corkscrew Road, Estero Town Commons Place.

2. Is not in conflict with any portion of the LDC;

The proposed amendment requests the approval of a deviation to allow for the Convenience Store within 500 feet of the existing Convenience Store on the north side of Corkscrew Road. Other than the deviation request, the proposed development is not in conflict with any portion of the Land Development Code.

3. Addresses a demonstrated community need;

The proposed development addresses a specific need – to have a Convenience Store on the south side of Corkscrew Road. Behavioral patterns of customers to convenience stores typically do not cross streets and traffic to access the stores. This type of use typically relies almost entirely on pass by trips. The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market, those pass-by trips that are headed eastbound toward the interstate. Along the southside of Corkscrew Road, the only other gas station (east or west of I-75) is at the corner of Corkscrew Road and US 41, over 1.5 miles from the subject site. The proposed convenience store will provide a service for eastbound trips on Corkscrew Road that is not currently being provided and does not cause a proliferation of convenience stores at the intersection of Corkscrew Road and Estero Town Commons Place. Further, as of yet, there is currently no convenience store similar to the proposed use, which is much more of a convenience store/restaurant than simply a gas station.

4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

The subject property is already zoned as CPD and the proposed amendment is not requested any change in development intensity. As noted above, the surrounding uses are entirely commercial and compatible with the proposed Convenience store.

5. Would result in a logical and orderly development pattern;

The proposed amendment is for the redevelopment of a restaurant site that has gone dark. The property has development on all sides. Redeveloping the property represents an orderly development pattern.

6. Would not adversely affect the property values in the area;

The proposed amendments would have no impact on property values in the area.

7. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities);

The project has direct access to Corkscrew Road and a lighted intersection via Estero Town Commons Place. The subject parcel is withing a development that provides additional access to Three Oaks Parkway to the west. The proposed amendments do not change the approved entitlement for the project, therefore the amendment has no increase in the impact on road capacity.

Water and sewer service is currently available in the area via Lee County Utilities as evidenced by previous use and the existing on-site vacant building. The property is within the Estero Fire District and fire/EMS service are available. The proposed amendments do not change the approved entitlement for the project, therefore the amendment has no impact on road capacity. All other services are adequate to accommodate the proposed changes.

8. Would not result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical areas, and the natural functioning of the environment;

The proposed amendments to the existing approved commercial planned development do not request any change to the already permitted development footprint. The preserve area within the CPD has already been designated preserve and the development areas have already been cleared for development. As a result, the request will not adversely affect environmentally critical areas or natural resources.

9. Is compatible with existing or planned uses in the surrounding area.

The proposed development is a redevelopment of a restaurant site that now contains an empty building. It is located on a commercial parcel that has been used for commercial development and is surrounded on all sides by either built or vacant commercial property. Given its location along Corkscrew Road and at an intersection with a traffic light, the subject property is ideal for the proposed uses.

Summary:

As detailed in the Village of Estero Land Development Code, the attached application demonstrates the following:

1. The applicant is compliant with the Land Development Code and other applicable codes or regulations;
2. The request will meet or exceed all performance and location standards;
3. The requested plan is consistent with the intensities and general uses set forth in the Estero Comprehensive Plan;
4. The request is compatible with the existing uses in the surrounding areas;
5. Adequate infrastructure exists to accommodate this development; and
6. The request will not adversely affect environmentally critical areas and natural resources.

Based on compliance with these, and other regulations, we respectfully submit that this zoning application will not place an undue burden upon existing transportation or planned infrastructure facilities. Similarly, the proposed use is appropriate at the subject location, and is compatible with existing uses in the surrounding area. For these reasons, the requested amendment should be approved.



Attachment E4

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

WAWA @ ESTERO TOWN COMMONS VILLAGE OF ESTERO

(PROJECT NO. F2110.17)

PREPARED BY:
TR Transportation Consultants, Inc.
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901
(239) 278-3090

October 21, 2021



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- II. EXISTING CONDITIONS**
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- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS**
- VIII. TURN LANE ANALYSIS**
- IX. CONCLUSION**



I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Village of Estero Department of Community Development for projects seeking CPD Amendment and Development Order approval. The subject site is located at the southwest corner of Corkscrew Road and Estero Town Commons Place in the Village of Estero in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The subject site is governed by Zoning Resolution No. Z-03-032 and will occupy Village Area #2 as part of the Master Concept Plan (DCI2002-00071) for Estero Town Center CPD. Upon approval of the proposed Development Order application, the subject site will be developed with an approximately 5,537 convenience store with 12 refueling positions (6 pumps). The Developer is also seeking a CPD Amendment to the current Schedule of Uses to permit a convenience food and beverage store use on Village Area #2. The existing CPD limits a convenience food and beverage store to Village Area #1 only. It is important to note that the proposed amendment to the zoning will have no additional traffic impacts as a convenience food and beverage store use is currently permitted within Estero Town Center CPD. Access to the overall CPD will continue to be provided via existing connections to Corkscrew Road and Three Oaks Parkway.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the site access drive will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.



PROJECT LOCATION MAP
WAWA @ ESTERO TOWN COMMONS

Figure 1



II. EXISTING CONDITIONS

The subject site is currently occupied by a vacant building previously occupied by Ruby Tuesday restaurant. The subject site is bordered by Corkscrew Road to the north, vacant land to the west, and by Estero Town Commons Place to the south and east.

Estero Town Commons Place is a local roadway that borders the subject site to the south and east. The intersection of Estero Town Commons Place with Corkscrew Road currently operates under unsignalized full median opening conditions. However, a traffic signal is currently under construction at this location. Based on Lee County's *FindMyRoad* GIS webpage, Estero Town Commons Place has posted speed limit of 25 mph and is privately maintained.

Corkscrew Road is a four-lane divided arterial that borders the site to the north. No direct access to Corkscrew Road is being proposed. Corkscrew Road has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

Three Oaks Parkway is a four-lane divided arterial within the vicinity of the subject site. Three Oaks Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval of the proposed Development Order application and CPD Amendment, the subject site will be developed with an approximately 5,537 convenience store with 12 refueling positions (6 pumps). **Table 1** summarizes the land use utilized for trip generation purposes for the subject site.



Table 1
Land Use
Wawa @ Estero Town Commons

Land Use	Size
Convenience Store/Gas Station (LUC 945)	5,537 square feet w/ 12 refueling positions

Access to the subject parcel will continue to be provided to Estero Town Commons Place via existing connections (one right-in only & one full access).

IV. TRIP GENERATION & DISTRIBUTION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. A trip generation comparison was conducted for the subject site based on the number of re-fueling positions and floor area of the convenience store using Land Use Code 945 (Convenience Store/Gas Station). The trip generation comparison is attached at the end of the Appendix for reference.

Based upon the results of the trip generation comparison, utilizing the number of refueling positions to estimate the trip generation potential of the subject site yields the most conservative results. **Table 2** outlines the anticipated weekday A.M and P.M peak hour trip generation of the proposed development. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Wawa @ Estero Town Commons

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store/Gas Station (12 Refueling Positions)	189	190	379	161	162	323	4,149



The trips shown for the uses in Table 2 will not all be new trips to the adjacent roadway system. ITE estimates that convenience store/gas station use shown in Table 2 may attract a significant amount of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called “pass-by” traffic, reduces the development’s overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. ITE indicates an average “pass-by” traffic reduction for Land Use 945 of seventy-six percent (76%) during the AM peak hour and seventy-five (75%) during the PM peak hour.

For this analysis, the “pass-by” traffic was accounted for in order to determine the number of “new” trips the development will add to the surrounding roadways. **Table 3** summarizes the “pass-by” percentage of the proposed use. **Table 4** summarizes the proposed development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Pass-by Trip Reduction Factors
Wawa @ Estero Town Commons

Land Use	Percentage Trip Reduction
Convenience Store/Gas Station (LUC 945)	76% A.M. / 75% P.M. & Daily

Table 4
Trip Generation – Net New Trips
Wawa @ Estero Town Commons

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	189	190	379	161	162	323	4,149
Less LUC 945 Pass-by	-144	-144	-288	-121	-121	-242	-3,112
Net New Trips	45	46	91	40	41	81	1,037



The additional trips the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).

V. PROJECT IMPACT

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the *Lee County Link Specific Service Volumes on Arterials* Tables. From Table 1A, the proposed development is NOT anticipated to significantly impact any of the adjacent roadways. A copy of the Link Specific Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

An analysis year of 2023 was selected as the year to evaluate the impacts the proposed project will have on the surrounding roadway network. Based on this build-out year, a growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development. The growth rates were calculated based on historical traffic data obtained from *Florida Traffic Online* webpage. Based on the project distribution shown on Table 1A, the link data was analyzed for the year 2023 without the development and year 2023 with the development.

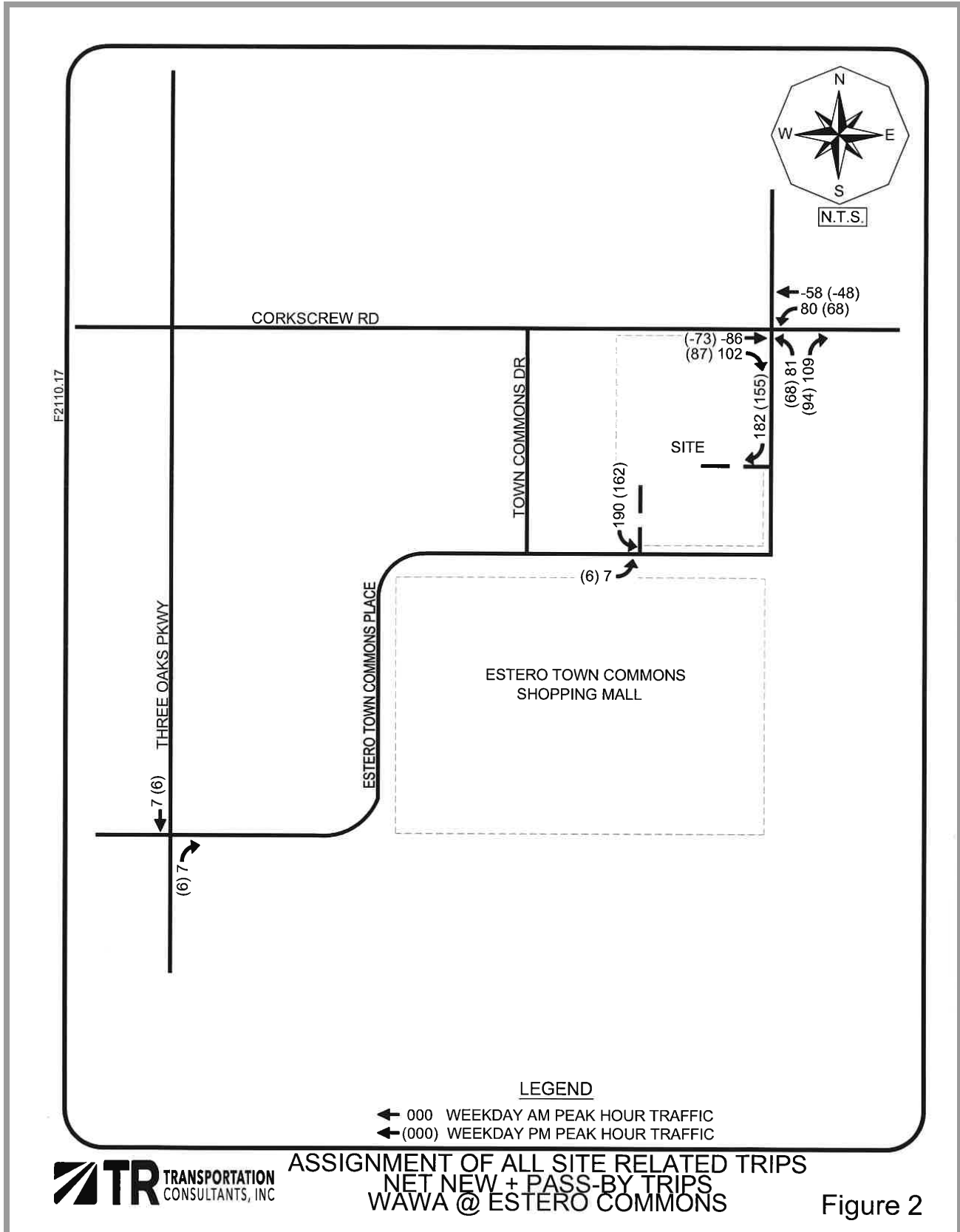


Figure 2

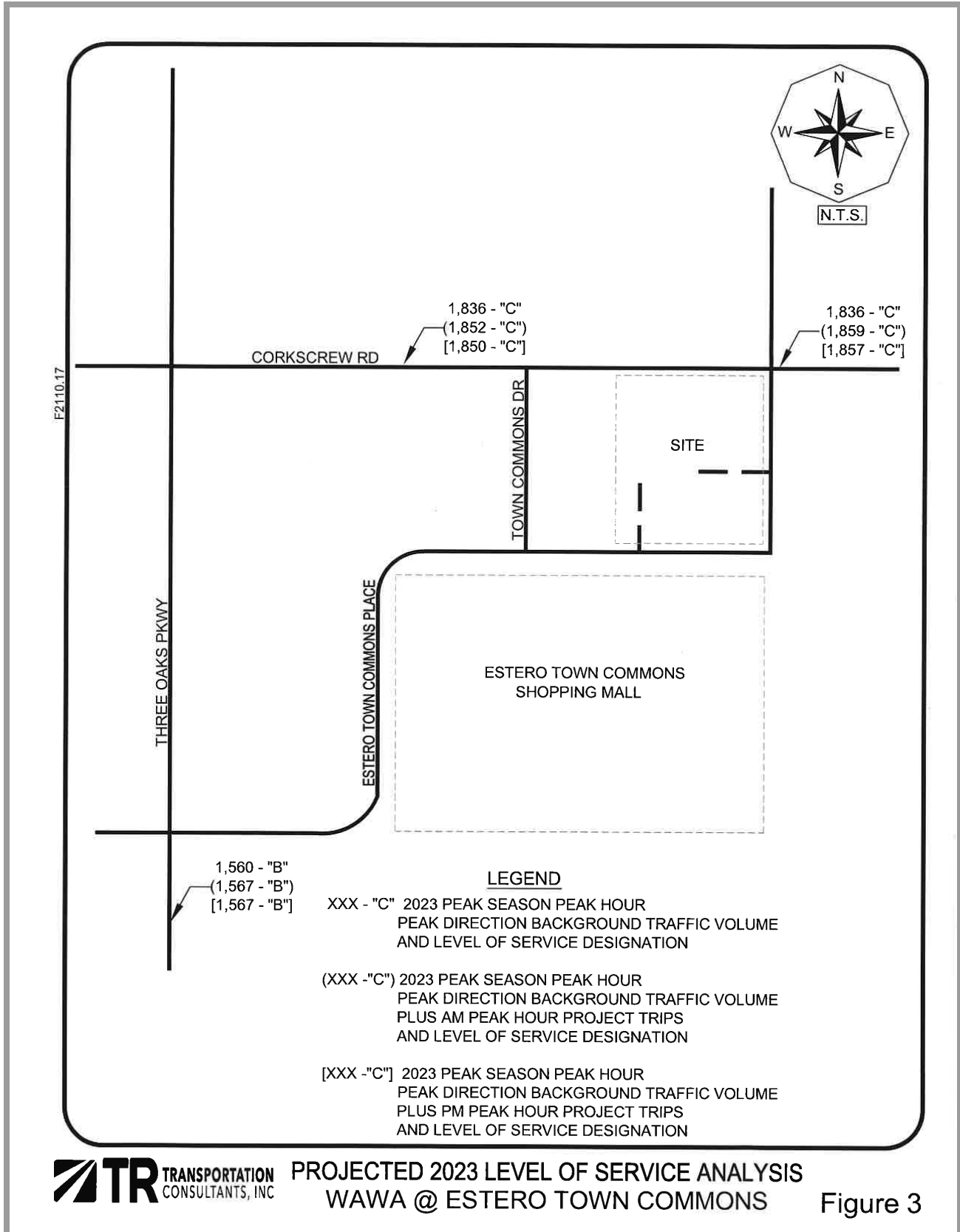


The 2020 peak hour, peak season, peak direction volumes were obtained by adjusting the 2020 AADT volume by the appropriate K and D factors. The 2020 AADT, K and D factors were obtained from the *Florida Traffic Online* webpage. The existing peak hour, peak season, peak direction traffic volumes were then factored by the annual growth rate over an appropriate number of years in order to obtain the 2023 background traffic conditions on the area roadway network. The roadway link data was then analyzed for the year 2023 without the development, and year 2023 with the A.M. and P.M peak hour development trips added to the network. **Table 2A**, located in the Appendix of this report indicates the methodology utilized to conduct the Level of Service Analysis.

The 2023 build-out traffic volumes were then compared to the Level of Service thresholds for these roadways as indicated in Table 1A. As a result, **Figure 3** was created to illustrate the 2023 peak hour-peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour-peak direction volume and Level of Service of each link should no development occur on the subject site, and the peak hour-peak direction volume and Level of Service for the weekday A.M. and P.M. peak hour with the development traffic added to the roadways. Figure 3 was derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Level of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2023 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. From the analysis indicated in Table 2A, all analyzed roadways are shown to operate at an acceptable LOS "C" or better in the year 2023 both with and without the addition of project traffic. Therefore, no roadways capacity improvements will be required as a result of this analysis.





As previously mentioned a traffic signal is currently under construction at the Corkscrew Road intersection with Estero Town Commons Place. It is important to note that a convenience food/gas station is currently permitted within Estero Town Center CPD. Currently, the existing CPD limits a convenience food and beverage store to Village Area #1 only. The proposed CPD Amendment to the current Schedule of Uses would permit a convenience food and beverage store use on Village Area #2 within the CPD. The CPD would still be limited to one (1) convenience food and beverage store. Therefore, the traffic impacts of the proposed convenience food/gas station were accounted for in the original analysis for the Estero Town Center CPD.

VIII. TURN LANE ANALYSIS

Turn lane analysis was conducted at the proposed site access drives to Estero Town Commons Place based upon the turn lane warrants contained within Lee County Administrative Code 11-4 (AC 11-4). A summary of the turn lane criteria for the proposed site access drives is outlined below:

Right Turn Lane on Local Street – Estero Town Commons Place

Posted speed limit on the local street is equal to or greater than thirty (30) mph – Criteria Met – No. The posted speed limit per Lee County's FindMyRoad GIS webpage is 25 mph.

Number of right turning movements from the local street is equal to or greater than sixty (60) during either A.M. or P.M. peak hour of the local street – Criteria Met – Yes.

Available Sight Distance for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-1 for the design speed of the local street – Criteria Met – No.

Traffic Control of the intersecting street or access point connection is a signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year– Criteria Met – No.



It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users – Criteria Met – N/A.

At least two or more criteria need to be met to warrant a right turn lane. Since two or more criteria are not met, separate right turn lanes will NOT be warranted at the proposed site access drives on Estero Town Commons Place.

Left Turn Lane On Local Street – Estero Town Commons Place

Posted speed limit on the local street is equal to or greater than thirty (30) mph and the peak hour left turning movement is sixty (60) or more – Criteria Met –No.

Number of Left Turning Movements:

On multi-lane facilities the number of left turning vehicles exceeds one hundred (100) during the peak hour of the local street.

On two-lane two-way facilities the number of left turning vehicles from the local street exceeds (60) sixty during either the peak hour of the local street and the opposing through and right turn traffic volume exceeds five hundred (500) vehicles during either the A.M. or P.M. peak hour of the local street. – Criteria Met –No.

Available Sight Distance for left turning approaching traffic: or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-I for the posted speed limit of the local street– Criteria Met – No.

Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years– Criteria Met – No.

It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users – Criteria Met – N/A.

At least two or more criteria need to be met to warrant a left turn lane. Since two criteria are not met, a left turn lane is **NOT** warranted at proposed site access drive on Estero Town Commons Place.



IX. CONCLUSION

The proposed development is located at the southwest corner of Corkscrew Road and Estero Town Commons Place in the Village of Estero in Lee County, Florida. From the Level of Service analysis conducted as part of the report, there is projected sufficient capacity on all analyzed roadway segments. Corkscrew Road and Three Oaks Parkway were shown to operate at a Level of Service “C” or better with the addition of the project traffic as a result of the proposed development. Therefore, no roadway capacity improvements will be required as a result of this analysis.

Based upon the results of the turn analysis conducted as part of this report, no turn lanes will be warranted at the proposed site access connections to Estero Town Commons Place.

A traffic signal is currently under construction at the Corkscrew Road intersection with Estero Town Commons Place.

K:\2021\10 October\17 Wawa - Corkscrew Road Estero\10-21-2021 Report.docx



Ms. Mary Gibbs, AICP
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

July 3, 2022

Via Email: gibbsagstero-flgov

**Re: 8-Day Letter
Estero Town Center CPD Amendment
DC12021-E004**

Ms. Gibbs,

Rule 5.4.2. of the Village of Estero Planning, Zoning and Design Board Rules of Procedure requires an applicant to provide a letter eight (8) days prior to the hearing. The letter is required to summarize any issues that remain unresolved between the Applicant and the Village Staff.

1. The applicant continues to request that the Convenience Store be permitted in addition to a Fast-food Restaurant and disagrees with Condition #13. Unfortunately, if the current Condition #14 in Z-03-032 and/or Condition #13 in the Staff Report remain, the applicant has been informed that they will not be granted permission to develop the Convenience Store on the subject property. The controlling entity, Kite Development has no incentive to grant the ability for Wawa to move forward if in doing so Kite loses the right to develop a fast-food restaurant on the adjacent parcel. A denial of the proposed amendment to Condition #14 in Z-03-032 and/or the inclusion of Staff's Condition #13 will have the effect of denying the use itself and the application. This denial will simply have the effect of preventing the proposed redevelopment from occurring and continuing with the current land use - a vacant, dark, unused building.
2. Right-In Only Access on Estero Town Commons Boulevard. The applicant is not comfortable with Condition 12, which leaves into question the ability to remove the existing right-in serving the site. Removing this access will cause needless internal congestion on the WaWa site by only have one ingress and egress to the facility as well as congestion within the Estero Town Commons. Wawa has developed similar sites and has designed the proposed site such that the on-site circulation allows for a minimization of stacking. The applicant as demonstrated through this process that the inbound movement will not cause any conflicts or queuing that will spill back onto Corkscrew Road. This issue will be reviewed again at the time of Local Development Order by both the Village and Lee County and if additional queuing area is needed, the applicant will work with the Village and County at that time.

3. The applicant continues to request Deviation #7 for the gas canopy. It is the applicant's belief that the proposed deviation meets the intent of the code. The appearance of the canopy adds to the architectural style of the building and the very successful branding of Wawa.

4. The applicant requests that Condition # 3 be amended to state:

The developer, successor or assigns (owner) of the Northeast parcel in Village Area #2 is responsible for ~~a~~ their proportionate share of the cost of signalization at the intersection of Corkscrew Road and Estero Town Commons Place, prior to issuance of any development order.

As written the condition is unclear and could be misinterpreted to suggest that the subject property pay a proportionate share for an area greater than just the subject property.

5. Condition #4 is redundant with the Village of Estero code and should be removed. The applicant fully intends to comply with the Village code and ADA requirements for the location of handicap parking spaces. The condition, as written, is unclear and may otherwise cause confusion at the time of local development order.
6. Condition #7 should be removed. The Village has no enforcement authority over private covenants and restrictions between two private parties. It is unclear what, if any, interest the Village has in trying to establish this authority.
7. The first paragraph of Condition #9 should be removed. Any changes to the pattern book requested by the Planning and Zoning Board and agreed to by the applicant will be made prior to the Village Council meeting. At that point the Condition will become obsolete.

If there are any questions, please do not hesitate to call our office.

Sincerely,

DeLisi, Inc.

Daniel DeLisi, AICP
President

cc. Neale Montgomery, Pavese Law Firm
Matt Britten, Brightworks Development

ESTERO TOWN CENTER CPD AMENDMENT

P, Z &D BOARD HEARING

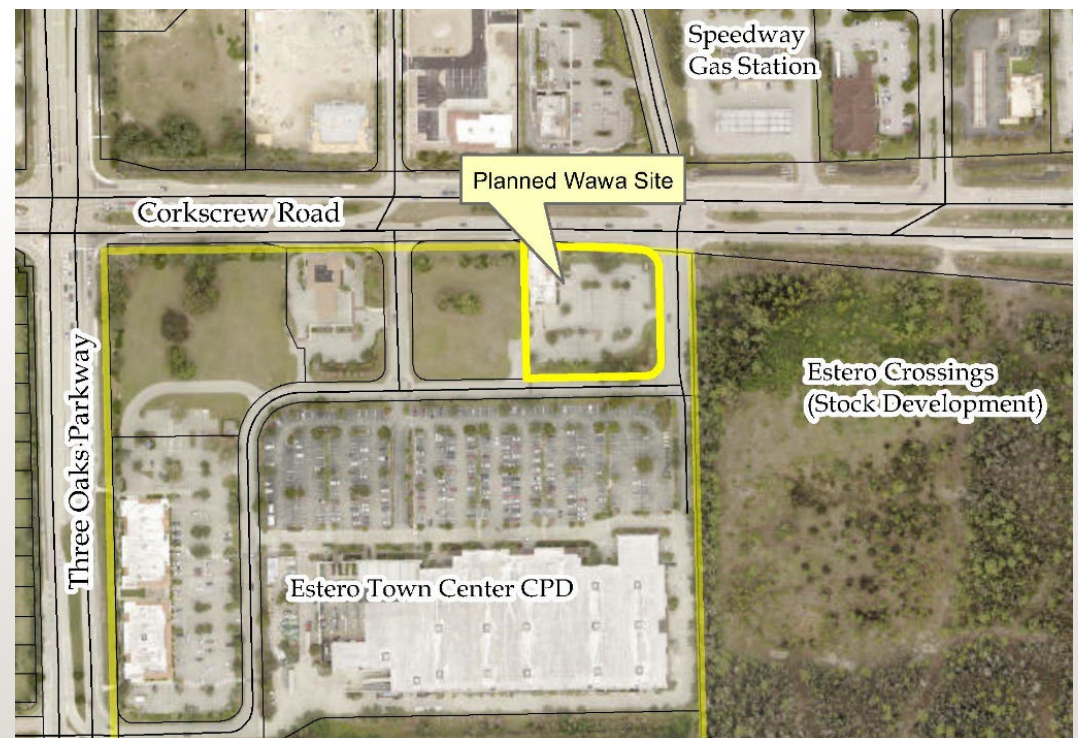
JULY 12TH, 2022

PROJECT TEAM

- ❑ Developer/ Applicant: Brightwork Real Estate
- ❑ Land Use Planner: Daniel DeLisi, AICP, DeLisi, Inc.
- ❑ Legal Counsel: Neale Montgomery, Pavese Law Firm
- ❑ Transportation: Ted Treesh, TR Transportation
- ❑ Engineer: Bowman Consulting

PROPERTY LOCATION

- ❑ Corner of Corkscrew Rd. and Three Oaks Parkway
- ❑ Wawa Parcel at Northeast corner of site.
 - ❑ Intersection of Corkscrew Road and Estero Town Commons Place



EXISTING ZONING

- ☐ Zoned CPD in 2003 for big box retail with outparcels.
- ☐ Developed with Lowes, a strip center along Three Oaks Parkway
- ☐ Outparcels along Corkscrew Road vacant or undeveloped
- ☐ Zoning allows Convenience food and Beverage with no limitations on hours of operation
- ☐ LDC has separation requirement
- ☐ Zoning limits development to 1 (one) of either a Convenience Store or a Fast-Food Restaurant.

RESOLUTION NUMBER Z-03-032

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, as application was filed by Courtelis Company to rezone a 32.96 acre parcel from Agriculture (AG-2) to Commercial Planned Development (CPD), in reference to Estero Town Center CPD; and

WHEREAS, public hearings were advertised and held on May 30, 2003, June 6, 2003 and June 13, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2002-00071; and

WHEREAS, a second public hearing was advertised and held on October 20, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 32.96 acre parcel from AG-2 to CPD, to allow for the development of a mixed use commercial center consisting of up to 265,000 square feet of gross floor area with buildings not exceeding 45 feet in height (4-stories). The development may include blasting as a development activity. The property is located in the Urban Community and General Interchange Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Estero Town Center CPD-E2007," stamped received Nov 26 2003, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The project is limited to a maximum of 265,000 square feet of gross floor area. Of this total, up to 50,000 square feet can consist of office space. Additionally, a portion of this

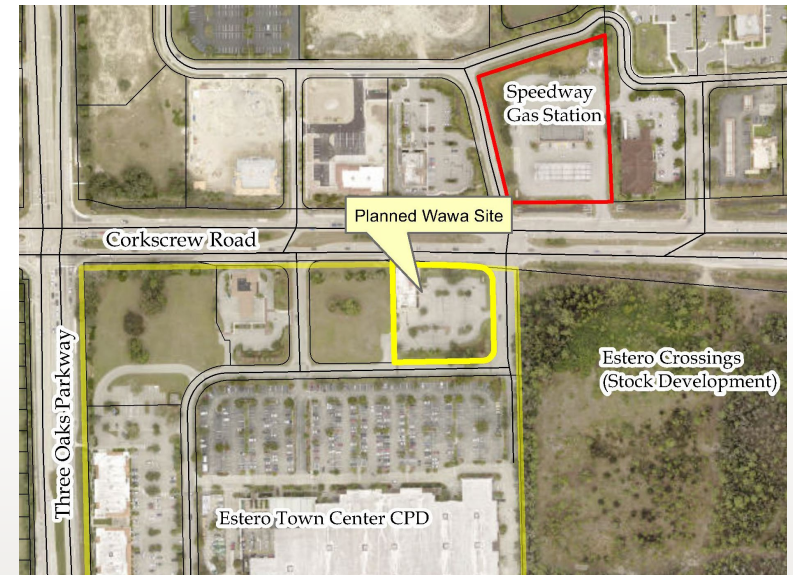
CASE NO:DCI2002-00071

Z-03-032
Page 1 of 9

COPY

ZONING REQUEST

1. Amendment to include a deviation to allow Wawa Store to be located within 500 feet of the existing gas station to the north
2. Allow for both a Convenience Store and a Fast Food Restaurant along Corkscrew Road
3. Include additional deviations needed for development of a Wawa Convenience Store



14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:
 - a) No more than one freestanding fast food restaurant (as defined in LDC §34-2) is permitted;
 - b) No freestanding fast food restaurants are permitted if a convenience store has already been permitted in the Village Areas abutting Corkscrew Road;

ZONING HISTORY

- ❑ The property's zoning dates back to 2002
- ❑ No development proposed or permitted on the east or west of the property
- ❑ Subject property located entirely within the Urban Community Future Land Use Category
- ❑ Corner of Corkscrew and Three Oaks designated as a "Commercial Node" in the Lee Plan
- ❑ General Interchange to the east
 - ❑ Community assumption that Corkscrew Road could have proliferation of fast-food



PROGRESSION OF DEVELOPMENT

- ❑ Residential, hotels and restaurants at northwest I-75 Quadrant
- ❑ Office and restaurants in Plaza del Sol
- ❑ Car dealership and Office at southwest I-75 Quadrant
- ❑ Residential at southwest quadrant of “Commercial Node”
- ❑ Estero Crossing – Residential with come commercial – 1 fast food proposed
- ❑ Concerns about proliferation of fast food 2002 did not transpire



CONDITION 14

- ❑ Introduced at the Hearing Examiner Hearing as a result of the fear that Gas stations and fast food would proliferate Corkscrew Road
- ❑ Concern mostly centered around fast food
- ❑ Almost no fast-food restaurants developed on the west side of I-75

14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:

- a) No more than one freestanding fast food restaurant (as defined in LDC §34-2) is permitted;
- b) No freestanding fast food restaurants are permitted if a convenience store has already been permitted in the Village Areas abutting Corkscrew Road;

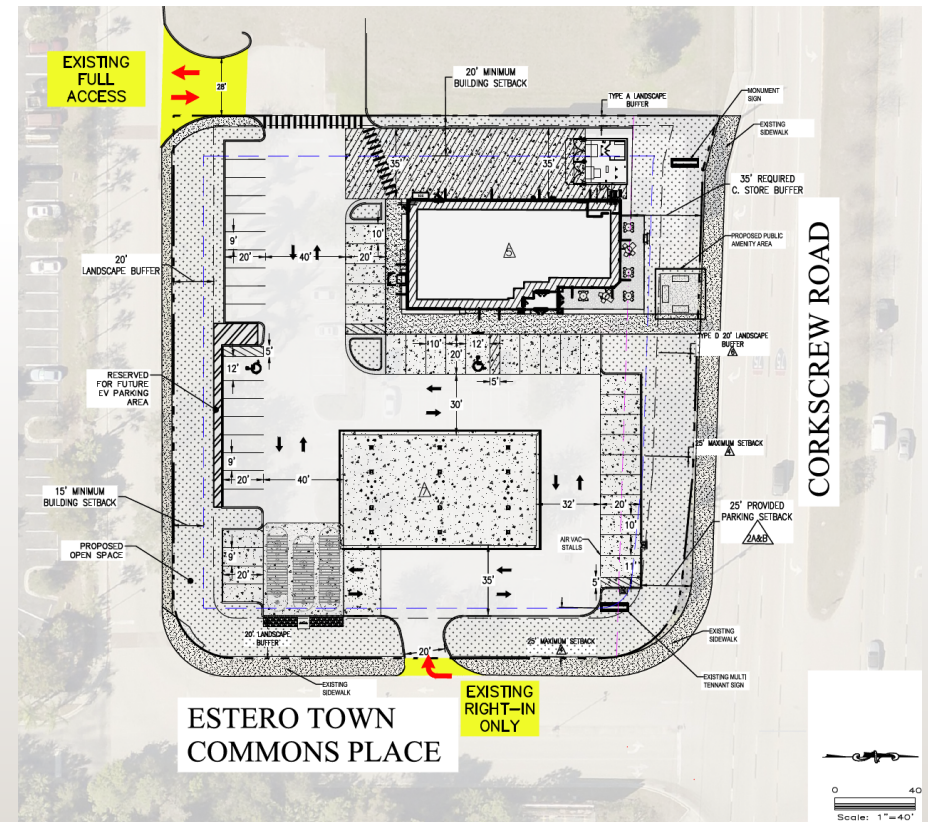


WHAT/WHO IS WAWA

- ❑ Convenience store
 - ❑ Ancillary fuel pumps
- ❑ 200 yr. old company – started as a dairy farm and milk store
- ❑ Known for hoagies and other food items
 - ❑ Unlike Gas stations, business is centered around the food
 - ❑ Store designed around the hot, fresh made food



- ❑ At the corner of Estero Town Commons Place and Corkscrew Road.
- ❑ Re-develops a site with an existing vacant building
- ❑ Outdoor seating and public amenity area along Corkscrew Road



PROPOSED PATTERN BOOK - EAST ELEVATION



PROPOSED PATTERN BOOK - EAST ELEVATION

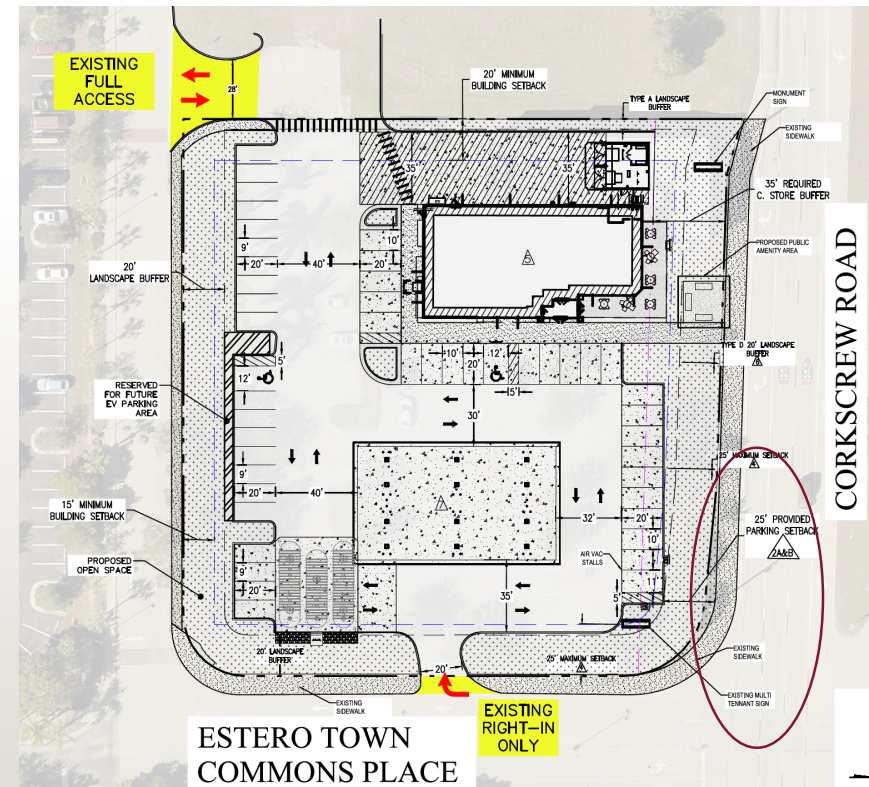


CORKSCREW ROAD



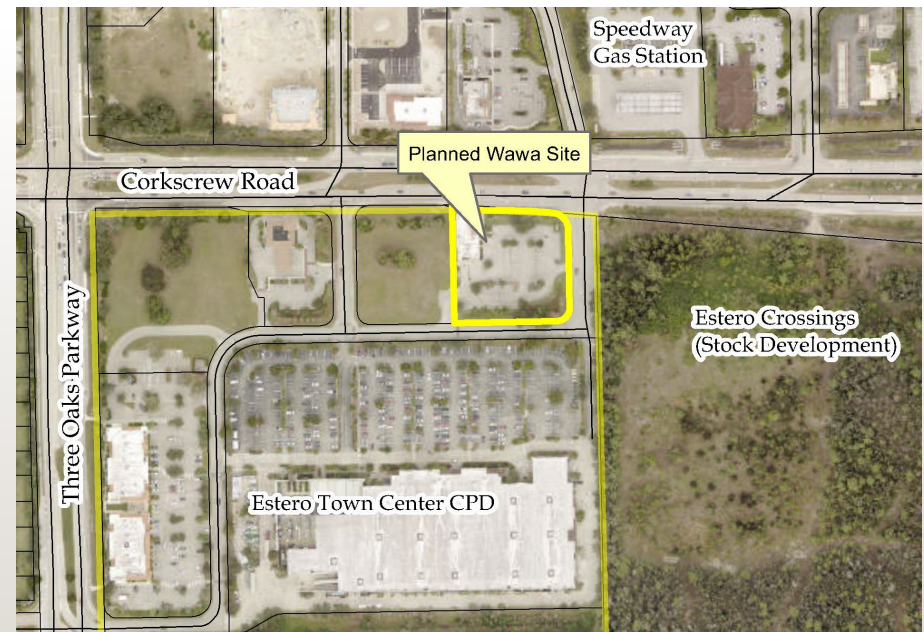
DEVIATIONS

- ❑ Amendment to Existing Deviation 2A. – allows a 30' Setback requirement for parking areas
 - ❑ Most of the parking area meets the 30' setback, but towards the east, the ROW curves south.
 - ❑ Requesting 25'



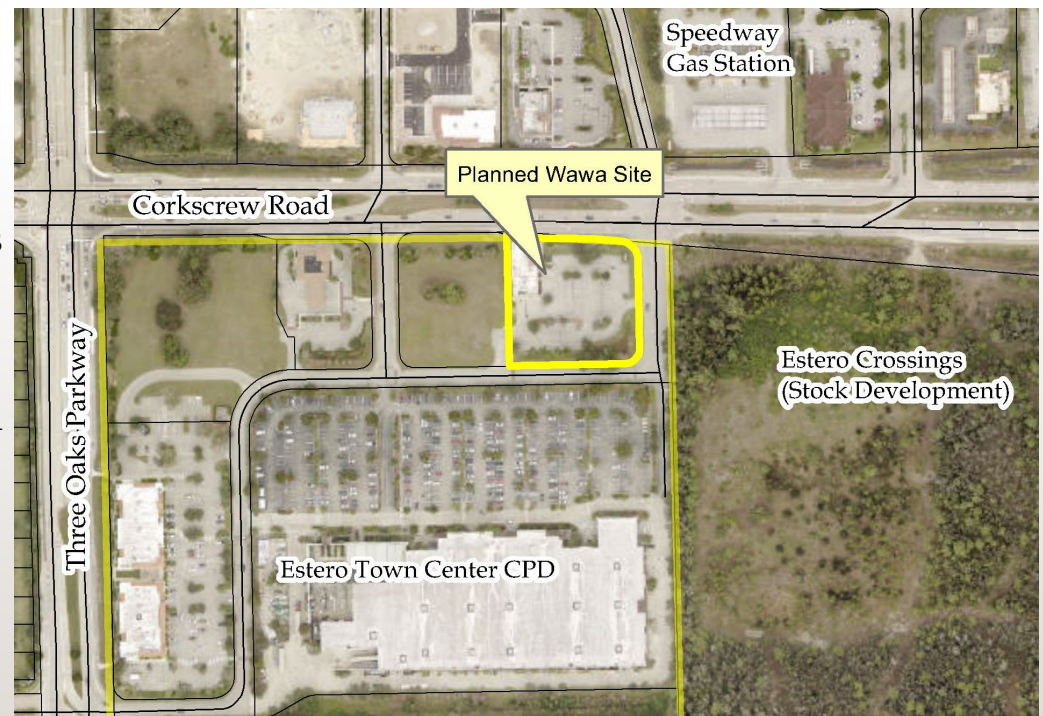
DEVIATION 3

- ❑ Requires 500' distance between Convenience Stores with gas
 - ❑ Intended to prevent proliferation at intersections
 - ❑ Closest fuel sales on south side of Corkscrew Road at corner of US 41.
 - ❑ Wawa is a unique type of Convenience Store



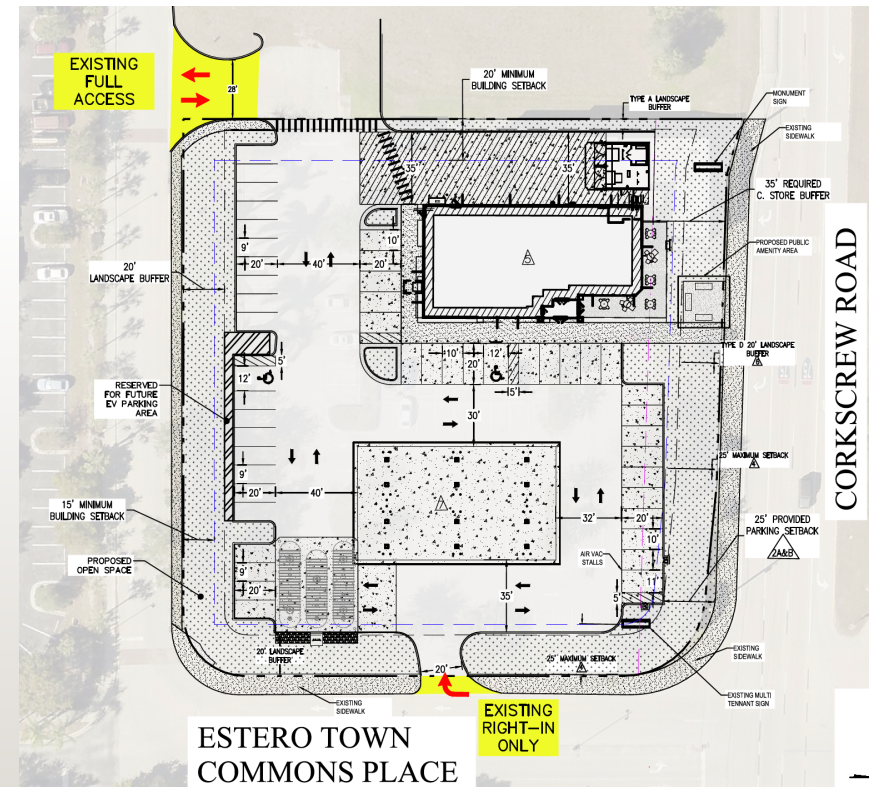
DEVIATION 4

- ❑ Requires 25' maximum setbacks along both adjacent streets at street intersections
 - ❑ The intent was not for outparcels at the entry of shopping centers
 - ❑ Intent was at public crossroads
 - ❑ Existing building consistent with this interpretation



DEVIATION 5

- ❑ a minimum of 40% of the frontage must be building area
- ❑ Orientation of the building and canopy have been designed based on safe internal circulation.



DEVIATION 6

- ❑ Requires 25' buffer width.
 - ❑ Proposing 25' average width
 - ❑ Property located between Wawa site and Corkscrew Road under separate ownership within the existing buffer
 - ❑ No decrease in plantings being requested



DEVIATION 7 - GAS CANOPY

- ❑ LDC prohibits flat canopy roofs and requires roofs to have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet
- ❑ To allow for the sloped roof with an angled return at the low end and with the detailing as shown in the pattern book
- ❑ Proposed design wasn't the concern in writing code
 - ❑ Stone siding
 - ❑ Architecturally pleasing
 - ❑ Integral part of the Wawa brand
 - ❑ Materials consistent with building



SUMMARY

☐ Amendments to existing Zoning to allow:

1. Change to Condition #14 to allow for both Wawa and a Fast Food Restaurant along Corkscrew Road
2. Change to the Schedule of Uses to Allow for a Convenience Store abutting Corkscrew Road
3. Deviations to allow the site to be redeveloped for a Wawa Convenience Store
4. Amendment to prior approved administrative amendment to include signage.

QUESTIONS?

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 09

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING SECTION 2-302C.2. OF THE VILLAGE LAND DEVELOPMENT CODE TO CHANGE MEMBERSHIP QUALIFICATIONS OF THE PLANNING ZONING AND DESIGN BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero adopted its Land Development Code on January 27, 2021 to establish the Village Planning Zoning and Design Review Board ("PZDB"); and

WHEREAS, the PZDB has recommended that the membership qualifications of the PZDB should be adjusted to provide certain designated seats for professionals to serve on the Board in the interest of encouraging service by volunteer professionals and thus the continued use of professional expertise for the benefit of the Village; and

WHEREAS, the PZDB also recommends that the Village and the PZDB have a strong public interest in balancing the ability of volunteer professionals to practice their profession in the Village with the reduction of potential conflicts of interest, real or perceived, on the part of such professionals; and

WHEREAS, the PZDB recommends that the adjustment of membership qualifications should also be accompanied restrictions on the practice of professional members of the PZDB beyond what is required by Florida law; and

WHEREAS, the Village PZDB, as the Local Planning Agency and in a duly noticed public hearing on _____, considered the proposed changes and recommended that the proposed changes are consistent with the Village of Estero Comprehensive Plan; and

WHEREAS, the Village Council on _____ held a duly advertised first reading of the proposed changes; and

WHEREAS, the Village Council on _____ at a duly advertised public hearing considered the proposed changes, the recommendations of the PZDB and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

~~Strike through~~ and underline show changes from the existing Land Development Code. Ellipses (* * *) show that adopted text is omitted for brevity.

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Sec. 2-302C. Membership.

Section 2-302C of the Village Land Development Code is hereby amended in regard to the Planning Zoning and Design Board to state as follows:

Sec. 2-302C. Membership.

1. The PZDB shall have not less than seven nor more than nine members appointed by the Village Council by affirmative vote of a majority of the full Village Council membership. An additional non-voting, *ex officio* representative of the Lee County School Board may also serve on the PZDB in accordance with state law. The School Board shall notify the Village Clerk in writing within 10 days of the appointment or removal of any member.
2. At least a majority of the members of the PZDB appointed by the Village Council shall be residents of the Village. All other members shall either (i) own a business in the Village, (ii) own property in the Village, or (iii) work in the Village. The members of the Board shall include at least one member (“designated member”) from the following Florida state-registered professions: (i) engineering, (ii) architecture, and (iii) landscape architecture. Other members shall have diverse backgrounds, and, wherever possible, prior experience in land use, planning, zoning, legal matters, environmental matters, ~~engineering, architecture, landscape architecture,~~ or building and development. Each member shall be sympathetic to municipal development consonant with the comprehensive plan and with the health, safety, and welfare of its residents. No Board member shall hold any other public office, appointive or elective. A designated member shall be permitted to represent a client at a Public Information Meeting, but shall not represent a client before the Board, participate in discussion or vote on the client’s application at any other meeting. Notwithstanding, other members of the designated member’s firm may represent the firm client before the Board at any meeting.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED on first reading this ____ day of _____, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 2022.

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93 Attest: **VILLAGE OF ESTERO, FLORIDA**
94
95
96 By: _____ By: _____
97 Carol Sacco, Village Clerk Katy Errington, Mayor
98
99
100 Reviewed for legal sufficiency:
101
102
103 By: _____
104 Nancy E. Stroud,
105 Village Land Use Attorney
106
107
108 Vote: AYE NAY
109
110 Mayor Errington _____
111 Vice Mayor McLain _____
112 Councilmember Boesch _____
113 Councilmember Fiesel _____
114 Councilmember Ribble _____
115 Councilmember Ward _____
116 Councilmember Wilson _____

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