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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2019-25**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS A ZONING AMENDMENT WITH DEVIATIONS TO PERMIT A PROPOSED 590-UNIT RESIDENTIAL PROJECT KNOWN AS CORKSCREW CROSSING FOR PROPERTY LOCATED AT 12840 AND 12970 CORKSCREW ROAD IN THE VILLAGE OF ESTERO, FLORIDA, AND COMPRISING APPROXIMATELY 395.6 ACRES IN THE RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, applicant, J. Dean Templeton, Trustee, has applied for a zoning amendment and deviations on the property (“Property”) which comprises 395.6 acres, located on Corkscrew Road between Wildcat Run and the Preserve at Estero for a proposed residential project known as **Corkscrew Crossing**; and

WHEREAS, the Property was formerly known as Monte Cristo; and

WHEREAS, in 2007 the Property was rezoned by Lee County from Agricultural to Residential Planned Development by Resolution Z-07-047 for 724 residential units, including a maximum of 130 single-family units and 594 multiple-family units; and

WHEREAS, the applicant applied for an amendment to the Zoning to reduce the total number of units from 724 to 590, change the product mix to primarily single-family units (including single-family attached and zero lot line) with up to 70 townhome multi-family units, adopt a new Master Concept Plan modifying the development footprint and preserve area, and reduce and modify the number and type of prior deviations; and

WHEREAS, the zoning amendment is contingent upon the adoption and effectiveness of a Comprehensive Plan Amendment related to wetlands (CPA2019-02) which is being processed concurrently with this application; and

WHEREAS, the zoning amendment is also contingent upon the adopted new Village Comprehensive Plan, which is not yet effective, becoming effective; and

42 **WHEREAS**, the Property STRAP numbers are 30-46-26-E3-U2598.2485,
43 19-46-26-E3-U2613.2570 and 31-46-26-E3-U2585.2313; and
44

45 **WHEREAS**, public information meetings were held for this application at the Planning
46 and Zoning Board on June 30, 2015 and February 20, 2018; and
47

48 **WHEREAS**, the Planning and Zoning Board considered the application at its meeting
49 on June 18, 2019 and recommended approval with conditions of the request; and
50

51 **WHEREAS**, a duly noticed first reading was held before the Village Council on July
52 24, 2019; and
53

54 **WHEREAS**, a duly noticed second reading and public hearing was held before the
55 Village Council on _____, 2019 at which time the Village Council gave
56 consideration to the evidence presented by the applicant and the Village staff, the
57 recommendations of the Planning and Zoning Board, and the comments of the public.
58

59 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
60 Florida:
61

62 **Section 1.** **Zoning Amendment, Conditions and Deviations.**
63

64 The Village Council approves the zoning amendment with the approved deviations and
65 conditions all of which are contained in Exhibit A, made a part hereof.
66

67 **Section 2.** **Property Development Regulations.**
68

69 The property development regulations are listed in Exhibit B, which is made a part
70 hereof.
71

72 **Section 3.** **Schedule of Uses.**
73

74 The schedule of uses is contained in Exhibit C, which is made a part hereof.
75

76 **Section 4.** **Findings and Conclusions.**
77

78 The Council finds and concludes as follows:
79

- 80 1. The zoning amendment will be consistent with the adopted but not yet effective new
81 Village Comprehensive Plan contingent upon proposed Ordinance 2019-02, amending
82 Future Land Use Element Policy 1.2.3, being adopted and becoming effective.
83

- 84 2. The applicant's traffic study indicates that Corkscrew Road from Ben Hill Griffin
 85 Parkway to Bella Terra will fail without being widened to 4 lanes, but will operate
 86 at an acceptable level of service after widening. The 4-laning of Corkscrew Road
 87 has been added into the Lee County Capital Improvement Program with
 88 construction estimated to begin around the end of 2020.
 89
- 90 3. Stormwater information will be supplemented at time of development order review
 91 to ensure no adverse offsite impacts.
 92
- 93 4. Most urban services will be available and adequate to serve the proposed use with
 94 the exception of bus service.
 95
- 96 5. The request will adversely affect 159 acres of wetlands, but will be offset by a 225
 97 acre preserve area containing higher quality wetlands, and additional mitigation
 98 will be provided.
 99
- 100 6. The proposed use, with the recommended conditions, is compatible with existing
 101 and planned uses in the area.
 102
- 103 7. There are sufficient conditions to provide sufficient safeguards that are reasonably
 104 related to impacts created by or expected from the proposed development.
 105
- 106 8. The deviations preserve and promote the general intent of the Land Development
 107 Code to protect the public health, safety and welfare.
 108

109 **Section 6. Exhibits.**

110
 111 The following exhibits are attached to this Ordinance and incorporated by reference:
 112

- 113 Exhibit A Zoning Conditions and Deviations, with Attachment A
 114 Exhibit B Property Development Regulations
 115 Exhibit C Schedule of Uses
 116 Exhibit D Master Concept Plan, titled "Corkscrew Crossing RPD", last revised
 117 04/2019 date stamped "Received _____, 2019"
 118 Exhibit E Pattern Book titled "Corkscrew Crossing RPD" dated September 28,
 119 2018
 120 Exhibit F Legal Description
 121

122 **Section 7. Severability.**

123
 124 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
 125 subsequent to its effective date be declared by a court of competent jurisdiction to be

126 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
127 portion thereof, other than the part so declared to be invalid.

128

129 **Section 8. Effective Date.**

130

131 This Ordinance shall be effective when the Village new Comprehensive Plan
132 (Ordinance 2018-01) becomes effective and when Comprehensive Plan Amendment
133 CPA2019-02 (Ordinance 2019-24) becomes effective.

134

135 **PASSED** on first reading this ____ day of _____, 2019.

136

137 **PASSED** and adopted **BY THE VILLAGE COUNCIL** of the Village of Estero,
138 Florida this ____ day of _____, 2019.

139

140 Attest: **VILLAGE OF ESTERO, FLORIDA**

141

142 By: _____ By: _____
143 Kathy Hall, MMC, Village Clerk Bill Ribble, Mayor

144

145

146 Reviewed for legal sufficiency:

147

148

149 By: _____
150 Nancy Stroud, Esq., Village Land Use Counsel

151

152

153	Vote:	AYE	NAY
154	Mayor Ribble	_____	_____
155	Vice Mayor Errington	_____	_____
156	Councilmember Batos	_____	_____
157	Councilmember Boesch	_____	_____
158	Councilmember Levitan	_____	_____
159	Councilmember McLain	_____	_____
160	Councilmember Wilson	_____	_____