



**ARCOS EXECUTIVE CENTER – PLAZA DEL SOL**  
**Commercial Planned Development Amendment**  
**Zoning Staff Report**

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**PROJECT NAME:** ARCOS EXECUTIVE CENTER  
**CASE TYPE:** PLANNED DEVELOPMENT AMENDMENT  
**CASE NUMBER:** DCI2017 - E-005  
**PLANNING & ZONING BOARD DATE:** March 20, 2018  
**VILLAGE COUNCIL DATE:** TBD

**REQUEST AND STAFF RECOMMENDATION**

The applicant is requesting amendments to the Planned Development Zoning for a 3.72 acre portion of the Plaza Del Sol Commercial Planned Development (CPD), located at the northeast corner of Three Oaks Parkway and Corkscrew Road. The applicant is requesting an increase in square footage and height for a proposed 66,000 square foot “Class A” office building, and deviations for architectural feature height, and setbacks.

*Staff recommends approval of the request with conditions. Staff notes that additional improvement in the architectural style of the building should be achieved prior to development order approval.*

**APPLICATION SUMMARY**

**Applicant**

Rick Losee, MIG-LAI Real Estate Holding, LLC

**Location**

The subject property is located at the northeast corner of Three Oaks Parkway and Corkscrew Road at 10150 and 10170 Arcos Ave. The subject property STRAP numbers are 35-46-25-E1-3100B.0000 and 35-46-25-E1-3100C.0000.

**Request**

Commercial Planned Development (CPD) amendment to:

1. Increase maximum height from 35 feet or two stories to 52.7 feet or three stories;

2. Increase square footage from 37,200 square feet to 66,000 square feet;
3. Deviation from Land Development Code (LDC) height limitations to allow tower architectural features with a maximum height of 59.93 feet; and
4. Deviation from the LDC Corkscrew Road corner lot maximum setback of 25 feet from each adjacent right-of-way to allow a maximum building setback of 120 feet.

### **LAND USE CATEGORY**

Urban Community (Proposed Transitional Mixed Use)

### **PUBLIC INFORMATION MEETING**

Two public information meetings for this application were held at the Planning and Zoning Board on June 1, 2017, and the Design Review Board on June 14, 2017. Planning and Zoning Board members asked about the lift station at the corner of Corkscrew Road and Three Oaks Parkway, whether the project would harm the onsite heritage trees, and several architectural questions such as the exterior finish of the building, what is the roof composed of, and what is the architectural style of the building. The Board also asked the applicant to describe the tenants, will there be retail, are there requirements for LEED, is the project utilizing solar, and have they done a preliminary traffic study. No public comments were received.

Design Review Board members asked about the existing heritage trees, the distance from Corkscrew Road property line to the proposed building, and if relocating the lift station will affect the landscaping along Three Oaks Parkway, will there be a sidewalk connection to the vet hospital on the neighboring parcel, and whether there will be a sidewalk connection to Three Oaks Parkway. There were also questions about the architecture of the building, and if the building is symmetrical on all sides. The board also expressed a desire that there should not be as much landscaping or trees next to the existing heritage trees along Corkscrew Road so as to bring the focus to the existing heritage oak trees and make the building/architecture more visible in the background.

Copies of the minutes of these meetings are attached as Attachment J. Staff notes that the applicant has concurrently submitted a Development Order (DOS2017-E006) for the proposed commercial building.

### **PROJECT HISTORY**

The property that is the subject of this request is a portion of a larger development known as Plaza Del Sol. The subject site is made up of two parcels, Parcel B and Parcel C, within the larger Plaza Del Sol development. The subject site is approved for a variety of commercial office and retail uses. The applicant proposes to construct a single commercial building utilizing both parcels. The applicant desires additional height and square footage than what is approved as well as placing the building further back from Corkscrew Road to preserve several heritage oak trees. The history of the property is discussed in greater detail below.

The larger 38 acre site, originally known as "Corkscrew Crossing", was rezoned by the County from agricultural (AG-2) to Commercial Planned Development to permit a community shopping center on November 13<sup>th</sup>, 1989 (Resolution Number Z-89-051). The site of this request was located in a portion of the property depicted as a lake. This approval was vacated and a new

Master Concept Plan was adopted (by Resolution Z-94-050) on December 5<sup>th</sup>, 1994. Within this Master Concept Plan, the subject site was depicted as a lake.

The applicant in 2002 filed a request to amend the existing (Corkscrew Crossings) Commercial Planned Development (as contained in Resolution Z-94-050) to revise the schedule of uses, increase the permitted gross square footage, allow additional lots, relocate an on-site lake, and revise the open space calculations, deviations, and site development notes. Resolution Z-94-050 was replaced in its entirety with Resolution Number Z-03-039 (which also renamed the project as "Plaza Del Sol"). The subject site was depicted as being located in Parcel B and Parcel C. The approval included a variety of commercial office and retail uses in a schedule of uses that applied to the whole property with a couple of specific exceptions that did not apply to these parcels. The approval did include Design Guidelines (Revised 07/14/03) that were adopted as part of the project.

The subject site of this request is vacant. The subject site is made up of Parcel B and C of the plat of Plaza Del Sol (Plat Book 80, Pages 74-76). The Plat was recorded on January 31<sup>st</sup>, 2005. The plat mirrors the Master Concept Plan contained in Resolution Number Z-09-037. Various parcels of the plat remain vacant but several have been developed such as Culver's Restaurant on Parcel F and Classic Car Wash on Parcel H. – Parcel G was approved by Resolution Number Z-09-037 for as yet unbuilt ALF. The existing building on the western portion of Parcel G consists of 39,234 square feet of medical office (Estero Medical Center).

The Estero Medical Center applied for an amendment to Resolution Number Z-09-037 to eliminate the maximum building side setback of five feet. Village Council adopted this amendment on May 18<sup>th</sup>, 2016 (Ordinance No. 2016-05).

## **PROJECT DESCRIPTION**

Plaza Del Sol is located in the northeast quadrant of the intersection of Corkscrew Road and Three Oaks Parkway. The subject property is 3.72 acres located at the intersection of Corkscrew Road and Three Oaks Parkway and west of Arcos Avenue.

The applicant requests an increase in the maximum commercial gross building square footage for Parcels "B" and "C" from 37,200 square feet to 66,000 square feet of commercial space made up of 60,000 square feet of office space and 6,000 square feet of retail space on 3.72 acres. The applicant is also requesting an increase in the allowable height for Parcels "B" and "C" from 35 feet or two stories to 52.7 feet and three stories. The applicant is also seeking two deviations from the Land Development Code (LDC), one for architectural elements that exceed the maximum height limitation, and one for a greater setback for a building on a corner lot to preserve existing heritage oak trees along Corkscrew Road.

The applicant proposes project architecture that provides for varied building heights and that the project locates the three-story building in such a manner as to preserve the onsite heritage oak trees located along Corkscrew Road.

## **MASTER CONCEPT PLAN**

The applicant has provided a Master Concept Plan that depicts a 66,000 square foot office building on Parcels B and C of the Plaza Del Sol commercial development. The applicant is

proposing a single access point for the proposed office building on Arcos Avenue. The Master Concept Plan proposes the relocation of the Lee County Utilities lift station from the intersection of Corkscrew Road and Three Oaks Parkway to the northeast corner of Parcel B. The Master Concept Plan includes a pedestrian connection (sidewalk) at the vehicular access point. The plan includes a relatively large parking lot north of the proposed building. This proposed parking lot does not include any pedestrian amenities, forcing the patrons of the building to walk in the parking lot with no alternative. The plan includes a boardwalk and plaza area along Corkscrew Road incorporating the heritage oak trees that will function as public gathering spaces. The proposal includes a single building that has 3 stories. The proposal provides 190 parking spaces including 6 handicap spaces. The LDC, for this use, requires 189 parking spaces.

The Master Concept Plan includes a 15 feet wide right of way buffer along Arcos Avenue consistent with approved Deviation # 9 of Resolution Number Z-09-037. The applicant is also providing more open space than what is required, with 39.52% provided, while 30% is required.

### **PATTERN BOOK**

The applicant has submitted a pattern book consistent with the requirements of LDC Chapter 33, Subdivision VI. The pattern book includes information concerning the architectural style of the proposed facility including building details. The pattern book also includes a site plan that provides the building and parking lot layouts as well as stormwater detention areas. The Master Concept Plan provides information concerning pedestrian interconnects with adjacent properties as well as internal pedestrian and bicycle (bike rack) facilities. The pattern book also includes information concerning the landscape design and landscape plan for the proposed facility.

The architectural style has been recently revised to be more Mediterranean, consistent with the architectural vision of the Village of Estero as well as the Plaza Del Sol Design Guidelines. The site will connect to the existing five foot sidewalk system along Arcos Avenue. Sidewalks are provided around the building with a connection to Arcos Avenue and future connections to the intersection of Three Oaks Parkway and Corkscrew Road and Parcel D to the east. The proposed plan includes a bike rack on the east side of the proposed building.

### **SURROUNDING ZONING AND LAND USE**

North – Vacant Parcel A of the Plaza Del Sol development. North of this vacant parcel is Quente Way then Parcel H which is developed with the “Classic Car Wash” then north is Calvary Chapel and then vacant property designated as Urban Community or Wetlands Future Land Use categories (Proposed Transitional Mixed Use).

East – Arcos Avenue and vacant Parcel D of the Plaza Del Sol development. East of Arcos Avenue is Estero Medical Center and the proposed assisted living facility Phoenix at Estero on Parcel G and then the Plaza Del Sol stormwater management tract containing a lake then the Estero Interstate Commerce Park Commercial Planned Development. Estero Interstate Commerce Park has been developed with a variety of uses including multi-family apartments, the Embassy Suites Hotel, a Mobil gas station, and an Applebee’s restaurant. A Springhill Suites Marriott Hotel is proposed to be developed north of Corkscrew Commons Drive. There is also a Speedway gas station located along Corkscrew Road between Plaza Del Sol and Estero Interstate Commerce Park. Estero Interstate Commerce Park is located in the General Interchange Future Land Use category (Proposed Transitional Mixed Use). Culver’s

restaurant is also located to the east on Parcel F of the Plaza Del Sol development. East of Culver's restaurant is a Speedway gas station.

South – Corkscrew Road then the Estero Town Center Commercial Planned Development (CPD) which contains a Lowe's Home Improvement store and various outparcel uses such as a Ruby Tuesday restaurant and a Complete Dentistry office). The land use designation is Urban Community (Proposed Transitional Mixed Use).

West – Three Oaks Parkway then the Lee County South County Regional Library facility and south of the library at the intersection of Three Oaks Parkway and Corkscrew Road is a Seven Eleven gas station and an Arby's restaurant. These properties are located in the Urban Community Future Land Use category (Proposed Transitional Mixed Use) with the exception of the library which is located in the Public Facilities Future Land Use category.

## **STAFF ANALYSIS**

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, height, compatibility, and Comprehensive Plan considerations (including Estero-specific goals and policies).

The Planning and Zoning Board will review the project on March 20<sup>th</sup> and will provide a recommendation to Council. In order to assist, staff has provided a summary of the project's advantages and disadvantages below. Following this section is more information on each of the issues.

### **Summary of Advantages and Disadvantages**

Disadvantages:

- Proposal results in a relatively large parking lot adjacent to Three Oaks Parkway.
- Proposal lacks pedestrian connectivity within the parking lot north of the proposed building, forcing patrons to walk in the parking lot, utilizing the parking aisles to gain access to the building.
- Proposal does not provide any internal connectivity to Parcel A to the north.

Advantages:

- The applicant is proposing "Class A" office space with some minor retail uses, such as a coffee shop, to support the office uses.
- The proposal includes preserving the heritage oak trees along Corkscrew Road and incorporating a public boardwalk and plaza area.
- The applicant is accommodating the relocation of the lift station from the intersection of Three Oaks Parkway and Corkscrew Road to the northeast corner of Parcel B.
- The project is providing additional open space than required. Thirty percent open space is required on this parcel, the applicant has committed to providing 39.52% open space.

### **Height**

Section 33-229 of the Land Development Code limits height of buildings outside of the Highway Interchange Areas to a maximum of three stories or 45 feet, whichever is less. This section of

the code also provides that “Elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines, may exceed the maximum height limitations with an approved variance or deviation.” Resolution Z-09-037 specifies a maximum building height of 35 feet or two stories for the Plaza Del Sol planned development. The applicant requests an increase in the allowable height for Parcel B and C to 52.7 feet or three stories, and 59.93 feet for architectural features.

### **Environmental Issues**

Staff has performed an environmental inspection on the property. The following are the findings:

- The property has been cleared.
- There are no wetlands on the site.
- There are no native vegetative communities or critical habitat that could support listed species.
- There are no imperiled (listed) species on the site and no potential since there is no critical habitat.
- A small corner of the site, the northwest corner, is located within a floodway. A dry detention area is proposed to be located in this area.
- The site falls within the Special Flood Hazard Area (AE-EL 16 & Floodway) and therefore will need to adhere to the criteria in LDC Sections 6-401, which applies to development in a flood hazard area and 10-253, regarding soil conditions in a flood hazard area.
- This is a highly disturbed site. Most of the site is maintained in a mowed state but there are scattered native and non-native vegetation on the site.
- The applicant is preserving the heritage oak trees located along Corkscrew Road.

During the review of this request the applicant has informed staff that the existing buffer along Three Oaks Parkway will be replaced in its entirety. The applicant’s engineer has provided the following discussion concerning this issue:

*The landscape buffer along Three Oaks Parkway was installed with the Plaza Del Sol development in 2006. When the Arcos Executive Center presented at the June 1, 2017 Neighborhood Information Meeting with the Planning and Zoning Board the existing Three Oaks Parkway landscape buffer was shown as being maintained by the applicant. However board members expressed concern that the existing landscape would be damaged with the Arcos construction and the Lee County Utility lift station relocation project and the board requested that the applicant reevaluate the existing landscape buffer to ensure that it can be maintained in good health during and after construction. In order to address the board’s concern the applicant sent a surveyor to locate the existing trees in the landscape buffer along with the existing grade elevation of the trees. The survey information received indicated that on average the trunk of the existing trees are located 6.5’ away from the proposed curb in the parking lot, approximately 12’ away from the face of the building, and with an average existing grade elevation of approximately 16.5’-NAVD. The applicant indicated that the location of the existing trees could have been accommodated with the proposed site improvements and building construction however the roots would have to be cut for drainage installation and the limbs cut back near the building. Also the existing grade of the berm around the trees was 8” lower than the required minimum perimeter berm. Therefore the combined root damage and*

*additional fill near the trees would lead to the loss of all or some of the trees. Therefore the applicant did not feel it was representing the project well to the Village by continuing to show the buffer as remaining in place and therefore opted to replace the landscape buffer with new trees, palms, and shrubs that would be placed in a location and at an elevation to ensure their growth and health.*

Staff believes that larger plant material should be substituted for the code required minimum to better screen the proposed parking lot from Three Oaks Parkway and is recommending a condition be included with any zoning approval for the subject site. This condition requires larger trees and shrubs to be installed as part of the right of way buffer.

### **Flood Issues**

As mentioned above, the site falls within the Special Flood Hazard Area (AE-EL 16 & Floodway). The proposed building is located within the AE-EL 16 flood zone. Staff recommends that a condition be included in any zoning amendment approval confirming that the finished first floor must meet base flood elevation (AE – EL 16) plus one foot of free board. The applicant provides that the 100-year flood elevation is 17.47' NAVD. The applicant has also indicated that the first floor elevation will be 18.60' NGVD.

### **Transportation Issues**

The proposed use will generate approximately 921 trips per day. There is a “level of service” issue on Corkscrew Road as identified in the Village of Estero Area-Wide Traffic Study. The Village of Estero Area-Wide Traffic Study shows that Corkscrew Road from Three Oaks Parkway to I-75 is failing in the PM peak hour based upon the 2017 Existing Volume. The Florida Department of Transportation has funded interim improvements that will address the identified level of service issue, although a long-term solution will be needed at a later date.

The applicant has provided a Traffic Impact Statement for the Arcos Executive Center at Plaza Del Sol dated June 29, 2017 by JMB Transportation Engineering, Inc. The Statement concludes that “the proposed build-out of Plaza Del Sol and Arcos Commercial Building will not have a significant impact upon Three Oaks Parkway”.

*It was verified that Three Oaks Parkway currently has a surplus of capacity and can accommodate the traffic associated with the proposed development of Arcos Commercial Building at Plaza Del Sol, as well as the build-out of the remaining vacant parcels within Plaza Del Sol.*

Concerning Corkscrew Road, the statement provided the following:

*It was also determined that the project will not have a significant impact upon Corkscrew Road. However, it is expected that Corkscrew Road (between Three Oaks Parkway and I-75) will operate at LOS F in the foreseeable future. More specifically, that segment of Corkscrew Road is a 4-lane road having an adopted maximum peak direction service volume capacity of 1900 vphpd, and it is expected by the year 2020 the traffic demand will exceed the road's service capacity. There is adequate right-of-way to widen Corkscrew Road to 6-lanes, but Lee County Government has not yet funded the improvements. Plaza Del Sol has and will pay its fair share of roadway improvements via payment of road impact fees.*

The impact statement also noted that the remaining “net new” trips that will be generated by the remaining vacant parcels within Plaza Del Sol will have no appreciable impact on the signalized intersection of Three Oaks Parkway and Corkscrew Road. The proposed office and small amount of retail use and the development of an ALF on Parcel G will result in fewer site-generated trips than what would otherwise be generated if the project were to be completed based upon the existing land uses and remaining land use entitlements. The submitted impact statement provides that 60,000 square feet of office use and 6,000 square feet of retail use will generate on average 921 trips a day.

During the review of this request and the nearby proposed ALF project (Phoenix at Estero), Village staff raised the issue that the Village of Estero Area-Wide Traffic Study shows that Corkscrew Road from Three Oaks Parkway to I-75 is failing in the PM peak hour based upon the 2017 Existing Volume. The applicant responded with the following discussion:

*The Florida Department of Transportation (FDOT) has funded improvements to the Corkscrew Road & I-75 Interchange that should substantially improve traffic flow along Corkscrew Road (between Three Oaks Parkway and Ben Hill Griffin Road). The "on-ramp" Interchange improvements will be completed by the year 2019/2020 which include constructing eastbound and westbound dual left turn lanes and extending the eastbound and westbound right turn lanes. These Interchange improvements should significantly reduce the frequency of "on-ramp" queuing that encroaches into the eastbound and westbound thru lanes during peak season conditions. FDOT has estimated that the interchange will operate at LOS D conditions with the completion of these improvements. Long-term improvements will likely warrant 6-lanes for Corkscrew Road between Three Oaks Parkway and I-75. There is adequate right-of-way to widen Corkscrew Road to 6-lanes, but Lee County Government has not yet funded the improvements. Plaza Del Sol has and will pay its fair share of roadway improvements via payment of road impact fees.*

Pursuant to a signalization agreement as a part of development order number DOS2002-00172, Plaza Del Sol is responsible for a proportionate share of the cost of the signalization of the intersection of Puente Lane and Corkscrew Road at such time as the required warrants for signalization are met. Staff recommends that a condition be included in any zoning amendment approval confirming this property’s obligation to participate in the funding of the signal. A signalization agreement, if required by Lee County, maybe required prior to a CC (certificate of compliance) being issued for the development order.

### **Utilities**

The subject property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services as depicted on Maps 6 and 7 of the Lee Plan. The applicant has obtained a service availability letter, dated July 13, 2017, from Lee County Utilities. This letter provides that the applicant estimates that the project will have an estimated flow demand of approximately 10,890 gallons per day; and Lee County Utilities has sufficient capacity to provide potable water and wastewater service.

The applicant has coordinated with Lee County Utilities to relocate the existing lift station which is located at the northeast corner of Three Oaks Parkway and Corkscrew Road to an area demarcated on the Master Concept Plan at the northeast corner of Parcel B.



### **Neighborhood Compatibility Issues/Architectural Style**

Staff does not believe that the request raises neighborhood compatibility issues. The adjacent uses are all commercial uses internal to the Plaza Del Sol development.

Staff notes, however, that the proposed office building is in a prominent location in the community being located in the northeast quadrant of the intersection of Corkscrew Road and Three Oaks Parkway. The proposed architectural style of the proposed office building has recently been revised to be Mediterranean. Some further refinements will be needed.

### **Comprehensive Plan Considerations**

The Future Land Use designation of this property is Urban Community. The Urban Community designation is intended for areas characterized by a mixture of relatively intense commercial and residential uses with future development in this category encouraged to be developed as a mixed-use where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre) only with "bonus" density. Concerning Policy 1.1.4, the Policy descriptor for the Urban Community Future Land Use Category, the applicant provides the following:

*The property is designated as "Urban Community" area under the Lee County Future Land Use Map. Policy 1.1.4 of the Lee Plan, which describes Urban Community "as the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly." The site is located in a heavily trafficked business corridor, the corner of Corkscrew Road and Three Oaks Parkway, surrounded by both residential and commercial uses. MIG-LAI Real Estate Holdings has identified an opportunity to develop a Class-A, high-quality multi-use office building in an area surrounded by commercial buildings where the need for executive office space is in demand. Additionally, Policy 1.1.4 states that the purpose of parcels in these areas is to be "residential, commercial, public and quasi-public, and limited light industry with future development in this category encouraged to be developed as a mixed-use." Arcos Executive Center is proposing a small retail/coffee shop tenant space making it a multi-use building. This tenant space will be open to the public and will have an outdoor patio area that connects to the quasi-public proposed boardwalk, which meanders around the existing heritage oak trees.*

Concerning Objective 2.1 Development Location and Objective 2.1 Development Timing the application provides the following:

*The proposed request adds commercial square-footage in an area where the demand exists. The property is an in-fill site served with existing infrastructure and utility services. The property is located contiguous to existing development which results in a compact growth pattern furthering the intent of Objective 2.1.*

Staff believes that the request is consistent with Objective 2.1 and Objective 2.2. Contiguous and compact growth patterns will result with the development of the site with the proposed office building use. There are adequate urban services to accommodate the proposed development.

An evaluation of other pertinent Comprehensive Plan Policies is provided below.

**OBJECTIVE 19.1 CHARACTER AND LAND USE:** *Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place.*

The proposal includes landscaping, a boardwalk and an outdoor plaza area that incorporates the preservation of heritage oak trees along Corkscrew Road which promotes a visually attractive community. These features help to foster a unique sense of place. The Mediterranean architecture style of the project is consistent with the community character of the Village of Estero.

**POLICY 19.4.1:** *Establish land development code standards that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:*

- a. *Require, where feasible, interconnects with adjacent uses;*
- b. *To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;*
- c. *Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and*
- d. *Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Village of Estero.*

The project includes sidewalks around the building with sidewalk connection to Arcos Avenue and connection to the sidewalks at the intersection of Corkscrew Road and Three Oaks Parkway. The Plaza Del Sol development includes an internal frontage road, Arcos Avenue, that connects to the internal frontage road, Corkscrew Commons Drive, within the Estero Interstate Commerce Park development as well as providing the opportunity to provide a connection to the north to the Calvary Chapel property. Lee Tran route 60 is located on Three Oaks Parkway and Corkscrew Road with stops located on the other side of these roads.

**POLICY 19.6.1:** *Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities.*

The applicant proposes a boardwalk area that will incorporate the preservation of heritage oak trees along Corkscrew Road. Seating will also be provided in the boardwalk area and pedestrian access is also provided to the sidewalk located along Three Oaks Parkway. These amenities expand the variety of public and private spaces within the Plaza Del Sol development and the immediate area as well. The boardwalk area will be open to building patrons, and employees. The applicant's representative provides that "the boardwalk behind the building is planned for the tenants and building patrons, but we are not building a fence to prohibit the public from entering". There is also a proposed brick paver patio in the northwest corner of the building that will be open to the public and part of the café/coffee shop. The applicant is also accommodating the relocation of the existing Lee County lift station that is located at the intersection of Three Oaks Parkway and Corkscrew Road to the northeast corner of Parcel B. This relocation partially explains the lack of internal pedestrian and vehicular connection to Parcel A.

Staff finds that the request is consistent with the Comprehensive Plan and is compatible with the surrounding existing and planned developments.

### **Deviations**

Previous approvals (Z-03-039 & Z-09-037) reference 11 Deviations, six of which have been previously withdrawn. The applicant is seeking to utilize two additional Deviations. Staff discusses all of the previous deviations as well as proposed new deviations below.

Deviation 1 sought relief from the LDC Section 10-329(d)(1)(a)(3) requirement to provide a water retention setback of 50 feet from private property under separate ownership, to allow a setback of 25 feet. This Deviation was utilized in the installation of the stormwater lake located north and east of the subject site.

Deviation 2 sought relief from LDC Section 10-285(a) requirement to provide a separation distance of 660 feet on an arterial road, to allow a separation distance of 556 feet. This Deviation was utilized to install the Puerto Way connection to Corkscrew Road 556 feet west of the Puente Lane connection to Corkscrew Road.

Deviations 3, 4, 5, 6, and 7 were withdrawn.

Deviation 8 sought relief from LDC Section 34-1044(b) (now Section 33-351) requirement of a Type A buffer between commercial properties to allow a conservation easement in the northeast portion of the CPD to substitute for a Type A buffer between commercial properties. The conservation easement has been recorded and the conservation area exists northeast of the stormwater lake.

Deviation 9 sought relief from Section 34-1044(b) which requires a Type D buffer between commercial zones and a right-of-way to allow a reduction in the width of the buffer from 20 feet to 15 feet but still provide the same vegetation as required by a Type D buffer. The proposed office facility will install a 15 foot wide Type D buffer along Arcos Avenue.

Deviation 10 was withdrawn.

Deviation 11 sought relief from Section 33-351 requirement to provide a Type A buffer between commercial properties, to allow no buffer between the existing and future development on Parcel G. Deviation 11 applies to Parcel G only, not Parcels B and C. The applicant is proposing to install the required Type A buffer on the northern and eastern property boundaries consistent with the LDC requirement.

The proposed ALF project on Parcel G nearby (Phoenix at Estero), is proposing Deviation 12 to accommodate its architectural appurtenance:

12. *Deviation (12) seeks relief from the LDC §33-229 which limits buildings outside of the Interstate Highway Interchange Areas to a maximum of three stories or 45 feet whichever is less to allow the cupola on the north elevation a maximum height of 56 feet.*

This application has requested two new Deviations, Deviation Numbers 13 and 14.

The first new Deviation, Deviation 13 requests additional height for the building and architectural features. Deviation 13 requests to deviate from LDC Section 33-229 which provides that buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less in height, to permit a maximum roof height of 52.7 feet and 59.93 feet for elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines as provided for in the pattern book.

Deviation 14 requests additional setback for the proposed office building from the corner of Three Oaks Parkway and Corkscrew Road to preserve heritage oak trees located along Corkscrew Road. Deviation 14 requests to deviate from LDC Section 33-403 which provides that buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way to instead allow a maximum building setback of 120-feet for the buildings adjacent to Corkscrew Road.

The applicant has provided the following justification:

*The Corkscrew Road and Three Oaks Parkway intersection is a prominent corner in Estero and the additional building height will provide a visual presence on the Northeast corner. The existing heritage oak trees along Corkscrew Road are being preserved and will block the view of the building therefore the height becomes an important factor for the visibility. Also in order to properly preserve the existing heritage oak trees the location of the building has been set back 120-feet to the property line and 150-feet to the edge of pavement along Corkscrew Road. This increased setback further reduces the visibility of the building...Increasing the maximum height allows flexibility in the design and allows the tower features to stand out as architectural elements to the building's design.*

Approval of these deviations will allow the placement of the building that preserves the heritage oak trees and will permit the tower architectural features which will break up the roofline and provide further architectural interest to the proposed building. Staff agrees that approval of the deviation will enhance the achievement of the objectives of the planned development and will not cause a detriment to the health, safety or welfare of abutting property owners or the general public. Staff recommends approval of these two new deviations specific to this request.

## **FINDINGS AND CONCLUSIONS**

After balancing the advantages and disadvantages of this project and its impacts, based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

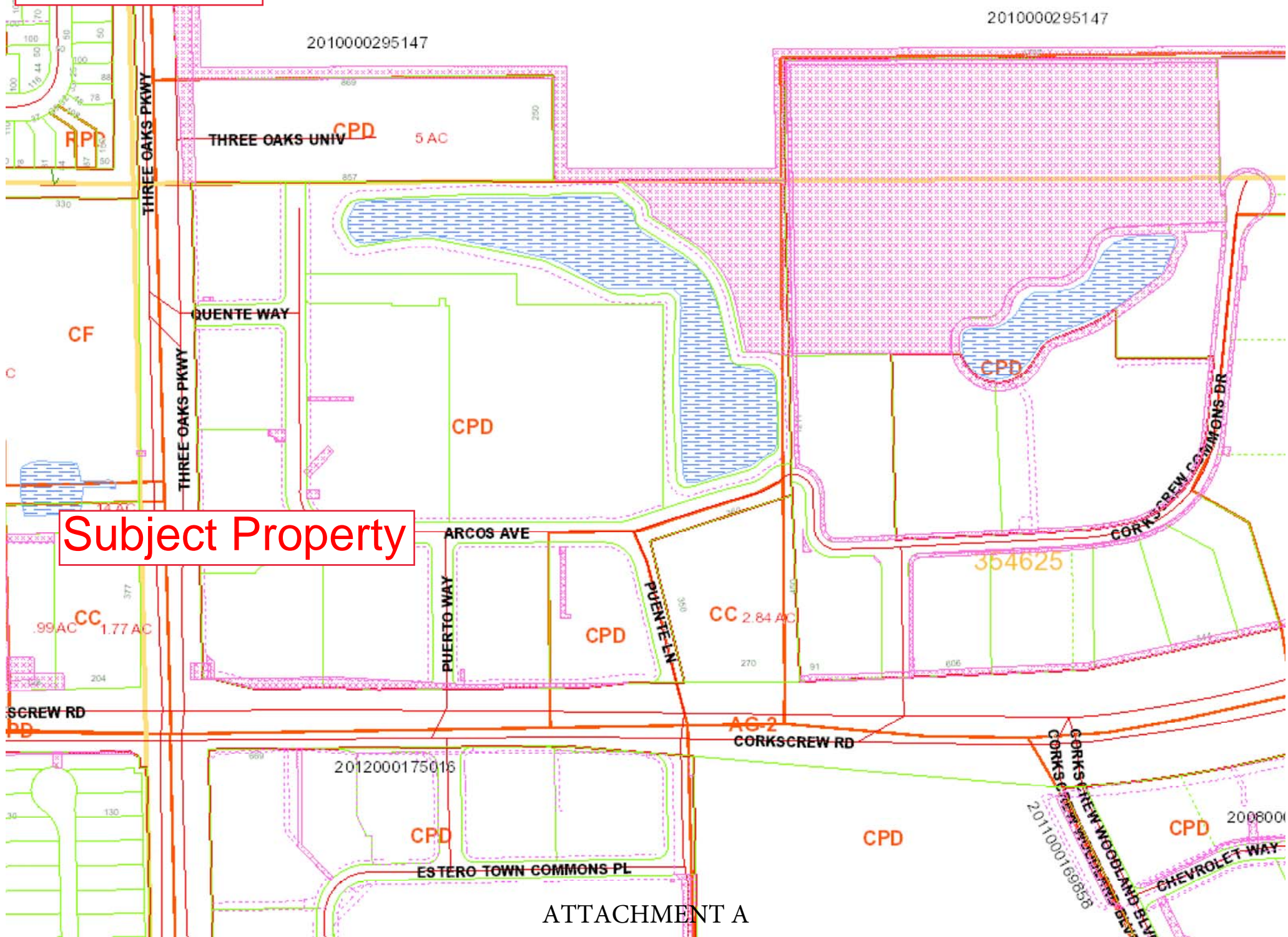
1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.
2. The Village of Estero Area-Wide Traffic Study shows that Corkscrew Road from Three Oaks Parkway to I-75 is failing in the PM peak hour based upon the 2017 Existing Volume. The Florida Department of Transportation (FDOT) has funded interim improvements to the Corkscrew Road & I-75 Interchange that should improve traffic flow along Corkscrew Road between Three Oaks Parkway and Ben Hill Griffin Road. FDOT is constructing "on-ramp" Interchange improvements which will be completed by the year 2019/2020 which include constructing eastbound and westbound dual left turn lanes and

extending the eastbound and westbound right turn lanes. These Interchange improvements should reduce the frequency of “on-ramp” queuing that encroaches into the eastbound and westbound thru lanes during peak season conditions. FDOT has estimated that the interchange will operate at LOS D with the completion of these improvements.

3. The application is generally compatible with existing or planned uses in the surrounding area. Staff notes that the proposed use is set back a considerable distance to adjacent commercial uses (The proposed office building is setback 80.6 feet from the common property line to the east and 87.2 feet from Corkscrew Road).
4. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
5. Urban services will be available and adequate to serve the proposed use.
6. The request will not adversely affect environmentally critical areas and natural resources.
7. The proposed use, with the proposed conditions, is appropriate at the subject location.
8. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public’s interest created by or expected from the proposed development.
9. The deviations recommended for approval:
  - a. Enhance the planned development; and
  - b. Preserve and promote the general intent of the LDC to protect the public, health, safety and welfare.

## **ATTACHMENTS**

- A. Zoning Map
- B. Future Land Use Map
- C. Recommended Conditions
- D. Lee County Utilities Availability Letter
- E. Zoning Resolution Z-09-037
- F. Zoning Resolution Z-03-039
- G. Public Information Meeting Minutes



Subject Property



# ATTACHMENT B FUTURE LAND USE MAP

Suburban

THREE OAKS UNIV

Urban Community

South County  
Regional  
Library

General  
Interchange

THREE OAKS PKWY

THREE OAKS PKWY

QUENTE WAY

ARCOS AVE

PUERTO WAY

PUENTE LN

CORKSCREW RD

CORKSCREW RD

COUNTRY BARN DR

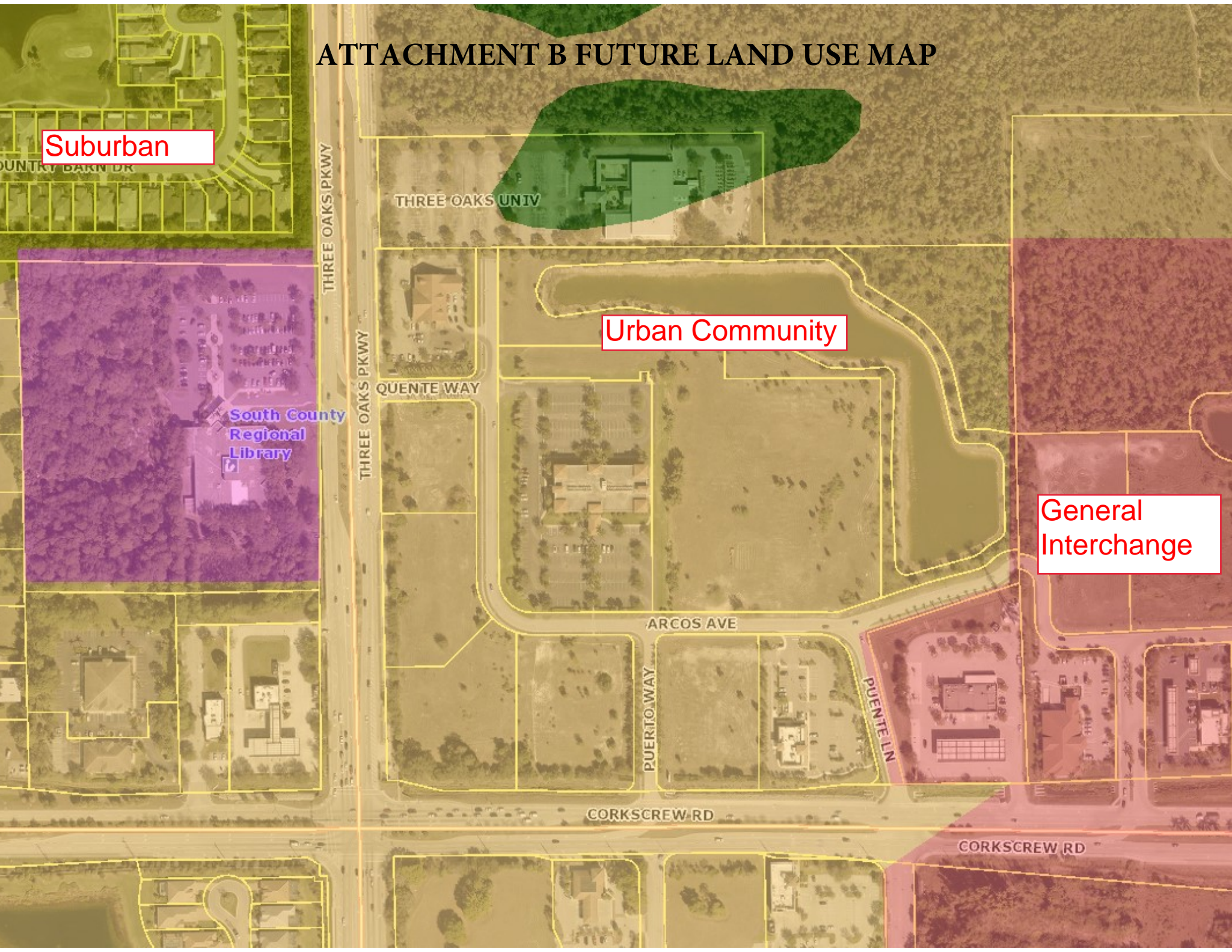
11

12

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**ATTACHMENT C**  
**ARCOS EXECUTIVE CENTER DCI2017-E005**  
**PROPOSED CONDITIONS**

**Conditions:**

1. The development of the 66,000 square foot building on Parcels B and C must be substantially consistent with the Master Concept Plan entitled Arcos Executive Center date stamped received March 6, 2018.
2. The previous approval (contained in Resolution Number Z-09-037) including conditions and deviations remain in effect except as modified by the conditions and deviations contained in this approval.
3. Transportation – Puente Lane Signal  
Pursuant to a signalization agreement as a part of development order number DOS2002-00172, Plaza Del Sol is responsible for a proportionate share of the cost of the signalization of the intersection of Puente Lane and Corkscrew Road at such time as the required warrants for signalization are met. A signalization agreement, if required by Lee County, may be required prior to a CC (certificate of compliance) being issued for the development order.
5. Maximum Building Height  
Maximum Building Height Parcel B and C only: 53 feet or 3 stories (See Deviation 13 for architectural feature height).
6. Pattern Book  
The project design must be consistent with the Pattern Book, titled “Arcos Executive Center, Revised March 2018”.
7. Corkscrew Road Buffer  
The existing heritage oak trees must be preserved. The landscaping along Corkscrew Road will be done in a manner to highlight the heritage trees.
8. Base Flood Elevation  
The finished first floor of the building must meet base flood elevation (AE – EL 16 NAVD) at a minimum plus one foot of free board.
9. Three Oaks Sidewalk Connection  
The applicant must provide a sidewalk connection to the sidewalk on Three Oaks Parkway once the lift station has been relocated and the final grade is determined. Per the agreement between the applicant and Lee County Utilities, the sidewalk connection to the Arcos Executive Center on-site sidewalk system, will be connected to the sidewalk on Three Oaks Parkway by Lee County Utilities as part of their corner restoration after the lift station has been removed.
10. Three Oaks Buffer & Landscaping  
Palm trees must be less than 50% of the proposed trees within the right-of-way buffer. All required trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height



except the proposed Royal Palms must meet an overall height of 24 feet and the Live Oak trees must be 16 feet planted height. Shrub height must be 36 inches at time of installation and be maintained at 48 inches.

**Deviations:**

13. Deviation (13) requests relief from the LDC §33-229 which limits buildings outside of the Interstate Highway Interchange Areas to a maximum of three stories or 45 feet whichever is less to permit a maximum building height of 53 feet and 60 feet for elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines as provided for in the pattern book. Deviation 13 is Approved.
  
- 14 Deviation (14) requests to deviate from LDC Section 33-403 which provides that buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way to instead allow a maximum building setback of 120-feet for the buildings adjacent to Corkscrew Road. Deviation 14 is Approved.



John E. Manning  
*District One*

July 13, 2017

Via E-Mail

Cecil L Pendergrass  
*District Two*

**Alvaro Yusty**

Larry Kiker  
*District Three*

**J.R. Evans Engineering**

Brian Hamman  
*District Four*

**9351 Corkscrew Road Suite 102**

**Estero, FL 33928**

Frank Mann  
*District Five*

**RE: Potable Water and Wastewater Availability**

Roger Desjarlais  
*County Manager*

**Arcos Executive Center, 10170 and 10150 Arcos Avenue, Estero, FL 33928**

**STRAP #s 35-46-25-E1-3100C.0000 and 35-46-25-E1-3100B.0000**

Richard Wm Wesch  
*County Attorney*

Dear Mr. Yusty:

Donna Marie Collins  
*County Chief*  
*Hearing Examiner*

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 10,890 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by our Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

July 13, 2017

Page 2

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Development Review only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

**LEE COUNTY UTILITIES**

A handwritten signature in blue ink that reads "Mary McCormic". The signature is written in a cursive style with a prominent initial "M".

Mary McCormic  
Technician Senior  
239-533-8532  
UTILITIES ENGINEERING

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Estero Medical Center LLC, to Amend the Plaza Del Sol Commercial Planned Development (CPD) in Lee County Zoning Resolution #Z-03-039, in reference to Plaza Del Sol CPD Amendment; and,

WHEREAS, a public hearing was advertised and held on November 5, 2009, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2008-00048; and

WHEREAS, a second public hearing was advertised and held on February 1, 2010, 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 amend the Plaza Del Sol Commercial Planned Development (CPD) Lee County Zoning Resolution # Z-03-039 to add Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU) as allowable uses to the currently approved schedule of uses on Parcel G only. The maximum density proposed is 272 ALF/CCF units; 136 ILU; or the equivalent of 68 dwelling units. Maximum height proposed is unchanged (2 stories 35 feet). The development will connect to public potable water service and public sanitary sewer service. No development blasting is proposed. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit "A".

The request for 272 ALF/CCF units was reduced to 268 ALF/CCF units, 134 ILU; or the equivalent of 67.62 dwelling units (a maximum of 6.0 dwelling units on 11.27 acres of land) and the project 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. Master Concept Plans & General Development Parameters
  - A. The development of this project must be substantially consistent with the two-page Master Concept Plan (MCP), Sheet 1 entitled, "Plaza Del Sol, Amendment to Master Concept Plan Z-94-050," dated May 10, 2002, last revised 03/15/2004, most recently date-stamped "Received Nov 06 2009

Community Development,” **and** Sheet 2 entitled “ALF/CCF Alternate Master Concept Plan, Plaza Del Sol Parcel G, Lee County, Florida,” dated 10/15/2008, last revised 02-01-10, date-stamped “Received Feb 04 2010 Community Development,” both attached hereto as Exhibit “C”, except as modified by the conditions below.

- B. This development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.
- C. The entire development is limited to a maximum of 230,000 square feet of gross floor area, including all gross floor area for the use of Health Care Facilities, Groups I, II and III. Of this total, up to a maximum of 50,000 square feet can consist of office space.

Maximum gross building square footage per parcel:

|                          |                     |
|--------------------------|---------------------|
| Parcel A                 | 16,000 square feet  |
| Parcel B                 | 16,000 square feet  |
| Parcel C                 | 21,200 square feet  |
| Parcel D                 | 18,000 square feet  |
| Parcel E                 | 18,000 square feet  |
| Parcel F                 | 18,000 square feet  |
| Parcel G (Anchor Parcel) | 114,000 square feet |
| Parcel H                 | 8,700 square feet   |

- D. Parcel G is limited to a maximum of 6 dwelling units per gross acre for a maximum of 67.62 dwelling units on a total of 7.08 acres (undeveloped portion of Parcel G) plus 3.98 acres for Parcel G’s proportionate common area ( 29%), plus 0.21 acres (½ shared access drive of existing/future development parcels) for a total of 11.27 acres of land.
- E. Parcel G is limited to a Maximum of 268 units in assisted living facility/continuing care facility (ALF/CCF) uses, 4:1 equivalents per LDC §34-1494(b)(2) or 134 independent living units (ILU), 2:1 equivalents per LDC §34-1414( c) or any combination of ALF/CCF and/or ILU so long as the density does not exceed six (6) units per acre on 11.27 acres of land.
- F. ALF, CCF, ILU uses and related accessory uses are limited to Parcel G only.
- G. This Approval codifies the terms and conditions contained in Lee County Zoning Resolution No. Z-03-039 and Lee County Administrative Amendments ADD2004-00068, ADD2005-00016, ADD2005-00197 and ADD2006-00079. Those prior approvals are superceded and are deemed null and void upon the adoption of the Resolution approving this request.

H. All conditions and commitments made in the "Plaza Del Sol Design Guidelines" must be adhered to as part of this planned development. (See attached Exhibit "D".)

2. The following limits apply to the project and uses

A. Schedule of Uses

Accessory Uses and Structures - including uses subordinate to an assisted living facility, continuing care facility and independent living units.

Animal Clinic

Auto Parts Store (No outdoor display or storage)

Assisted Living Facility - Limited to Parcel G and subject to Condition 1

Automatic Teller Machine (ATM)

Automotive Repair and Service - Group I only and excluding: automotive interior shops; automotive paint shops; automotive top installation or repair (canvas or plastic); cellular phone installation; glass replacement and repair; radio sales and installation; transmission repair; undercoating cars; and upholstery repair. These uses are allowed on Parcel H only, and must meet the requirements of LDC §33-431.

Banks and Financial Establishments - Groups I and II (Parcels C or D only)

Boat Parts Store (No outdoor display or storage)

Broadcast Studio, commercial radio and television

Business Services - Group I only

Car Wash - Restricted to Parcel H only and subject to Condition 10

Cleaning and Maintenance Services

Clothing Store, General

Clubs, excluding Country Club

Continuing Care Facilities - Limited to Parcel G and subject to Condition 1

Contractors and Builders - Group I only

Convenience Food and Beverage Store - Restricted to Parcel H only and limited to one structure in compliance with LDC §33-431

Consumption on Premises - Limited to Restaurants, Groups III and IV

Cultural Facilities

Day Care Center - Adult or Child

Department Store

Drive-thru facility - only in conjunction with a bank, drug store, pharmacy or fast food restaurant

Drug Store - Free Standing - Limited to one on entire site

Essential Services

Essential Service Facilities - Group I only

Excavation, Water Retention - Not to include the removal of excavated material from site, and no blasting

Fences and Walls

Food Store - Group I only and limited to anchor Parcel G

Hardware Store - No outdoor display or storage

Health Care Facilities - Groups I, II and III

Hobby, Toy, and Game Shop

Household/Office Furnishings - Groups I and II  
 Independent Living Units - Limited to Parcel G and subject to Condition 1  
 Insurance Companies  
 Laundry or Dry Cleaning - Group I only  
 Lawn and Garden Supply Store - Limited to less than 1 acre of outdoor display area  
 Non-Store Retailers  
 Office, Medical  
 Package Store - Only in conjunction with a supermarket, food store or drug store  
 Paint, Glass, and Wallpaper Store  
 Parking Garage - Limited to Anchor Parcel G and only in conjunction with a retail use on the same parcel  
 Parking Lot, Accessory  
 Personal Services - Groups I and II  
 Pet Shop and Pet Services - No outdoor kennels or runs  
 Pharmacy  
 Printing and Publishing - Limited to 5,000 square feet  
 Recreation Facilities, Commercial - Group I only  
 Rental or Leasing Establishments - Groups II and III (No outdoor display or storage)  
 Repair Shop - Groups I, II and III (No outdoor display or storage)  
 Restaurant - Fast Food - Limited to 1 on the entire CPD site and further restricted to one of these parcels: A, E, F, or G  
 Restaurant, Standard - Groups I, II, III and IV  
 Residential accessory uses and structures  
 School, Commercial  
 Self Service Fuel Pumps - Limited to a maximum of 12 fuel pumps and only in conjunction with a convenience food and beverage store  
 Signs - In compliance with LDC Chapter 30 and the Estero regulations at the time of development orders (See also Deviations below)  
 Social Services - Groups I and II  
 Specialty Retail Shop - Groups I, II and III  
 Studio  
 Temporary Uses - Construction and Sales Office  
 Variety Store

B. Site Development Regulations

Minimum Lot Dimensions:

|                    |                    |
|--------------------|--------------------|
| Minimum Lot Area:  | 20,000 square feet |
| Minimum Lot Depth: | 100 feet           |
| Minimum Lot Width: | 75 feet            |

Setbacks

|                               |  |
|-------------------------------|--|
| Buildings                     |  |
| Private Interior Street Side: | Minimum of 20 feet<br>Minimum of 0 feet, maximum of 5 feet |
| Streets                       |  |
| (Corkscrew Road):             | Maximum of 45 feet   |
| (Three Oaks Parkway):         | Maximum of 50 feet   |
| Rear Setback:                 | Minimum of 20 feet   |
| Water Body:                   | Minimum of 25 feet   |

Maximum Lot Coverage: 40%

Maximum Building Height: 35 feet or two (2) stories

3. Traffic: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
4. Lee Plan Allocation: Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
5. Design Guidelines: Prior to local development order approval, the landscape plans must be consistent with the document entitled "Plaza Del Sol Design Guidelines," attached as Exhibit "D," and the LDC.
6. No Blasting: Development blasting is not an approved activity as part of this approved planned development. Development blasting must be approved through an amendment of this planned development that goes through the public hearing process.
7. Public Water and Sewer Hook-up Required: The subject property must connect to public potable water and public sanitary sewer service. At time of local development order, the developer must demonstrate there is adequate water and sewer capacity to handle the proposed level of development.
8. Accessory Uses: Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.



9. Solid Waste/Recycling: As part of any local development order approval, the development order plans must include facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at the time of local development order application.
10. Car Wash: The applicant must attach a response letter to any local development order submittal explaining how the Estero Design Review Committee suggestions/comments included in their December 21, 2004 letter (attached as Exhibit "E") may or may not be addressed.
11. Buffering and Landscaping: Prior to local development order approval for the undeveloped 7.08 acre portion of Parcel G and any associated portions of the existing 4.11 acre development, landscape plans must depict landscape islands and pedestrian walkways between the two uses to incorporate trees, shrubs and groundcover as required by Plaza Del Sol Design Guidelines B. 1. And C. 5. (See attached Exhibit "D")
12. Open Space: Prior to local development order approval for the undeveloped 7.08 acre portion of Parcel G, development order plans must depict a minimum of 10% open space is provided within the 7.08 acre project boundary.
13. Arcos Avenue Buffer: Prior to local development order approval for Parcel G, landscape plans must depict a minimum 15-foot-wide Type D right-of-way buffer along Arcos Avenue with a minimum of 7.5 feet of plantable area outside the 10-foot-wide public utility easement, in substantial compliance with the MCP.

#### SECTION C. DEVIATIONS:

##### Previously Approved Deviations

*Deviations from Lee County Zoning Resolution #Z-03-039 remaining in full force and effect except as indicated below:*

Water Retention Setback - Deviation (1) sought relief from the LDC §10-329(d)(1)(a)(3) requirement to provide a water retention setback of 50 feet from private property under separate ownership, to allow a setback of 25 feet.

Intersection Separation - Deviation (2) sought relief from the LDC §10-285(a) requirement to provide a separation distance of 660 feet on an arterial road, to allow a separation distance of 556 feet.

Deviations (3), (4), (5), (6), and (7) - WITHDRAWN.

Conservation Easement - Deviation (8) sought relief from the LDC §34-1044(b) (now §33-351) requirement and was approved to provide the conservation easement in the northeast portion of the CPD to substitute for the Type "A" buffer.

Reduced Buffer Width - Deviation (9) sought relief from the LDC §34-1044(b) (now §33-351) requirement to provide a 200-foot wide buffer along the internal rights-of-way, to reduce the width of the buffer to 15 feet. This deviation was Approved Subject To the requirement that the buffer contain the same vegetation as required in a Type "D" buffer was installed.

Deviation (10) - WITHDRAWN.

#### New Deviation 11

Buffer between Commercial Properties - Deviation (11) seeks relief from the LDC §33-351 requirement to provide a Type "A" buffer between commercial properties, to allow no buffer between the existing and future development on Parcel G. This deviation is APPROVED, SUBJECT TO Condition 11 hereinabove.

*Deviations from Administrative Amendments remaining in full force and effect:*

#### Administrative Amendment ADD2004-00068

Ground Mounted Signs on Parcels E and H - Deviation (1) sought relief from the LDC §30-153(3)(a)6 requirement and was approved - as conditioned below - to allow Parcels E and H to have two ground-mounted signs, instead of one sign per business; **and**

Monument Signs on Parcels E and H - Deviation (2) sought relief from the LDC §30-406(a)(1)c requirement and was approved to allow one monument style sign to be located at the southwest corner of Parcel E, and one monument style sign to be located at the southwest corner of Parcel H (each sign face was to be a maximum of 200 square feet in area), and one monument style sign, with a total sign face of 72 square feet, on each of Parcels E, and F.

These two Deviations were approved SUBJECT TO the following conditions:

1. The monument style signs to be located in the southwest corners of Parcels E and H, as depicted on the MCP, attached, are to be project identification signs, as defined by the LDC.
2. The single monument style signs, permitted a maximum total sign face of 72 square feet, above and beyond the permitted project identification signs on Parcels E and H, as depicted on the MCP, are restricted to locations on the internal road (to be named Arcos Avenue) for the project, and are prohibited from being visible from either Corkscrew Road or Three Oaks Parkway.
3. Parcels A, B, D and F, as depicted on the MCP, are permitted monument-style signs with a maximum total sign face of 72 square feet, which are restricted to locations on the internal road (to be named Arcos Avenue) for the project, and are prohibited from being visible from either Corkscrew Road, or Three Oaks Parkway.

Parking Setback from Corkscrew Road and Three Oaks Parkway - Deviations sought relief from the LDC §34-1047 requirement to provide a 35-foot parking setback from Corkscrew Road **and** to allow parking setbacks at 42.9, 43.0 and 43.2 feet from Three Oaks Parkway. These Deviations were APPROVED SUBJECT TO the following conditions.

1. The 3 trees, immediately south of Building 101, must be preserved as shown on the attached "PARKING AREA SETBACKS EXHIBIT", dated 6/01/2005 and date-stamped by the permit counter on October 13, 2005. (Attached as Exhibit "G")
2. The suggestions and comments of the Estero Design Review Committee, dated September 29, 2005, are attached hereto as Exhibit "F" for reference purposes.
3. Two parking spaces to be eliminated as shown on the sketch contained in attached Exhibit "G".

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plans
- Exhibit D: Plaza Del Sol Design Guidelines
- Exhibit E: Estero Design Review Committee (suggestions/comments included in their December 21, 2004 letter)
- Exhibit F: Estero Design Review Committee (suggestions/comments included in their September 29, 2005 letter)
- Exhibit G: Parking Area Setbacks Exhibit

The applicant has indicated that the STRAP number for the subject property is:  
35-46-25-31-0000G.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

- b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c. is compatible with existing or planned uses in the surrounding area;
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location;
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

|                 |     |
|-----------------|-----|
| Robert P. Janes | Aye |
| Brian Bigelow   | Aye |
| Ray Judah       | Aye |
| Tammara Hall    | Aye |
| Frank Mann      | Aye |

DULY PASSED AND ADOPTED this 1st day of February, 2010.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Marcea Wilson  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Tammara Hall  
Chair Commissioner

Approved as to form by:

John J. Fredyma  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office

RECEIVED  
MINUTES OFFICE  
*mw*  
2010 FEB 12 PM 12:03

**Legal Description**

Lot G, Plaza Del Sol, a subdivision, located in Section 35, Township 46 South, Range 31 East, according to the plat thereof on file and recorded in Plat Book 80, Pages 74 thru 76, of the Public Records of Lee County, Florida.

**Parcel Number**

35-45-25-31-0000G.0000

**DCI2008-00048**

by BA 12-24-08

# Banks Engineering

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ PORT CHARLOTTE ♦ SARASOTA

## Legal Description Overall CPD

**PLAZA DEL SOL, a subdivision according to the plat thereof recorded at Plat Book 80, Page 74-76, in the Public Records of Lee County, Florida.**

RECEIVED  
AUG 17 2009

COMMUNITY DEVELOPMENT

DCI 2008-00048

# PLAZA DEL SOL

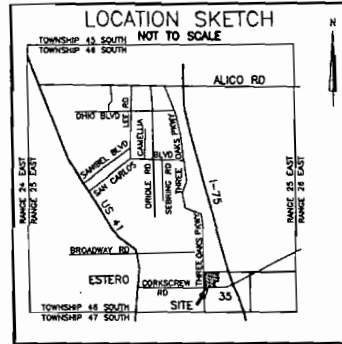
A SUBDIVISION  
LYING IN  
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PLAT BOOK 80 PAGE 74  
SHEET 1 OF 3

THIS INSTRUMENT PREPARED BY:  
BEAN, WHITAKER, LUTZ & KAREH, INC.  
CONSULTING ENGINEERS AND SURVEYORS  
13041 MCGREGOR BLVD. (239) 481-1331  
FORT MYERS, FLORIDA 33919

**NOTICE:**

THIS PLAT, AS RECORDED IN GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



**DESCRIPTION:**

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 35; THENCE N89°42'56"E ALONG THE NORTH LINE OF SAID SECTION 35 FOR 120.68 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (120+/- FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE N89°42'56"E ALONG THE NORTH LINE OF SAID SECTION 35 FOR 1481.38 FEET TO THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1454 AT PAGE 1828, PUBLIC RECORDS; THENCE S01°18'30"E ALONG THE WESTERLY LINE OF SAID PARCEL FOR 759.76 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2995 AT PAGE 410, PUBLIC RECORDS; THENCE S71°47'58"W ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 360.00 FEET; THENCE S13°35'47"E ALONG THE WESTERLY LINE OF SAID PARCEL FOR 350.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 137.80 FEET; THENCE S83°42'19"W ALONG SAID RIGHT-OF-WAY LINE FOR 100.50 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 500.00 FEET; THENCE N87°43'18"W ALONG SAID RIGHT-OF-WAY LINE FOR 100.12 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 200.00 FEET; THENCE N76°32'52"W ALONG SAID RIGHT-OF-WAY LINE FOR 103.08 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 54.58 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (120+/- FEET WIDE); THENCE N01°16'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1197.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 38.01 ACRES, MORE OR LESS.

BEING THE SAME PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 2883 AT PAGE 3068.

**NOTICE**  
LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.

**DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS THAT SOL PROPERTY DEVELOPMENT, INC., A CORPORATION UNDER THE LAWS OF THE STATE OF TEXAS, THE OWNER OF THE HEREIN DESCRIBED LANDS, HAS CAUSED THIS PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA TO BE MADE AND HEREBY:

1. DEDICATES TRACT "1" FOR LAKE, DRAINAGE, AND RETENTION PURPOSES TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.
2. DEDICATES TRACT "2" TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC. FOR LANDSCAPE, AND COMMON AREA PURPOSES SUBJECT TO A DRAINAGE EASEMENT OVER THE ENTIRE TRACT.
3. DEDICATES TRACT "3" FOR ROAD RIGHT-OF-WAY AND DRAINAGE PURPOSES TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC. SUBJECT TO A PUBLIC UTILITY EASEMENT AS DESCRIBED HEREIN AND DEPICTED ON THIS PLAT.
4. DEDICATES ALL DRAINAGE EASEMENTS FOR DRAINAGE AND STORM WATER MANAGEMENT PURPOSES AND LAKE MAINTENANCE EASEMENTS AND SIDEWALK EASEMENTS TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.
5. DEDICATES PUBLIC UTILITY EASEMENTS TO ALL PUBLIC AND PRIVATE UTILITIES IN PERPETUITY FOR OVERHEAD AND/OR UNDERGROUND PUBLIC UTILITIES AS DEPICTED ON THIS PLAT. THE PUBLIC UTILITY EASEMENTS ARE ALSO EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, ELECTRIC, TELEPHONE, AND GAS OR OTHER PUBLIC UTILITY PURPOSES.
6. DEDICATES EASEMENTS LABELED L.C.U.E. AS SHOWN ON THIS PLAT TO LEE COUNTY UTILITIES FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF WATER AND SEWER FACILITIES.

SOL PROPERTY DEVELOPMENT, INC.  
A TEXAS CORPORATION

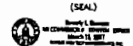
*Mark J. Gualichon*  
MARK J. GUALICHON - PRESIDENT

WITNESS:  
PRINT NAME: JAMES M. COOPER, II

*Barry L. Stover*  
WITNESS:  
PRINT NAME: Barry L. Stover

**ACKNOWLEDGMENT:**

STATE OF FLORIDA )  
COUNTY OF LEE )  
I, THE FOREGOING DEVELOPER, HAVE ACKNOWLEDGED BEFORE ME THIS 31 DAY OF January, 2008, BY MARK J. GUALICHON, PRESIDENT OF SOL PROPERTY DEVELOPMENT, INC., ON BEHALF OF THE CORPORATION HE IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED A CERTIFICATE OF INCORPORATION.  
*Barry L. Stover*  
NOTARY PUBLIC  
PRINT NAME: Barry L. Stover  
MY COMMISSION EXPIRES: 12-16-04



**NOTES:**

1. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL CURVES ARE CIRCULAR.
3. BEARINGS ARE STATE PLANE COORDINATE (FLORIDA WEST ZONE - N.A.D. 1983) WITH THE NORTH LINE OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARING N 69°42'56"E.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

BEAN, WHITAKER, LUTZ & KAREH, INC. LB 4919  
13041-1 MCGREGOR BOULEVARD, FORT MYERS  
FLORIDA 33919-5919 (239) 481-1331 DATE: 12-16-04



**APPROVAL:**

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 31 DAY OF January, 2008.

*Douglas R. St. Gerney*  
CHAIRMAN OF THE BOARD  
NAME: DOUGLAS R. ST. GERNEY

*Charlie Green*  
CLERK OF THE COURT  
NAME: CHARLIE GREEN

*Dawn E. Perry-Lehmert*  
COUNTY ATTORNEY  
NAME: DAWN E. PERRY-LEHMERT

*Peter J. Eckenrode*  
DIRECTOR, DIVISION OF DEVELOPMENT SERVICES  
NAME: PETER J. ECKENRODE

*Maude Gross*  
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT  
NAME: MAUDE GROSS

REVIEW BY THE DESIGNATED COUNTY PSM DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF F.S. CH. 177, PART 1.  
*Michael L. Morrison, PSM*  
NAME: MICHAEL L. MORRISON, PSM

**CLERK'S CERTIFICATION:**

6825081

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WAS FILED FOR RECORD AT 2:48 P.M. THIS 31 DAY OF January, 2008, AND DULY RECORDED IN PLAT BOOK 80 AT PAGES 74 THROUGH 76 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

*Charlie Green*  
NAME: CHARLIE GREEN  
CLERK OF THE COURT



EXHIBIT "A"  
(Page 3 of 5)

CASE NO. LC2008-00012



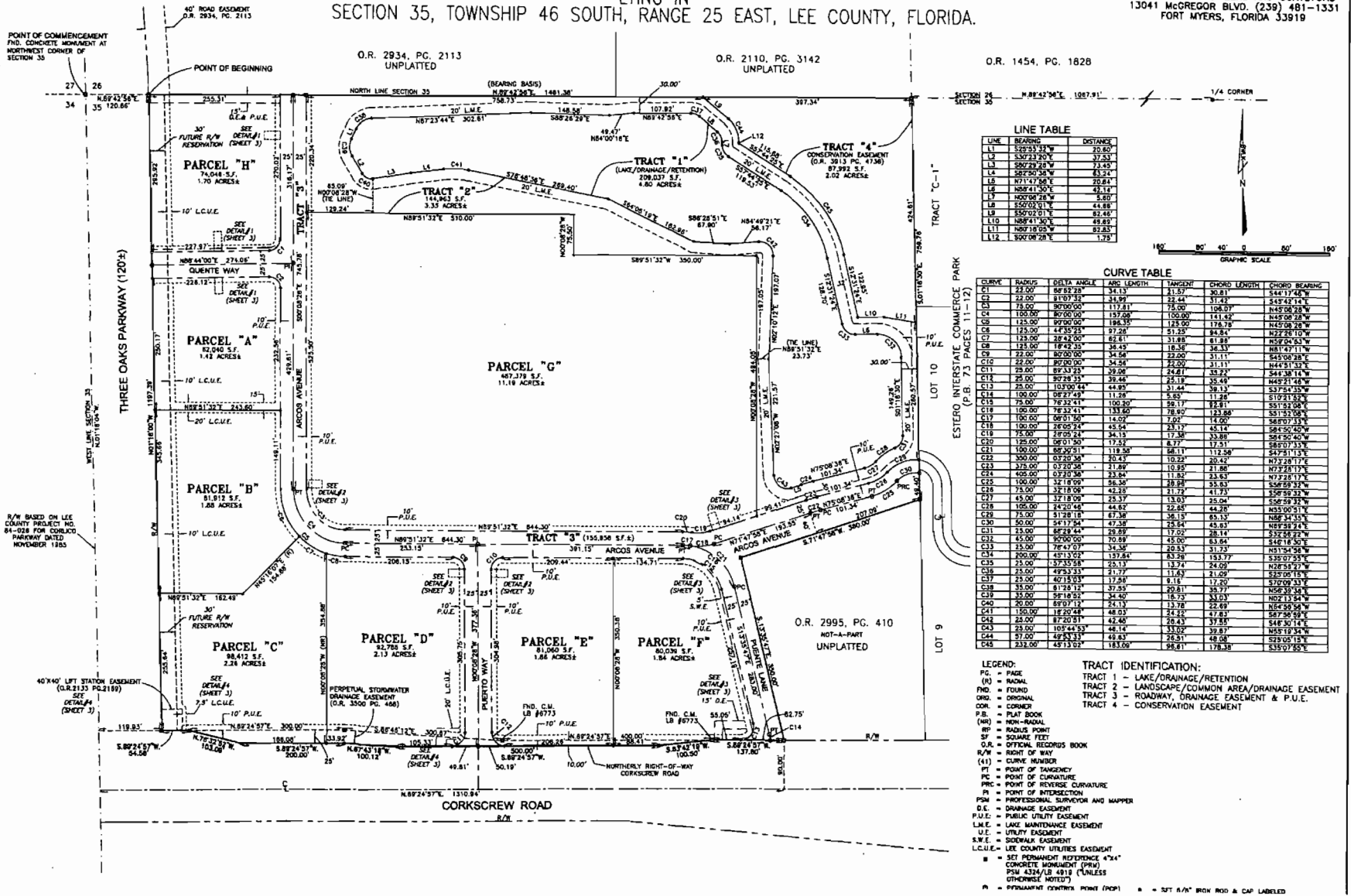
# PLAZA DEL SOL

A SUBDIVISION  
LYING IN  
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PLAT BOOK 10 PAGE 15  
SHEET 2 OF 3

THIS INSTRUMENT PREPARED BY:  
BEAN, WHITAKER, LUTZ & KAREN, INC.  
CONSULTING ENGINEERS AND SURVEYORS  
13041 MCGREGOR BLVD. (239) 481-1331  
FORT MYERS, FLORIDA 33919

NOTE: SEE SHEET 3 OF 3 FOR  
EASEMENT DETAILS



**LINE TABLE**

| LINE | BEARING      | DISTANCE |
|------|--------------|----------|
| L1   | S29°33'33" W | 20.60    |
| L2   | S30°23'20" W | 37.33    |
| L3   | S87°23'24" W | 74.55    |
| L4   | S87°50'35" W | 63.24    |
| L5   | N71°47'06" E | 20.84    |
| L6   | N88°41'30" E | 49.14    |
| L7   | N02°08'26" W | 5.00     |
| L8   | S50°02'01" E | 44.88    |
| L9   | S50°02'01" E | 44.88    |
| L10  | N88°41'30" E | 49.89    |
| L11  | N87°18'05" E | 87.23    |
| L12  | S00°08'28" E | 1.75     |

**CURVE TABLE**

| CURVE | RADIUS | DELTA ANGLE | ARC LENGTH | TANGENT | CHORD LENGTH | CHORD BEARING |
|-------|--------|-------------|------------|---------|--------------|---------------|
| CD1   | 22.00  | 88°29'33"   | 31.13      | 21.57   | 30.81        | S44°17'42" W  |
| CD2   | 22.00  | 81°07'33"   | 31.09      | 21.54   | 30.81        | S48°32'12" W  |
| CD3   | 75.00  | 80°00'00"   | 117.81     | 75.00   | 106.07       | N45°08'28" W  |
| CD4   | 100.00 | 80°00'00"   | 137.20     | 100.00  | 141.42       | N45°08'28" W  |
| CD5   | 125.00 | 89°00'00"   | 184.35     | 125.00  | 176.78       | N45°08'28" W  |
| CD6   | 125.00 | 44°35'33"   | 97.20      | 51.25   | 84.84        | N22°28'10" W  |
| CD7   | 125.00 | 28°42'00"   | 62.61      | 31.88   | 51.88        | N11°47'11" W  |
| CD8   | 125.00 | 18°42'33"   | 38.45      | 18.36   | 36.33        | N09°24'54" W  |
| CD9   | 22.00  | 80°00'00"   | 34.56      | 22.00   | 31.11        | S33°08'28" E  |
| CD10  | 22.00  | 80°00'00"   | 34.56      | 22.00   | 31.11        | N44°51'33" E  |
| CD11  | 29.00  | 87°33'33"   | 39.00      | 24.81   | 33.22        | S44°38'14" W  |
| CD12  | 29.00  | 87°33'33"   | 39.00      | 24.81   | 33.22        | N44°38'14" W  |
| CD13  | 25.00  | 103°09'44"  | 28.46      | 14.49   | 18.12        | N69°14'48" W  |
| CD14  | 100.00 | 08°27'49"   | 11.29      | 5.82    | 11.28        | S10°21'32" E  |
| CD15  | 75.00  | 76°32'41"   | 100.30     | 75.00   | 98.17        | S51°24'08" E  |
| CD16  | 100.00 | 76°32'41"   | 133.00     | 75.00   | 123.86       | S51°24'08" E  |
| CD17  | 100.00 | 08°01'50"   | 14.02      | 7.02    | 14.00        | S88°07'33" E  |
| CD18  | 100.00 | 08°01'50"   | 14.02      | 7.02    | 14.00        | S88°07'33" E  |
| CD19  | 75.00  | 28°05'24"   | 34.13      | 17.38   | 23.88        | S45°04'40" W  |
| CD20  | 125.00 | 08°01'50"   | 17.52      | 8.77    | 17.51        | S88°07'33" E  |
| CD21  | 100.00 | 08°01'50"   | 11.68      | 5.84    | 11.67        | S88°07'33" E  |
| CD22  | 300.00 | 03°20'38"   | 70.43      | 10.32   | 30.42        | N73°28'17" E  |
| CD23  | 375.00 | 03°20'38"   | 21.89      | 10.89   | 21.88        | N73°28'17" E  |
| CD24  | 400.00 | 03°20'38"   | 24.86      | 11.92   | 24.85        | N73°28'17" E  |
| CD25  | 100.00 | 32°18'09"   | 56.30      | 28.98   | 35.03        | S08°39'32" W  |
| CD26  | 75.00  | 32°18'09"   | 42.23      | 21.22   | 41.73        | S08°39'32" W  |
| CD27  | 45.00  | 32°18'09"   | 25.33      | 13.03   | 25.04        | S08°39'32" W  |
| CD28  | 100.00 | 24°20'46"   | 44.62      | 22.85   | 44.20        | N05°05'17" E  |
| CD29  | 75.00  | 31°28'18"   | 87.38      | 36.17   | 65.13        | N08°34'35" E  |
| CD30  | 50.00  | 34°17'04"   | 47.38      | 25.64   | 45.83        | N08°34'35" E  |
| CD31  | 25.00  | 88°28'44"   | 29.89      | 17.02   | 28.14        | S22°28'22" W  |
| CD32  | 25.00  | 88°28'44"   | 29.89      | 17.02   | 28.14        | S22°28'22" W  |
| CD33  | 25.00  | 76°47'07"   | 34.36      | 45.80   | 63.84        | S46°18'30" E  |
| CD34  | 200.00 | 45°13'02"   | 157.84     | 83.38   | 183.77       | N53°07'55" E  |
| CD35  | 25.00  | 57°35'54"   | 25.12      | 12.74   | 24.09        | N28°52'27" W  |
| CD36  | 25.00  | 49°53'33"   | 17.58      | 11.03   | 16.09        | S29°08'18" E  |
| CD37  | 25.00  | 40°15'33"   | 17.58      | 6.18    | 12.40        | S10°09'33" E  |
| CD38  | 35.00  | 81°28'14"   | 37.85      | 20.81   | 39.77        | N56°39'36" E  |
| CD39  | 35.00  | 58°18'52"   | 34.40      | 16.73   | 33.03        | N02°13'54" W  |
| CD40  | 20.00  | 89°07'12"   | 24.13      | 13.78   | 22.69        | N84°58'58" W  |
| CD41  | 150.00 | 18°20'44"   | 48.03      | 24.22   | 47.83        | S87°36'38" E  |
| CD42  | 25.00  | 87°20'21"   | 42.40      | 20.43   | 37.88        | S87°36'38" E  |
| CD43  | 25.00  | 105°44'53"  | 46.14      | 33.02   | 39.87        | N55°19'34" W  |
| CD44  | 37.00  | 48°33'11"   | 43.83      | 28.21   | 48.08        | S10°05'15" E  |
| CD45  | 233.00 | 45°13'02"   | 183.09     | 98.81   | 178.38       | S35°07'00" E  |

- LEGEND:**
- PG. = PAGE
  - (X) = RADIAL
  - FND. = FOUND
  - ORIG. = ORIGINAL
  - COR. = CORNER
  - P.B. = PLAT BOOK
  - FW. = NON-RADIAL
  - RP. = RADIAL POINT
  - SF. = SQUARE FEET
  - O.R. = OFFICIAL RECORD BOOK
  - R/W. = RIGHT OF WAY
  - (1) = CURVE NUMBER
  - PT. = POINT OF TANGENCY
  - PC. = POINT OF CURVATURE
  - MPC. = POINT OF REVERSE CURVATURE
  - PI. = POINT OF INTERSECTION
  - PSM. = PROFESSIONAL SURVEYOR AND MAPPER
  - D.E. = DRAINAGE EASEMENT
  - P.U.E. = PUBLIC UTILITY EASEMENT
  - L.M.E. = LAKE MAINTENANCE EASEMENT
  - U.E. = UTILITY EASEMENT
  - S.W.E. = SIDEWALK EASEMENT
  - L.E.C. = LEE COUNTY UTILITIES EASEMENT
  - = SET PERMANENT REFERENCE "X" CONCRETE MONUMENT (PERM)
  - PSW 4334/LB 4818 (UNLESS OTHERWISE NOTED)
  - ▲ = PERMANENT CONTROL POINT (PCP)
  - = SET 8" I.R. IRON ROD & CAP LABELED
- TRACT IDENTIFICATION:**
- TRACT 1 - LAKE/DRAINAGE/RETENTION
  - TRACT 2 - LANDSCAPE/COAMING AREA/DRAINAGE EASEMENT
  - TRACT 3 - ROADWAY, DRAINAGE EASEMENT & P.U.E.
  - TRACT 4 - CONSERVATION EASEMENT

EXHIBIT "A"  
(Page 4 of 5)

CASE NO. 2025001-00172

# PLAZA DEL SOL

A SUBDIVISION  
LYING IN

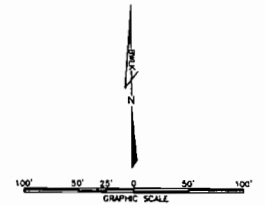
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PLAT BOOK 80 PAGE 76  
SHEET 9 OF 9

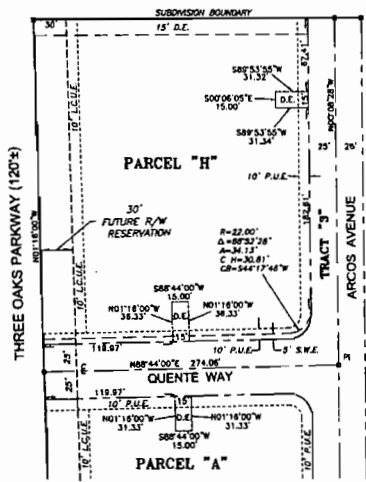
THIS INSTRUMENT PREPARED BY:  
BEAN, WHITAKER, LUTZ & KAREH, INC.  
CONSULTING ENGINEERS AND SURVEYORS  
13041 MCGREGOR BLVD. (239) 481-1331  
FORT MYERS, FLORIDA 33919

- LEGEND:
- PC = PACE
  - (M) = RADIAL
  - FND. = FOUND
  - ORCL. = ORIGINAL
  - COR. = CORNER
  - (RM) = NON-RADIAL
  - RP = RADIAL POINT
  - SF = SQUARE FEET
  - R/W = RIGHT OF WAY
  - (41) = CURVE NUMBER
  - PT = POINT OF TANGENCY
  - PC = POINT OF CURVATURE
  - PRC = POINT OF REVERSE CURVATURE
  - PI = POINT OF INTERSECTION
  - O.R. = OFFICIAL RECORDS BOOK
  - PSM = PROFESSIONAL SURVEYOR AND MAPPER
  - D.E. = DRAINAGE EASEMENT
  - P.U.E. = PUBLIC UTILITY EASEMENT
  - L.M.E. = LAKE MAINTENANCE EASEMENT
  - U.E. = UTILITY EASEMENT
  - S.W.E. = SIDEWALK EASEMENT
  - L.G.U.E. = LEE COUNTY UTILITIES EASEMENT

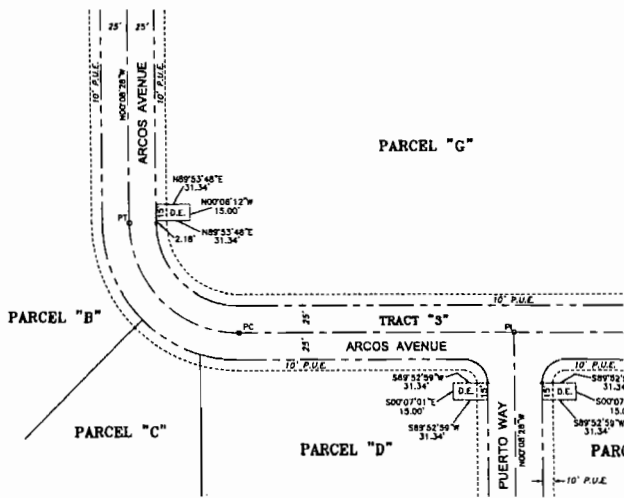
- = SET PERMANENT REFERENCE 4"x4" CONCRETE MONUMENT (FROM PSM 4324/LB 4819 UNLESS OTHERWISE NOTED)
- = PERMANENT CONTROL POINT (PCP) NAIL & DISC PSM 4324/LB4819
- = SET 5/8" IRON ROD & CAP LABELED ETRM 4819 "DSD CON"



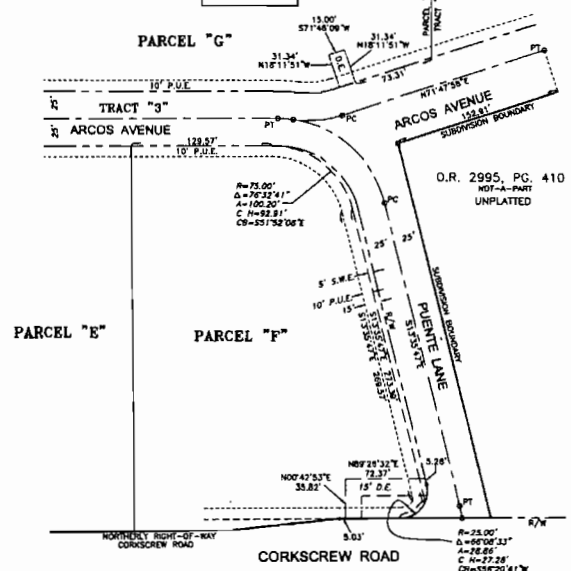
DETAIL #1



DETAIL #2



DETAIL #3



DETAIL #4

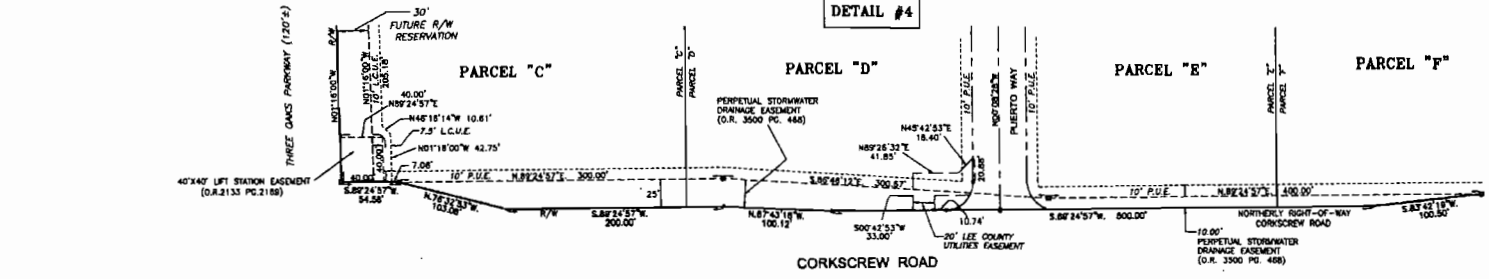
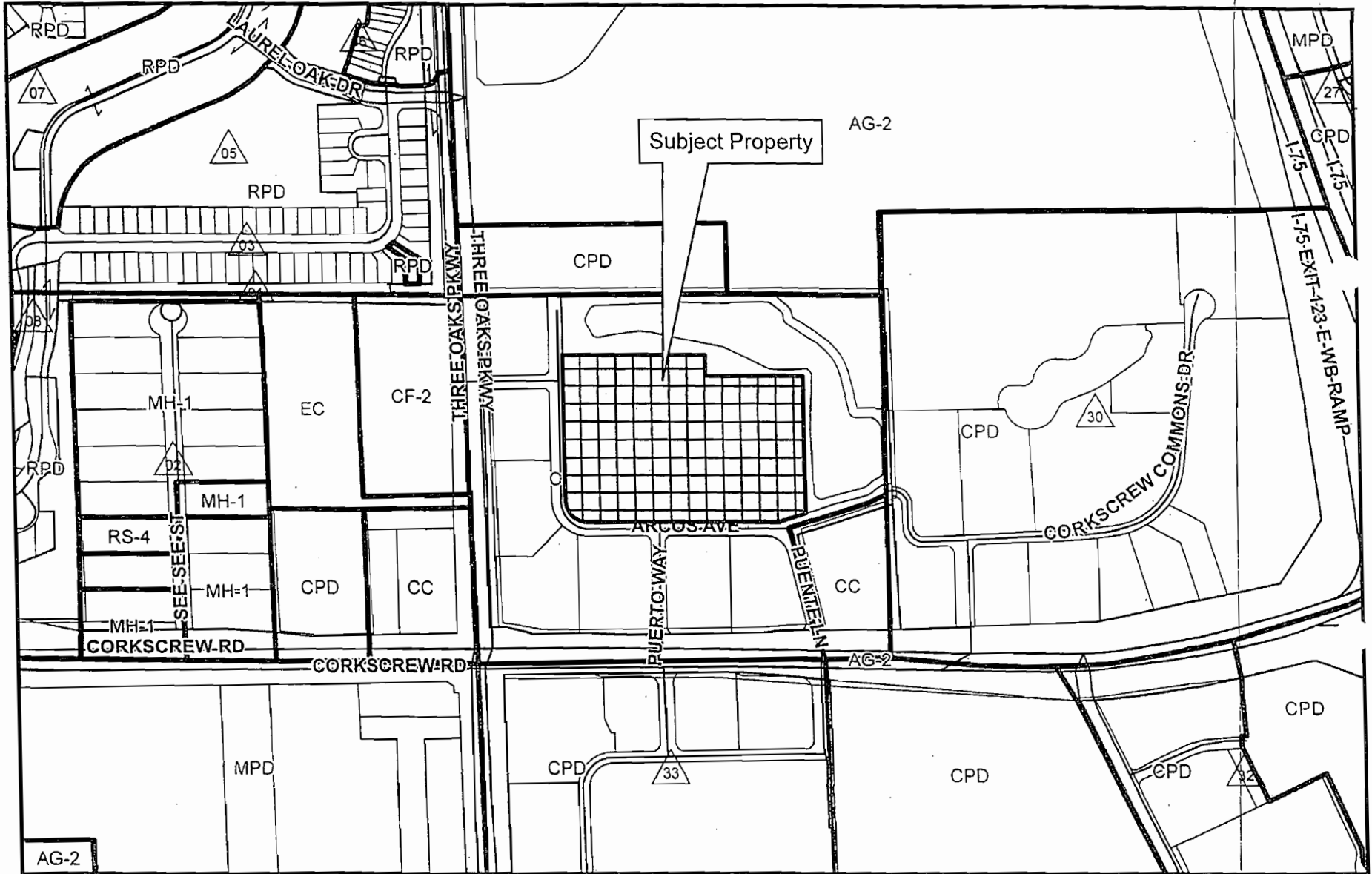


EXHIBIT "A"  
(Page 5 of 5)

CASE NO. 12-1001-0000  
00920001-00171

# Zoning Map



AG-2

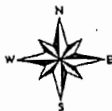
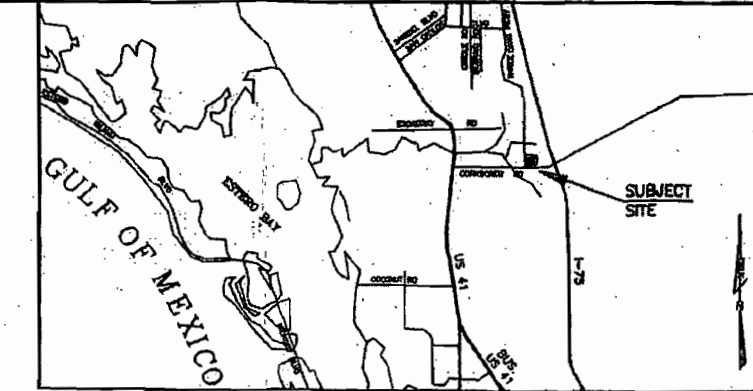
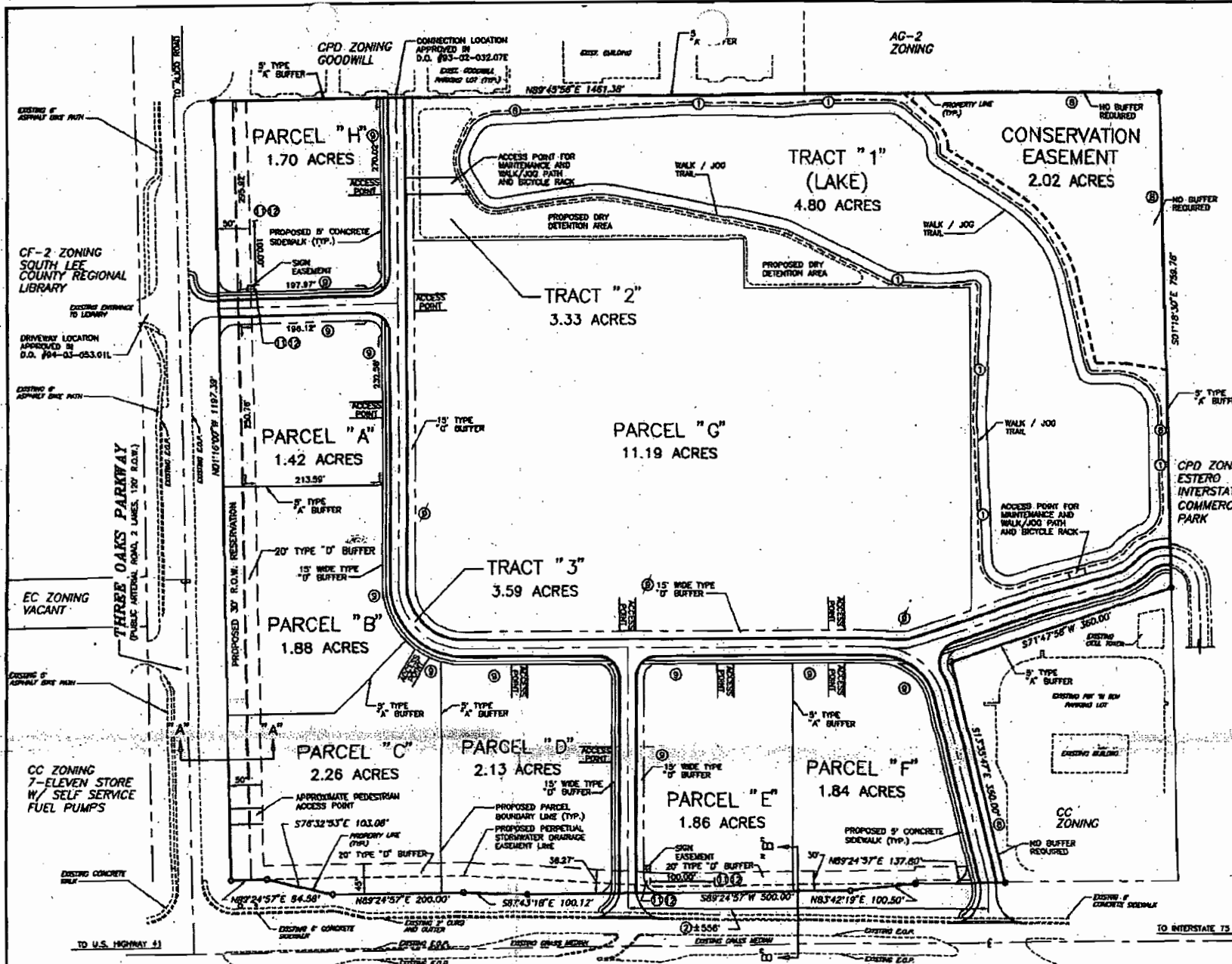


EXHIBIT "B"





LOCATION MAP  
N.T.S.

**DEVELOPMENT REGULATIONS:**

- BUILDING HEIGHT - TWO (2) STORES OR 35' ABOVE AVERAGE GRADE
- COMMERCIAL SQUARE FOOTAGE SHALL BE LIMITED TO 230,000 S.F.
- OF THE TOTAL 230,000 S.F. OF FLOOR AREA PROJECTED FOR PARCELS A THROUGH H, OUTPARCEL A IS EXPECTED TO CONTAIN A MAXIMUM OF 16,000 S.F., OUTPARCEL B IS EXPECTED TO CONTAIN A MAXIMUM OF 16,000 S.F., OUTPARCEL C IS EXPECTED TO CONTAIN A MAXIMUM OF 21,200 S.F., OUTPARCEL D IS EXPECTED TO CONTAIN A MAXIMUM OF 18,000 S.F., OUTPARCEL E IS EXPECTED TO CONTAIN A MAXIMUM OF 18,000 S.F., OUTPARCEL F IS EXPECTED TO CONTAIN A MAXIMUM OF 18,000 S.F., OUTPARCEL G IS EXPECTED TO CONTAIN A MAXIMUM OF 114,100 S.F., AND OUTPARCEL H IS EXPECTED TO CONTAIN A MAXIMUM OF 8,700 S.F.

**OPEN SPACE CALCULATIONS:**

REQUIRED OPEN SPACE = (30%) x (1,833,828 S.F.) = 549,958 S.F. = 11.402 AC.

OPEN SPACE PROVIDED:

|                                   |                                 |
|-----------------------------------|---------------------------------|
| TRACT 1                           | 124,372 S.F.                    |
| TRACT 2                           | 143,800 S.F.                    |
| TRACT 3                           | 242,001 S.F.                    |
| CONSERVATION EASEMENT             | 87,882 S.F.                     |
| PARCEL A                          | 6,156 S.F.                      |
| PARCEL B                          | 8,181 S.F.                      |
| PARCEL C                          | 8,211 S.F.                      |
| PARCEL D                          | 8,278 S.F.                      |
| PARCEL E                          | 8,103 S.F.                      |
| PARCEL F                          | 8,004 S.F.                      |
| PARCEL G                          | 48,237 S.F.                     |
| PARCEL H                          | 7,368 S.F.                      |
| <b>TOTAL OPEN SPACE PROVIDED:</b> | <b>438,951 S.F.</b><br>(20.02%) |

**NOTE:**

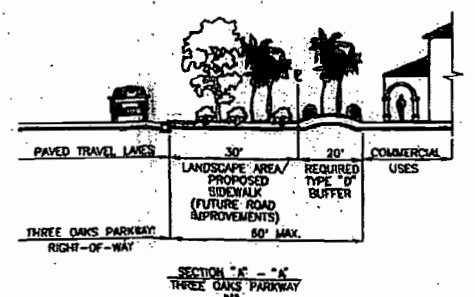
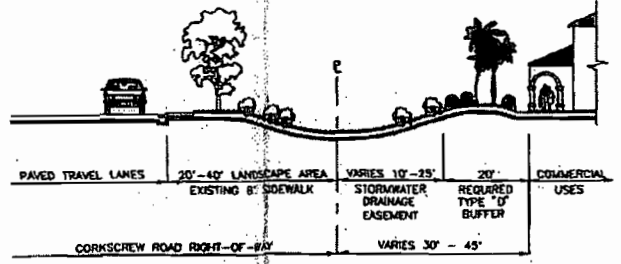
\*NOT ALL PERVIOUS AREAS QUALIFY AS OPEN SPACE. THEREFORE THERE ARE DIFFERENCES BETWEEN PERVIOUS AREAS IN SITE DATA AND OPEN SPACE CALCULATIONS.

**LEGEND:**

⊙ - DEVIATION KEY

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # ADD2006-00079  
Date 5/18/2006

**RECEIVED**  
NOV 06 2009  
COMMUNITY DEVELOPMENT



DCI 2008-00048

SOL PROPERTY DEVELOPMENT, INC.  
2340 FLORENCE WAY, SUITE 101  
SARASOTA, FLORIDA 33557 (239) 472-4455

**PLAZA DEL SOL**  
AMENDMENT TO MASTER CONCEPT PLAN Z-94-060  
SECTION 35, 146 S., R25 E., LEE COUNTY, FLORIDA

REVISIONS PER ADMINISTRATIVE AGREEMENT APPLICATION - 03/15/2004  
REVISIONS PER LEE COUNTY REQUIREMENTS - 08/04/2003  
REVISIONS PER LEE COUNTY REQUIREMENTS - 05/05/2003  
REVISIONS PER LEE COUNTY REQUIREMENTS - 03/03/2003  
REVISIONS PER LEE COUNTY REQUIREMENTS - 11/23/2002

STATUS

APPROVED BY: J.N. BEAN  
SCALE: 1" = 100'  
DATE: MAY 10, 2002

DEVELOPED BY: J.S. MATEY  
PROJECT NUMBER: 31431 (01-43)

Bean, Whitaker, Lutz & Kareh, Inc.  
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS  
13041 MICROCOR BLVD., SUITE 1, FT. MYERS, FL 33919 (239) 481-1331  
AUTHORIZATION NUMBER: EB4919

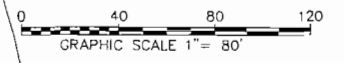
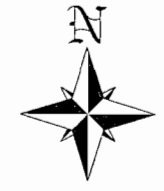
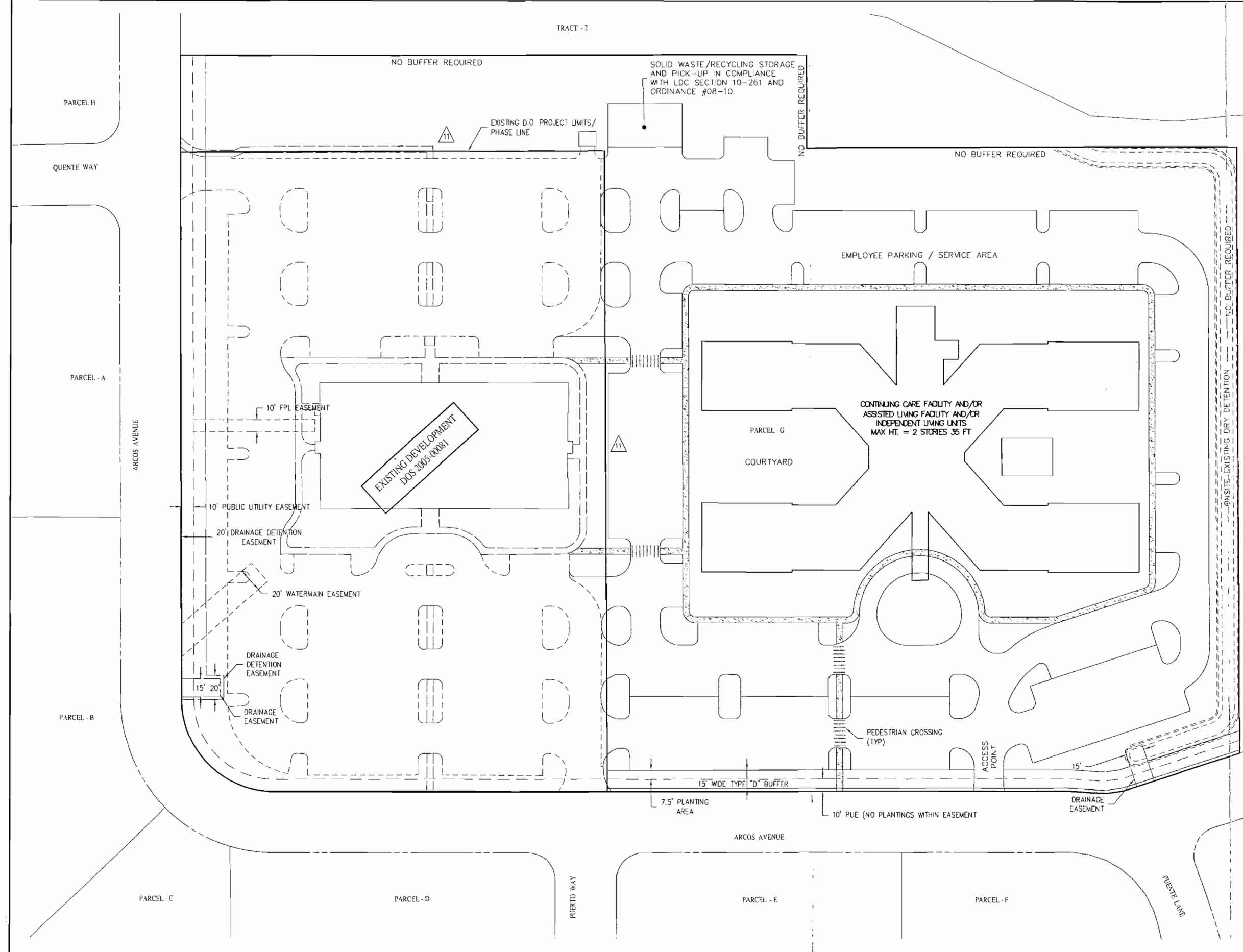
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APR 27 2006  
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ADD 2006-00079

MASTER CONCEPT PLAN  
SHEET 1 OF 12

FILE: 33-46-25

EXHIBIT "C"  
(Page 1 of 2)



TRACT - 1  
(LAKE)

- NOTES:**
1. PARCEL G OPEN SPACE REQUIRED: 48,737 S.F.
  2. MAXIMUM BUILDING HEIGHT: TWO STORIES, 35'.
  3. SHARED/JOINT PARKING IS APPROVED IN ACCORDANCE WITH LDC SECTION 34-2018 IN ORDER TO COMPLY WITH THE PLAZA DEL SOL DESIGN GUIDELINES AND THE ESTERO PLANNING COMMUNITY DESIGN STANDARDS LDC SECTION 33-114(a)(3).

**LEGEND:**  
 = DEVIATION

**Approved as Exhibit C**  
**MCP Page 2 of 2**  
**Resolution # 2-09-037**

**DCI 2008-00048**

**RECEIVED**  
**FEB 04 2010**

**COMMUNITY DEVELOPMENT**

PREPARED FOR:  
**ESTERO MEDICAL CENTER**  
 10201 ARCOS AVENUE #106  
 ESTERO, FLORIDA 33928

| NO. | DATE     | REVISION DESCRIPTION                              | BY  |
|-----|----------|---|-----|
| 4   | 02/01/10 | RESOLUTION  | SEH |
| 3   | 10/28/09 | DEVIATION PER ENVIRONMENTAL SCIENCES STAFF REPORT | SEH |
| 2   | 07/14/09 | 2ND SUFFICIENCY                                   | SEH |
| 1   | 4/29/09  | 1ST SUFFICIENCY                                   | SEH |

**Banks Engineering**  
 Professional Engineers, Planners, & Land Surveyors  
 FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ CHARLOTTE  
 10511 SIX MILE CYPRESS PARKWAY  
 FORT MYERS, FLORIDA 33966  
 PHONE: (239) 933-4490 FAX: (239) 939-7933  
 ENGINEERING LICENSE # EB 6459  
 SURVEY LICENSE # LS 6090  
 WWW.BANKSENG.COM

| DATE       | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE  | SHEET | OF |
|------------|---------|---------|--------|-------|---------|--------|-------|----|
| 10/15/2008 | 2491    | Mcp02   |        | SDJ   | SEH     | 1"=80' | 2     | 2  |

EXHIBIT "C"  
(Page 2 of 2)

2491

## EXHIBIT "D"

### Plaza Del Sol

### Design Guidelines

REVISED 07/14/03

#### Project Overview

This document describes the intent of the applicant in developing the Plaza Del Sol Subdivision and proposes design guidelines by which individual parcels will be constructed. The objective is to provide the Estero community and Lee County the assurances that this project will be developed to meet the language and intent of the Estero Community Plan while allowing the developer the flexibility to market the project to tenants with varying uses, building types and size requirements.

The Plaza Del Sol Subdivision is located at the northeast corner of Corkscrew Road and Three Oaks Parkway. This intersection is expected to be the hub of the Corkscrew Road Corridor. For this reason, the developer has devoted special attention to creating the following design guidelines that exceed both the current Lee County Design Guidelines found in the recently adopted Corkscrew Main Street Overlay District Guidelines in the Lee County Land Development Code Sections 34-1045. through 34-1047.

In developing the property, it is important to do so in accordance with the Lee County Comprehensive Plan (including Goal 19 of the Estero Plan) and the specific regulations governing development of a site at this location. The following principles and policies that influence this level of development were utilized:

1. The subject property is located at the intersection of two arterial roadways - Corkscrew Road and Three Oaks Parkway. Prime access is provided to the site by the intersecting arterial roads as well as the close proximity of Interstate 75 and U.S. 41.
2. The proposed development site is within the Urban Community Land Use Category, which was designated for areas that are suitable for fairly intense levels of commercial, residential and light industrial development. The Lee Plan projects more intense development in these areas, more characteristic of an urban area.
3. The intersection of Corkscrew Road and Three Oaks Parkway is designated as a Commercial Node on Map 19 of the Lee County Comprehensive Plan. The Estero Community Plan limits retail uses for all areas along Three oaks Parkway with the exception of commercial nodes where the plan deemed appropriate.
4. The project lies within the Corkscrew Main Street Overlay District which was created to provide a pedestrian "boulevard", in relative scale to Corkscrew Road by locating proposed commercial buildings close to the roadway and providing for pedestrian connections and amenities.
5. The intent of these design guidelines and standards is to meet and exceed the requirements of the Corkscrew Main Street Overlay District yet allow for the development of a large commercial project containing one or more major retailers.

## Architectural Design Guidelines

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The following design guidelines are intended to establish the standard with which this development will comply. The guidelines, however, are intended to be flexible to allow for a more detailed analysis by the Lee County Development Review Staff and the Estero Development Review Committee at the time of local development order.

1. Plaza Del Sol is planned as a functionally interrelated commercial site under unified control subject to common guidelines and standards to ensure a quality development. All development will meet and enhance the LDC Section 34-1042 through 34-1047. and the Corkscrew Road Main Street Overlay District.
2. Plaza Del Sol will be a fully integrated planned site where attention to the overall site design is achieved by providing well designed and integrated vehicular use areas, pedestrian paths, a compatible architectural theme, unified signage, landscaping and lighting throughout the site.
3. Plaza Del Sol will be developed on a 38 acre site as part of the Corkscrew Main Street Overlay District, a corridor of architecturally appealing and attractively landscaped buildings that provide retail, business and professional services to the community. The 38 acre site is divided into eight (8) development parcels, the outparcels fronting along Three Oaks Parkway and Corkscrew Road, and the Anchor Parcel located within the central portion of the site.
4. *The developer of individual outparcels and/or the Anchor Parcel will submit architectural and landscape plans to the Plaza del Sol Design for compliance review with these Design Standards prior to Development Order application.*

### A. Outparcels

1. Architectural Standards - The outparcels will feature an integrated and compatible vernacular with Mediterranean architectural elements in architectural building style or theme. Massing of building facades will be reduced by transitioning building heights, widths and colors, textures, and the adding of architectural elements such as wall projections, loggias, canopies, corner towers, archways or columns which will form courtyard-like areas appropriately scaled for public gathering space. Primary entry facades will have windows, no less than 10% of their horizontal length, in addition to the primary entrance. These treatments will create visual interest and variety while providing visitors to the project, a pedestrian-friendly atmosphere. Building architectural styles shall be compatible and complement elements such as roof treatments, signage, landscaping, and building materials and colors.
2. Each free-standing use will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles for the internal drive to the site, from the site to the buildings themselves. Pedestrian access will be provided from Parcel D to Three Oaks Parkway just north of the existing lift station in addition to the internal sidewalks intersecting with Corkscrew Road and Three Oaks Parkway.



The orientation of a building or structure upon a site will reflect not only the project's functionality but will also be responsive to the individual parcels characteristics and relationship to Corkscrew Road or Three Oaks Parkway. Service Bays on Parcel H will face away from Three Oaks Parkway.

3. Building lighting design will be architecturally treated in the style of the building architecture. Lighting fixtures illuminating the parking area shall be shielded to minimize light intrusion crossing the property line when abutting residential uses.
4. Landscaping - Landscape design guidelines for free-standing uses will create a harmonious and visually pleasing landscape that is cohesive and complementary to the overall master landscape plan. The Plaza Del Sol landscape concept will feature combinations of native plants and ornamental varieties, which will be designed to define and accent pedestrian and vehicular spaces as well as enhance the building architectural style. Landscape designs will create a coherent theme, which emphasizes plant material as a primary unifying element. Where possible, existing native trees will be incorporated into the site plan to add character to the pedestrian/open space areas and enhance buffer and perimeter areas.

#### B. Anchor Parcel

1. The anchor parcel will accommodate one (1) or several retail uses. The internal pedestrian system will connect the anchor parcel to the outparcels and the buildings of the anchor parcel will be designed to compliment the buildings on the outparcels. The parking area will be designed to minimize hardscaped areas, visually and physically.
2. Architectural Standards - The anchor parcel will feature an integrated and compatible vernacular architectural building style or theme with Mediterranean elements which will also be incorporated into the outparcels, whether multi-tenant or free-standing uses. Buildings will have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic and be site responsive. Facades will be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls while providing visual interest that will be consistent with the center's identity and character through the use of articulation, detail and scale. Articulation is accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian.

Buildings will also provide a minimum of two of the following building design treatments:

- A. Canopies or portico, integrated with the building's massing and style.
- B. Overhangs.
- C. Arcades, minimum of eight feet clear in width.
- D. Raised cornice parapets over doors.



- E. Arches.
- F. Ornamental and structural architectural details other than cornices, which are integrated into the building structure and overall design.
- G. Clock or bell towers.
- H. Any other treatment, which, in the opinion of the architect, meets the intent of the design character.

Building facades may include a repeating pattern and may include no less than two (2) of the design elements listed below. At least one (1) of these design elements may repeat horizontally.

- A. Color change.
- B. Texture change.
- C. Material module change.
- D. Expression of architectural relief through a change of plane of no less than 12 inches in width such as a reveal, an offset or a projecting rib.
- E. Architectural banding.
- F. Pattern change.

Roof will meet at least two (2) of the following requirements:

- A. Parapets will be used to conceal roof top equipment and flat roofs.
- B. Where overhanging eaves are used, overhangs will be no less than 12 inches beyond the supporting walls with a minimum fascia of 8 inches.
- C. Three-dimensional cornice treatment which will be a minimum of 12 inches in height with a minimum of three (3) reliefs.

Major anchor parcel buildings will have clearly defined, highly visible customer entrances which may include an outdoor patio area adjacent to the customer entrance which incorporates benches or other seating components and decorative landscape planters.

Exterior building colors and materials contribute significantly to the visual impact of a building.

Predominant exterior building materials will include but are not limited to:

- A. Stucco.
- B. EFIS.
- C. Brick.
- D. Tinted, textured, other than smooth or ribbed concrete masonry units.
- E. Stone, excluding an ashlar or rubble construction look.

Customer parking for the anchor parcel will be in accordance with Section 34-1046. Design Standards, Item 7.

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C. Common/Public Areas

1. Internal roadways will provide efficient vehicular circulation and will be designed with streetscapes that create pedestrian-friendly environments. Streetscape plans will be designed to establish a level of vehicular and pedestrian flow appropriate in scale and character with landscape improvements, street function and adjacent land uses with the intention of linking uses throughout the project.
2. Project features will be developed within common areas of the project and will be coordinated in design, color and style. Architectural features shall be permitted throughout the site.
3. In accordance with the Master Concept Plan, the live oak trees at the corner of Corkscrew Road and Three Oaks Parkway will be preserved and incorporated into an open space area. This area may include pedestrian amenities such as a walkway to the sidewalk along Three Oaks Parkway. This facility will be permitted and constructed as part of a development order for Parcel "D".
4. Plaza Del Sol will provide a variety of publicly accessible amenities which will further the projects commitment to complement and enhance Lee County and Estero's Design Guidelines and serve to provide a sense of place for the community.
5. A pedestrian-way network shall be established throughout the project. The pedestrian system will serve to link anchor and outparcel areas by providing a landscaped walkway protected from vehicular traffic movement. Any required breaks in the pedestrian network for vehicular access to the site shall be identified through the use of pavers, signage or other traffic calming techniques deemed appropriate to reduce the speed of vehicles and provide safe pedestrian movements throughout the site.
  - A. The anchor parcel/building area pedestrian-way shall be a wide intermittently covered walkway featuring concrete surfaces, which may be paved, tiled, etc. This pedestrian-way shall include architectural features such as fountains, courtyards, arbors or similar design features and decorative landscape plantings. This pedestrian-way pathway shall have a minimum unobstructed average width of 8'. Seating and decorative landscape planting shall be provided intermittently along the pathway and at all primary tenant entrances.
  - B. The outparcel/building area pedestrian-way shall be incorporated in each building design as either a covered or uncovered walkway adjacent to at least three (3) sides of a building and extending to parking areas and/or adjacent parcels. The walkways shall feature concrete surfaces, which may be tiled, paved, etc.
  - C. The parking area pedestrian-way shall be located generally within the parking area. This pedestrian-way system will be designed to promote safe and convenient linkage from the parking areas to both the outparcel buildings and the anchor parcel.

~~Vehicular crossings will be identified with signage, landscaping or clearly marked through use of varied pavement treatments or other traffic calming techniques. This pedestrian-way system shall be a minimum of 5' in width with paver, stamped concrete or banded concrete pedestrian pathway. This pedestrian pathway will feature canopy trees or palms with ground level landscape plantings. Canopy trees or palms will be planted within adjacent parking landscape islands. Canopy trees or palms shall be planted along the pedestrian-way system and shall be a minimum 12' high with a 4' spread for canopy trees and equivalent specifications for shade palms at the time of planting.~~

6. The lake at Plaza Del Sol shall incorporate into the overall design of the project at least two (2) of the following items:
  - A. A maximum 5' wide mulched or cinder walkway with trees at an average of 50' on center.
  - B. A public access pier.
  - C. An intermittent shaded plaza courtyard, a minimum of 200 S.F. in area with benches and/or picnic tables adjacent to the water body.
  - D. A permanent fountain structure.

## Landscaping

### A. General:

Landscape development will play a major role in creating and perpetuating the "theme of image" at Plaza Del Sol. The site has very little topography or natural vegetation and no existing natural water bodies. A lake system will be constructed with the creation of a park setting as the objective. Therefore a carefully conceived landscape design concept will do much to create and enhance the village image desired at Plaza Del Sol.

Open space areas should incorporate landscaping which enhances the natural feel of the space, integrating its forms and features into the overall site plan. Native varieties of vegetation are encouraged. Plant material should be utilized for the purposes of enhancing the harmonious forms of a meandering lake, berms, drainage features and pathway systems while serving to integrate these spaces into the overall site plan. Plantings shall include an appropriate mix of approved trees, shrubs and groundcover which will achieve a natural, harmonious function and provide a pleasing complement to the landscape. The use of native tree and shrub masses is encouraged to reinforce the park-like character of Plaza Del Sol.

Landscaping shall also conform to the Estero Community Land Development Code and Corkscrew Road Main Street Overlay District Corridor Plan.

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B. Landscape Development Priorities:

The following represents the development priorities related to landscaping to insure consistency within Plaza Del Sol:

1. Integration of Architecture and Landscaping - Use plants that project a scale relationship between people, the architecture and the open space. Variable height, building foundation plantings should be used to integrate architecture and open space.
2. Erosion Control Planting - Sodding, seeding, planting of areas such as swales and lake banks and slopes of berms.
3. Tree Planting - Use native trees colorful and attractive materials to create variety and ambiance.
4. Screening - Use plants to screen undesirable elements such as parking lots and service areas or to help create privacy.
5. Creating Focal Points and Interest Planting - Use plants that flower or fruit with interesting branching structures or unique variety.
6. Shrubs and Groundcover - Use of shrubs should be to conceal parking areas. Groundcover may be used to add interest.

C. Perimeter:

1. Buildings along Corkscrew Road will be designed in accordance with Lee County Land Development Code Section 34-1047.; the setback requirements for the Corkscrew Road Main Street Overlay District (Typical Section A). Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project.
2. The height of required trees within buffers shall be 12' overall in height. Canopy trees shall have a 6' canopy spread at the time of planting.
3. Landscape buffers, berms, fences and walls, where applicable, must be constructed along the perimeter of the Plaza Del Sol boundary concurrent with site development. Landscape buffers along the internal road network will also be installed concurrent with site development.
4. Signage, project architectural features, lighting and utilities will be permitted and constructed concurrent with site development.

D. Signage:

1. All signs shall be of consistent architectural style and shall feature like building materials and sign structures. Sign structures will be uniform in size, color and building material.
2. All signs will comply with the Land Development Code Sign Guidelines for Estero at the time of the issuance of the sign permit (see typical sign sketches). All signage will be in accordance with LDC Section 34-400. et. seq.

E. Internal:

Per Lee County Land Development Code Sections 34-1042. through 34-1047., internal landscaping will be provided to minimize hardscaped areas, both visually and physically, accentuate entryways, define pedestrian areas and enhance the pedestrian walkway system. In all landscaped areas, existing native trees will be preserved where possible.

*In addition to these regulations (LDC Sections 34-1042. through 34-1047.), the following will be required:*

1. *Parking lots shall provide a landscaped island for every 10 parking spaces.*
2. *Parking design (angle of parking) shall be unified except at perimeter areas, which may utilize for one row deep a different angle to maximize parking design.*
3. *Shared parking is encouraged.*
4. *Parking on the anchor parcel shall be distributed around the building with employee parking located at the rear of the building.*
5. *All parking lots shall be interconnected.*

F. Street Right-of-Ways:

Street right-of-ways shall include appropriate landscaping, sidewalks, lighting and drainage provisions. Each lot owner is expected to incorporate the Plaza Del Sol right-of-way treatment into their respective buffer areas to insure continuity of design and perpetuation of the village image.

G. ~~Entrances:~~

The entry is identified by changing the character of the roadway landscaping by holding the plantings away from the entry, grading and providing focal point landscaping, signage, etc. Landscaping should present an attractive appearance and reinforcement of the entrance to the lot and should incorporate the design of the landscaping in adjoining buffer areas. Landscape treatment of entry areas shall not incorporate, interfere with or obstruct the view of vehicular or pedestrian traffic. The intent is to provide continuity and integrity of landscape design between entrances and lots.

H. Adjacent Landscape Buffers:

All parking areas facing adjacent properties shall be landscaped as to effectively screen vehicles and from public rights-of-way, residential and recreation areas.

1. Berming shall be provided adjacent to the parking lot asphalt surface to screen parking from adjacent properties and public right-of-ways.
2. Plantings upon berms shall be double rowed, staggered planting technique of sufficient density to effectively screen vehicles within the parking area from adjacent properties and public right-of-ways.
3. All lot service or utility areas shall be adequately screened from view from adjacent properties and public right-of-ways. Screening shall be a minimum of double rowed, staggered density hedges.

I. Building Open Area Landscaping:

1. Front Areas - Landscape treatment of front areas shall present an attractive appearance emphasizing the major entrance or entrances to the structure. Landscaping should be a mix of trees; shrubs and groundcover in a design appropriate with the scale of the building. A combination of shrubs and groundcover should be utilized as foundation plants in an aesthetic design across the entire front facade of the building. Trees shall be incorporated into the landscaping design of front areas to provide shade, accent and frame the main entry of the building.
2. Side Areas - Landscape treatment of side areas as defined herein shall be incorporated into and shall continue the design of the front area. Mixed shrubs and groundcover shall be used as foundation plants across the entire facade in these areas exclusive of walks, entries and courtyards. All walks entries and courtyards in side areas shall be appropriately landscaped.
3. Rear Areas - Landscape treatment for rear or service areas as defined herein shall also be incorporated into the overall design of the front and side areas. Appropriate foundation plantings shall be provided across all facades in normal public view.

~~Any service areas, drives and service entrances shall be adequately screened with appropriate plant material from the approved list in this manual so as to present a totally screened appearance to persons entering or leaving the building through all public entrances or exits and to vehicular or pedestrian traffic in the roadways adjacent to the lot.~~

J. Sodding and Mulch:

1. All open spaces not developed with parking, roadways, sidewalks or otherwise planted shall be sodded or planted in approved groundcover.
2. Sod shall be St. Augustine "Floritam".
3. All exposed dirt shall be covered with a minimum of two (2) inches of shredded eucalyptus or no less than Grade "B+" cypress mulch.

K. Irrigation:

1. Plaza Del Sol will provide irrigation water to the common landscaped areas via irrigation wells.
2. Individual lot owners will have the option to provide a private well for irrigation or use the public water system. No lake water withdrawals for irrigation purposes are allowed by lot owners. All irrigation systems must be of an approved underground automatic type with pumps and time clocks screened from view. Irrigation shall extend all the way to the curb, side property lines and to the edge of all lakes and/or retention features.
3. A "drip" irrigation system will be used in all common landscape and buffer areas.
4. If "pop up" spray heads are used on individual parcels, the pipe extensions should be painted a dark green or black where exposed. Irrigation heads should be placed to prevent spraying onto paved areas.
5. Installation of the irrigation system shall follow the piping and installation specifications of Gulf Environmental Services, Inc.

L. Landscape Maintenance:

All Plaza Del Sol lot owners shall maintain their landscape to standards established and maintained by the Plaza Del Sol Property Owners' Association Design Review Committee.

Each lot owner, as a member of the Plaza Del Sol Property Owners' Association (POA), will participate in shared landscape maintenance of all common areas within the Plaza del Sol land mass as defined in Exhibit "A" of the Declaration of Covenants, Conditions and Restrictions contained within this Lot Owners Manual.



As POA members, lot owners will participate in the ongoing oversight of the POA contract landscape maintenance services for the common areas as well as participate financially based on appropriate share. The POA will maintain the common areas within the Plaza Del Sol land mass to include medians, entrances to Plaza Del Sol and dedicated open spaces.

Each lot owner shall have the responsibility to maintain the landscaping within their lot to the curb line, all property lines, and any bodies of water located on the lot in accordance with POA standards.

M. Acceptable Plant Material:

For the purpose of unity in design, the following plant list shall form the basis of landscape design. Plant materials shall conform to the Lee County Land Development Code Standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee, and any amendments thereto. Plant material requirements have been selected for harmony, interest in structure, texture, color and ultimate growth.

The attached Native Plant Lists are provided to present a specific plant palette for perimeter buffers, native re-vegetation, preserve enhancement, and to satisfy Lee County Land Development Code native plant requirements. Any non-native landscape material used shall be allowed under the Lee County Land Development Code and will be used to provide additional color and texture for areas to be enhanced such as main vehicular and pedestrian entries, circulation routes, building perimeter plantings and pedestrian amenity open spaces.

**Recommended Plants - Native Trees (Medium and Large)**

(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>           | <u>Common Name</u> | <u>Botanical Name</u>                          | <u>Common Name</u>       |
|---------------------------------|--------------------|--|--------------------------|
| <i>Acacia farnesiana</i>        | Sweet Acacia       | <i>Jacquinia keyensis</i>                      | Joewood                  |
| <i>Acer rubrum</i>              | Red Maple          | <i>Juniperus silicicola</i>                    | Southern Red Cedar       |
| <i>Annona glabra</i>            | Ponda Apple        | <i>Laguncularia racemosa</i>                   | White Mangrove           |
| <i>Acacia farnesiana</i>        | Sweet Acacia       | <i>Magnolia virginiana</i>                     | Sweet Magnolia           |
| <i>Bursera simaruba</i>         | Gumbo Limbo        | <i>Morus rubra</i>                             | Red Mulberry             |
| <i>Celtis laevigata</i>         | Sugarberry         | <i>Myrcanthes fragrans</i>                     | Simpson Stopper          |
| <i>Chrysobalanus icaco</i>      | Cocoplum           | <i>Nyssa sylvatica</i>                         | Black Gum                |
| <i>Chrysophyllum oliviforme</i> | Satin Leaf         | <i>Persea palustris</i>                        | Florida Red Bay          |
| <i>Citharexylum spinosum</i>    | Fiddlewood         | <i>Pinus elliotti 'densa'</i>                  | South Florida Slash Pine |
| <i>Cusia rosea</i>              | Pitch Apple        | <i>Pinus palustris</i>                         | Longleaf Pine            |
| <i>Cocoloba diversifolia</i>    | Pigeon Plum        | <i>Piscidia piscipula</i>                      | Jamaica Dogwood          |
| <i>Cocoloba uvifera</i>         | Seagrape           | <i>Prunus angustifolia</i>                     | Chickasaw Plum           |
| <i>Conocarpus erectus</i>       | Buttonwood         | <i>Quercus laurifolia</i>                      | Laurel Oak               |
| <i>Cordia sebestena</i>         | Geiger Tree        | <i>Quercus virginiana</i>                      | Live Oak                 |
| <i>Diospyros virginiana</i>     | Persimmon          | <i>Rhizophora mangle</i>                       | Red Mangrove             |
| <i>Eugenia axillaris</i>        | White Stopper      | <i>Salix caroliniana</i>                       | Coastal Pain Willow      |
| <i>Eugenia confusa</i>          | Redberry Stopper   | <i>Sapindus saponaria</i>                      | Wingleaf Soapberry       |
| <i>Eugenia foetida</i>          | Spanish Stopper    | <i>Schaefferia frutescens</i>                  | Florida Boxwood          |
| <i>Eugenia rhombea</i>          | Red Stopper        | <i>Sideroxylon foetidissimum</i>               | Mastic                   |
| <i>Gordonia lasianthus</i>      | Loblolly Bay       | <i>Sideroxylon salicifolium</i>                | Willow Busic             |
| <i>Guaiacum sanctum</i>         | Lignum Vitae       | <i>Swietenia mahogoni</i>                      | Mahogany                 |
| <i>Gymnanthes lucida</i>        | Crabwood           | <i>Taxodium distichum</i>                      | Bald Cypress             |
| <i>Ilex cassine</i>             | Dahoon Holly       | <i>Ulmus alata</i>                             | Winged Elm               |
| <i>Ilex vomitoria</i>           | Yaupon Holly       | <i>Ulmus americana</i><br><i>var.floridana</i> | Florida Elm              |
| <i>Ilex x attenuata</i>         | East Palatka Holly |  |                          |

Recommended Plants - Native Trees (Medium and Large)

(Plants Listed Range from Zones 9, 10 and 11)

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| <u>Botanical Name</u>         | <u>Common Name</u>  |
|-------------------------------|---------------------|
| <i>Acoelorrhaphe wrightii</i> | Paurotis Palm       |
| <i>Coccothrinax argentata</i> | Silver Palm         |
| <i>Rhapidophyllum hystrix</i> | Needle Palm         |
| <i>Roystonea elata</i>        | Royal Palm          |
| <i>Sabal minor</i>            | Dwarf Palmetto      |
| <i>Sabal Palmetto</i>         | Cabbage Palm        |
| <i>Serenoa repens</i>         | Saw Palmetto        |
| <i>Thrinax radiata</i>        | Florida Thatch Palm |

(Plants Listed Range from Zones 9, 10 and 11)

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| <u>Botanical Name</u>             | <u>Common Name</u>   |
|-----------------------------------|----------------------|
| <i>Ardisia escallonioides</i>     | Mariberry            |
| <i>Baccharis halimifolia</i>      | Saltbush             |
| <i>Callicarpa americana</i>       | Beautyberry          |
| <i>Capparis cynophallophora</i>   | Jamaican Caper       |
| <i>Cassia ligustrina</i>          | Privet Cassia        |
| <i>Cephalanthus occidentalis</i>  | Buttonbush           |
| <i>Cordia globosa</i>             | Bloodberry           |
| <i>Dodonaea viscosa</i>           | Varnishleaf          |
| <i>Erithalis fruticosa</i>        | Black Torch          |
| <i>Ernodia littoralis</i>         | Beach Creeper        |
| <i>Erythrina herbacea</i>         | Coral Bean           |
| <i>Foresteria segregata</i>       | Florida Privet       |
| <i>Genipa clusiifolia</i>         | Seven-Year Apple     |
| <i>Hamelia patens</i>             | Firebush             |
| <i>Hypericum</i> spp.             | St. John's Wort      |
| <i>Illicium floridanum</i>        | Florida Anise        |
| <i>Itea virginica</i>             | Virginia Sweetspire  |
| <i>Iva frutescens</i>             | Marsh Elder          |
| <i>Lantana involucrata</i>        | Native White Lantana |
| <i>Licania michauxii</i>          | Gopher Apple         |
| <i>Lyonia lucida</i>              | Fetterbush           |
| <i>Myrica cerifera</i>            | Wax Myrtle           |
| <i>Opuntia</i> spp.               | Prickly Pear         |
| <i>Psychotria nervosa</i>         | Wild Coffee          |
| <i>Randia aculeata</i>            | White Indigo Berry   |
| <i>Rapanea punctata</i>           | Myrsine              |
| <i>Rivina humilis</i>             | Rouge Plant          |
| <i>Sambucus simpsonii</i>         | Elderberry           |
| <i>Scaevola plumieri</i>          | Scaevola             |
| <i>Sophora tomentosa</i>          | Necklace Pod         |
| <i>Stachytarpheta jamaicensis</i> | Blue Porterweed      |
| <i>Yucca aloifolia</i>            | Spanish Bayonet      |
| <i>Zamia pumila</i>               | Coontie              |

Recommended Plants - Native Grasses

---

(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>           | <u>Common Name</u>   |
|---------------------------------|----------------------|
| <i>Andropogon brachystachys</i> | Shortspike Bluestem  |
| <i>Eragrostis eliottii</i>      | Elliot Love Grass    |
| <i>Eragrostis spectabilis</i>   | Purple Love Grass    |
| <i>Muhlenbergia capillaris</i>  | Muhly Grass          |
| <i>Sorghastrum secundum</i>     | Lopsided Indiangrass |
| <i>Spartina bakeri</i>          | Sand Cordgrass       |
| <i>Tripsacum dactyloides</i>    | Fakahatchee Grass    |
| <i>Tripsacum floridanum</i>     | Florida Gamma Grass  |
| <i>Uniola paniculata</i>        | Sea Oats             |

**Recommended Plants - Native Ferns**  
(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>           | <u>Common Name</u>    |
|---------------------------------|-----------------------|
| <i>Acrostichum danaeifolium</i> | Leather Fern          |
| <i>Blechnum serrulatum</i>      | Swamp Fern            |
| <i>Ctenitis sloanei</i>         | Florida Tree Fern     |
| <i>Nepherolepsis</i> spp.       | Swordfern/Boston Fern |
| <i>Osmunda regalis</i>          | Royal Fern            |
| <i>Pteridium aquilinum</i>      | Bracken               |

**Recommended Plants - Native Aquatics**  
(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>        | <u>Common Name</u> |
|------------------------------|--------------------|
| <i>Canna flaccida</i>        | Yellow Canna       |
| <i>Equisetum</i> spp.        | Horsetail          |
| <i>Juncus effusus</i>        | Soft Rush          |
| <i>Nuphar luteum</i>         | Spatterdock        |
| <i>Nymphaea odorata</i>      | White Water Lily   |
| <i>Pontederia lanceolata</i> | Pickerelweed       |
| <i>Sagittaria</i> spp.       | Arrowhead          |
| <i>Scirpus</i> spp.          | Giant Bulrush      |
| <i>Thalia geniculata</i>     | Alligator Flag     |

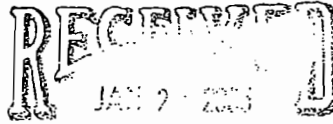
EXHIBIT "E"

# Estero Design Review Committee

## Public Informational Session Summary and Design Review Comments

December 21, 2004

Mr. Gene Allison  
20233 Wildcat Run Drive  
Estero, Florida 33928



PERMIT COUNTER

RE: **Classic Car Wash at Plaza Del Sol**  
**Public Informational Session Summary and Design Review Comments**  
Estero Design Review Committee Meeting of December 8, 2004  
Location: The Estero Country Club at the Vines - Perry Room

Dear Applicant and County Staff:

The above referenced project was presented to EDRC on December 8, 2004, and has satisfied the public informational session as required per LDC, Sect.34-1042. The EDRC recommends the approval of the development order with the following suggestions/comments all of which the applicants agreed to pursue.

- The committee recommends "S" roof tile, profile or higher with flashing.
- Increase the size and number of dormers.
- Fire department requested 7'6" front and sides 4' rear.
- Applicant agreed to return before EDRC after submitting building colors, tile colors, sign package and landscaping to Plaza Del Sol for developer approval.

Per LDC Sect. 34-1042, the applicant must provide a proposal for how the applicant will respond to any issues that were raised. The EDRC recommends the applicant attach a response letter explaining how the EDRC suggestions/comments may or may not be addressed with revisions/changes to the Development Order submittal.

The EDRC would like to thank the applicant for the submittal and cooperation with the design review procedures.

Sincerely,

M. Gordon Lyons  
Vice Chair, Estero Design Review Committee

ADD 00016

EXHIBIT "F"

**Estero Design Review Committee**  
**Public Informational Session Summary and Design Review Comments**

September 29, 2005

Mr. Brad Guarino  
J.E.D. of Southwest Florida, Inc.  
9130 Corsea Del Fontana Way  
Naples, FL 34109

**RE: Plaza Del Sol Parcels A, B & C**  
**Public Informational Session Summary and Design Review Comments**  
Estero Design Review Committee Meeting of September 14, 2005  
Location: The Estero Country Club at the Vines - Perry Room

Dear Applicant and County Staff:

The above referenced project was presented to EDRC on September 14, 2005, and has satisfied the public informational session as required per LDC, Sect. 34-1042. The EDRC recommends the approval of the Development Order with the following suggestions/comments all of which the applicants agreed to pursue.

**Comments and Suggestions:**

1. Recommended that turf block be used in parking area because of tree roots.
2. Trees should be 12 to 14", 45 gallon.
3. Because of the uniqueness of the site which has an existing lift station at the corner and the plan to retain existing trees there, the Committee agreed to support the applicants request for an 8' decorative wall in lieu of parking façade within the 75' buffer.
4. The Committee also would support a deviation to remove 2 parking spaces

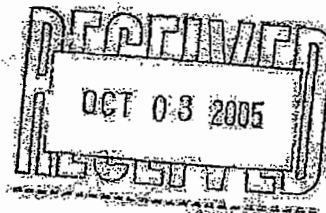
Per EDC SECT. 34-1042, the applicant must provide a proposal for how the applicant will respond to any issues that were raised. The EDRC recommends the applicant attach a response letter explaining how the EDRC suggestions/comments may or may not be addressed with revisions/changes to the Development Order Submittal.

The EDRC, on behalf of the citizens of Estero, would like to thank the applicant for the submittal and cooperation with the design review procedures.

Sincerely,



Thomas J. O'Dea  
Co-Chairman, Estero Design Review Committee



**PROPERTY DATA**

- 1. SITE IS LOCATED WITHIN PUD #001-14-0015-0001
- 2. SITE IS LOCATED WITHIN DEVELOPER'S TRACT MAP
- 3. ZONING ELEVATION - 10 FT. FROM THE ADJACENT DEVELOPER'S TRACT MAP
- 4. SITE IS LOCATED WITHIN THE CITY OF NAPLES
- 5. PROPERTY TAXES ARE PAID AS OF 12/31/2014
- 6. ALL UTILITIES ARE SHOWN
- 7. ALL PARCELS PART OF PLAZA DEL SOL SUBDIVISION PLAT, P.D. NO. 20 14-001
- 8. PARCELS ARE LOCATED WITHIN CERTAIN FIRE & RESCUE DISTRICT

**LEGAL DESCRIPTIONS**

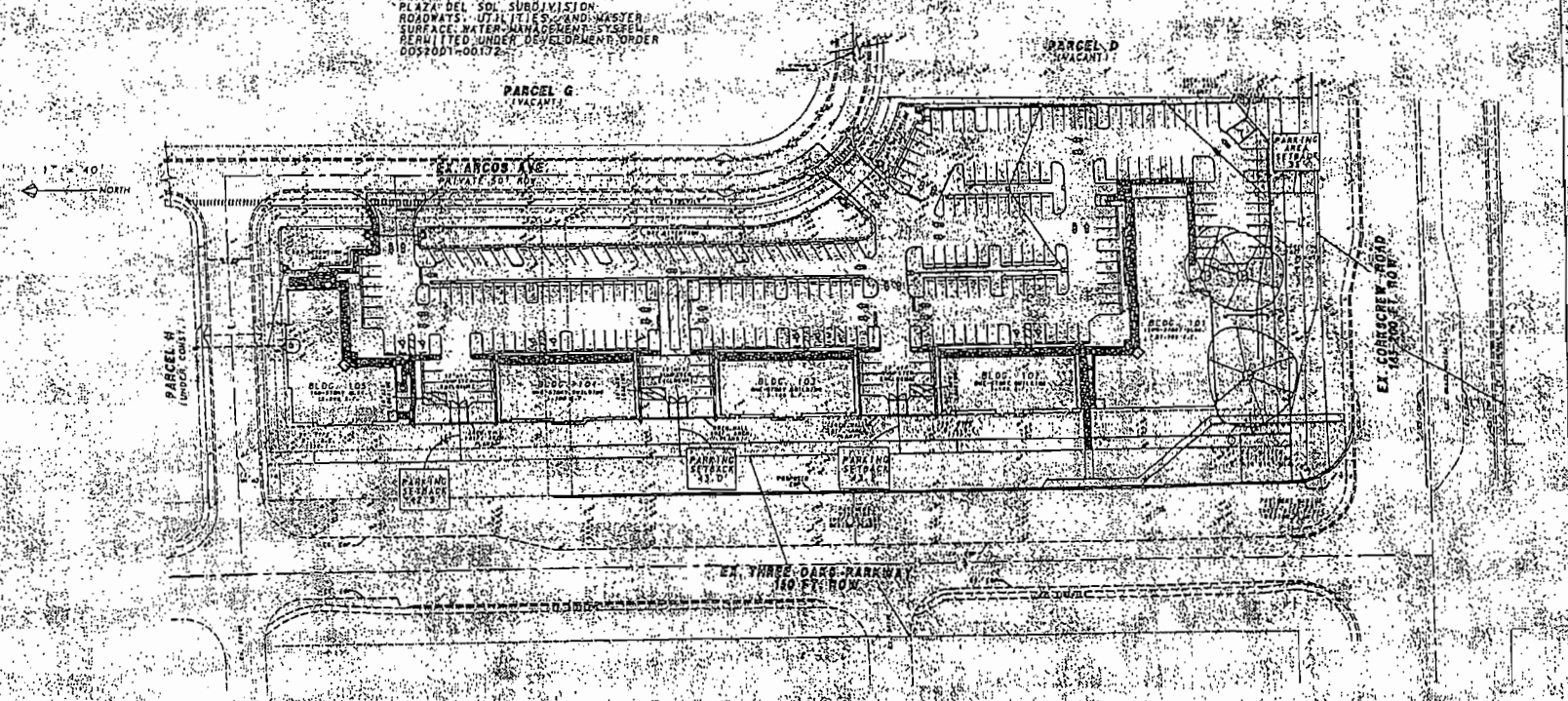
PARCEL A - PLAZA DEL SOL SUBDIVISION PLAT, P.D. NO. 20 14-001, PARCELS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AND UNLINED PARCELS. PARCEL A IS THE SOUTHWEST CORNER OF THE TRACT AND IS 100 FEET WIDE BY 100 FEET DEEP. PARCEL B IS THE NORTHWEST CORNER OF THE TRACT AND IS 100 FEET WIDE BY 100 FEET DEEP. PARCEL C IS THE NORTHEAST CORNER OF THE TRACT AND IS 100 FEET WIDE BY 100 FEET DEEP. PARCEL D IS THE SOUTHEAST CORNER OF THE TRACT AND IS 100 FEET WIDE BY 100 FEET DEEP.

PLAZA DEL SOL SUBDIVISION  
ROADWAYS, UTILITIES AND MASTER  
SURFACE WATER MANAGEMENT SYSTEM  
PERMITTED UNDER DEVELOPMENT ORDER  
002001-00102

**APPROVED Plan**

Subject to Case # ADD2005-00197

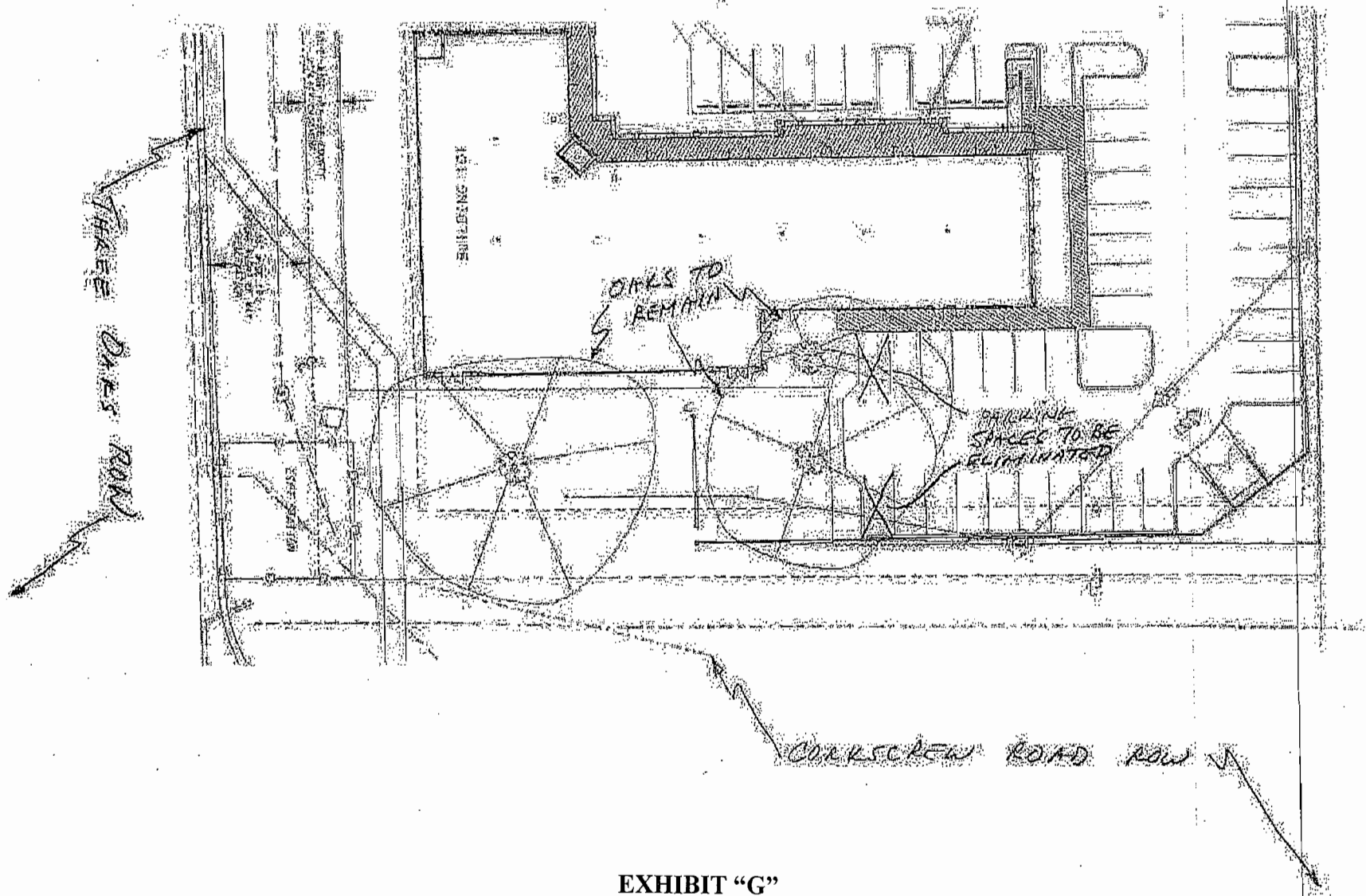
Date 11/15/05



| REVISIONS |             | APPROVALS/ISSUANCE |      | SRW ENGINEERING, INC. |   |                           | RECEIVED    |                           |             |
|-----------|-------------|--------------------|------|-----------------------|---|---------------------------|-------------|---------------------------|-------------|
| DATE      | DESCRIPTION | DESCRIPTION        | DATE | 3000X5000             | REGISTERED PROFESSIONAL ENGINEERING SOLUTIONS | PLAZA DEL SOL SUBDIVISION | NOV 15 2005 | PLAZA DEL SOL SUBDIVISION | NOV 15 2005 |
|           |             |                    |      |                       |   |                           |             |                           |             |
|           |             |                    |      |                       |   |                           |             |                           |             |
|           |             |                    |      |                       |   |                           |             |                           |             |
|           |             |                    |      |                       |   |                           |             |                           |             |
|           |             |                    |      |                       |   |                           |             |                           |             |

**EXHIBIT "G"**  
(Page 1 of 2)





**EXHIBIT "G"**  
 (Page 2 of 2)

RESOLUTION NUMBER Z-03-039

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by August Gus Landal in reference to Plaza Del Sol;  
and,

WHEREAS, a public hearing was advertised and held on July 2, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00058; and

WHEREAS, a second public hearing was advertised and held on August 4, 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 amend the existing (Corkscrew Crossings) Commercial Planned Development (CPD) (Z-94-050) on the subject 38.01+/- acre property to revise the schedule of uses (add uses including Parking Garage, eliminate uses including Transportation Services - Group II; and Vehicle and Equipment Dealer - Group I); increase the amount of permitted gross square footage by 53,000 square feet to a total of 230,000 square feet, with a maximum of 50,000 square feet for office space; allow additional lots; relocate an on-site lake; and revise the open space calculations, deviations, and site development notes. The property is located in the Urban Community Land Use Category 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 1 page Master Concept Plan entitled "Plaza Del Sol, Amendment to Master Concept Plan Z-94-050, stamped "Received Aug 06 2003 Permit Counter," 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 230,000 square feet of gross floor area, including all gross floor area for the use of Health Care Facilities, Groups I, II, and III. Of this total, up to a maximum of 50,000 square feet can consist of office space.

Resolution Z-94-050 is hereby superceded and replaced in its entirety with the approval of this amendment.

All conditions and commitments made in the "Plaza Del Sol Design Guidelines" must be adhered to as part of this planned development. Approval of this document grants no deviations from the Lee County Land Development Codes. Any change sought to any provision within this document will require a public hearing amendment.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

Animal Clinic

Auto Parts Store (No outdoor display or storage)

Automatic Teller Machine (ATM)

Automotive Repair and Service - Group I excluding the following uses: automotive interior shops; automotive paint shops; automotive top installation or repair (canvas or plastic); cellular phone installation; glass replacement and repair; radio sales and installation; transmission repair; undercoating cars; upholstery repair. These uses are allowed on Parcel 'H' only and must meet the requirements of LDC§34-1044(c).

Banks and Financial Establishments - Groups I and II (Parcel C or D only)

Boat Parts Store - (No outdoor display or storage)

Broadcast Studio, commercial radio and television

Business Services - Group I

Car Wash - Restricted to Parcel 'H' and only in conjunction with a Convenience Food and Beverage Store, (Limited to a maximum of one structure for the Convenience Food and Beverage Store, and one additional structure for the Car Wash)

Cleaning and Maintenance Services

Clothing Store, General

Clubs - Excluding Country Club

Contractors and Builders - Group I

Convenience Food and Beverage Store - Restricted to Parcel H only and limited to one structure, and a maximum of 12 fuel pumps, in compliance with Section 34-1044(c)

Consumption on Premises - Limited to Restaurants, Groups III and IV

Cultural Facilities

Day Care Center - Adult or Child

Department Store

Drive Through facility - In conjunction with a bank; drug store; pharmacy; or restaurant, fast food

Drug Store - Free Standing only and limited to one on entire site

Essential Services  
 Essential Service Facilities - Group I  
 Excavation, Water Retention  
 Food Store - Group I (Restricted to Anchor Parcel 'G')  
 Hardware Store - No outdoor display or storage  
 Health Care Facilities - Groups I, II, and III  
 Hobby, Toy, and Game Shop  
 Household/Office Furnishings - Groups I and II  
 Insurance Companies  
 Laundry or Dry Cleaning - Group I  
 Lawn and Garden Supply Store - Limited to less than 1 acre of outdoor display area  
 Non-Store Retailers  
 Office, Medical  
 Package Store - Only in conjunction with a supermarket, food store, or drug store  
 Paint, Glass, and Wallpaper Store  
 Parking Garage - Limited to Anchor Parcel 'G' and only in conjunction with a retail use on the same parcel  
 Personal Services - Groups I and II  
 Pet Shop and Pet Services- No outdoor kennels or runs  
 Pharmacy  
 Printing and Publishing - Limited to 5,000 square feet  
 Recreation Facilities, Commercial - Group I  
 Rental or Leasing Establishments - Groups II and III (No outdoor display or storage)  
 Repair Shop - Groups I, II, and III (No outdoor display or storage)  
 Restaurant, Fast Food - Limited to one (1) on the entire CPD site and restricted to one of these parcels: 'A', 'E', 'F', or 'G'  
 Restaurant, Standard - Groups I, II, III, and IV  
 School, Commercial  
 Self-Service Fuel Pumps - A maximum of 12 fuel pumps and only in conjunction with a convenience food and beverage store  
 Signs - In compliance with Lee County Land Development Code Chapter 30, and the Estero regulations at the time of development orders  
 Social Services - Groups I and II  
 Specialty Retail Shop - Groups I, II, and III  
 Studio  
 Temporary Uses - Construction and Sales Office  
 Variety Store

b. Site Development Regulations

|                    |                    |
|--------------------|--------------------|
| Minimum Lot Area:  | 20,000 square feet |
| Minimum Lot Depth: | 100 feet           |
| Minimum Lot Width: | 75 feet            |

|                                   |                                      |
|-----------------------------------|--------------------------------------|
| <b>Setbacks for Buildings</b>     |                                      |
| Private Interior Street, Minimum: | 20 feet                              |
| Side:                             | Minimum of 0 feet, maximum of 5 feet |
| Street Setback:                   |                                      |
| (Corkscrew Road):                 | Maximum of 45 feet                   |
| (Three Oaks Parkway):             | Maximum of 50 feet                   |
| Rear:                             | Minimum of 20 feet                   |
| Water Body:                       | Minimum of 25 feet                   |
| Maximum Lot Coverage:             | 40%                                  |
| Maximum Building Height:          | 35 feet or two (2) stories           |

Maximum total building gross square footage of 230,000 square feet for entire development.

Maximum gross building square footage per parcel:

|                    |                     |
|--------------------|---------------------|
| Parcel 'A':        | 8,100 square feet   |
| Parcel 'B':        | 8,000 square feet   |
| Parcel 'C':        | 21,200 square feet  |
| Parcel 'D':        | 18,000 square feet  |
| Parcel 'E':        | 18,000 square feet  |
| Parcel 'F':        | 18,000 square feet  |
| Anchor Parcel 'G': | 130,000 square feet |
| Parcel 'H':        | 8,700 square feet   |

3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
5. Prior to local development order approval, the landscape plans must be consistent with the document entitled "Plaza Del Sol Design Guidelines" attached as Exhibit "D" and the Land Development Code.
6. Blasting is not an approved activity as part of this approved planned development. Blasting must be approved through an amendment of this planned development that goes through the public hearing process.

### SECTION C. DEVIATIONS:

Deviation 1 requests relief from Section 10-329(d)(1)(a)(3) of the Land Development Code which requires water retention setbacks to be a minimum of 50 feet from any private property line under separate ownership to allow a setback of 25 feet. This deviation is **APPROVED**.

Deviation 2 requests relief from Section 10-285(a) of the Land Development Code which requires a separation distance of 660 feet on an arterial street to allow a separation distance of 556 feet. This deviation is **APPROVED**.

Deviations 3, 4, 5, 6, and 7 - **WITHDRAWN**

Deviation 8 requests relief from Section 34-1044(b) of the Land Development Code which requires a Type 'A' buffer between commercial properties to allow the proposed conservation easement in the northeast portion of the subject property to substitute for the buffer. This deviation is **APPROVED**.

Deviation 9 requests relief for interior right-of-ways only as depicted on the Master Concept Plan, from Section 34-1044(b) of the Land Development Code which requires a Type 'D' buffer between commercial zones and a right-of-way to allow a reduction in the width of the buffer from 20 feet to 15 feet, but still provide the same vegetation as required by a Type 'D' buffer. This deviation is **APPROVED**.

Deviation 10 - **WITHDRAWN**

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: Master Concept Plan entitled "Plaza Del Sol Amendment to Master Concept Plan Z-94-050"
- Exhibit D: Plaza Del Sol Design Guidelines

The applicant has indicated that the STRAP number for the subject property is:

35-46-25-00-00001.105A

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,

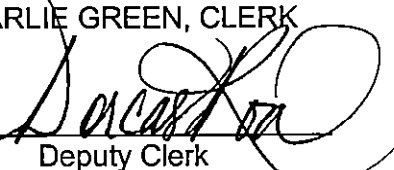
- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
    - a. the proposed use or mix of uses is appropriate at the subject location; and
    - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
    - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
  4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
  5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner St. Cerny and, upon being put to a vote, the result was as follows:


|                      |        |
|----------------------|--------|
| Robert P. Janes      | Absent |
| Douglas R. St. Cerny | Aye    |
| Ray Judah            | Aye    |
| Andrew W. Coy        | Aye    |
| John E. Albion       | Absent |

DULY PASSED AND ADOPTED this 4<sup>th</sup> day of August 2003.

ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Chairman

Approved as to form by:

  
County Attorney's Office



MINUTES  
2003 AUG 14 AM 11:00



OCT 11 2002

ZONING COUNTER

Description of a Parcel of Land  
Lying in  
Section 35, Township 46 South, Range 25 East  
Lee County, Florida  
(Plaza Del Sol - Boundary)

DCI 2002-00058

A parcel of land situated in the State of Florida, County of Lee, Section 35, Township 46 South, Range 25 East and further described as follows:

Commencing at a concrete monument marking the northwest corner of said Section 35; thence N89°42'56"E along the north line of said Section 35 for 120.66 feet to the easterly right-of-way line of Three Oaks Parkway (120+/- feet wide) and the Point of Beginning; thence continue N89°42'56"E along the north line of said Section 35 for 1461.38 feet to the westerly line of a parcel described in Official Record Book 1454 at Page 1828, Public Records; thence S01°18'30"E along the westerly line of said parcel for 759.76 feet to the northeast corner of a parcel described in Official Record Book 2995 at Page 410, Public Records; thence S71°47'58"W along the northerly line of said parcel for 360.00 feet; thence S13°35'47"E along the westerly line of said parcel for 350.00 feet to the northerly right-of-way line of Corkscrew Road; thence S89°24'57"W along said right-of-way line for 137.80 feet; thence S83°42'19"W along said right-of-way line for 100.50 feet; thence S89°24'57"W along said right-of-way line for 500.00 feet; thence N87°43'18"W along said right-of-way line for 100.12 feet; thence S89°24'57"W along said right-of-way line for 200.00 feet; thence N76°32'52"W along said right-of-way line for 103.08 feet; thence S89°24'57"W along said right-of-way line for 54.58 feet to the easterly right-of-way line of Three Oaks Parkway (120+/- feet wide); thence N01°16'00"W along said easterly right-of-way line for 1197.39 feet to the Point of Beginning.

Containing 38.01 acres, more or less.

Being the same parcel as described in Official Record Book 2883 at Page 3068.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are State Plane Coordinate (Florida West Zone - N.A.D. 1983) with the north line of the Northwest One Quarter (NW 1/4) of Section 35, Township 46 South, Range 25 East bearing N89°42'56"E.

Bean, Whitaker, Lutz & Karch, Inc. (LB 4919)

*Scott C. Whitaker*  
Scott C. Whitaker, P.S.M. 4324

3145IDESC1 1/11/01

Applicant's Legal Checked  
by 1-88-03 B-767U

# ZONING MAP

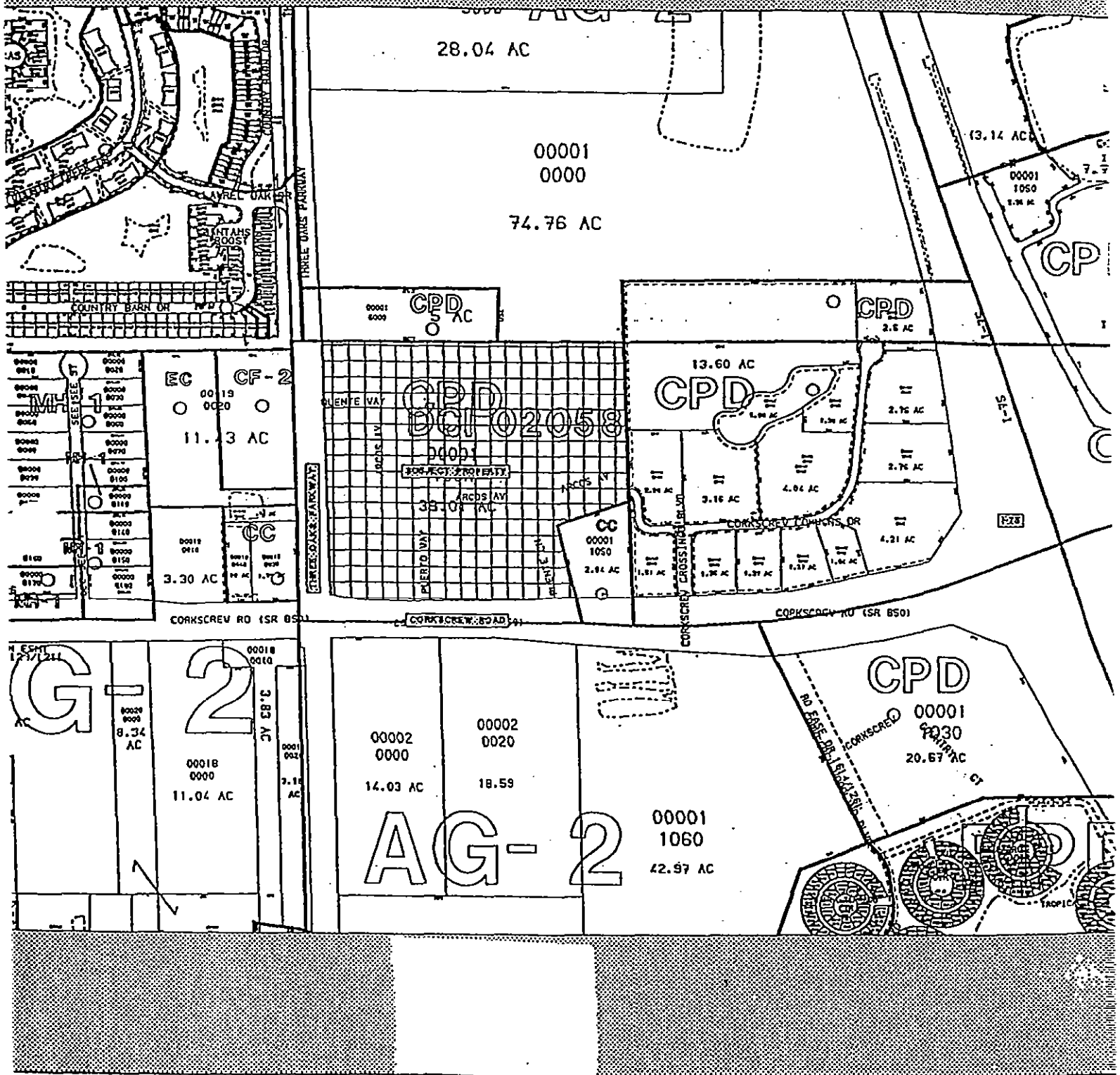


Exhibit "B"



# Plaza Del Sol

## Design Guidelines

REVISED 07/14/03

### Project Overview

This document describes the intent of the applicant in developing the Plaza Del Sol Subdivision and proposes design guidelines by which individual parcels will be constructed. The objective is to provide the Estero community and Lee County the assurances that this project will be developed to meet the language and intent of the Estero Community Plan while allowing the developer the flexibility to market the project to tenants with varying uses, building types and size requirements.

The Plaza Del Sol Subdivision is located at the northeast corner of Corkscrew Road and Three Oaks Parkway. This intersection is expected to be the hub of the Corkscrew Road Corridor. For this reason, the developer has devoted special attention to creating the following design guidelines that exceed both the current Lee County Design Guidelines found in the recently adopted Corkscrew Main Street Overlay District Guidelines in the Lee County Land Development Code Sections 34-1045. through 34-1047.

In developing the property, it is important to do so in accordance with the Lee County Comprehensive Plan (including Goal 19 of the Estero Plan) and the specific regulations governing development of a site at this location. The following principles and policies that influence this level of development were utilized:

1. The subject property is located at the intersection of two arterial roadways - Corkscrew Road and Three Oaks Parkway. Prime access is provided to the site by the intersecting arterial roads as well as the close proximity of Interstate 75 and U.S. 41.
2. The proposed development site is within the Urban Community Land Use Category, which was designated for areas that are suitable for fairly intense levels of commercial, residential and light industrial development. The Lee Plan projects more intense development in these areas, more characteristic of an urban area.
3. The intersection of Corkscrew Road and Three Oaks Parkway is designated as a Commercial Node on Map 19 of the Lee County Comprehensive Plan. The Estero Community Plan limits retail uses for all areas along Three Oaks Parkway with the exception of commercial nodes where the plan deemed appropriate.
4. The project lies within the Corkscrew Main Street Overlay District which was created to provide a pedestrian "boulevard", in relative scale to Corkscrew Road by locating proposed commercial buildings close to the roadway and providing for pedestrian connections and amenities.
5. The intent of these design guidelines and standards is to meet and exceed the requirements of the Corkscrew Main Street Overlay District yet allow for the development of a large commercial project containing one or more major retailers.

## Architectural Design Guidelines

The following design guidelines are intended to establish the standard with which this development will comply. The guidelines, however, are intended to be flexible to allow for a more detailed analysis by the Lee County Development Review Staff and the Estero Development Review Committee at the time of local development order.

1. Plaza Del Sol is planned as a functionally interrelated commercial site under unified control subject to common guidelines and standards to ensure a quality development. All development will meet and enhance the LDC Section 34-1042 through 34-1047. and the Corkscrew Road Main Street Overlay District.
2. Plaza Del Sol will be a fully integrated planned site where attention to the overall site design is achieved by providing well designed and integrated vehicular use areas, pedestrian paths, a compatible architectural theme, unified signage, landscaping and lighting throughout the site.
3. Plaza Del Sol will be developed on a 38 acre site as part of the Corkscrew Main Street Overlay District, a corridor of architecturally appealing and attractively landscaped buildings that provide retail, business and professional services to the community. The 38 acre site is divided into eight (8) development parcels, the outparcels fronting along Three Oaks Parkway and Corkscrew Road, and the Anchor Parcel located within the central portion of the site.
4. *The developer of individual outparcels and/or the Anchor Parcel will submit architectural and landscape plans to the Plaza del Sol Design for compliance review with these Design Standards prior to Development Order application.*

### A. Outparcels

1. Architectural Standards - The outparcels will feature an integrated and compatible vernacular with Mediterranean architectural elements in architectural building style or theme. Massing of building facades will be reduced by transitioning building heights, widths and colors, textures, and the adding of architectural elements such as wall projections, loggias, canopies, corner towers, archways or columns which will form courtyard-like areas appropriately scaled for public gathering space. Primary entry facades will have windows, no less than 10% of their horizontal length, in addition to the primary entrance. These treatments will create visual interest and variety while providing visitors to the project, a pedestrian-friendly atmosphere. Building architectural styles shall be compatible and complement elements such as roof treatments, signage, landscaping, and building materials and colors.
2. Each free-standing use will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles for the internal drive to the site, from the site to the buildings themselves. Pedestrian access will be provided from Parcel D to Three Oaks Parkway just north of the existing lift station in addition to the internal sidewalks intersecting with Corkscrew Road and Three Oaks Parkway.

The orientation of a building or structure upon a site will reflect not only the project's functionality but will also be responsive to the individual parcels characteristics and relationship to Corkscrew Road or Three Oaks Parkway. Service Bays on Parcel H will face away from Three Oaks Parkway.

3. Building lighting design will be architecturally treated in the style of the building architecture. Lighting fixtures illuminating the parking area shall be shielded to minimize light intrusion crossing the property line when abutting residential uses.
4. Landscaping - Landscape design guidelines for free-standing uses will create a harmonious and visually pleasing landscape that is cohesive and complementary to the overall master landscape plan. The Plaza Del Sol landscape concept will feature combinations of native plants and ornamental varieties, which will be designed to define and accent pedestrian and vehicular spaces as well as enhance the building architectural style. Landscape designs will create a coherent theme, which emphasizes plant material as a primary unifying element. Where possible, existing native trees will be incorporated into the site plan to add character to the pedestrian/open space areas and enhance buffer and perimeter areas.

B. Anchor Parcel

1. The anchor parcel will accommodate one (1) or several retail uses. The internal pedestrian system will connect the anchor parcel to the outparcels and the buildings of the anchor parcel will be designed to compliment the buildings on the outparcels. The parking area will be designed to minimize hardscaped areas, visually and physically.
2. Architectural Standards - The anchor parcel will feature an integrated and compatible vernacular architectural building style or theme with Mediterranean elements which will also be incorporated into the outparcels, whether multi-tenant or free-standing uses. Buildings will have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic and be site responsive. Facades will be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls while providing visual interest that will be consistent with the center's identity and character through the use of articulation, detail and scale. Articulation is accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian.

Buildings will also provide a minimum of two of the following building design treatments:

- A. Canopies or portico, integrated with the building's massing and style.
- B. Overhangs.
- C. Arcades, minimum of eight feet clear in width.
- D. Raised cornice parapets over doors.

- E. Arches.
- F. Ornamental and structural architectural details other than cornices, which are integrated into the building structure and overall design.
- G. Clock or bell towers.
- H. Any other treatment, which, in the opinion of the architect, meets the intent of the design character.

Building facades may include a repeating pattern and may include no less than two (2) of the design elements listed below. At least one (1) of these design elements may repeat horizontally.

- A. Color change.
- B. Texture change.
- C. Material module change.
- D. Expression of architectural relief through a change of plane of no less than 12 inches in width such as a reveal, an offset or a projecting rib.
- E. Architectural banding.
- F. Pattern change.

Roof will meet at least two (2) of the following requirements:

- A. Parapets will be used to conceal roof top equipment and flat roofs.
- B. Where overhanging eaves are used, overhangs will be no less than 12 inches beyond the supporting walls with a minimum fascia of 8 inches.
- C. Three-dimensional cornice treatment which will be a minimum of 12 inches in height with a minimum of three (3) reliefs.

Major anchor parcel buildings will have clearly defined, highly visible customer entrances which may include an outdoor patio area adjacent to the customer entrance which incorporates benches or other seating components and decorative landscape planters.

Exterior building colors and materials contribute significantly to the visual impact of a building.

Predominant exterior building materials will include but are not limited to:

- A. Stucco.
- B. EFIS.
- C. Brick.
- D. Tinted, textured, other than smooth or ribbed concrete masonry units.
- E. Stone, excluding an ashlar or rubble construction look.

Customer parking for the anchor parcel will be in accordance with Section 34-1046. Design Standards, Item 7.

C. Common/Public Areas

1. Internal roadways will provide efficient vehicular circulation and will be designed with *streetscapes that create pedestrian-friendly environments*. Streetscape plans will be designed to establish a level of vehicular and pedestrian flow appropriate in scale and character with landscape improvements, street function and adjacent land uses with the intention of linking uses throughout the project.
2. Project features will be developed within common areas of the project and will be coordinated in design, color and style. Architectural features shall be permitted throughout the site.
3. In accordance with the Master Concept Plan, the live oak trees at the corner of Corkscrew Road and Three Oaks Parkway will be preserved and incorporated into an open space area. This area may include pedestrian amenities such as a walkway to the sidewalk along Three Oaks Parkway. This facility will be permitted and constructed as part of a development order for Parcel "D".
4. Plaza Del Sol will provide a variety of publicly accessible amenities which will further the projects commitment to complement and enhance Lee County and Estero's Design Guidelines and serve to provide a sense of place for the community.
5. A pedestrian-way network shall be established throughout the project. The pedestrian system will serve to link anchor and outparcel areas by providing a landscaped walkway protected from vehicular traffic movement. Any required breaks in the pedestrian network for vehicular access to the site shall be identified through the use of pavers, signage or other traffic calming techniques deemed appropriate to reduce the speed of vehicles and provide safe pedestrian movements throughout the site.
  - A. The anchor parcel/building area pedestrian-way shall be a wide intermittently covered walkway featuring concrete surfaces, which may be paved, tiled, etc. This pedestrian-way shall include architectural features such as fountains, courtyards, arbors or similar design features and decorative landscape plantings. This pedestrian-way pathway shall have a minimum unobstructed average width of 8'. Seating and decorative landscape planting shall be provided intermittently along the pathway and at all primary tenant entrances.
  - B. The outparcel/building area pedestrian-way shall be incorporated in each building design as either a covered or uncovered walkway adjacent to at least three (3) sides of a building and extending to parking areas and/or adjacent parcels. The walkways shall feature concrete surfaces, which may be tiled, paved, etc.
  - C. The parking area pedestrian-way shall be located generally within the parking area. This pedestrian-way system will be designed to promote safe and convenient linkage from the parking areas to both the outparcel buildings and the anchor parcel.



Vehicular crossings will be identified with signage, landscaping or clearly marked through use of varied pavement treatments or other traffic calming techniques. This pedestrian-way system shall be a minimum of 5' in width with paver, stamped concrete or banded concrete pedestrian pathway. This pedestrian pathway will feature canopy trees or palms with ground level landscape plantings. Canopy trees or palms will be planted within adjacent parking landscape islands. Canopy trees or palms shall be planted along the pedestrian-way system and shall be a minimum 12' high with a 4' spread for canopy trees and equivalent specifications for shade palms at the time of planting.

6. The lake at Plaza Del Sol shall incorporate into the overall design of the project at least two (2) of the following items:
  - A. A maximum 5' wide mulched or cinder walkway with trees at an average of 50' on center.
  - B. A public access pier.
  - C. An intermittent shaded plaza courtyard, a minimum of 200 S.F. in area with benches and/or picnic tables adjacent to the water body.
  - D. A permanent fountain structure.

## Landscaping

### A. General:

Landscape development will play a major role in creating and perpetuating the "theme of image" at Plaza Del Sol. The site has very little topography or natural vegetation and no existing natural water bodies. A lake system will be constructed with the creation of a park setting as the objective. Therefore a carefully conceived landscape design concept will do much to create and enhance the village image desired at Plaza Del Sol.

Open space areas should incorporate landscaping which enhances the natural feel of the space, integrating its forms and features into the overall site plan. Native varieties of vegetation are encouraged. Plant material should be utilized for the purposes of enhancing the harmonious forms of a meandering lake, berms, drainage features and pathway systems while serving to integrate these spaces into the overall site plan. Plantings shall include an appropriate mix of approved trees, shrubs and groundcover which will achieve a natural, harmonious function and provide a pleasing complement to the landscape. The use of native tree and shrub masses is encouraged to reinforce the park-like character of Plaza Del Sol.

Landscaping shall also conform to the Estero Community Land Development Code and Corkscrew Road Main Street Overlay District Corridor Plan.

B. Landscape Development Priorities:

The following represents the development priorities related to landscaping to insure consistency within Plaza Del Sol:

1. Integration of Architecture and Landscaping - Use plants that project a scale relationship between people, the architecture and the open space. Variable height, building foundation plantings should be used to integrate architecture and open space.
2. Erosion Control Planting - Sodding, seeding, planting of areas such as swales and lake banks and slopes of berms.
3. Tree Planting - Use native trees colorful and attractive materials to create variety and ambiance.
4. Screening - Use plants to screen undesirable elements such as parking lots and service areas or to help create privacy.
5. Creating Focal Points and Interest Planting - Use plants that flower or fruit with interesting branching structures or unique variety.
6. Shrubs and Groundcover - Use of shrubs should be to conceal parking areas. Groundcover may be used to add interest.

C. Perimeter:

1. Buildings along Corkscrew Road will be designed in accordance with Lee County Land Development Code Section 34-1047.; the setback requirements for the Corkscrew Road Main Street Overlay District (Typical Section A). Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project.
2. The height of required trees within buffers shall be 12' overall in height. Canopy trees shall have a 6' canopy spread at the time of planting.
3. Landscape buffers, berms, fences and walls, where applicable, must be constructed along the perimeter of the Plaza Del Sol boundary concurrent with site development. Landscape buffers along the internal road network will also be installed concurrent with site development.
4. Signage, project architectural features, lighting and utilities will be permitted and constructed concurrent with site development.

D. Signage:

1. All signs shall be of consistent architectural style and shall feature like building materials and sign structures. Sign structures will be uniform in size, color and building material.
2. All signs will comply with the Land Development Code Sign Guidelines for Estero at the time of the issuance of the sign permit (see typical sign sketches). All signage will be in accordance with LDC Section 34-400. et. seq.

E. Internal:

Per Lee County Land Development Code Sections 34-1042. through 34-1047., internal landscaping will be provided to minimize hardscaped areas, both visually and physically, accentuate entryways, define pedestrian areas and enhance the pedestrian walkway system. In all landscaped areas, existing native trees will be preserved where possible.

*In addition to these regulations (LDC Sections 34-1042. through 34-1047.), the following will be required:*

1. *Parking lots shall provide a landscaped island for every 10 parking spaces.*
2. *Parking design (angle of parking) shall be unified except at perimeter areas, which may utilize for one row deep a different angle to maximize parking design.*
3. *Shared parking is encouraged.*
4. *Parking on the anchor parcel shall be distributed around the building with employee parking located at the rear of the building.*
5. *All parking lots shall be interconnected.*

F. Street Right-of-Ways:

Street right-of-ways shall include appropriate landscaping, sidewalks, lighting and drainage provisions. Each lot owner is expected to incorporate the Plaza Del Sol right-of-way treatment into their respective buffer areas to insure continuity of design and perpetuation of the village image.

G. Entrances:

The entry is identified by changing the character of the roadway landscaping by holding the plantings away from the entry, grading and providing focal point landscaping, signage, etc. Landscaping should present an attractive appearance and reinforcement of the entrance to the lot and should incorporate the design of the landscaping in adjoining buffer areas. Landscape treatment of entry areas shall not incorporate, interfere with or obstruct the view of vehicular or pedestrian traffic. The intent is to provide continuity and integrity of landscape design between entrances and lots.

H. Adjacent Landscape Buffers:

All parking areas facing adjacent properties shall be landscaped as to effectively screen vehicles and from public rights-of-way, residential and recreation areas.

1. Berming shall be provided adjacent to the parking lot asphalt surface to screen parking from adjacent properties and public right-of-ways.
2. Plantings upon berms shall be double rowed, staggered planting technique of sufficient density to effectively screen vehicles within the parking area from adjacent properties and public right-of-ways.
3. All lot service or utility areas shall be adequately screened from view from adjacent properties and public right-of-ways. Screening shall be a minimum of double rowed, staggered density hedges.

I. Building Open Area Landscaping:

1. Front Areas - Landscape treatment of front areas shall present an attractive appearance emphasizing the major entrance or entrances to the structure. Landscaping should be a mix of trees; shrubs and groundcover in a design appropriate with the scale of the building. A combination of shrubs and groundcover should be utilized as foundation plants in an aesthetic design across the entire front facade of the building. Trees shall be incorporated into the landscaping design of front areas to provide shade, accent and frame the main entry of the building.
2. Side Areas - Landscape treatment of side areas as defined herein shall be incorporated into and shall continue the design of the front area. Mixed shrubs and groundcover shall be used as foundation plants across the entire facade in these areas exclusive of walks, entries and courtyards. All walks entries and courtyards in side areas shall be appropriately landscaped.
3. Rear Areas - Landscape treatment for rear or service areas as defined herein shall also be incorporated into the overall design of the front and side areas. Appropriate foundation plantings shall be provided across all facades in normal public view.

Any service areas, drives and service entrances shall be adequately screened with appropriate plant material from the approved list in this manual so as to present a totally screened appearance to persons entering or leaving the building through all public entrances or exits and to vehicular or pedestrian traffic in the roadways adjacent to the lot.

**J. Sodding and Mulch:**

1. All open spaces not developed with parking, roadways, sidewalks or otherwise planted shall be sodded or planted in approved groundcover.
2. Sod shall be St. Augustine "Floritam".
3. All exposed dirt shall be covered with a minimum of two (2) inches of shredded eucalyptus or no less than Grade "B+" cypress mulch.

**K. Irrigation:**

1. Plaza Del Sol will provide irrigation water to the common landscaped areas via irrigation wells.
2. Individual lot owners will have the option to provide a private well for irrigation or use the public water system. No lake water withdrawals for irrigation purposes are allowed by lot owners. All irrigation systems must be of an approved underground automatic type with pumps and time clocks screened from view. Irrigation shall extend all the way to the curb, side property lines and to the edge of all lakes and/or retention features.
3. A "drip" irrigation system will be used in all common landscape and buffer areas.
4. If "pop up" spray heads are used on individual parcels, the pipe extensions should be painted a dark green or black where exposed. Irrigation heads should be placed to prevent spraying onto paved areas.
5. Installation of the irrigation system shall follow the piping and installation specifications of Gulf Environmental Services, Inc.

**L. Landscape Maintenance:**

All Plaza Del Sol lot owners shall maintain their landscape to standards established and maintained by the Plaza Del Sol Property Owners' Association Design Review Committee.

Each lot owner, as a member of the Plaza Del Sol Property Owners' Association (POA), will participate in shared landscape maintenance of all common areas within the Plaza del Sol land mass as defined in Exhibit "A" of the Declaration of Covenants, Conditions and Restrictions contained within this Lot Owners Manual.

As POA members, lot owners will participate in the ongoing oversight of the POA contract landscape maintenance services for the common areas as well as participate financially based on appropriate share. The POA will maintain the common areas within the Plaza Del Sol land mass to include medians, entrances to Plaza Del Sol and dedicated open spaces.

Each lot owner shall have the responsibility to maintain the landscaping within their lot to the curb line, all property lines, and any bodies of water located on the lot in accordance with POA standards.

**M. Acceptable Plant Material:**

For the purpose of unity in design, the following plant list shall form the basis of landscape design. Plant materials shall conform to the Lee County Land Development Code Standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee, and any amendments thereto. Plant material requirements have been selected for harmony, interest in structure, texture, color and ultimate growth.

The attached Native Plant Lists are provided to present a specific plant palette for perimeter buffers, native re-vegetation, preserve enhancement, and to satisfy Lee County Land Development Code native plant requirements. Any non-native landscape material used shall be allowed under the Lee County Land Development Code and will be used to provide additional color and texture for areas to be enhanced such as main vehicular and pedestrian entries, circulation routes, building perimeter plantings and pedestrian amenity open spaces.

**Recommended Plants - Native Trees (Medium and Large)**

(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>           | <u>Common Name</u> | <u>Botanical Name</u>                           | <u>Common Name</u>       |
|---------------------------------|--------------------|---|--------------------------|
| <i>Acacia farnesiana</i>        | Sweet Acacia       | <i>Jacquinia keyensis</i>                       | Joewood                  |
| <i>Acer rubrum</i>              | Red Maple          | <i>Juniperus silicicola</i>                     | Southern Red Cedar       |
| <i>Annona glabra</i>            | Ponda Apple        | <i>Laguncularia racemosa</i>                    | White Mangrove           |
| <i>Acacia farnesiana</i>        | Sweet Acacia       | <i>Magnolia virginiana</i>                      | Sweet Magnolia           |
| <i>Bursera simaruba</i>         | Gumbo Limbo        | <i>Morus rubra</i>                              | Red Mulberry             |
| <i>Celtis laevigata</i>         | Sugarberry         | <i>Myrcanthes fragrans</i>                      | Simpson Stopper          |
| <i>Chrysobalanus icaco</i>      | Cocoplum           | <i>Nyssa sylvatica</i>                          | Black Gum                |
| <i>Chrysophyllum oliviforme</i> | Satin Leaf         | <i>Persea palustris</i>                         | Florida Red Bay          |
| <i>Citharexylum spinosum</i>    | Fiddlewood         | <i>Pinus elliotti 'densa'</i>                   | South Florida Slash Pine |
| <i>Cusia rosea</i>              | Pitch Apple        | <i>Pinus palustris</i>                          | Longleaf Pine            |
| <i>Cocoloba diversifolia</i>    | Pigeon Plum        | <i>Piscidia piscipula</i>                       | Jamaica Dogwood          |
| <i>Cocoloba uvifera</i>         | Seagrape           | <i>Prunus angustifolia</i>                      | Chickasaw Plum           |
| <i>Conocarpus erectus</i>       | Buttonwood         | <i>Quercus laurifolia</i>                       | Laurel Oak               |
| <i>Cordia sebestena</i>         | Geiger Tree        | <i>Quercus virginiana</i>                       | Live Oak                 |
| <i>Diospyros virginiana</i>     | Persimmon          | <i>Rhizophora mangle</i>                        | Red Mangrove             |
| <i>Eugenia axillaris</i>        | White Stopper      | <i>Salix caroliniana</i>                        | Coastal Plain Willow     |
| <i>Eugenia confusa</i>          | Redberry Stopper   | <i>Sapindus saponaria</i>                       | Wingleaf Soapberry       |
| <i>Eugenia foetida</i>          | Spanish Stopper    | <i>Schaefferia frutescens</i>                   | Florida Boxwood          |
| <i>Eugenia rhombea</i>          | Red Stopper        | <i>Sideroxylon foetidissimum</i>                | Mastic                   |
| <i>Gordonia lasianthus</i>      | Loblolly Bay       | <i>Sideroxylon salicifolium</i>                 | Willow Busic             |
| <i>Guaiacum sanctum</i>         | Lignum Vitae       | <i>Swietenia mahogoni</i>                       | Mahogany                 |
| <i>Gymnanthes lucida</i>        | Crabwood           | <i>Taxodium distichum</i>                       | Bald Cypress             |
| <i>Ilex cassine</i>             | Dahoon Holly       | <i>Ulmus alata</i>                              | Winged Elm               |
| <i>Ilex vomitoria</i>           | Yaupon Holly       | <i>Ulmus americana</i><br>var. <i>floridana</i> | Florida Elm              |
| <i>Ilex x attenuata</i>         | East Palatka Holly |   |                          |

**Recommended Plants - Native Trees (Medium and Large)**

(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>         | <u>Common Name</u>  |
|-------------------------------|---------------------|
| <i>Acoelorrhaphe wrightii</i> | Paurotis Palm       |
| <i>Coccothrinax argentata</i> | Silver Palm         |
| <i>Rhapidophyllum hystrix</i> | Needle Palm         |
| <i>Roystonea elata</i>        | Royal Palm          |
| <i>Sabal minor</i>            | Dwarf Palmetto      |
| <i>Sabal Palmetto</i>         | Cabbage Palm        |
| <i>Serenoa repens</i>         | Saw Palmetto        |
| <i>Thrinax radiata</i>        | Florida Thatch Palm |

**Recommended Plants - Native Shrubs**



(Plants Listed Range from Zones 9, 10 and 11)

| <b><u>Botanical Name</u></b>      | <b><u>Common Name</u></b> |
|-----------------------------------|---------------------------|
| <i>Ardisia escallonioides</i>     | Marlberry                 |
| <i>Baccharis halimifolia</i>      | Saltbush                  |
| <i>Callicarpa americana</i>       | Beautyberry               |
| <i>Capparis cynophallophora</i>   | Jamaican Caper            |
| <i>Cassia ligustrina</i>          | Privet Cassia             |
| <i>Cephalanthus occidentalis</i>  | Buttonbush                |
| <i>Cordia globosa</i>             | Bloodberry                |
| <i>Dodonaea viscosa</i>           | Varnishleaf               |
| <i>Erithalis fruticosa</i>        | Black Torch               |
| <i>Emodia littoralis</i>          | Beach Creeper             |
| <i>Erythrina herbacea</i>         | Coral Bean                |
| <i>Foresteria segregata</i>       | Florida Privet            |
| <i>Genipa clusiifolia</i>         | Seven-Year Apple          |
| <i>Hamelia patens</i>             | Firebush                  |
| <i>Hypericum</i> spp.             | St. John's Wort           |
| <i>Illicium floridanum</i>        | Florida Anise             |
| <i>Itea virginica</i>             | Virginia Sweetspire       |
| <i>Iva frutescens</i>             | Marsh Elder               |
| <i>Lantana involucrata</i>        | Native White Lantana      |
| <i>Licania michauxii</i>          | Gopher Apple              |
| <i>Lyonia lucida</i>              | Fetterbush                |
| <i>Myrica cerifera</i>            | Wax Myrtle                |
| <i>Opuntia</i> spp.               | Prickly Pear              |
| <i>Psychotria nervosa</i>         | Wild Coffee               |
| <i>Randia aculeata</i>            | White Indigo Berry        |
| <i>Rapanea punctata</i>           | Myrsine                   |
| <i>Rivina humilis</i>             | Rouge Plant               |
| <i>Sambucus simpsonii</i>         | Elderberry                |
| <i>Scaevola plumieri</i>          | Scaevola                  |
| <i>Sophora tomentosa</i>          | Necklace Pod              |
| <i>Stachytarpheta jamaicensis</i> | Blue Porterweed           |
| <i>Yucca aloifolia</i>            | Spanish Bayonet           |
| <i>Zamia pumila</i>               | Coontie                   |

**Recommended Plants - Native Grasses**

(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>           | <u>Common Name</u>   |
|---------------------------------|----------------------|
| <i>Andropogon brachystachys</i> | Shortspike Bluestem  |
| <i>Eragrostis eliottii</i>      | Elliot Love Grass    |
| <i>Eragrostis spectabilis</i>   | Purple Love Grass    |
| <i>Muhlenbergia capillaris</i>  | Muhly Grass          |
| <i>Sorghastrum secundum</i>     | Lopsided Indiangrass |
| <i>Spartina bakeri</i>          | Sand Cordgrass       |
| <i>Tripsacum dactyloides</i>    | Fakahatchee Grass    |
| <i>Tripsacum floridanum</i>     | Florida Gamma Grass  |
| <i>Uniola paniculata</i>        | Sea Oats             |

**Recommended Plants - Native Ferns**  
(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>           | <u>Common Name</u>    |
|---------------------------------|-----------------------|
| <i>Acrostichum danaeifolium</i> | Leather Fern          |
| <i>Blechnum serrulatum</i>      | Swamp Fern            |
| <i>Ctenitis sloanei</i>         | Florida Tree Fern     |
| <i>Nepherolepis</i> spp.        | Swordfern/Boston Fern |
| <i>Osmunda regalis</i>          | Royal Fern            |
| <i>Pteridium aquilinum</i>      | Bracken               |

**Recommended Plants - Native Aquatics**  
(Plants Listed Range from Zones 9, 10 and 11)

| <u>Botanical Name</u>        | <u>Common Name</u> |
|------------------------------|--------------------|
| <i>Canna flaccida</i>        | Yellow Canna       |
| <i>Equisetum</i> spp.        | Horsetail          |
| <i>Juncus effusus</i>        | Soft Rush          |
| <i>Nuphar luteum</i>         | Spatterdock        |
| <i>Nymphaea odorata</i>      | White Water Lily   |
| <i>Pontederia lanceolata</i> | Pickerelweed       |
| <i>Sagittaria</i> spp.       | Arrowhead          |
| <i>Scirpus</i> spp.          | Giant Bulrush      |
| <i>Thalia geniculata</i>     | Alligator Flag     |

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Village Design Review Board meetings from June 30, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY THE BOARD  
NOVEMBER 14, 2017**

**FINAL ACTION AGENDA/MINUTES**

**Planning and Zoning Board  
Special Meeting**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
June 1, 2017 4:00 p.m.**

1. **CALL TO ORDER:** 4:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Led by Chairman Wood.
3. **ROLL CALL:**  
Chairman Scotty Wood and Board Members William Campos, Anthony Gargano, Robert King (arrived at 5:10 p.m.), Marlene Naratil, and John Yarborough. Absent: James Tatooles.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs and Development Review Manager Walter McCarthy.

4. **APPROVAL OF AGENDA:**

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

5. **BUSINESS:**

(a) **Public Hearings:**

- (1) Dunkin Donuts Administrative Amendment (ADD2017-E003) (District 7) 20301 Grande Oak Shoppes Blvd., Shoppes of Grand Oaks at Corkscrew Road and Ben Hill Griffin Parkway. Dunkin Donuts/Valvoline DOS2016-E001 approved June 28, 2016. Reduction of setback from the right-of-way.

Chairman Wood provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony were sworn in. No ex parte communications or conflicts of interest were noted.

Community Development Director Gibbs provided a brief introduction.

**Presentation/Information by:** Matt Morris, PE, President, Morris Engineering: The building is nearing completion; the requested setback reduction is for a proposed sign at just over 8 feet from the property boundary along Ben Hill Griffin Parkway; all other setbacks are met or exceeded; this monument sign would be shared and the applicant's only sign on the site. The reasons for the variance request, suggested by the Design Review Board, include the berm and landscaping that would otherwise obscure it or require a taller and larger sign for visibility; the dimensions are currently 10 feet in length by 9 feet in height, which will likely be revised to comply with Design Review Board request to make it less square.

**Board Questions or Comments:** Has the recent information affected the staff recommendation? How much deviation is being requested? Where are the neighbors' signs? Where is the traffic light in relation to the entry? Is there a shopping center marquis sign on which the applicant could be included? What about increasing the existing shopping center sign? Will the sign be on top of the 2- to 3-foot berm? Is the recommendation to locate the sign on top of the berm noted in the June 28, 2016 Design Review Board minutes? Are there any concerns about the sight line for exiting traffic? Did the Design Review Board already approve the sign? The berm and sign dimensions could be adjusted to eliminate the need for a variance. If not on the berm, the sign would be only 4 feet off the ground. A precedent would include existing as well as newly developed properties. There seems to be no unique needs or reasons. Objection was expressed to locating the sign on top of the berm. More creativity is needed, such as reshaping the berm; this is not currently a hardship.

Community Development Director Gibbs suggested that the applicant provide more details, such as photoshopped images and final specifications, to justify the request and possible setting of a precedent.

**Public Comment:** None.

**Motion:** Move to continue to the June 20, 2017 Planning and Zoning Board meeting, as requested by the applicant.

**Motion by:** Board Member Campos

**Seconded by:** Board Member Naratil

**Action:** Continued to the June 20, 2017 Planning and Zoning Board meeting, as requested by the applicant.

**Vote:**

Aye: Unanimous (Board Members King and Tatoes absent)

Nay:

Abstentions:

**(b) Public Information Meetings:**

- (1) Milestones Learning Center (ADD2017-E004) (District 4)  
19910 S. Tamiami Trail, west of US 41 and directly south of the US 41 and Breckenridge Drive intersection. Add “Pre-School” to Schedule of Uses in current zoning district of Commercial Planned Development (CPD) for second building adjacent to existing learning center.

Development Review Manager McCarthy provided a brief introduction.

**Presentation/Information by:** Michael Lause, applicant, provided some background information; the business has grown and enrollment is full with a waitlist; the addition of the space in the adjacent building to be abandoned by Jackson Pools would allow expansion of the VPK program; the existing outdoor square footage and parking would still be sufficient; there is no interest in further expansion at this location. The traffic impact study showed that the applicant is in full compliance, with a 2:1 parking ratio.

**Board Questions or Comments:** Will the outdoor space be expanded as well? Would parking be a problem? Does Jackson Pools have a direct access to US 41? What happens if enrollment fills and there is another waitlist? Does the teacher/child ratio include aides? The waitlist indicates a need for this positive contribution to the community. The applicant should check out the infrastructure of the Jackson Pools space to avoid later issues, such as necessary variances. The applicant could ask the building owner to contact Breckenridge about the parking lot traffic re-routing.

**Public Comment:**

Gary Green, Breckenridge

**Summary of Public Comment:** The applicant had presented to the Breckenridge Master Board, which had no objection other than a request that the westerly-most driveway be made one-way because it is blind and only 30 feet from the Breckenridge entrance.

- (2) Arcos Avenue Office Building (District 4)  
10170 and 10150 Arcos Avenue, Plaza Del Sol Commercial Planned Development Parcels B and C, Northeast corner of Corkscrew Road and Three Oaks Parkway. A 45-foot, three-story building with 70,000 square feet of office/retail use, supporting infrastructure, landscaping and vacation of an existing drainage easement.

Development Review Manager McCarthy provided a brief introduction.

**Presentation/Information by:** Kristina Johnson, PE, J.R. Evans Engineering: The utility infrastructure and the master service water management system are already in place to support the project. The Master Concept Plan was presented: the building footprint is about 22,000 square feet; the main access point is off Arcos Avenue, with interconnections to the north and east; there are about 195 parking spaces. The easement vacation is to accommodate the proposed site plan with relocation of the drainage. Also requested is a maximum square footage increase from 37,200 to 70,000 due to close proximity to I-75 and attraction of larger companies looking for possible expansion. The

building height increase request is from 35 feet and two stories to 45 feet and three stories, due to the retention of existing tall oaks along Corkscrew Road and distance from travel lanes. Also requested is a building setback from 45 feet to 120 feet, also due to the oak trees. The last request is to reduce the parking setback from 25 feet to 19 feet, pending Lee County collaboration on the relocation of the lift station, in which the existing veterinary clinic is not willing to participate.

Scott Windham, RLA, Windham Studio: The retention of the live oaks along Three Oaks Parkway and Corkscrew Road is the primary objective. Other native trees will be incorporated; there will be Type A buffers along the east and the north, and Type D buffers elsewhere. Oak growth will be managed over time.

Richard Losee, LAI Construction Management: A rendering of the proposed Class A building illustrates its intended prominence; the elements are not yet determined but will include natural materials; the style will be contemporary Mediterranean; the roof is flat and will not be visible; the ideal tenants are three per floor; retail could include a coffee shop, for example, but it is not visually set up for retail; solar will be considered. This usage produces one of the lowest levels of traffic impact.

**Board Questions or Comments:** Is the lift station sealed? Will site work and construction of the building close to Three Oaks Parkway affect the heritage oaks? Trenching for the lift station relocation could also affect the oaks and is a concern that the applicant will need to deal with. Is the facing of the building stone or stucco? How would the architecture be characterized? What is the composition of the roof? Who would be the ideal tenants? What about retail? Are there requirements for green/sustainable construction? Has there been a preliminary traffic study? How much pedestrian traffic is expected? An 84-foot setback would add 40 feet to the building footprint; two floors with those dimensions would produce 62,000 square feet in a two-story building. Tenants may not want to expand after seeing the interchange at rush hour. This spot is very important to Estero; it will be a landmark. Has an atrium area been considered?

Community Development Director Gibbs spoke to the need for a traffic light at Lowe's, improvements and other issues already being considered in traffic studies. Development Review Manager McCarthy added that a worst-case scenario was anticipated when the subdivision was created.

**Public Comment:**

Don Eslick, ECCL  
Patty Whitehead, Old Estero

**Summary of Public Comment:** The last plan presented for this site was for three separate, two-story buildings; the lift station had a wrought iron fence with creeping vines; it is important to keep the trees and work them into the beauty of the corner; the parking lots must be shielded from the street.

(c) Comprehensive Plan – Intergovernmental Coordination, Capital Improvements and Public School Facilities

Chairman Wood provided a brief introduction.

**Presentation/Information by:**

Jim LaRue, LaRue Planning and Management Services, presented Intergovernmental Coordination: A joint planning area is not required, but is useful for annexation purposes; public input included County coordination of recreation facilities. The important coordination aspects to discuss are the level of service standards, transportation, special districts and agencies, historic sites, the school district, natural resources, affordable housing and adjacent municipalities.

Ben Smith, LaRue Planning and Management Services presented Capital Improvements: There are some basic requirements in the Florida statutes regarding improvements to infrastructure and recreational facilities, public schools, etc. A five-year capital improvement plan for levels of service is required and must be updated annually.

Laura DeJohn, LaRue Planning and Management Services, presented Public School Facilities: It is mandated that the Comprehensive Plan state how the Village will coordinate with the local school district; there are agreements already set up and instituted; projections include the future construction of two more schools; she has an inventory of school-age children by grade; there is already a concentration of students east of I-75.

**Board Questions or Comments:** What about coordination with Bonita Springs? Many issues could be contentious if relations are not set forth. Should annexation be part of this? Does the capital improvement funding come only from impact fees, and who is to manage it? It is important not to mislead the public regarding impact fees and project funding. Most of the local golf courses are now being funded by extended debt. There is at least 2.5 million each year, growing to up to 5 million by year 6 or 7, designated for capital improvements. Impact fee usage is more fluid than fee collection. Does anyone have an inventory of school-age children by age in Estero and does it project future school construction? Is this a place to encourage neighborhood schools? Long school bus rides seem to be a waste of resources.

Community Development Director Gibbs discussed the combination of impact fees and ad valorem, bonus density for land acquisition and impact fee districts. Policies should be included regarding the need for local school sites.

**Public Comment:**

Howard Cohen, The Colony  
Kristen Stoller, Estero River Outfitters  
Don Eslick, ECCL  
Patty Whitehead, Old Estero  
Nancy Cohen, The Colony and Pelican Landing

**Summary of Public Comment:** Capital Improvements: a suggestion was made to add a 20% maintenance amount to the cost of each project; impact fees are used where the

results of impact occur; a concern was expressed regarding the traffic on US 41 and the lack of connection from the west side, where a pedestrian flyover could connect to the Village Center. Public School Facilities: an intergovernmental agreement with the school board is particularly important now and it is important to identify which elements should be part of that agreement.

**6. PUBLIC INPUT:** None.

**7. BOARD COMMUNICATIONS:**

(a) Next Board Meeting scheduled for June 20, 2017 at 5:30 p.m.

A motion to adjourn was made and duly passed.

**8. ADJOURNMENT:** 6:45 p.m.

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Kathy Hall, MMC  
Village Clerk

(kh/ta)



This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Village Design Review Board meetings from June 30, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY THE BOARD  
JANUARY 24, 2018**

**FINAL ACTION AGENDA/MINUTES**

**Design Review Board Meeting**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
June 14, 2017 5:30 p.m.**

1. **CALL TO ORDER:** 5:50 p.m.
2. **PLEDGE OF ALLEGIANCE:** Led by Chairman McHarris.
3. **ROLL CALL:**

Present: Chairman Joe McHarris and Board Members W. Scott Anderson, William Glass, Anu Lacis, Albert O'Donnell, William Prysni and Patty Whitehead. Absent: Board Member Barry Jones.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs and Development Review Manager Walter McCarthy.

4. **APPROVAL OF AGENDA:**

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

5. **BUSINESS:**

**(a) Consent Agenda**

- (1) Approval of January 10, 2017 Minutes
- (2) Approval of February 8, 2017 Minutes

A motion to approve the Consent Agenda was made and duly passed.

**(b) Public Information Meeting**

- (1) Arcos Avenue Office Building (District 4) 10170 and 10150 Arcos Avenue, Plaza Del Sol Commercial Planned Development Parcels B and C, Northeast corner of Corkscrew Road and Three Oaks Parkway. Review of a 45-foot, three-story building with 70,000 square feet of office/retail use, supporting infrastructure, vacation of an existing drainage easement and the incorporation of existing oak trees along Corkscrew Road into the landscape buffer.

Development Review Manager McCarthy provided a brief introduction.

**Presentation/Information by:**

Richard Losee, PE, LAI Design Associates; Kristina Johnson, PE, JR Evans Engineering; Scott Windham, RLA, Landscape Architect, Windham Studio.

Current zoning amendments requested are to increase square footage to roughly 66,000 feet, increase the height to 45 feet and increase the setback; there will be driveway and sidewalk interconnections; the building has been shifted to allow existing oaks to remain and be healthy. The monument sign, approximately 4 feet x 10 feet, will be in the entrance median. The proposal is a three-story building with a lot of glass, with the appearance of a Class A office building; three stories are needed due to the abundance of vegetation; the architecture is contemporary Mediterranean and is the same on all sides; an atrium will be considered; more detailed renderings will be presented at the next meeting.

**Board Questions or Comments:** Pictures of the oaks would be helpful; it is important to know if the trees will be killed when the lift station is relocated; along Corkscrew Road is not an appropriate location for the dumpster; better pedestrian connections are needed to Three Oaks Parkway; the arches detract from more than they add to the building; architecture is bland for a preeminent corner and more neoclassical than Mediterranean; the building seems to need some sort of termination and a covered entry; there is little roofline variation; it is a good start; the massive building needs to be broken down; the colors are good; it looks a lot like a school; the Planning and Zoning Board has suggested incorporating an atrium; the second-story banding gives the appearance of a wedding cake; the building is more intimidating than inviting; it looks a bit like the Design Center; it is possible that no buffer is needed between trees along Corkscrew Road; landscape should be made to work with the building.

**Public Comment:**

Don Eslick, ECCL

**Summary of Public Comment:** The office and use of the outparcel is welcome and needed; the height is fine; the orientation is questionable; unique but compatible should be the goal.

The meeting went into recess at 6:35 p.m. and resumed at 6:40 p.m.

**(c) Public Hearing:**

- (1) Dunkin Donuts Monument Sign (District 7) 20301 Grande Oak Shoppes Blvd., located at the Shoppes of Grand Oaks at Corkscrew Road and Ben Hill Griffin Parkway. Public Information Meeting held May 24, 2017.

Staff and audience members presenting testimony were sworn in. There were no disclosures of ex parte communication or conflicts of interest.

Development Review Manager McCarthy provided a brief introduction.

**Presentation/Information by:**

Carlos Sobrin, Vice President, LIS Architecture, Engineering and Construction Management; Matt Morris, Project Engineer, Morris Engineering.

The side has been widened and a bookend effect created; a Spanish-style roof has been incorporated, allowing for soffit lighting. There are three signs on the site.

**Board Questions or Comments:** The recessing of the sign was questioned; the number of signs seems excessive; some backlighting is fine, but the white area cannot be illuminated; lamping from the top is better; the street addresses may or may not be too low; the stone needs a cap; the current proportions are much better; the color in the center is good; banding and brackets are needed; code does not permit lighting the whole box.

Conditions: The sign needs a base on top of the stonework; the base should be a full 2 feet; the street addresses would then move up a little bit; there should be a stucco band under the roof where the brackets are and only at the columns; the center portion of the sign should be the lighter color. The lighting is not acceptable as shown on the plan; it can be a shadow box or downlit, but only the name and the logo can be lit; any alternative lighting must be seen by the Board for approval.

**Public Comment:** None.

**Motion:** Move to approve the monument sign with conditions.

**Motion by:** Board Member O'Donnell

**Seconded by:** Board Member Prysi

**Action:** Approved the monument sign with conditions.

**Vote:**

**Aye:** Board Members Anderson, Glass, O'Donnell, Prysi, Whitehead, and Chairman McHarris

**Nay:** Board Member Lacis

**Abstentions:**

(d) Land Development Code Amendments – General Discussion

**Board Questions or Comments:** Discussed were addressing massing and the differentiation of landscaping and buffering; architectural styles such as Deco; space; views of architecture from various distances; the two Land Development Code topics to focus on are landscape item and some discussion of massing as an overarching principle; the prohibition of billboard upgrades to electronic signs; directional versus informational signs; the organic demolition and non-replacement of existing billboards.

**Public Comment:** None.


6. **PUBLIC INPUT:**

7. **BOARD COMMUNICATIONS:**

(a) Next meeting scheduled June 28, 2017

A motion to adjourn was made and duly passed.

8. **ADJOURNMENT:** 7:15 p.m.

  
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Kathy Hall, MMC  
Village Clerk

(kh/ta)