

CORKSCREW

CROSSING Zoning

Conditions

1. **MASTER CONCEPT PLAN**

The development of this project must be consistent with the Master Concept Plan entitled Corkscrew Crossing RPD dated April 2019, Revision 6, stamped "Received April 26, 2019" except as modified by the conditions below.

The development must comply with all requirements of the Village of Estero's Transitional Land Development Code ("Land Development Code" or "LDC"), except as may be granted by deviation as part of this planned development.

This ordinance replaces Resolution Z-07-047 which is null and void.

2. **NUMBER OF UNITS, MAXIMUM BUILDING HEIGHT AND USES**

Maximum Number of Dwelling Units:

Single-family, Two-family & Townhouse: 590 total
Townhouse maximum – 70 of the 590 total

Maximum building height:

35 feet/2 stories for residential
45 feet/3 stories for clubhouse

Property development regulations are on attached sheets and made a part hereof.

3. **TIMING**

- A. The property owner/applicant shall apply for a Development Order for the first phase and the Vegetation Removal permit within 9 months after the Effective Date of the Rezoning Approval.
- B. Development Order applications and all amendments thereto, will comply with the Village of Estero Transitional Land Development Code in effect as of the date of this Rezoning. The applicant/owner shall apply for and diligently pursue all of the subsequent project Development Orders and plats for the project within six years after the issuance of the first Development Order.
- C. If after six years from the issuance of this Rezoning, the property owner/applicant has not applied for all of the Development Orders/plats and/or has failed to diligently

pursue the same, all subsequent Development Order applications will be subject to the Land Development Code in effect at the time of submittal of the Development Order application, except for those matters that are specifically approved herein.

4. **NO BLASTING**

Development blasting has not been requested as part of this planned development. No development blasting is permitted as part of this project.

5. **WATER AND SEWER**

Development of this project must connect to both public water and public sewer. At time of local Development Order approval as that term is defined in the Transitional Land Development Code (“Development Order”), the developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development.

6. **TRAFFIC**

- A. The developer shall enter into an agreement with Lee County prior to the issuance of the first Certificate of Compliance for the Development Order regarding a proportionate share payment obligation for a future traffic signal on Corkscrew Road at the project entrance.
- B. Developer or successors and assigns will be responsible for impact fees pursuant to the Land Development Code in effect at the time of building permit issuance.
- C. As part of the first Development Order for the project, the applicant must submit a plan for management of construction traffic, indicating relevant information such as staging of construction vehicles, potential turn lanes, hours of operation, etc., designed so that traffic delays and safety issues will not occur on Corkscrew Road from construction vehicles and activities.

7. **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, the Comprehensive Plan (“Comprehensive Plan” or “Plan”) and Section 163.3180, Florida Statutes.

8. **STORMWATER MANAGEMENT**

- A. The applicant will provide detailed drainage calculations that demonstrate that the stormwater management system for the project will convey permitted flows from Corkscrew Road and WildBlue development north of Corkscrew Road and flows from a portion of Corkscrew Road as required as part of the project’s first Development Order Application. The calculations will demonstrate that the proposed project will not increase water levels to adjacent properties for 5-year 1-day, 25-year 3-day, and 100-year 3-day storm events. Modeling information to be submitted at the time of the first

development order is expected to include the information submitted to SFWMD updated for 5-year and 25-year storm events with updated flows (as described below) and updated cross sections to provide more detail.

Following are the boundary conditions that shall be used:

	5-yr 1-day	25-yr 3-day	100-yr 3-day
Upstream (Corkscrew Rd)	18.2	18.5	18.6
Downstream (South property line)	16.0	16.25	16.4

Elevations are in ft NAVD

Modeled flows at Corkscrew Road, except as modified by the final design of culverts under Corkscrew Road, shall not exceed:

	5-year 1-day	25-year 3-day	100-year 3-day
Existing Flow	105 cfs	153 cfs	183 cfs
Proposed Flow	110 cfs	170 cfs	198 cfs

- B. As part of the Village of Estero’s flow diversion investigation, the applicant will work with the Village of Estero, Lee County and the SFWMD at the time of the first development order application to determine whether additional stormwater flows can be accommodated through the property as designed and permitted. If the Village can demonstrate that additional flows are available, can be accommodated, and permitted, then the applicant will allow the use of the property for the benefit of other off-site lands provided it can be accomplished at no cost to the applicant and will not delay development of the Property.
- C. The allowable discharge rate for the project is limited to that permitted by SFWMD, 0.066 cfs/ac.

9. **BASE FLOOD ELEVATION**

The minimum finished habitable first floor elevations shall be set a minimum of 1.0 ft. above the Environmental Resource Permit 100 year flood elevation.

10. **PATTERN BOOK**

Development must comply with the Corkscrew Crossing RPD Pattern Book dated September 28, 2018.

11. **AGRICULTURAL USES**

There are no agricultural uses on site, nor are there agricultural exemptions. No agricultural uses are permitted on this site.

12. **CONSUMPTION ON PREMISES**

- A. Consumption on premises (indoor) is permitted only in conjunction with the amenity center.
- B. Outdoor consumption on premises is not approved. If outdoor consumption on premises is later requested, a public hearing is required at the Planning and Zoning Board. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the Land Development Code.

13. **ACCESSORY USES**

Accessory uses must be located on the same parcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the parcel.

14. **BUFFERS AND LANDSCAPING**

Buffers and landscaping are as follows:

Corkscrew Road – 25 foot wide Type D landscape buffer

East – 50 foot wide drainage and landscape buffer easement as shown on Master Concept Plan (also see Deviation 6)

West – Consistent with Corkscrew Crossing and Wildcat Run Buffer Landscape Plan Stamped Received April 26, 2019 and Deviation 5.

The proposed western buffer exceeds the minimum buffer required by the Land Development Code where single-family and two-family attached development is adjacent to single-family development. Should the Corkscrew Crossing developer construct multiple-family dwelling units within the area identified on the Master Concept Plan as permitting townhouse dwelling units, the landscape buffer adjacent to the townhouse dwelling units shall be supplemented as necessary to achieve the required minimum Land Development Code required Type B Buffer.

South – Preserve as shown on the Master Concept Plan

All required buffers must utilize 100 percent native vegetation.

15. **WETLAND PERMITS**

No construction may proceed until permits are obtained from the U.S. Army Corps of Engineers and the South Florida Water Management District. All development on site must comply with applicable U.S. Army Corps of Engineers and South Florida Water Management District permits.

16. **LAKE DEPTH**

Lake depth as measured from control elevation is limited to 20 feet maximum.

17. **LIGHTING**

- A. Lighting from the development portions of the Project will not directly illuminate the preserve habitats to ensure against disturbance.
- B. Residences will be put on notice through deed restrictions that no light spillage is permitted into preserve areas. Deed restrictions will be provided as part of the applicable development order submittal.

18. **ENVIRONMENTAL**

A. **Open Space**

Prior to local Development Order approval, the Development Order plans must delineate a minimum of 10 percent open space within each development tract seeking a Development Order, and a preserve containing a minimum of 218± acres.

The minimum 218-acre preserve area must be placed under a conservation easement dedicated to appropriate agencies, including an easement in favor of the Village of Estero, which is identical to the third party beneficiary rights of the U.S. Army Corps of Engineers for the conservation easement granted by Argo to the South Florida Water Management District, to ensure the protection of the native habitat. A draft conservation easement must be submitted for review and approval by the Village of Estero attorney prior to issuance of a Development Order. A copy of the recorded conservation easement must be submitted to Village of Estero Development Review prior to the issuance of a Certificate of Compliance for any phase of the project.

The applicant will coordinate with staff at the time of development order/vegetation permit regarding areas in the south portion of the preserve (south of the lots shown on the Master Concept Plan) with between 50-75% invasive exotic plant cover, to determine when hand removal will be appropriate in lieu of mechanical clearing. Hand removal will be required around cypress heads, as determined through staff and applicant's site visit.

All efforts will be made to protect native trees when conducting selective mechanical removal activities; and

All invasive exotic vegetation debris must be removed from the preserve.

Prior to local Development Order approval, an indigenous preserve management plan must be submitted for the 218± acre preserve area.

B. Protected Species Management and Human-Wildlife Coexistence Plan

Prior to local Development Order approval, a copy of the Protected Species Management and Human-Wildlife Coexistence Plan dated April 2017 must be submitted that includes protected species management plans for American alligator, wood stork, wading birds, twisted air plants, Florida panther, and Florida black bear as applicable.

C. Human-Wildlife Coexistence

Prior to local Development Order approval, the Development Order plans must include details for the proposed 50-foot wide drainage easement along the eastern property boundary to buffer the proposed development from the on- and off-site preserves. The drainage easement will be planted with native vegetation and includes the installation of a six foot chain link fence on the west side of the easement to reduce human/wildlife conflict in accordance with the South Florida Water Management District permit.

A copy of the project's Protected Species Management and Human-Wildlife Coexistence Plan shall be included in the community HOA documents or provided to future residents. The Plan shall be submitted as part of local Development Order approval.

D. Drainage Easement

The conveyance ditch within the 50-foot wide drainage easement along the east property line and north of the preserve must be a grassed ditch or planted with native wetland vegetation, not a hardened structure such as concrete, gravel or rip-rap. Prior to local Development Order approval, the Development Order plans must include the details of the conveyance ditch to ensure hardened structures are not utilized for the main channel of the ditch or side slopes except at outfall and infill locations or for water level control structures when needed.

E. Protected Species Survey

A current Protected Species Survey will be required as part of the Development Order submittal.

19. **ESTERO FIRE RESCUE**

An Auto Turn study must be submitted with the first Development Order, to ensure adequate access for fire apparatus. The Auto Turn study must be approved prior the issuance of the Development Order.

20. **MODEL HOME/UNITS AND REAL ESTATE SALES**

- A. The number of model homes or units will be limited to no more than 9 within the development, at any point in time.
- B. Model homes may be located within the amenity area as shown generally on the Master Concept Plan. Specific location for model homes or units must be shown on the Development Order plans.
- C. Real estate sales will be limited to the sale of lots or units within the development only and must be terminated upon the sale of the last unit in the project or phase, or 12 months after the issuance of the last Certificate of Occupancy, whichever comes first.
- D. Models cannot be of the same floor plan and each must be a separate and different design.
- E. The model display center if applicable must be shown on the Development Order as part of the first vertical Development Order application.
- F. Hours of operation for both models and real estate sales are limited to Monday through Sunday 8:00 a.m. to 7:00 p.m.

21. **DEVIATIONS**

- 1. Deviation (1) requests relief from the LDC § 10-329(d) (1) a.3. requirement of a 50-foot setback from water retention or detention excavations to a private property line under separate ownership, to allow a 25-foot setback where shown on the Master Concept Plan.

This deviation is approved subject to demonstrating wayward vehicle protection at time of Development Order.

- 2. Deviation (2) seeks relief from the LDC § 10-291 (3) requirement that two or more means of ingress and egress for residential projects with an area of five or more acres, to allow one main entry/exit and a secondary emergency only access to Corkscrew Road.

This deviation is approved with the condition that the Emergency access location is subject to approval by Estero Fire Department at time of Development Order.

- 3. Deviation (3) seeks relief from the LDC § 10-41(d)(6) requirement that roads, drives, or parking areas located less than 125 feet from existing residential subdivision, provide a solid wall or combination berm and solid wall not less than eight feet in height and constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet, to allow for a 15-foot-wide landscaping strip, no wall, a hedge (double staggered row installed at 36 inches high and maintained at 60 inches high), and five trees per 100 linear feet.

This deviation is approved based on the committed landscape buffer adjacent to Wildcat Run.

4. Deviation (4) seeks relief from LDC § 10-256, which requires new development and redevelopment to provide pedestrian facilities when the project is located on a roadway depicted as a trail (Lee Plan Map 22), or within 1/4 mile of an existing pedestrian facility, to permit the Corkscrew Crossing RPD to provide fee-in-lieu waiver for construction of the sidewalk per Section 10-256(c)(3)g.

This deviation is approved subject to payment in lieu per Section 10-256(c)(3)g.

5. Deviation (5) seeks relief from LDC 33-351, which requires a 5' wide Type A perimeter buffer to be installed along the project's western boundary that includes 4 canopy trees per 100 linear feet, to permit the installation of a minimum 10' wide buffer enhanced Type A buffer consistent with the two-page Corkscrew Crossing and Wildcat Run Buffer Landscape Plan, which is referenced as Attachment A to this zoning ordinance.

This deviation is approved.

6. Deviation (6) seeks relief from LDC § 33-351, which requires a 50' Type F buffer where a preserve is located adjacent to an off-site single-family residential dwelling, to provide no buffer where the Corkscrew Crossing preserve area abuts homes within the Bella Terra community.

This deviation is approved.

7. Deviation (7) seeks relief from LDC § 10-415(b)(2)a., which requires for projects greater than ten acres that healthy sabal palms with a minimum eight-foot clear trunk and maximum of 25-foot clear trunk must be salvaged if conditions and sequence allows to permit the developer to not salvage sabal palms within the development area.

This deviation is approved.

8. Deviation (8) seeks relief from LDC § 10-415(b)(1)b.5., which requires that projects greater than five acres in size that abut an arterial or collector road and have existing native trees within 50-feet of the right-of-way must be designed to provide a 50-foot right-of-way buffer for tree preservation to provide no requirement for preservation of native trees within 50 feet of the right-of-way

This deviation is approved.