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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REZONING
A 10 ACRE PROPERTY AT THE NORTHWEST
CORNER OF THREE OAKS PARKWAY AND
WILLIAMS ROAD FROM COMMERCIAL
PLANNED DEVELOPMENT (CPD) TO
RESIDENTIAL PLANNED DEVELOPMENT (RPD);
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Pawlet Associates, LLC represented by DR Horton and Dan DeLisi of DeLisi, Inc., (the “Applicant”) filed an application for a rezoning of the Williams Three Oaks Commercial Planned Development (CPD) to Residential Planned Development (RPD) for a property of approximately 10-acres (the “Property”); and

WHEREAS, the property STRAP number is 34-46-25-E3-0100C.0010 and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on August 9, 2022, the Planning, Zoning, and Design Board recommended approval with conditions of the rezoning; and

WHEREAS, a duly noticed first reading was held before the Village Council on September 21, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 5, 2022 for adoption of the Ordinance; and

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

Section 1. Rezoning.

The Village Council approves with conditions the rezoning of the property from Commercial Planned Development to Residential Planned Development, subject to the following conditions.

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Section 2. Conditions

1. Master Concept Plan and Number of Units

Development of this project is limited to a maximum of 44 single-family attached single-story units. Development must be consistent with the Master Concept Plan (MCP) titled “Milan Villas RPD Master Concept Plan”, stamped “Received July 22, 2022”.

2. Pattern Book

Development of this project must be consistent with the Pattern Book titled “Milan Villas RPD Residential Pattern Book”, stamped “Received September 6, 2022”. The amenity area will be further refined at the time of development order.

3. Schedule of Uses

The following is the approved Schedule of Uses within the RPD:

- Accessory uses and structures
- Dwelling units: single-family attached/villas, limited to one-story in height
- Entrance gates and gatehouses
- Essential services (Utility, Minor)
- Excavation, water retention
- Fences, walls
- Home occupation, in compliance with LDC
- Model home - See condition #14
- Real estate sales office - See condition #14
- Recreational facilities, personal and private
- Signs, in compliance with LDC

4. Dimensional Standards

The following is the approved Development Standards within the RPD:

<u>Development Standards</u>	<u>Single-Family Attached</u>	<u>Park</u>
Lot Coverage (%)	70	70
Minimum Lot Area (SF)	3,750	9,325
Minimum Lot Width (FT)	35.5	75
Minimum Lot Depth (FT)	106	125
Building Height (FT)	35	35
Limited to one story		
Setbacks		
Street/Front	20	15
Side	0/5	5
Rear	10	5
Rear Accessory	5	5

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5. Emergency Access

As part of local development order approval, the development order plans must include an emergency access, constructed to Village and Fire Department specifications, from the development to Three Oaks Parkway.

6. Turn Lane and Access on Three Oaks Parkway

The developer must obtain a Limited Development Order (LDO) from Lee County pursuant to Section 10-297, Lee County LDC. A copy of the LDO must be provided to the Village prior to the start of construction.

7. Fencing

As part of local development order approval, the development order plans must include the required aluminum perimeter fencing shown in the Pattern Book around the south and east property boundary and black vinyl-coated chain link fencing on the west property boundary.

8. Gopher Tortoises

The applicant shall provide copy of the Gopher Tortoise Relocation Plan at the time of issuance by FWC.

9. Amenity Area

The applicant shall provide details of the amenity area at the time of development order, to include items such as a gazebo, building, or dog park.

10. Heritage Trees

The two identified heritage trees on the site must be retained or replaced pursuant to the requirements of the LDC at the time of development order.

11. Utilities

The development must connect to water and sewer as part of any local development order.

133 12. Sidewalk & Pedestrian Connections

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

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138 13. Buffers

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

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144 As part of local development order approval, all required buffer plantings must be
145 100% native vegetation.

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147 14. Model Homes and Real Estate Sales

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149 A. The number of model homes or units will be limited to no more than 4
150 within the development.

151
152 B. Model homes or units may be developed within lots 35 -38 within the
153 development. Model homes or units must be shown on the development
154 order plans.

155
156 C. Real estate sales will be limited to the sale of lots or units within the
157 development only.

158
159 D. Model homes cannot be of the same floor plan, and each must be a separate
160 and different design.

161
162 E. Hours of operation for both models and real estate sales are limited to
163 Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 8 a.m. to 5
164 p.m.

165 **Section 3. Deviations**

- 166
167 1. Deviation 1 seeks relief from LDC Section 5-304.A.4.C (Development Entry
168 Points) which requires that residential development of more than five acres provide
169 more than one means of ingress or egress for the development, to allow for a single
170 access and an emergency access.

171 APPROVED, with a condition that the emergency access has an Electric Gate
172 controlled by EVAC, and that the access is able to support fire apparatus in both
173 width and weight, to be reviewed at the time of development order.

175 2. Deviation 2 seeks relief from LDC Appendix C.A.2.A (Privately Maintained
176 Roads) which requires that the minimum right-of-way width for a privately
177 maintained roadway shall be 60 feet, to allow for the right-of-way width to be 50
178 feet.

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180 APPROVED

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182 3. Deviation 3 seeks relief from LDC Appendix C.B.7.A.2 (Street Design and
183 Engineering – Cul-de-Sacs) which requires that the minimum diameter of the right-
184 of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-
185 way diameter to be 120 feet.

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187 APPROVED

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189 4. Deviation 4 seeks relief from LDC Appendix C.B.7.C (Street Design and
190 Engineering – Cul-de-Sacs) and Appendix D.H. (Illustrations and Cross-Sections –
191 Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a
192 roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter
193 to be 120 feet.

194
195 APPROVED

196 **Section 4. Findings and Conclusions**

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198 Based upon an analysis of the application and the standards for approval in the Land
199 Development Code, and the conditions of approval, the Council finds and concludes
200 the application:

- 201
202 1. Is consistent with and furthers the goals, objective, and policies of the
203 Comprehensive Plan and all other Village adopted plans.
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205 2. Is not in conflict with any portion of the LDC.
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207 3. Addresses a demonstrated community need
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209 4. Is compatible with existing and proposed uses surrounding the subject land and is
210 the appropriate zoning district for the land.
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212 5. Would result in a logical and orderly development pattern.
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214 6. Would not adversely affect the property values in the area.
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7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities.
 8. Would not result in significantly adverse impacts on the natural environment – including, but not limited to water air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical area, and the natural functioning of the environment.
 9. Is compatible with existing or planned uses in the surrounding area.
 10. The deviations approved:
 - a) Will improve the quality of the proposed RPD;
 - b) Will preserve and promote the general intent of the Land Development Code to protect the public health, safety, and welfare;
 - c) Will be compatible with uses on surrounding property;
 - d) Will not create an undue burden on essential public facilities.

233 **Section 6. Exhibits**

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

236
237 Exhibit A Legal Description

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239 Exhibit B Master Concept Plan, received and date stamped July 22, 2022

240
241 Exhibit C Pattern Book, received and date stamped September 6, 2022.

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243 **Section 7. Severability.**

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

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250 **Section 8. Effective Date.**

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252 This ordinance shall take effect upon adoption at second reading.

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PASSED on first reading this 21st day of September, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 5th day of October, 2022.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	_____	_____
Vice Mayor McLain	_____	_____
Councilmember Ribble	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Boesch	_____	_____
Councilmember Ward	_____	_____
Councilmember Wilson	_____	_____

EXHIBIT A
LEGAL DESCRIPTION

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A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89°57'26" WEST ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH LINE OF SAID SECTION 34 AND THE NORTH RIGHT-OF-WAY OF WILLIAMS ROAD FOR 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°57'26" WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°40'10" WEST ALONG THE WEST LINE OF SAID LOT 1 FOR 1320.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°42'15" EAST ALONG THE NORTH LINE OF SAID LOT 1 FOR 331.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE EAST LINE OF SAID SECTION 34 AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY; THENCE SOUTH 00°35'12" EAST ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, SAID SECTION 34, AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY FOR 1,291.91 FEET; THENCE SOUTH 33°16'13" WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.

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EXHIBIT B
MASTER CONCEPT PLAN

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EXHIBIT C
PATTERN BOOK