

Attachment C

ESTERO CROSSING

Zoning Conditions

1. Master Concept Plan

Development of this project must be consistent with the Master Concept Plan (MCP) titled “Estero Crossing”, stamped “Received October 1, 2019”, except as modified by the conditions below.

2. Development Parameters

Development is permitted at a maximum as follows:

- 60,000 square feet of commercial use
- 338 multi-family units if all residential
- 312 multi-family units if Tract H/R is developed as hotel
- alternative 120-room hotel on Tract H/R

3. Maximum Building Height

Commercial - 45 feet (3-story) for commercial buildings north of the reverse frontage road (including architectural features)

Residential - 50 feet (4-story) with additional 5 feet for architectural features for Buildings 1, 2, 5 and 6

45 feet with additional 5 feet for architectural features for Buildings 3 and 4

Hotel - 50 feet (4-story) with additional 5 feet for architectural features

4. Uses and Site Development Regulations

The following limits apply to the project and uses:

- a. Schedule of Uses
See attached Exhibit.

Agricultural Uses are not permitted uses within this planned development.

- b. Site Development Regulations
See attached Exhibit.

5. Effective Date

The rezoning shall not be effective until such time that the Village Comprehensive Plan adopted on June 13, 2018 is effective.

6. Traffic Signal

The developer, successor or assigns (owner) is responsible for a proportionate share of the cost of signalization at the intersection of Corkscrew Road and Estero Town Commons Place, as part of Phase I and prior to issuance of any development order.

7. Reverse Frontage Road

a. The construction of the reverse frontage road and traffic signal at Estero Town Commons Place and Corkscrew Road must be complete and fully operational prior to the issuance of the first certificate of compliance for vertical development within the planned development.

b. The reverse frontage road will contain planted medians as depicted in the Pattern Book to create an attractive streetscape. The reverse frontage road access must meet the 125-foot connection separation Land Development Code (LDC) standard for a local street.

8. Right-of-Way

The developer is responsible for dedication of additional right-of-way for storage/stacking of vehicles at Estero Town Commons Place to accommodate additional turn lane(s), if the Community Development Director determines this is needed as part of the first development order.

9. Construction Traffic

Heavy construction vehicles serving the project (vehicles having more than 2 axles) are prohibited from accessing the property via Corkscrew Woodlands Boulevard.

10. Phasing

a. The first phase of the project will include construction of the reverse frontage road, the traffic signal at Corkscrew Road and Estero Town Commons Place, residential landscape buffers and any work associated with the preserve areas as shown on the Master Concept Plan.

b. The second phase of the project (residential and initial commercial development) must also include at least half of the commercial project and at least half of the placemaking elements to ensure that the project is developed as a mixed-use development as proposed, and to justify the maximum density.

11. Bonus Density

Bonus density for up to 38 units has been requested. Bonus density is not approved.

12. Maintenance

All common areas including, but not limited to, the reverse frontage road and the platted portion of Corkscrew Woodlands Boulevard, shall be maintained in perpetuity by a Property Owners Association or similar entity that will consist of both the residential and commercial parcels.

13. Hours of Operation

Hours of Operation are limited to 5 a.m. to midnight 7 days a week for all commercial uses, except the hotel.

14. No Blasting

No development blasting is permitted as part of this project.

15. Utilities

Water and sewer services are available to the site, and this development must connect to those services as part of any local development order for the site.

16. Elevators and Construction Materials

Residential buildings will be constructed with concrete block materials and will include elevators as proposed by the applicant.

17. Pocket Park

The pocket park shown in the Pattern Book shall be open to the public and designed to include shade trees and seating areas through a public easement or similar document or condition acceptable to the Village attorney at time of development order.

18. Outdoor Display/Storage

No outdoor display or outdoor storage is allowed on any of the commercial parcels.

19. Pattern Book

The development must be consistent with the Pattern Book “Estero Crossing” dated October 2019. Specific details of the Placemaking elements including, but not limited to, a landmark or fountain feature, paseo, courtyard area, pocket park, and raised pedestrian connections will be provided prior to Design Review Board approval.

The Pattern Book is not conceptual. Photographic images may be illustrative, but development must be in substantial compliance with the Pattern Book, including a consistent architectural and landscape theme for all commercial and residential development.

Signage, as shown in the Pattern Book, is illustrative for design purposes and must be in compliance with the Land Development Code, except where deviations have been granted.

20. Sidewalk & Pedestrian Connections

- a. Sidewalks and pedestrian connections must be provided consistent with the Pattern Book and Land Development Code. The proposed secondary egress on the west side of the residential project must be a full access with pedestrian connection to the property to the west (Lowe's Plaza).
- b. Pedestrian walkways will be provided through parking lots to each entrance to the residential buildings as part of the local development order. Main walkways will be raised and constructed of paver bricks or similar materials.

21. Entrance Gates/Gatehouses

Entrance gates and/or gatehouses shall be in conformance with the Land Development Code for location, access, stacking, and turn-around except as may be granted by deviation.

22. Billboard

The billboard located on the commercial parcel shall be removed in conjunction with the issuance of a local development order for the commercial property and prior to any certificate of completion being granted.

23. Hurricane Evacuation

The property developer shall provide a hurricane evacuation plan and any mitigation, as necessary, in accordance with LDC section 2-485 prior to approval of the first local development order for residential uses.

24. 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 buffer plantings must be 100% native vegetation.

Residential buffers will be planted as part of the first phase of the residential project.

25. Protected Species

As part of local development order approval, a current protected species survey must be submitted for the project site. For development in any areas that would impact gopher tortoises, a gopher tortoise management plan must be submitted to staff for review and approval. This plan must include information on onsite or offsite relocation efforts as reviewed and approved by the Florida Fish and Wildlife Conservation Commission (FFWCC).

Issuance of a vegetation removal permit for development in any areas that would impact gopher tortoises does not authorize the property owner to commence construction until such time as all other applicable state or federal permits are obtained. Prior to excavation and moving of any gopher tortoises, a copy of the appropriate gopher tortoise permit issued by the FFWCC must be submitted to the Village Community Development Director.

26. Open Space & Indigenous Preserve

Development order plans must depict open space in compliance with the approved Master Concept Plan open space calculations table.

Development order plans must also depict the preservation of 9.12 acres with credits of indigenous preserves in compliance with the approved Master Concept Plan as detailed in the Open Space and Indigenous Plan sheet.

27. Replanting Plan

In accordance with the South Florida Water Management District Environmental Resource Permit (Exhibit 3.2, Page 5 of 9), the replanting within the enhanced wetlands in the preserve area shall consist of 3-gallon pine trees to achieve a density of 220 trees per acre and scattered clusters of shrubs when there are fewer than 200± live native trees per acre greater than 10 feet in height, in addition to the enhanced buffer requirements set forth in the Pattern Book.

28. 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. Additional right-of-way may be required to accommodate storage/stacking of vehicles at Estero Town Commons Place/Corkscrew Road.

29. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

30. 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.

31. Hotel Use

Any hotel use must contain retail, open to the general public on the ground floor. Retail uses may include uses that are ancillary to the hotel, such as restaurants, cafes, as well as fitness centers and spas that offer membership to the general public.

32. Promenade and Public Open Space Area

The promenade within the commercial area and the public open space area as defined on the Master Concept Plan may be used for outdoor seating in conjunction with restaurants. Outdoor service of alcohol beverages will require consumption on premises approval by the Planning and Zoning Board in order to review hours of operation and other relevant factors. Outdoor entertainment will require a temporary or special event permit.