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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2024-07**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT FOR PROPERTY LOCATED AT 8111 BROADWAY EAST, EAST OF U.S. 41 AND NORTH OF ESTERO UNITED METHODIST CHURCH CONSISTING OF APPROXIMATELY 1 ACRE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, PRUITT FAMILY REAL ESTATE HOLDINGS LLC, represented by Veronica Martin, TDM Consulting, Inc. (the “Applicant”), filed an application to amend the Commercial Planned Development (CPD) zoning for a property located at 8111 Broadway East, known as the **Old Post Office**, Estero, FL, consisting of approximately 1.07 acres (the “Property”); and

WHEREAS, the Property STRAP number is 28-46-25-E2-U1923.2494, and the Property is legally described in Exhibit A attached hereto; and

WHEREAS, the case number is DCI2024-E001; and

WHEREAS, the property was rezoned from Agriculture to Commercial Planned Development by Ordinance 2020-03; and

WHEREAS, the Applicant desires to make changes to the Master Concept Plan, deviations, permitted uses, architecture, and landscaping; and

WHEREAS, a noticed Public Information Meeting was held on February 13, 2024 at the Planning Zoning and Design Board; and

WHEREAS, at a duly noticed public hearing held on May 14, 2024, the Planning Zoning and Design Board recommended approval with conditions of the request, including deviations; and

WHEREAS, a duly noticed first reading was held before the Village Council on June 5, 2024; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on June 19, 2024, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning Zoning and Design Board and the comments of the public.

48 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
49 Florida;

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51 **Section 1. Approval.**

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53 The Village Council approves the amendment to the zoning subject to the following
54 conditions and deviations.

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56 **Section 2. Conditions.**

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58 1. This Ordinance supersedes Ordinance 2020-03 which is hereby null and void.

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60 2. Master Concept Plan

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62 Development of this project must be consistent with the Master Concept Plan
63 (MCP) titled “8111 Broadway East”, dated “Revised February 15, 2024” and
64 stamped “Received April 16, 2024” except as modified by the conditions below.

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66 3. Development Parameters

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68 Development is permitted at a maximum as follows:

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70 • 4,800 square feet of commercial use

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72 4. Maximum Building Height

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74 35 feet (including architectural features)

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76 5. Impact Fees

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78 Any new use will pay the appropriate impact fees at building permit issuance.

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80 6. Uses and Site Development Regulations

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82 The following uses and setbacks apply to the project:

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84 a. Schedule of Uses

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86 Principal Uses

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88 Banks and Financial Institutions (No Drive-Thru)

89 Drugstore, Pharmacy

90 Medical or Dental Lab

91 Office, General Business

92 Office, Medical

- 93 Outpatient Care Facilities
- 94 Personal Services, Groups I and II
- 95 Retail Sales, Groups I and II
- 96 Utility, Minor
- 97
- 98 Accessory Uses
- 99
- 100 Accessory Uses/Recreation Facilities – Decks and other similar facilities
- 101 Automated Teller Machine (ATM)
- 102 Bike Parking Rack
- 103 Electric Vehicle (EV) Level 1 or 2 Charging Station
- 104 Fences/Walls
- 105

106 b. Building Setback Requirements

- 107
- 108 Front/Street (South) – 25 Feet
- 109 Rear (North) – 20 Feet
- 110 Side (East) – 14.5 Feet
- 111 Side (West) – 20 Feet
- 112

113 7. No Blasting

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115 No development blasting is permitted as part of this project.

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117 8. Utilities - Sewer

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119 This development must connect to sanitary sewer service as soon as service is

120 available as required by the Village Land Development Code. The owner or assign

121 of the property will be subject to any special assessment district or similar

122 mechanism for provision of central sewer identified by the Village or sewer

123 provider.

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125 Annual septic tank inspections must be conducted and submitted to the Village

126 Community Development Director to ensure that the septic system is functioning

127 properly.

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129 9. Pattern Book

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131 The development must be consistent with the Pattern Book “Pruitt Professional

132 Office Building” date stamped “_____”. The colors must be

133 consistent with the rendering. Specific colors will be reviewed at time of

134 development order.

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10. Sidewalk & Pedestrian Connections

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

Prior to issuance of the Development Order Certificate of Compliance an executed public easement shall be submitted for the sidewalk on Broadway East.

11. Buffers

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.

12. Vehicular/Pedestrian Impacts

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.

13. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all mandatory concurrency requirements prior to issuance of a local development order.

14. Solid Waste Management

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for and specific locations of these facilities, as well as the architectural and design features, will be reviewed at the time of local development order application.

15. Land Development Code (LDC)

Where the Village LDC is referenced in these conditions of approval for implementation of the condition at the time of development order issuance, the LDC in effect at the time of the local development order shall be applicable.

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Section 3. **Deviations.**

- 1. A Deviation from LDC Section 3-705.C. Intensity and Dimensional Standards, which requires a 20-foot building setback to the east property line to permit a 14.5-foot building setback to the east property line.

Deviation 1 is approved.

- 2. A Deviation from LDC Section 3-705.C. Intensity and Dimensional Standards, which requires that parking or internal roads or drives be located in this case a minimum of 20 feet from the east property line to permit the existing driveway and parking lot to be 15 feet from the east property line.

Deviation 2 is approved.

- 3. A Deviation from LDC Section 5-406.B.3. Buffer Types, which requires a Type C buffer to be a minimum of 20 feet wide with 10 trees and 30 shrubs per 100 linear feet with an 8-foot-high solid wall to permit a 14.5-foot-wide Type C buffer along the east property line with the wall located 10 feet from the property line, and to permit the “wall” to be made of PVC or similar material.

Deviation 3 is approved.

- 4. A Deviation from LDC Section 5-304.B.3 Cross-Access Between Adjoining Developments, which requires that adjacent commercial uses must provide interconnections for automobile, bicycle, and pedestrian traffic and that all adjacent parking lots must connect to permit that the subject site not provide a vehicular interconnection or shared access to the adjacent property to the north and west.

Deviation 4 is approved.

- 5. A Deviation from LDC Section 5-506 Appearance, which requires that all fences and fence walls on each property be of uniform materials, design, and color to permit both the existing chain link fence and proposed buffer wall to be of different materials, design, and color than the existing chain link fence.

Deviation 5 is approved.

- 6. A Deviation from LDC Section 5-405A.1.A., Connection Separation, which requires a connection separation distance of 330 feet on Collector roads to permit a connection separation distance of 265± feet to the nearest residential driveway to the east and 298± feet to U.S. 41 to the west.

Deviation 6 is approved.

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Section 4. 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 as follows:

1. Is consistent with the Comprehensive Plan;

The request complies with the Comprehensive Plan and is consistent with the Urban Commercial Land Use designation.

2. Is not in conflict with any portion of the LDC;

The proposed amendment requests the approval of uses within an existing building. The request is not in conflict with the Land Development Code.

3. Addresses a demonstrated community need;

The proposed development would address a need to upgrade and utilize an older building that has become an eyesore.

4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

The subject property is already zoned as CPD, and the proposed amendment requests fewer uses than already approved. With the proposed condition it would be compatible with the surrounding area.

5. Would result in a logical an orderly development pattern;

The proposed amendment is for the reuse of an existing building.

6. Would not adversely affect the property values in the area;

The proposed amendment should positively impact property values in the area.

7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities);

The project will eliminate one roadway access to Broadway East. The property is within the Estero Fire District and fire/EMS service is available. A condition has been imposed to require sewer service when available.

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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 areas, and the natural functioning of the environment;

The property has previously been cleared and is developed.

9. Is compatible with existing or planned uses in the surrounding uses;

The proposed amendment to the CPD, as conditioned, will not have any negative impact on surrounding uses.

Section 5. Exhibits.

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

- Exhibit A Legal Description
- Exhibit B Master Concept Plan titled “8111 Broadway East Master Concept Plan, Revised February 15, 2024” and stamped “Received April 16, 2024”
- Exhibit C Pattern Book titled “Pruitt Professional Office Building” date stamped “ _____ ”

Section 6. 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 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 5th day of June, 2024.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 19th day of June, 2024.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

317 Reviewed for legal sufficiency:

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320 By: _____

321 Nancy E. Stroud, Village Land Use Attorney

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323 Vote: AYE NAY

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325 Mayor McLain _____ _____

326 Vice Mayor Ribble _____ _____

327 Councilmember Fiesel _____ _____

328 Councilmember Fayhee _____ _____

329 Councilmember Lopez _____ _____

330 Councilmember Ward _____ _____

331 Councilmember Zalucki _____ _____