

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2020-04**

18
19
20
21
22
23
24
25

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AN AMENDMENT TO THE SOUTH ESTERO COMMERCIAL CENTER COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR MEDICAL OFFICE AS A USE ON THE 1.14 ACRE LOT (LOT 4) LOCATED ON THE EAST SIDE OF US 41, 700 FEET SOUTH OF THE CORKSCREW ROAD INTERSECTION AND CORKSCREW VILLAGE SHOPPING CENTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

26
27
28
29
30
31
32
33

WHEREAS, BROADWAY88, LLC represented by Gary Muller of Johnson Engineering, Inc., (the “Applicant”), filed an application for an amendment to the Commercial Planned Development (CPD) zoning to add medical offices as an allowed use for property located on the east side of US 41, 700 feet south of the Corkscrew Road intersection and Corkscrew Village Shopping Center located at 21401 Corkscrew Village Lane, known as the **South Estero Commercial Center**, Estero, FL, consisting of approximately 1.14 acres (the “Property”); and

34
35
36

WHEREAS, the Property STRAP number is 33-46-25-E2-01000.0040; and

37
38
39
40
41

WHEREAS, the Applicant wishes to add medical office use within the existing building on the site; and

42
43
44
45

WHEREAS, at a duly noticed public hearing held on June 16, 2020, the Planning and Zoning Board recommended approval with conditions of the amendment request; and

WHEREAS, a duly noticed first reading was held before the Village Council on June 17, 2020; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on _____, 2020, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning and Zoning Board and the comments of the public.

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

46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89

Section 1. Rezoning.

The Village Council approves with conditions the amendment to the south Estero Commercial Center Commercial Planned Development to allow for Medical Office as a use on Lot 4, subject to the following conditions and deviations.

Section 2. Conditions.

1. All conditions from Resolution Z-99-077 shall remain in full force and effect unless otherwise amended by these conditions.

2. Master Concept Plan

Development of this project must be consistent with the Master Concept Plan (MCP) titled “South Estero Commercial Center”, dated October 2019 and stamped “Received March 27, 2020”, except as modified by the conditions below and described in Exhibit A attached hereto.

3. Pattern Book

The building must be in compliance with the Pattern Book titled “South Estero Center Pattern Book” stamped “Received May 13, 2020”.

4. Limited Development Order

Prior to change of use, a Limited Development Order must be obtained that resolves the following site issues:

- a. Erosion on the east property slope that is affecting the roots of several canopy trees and undermining the drive aisle pavement.
- b. Supplement the existing buffer hedges to create a continuous buffer hedge.
- c. The solid waste enclosure shall be relocated consistent with the requirements of Lee County Utilities.

5. Modified Schedule of Uses (Lot 4 only)

- Animal Clinic
- Auto Repair and Service, Group 1
- Banks and Financial Establishments
- ~~Bar and Cocktail Lounge~~
- Broadcast Studio, Commercial Radio and Television
- Business Services, Group I
- Car Wash
- Cleaning and Maintenance Services
- Clothing Stores, General

- 90 Clubs, Commercial Fraternal & Membership
- 91 Consumption on Premises (Indoor Only)
- 92 Contractors and Builders, Groups I & II
- 93 ~~Convenience Food and Beverage Stores~~
- 94 Department Store
- 95 ~~Drive Thru Facility~~
- 96 ~~Funeral Home and Mortuary, no cremation~~
- 97 ~~Garage, Public~~
- 98 Household and office Furnishings
- 99 Laundry and Dry Cleaning, Group I
- 100 Lawn and Garden Supply Store
- 101 Medical Office
- 102 Non-store Retailers, All Groups
- 103 Paint, Glass and Wallpaper Store
- 104 Personal Services, All Groups (excluding Escort Services, fortune tellers,
- 105 and massage establishments)
- 106 Recreation, Commercial, Groups II & IV
- 107 Repair Shops, Groups I & II
- 108 Restaurant, All Groups
- 109 Schools, Commercial
- 110 ~~Self Service Fuel Pumps~~
- 111 ~~Self Service Fuel Pumps Station~~
- 112 Social Services, Group I
- 113 Special Retail Shops, Groups I, II, III, IV
- 114 Storage, Indoor
- 115 Towers, Communication, 100 ft or less
- 116 Transportation Services, Group II
- 117 Used Merchandise Stores, Groups I & II (excluding Pawnshop)
- 118 ~~Freight and Cargo Handling Establishments, approved only for freight and cargo~~
- 119 ~~produced upon or sold in the ordinary course of business from the premises~~

120

121 **Section 3. Findings and Conclusions.**

122

123 Based upon an analysis of the application and the standards for approval in the Land

124 Development Code, and the conditions of approval, the Council finds and concludes as

125 follows:

- 126
- 127 1. The applicant has provided sufficient justification for the zoning amendment by
 - 128 demonstrating compliance with the Comprehensive Plan, the Land Development
 - 129 Code, and other applicable codes.
 - 130
 - 131 2. The proposed use is generally compatible with existing or planned uses in the
 - 132 surrounding area. The proposed use is located within an existing building in an
 - 133 established commercial area.

134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177

- 3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.
- 4. Urban services are available and adequate to serve the proposed use.
- 5. The request will not adversely affect environmentally critical areas and natural resources.
- 6. The proposed use, subject to the proposed conditions, is appropriate at the subject location.
- 7. 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.

Section 4. Exhibit.

The following exhibit is attached to this Ordinance and incorporated by reference:

Exhibit A Master Concept Plan titled “South Estero Commercial Center”, dated October 2019 and stamped “Received March 27, 2020”

Section 5. 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 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this ____ day of _____, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this ____ day of _____, 2020.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
Bill Ribble, Mayor

178 Reviewed for legal sufficiency:

179

180

181 By: _____

182 Nancy E. Stroud, Village Land Use Attorney

183

184

185

186	Vote:	AYE	NAY
-----	-------	-----	-----

187	Mayor Ribble	_____	_____
-----	--------------	-------	-------

188	Vice Mayor Errington	_____	_____
-----	----------------------	-------	-------

189	Councilmember Levitan	_____	_____
-----	-----------------------	-------	-------

190	Councilmember McLain	_____	_____
-----	----------------------	-------	-------

191	Councilmember Boesch	_____	_____
-----	----------------------	-------	-------

192	Councilmember Batos	_____	_____
-----	---------------------	-------	-------

193	Councilmember Wilson	_____	_____
-----	----------------------	-------	-------