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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 10

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, CONSIDERING A
ZONING AMENDMENT AND DEVIATIONS FOR
ESTERO TOWN CENTER COMMERCIAL PLANNED
DEVELOPMENT, PROVIDING FOR CONFLICTS;
PROVIDING FOR SEVERABILITY; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Amstin LLC and Brightwork Real Estate, Inc, represented by Delisi, Inc. (the “Applicant”), filed for a zoning amendment to the Commercial Planned Development on property located at 10081 Estero Town Commons Place; and

WHEREAS, the Property STRAP Number is 35-46-E1-3300B.0010; and

WHEREAS, the Applicant is requesting a **Wawa** Convenience Food and Beverage Store with Gas, and a fast-food restaurant in Village Area 2 of the shopping plaza; and

WHEREAS, the Wawa would be located on the northeast parcel in Village area #2, eastern portion of Tract-B at the site of the closed Ruby Tuesday restaurant which would be demolished; and

WHEREAS, the applicant is also requesting to modify the conditions in Lee County Zoning Resolution Z-03-032 to allow fast-food restaurant on an additional parcel along Corkscrew Road; and

WHEREAS, a public information meeting was held on September 21, 2021 at the Planning, Zoning and Design Board; and

WHEREAS, at a duly noticed public hearing held on July 12, 2022, the Planning, Zoning and Design Board reviewed the request and recommended approval with conditions; and

WHEREAS, a duly noticed first reading was held before the Village Council on September 21, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 5, 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.

47 **NOW THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF**
48 **THE VILLAGE OF ESTERO, FLORIDA, THAT:**

49
50 **Section 1. Rezoning**

51
52 The Village Council approves with conditions the zoning amendment to the
53 Commercial Planned Development (CPD), subject to the following conditions:
54

55 **Section 2. Conditions**

56
57 1. Master Concept Plan

58
59 Development of this project must be consistent with the Master Concept Plan
60 (MCP) titled "Estero Town Center", stamped "Received Date May 2, 2022", except as
61 modified by the conditions below. The project is approved on the eastern portion of
62 Tract B, Estero Town Commons.
63

64 2. Previous Approvals

65
66 The previous approvals contained in Resolution Number Z-03-032,
67 ADD2005-00156, ADD2005-00235, ADD2006-00163, and ADD2007-00017,
68 including conditions and deviations, remain in effect except as modified by the
69 conditions and deviations contained in this approval. The Schedule of Uses and
70 building heights for the site must be in accordance with Resolution Z-03-032.
71

72 3. Traffic Signal

73
74 The developer, successor or assigns (owner) of the northeast parcel in Village
75 Area 2 is responsible for their proportionate share of the cost of signalization at the
76 intersection of Corkscrew Road and Estero Town Commons Place, prior to issuance of
77 any development order.
78

79 4. Parking

80
81 All handicap parking spaces must meet required standards and be located
82 immediately adjacent to the entrance of the building.
83

84 5. Utilities

85
86 Water and sewer services are available to the site, and this development must
87 connect to those services as part of any local development order for the site.
88

89 6. Replat

90
91 Prior to issuance of a development order a re-plat of Tract B must be submitted,
92 reviewed, and approved by the Village Council.

7. Outdoor Display/Storage

Ice machines and propane tanks must be located adjacent to the south side of the building, as shown in the Pattern Book Addendum I, to provide screening from Corkscrew Road.

8. Pattern Book

Development must be in substantial compliance with the “Estero Town Center CPD Pattern Book Addendum I,” stamped Received May 18, 2022, except that the gas station canopy shown in Exhibit D is approved.

Details of the public gathering area must be provided as part of the Development Order. The public area will be relocated further south and adjacent to the existing parking spaces and buffered from the parking spaces.

9. Sidewalk & Pedestrian Connections

Sidewalks and pedestrian connections must be provided consistent with the Pattern Book and Land Development Code.

Additionally, a pedestrian crosswalk must be installed at the existing full access entry to the site.

10. Buffers

As part of local development order approval, the development order plans must demonstrate buffering consistent with the Master Concept Plan, the Land Development Code, the Pattern Book, and any approved deviations. Buffers on the north, east, and south will be consistent in quality with adjacent developments to the east along Corkscrew Road.

As part of local development order approval, all required buffer plantings must be 100% native vegetation.

All buffer plantings required by the LDC will be required in all buffers even when deviations may be granted to reduce the width of the buffer.

11. Amend Resolution Z-03-032 – Fast-Food

Condition 14 of Resolution Z-03-032 is amended to state as follows:

14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:

- a) Only one freestanding fast-food restaurant (as defined in LDC §34-2) is permitted;
- b) No more than one fast food restaurant is permitted in a multi-occupancy building.

12. Amend ADD2006-00163 (Monument Sign)

Administrative Amendment ADD2006-00163 is further amended to allow for one monument sign in accordance with the Pattern Book.

Section 3. Deviations

1. Deviations 1 and 2B of Resolution Z-03-032 remain in full force and effect.
2. Deviation 2A seeks relief from LDC §34-2192(b)(5) and LDC §34-1047 (now Section 3-803 of the Estero LDC for the Corkscrew Road Overlay) requirement that all parking lots, access streets, and drives be setback a minimum of 75 feet from the Corkscrew Road right-of-way, to allow parking to be located no closer than 30 feet from the right-of-way in the specified locations and in accordance with the proposed Design guidelines (attached as Exhibit D to Resolution Z-03-032) and 20 feet for the parcel on the southwest corner of Corkscrew road and Estero Town Commons Place. Deviation 2A is approved subject to the following:
 - a) the deviation allows no more than 300 feet of the Corkscrew Road frontage (with no more than 200 feet in any single location) for the proposed parking use; and
 - b) The area subject to this deviation is buffered in accordance with the Estero Town Center Design Guidelines attached to Resolution Z-03-032 as Exhibit D.
 - c) The landscape buffer for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place must be buffered in accordance with the Pattern Book Addendum and consistent with Deviation #6 below.
3. Deviation 3 seeks relief from LDC Sections 4-215.C. and 5-707.D.1.d. which require that the minimum distance between convenience stores with gas and super convenience stores with gas measured from the nearest points on any lot or parcel of land to be occupied by the use and any lots of existing or an approved convenience store with gas use shall be 500 feet, unless otherwise approved through deviation; to instead allow for a separation of 150 feet for the northeast parcel in Village Area #2.

Deviation 3 is approved.

4. Deviation 4 seeks relief from LDC Section 3-803.D which requires that buildings located on street corners have a maximum setback of 25 feet from each adjacent street, to instead allow for a maximum setback of 40 feet to Corkscrew Road only.

Deviation 4 is approved.

5. Deviation 5 seeks relief from LDC Section 3-803.E. Note 1C. which requires that 40% of the building frontage is required at the setback, to instead allow for a reduction to 15%.

Deviation 5 is approved.

6. Deviation 6 seeks relief from LDC Section 5-412.C.3 which requires landscape buffers adjacent to external rights-of-way to be a minimum of 25 feet in width, to instead allow for a buffer width a minimum of 20 feet with the same required plantings and design.

Deviation 6 is approved.

7. Deviation 7 seeks relief from LDC Sections 4-215.B. and 5.707.D.6.a. which prohibits flat canopy roofs and requires roofs to have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet, to instead allow for a sloped roof with an angled return at the low end and with the detailing as shown in the Pattern Book.

Deviation 7 is denied, but the new design shown in Exhibit D is approved.

Section 4. Review Standards – Findings and Conclusions

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 that the amendment:

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.
2. Is not in conflict with any portion of the LDC.
3. Addresses a demonstrated community need.
4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. Would result in a logical and orderly development pattern.

- 229 6. Would not adversely affect the property values in the area.
230
231 7. Would result in development that is adequately served by public facilities (road,
232 potable water, wastewater, solid, waster, storm water, schools, parks, police,
233 and fire and emergency medical facilities.
234
235 8. Would not result in significantly adverse impacts on the natural environment –
236 including, but not limited to water air, noise, storm water management, wildlife,
237 vegetation, wetlands, environmentally critical area, and the natural functioning
238 of the environment.
239
240 9. Is compatible with existing or planned uses in the surrounding area.
241

242 **Section 5 Exhibits.**

243
244 The following exhibits are attached to his Ordinance and incorporated by reference:
245

246	Exhibit A	Legal Description
247		
248	Exhibit B	Master Concept Plan titled “Estero Town Center” stamped
249		“Received May 2, 2022”
250		
251	Exhibit C	Pattern Book titled “Estero Town Center CPD Pattern Book
252		Addendum 1” stamped Received May 18, 2022.
253		
254	Exhibit D	Gas Canopy
255		

256 **Section 6 Severability.**

257
258 Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance,
259 subsequent to its effective date, be declared by a court of competent jurisdiction to be
260 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
261 portion thereof, other than the part so declared to be invalid.
262

263 **Section 7 Effective Date.**

264
265 This Ordinance shall take effect immediately upon adoption.
266


267 **PASSED** on first reading this 21st day of September, 2022.
268

269 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
270 Florida this 19th day of October, 2022.
271
272
273
274

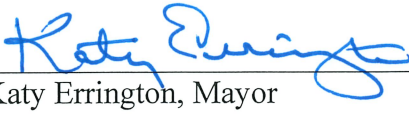
VILLAGE OF ESTERO, FLORIDA

Attest:

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

☒

Vice Mayor McLain

☒

Councilmember Ribble

☒

Councilmember Fiesel

☒

Councilmember Boesch

☒

Councilmember Ward

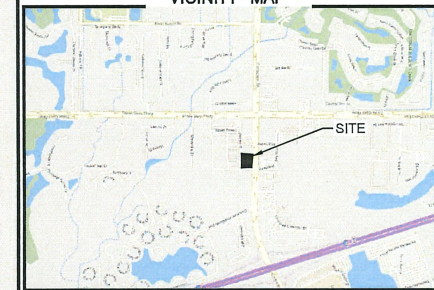
☒

Councilmember Wilson

☒

Legal Description

ESTERO TOWN COMMONS
DESC IN INST#2006-411908
PT OF TRACT B AS DESC IN
INST 2009000181862



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<div> <div>PROJECT ADDRESS</div> <div>21301 TOWN COMMONS DR, ESTERO, FL 33928</div> </div>		
<div> <div>TOTAL PARCEL/SITE AREA</div> <div>\$69,570 SF (±1.6 AC)</div> </div>		
<div> <div>% OPEN SPACE REQUIRED</div> <div>10%</div> </div>		
<div> <div>% OPEN SPACE PROPOSED</div> <div>±18,356 SF (26.4%)</div> </div>		
<div> <div>REQUIRED LANDSCAPE BUFFERS</div> <div> <div>FRONT</div> <div>25' (20' PROPOSED PER DEVIATION 6)</div> <div>SIDE/REAR</div> <div>20' SIDE / 5' REAR</div> </div> </div>		

SETBACK TABLE		
	REQUIRED	PROPOSED
FRONT (NORTH)	25' MAX	40' (PER DEVIATION 4)
SIDE (EAST)	25' MAX	175' (PER DEVIATION 4)
SIDE (SOUTH)	15'	117'
REAR (WEST)	20'	44'

Bowman Consulting Group, Ltd.
1410 N Westshore Blvd
Suite 111
Tampa, FL 33607
Phone: (813) 474-7424
www.bowmanconsulting.com
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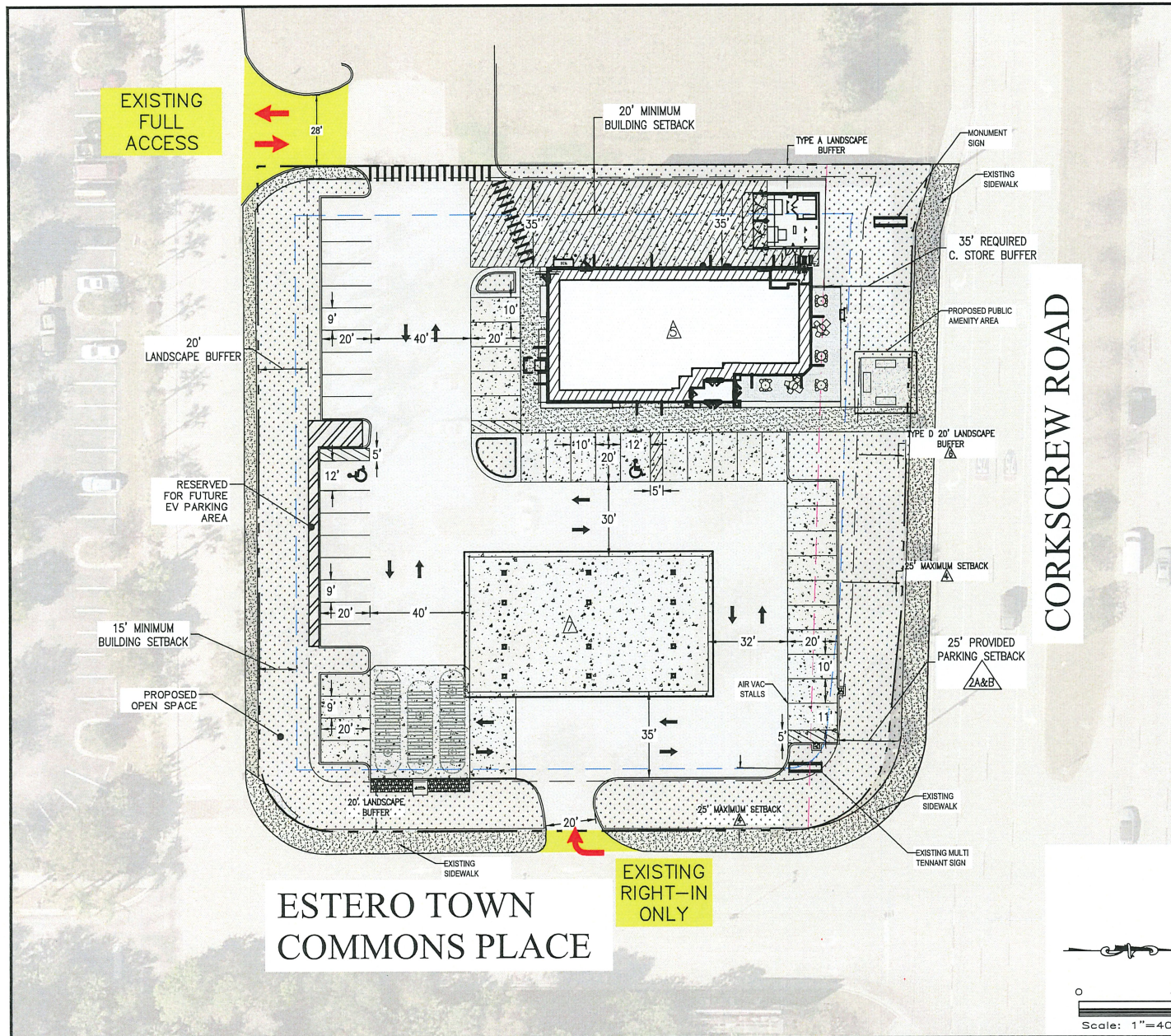
CONCEPT PLAN

ESTERO C-STORE

21301 TOWN COMMONS DR
ESTERO, FL 33928

Bowman
CONSULTING
Certificate of Authorization License No. 30462

CJH DSGN	CJH DRAWN	MS CHKD
010889-01-001 PROJECT NUMBER		
SCALE 1" = 40'		
VERSION		6C



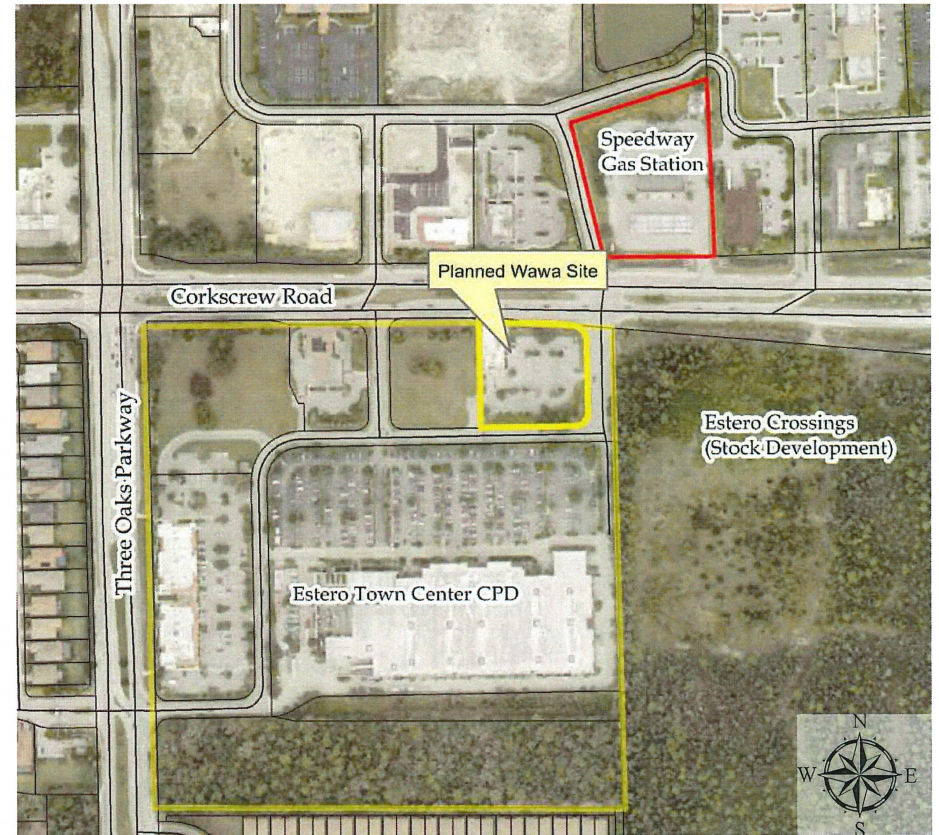
Received May 18, 2022

Estero Town Center CPD

Pattern Book Addendum I Convenience Food and Beverage Use “Village Area 2”

Property Location

Location: Corner of Corkscrew Road and Estero Town Commons, at a signalized intersection

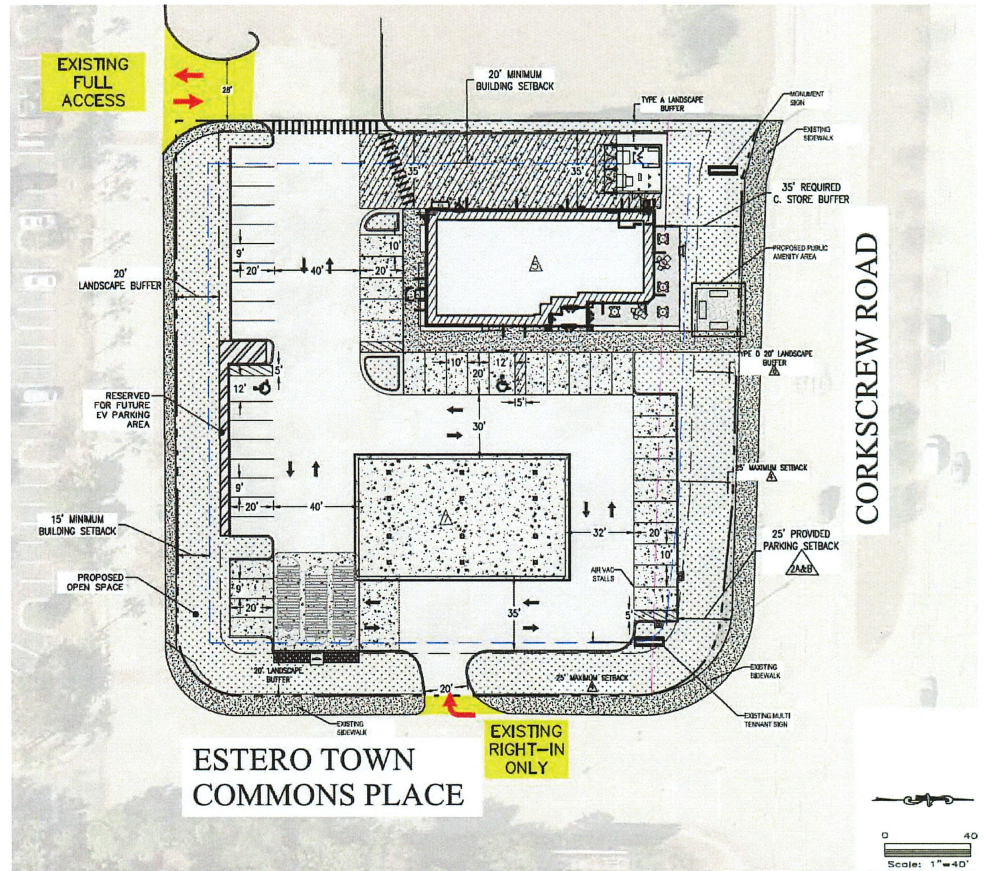


Concept Plan

Access: on the east and south along Estero Town Commons Place

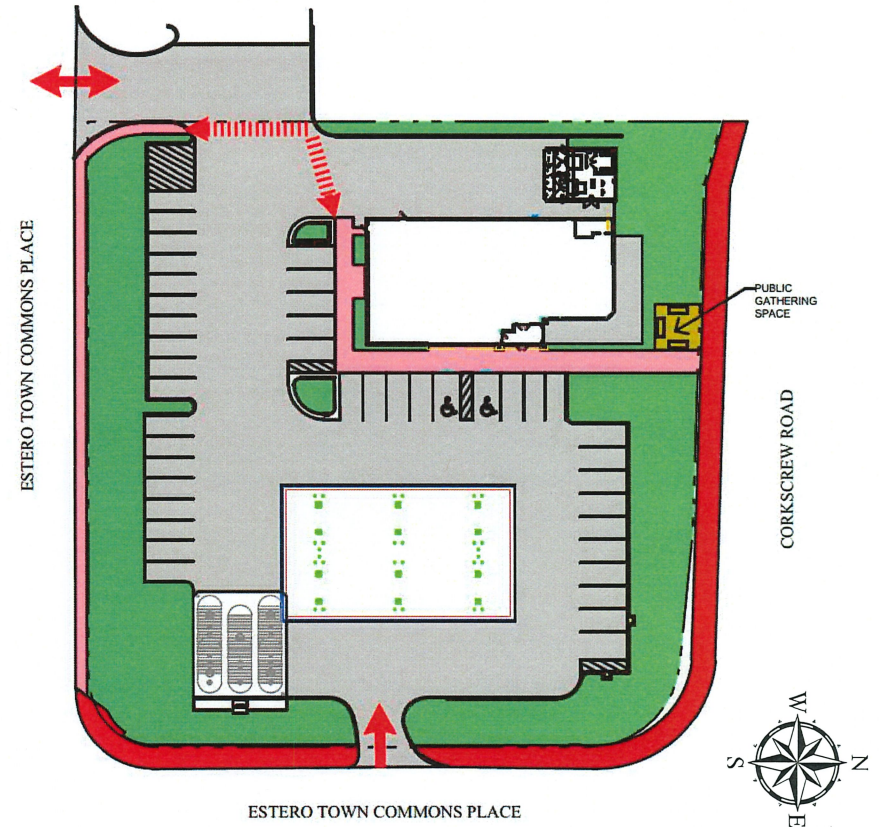
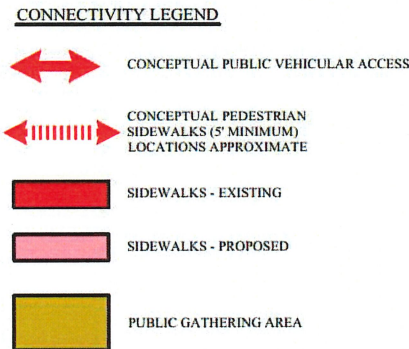
Features: Outdoor seating, Building along the Corkscrew Road frontage

Building Placement: Oriented along Corkscrew Road. Open space/water management area along Corkscrew Road.



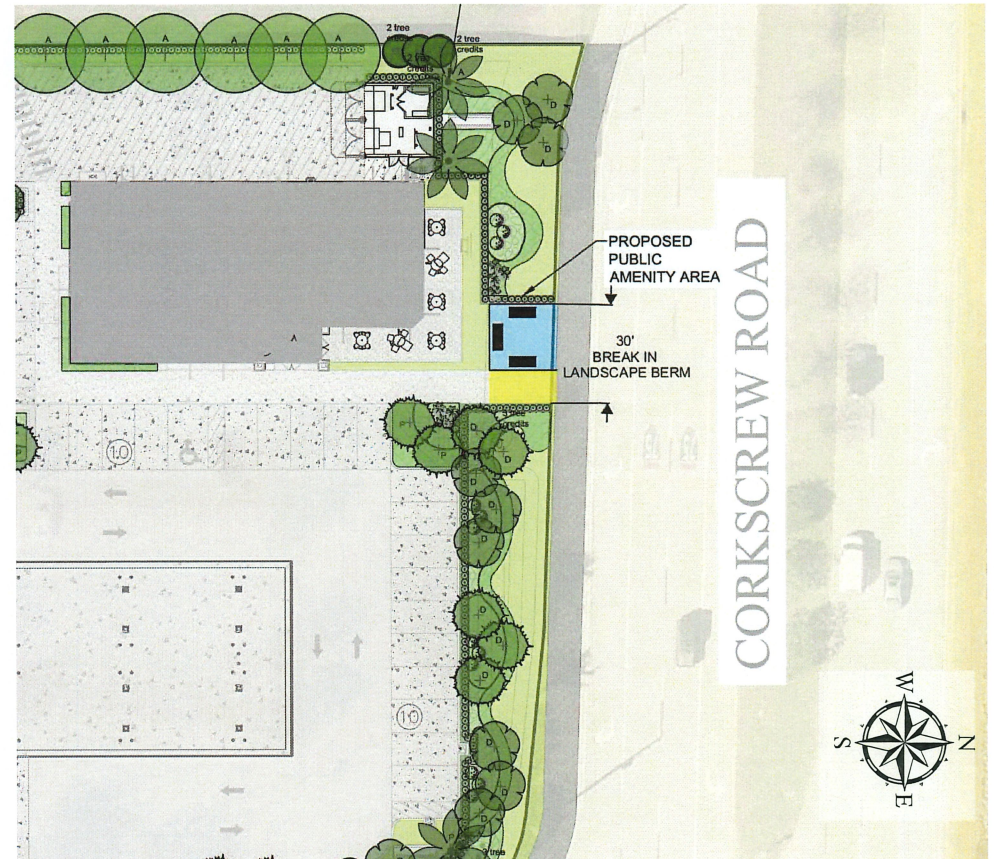
Pedestrian Circulation

Circulation: A sidewalk will be provided from the building to a “public gathering place” on the north side of the building and will connect with the sidewalk system along Corkscrew Road.



Public Amenity Design

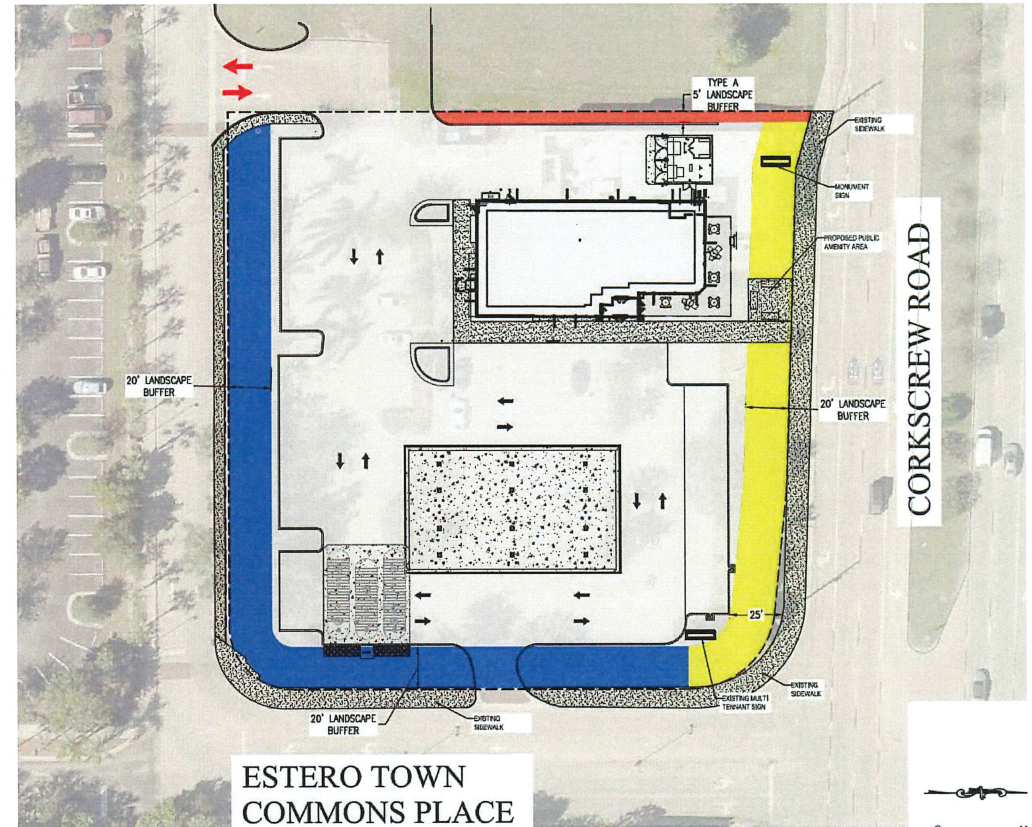
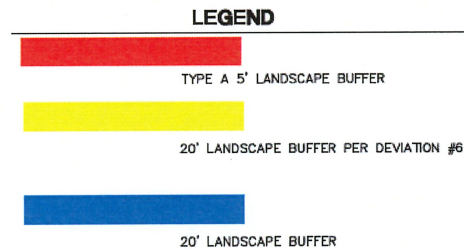
Amenity: Along Corkscrew Road, a seating area will be designed for use by the general public. This seating area will be separate and distinct from the outdoor seating proposed for the Convenience Store and separated by a sod/landscape strip but connected through the on-site sidewalk system.



Landscape Buffers

Buffers:

- A 20' buffer will be provided adjacent to Corkscrew Road, consistent with the planting requirements of LDC Section 5-412(C)3 and Deviation #6.
- A 5' Type A buffer will be provided to the west.



Building Elevations

Stucco Meringue #3085	Metal Doors/Shutters Match BJ # 1223 Brentwood
Trim James Hardie Arctic White JH10-20	Metal Barrel Roof Tile Gerald Sunset Gold
Stucco Egg Nog #3084	Exterior Stone Cultured Stone Southwest Blend
Metal Canopy Atlas Copperstone	



FRONT (EAST) ELEVATION(ESTERO TOWN COMMONS PLACE)

Building Elevations



Building Elevations



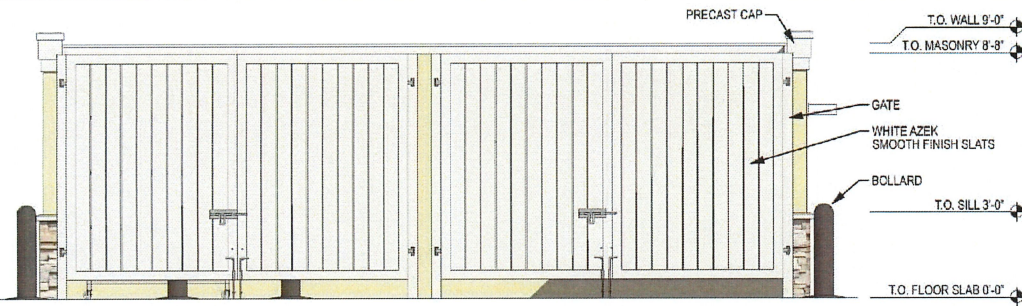
Building Elevations



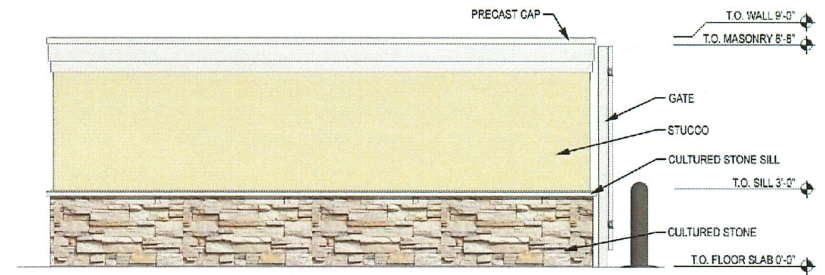
Canopy Elevations



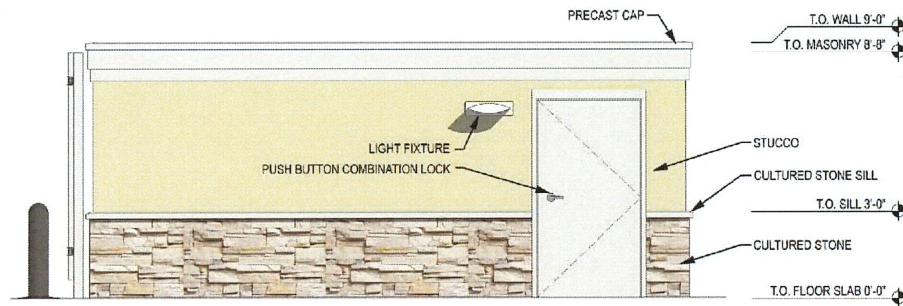
Trash Enclosure



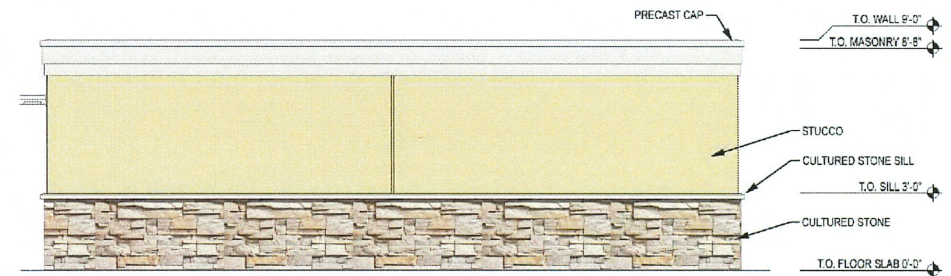
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

Metal Door
Benjamin Moore
White Diamond
BM 2121-60

Azek Trim
White

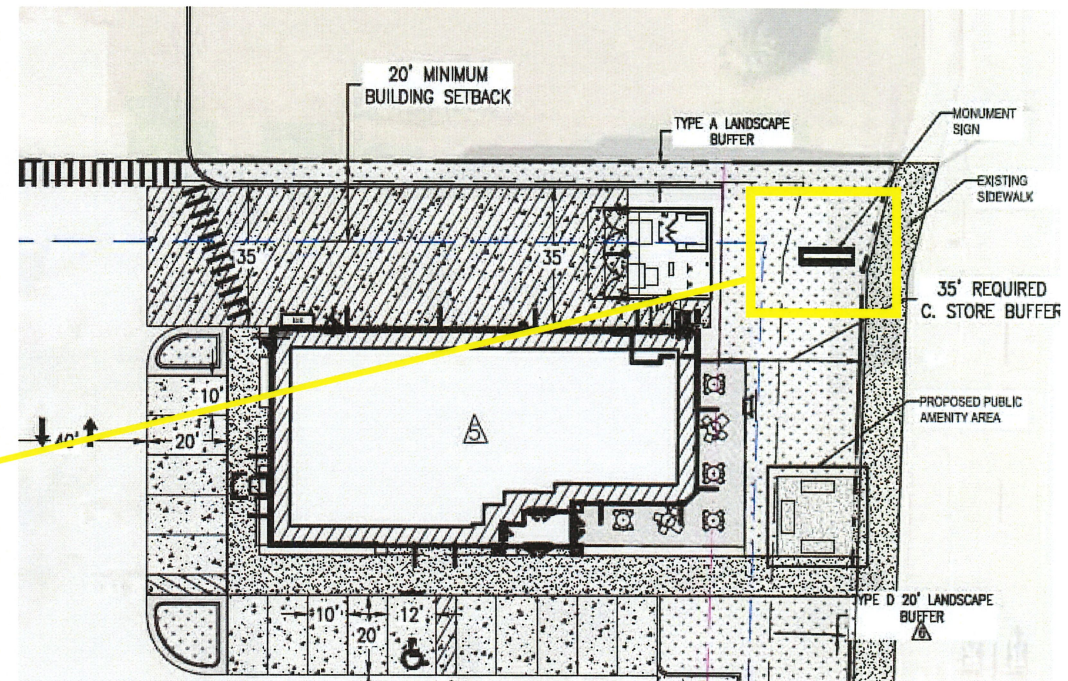
Stucco
Senergy
Meringue #3085

Exterior Stone
Cultured Stone
Southwest Blend

Signage Location

Signage will be provided as a monument sign per Estero Code.

Sign location will be consistent with the site plan.



GAS CANOPY

- At Planning Board agreed to an A-frame Canopy.



EXHIBIT D
GAS CANOPY