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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

### **Planning and Zoning Board Meeting**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
March 20, 2018 5:30 p.m.**

1. **CALL TO ORDER:** 5:30 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, Marlene Naratil, James Tatoes, and John Yarborough.

Also present: Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs, Principal Planner Matthew Noble, and Recording Secretary Michelle Radcliffe.

4. **APPROVAL OF AGENDA:**

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

5. **BUSINESS:**

- (a) **Consent Agenda**

- (1) Approval of the February 20, 2018 minutes.

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

**(b) Public Hearings:**

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

- (1) Comterra Development, LLC/Coconut Square Lot 5 Hotel Final Plan Approval (ADD2017-E012) (District 1). *Continued from February 20<sup>th</sup> meeting.* 2340 Walden Center Drive, west of US 41 and south of Coconut Road and approximately 250 feet west of the intersection of Coconut Road and US 41. Applicant is proposing a 128-room hotel in the northwest area of the Pelican Landing DRI. The Pelican Landing zoning resolution requires a Final Plan Approval to verify conformance with the resolution. Public Information Meeting was held January 16, 2018.

Community Development Director Gibbs explained that this item was continued from last month because a question arose on whether the Planning and Zoning Board could provide a decision on this item. She stated that after consultation with Land Use Counsel Stroud, it was determined that the Planning and Zoning Board will provide a recommendation for the Village Council. Ms. Gibbs then provided a brief introduction.

**Presentation/Information by:** John T. Wojdak, P.E., DeLisi Fitzgerald, Inc., and Neale Montgomery, Esq., Pavese Law Firm.

Mr. Wojdak presented an overview of the project, its current entitlements, and described the deviations requested on the project.

**Board Questions or Comments:** Questions were asked and comments were given regarding parking; ingress/egress of the property to and from US 41; overbuild of hotels in the Village; and stormwater management.

**Public Comment:**

Bob Palma and Veglia Palma, Meadowbrook, both expressed concerns on the proposed hotel and spoke against the project.

Vicki Olsen, 23710 Merono Ct, #201, as resident of Estero and a representative of the Coconut Road West Coalition, Estero, expressed concern regarding traffic on Coconut Road and urged the Board to look at the traffic implications at the intersection of Coconut Road and US 41 prior to approving this project.

Neal Montgomery responded to concerns expressed during Public Comment and explained the project approval process with both Lee County and the Village of Estero.

Board Member Naratil noted that if the name of the hotel was divulged, the fears of the residents could be alleviated.

**Motion:** Move to recommend that Council approve with conditions outlined in the draft resolution: 1) the terms and conditions of Zoning Resolutions Z-94-014 and Z-97-073 remain in full force, except as modified; 2) the development of the hotel and amenities must be in substantial compliance with the 1-page Master Concept Plan, by DeLisi Fitzgerald, Inc., stamped received on January 26, 2018; 3) the deviation from Section 10-261 of the Land Development Code for a 288 square foot trash enclosure is approved; and 4) if it is determined that inaccurate or misleading information was provided to staff or the Planning and Zoning Board or if this decision does not comply with the LDC when rendered, then at any time the Planning and Zoning Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may seek the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

**Motion by:** Board Member Campos

**Seconded by:** Board Member Gargano

**Action:** Recommended that Council approve with conditions outlined in the draft resolution: 1) the terms and conditions of Zoning Resolutions Z-94-014 and Z-97-073 remain in full force, except as modified; 2) the development of the hotel and amenities must be in substantial compliance with the 1-page Master Concept Plan, by DeLisi Fitzgerald, Inc., stamped received on January 26, 2018; 3) the deviation from Section 10-261 of the Land Development Code for a 288 square foot trash enclosure is approved; and 4) if it is determined that inaccurate or misleading information was provided to staff or the Planning and Zoning Board or if this decision does not comply with the LDC when rendered, then at any time the Planning and Zoning Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may seek the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

- (2) Arcos Executive Center (DCI2017-E005) (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. Amendments to the Commercial Planned Development. Deviations from the required building setback and height of architectural features are also requested. Public Information Meeting held June 1, 2017.

Ms. Gibbs reported that Design Review Board Member Bill Prysi sent an e-mail to Board Member Tatooles. There were no other ex parte communications or conflicts of interest noted. Principal Planner Matt Noble provided a brief introduction.

**Presentation/Information by:** Kristina Johnson, PE, and Richard S. Losee, PE, LAI Design Associates, LLC; Scott Windham, RLA, Windham Studio, Inc.; and James M. Banks, PE, JMB Transportation Engineering, Inc.

Ms. Johnson stated that the applicant is proposing to build a three-story 66,000 square foot executive center containing office and retail and is requesting two deviations: 1) increase the building height from three-stories at 45 feet to three-stories at 52.7 feet and allow a maximum height of 59.93 feet for the architectural features; and 2) increase the maximum building setback from 25-feet for buildings on corner lots to a maximum building setback of 120-feet for the preservation of heritage trees located on the site.

Mr. Windham provided an overview of site features including the pedestrian boardwalk proposed to be built in the shade of the heritage trees. He stated this would be open space used for both the tenants of the building and the public.

Ms. Johnson provided responses to questions from the Public Information meeting held on June 1, 2017 and noted that 27 of the approved uses were removed from the application.

Mr. Banks presented an overview of the applicant's traffic analysis on the proposed project site. Ms. Johnson noted that the applicant will provide its proportionate fair share of the cost to install a traffic signal at the Lowe's intersection.

**Board Questions or Comments:** Questions were asked and comments were made regarding increased traffic in the area, office building occupancy timeframe, proposed business hours, parking spaces, the building setback, and heritage trees located onsite. Concerns were expressed on the amount of landscaping used to shade the parking lot and the Board suggested that the applicant provide more plants to its landscaping plan when presenting the Pattern Book to the Design Review Board.

**Public Comment:** None.

**Motion:** Move to recommend that Council approve with the following 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; 4) Maximum Building Height: Maximum Building Height Parcel B and C only: 53 feet or 3 stories (See Deviation 13 for architectural feature height); 5) Pattern Book: The project design must be consistent with the Pattern Book, titled "Arcos Executive Center, Revised March 2018"; 6) 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; 7) 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.

**Motion by:** Board Member Naratil

**Seconded by:** Board Member Yarbrough

**Action:** Recommended that Council approve with the following 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) 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.

**Vote:**

Aye: Board Members Campos, King, Naratil, Tatoes, Wood, and Yarbrough

Nay: Board Member Gargano

Abstentions:

- (3) Coconut Point DRI/MPD Tract 1D-3 Hotel (DCI2017-E003) (District 6). 2.16-acre parcel in the Coconut Point Mixed Planned Development at the southwest corner of the intersection of Via Villagio and Sweetwater Ranch Boulevard adjacent to the Estero Fire Station. Amendment to the Coconut Point MPD zoning to add a hotel use to Tract 1D-3 and to increase the maximum height to 55 feet, with deviations. Public Information Meeting held August 15, 2017.

No ex parte communications or conflicts of interest were noted. Ms. Gibbs stated that there was a letter received from the Rapallo Homeowners Association.

Senior Planner Matt Noble provided a brief introduction and stated that staff recommends a continuance on this item due to additional discussions needing to be held on the proposed landscape buffer along the roadway to take into account the views from the Rapallo community as well as concerns raised by the neighbors regarding drainage to the Rapallo lake system.

**Presentation/Information by:** Ned Dewhirst, PE, Oakbrook Properties; Mike Concilla, Equity, Inc.

Mr. Dewhirst provided background information on the proposed project, introduced the project team, and presented an overview of the planned development area.

Mr. Concilla provided an overview of the proposed site plan.

Mr. Dewhirst presented an overview of requested deviations which included: 1) maximum height to 55-feet; 2) maximum height for limitation on architectural elements for an additional 22-feet (77 feet total); and 3) LDC Section 33-351 landscaping buffers requires 20-foot Type D landscape buffer between commercial and right of way uses, to allow a 15-foot Type D landscape buffer, of which 10-feet will include a maintenance easement. He then explained stormwater drainage on the proposed site and noted that they have been in contact with residents at the Rapallo community and that the developer is taking a proactive stance on drainage concerns.

**Board Questions or Comments:** None.

**Public Comment:**

Marcia Green, Rapallo  
Anthony Rossi, Rapallo  
David Yellen, Rapallo  
Joseph Herceg, Rapallo  
Frank Moser, Rapallo  
Bill Bitonti, Rapallo

**Summary of Public Comment:** Requested that the Board wait to make a decision until the independent drainage tests are completed and results can be analyzed.

Ms. Gibbs requested that a copy of the study be provided to the Village and reiterated that staff recommends continuance of the request to resolve some outstanding issues including stormwater, Pattern Book, and deviation items. She explained that staff will need to draft conditions for the Board to review prior to approval.

Mr. Dewhirst responded to comments regarding roadway flooding and stated that roads in Southwest Florida are designed to flood.

**Motion:** Move to continue this item until the April 17, 2018 meeting.

**Motion by:** Board Member Tatooles

**Seconded by:** Board Member King

**Action:** Continued this item to the April 17, 2018 meeting.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

**6. PUBLIC INPUT:** None.

**7. BOARD COMMUNICATIONS:**

(a) Next Board Meeting April 17, 2018

A motion to adjourn was made and duly passed.

**8. ADJOURNMENT:** 8:32 p.m.

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Michelle Radcliffe, CMC  
Recording Secretary