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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2024-13**

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH
CONDITIONS AND DEVIATIONS A REZONING TO
ESTERO PLANNED DEVELOPMENT (EPD) FOR A
21.4-ACRE TRACT OF PROPERTY LOCATED IN THE
NORTHEAST CORNER OF SANDY LANE AND
CORKSCREW ROAD; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Toll Southeast LP Company, Inc, represented by RVi Planning and Landscape Architecture (the “Applicant”), filed an application to rezone the property from Residential Planned Development to Estero Planned Development Zoning. for a property located on the Northeast corner of Sandy Lane and Corkscrew Road, consisting of approximately 21.4 acres (the “Property”); and

WHEREAS, the Property STRAP numbers are 36-46-25-E1-U1986.2380 and 36-46-25-U2011.2380, and the Property on 9201-9301 Corkscrew Road is legally described in Exhibit A attached hereto; and

WHEREAS, the zoning case number is DCI2024-E003; and

WHEREAS, the property was later rezoned from Agriculture to Commercial Planned Development by Lee County in 1999 and further rezoned to Residential Planned Development by Village Ordinance 2015-21; and

WHEREAS, the Applicant proposes a residential townhome project with a maximum of 154 units; and

WHEREAS, a noticed Public Information Meeting was held on July 9, 2024 at the Planning Zoning and Design Board and was continued for the applicant to make revisions; and

WHEREAS, at a duly noticed public hearing held on September 10, 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 October 2 , 2024; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 16, 2024, at which time the Village Council gave consideration to

46 the evidence presented by the Applicant and the Village staff, the recommendations of the
47 Planning Zoning and Design Board and the comments of the public.

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

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52 **Section 1. Approval.**

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54 The Village Council approves the rezoning subject to the following conditions and
55 deviations.

56
57 **Section 2. Conditions.**

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59 1. The previous approvals contained in Ordinance 2015-21 and all prior resolutions,
60 including conditions and deviations, are no longer in effect and are superseded by
61 the conditions in this approval.

62
63 2. Master Concept Plan

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65 Development of this project must be consistent with the Master Concept Plan
66 (MCP) titled “Estero Townhomes EPD” dated and stamped “Received August 26,
67 2024” except as modified by the conditions below.

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69 The lake shown on the Master Concept Plan must be designed to have a sinuous
70 shoreline as required by the Land Development Code, subject to review at time of
71 development order.

72
73 3. Development Parameters and Uses

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75 Development is permitted at a maximum as follows:

76
77 154 Townhouse units

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79 The Schedule of Uses is attached as Exhibit B.

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81 4. Maximum Building Height and Property Development Regulations

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83 35 feet (2 stories)

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85 Property Development Regulations are attached as Exhibit C

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5. No Blasting

No development blasting is permitted as part of this project.

6. Utilities

This development must connect to water and sanitary sewer service at time of development order. Underground electric utilities will be provided per the Land Development Code.

7. Pattern Book

The development must be consistent with the Pattern Book “Estero Townhomes” dated 8.26.2024.

8. Public Benefit Areas

- a. The Western Corner Park and Eastern Corner Park, and pathways, as identified on the Master Concept Plan will be designed and constructed by the applicant as shown in the Pattern Book and donated to the Village. The applicant or its successors will maintain the dedicated Western Corner Park and Eastern Corner Park in perpetuity. The donation and easements documents will be subject to the approval of the Village Attorney. Details of the planting, butterfly garden, seating area, and hardscape will be reviewed as part of the development order.
- b. Construction must commence on both the Western Corner Park and Eastern Corner Park prior to issuance of Certificate of Occupancy for 50% of the units and must be completed prior to issuance of Certificate of Occupancy for the last building.

9. Construction

Construction of buildings will be of concrete block, not wood frame.

10. Turn Lane

Developer will remove existing turn lane on Corkscrew Road as part of the development order.

11. Sidewalk and Pedestrian Connections

- a. Applicant will construct the sidewalk path (6-8’ on Corkscrew Road and 10’ on Sandy Lane) as part of the development order except as follows: The

130 connection from Sandy Lane to the intersection of Corkscrew Road (including
131 all necessary road and drainage improvements) will be designed and permitted
132 by the Village of Estero’s consultant with input from applicant, and will be
133 constructed by applicant at applicant’s expense within 6 months of the later of
134 (1) the Village’s receipt of final permits and applicant’s notice to proceed from
135 the Village and (2) applicant’s development order. The Village will endeavor
136 to obtain such permits within 1 year of the Effective Date of this Ordinance.
137
138 b. Applicant will make a \$75,000.00 payment for a future crosswalk connection
139 by the Village of Estero (from Sandy Lane across Corkscrew Road) upon
140 completion of the Sandy Lane/Corkscrew sidewalk improvements under
141 condition 11.a.

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143 **Section 3. Deviations.**
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145 **Deviation 1** requests to deviate from Land Development Code (LDC) Appendix C,
146 Table C-(A)2 specifications for privately maintained roads and illustration Appendix
147 D Section D.1 which requires privately maintained local street with closed drainage to
148 have a minimum right-of-way width of 60 feet to allow for a minimum right-of-way
149 width of 45 feet.

150
151 Deviation 1 is approved subject to the travel lanes being 11 feet.
152

153 **Deviation 2** requests to deviate from Land Development Code (LDC) Section
154 3-707.B.4, Streets., which identifies streets should not end in dead ends, cul-de-sacs,
155 hammerheads or other forms which do not connect with other streets to allow two dead
156 end streets on the east side of the property.

157 Deviation 2 is approved as shown on the Master Concept Plan.
158

159 **Deviation 3** requests to deviate from Land Development Code (LDC) Section 5-406,
160 which requires a 20-foot-wide Type D external right-of-way buffer, to allow for an
161 enhanced 15-foot-wide Type D buffer with a maximum 6-foot-tall wall along the
162 Corkscrew Road right-of-way.
163

164 Deviation 3 is approved subject to the additional plantings and wall.
165

166 **Deviation 4** requests to deviate from Land Development Code (LDC) Section 5-406,
167 which requires a 15-foot Type B buffer when multi-family residential is adjacent to
168 single-family residential, to allow an enhanced 10-foot Type B buffer with an 8-foot-
169 tall wall along the northern property line.

170 Deviation 4 is approved with the enhanced plantings and wall.

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Deviation 5 requests to deviate from the Land Development Code (LDC) Section 5-411.D.8, which requires the required buffer plantings to be installed along the exterior side of a proposed wall that is not required by code, to allow for 50 percent of the required buffer plantings to be installed along the interior side of the wall along the northern property line.

Deviation 5 is approved with the enhanced plantings provided on both sides of the wall.

Deviation 6 requests to deviate from the Land Development Code (LDC) Section 5-510.C, which requires a minimum of 5 trees per 100 linear feet and shrubs to be located on the exterior side of a residential project fence or wall, to allow 50 percent of the required landscaping to be placed on the interior side of the wall along the northern property line.

Deviation 6 is approved with enhanced planting planted on both sides of the wall.

Deviation 7 requests to deviate from the Land Development Code (LDC) Section 5-204.3.B, which requires all on-street parking to be arranged so that no vehicle is required to back out from such areas directly onto a road, except for parking areas serving as driveways of single-family detached dwellings, two-family dwellings, or coach homes with garages; to allow four (4) back out parking spaces to accommodate visitor parking.

Deviation 7 is approved as shown on the Master Concept Plan.

Section 4. Findings and Conclusions.

The proposal, as conditioned, is consistent with the general criteria of the Estero Planned Development zoning district as follows:

- a. Goals The townhome development as proposed does not include a mix of housing types. However, this proposal is more compatible with the adjacent subdivision to the north and will diversify the available housing types in the general area.
- b. Reasonable Standards The applicant will be providing sidewalks and small public use areas to foster walkability in the Village Center.
- c. Accessibility Two accessible public use areas are provided, and onsite interconnections and connections with adjoining properties align with the objectives of the Village Center.
- d. Streets A minimum level of connectivity is provided. Two gated access points are proposed for this development. Internal streets will be private, and the external sidewalks will be for public use.

213

214 e. Street Design The applicant has proposed a sidewalk along Corkscrew Road and Sandy
215 Lane. This will increase walkability and provide connectivity to the two public use
216 areas on the south side of the development.
217

218 f. Lots and Blocks Due to the narrow rectangular shape of the developable area and
219 requirements for open space, a standard grid and block layout is not feasible.
220

221 g. The Visual Edge The applicant is proposing a building height reduction from 45 feet
222 under the previously approved zoning, to 35 feet. This height reduction is more
223 compatible with the residential use to the north. The proposed statement corner public
224 area on the southwest corner of the development and sidewalk along Corkscrew Road
225 also adds to the visual edge.
226

227 h. Architecture The revised building design is generally consistent with the Village
228 architectural standards.
229

230 i. Quality of Buildings The proposed development will be concrete block construction
231 for more sustainability.
232

233 **Section 5. Exhibits.**

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235 The following exhibits are attached to this Ordinance and incorporated by reference:
236

- 237 Exhibit A Legal Description
238 Exhibit B Schedule of Uses
239 Exhibit C Property Development Regulations
240 Exhibit D Master Concept Plan titled “Estero Townhomes EPD” dated August 26,
241 2024
242 Exhibit E Pattern Book titled “Estero Townhomes” dated August 30, 2024.
243

244 **Section 6. Severability.**

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246 Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance
247 subsequent to its effective date be declared by a court of competent jurisdiction to be
248 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
249 portion thereof, other than the part so declared to be invalid.
250

251 **Section 7. Effective Date.**

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253 This Ordinance shall take effect immediately upon adoption.
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255 **PASSED** on first reading this 2nd day of October, 2024.

256

257 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
258 Florida on second reading this 16th day of October, 2024.

259

260

261 Attest:

VILLAGE OF ESTERO, FLORIDA

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263

264 By: _____
265 Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

266

267 Reviewed for legal sufficiency:

268

269

270 By: _____
271 Nancy E. Stroud, Village Land Use Attorney

272

273

274 Vote: AYE NAY

275

276 Mayor McLain _____ _____

277 Vice Mayor Ribble _____ _____

278 Councilmember Fiesel _____ _____

279 Councilmember Fayhee _____ _____

280 Councilmember Lopez _____ _____

281 Councilmember Ward _____ _____

282 Councilmember Zalucki _____ _____