

**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2022-08**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, CONSIDERING A  
REZONING FROM MIXED-USE PLANNED  
DEVELOPMENT (MPD) AND AGRICULTURE (AG-2) TO  
PARKS AND COMMUNITY FACILITIES (PCF) FOR A  
31.5 ACRE PROPERTY AT THE NORTHEAST CORNER  
OF US 41 AND CORKSCREW ROAD; PROVIDING FOR  
CONFLICTS; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero (the “Applicant”) has filed for a rezoning on properties located at 8661, 8761, 8741, 8751, 8791, and 8801 Corkscrew Road (“Property”) for **Estero on the River MPD and Happehatchee Parcel**; and

**WHEREAS**, the Property STRAP numbers are 33-46-25-E2-U1926.2390, 33-46-25-E2-U1936.2400, 33-46-25-E2-U1937.2384, 33-46-25-E2-U1936-2375, 33-46-25-E2-U1941.2390, and 33-46-25-E2-U1948-2389. The properties are legally described in Exhibit A attached hereto; and

**WHEREAS**, the Applicant requested a rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF) (Case number REZ 2022-E001); and

**WHEREAS**, a public information meeting was held on May 10, 2022 at the Planning, Zoning, and Design Board; and

**WHEREAS**, at a duly noticed public hearing held on June 14, 2022 the Planning, Zoning, and Design Board recommended approval of the rezoning request; and

**WHEREAS**, a duly noticed first reading and public hearing was held before the Village Council on July 6, 2022; and

**WHEREAS**, a duly noticed second reading and public hearing was held before the Village Council on September 21, 2022 at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning, Zoning, and Design Board and the comments of the public.

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

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45           **Section 1.**     **Rezoning.**

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47           The Village Council approves the rezoning from Mixed-Use Planned Development  
48 (MPD) and Agriculture (AG-2) to Parks and Community Facilities (PCF).  
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51           **Section 2.**     **Findings and Conclusions.**

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53           Based upon an analysis of the application and the standards for approval in the Land  
54 Development Code, the Council finds and concludes the proposal:

- 55  
56           1. Is consistent with and furthers the goals, objective, and policies of the  
57 Comprehensive Plan and all other Village adopted plans.  
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59           2. Is not in conflict with any portion of the LDC.  
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61           3. Addresses a demonstrated community need.  
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63           4. Is compatible with existing and proposed uses surrounding the subject land and is  
64 the appropriate zoning district for the land.  
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66           5. Would result in a logical and orderly development pattern.  
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68           6. Would not adversely affect the property values in the area.  
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70           7. Would result in development that is adequately served by public facilities.  
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72           8. Would not result in significantly adverse impacts on the natural environment.  
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74           9. Is compatible with existing or planned uses in the surrounding area.

75           **Section 3.**     **Exhibits.**

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

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79           Exhibit A   Legal Description and Sketch  
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81           **Section 4.**     **Severability.**

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83           Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance  
84 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.

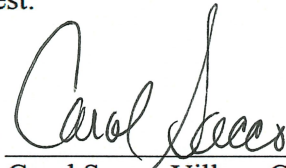
**PASSED** on first reading this 6<sup>th</sup> day of July, 2022.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida on second reading this 21<sup>st</sup> day of September, 2022.

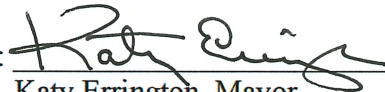
Attest:

**VILLAGE OF ESTERO, FLORIDA**

By:

  
Carol Sacco, Village Clerk

By:

  
Katy Errington, Mayor

Reviewed for legal sufficiency:

By:

  
Nancy E. Stroud, Village Land Use Attorney

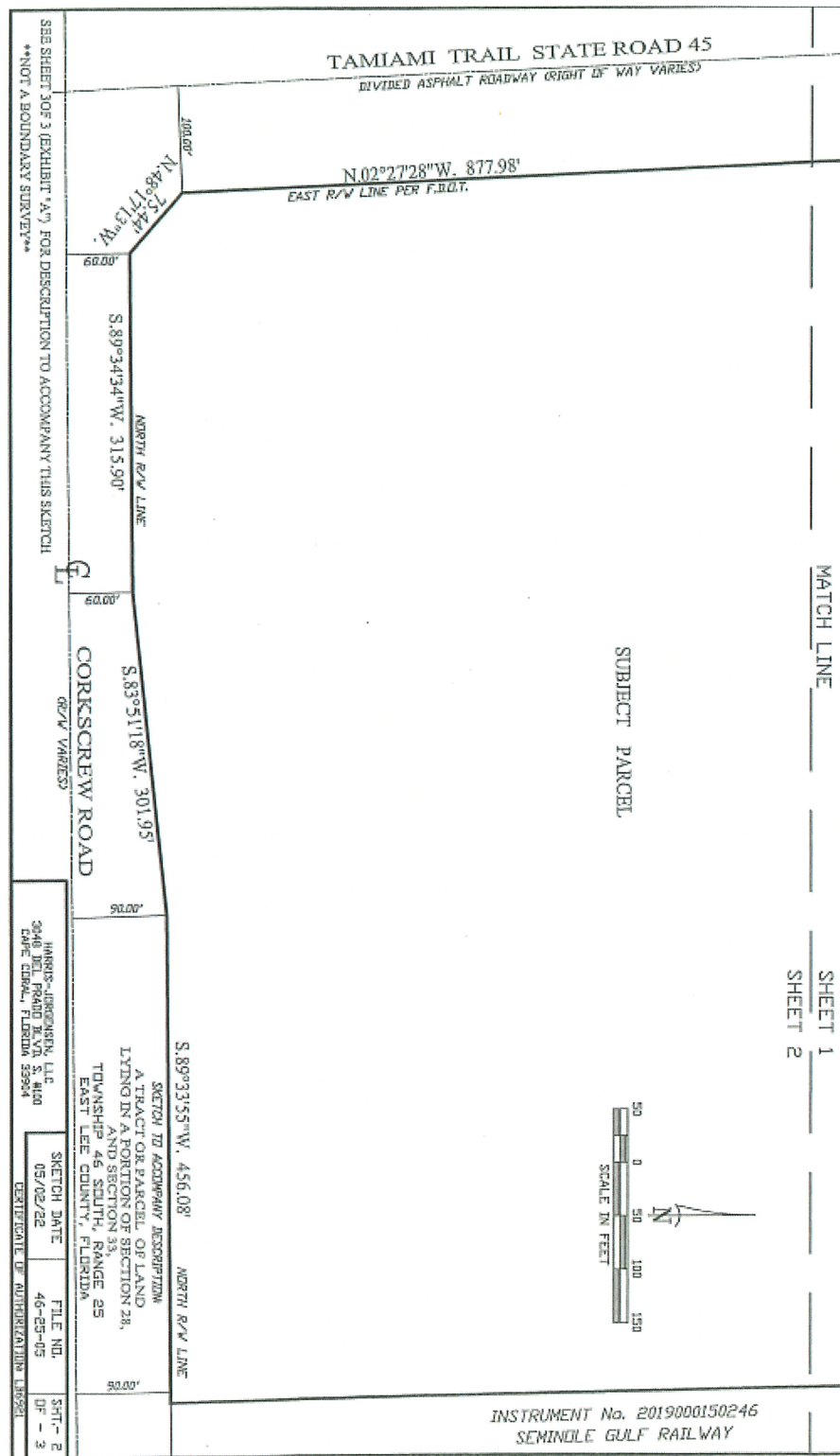
Vote:	AYE	NAY
Mayor Errington	<u>X</u>	_____
Vice Mayor McLain	<u>X</u>	_____
Councilmember Ribble	<u>X</u>	_____
Councilmember Fiesel	<u>X</u>	_____
Councilmember Boesch	<u>X</u>	_____
Councilmember Ward	<u>X</u>	_____
Councilmember Wilson	<u>X</u>	_____



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# EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

A TRACT OR PARCEL OF LAND  
LYING IN A PORTION OF SECTION 28,  
AND SECTION 33,

TOWNSHIP 46 SOUTH, RANGE 25  
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

**\*\*NOT A BOUNDARY SURVEY\*\***

## DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835°118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.90 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W. FOR 39.00 FEET; THENCE RUN N.02°27'28"W. FOR 262.86 FEET; THENCE RUN S.87°23'02"W. FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES: N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°26'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT. OR 31.48 ACRES, MORE OR LESS.

Phillip M  
Mould, P.S.M.  
6515 State of  
Florida

Digitally signed by  
Phillip M Mould,  
P.S.M. 6515 State of  
Florida  
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PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
LS6515 - STATE OF FLORIDA  
05/05/2022

CERTIFICATE OF  
AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC  
3048 DEL PRADO BLVD. S.  
#100  
CAPE CORAL, FLORIDA 33904  
(239)-257-2624

SHEET 3 OF 3

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