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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 14**

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, AMENDING
THE COCONUT TRACE COMMERCIAL PLANNED
DEVELOPMENT (CPD) ZONING TO ALLOW A
REAL ESTATE SALES CENTER FOR OFF-SITE
SALES ON A 3.5-ACRE PROPERTY ON THE WEST
SIDE OF US 41 NORTH OF COCONUT ROAD
ACROSS FROM COCONUT POINT MALL;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Naples Community Hospital represented by LB Estero Bay Investments and RVi Planning + Landscape Architecture, (the “Applicant”) filed an application for an amendment to the Coconut Trace Commercial Planned Development (CPD) to amend the Schedule of Uses to allow a Real Estate Sales Center for Off-site Sales on approximately 3.5-acres (the “Property”); and

WHEREAS, the property STRAP numbers are 09-47-25-E2-3500B.00C0 and 09-47-25-E2-3500B.00D0 and is legally described as:

Out-Parcels C and D in Block “B”, Coconut Trace according to the Plat thereof recorded under Official Records Instrument Number 2006000423660, of the Public Records of Lee County, Florida.

WHEREAS, at a duly noticed public hearing held on September 13, 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 October 19, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 2, 2022 for adoption of the Ordinance; and

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

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Section 1. Zoning Amendment.

The Village Council approves with conditions the amendment to the Commercial Planned Development, subject to the following conditions.

Section 2. Conditions

1. Master Concept Plan

Development of this project is limited to a maximum of 40,000 square feet of commercial use and development must be consistent with the Master Concept Plan (MCP) titled “Coconut Trace Master Concept Plan”, stamped “Received June 14, 2022”. Development must also be consistent with the 35-foot height maximum and other property development regulations in Resolution Z-03-011.

2. Pattern Book

Development of this project must be consistent with the Pattern Book titled “Coconut Trace CPD Supplemental Pattern Book, Tracts C & D”, stamped “Received August 17, 2022”.

3. Resolution Z-03-011

The approval and conditions granted in Resolution Z-03-011 shall remain in effect except for the Schedule of Uses and Site Development Regulations which are amended as follows:

2.A. Schedule of Uses

~~REAL ESTATE SALES OFFICE, Parcel C and D only. (LDC section 34-1951 *et seq.*, and 34-3021)(strictly limited to the sale of lots/parcels within this planned development only. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued).~~

4. Lyden Drive

If construction of Lyden Drive is not completed to Coconut Road, or if construction of Cerise Drive to US 41 is not completed, then the applicant shall place barricades south of the project entrance on Lyden Drive to allow a turnaround, subject to Public Works approval prior to a Certificate of Occupancy for the building.

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5. Public Gathering Area

The applicant shall provide details regarding the improvements associated with the Public Gathering Areas at the time of the development order.

6. Sidewalk & Pedestrian Connections

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

7. Buffers

An enhanced Type “D” Buffer shall be provided along U.S. 41 to include trees/palms that are a minimum of 14-foot tall at the time of planting.

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

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

Section 3. Findings and Conclusions

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

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.
2. Is not in conflict with any portion of the LDC.
3. Addresses a demonstrated community need
4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. Would result in a logical and orderly development pattern.
6. Would not adversely affect the property values in the area.
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.

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- 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.

Section 4. Exhibits

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

- Exhibit A Master Concept Plan, received and date stamped June 14, 2022.
- Exhibit B Pattern Book, received and date stamped August 17, 2022.

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 take effect upon adoption at second reading.

PASSED on first reading this 19th day of October, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 2nd day of November 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

177	Vote:	AYE	NAY
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179	Mayor Errington	_____	_____
180	Vice Mayor McLain	_____	_____
181	Councilmember Ribble	_____	_____
182	Councilmember Fiesel	_____	_____
183	Councilmember Boesch	_____	_____
184	Councilmember Ward	_____	_____
185	Councilmember Wilson	_____	_____
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EXHIBIT A
MASTER CONCEPT PLAN

EXHIBIT B
PATTERN BOOK