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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 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, applicant, J. Dean Templeton, Trustee, and Argo Crossing, LP 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 Project 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 seeks 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

**Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.**

39           **WHEREAS**, the zoning amendment is also contingent upon the adopted new Village  
40 of Estero Comprehensive Plan (Village Plan), which is not yet effective, becoming effective;  
41 and

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

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

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

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

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

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

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64           **Section 1.**     **Zoning Amendment, Conditions and Deviations.**

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

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69           **Section 2.**     **Property Development Regulations.**

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71           The property development regulations are contained in Exhibit B, which is made a part  
72 hereof.

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74           **Section 3.**     **Schedule of Uses.**

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

77

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78 **Section 4. Findings and Conclusions.**

79  
80 The Council finds and concludes as follows:

- 81
- 82 1. The zoning amendment is consistent with the Village Comprehensive Plan adopted  
83 on June 13, 2018, as amended by Ordinance 2019-02, amending Future Land Use  
84 Element Policy 1.2.3, being adopted and becoming effective. The applicant has  
85 provided sufficient justification for the zoning amendment by demonstrating  
86 compliance with the Village of Estero Comprehensive Plan adopted June 13, 2018  
87 as amended by Comprehensive Plan Amendment CPA 2019-02.  
88
  - 89 2. Approval of the request will not place an undue burden upon existing transportation  
90 facilities because the 4-laning of Corkscrew Road has been added into the Lee  
91 County Capital Improvement Program with construction estimated to begin around  
92 the end of 2020, which will be adequate to carry traffic generated by the  
93 development.  
94
  - 95 3. The zoning amendment is consistent with the densities and uses in the Village Plan  
96 as amended.  
97
  - 98 4. Most urban services will be available and adequate to serve the proposed use with  
99 the exception of bus service.  
100
  - 101 5. The Village Council finds that, on balance, the development has sufficiently  
102 addressed adverse wetland impacts on the property as described in Future Land Use  
103 Policy 1.2.3, with the required onsite preservation and restoration, offsite  
104 mitigation, and payment of \$750,000 to the Village for environmental purposes  
105 within the Village.  
106
  - 107 6. The proposed use, with the recommended conditions, is compatible with existing  
108 and planned uses in the area.  
109
  - 110 7. There are sufficient conditions to provide sufficient safeguards that are reasonably  
111 related to impacts created by or expected from the proposed development.  
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  - 113 8. The deviations preserve and promote the general intent of the Land Development  
114 Code to protect the public health, safety and welfare.  
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116 **Section 6. Exhibits.**

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

- Exhibit A Zoning Conditions and Deviations, with Attachment A
- Exhibit B Property Development Regulations
- Exhibit C Schedule of Uses
- Exhibit D Master Concept Plan, titled “Corkscrew Crossing RPD”, dated April 2019, Revision 6, stamped “Received April 26, 2019”
- Exhibit E Pattern Book titled “Corkscrew Crossing RPD” dated September 28, 2018
- Exhibit F Legal Description

**Section 7. 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 8. Effective Date.**

This Ordinance shall be effective when the Village new Comprehensive Plan (CPA2018-01) becomes effective and when Comprehensive Plan Amendment CPA2019-02, Ordinance 2019-24 becomes effective.

**PASSED** on first reading this 24<sup>th</sup> day of July, 2019.

**PASSED** and adopted **BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk Bill Ribble, Mayor

Reviewed for legal sufficiency:

**Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.**

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By: \_\_\_\_\_  
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Ribble	_____	_____
Vice Mayor Errington	_____	_____
Councilmember Batos	_____	_____
Councilmember Boesch	_____	_____
Councilmember Levitan	_____	_____
Councilmember McLain	_____	_____
Councilmember Wilson	_____	_____

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