

## **"Bars in Estero" - ECPP**

Why we're here tonight

## **Background of Our Regulations**

- Lee Plan Policy 19.2.5 originally adopted in 2002:
  - "The following uses are prohibited...  
...nightclubs or bar and cocktail lounges not associated with a Group III restaurant ..."
  
- Why was that policy adopted?
  - Dan DeLisi will address this

## So What's Changed? – Recent Events:

- July 2010 ECPP Meeting – Coconut Point requested discussion regarding allowing the “World of Beer” to occupy a vacated parcel in their Town Center location in the mall
- The panel discussion showed general support for this request based on the site, the business and our ongoing positive relationship with Coconut Point, but needed additional information
- Item added to the agenda for our August ECPP meeting for further discussion

## August ECPP Meeting

- Policy 19.2.5 discussed at length with county staff, two land use attorneys, plus Coconut Point and World of Beer representatives
- After much discussion, our panel asked county staff and the attorneys to craft language to be reviewed at our SE meeting that would allow such usage within the Coconut Point mall
- Because all such policies are part of Lee County's comprehensive plan, any changes would have to be done using the “Comp Plan Amendment” process through the County and State government
- This is a lengthy and somewhat convoluted sequence of events that would probably take 12-18 months to accomplish
- But a “shortcut” was identified at this meeting

## The Shortcut

- A Comprehensive Plan Amendment for University Highlands (part of the Timberland and Tiburon DRI that includes Miramar Outlets, Germain Arena and other properties adjoining Ben Hill Griffin, north of Corkscrew Road) has been going through this process since last June
- County staff and the attorneys indicated that the county could include -- as part of this ongoing amendment -- language that would essentially allow the bar in question at Coconut Point

## The Shortcut (continued)

- Specifically, County staff could add language that allowed the usage in question to the Timberland & Tiburon DRI amendment but craft it so that Coconut Point's DRI would also benefit from the change
- After much discussion, the panel agreed to this change at our August ECPP meeting – we asked for the exact language to be reviewed at our September meeting

## September ECPP Meeting

- The staff met with the attorneys and crafted more general language that would apply to any planned development in Estero within a "mixed-use" overlay district -- this was presented to the ECPP
- The panel deemed this not acceptable, and we approved the original language allowing the usage only for the large DRI's as previously discussed
- The urgency to do this was driven primarily by the scheduled adoption hearing (BOCC sign off) for this amendment on 10/18/2010 – the same day as our next regularly scheduled ECPP meeting

## The Pushback

- Just prior, during and subsequent to our September meeting, three complaints were raised to the panel:
  - The County Attorney's Office felt that "due process" was not properly followed with regard to notice for adjacent property owners, etc. regarding this new language
  - A developer of a smaller parcel in Estero noted that we were accommodating the request of an out-of-town mega developer (Simon) but disadvantaging local developers who were trying to follow our mixed-use town center approach for their properties
  - The University Highlands developer (T&T DRI) indicated he did NOT want to jeopardize his project for this change to accommodate Coconut Point

## The Result

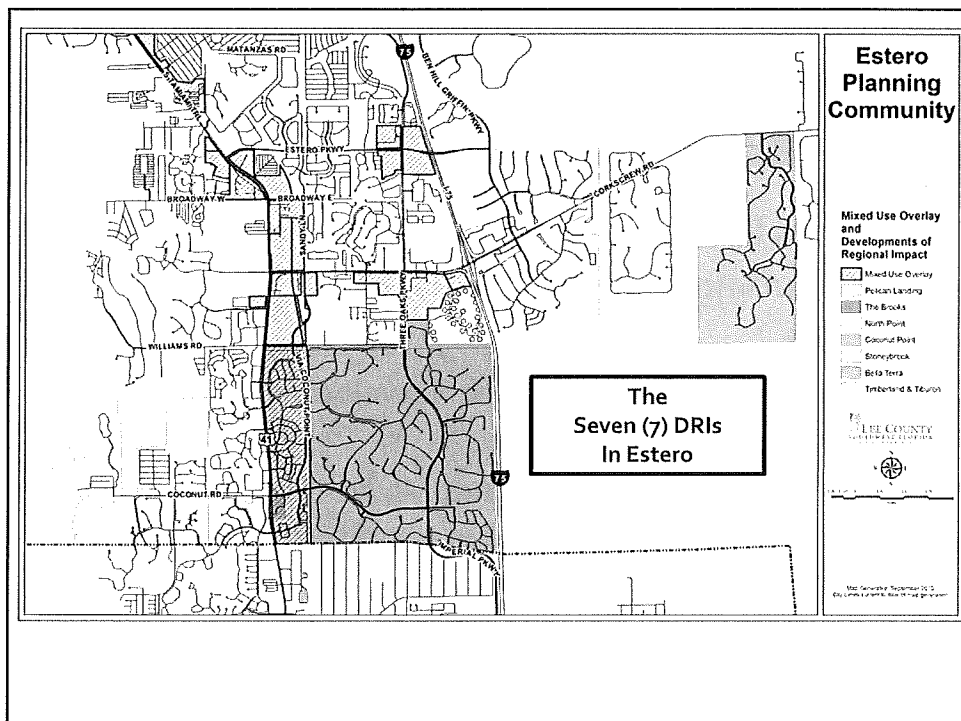
- Today we're here at a public meeting to discuss the issue and gather input from residents regarding how we should proceed prior to and during the adoption hearing on October 18<sup>th</sup>
- The urgency is essentially determined by one applicant to Coconut Point, and cannot wait for our November 13<sup>th</sup> planning workshop if that specific usage is to be accommodated within a reasonable timeframe

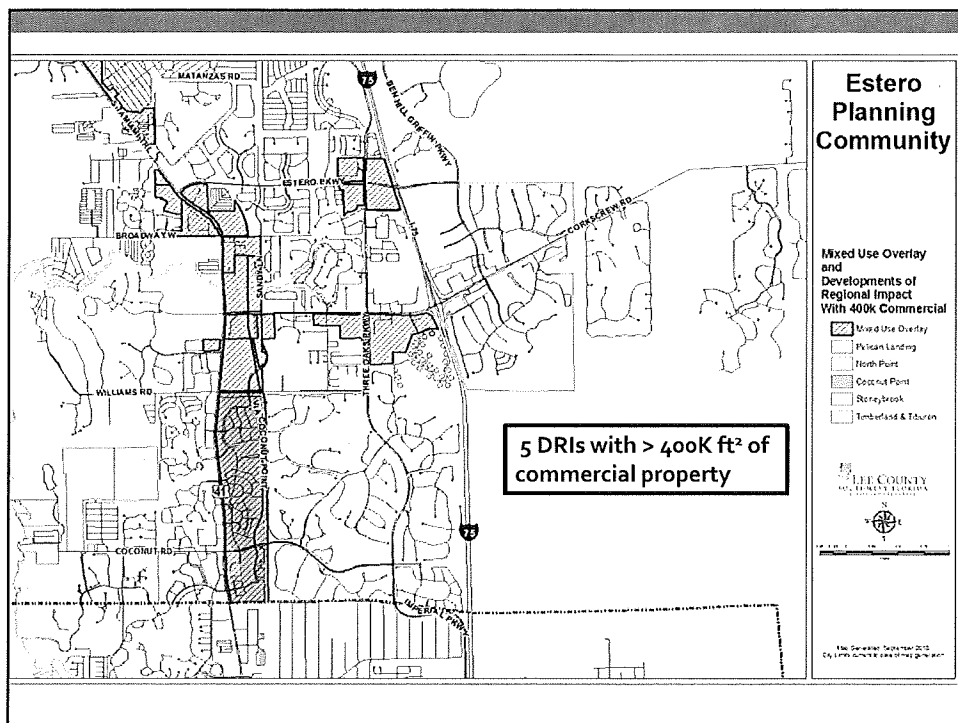
## Items to Discuss

- Does Estero want to change its policy regarding prohibited uses for stand-alone bars
  - Within large commercial Developments of Regional Impact?
  - Additionally, within other Mixed-Use planned developments that are in our mixed use overlay?
  - Or do we wish to keep the current policy as is?

## Large Commercial Developments

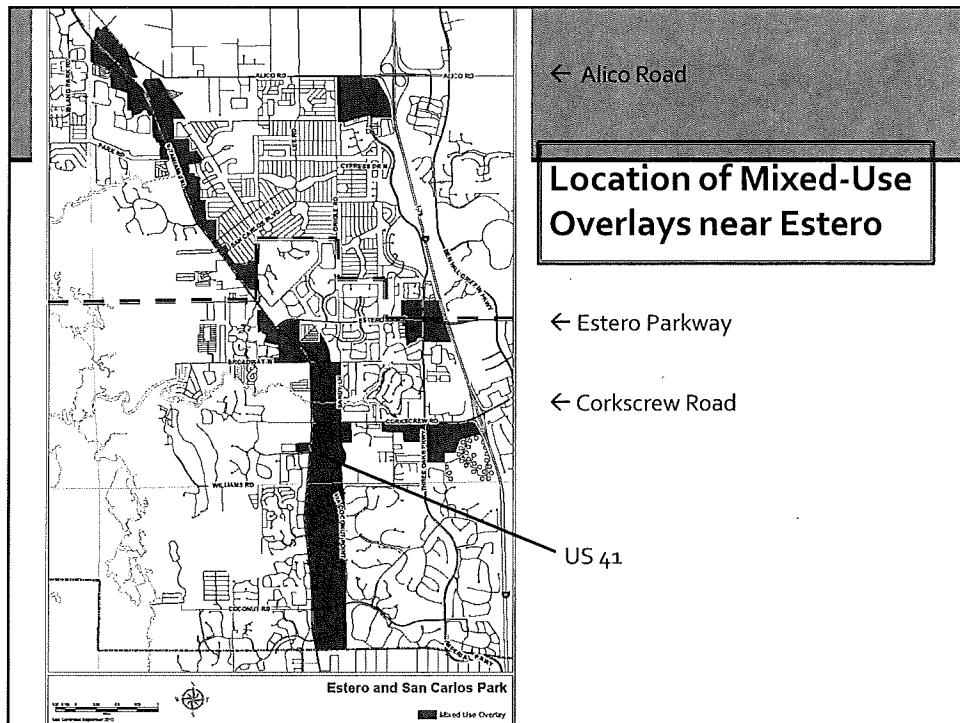
- Do we feel that DRI's which include commercial uses of 400,000 ft<sup>2</sup> and larger should have the ability to request two (2) stand-alone bars (the original language)?
- See attached map of these properties in Estero --





## Mixed Use Overlays in Estero

- Do we feel that those smaller commercial developments within Estero's Mixed-Use overlay which pursue true mixed use developments should be allowed one free-standing bar as an approved usage?
- See attached map that shows the mixed-use overlay zoning in Estero




## What would approval of such usages mean?

- Any policy change would be qualified as follows:

*“The specific size, location and building orientation of any proposed nightclub, bar, or cocktail lounge must be identified on the Master Concept Plan. The hours of operation and outdoor seating may be conditioned through the planned development process. Outdoor entertainment, including amplified sound, may be conditioned or prohibited depending on the size, location and building orientation. This use must be approved through the planned development public hearing process.”*





**The Future of Estero  
Is In Your Hands**

**A Community Planning Workshop**  
**Saturday, November 13<sup>th</sup>**  
**9 a.m. to 1 p.m.**  
**The Hyatt Coconut Point Resort**

During the last decade the development of Estero's commercial corridors, US 41 and Corkscrew Road, has been shaped by the Estero Community Plan and extensive Estero only Land Development Code provisions.

These plans include signage standards; "big box" standards; overlay districts that ensure compatibility among adjacent properties; architecture, landscape and appearance standards and setback and height limitations. The Estero Community Plan was adopted by the County Board in early 2002 and the Code provisions during the next three years.

**Come share your thoughts about what you like  
and dislike about the development of Estero  
during the last nine years.**

## DISCUSSION

- Panel Members
- Public

