



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

PROJECT NAME: ARCOS EXECUTIVE CENTER
CASE TYPE: PLANNED DEVELOPMENT AMENDMENT
CASE NUMBER: DCI2017 - E005
PLANNING & ZONING BOARD DATE: March 20, 2018
COUNCIL FIRST READING DATE: April 11, 2018
COUNCIL SECOND READING DATE: May 9, 2018

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 office building, including 5,000 square feet of retail use, and deviations for architectural feature height, and setbacks.

Staff and the Planning and Zoning Board recommend approval of the request with the conditions in Ordinance 2018-04. There was one dissenting vote at the Planning and Zoning Board meeting.

Please refer to staff report and packet from first reading April 11th for further information. Please also see the attached ordinance which has been revised to clarify a landscape condition and add a condition relating to the boardwalk area.

COUNCIL FIRST READING SUMMARY

The Council first reading was on April 11, 2018. The Council requested that the applicant address several items at the Second Reading. A summary of the information requested is below:

1. Landscaping along Three Oaks Parkway – What will it consist of, and is it adequate to screen the parking lot;

2. Boardwalk area – can it be connected to the sidewalk on Corkscrew Road;
3. Questions about the amount of fill needed for the site and the number of truck trips during construction;
4. Traffic created by the project on Corkscrew Road and timing of the project with the planned interim improvements to I-75;
5. Verification that the project will pay impact fees and a proportionate share of the traffic signal on Corkscrew Road and Puente Lane;
6. Consistency of the project with the proposed “Transitional Mixed Use” land use category and the intensification of this parcel with almost a doubling of the square footage, how this comports with the original plan of development and how it affects the remaining development;
7. Line of sight diagram depicting view from residences at Country Creek, or testimony relating to whether the building will be visible to nearby residences;
8. Will the public use of the boardwalk area be preserved through a public easement;
9. Description of the sidewalk location, and will sidewalks be located on one side or both sides.

ATTACHMENTS:

1. Minutes of April 11, 2018 Council Meeting
2. Ordinance 2018-04

ATTACHMENT 1

EXCERPT

APRIL 11, 2018 COUNCIL MEETING MINUTES

2. ZONING ORDINANCE FIRST READING – ARCOS EXECUTIVE CENTER:

Zoning Ordinance No. 2018-04 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions Zoning Amendments Increasing Square Footage and Height and Deviations Increasing Setbacks and Height for Architectural Features for Property Located at 10150 And 10170 Arcos Avenue in the Village of Estero, Florida, and Comprising Approximately 3.72 Acres in the Plaza Del Sol Commercial Planned Development; Providing for Severability; and Providing an Effective Date

Mayor Boesch provided an introductory statement, noting that this was not a public hearing and the second reading and public hearing were tentatively scheduled for May 9, 2018. The title of Ordinance No. 2018-04 was read by Village Clerk Hall.

Community Development Director Gibbs provided an overview of the ordinance for 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 request is an increase in square footage and height for a proposed 66,000 square foot office building, including 5,000 square feet of retail use, and deviations for architectural feature height, and setbacks.

Questions or Comments: Councilmembers Batos, Wilson, and Levitan. Discussion included the landscaping plan on Three Oaks Parkway where the parking lot is located; the lack of the boardwalk connection on the Corkscrew Road side; concern regarding the number of trucks needed for fill; inquiry whether this project would be involved with the traffic signal; the number of developments going in this quadrant; concern regarding a new land use category designation and the hope that this area could have become something different than what was proposed; developer to provide information regarding sightline distances; public use and the boardwalk; sidewalks in the CPD; concern with increase in intensity.

Motion: Move to pass first reading of Ordinance No. 2018-04 and confirm second reading and public hearing tentatively scheduled for May 9, 2018.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Batos

Action: Passed first reading of Ordinance No. 2018-04 and confirmed second reading and public hearing tentatively scheduled for May 9, 2018.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

ATTACHMENT 2

**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2018 - 04**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS ZONING AMENDMENTS INCREASING SQUARE FOOTAGE AND HEIGHT AND DEVIATIONS INCREASING SETBACKS AND HEIGHT FOR ARCHITECTURAL FEATURES FOR PROPERTY LOCATED AT 10150 AND 10170 ARCOS AVENUE IN THE VILLAGE OF ESTERO, FLORIDA, AND COMPRISING APPROXIMATELY 3.72 ACRES IN THE PLAZA DEL SOL COMMERCIAL PLANNED DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, applicant, MIG-LAI Real Estate Holdings, LLC, on behalf of **Arcos Executive Center**, has applied for zoning amendments and deviations on the property (“Property”) which comprises Parcels B and C of Plaza Del Sol located at the northeast corner of Three Oaks Parkway and Corkscrew Road; and

WHEREAS, the property is part of a larger 38-acre project called Corkscrew Crossing which was rezoned in 1994 by Lee County to Commercial Planned Development (CPD) in Resolution Z-94-050; and

WHEREAS, the zoning was amended by Lee County in 2003 through Resolution Z-03-039 and renamed as Plaza Del Sol; and

WHEREAS, the applicant applied for an amendment to the CPD to increase square footage and height, and applied for deviations for setbacks and the height of architectural features, for a proposed office building of 66,000 square feet and a maximum height of approximately 60 feet; and

WHEREAS, the Property STRAP numbers are 35-46-25-E1-3100B.0000 and 35-46-25-E1-3100C.0000; and

WHEREAS, the public information meeting was held for this application at the Planning and Zoning Board on June 1, 2017; and

42 **WHEREAS**, the Planning and Zoning Board considered the application at its meeting
43 on March 20, 2018 and recommended approval with conditions of the requests; and

44 **WHEREAS**, a duly noticed first reading was held before the Village Council on April
45 11, 2018; and

46
47 **WHEREAS**, a duly noticed second reading and public hearing was held before the
48 Village Council on May 9, 2018, at which time the Village Council gave consideration to the
49 evidence presented by the Applicant and the Village staff, the recommendations of the
50 Planning and Zoning Board, and the comments of the public.

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52 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
53 Florida:

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55 **Section 1. Zoning Amendments.**

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57 The Village Council approves the amendments to the CPD zoning to increase the
58 square footage and height for a proposed office building with the following conditions:

- 59
60 1. The development of the 66,000 square foot office building (including up to 6,000
61 square feet of retail or personal service uses) on Parcels B and C must be
62 substantially consistent with the Master Concept Plan entitled Arcos Executive
63 Center date stamped ~~“Received March 6~~ May 1, 2018”.
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65 2. The previous approval (contained in Resolution Number Z-09-037) including
66 conditions and deviations remains in effect except as modified by the conditions
67 and deviations contained in this approval.
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69 3. Transportation – Puente Lane Signal
70 Pursuant to a signalization agreement as a part of development order number
71 DOS2002-00172, the property owner of Plaza Del Sol, its successors and assigns
72 (“Owner”) is responsible for a proportionate share of the cost of the signalization
73 of the intersection of Puente Lane and Corkscrew Road at such time as the
74 required warrants for signalization are met. A signalization agreement, if required
75 by Lee County, may be required prior to a certificate of compliance being issued
76 for the development order.
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78 5. Maximum Building Height
79 Maximum Building Height Parcel B and C only: 53 feet or 3 stories for office
80 use only (See Deviation 13 for architectural feature height).
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6. Pattern Book
The project design must be consistent with the Pattern Book, titled “Arcos Executive Center, Revised ~~March~~ April 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 the minimum base flood elevation (AE – EL 16 NAVD) plus one foot of free board.

9. Three Oaks Sidewalk Connection
The Owner must provide a sidewalk connection from the site 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
a. The existing landscape buffer along Three Oaks Parkway located from the north side of the proposed outdoor patio area to the north property line will be retained to the maximum extent possible. Prior to development order approval, this existing buffer will be staked and a meeting held onsite with the Village of Estero staff to determine the existing material to remain and any existing material that will need to be removed. Any material that needs to be removed will be replaced with the same or similar material meeting the following requirements: Live Oak trees must be 16 feet planted height and shrub material must be 36 inches at the time of installation and be maintained at 48 inches.

b. The landscape buffer along Three Oaks Parkway located from the north side of the proposed outdoor patio area to the south property line will be replaced with a buffer that meets the following requirements: Trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height, the Royal Palms must meet an overall height of 24 feet, and shrub material must be 36 inches at the time of installation and be maintained at 48 inches.
~~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~~

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

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.

11. The boardwalk area as depicted in the Pattern Book will be open to the public and cannot be fenced, gated or otherwise closed off. No signs prohibiting public use are allowed.
12. 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. This deviation is APPROVED.
13. 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. This deviation is APPROVED.

Section 2. Findings and Conclusions.

The Council finds the following:

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.

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- 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. Urban services such as water and sewer will be available and adequate to serve the proposed use.
- 5. The request will not adversely affect environmentally critical areas and natural resources.
- 6. The proposed use, with the proposed conditions, is appropriate at the subject location.
- 7. 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.
- 8. 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.

Section 3. Exhibits.

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

- Exhibit A Legal Description
- Exhibit B Master Concept Plan, ~~dated~~titled Arcos Executive Center, file date 01/2018, stamped "Received _____ May 1, 2018"
- Exhibit C Pattern Book, titled Arcos Executive Center, dated Revised ~~March~~April 2018

Section 4. Conflicts.

All Sections or part of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all resolutions or parts of Resolutions, in conflict with this Ordinance shall be repealed to the extent of such conflict upon the effective date of this Ordinance.

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

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Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Effective Date.

This Ordinance shall be effective immediately upon adoption.

PASSED on first reading this 11th day of April, 2018.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 9th day of May, 2018.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Boesch	_____	_____
Vice Mayor Ribble	_____	_____
Councilmember Batos	_____	_____
Councilmember Errington	_____	_____
Councilmember Levitan	_____	_____
Councilmember McLain	_____	_____
Councilmember Wilson	_____	_____

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EXHIBIT A



**ARCOS EXECUTIVE CENTER
SECTION 35, TOWNSHIP 46, RANGE 25 EAST
LEE COUNTY, FLORIDA**

DESCRIPTION: Parcels "B" and "C" of the Plaza Del Sol Subdivision according to the plat thereof as recorded in Plat Book 80 Pages 74 through 75 of the public records of Lee County, Florida less and except the west 30 feet as recorded in Official Record Book 4654 Pages 3335 through 3336.

J.R. EVANS ENGINEERING

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