1 2	VILLAGE OF ESTERO, FLORIDA ZONING
3	ORDINANCE NO. 2020-03
4 5	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6	VILLAGE OF ESTERO, FLORIDA, APPROVING WITH
7	CONDITIONS A REZONING FROM AGRICULTURE
8	(AG-2) TO COMMERCIAL PLANNED DEVELOPMENT
9	WITH DEVIATIONS, TO ALLOW A COMMERCIAL
10	DEVELOPMENT ON PROPERTY LOCATED AT 8111
11	BROADWAY EAST, EAST OF U.S. 41 AND NORTH OF
12	ESTERO UNITED METHODIST CHURCH CONSISTING
13	OF APPROXIMATELY 1 ACRE; PROVIDING FOR
14	CONFLICTS; PROVIDING FOR SEVERABILITY; AND
15	PROVIDING AN EFFECTIVE DATE.
16	NUMBER OF CHAMIN PARILY EDUCE. 11 N. ' M. C. TEN
17	WHEREAS, SUZUKI FAMILY TRUST represented by Veronica Martin, TDM
18	Consulting, Inc. (the "Applicant"), filed an application for a rezoning from Agriculture (AG-2) to Commercial Planned Development (CPD) for a property located at 8111 Broadway East,
19 20	known as the Old Post Office , Estero, FL, consisting of approximately 1.07 acres (the
21	"Property"); and
22	1 Toporty), and
23	WHEREAS, the Property STRAP number is 28-46-25-E2-U1923.2494, and the Property
24	is legally described in Exhibit A attached hereto; and
25 26	WHEREAS, the Applicant requested a rezoning from Agriculture (AG-2) to
27	Commercial Planned Development District (CPD) (Case number DCI2019-E001); and
28	WITEDE AS the Applicant is requesting 4.900 square feet of verious commercial was
29 30	WHEREAS, the Applicant is requesting 4,800 square feet of various commercial uses within the existing building; and
31	within the existing building, and
32	WHEREAS, the Applicant has requested several deviations; and
33	vviii in
34	WHEREAS, a noticed public information meeting was held on March 19, 2019 at the
35	Planning and Zoning Board; and
36	
37	WHEREAS, at a duly noticed public hearing held on November 19, 2019, the Planning
38	and Zoning Board recommended approval with conditions of the rezoning request, including
39	deviations; and
40	
41	WHEREAS, a duly noticed first reading was held before the Village Council on June
42	17, 2020; and
43	
44 45	WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on July 15, 2020, at which time the Village Council gave consideration to the

46 47	evidence presented by the Applicant and the Village staff, the recommendations of the Planning and Zoning Board and the comments of the public.			
48	1 Iaiiii.	ing and Zohning Board and the comments of the public.		
49	NOW, THEREFORE , be it ordained by the Village Council of the Village of Estero,			
50	Florida:			
51	1 101140	4.		
52	Section 1. Rezoning.			
53		<u>Sterior I</u> . Rezoning.		
54		The Village Council approves with conditions the rezoning of the Property from		
55	Agriculture (AG-2) to Commercial Planned Development District (CPD), to allow			
56	commercial use as outlined below, and subject to the following conditions and			
57	deviations.			
58				
59		Section 2. Conditions.		
60				
61		1. Master Concept Plan		
62				
63		Development of this project must be consistent with the Master Concept Plan		
64		(MCP) titled "8111 Broadway East", dated May 6, 2020 and stamped "Received		
65	June 4, 2020", except as modified by the conditions below.			
66				
67		2. <u>Development Parameters</u>		
68				
69		Development is permitted at a maximum as follows:		
70				
71		• 4,800 square feet of commercial use		
72		2 Mariana Drillia II.		
73		3. <u>Maximum Building Height</u>		
74 75		35 feet (including architectural features)		
76		33 leet (including architectural features)		
77		4. Impact Fees		
78		in input i ces		
79		Any new use will pay the appropriate impact fees at building permit issuance.		
80		This new use will pay the appropriate impact rees at building permit issuance.		
81		5. Uses and Site Development Regulations		
82				
83		The following uses and setbacks apply to the project:		
84				
85		a. Schedule of Uses		
86				
87		Accessory Uses and Structures		
88		Administrative Offices		
89		Animals: Clinic Only		

90	ATM (Automatic Teller Machine)
91	Broadcast Studio, Commercial Radio and Television
92	Business Services, Groups I & II (excluding Automobile Auctions On-Site)
93	Cleaning and Maintenance Services
94	Clothing Stores, General
95	Contractors and Builders, Group I
96	Day Care Center, Child, Adult
97	Essential Services
98	Essential Service Facilities, Group I
99	Fences, Walls
100	Food Stores, Group I
100	
	Gift and Souvenir Shop
102	Hardware Store
103	Health Care Facilities, Group III
104	Hobby, Toy, and Game Shops
105	Household and Office Furnishings, Groups I & II
106	Insurance Companies
107	Lawn and Garden Supply Stores (Retail Only)
108	Medical Office
109	Non-Store Retailers, all groups
110	Paint, Glass and Wallpaper
111	Personal Services, Groups I, II, III, & IV (excluding Massage Establishments,
112	Massage Parlors, Escort Services, Palm Readers/Fortune Tellers, and Tattoo
113	Parlors)
114	Pet Services
115	Pet Shop
116	Place of Worship
117	Plant Nursery
118	Real Estate Sales Office
119	Rental or Leasing Establishments, Groups I & II
120	Repair Shops, Groups I & II
121	Research and Development Laboratories, Group II
122	Retail and Wholesale Sales (when incidental and subordinate to a principal use)
123	Signs in Accordance with the Land Development Code
124	Social Services, Group I
125	Specialty Retail Shops, Groups I, II, III, & IV (excluding Ammunition and
126	Firearms Sales)
127	Storage, Indoor and Open (see conditions)- open storage is limited to retail
128	merchandise only
129	Studios
130	Used Merchandise Stores, Group I (excluding Pawn Shops)
131	Variety Store
132	Warehouse, Private
133	Wholesale Establishments, Groups III & IV
100	Instability Discourage III of I

134		
135		b. Building Setback Requirements
136		
137		Front/Street (South) – 25 Feet
138		Rear (North) – 20 Feet
139		Side (East) – 16 Feet
140		Side (West) -20 Feet
141		
142	6.	Hours of Operation
143		
144		Hours of Operation are limited to 7 a.m. to 10 p.m. Monday through Saturday and
145		8 a.m. to 6 p.m. on Sunday, including deliveries.
146		
147	7.	Open Storage
148		
149		Open storage is only permitted for retail merchandise and in the parking lot north
150		of the proposed fence and gate that crosses the parking lot depicted on the Master
151		Concept Plan and must be enclosed and shielded as required by the Land
152		Development Code. Barbed wire is not permitted and must be removed from the
153		fence.
154		
155	8.	Estero Fire Rescue
156		
157		An Auto Turn Analysis for Fire Apparatus must be completed prior to the issuance
158		of the development order. If the Auto Turn Analysis shows Fire Department access
159		issues, then the building must have a fire sprinkler system installed.
160		
161		A Fire Hydrant must be installed within 400 feet of building, as per code.
162		
163		Radio Enhancement: Prior to the issuance of a Development Order, the owner or
164		owner's representative shall conduct an assessment model to determine if the
165		minimum radio signals' strength for the fire department communication is in
166		compliance in accordance with NFPA 1: 11.10, NFPA 1221: 11.3.9, standards for
167		inbound and outbound signal strength and quality. If minimum signal strength is
168		not available, the applicant must install radio enhancement in the building.
169		
170	9.	No Blasting
171		
172		No development blasting is permitted as part of this project.
173		
174	10.	<u>Utilities - Sewer</u>
175		
176		This development must connect to sanitary sewer service as soon as service is
177		available as required by the Village Land Development Code. The owner or assign

178 179 180			of the property will be subject to any special assessment district or similar mechanism for provision of central sewer identified by the Village or sewer provider.
181			
182			Annual septic tank inspections must be conducted and submitted to the Village
183			Community Development Director to ensure that the septic system is functioning
184			properly.
185			property.
186			The uses will be reviewed at time of Development Order to ensure that the septic
187			system has adequate capacity to accommodate the proposed use.
188			system has adequate eapacity to accommodate the proposed use.
189		11	. Pattern Book
190		11.	. I ditem book
191			The development must be consistent with the Pattern Book "The Old Estero Post
192			Office" date stamped "Received May 6, 2020". The north elevation must be revised
192			*
			prior to Development Order approval to match the other three facades.
194		10	Cidovalle & Dadastrian Connections
195		12.	. Sidewalk & Pedestrian Connections
196			C'1 11 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
197			Sidewalks and pedestrian connections must be provided consistent with the Pattern
198			Book and Land Development Code.
199			
200			Prior to issuance of the Development Order Certificate of Compliance an executed
201			public easement shall be submitted for the sidewalk on Broadway East.
202			
203		13.	. <u>Buffers</u>
204			
205	*		As part of local development order approval, the development order plans must
206			demonstrate buffering consistent with the Master Concept Plan, the Land
207			Development Code, and the Pattern Book. As part of local development order
208			approval, all required buffer plantings must be 100% native vegetation.
209			
210		14.	. Broadway East Buffer Plan and East Buffer Wall
211			
212			a. A 20-foot wide Type D buffer will be installed along Broadway East as shown
213			on the Master Concept Plan.
214			
215			b. The final design of the 8-foot wall and placement must address how the
216			proposed preservation of pines in this area will be achieved so that there is no
217			damage or destruction of the existing native trees.
218			
219		15.	. Open Space & Indigenous Preserve
220			•

221 222	Development order plans must depict open space in compliance with the approved Master Concept Plan open space calculations table.
223 224	16. <u>Vehicular/Pedestrian Impacts</u>
225	
226	Approval of this zoning request does not address mitigation of the project's
227	vehicular or pedestrian traffic impacts. Additional conditions consistent with the
228	LDC may be required to obtain a local development order.
229	
230	17. Concurrency
231	
232	Approval of this rezoning does not constitute a finding that the proposed project
233	meets the concurrency requirements set forth in the Land Development Code and
234	the Comprehensive Plan. The developer is required to demonstrate compliance with
235	all concurrency requirements prior to issuance of a local development order.
236	10 C 1'1 W . M
237	18. Solid Waste Management
238	As most of any local development and a numerical for vertical development the
239	As part of any local development order approval for vertical development, the
240 241	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
241	and recyclables. The minimum area required for and specific locations of these
243	facilities, as well as the architectural and design features, will be reviewed at the
244	time of local development order application.
245	time of focal development order application.
246	19. Handicap Parking
247	19. Handleup Farking
248	Handicap parking spaces will be reviewed at the time of Development Order for
249	code compliance including the number of spaces and proximity to the doors.
250	The same of the sa
251	20. Land Development Code (LDC)
252	*
253	Where the Village LDC is referenced in these conditions of approval for
254	implementation of the condition at the time of development order issuance, the
255	LDC in effect at the time of the local development order shall be applicable.
256	
257	Section 3. Deviations.
258	
259	1. A Deviation from LDC Section 34-935(b)(1), Property Development Regulations,
260	which requires a 20-foot building setback to the east property line to permit a
261	16-foot building setback to the east property line. Deviation 1 is approved.
262	
263	2. A Deviation from LDC Section 34-935(b)(2), Property Development Regulations,
264	which requires that parking or internal roads or drives be located in this case a

- minimum of 20 feet from the east property line to permit the existing driveway and parking lot to be 15 feet from the east property line. Deviation 2 is approved.

 3. A Deviation from LDC Section 33-351, Landscaping Buffers, which requires a Type C buffer to be a minimum of 20 feet wide with 10 trees and 30 shrubs per 100 linear feet with an 8-foot high solid wall to permit a 15 foot wide Type C buffer
 - Type C buffer to be a minimum of 20 feet wide with 10 trees and 30 shrubs per 100 linear feet with an 8-foot high solid wall to permit a 15 foot wide Type C buffer along the east property line with the wall located 10 feet from the property line, to permit the building to act as the "wall" for 80 linear feet, and to permit the "wall" to be made of PVC or similar material. Deviation 3 is approved.
 - 4. A Deviation from LDC Section 33-118, Interconnections and Shared Access, which requires that adjacent commercial uses must provide interconnections for automobile, bicycle and pedestrian traffic and that all adjacent parking lots must connect to permit that the subject site not provide a vehicular interconnection or shared access to the adjacent property to the north and west. Deviation 4 is approved.
 - 5. A Deviation from LDC Section 34-1742(b), Construction of Fences, which requires that all fences and fence walls on each property be of uniform materials, design, and color to permit both the existing chain link fence and proposed buffer wall and gate to be of different materials, design, and color than the existing chain link fence. Deviation 5 is approved.
 - 6. A Deviation from LDC Section 10-285, Connection Separation, which requires a connection separation distance of 330 feet on Collector roads to permit a connection separation distance of 265± feet to the nearest residential driveway to the east and 298± feet to U.S. 41 to the west. Deviation 6 is approved.

Section 4. Findings and Conclusions.

293°

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes as follows:

- 1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.
- 2. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.
- 3. The application with the proposed conditions is generally compatible with existing or planned uses in the surrounding area.

309 310	exception of sanitary sewer service. Approval is conditioned that when this service is available, the subject site will connect to sanitary sewer service.		
311 312 313	5. The request will not adversely affect environmentally critical areas and natural resources.		
314 315 316	6. The proposed uses, with the proposed conditions, are appropriate at the subject location.		
317 318 319 320	. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public's interest created by or expected from the proposed development.		
320 321 322	8. The deviations recommended for approval:		
323 324 325	a. Enhance the planned development; andb. Preserve and promote the general intent of the LDC to protect the public, health, safety and welfare.		
326 327 328	Section 5. Exhibits.		
329 330	The following exhibits are attached to this Ordinance and incorporated by reference:		
331 332 333 334 335	Exhibit A Legal Description Exhibit B Master Concept Plan titled "8111 Broadway East Master Concept Plan" stamped "Received June 4, 2020" Exhibit C Pattern Book titled "Old Estero Post Office Pattern Book" stamped "Received May 6, 2020"		
336 337 338	Section 6. Severability.		
339 340 341 342 343	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.		
344 345	Section 7. Effective Date.		
346 347	This Ordinance shall take effect immediately upon adoption.		
348 349	PASSED on first reading this 17th day of June, 2020.		

4. Urban services will be available and adequate to serve the proposed use with the

308

350	PASSED AND AD	OPTED BY TH	HE VILLAGE COUNCIL of the Village of E	Estero
351	Florida on second reading			
352	_	•		
353				
354				
355	Attest:		VILLAGE OF ESTERO, FLORIDA	
356			1	
357	\bigcap_{i}	m 1	By: Bir book	
358	By:	Janes .		
359	Steve Sarkozy, Acting	Village Clerk	Bill Ribble, Mayor	
360				
361				
362	Reviewed for legal sufficie	ncy:		
363			•	
364	1, 2	- 0		
365	By: Maury D	went		
366	Nancy E. Stroud, Villa	ge Land Use At	torney	
367				
368				
369	Vote:	AYE	NAY	
370	Mayor Ribble	X		
371	Vice Mayor Errington		*	
372	Councilmember Levitan	X	-	
373	Councilmember McLain		×	
374	Councilmember Boesch			
375	Councilmember Batos	_X		
376	Councilmember Wilson		X	

EXHIBIT "A" DESCRIPTION TO ACCOMPANY SKETCH

A PARCEL OF LAND LYING IN SECTION 28

TOWNSHIP 46 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION: (PER HARRIS-JORGENSEN, LLC)

A TRACT OR PARCEL OF LAND LYING IN BLOCKS D AND C AND ADJOINING VACATED STREET OF TRAIL ACRES, ACCORDING TO A PLAT RECORDED IN PLAT BOOK 7, PAGE 46 OF THE LAND RECORDS OF LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID BLOCK D, THENCE RUN S.89°49'11" W. ALONG THE NORTH RIGHT-OF-WAY LINE OF BROADWAY AVENUE E. (70 FEET WIDE) FOR 150.00 FEET; THENCE RUN N.00°45'23" W. FOR 310.33 FEET; THENCE RUN N.89°4911" E. FOR 150.00 FEET; THENCE RUN S.00°45'23" E. TO THE AFORESAID SOUTHEAST CORNER BLOCK D, ALONG THE NORTH RIGHT OF WAY LINE OF BROADWAY AVENUE E. FOR 310.33 FEET TO THE POINT OF BEGINNING.

CONTAINING: 46,485.32 SQ. FT OR 1.06 ACRES, MORE OR LESS.

PHILLIP M. MOULD

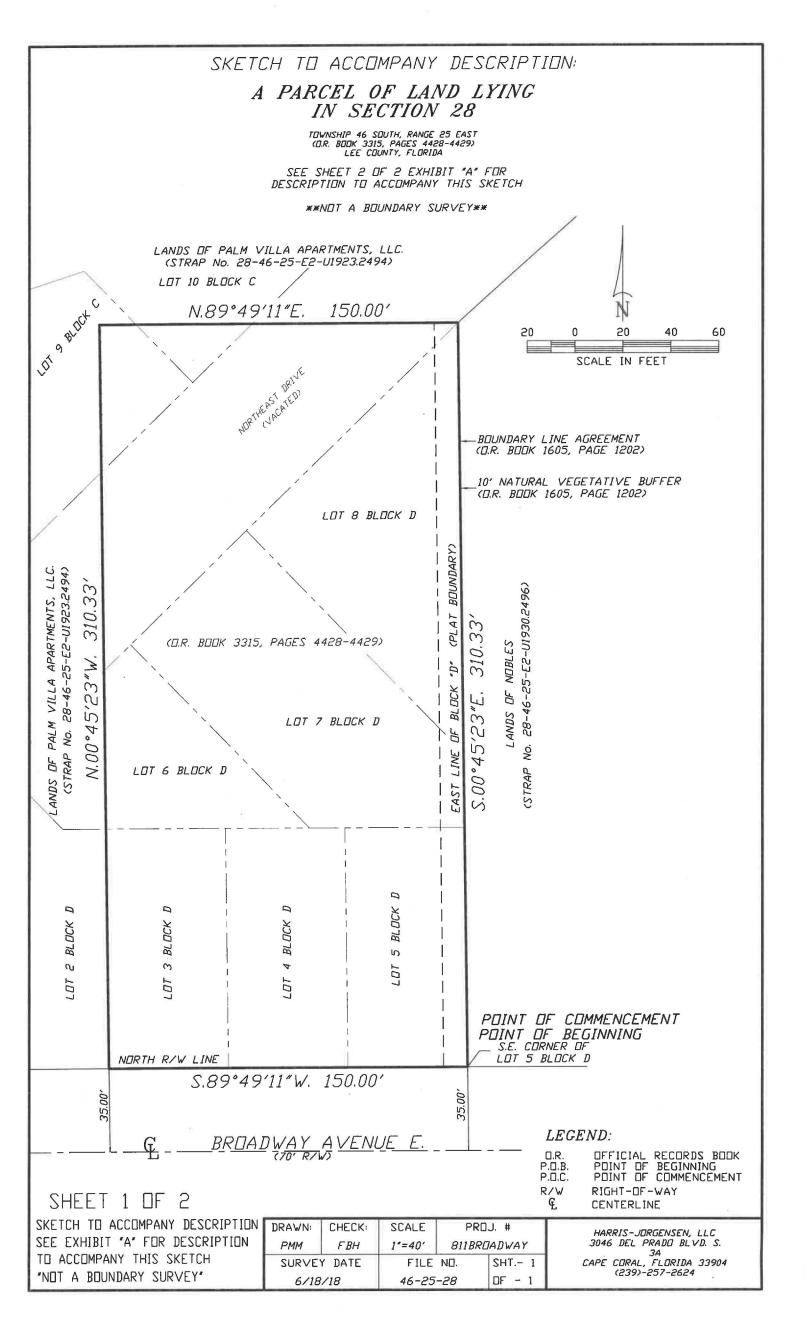
PROFESSIONAL SURVEYOR AND MAPPER

Tilles In moul

#6515 - STATE OF FLORIDA

09/11/2018

HARRIS-JORGENSEN, LLC 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 (239)-257-2624



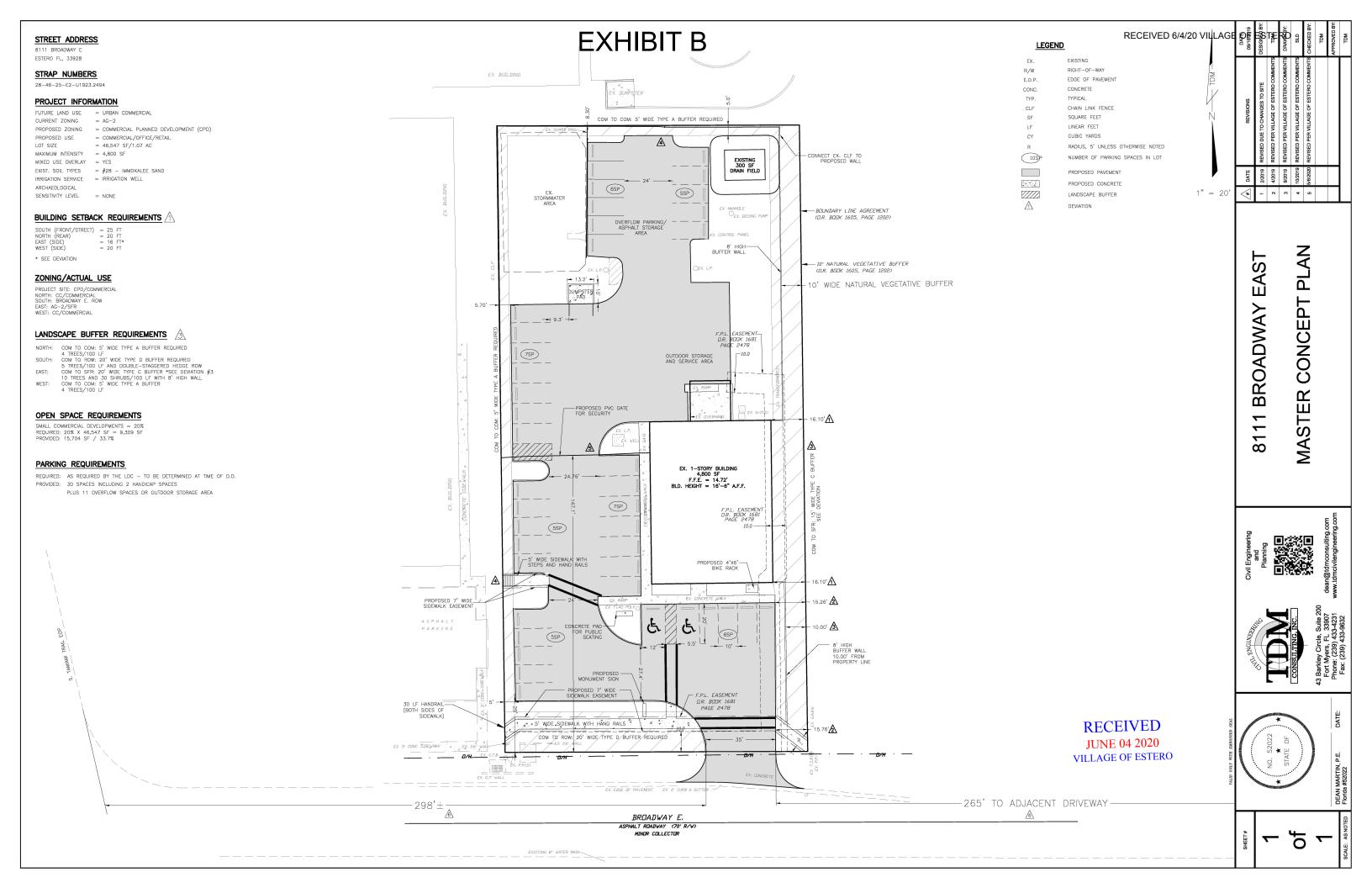


EXHIBIT C

The Old Estero Post Office

PATTERN BOOK

8111 Broadway East Village of Estero





Aerial Location Map







Architectural Façade South Elevation



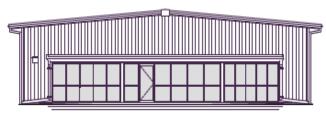




Conceptual Redesign/Elevations



PROPOSED WEST ELEVATION



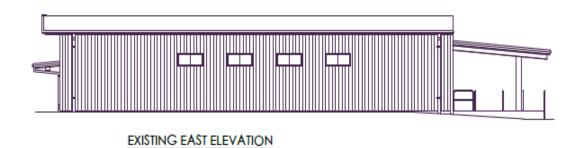
EXISTING SOUTH ELEVATION



PROPOSED SOUTH ELEVATION

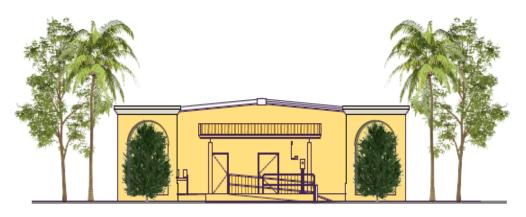


Conceptual Redesign/Elevations









PROPOSED NORTH (REAR) ELEVATION



Colors and Materials



CLAY ROOF TILE SUNBURST



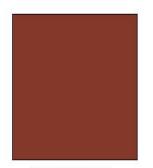
CANVAS AWNING



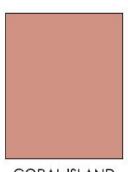
HIGH DENSITY URETHANE BRACKET WHITE



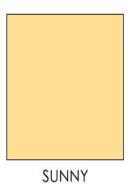
GATE, BUFFER WALL & DUMPSTER ENCLOSURE BLACK BEAN



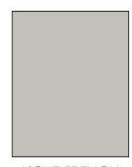
FIRED BRICK SW-6335



CORAL ISLAND SW-6332



SUNNY VERANDA SW-9017



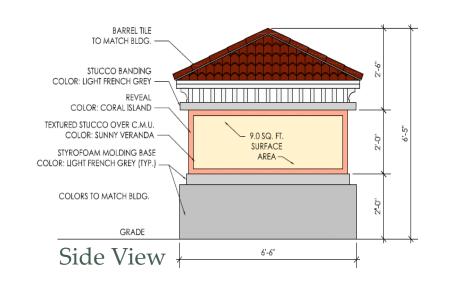
LIGHT FRENCH GREY SW-0055

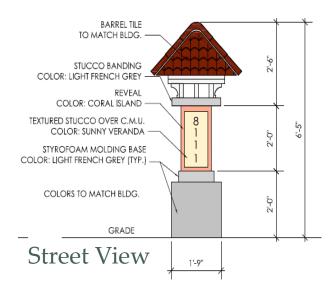


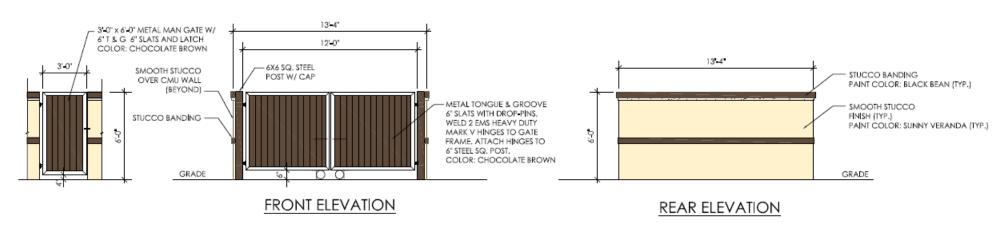
BLACK BEAN SW-6006



Monument Sign and Dumpster Details









Master Concept Plan

STREET ADDRESS

8111 BROADWAY E ESTERO FL, 33928

STRAP NUMBERS

28-46-25-E2-U1923.2494

PROJECT INFORMATION

FUTURE LAND USE = URBAN COMMERCIAL CURRENT ZONING

PROPOSED ZONING = COMMERCIAL PLANNED DEVELOPMENT (CPD)

PROPOSED USE = COMMERCIAL/OFFICE/RETAIL MIN. LOT SIZE = 46,547 SF/1.07 AC

MAXIMUM INTENSITY = 4,800 SF

MIXED USE OVERLAY = YES

EXIST. SOIL TYPES = #28 - IMMOKALEE SAND IRRIGATION SERVICE = IRRIGATION WELL

ARCHAEOLOGICAL

SENSITIVITY LEVEL

BUILDING SETBACK REQUIREMENTS A

SOUTH (FRONT/STREET) = 25 FT NORTH (REAR) = 20 FT EAST (SIDE) WEST (SIDE) = 20 FT

* SEE DEVIATION

ZONING/ACTUAL USE

PROJECT SITE: CPD/COMMERCIAL NORTH: CC/COMMERCIAL EAST: AG-2/SFR WEST: CC/COMMERCIAL

LANDSCAPE BUFFER REQUIREMENTS

COM TO COM: 5' WIDE TYPE A BUFFER REQUIRED 4 TREES/100 LF

COM TO ROW: 20' WIDE TYPE D BUFFER REQUIRED 5 TREES/100 LF AND DOUBLE-STAGGERED HEDGE ROW COM TO SFR: 20' WIDE TYPE C BUFFER *SEE DEVIATION #3 10 TREES AND 30 SHRUBS/100 LF WITH 8' HIGH WALL

COM TO COM: 5' WIDE TYPE A BUFFER

4 TREES/100 LF

OPEN SPACE REQUIREMENTS

SMALL COMMERCIAL DEVELOPMENTS = 20% REQUIRED: 20% X 46,547 SF = 9,309 SF PROVIDED: 15,704 SF / 33.7%

PARKING REQUIREMENTS

REQUIRED: AS REQUIRED BY THE LDC - TO BE DETERMINED AT TIME OF D.O. PROVIDED: 30 SPACES INCLUDING 2 HANDICAP SPACES

PLUS 11 OVERFLOW SPACES OR OUTDOOR STORAGE AREA

EX BELIEVE CON TO COM: 5' WEE TYPE A REFER REQUIRE (92P) 10' WIDE NATURAL VEGETATIVE BUFFER (19) PROPOSED PVC GATE (29) ON DIE OF PROPERTY -----BROADWAY E. ASSEMBLE REMEMBER OF RAVI

MINER COLLECTOR

LEGEND

EX. EXISTING RIGHT-OF-WAY R/W E.O.P. EDGE OF PAVEMENT CONC. CONCRETE TYP. TYPICAL

CLF CHAIN LINK FENCE SQUARE FEET LF LINEAR FEET CY CUBIC YARDS

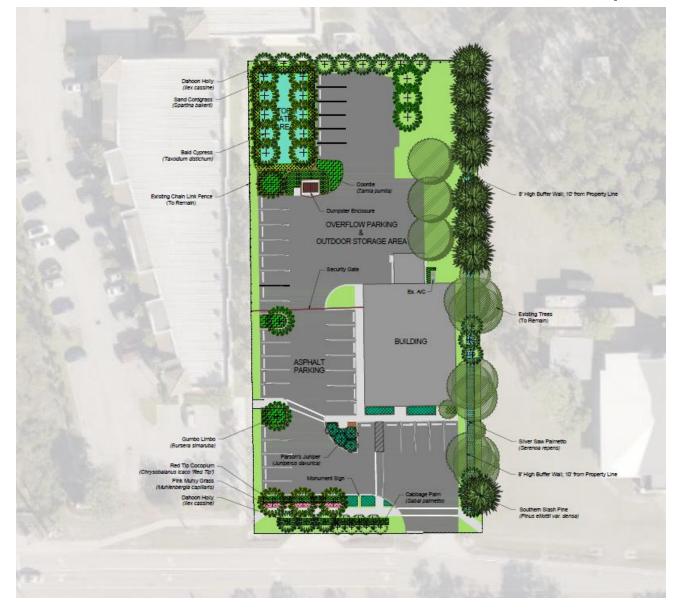
RADIUS, 5' UNLESS OTHERWISE NOTED (10SP) NUMBER OF PARKING SPACES IN LOT

PROPOSED PAVEMENT PROPOSED CONCRETE LANDSCAPE BUFFER

DEVIATION



Color Rendered Master Concept Plan





Connectivity/Public Seating/Buffers

Vehicular and Pedestrian Connectivity:

Stairs and Sidewalk to Adjacent Commercial Plaza to West

ADA Compliant Sidewalk and Ramp with Handrails Connecting to Existing Public Sidewalk to West

Full Access Driveway on Broadway E. (Eliminating Existing Driveway Closer to Intersection)



Public Seating in Landscaped Area near Flagpole

Bald Cypress xodium distichum Existing Chain Link Fence (To Remain) Existing Sidewalk OUTDOOR STORAGE AREA BUILDING **Existing Sidewalk** Along Broadway E. and US 41

North Buffer:

5' wide with 4 trees per 100 lf

West Buffer:

5' wide with 4 trees per 100 lf

East Buffer:

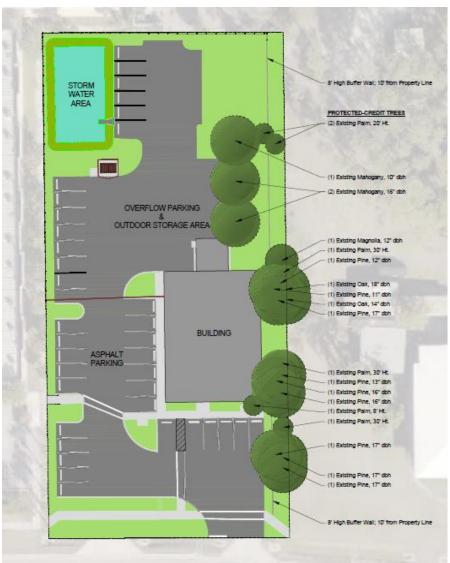
15' wide with 10 trees and 30 shrubs per 100 lf plus 8' high solid opaque wall

South Buffer: 20' wide with 5 trees per 100 lf and double hedgerow



Sheet 10

Tree Preservation & Open Space



Protected Trees:

Mahogany Trees, 10" - 16" dbh (3)

Oak Trees, 14" – 18" dbh (2)

Magnolia Trees, 12" dbh (1)

Pine Trees, 11" – 17" dbh (9)

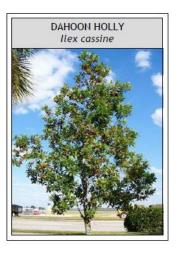
Palm Trees, 8′ – 30′ ht (6)

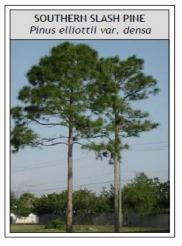


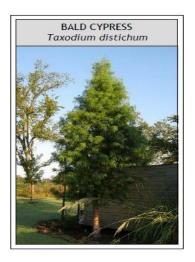


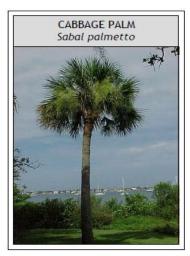
Landscaping Images

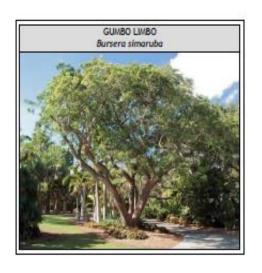
Trees











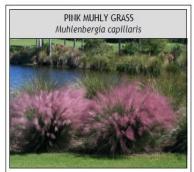
Shrubs and Ground Cover















Sheet 13