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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2020-09**

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, CONSIDERING A
ZONING AMENDMENT TO THE ESTERO TOWN
CENTER COMMERCIAL PLANNED DEVELOPMENT,
TO ALLOW AUTO REPAIR AND SERVICE, GROUP I,
AS A STAND-ALONE USE ON PROPERTY LOCATED IN
THE SOUTHEAST QUADRANT OF CORKSCREW
ROAD AND THREE OAKS PARKWAY AND
CONSISTING OF APPROXIMATELY 1.14 ACRES;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, KRG ESTERO, LLC represented by Palmetto Capital Group and
Brendan Sloan, Avalon Engineering, Inc. (the “Applicant”), filed for a zoning amendment on
a portion of Tract A of the Estero Town Center Commercial Planned Development property
 (“Property”); and

WHEREAS, the Property STRAP number is 35-46-25-E1-3300A.0000, and the
Property is legally described in Exhibit A attached hereto; and

WHEREAS, the Applicant requested a zoning amendment to the Estero Town Center
Commercial Planned Development District (CPD) (Case number DCI2019-E005); and

WHEREAS, the Applicant is requesting 6,400 square feet of Auto Service and Repair,
Group I uses; and

WHEREAS, a noticed public information meeting was held on July 16, 2019 at the
Planning and Zoning Board; and

WHEREAS, at a duly noticed public hearing held on August 18, 2020, the Planning
and Zoning Board recommended denial of the zoning amendment request; and

WHEREAS, a duly noticed first reading was held before the Village Council on
November 18, 2020; and

WHEREAS, a duly noticed second reading and public hearing was held before the
Village Council on December 2, 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.

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

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49 **Section 1.** **Rezoning.**

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51 The Village Council denies the zoning amendment of the Property, to allow Vehicle
52 Repair and Service, Group I as a stand-alone use in the CPD.

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54 **Section 4.** **Findings and Conclusions.**

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

- 58
59 1. The applicant has not provided sufficient justification for the zoning amendment
60 regarding compliance with the Comprehensive Plan, the Land Development Code,
61 and other applicable codes.
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63 2. Approval of the request will not place an undue burden upon existing transportation
64 or planned infrastructure facilities.
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66 3. The application is generally compatible with existing or planned uses in the
67 surrounding area.
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69 4. Urban services will be available and adequate to serve the proposed use with the
70 exception of sanitary sewer service.
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72 5. The request will not adversely affect environmentally critical areas and natural
73 resources.
74
75 6. The proposed use is not appropriate at the subject location.

76 **Section 5.** **Exhibits.**

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

79
80 Exhibit A Legal Description

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82 **Section 6.** **Severability.**

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84 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
85 subsequent to its effective date be declared by a court of competent jurisdiction to be
86 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
87 portion thereof, other than the part so declared to be invalid.
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Section 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 7th day of October, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero,
Florida on second reading this DATE TBD.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____
Steve Sarkozy, Acting Village Clerk

By: _____
Bill Ribble, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

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