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**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2020 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING ORDINANCE 2019-29 TO REVISE CERTAIN TRANSPORTATION CONDITIONS FOR THE ESTERO CROSSING MIXED USE PLANNED DEVELOPMENT ON PROPERTY LOCATED 1,000 FEET WEST OF INTERSTATE 75 AND SOUTH OF CORKSCREW ROAD CONSISTING OF APPROXIMATELY 43 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, rezoning of the Estero Crossing property was approved by the Village Council on January 29, 2020 in Ordinance 2019-29 (the “Ordinance”); and

**WHEREAS**, certain zoning conditions were included in the Ordinance related to payment of a proportionate share of the cost of a proposed traffic signal at Corkscrew Road and Estero Town Commons Place/Puente Lane; and

**WHEREAS**, the applicant and owner, SD Estero Crossing LLC (the “Owner”), represented by Keith Gelder, Stock Development, desires to pay its proportionate share for the signal; and

**WHEREAS**, Condition 6 of the Ordinance states that the traffic signal must be operational prior to issuance of the first certificate of compliance for vertical development in the project; and

**WHEREAS**, the Owner does not control the construction schedule for the signalization, which is under the jurisdiction of Lee County; and

**WHEREAS**, the Owner wishes to proceed to obtain a development order for the project and pay the proportionate share, with the condition remaining that the reverse frontage road will be complete and operational prior to the first certificate of compliance for vertical development in the project; and

**WHEREAS**, an agreement with the Owner was approved by the Village on May 27, 2020 for payment of the proportionate share for design and permitting; and

43           **WHEREAS**, the Owner proposes that an agreement with the Village for the Owner’s  
44 payment of the proportionate share for construction be approved simultaneously with this  
45 Ordinance; and

46  
47           **WHEREAS**, the Planning and Zoning Board reviewed this Ordinance at its meeting  
48 on December 15, 2020 and recommended approval; and

49  
50           **WHEREAS**, a first reading of this Ordinance was held by Village Council on January  
51 6, 2021; and

52  
53           **WHEREAS**, a duly noticed second reading of this Ordinance was held by Village  
54 Council on January 20, 2021, at which time the Council gave consideration to the evidence  
55 presented by the applicant, the staff recommendation, the recommendation of the Planning and  
56 Zoning Board and the comments of the public.

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

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61           **Section 1.     Amendments to Rezoning Ordinance.**

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63           The Village Council approves revisions to conditions 5, 6a and 9. All other conditions  
64 of Ordinance 2019-29 remain in full force and effect.

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66           **Section 2.     Revised Conditions.**

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68           5.    Traffic Signal

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70           The Owner, successor or assigns (a/k/a “developer”) is responsible for a  
71 proportionate share of the cost of signalization at the intersection of Corkscrew  
72 Road and Estero Town Commons Place, ~~as part of Phase I and prior to issuance~~  
73 ~~of any development order.~~ The Owner shall pay the Village the proportionate  
74 share in accordance with the signal agreements with the Owner.

75  
76           6.    Reverse Frontage Road

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78           a.    The construction of the reverse frontage road ~~and traffic signal at Estero~~  
79 ~~Town Commons Place and Corkscrew Road~~ must be complete and fully  
80 operational prior to the issuance of the first certificate of compliance for  
81 vertical development within the planned development.

- 83 b. The reverse frontage road will contain planted medians as depicted in the  
84 Pattern Book (see condition 18 herein) to create an attractive streetscape.  
85 The reverse frontage road access must meet the 125-foot connection  
86 separation Land Development Code (LDC) standard for a local street.  
87

88 9. Phasing

- 89  
90 a. The first phase of the project will include construction of the reverse  
91 frontage road, ~~and the traffic signal at Corkscrew Road and Estero Town~~  
92 ~~Commons Place.~~  
93  
94 b. The second phase of the project will include a minimum of 20,000 square  
95 feet of commercial development, all placemaking elements on the north side  
96 of the frontage road, and the public park. Remaining phases are as shown  
97 on the Master Concept Plan.  
98

99 **Section 3. Conflicts.**

100  
101 All sections or part of Sections of the Code of Ordinances, all Ordinances or  
102 Resolutions, or parts of Ordinances or Resolutions, granting prior approvals on the  
103 Property which are and all Resolutions, or parts of resolutions, in conflict with this  
104 Ordinance shall be repealed to the extent of such conflict upon the effective date of this  
105 Ordinance.  
106

107 **Section 4. Severability.**

108  
109 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance  
110 subsequent to its effective date be declared by a court of competent jurisdiction to be  
111 invalid, such decision shall not affect the validity of this Ordinance as a whole or any  
112 portion thereof, other than the part so declared to be invalid.  
113

114 **Section 5. Effective Date.**

115  
116 This Ordinance shall take effect immediately upon adoption.  
117

118 **PASSED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 202\_.

119  
120 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
121 Florida on second reading this \_\_\_\_ day of \_\_\_\_\_, 202\_.

123 Attest:

**VILLAGE OF ESTERO, FLORIDA**

124

125

126 By: \_\_\_\_\_  
127 Steve Sarkozy, Acting Village Clerk

By: \_\_\_\_\_  
Bill Ribble, Mayor

128

129

130 Reviewed for legal sufficiency:

131

132

133 By: \_\_\_\_\_  
134 Derek Rooney, Assistant Village Attorney

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136

137 Vote:                                    AYE                                    NAY

138 Mayor Ribble                                    \_\_\_\_\_                                    \_\_\_\_\_

139 Vice Mayor Errington                                    \_\_\_\_\_                                    \_\_\_\_\_

140 Councilmember Levitan                                    \_\_\_\_\_                                    \_\_\_\_\_

141 Councilmember McLain                                    \_\_\_\_\_                                    \_\_\_\_\_

142 Councilmember Boesch                                    \_\_\_\_\_                                    \_\_\_\_\_

143 Councilmember Batos                                    \_\_\_\_\_                                    \_\_\_\_\_

144 Councilmember Wilson                                    \_\_\_\_\_                                    \_\_\_\_\_