

**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REZONING
A 10 ACRE PROPERTY AT THE NORTHWEST
CORNER OF THREE OAKS PARKWAY AND
WILLIAMS ROAD FROM COMMERCIAL
PLANNED DEVELOPMENT (CPD) TO
RESIDENTIAL PLANNED DEVELOPMENT (RPD);
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Pawlet Associates, LLC represented by DR Horton and Dan DeLisi of DeLisi, Inc., (the “Applicant”) filed an application for a rezoning of the Williams Three Oaks Commercial Planned Development (CPD) to Residential Planned Development (RPD) for a property of approximately 10-acres (the “Property”); and

WHEREAS, the property STRAP number is 34-46-25-E3-0100C.0010 and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on August 9, 2022, the Planning, Zoning, and Design Board recommended approval with conditions of the rezoning; 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 for adoption of the Ordinance which was continued to November 16, 2022; and

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

Section 1. Rezoning.

The Village Council approves with conditions the rezoning of the property from Commercial Planned Development to Residential Planned Development, subject to the following conditions.

Section 2. Conditions

1. Master Concept Plan and Number of Units

Development of this project is limited to a maximum of 44 single-family attached single-story units. Development must be consistent with the Master Concept Plan (MCP) titled "Milan Villas RPD Master Concept Plan", stamped "Received July 22, 2022".

2. Pattern Book

Development of this project must be consistent with the Pattern Book titled "Milan Villas RPD Residential Pattern Book", stamped "Received September 6, 2022". The amenity area will be further refined at the time of development order.

3. Schedule of Uses

The following is the approved Schedule of Uses within the RPD:

Accessory uses and structures
Dwelling units: single-family attached/villas, limited to one-story in height
Entrance gates and gatehouses
Essential services (Utility, Minor)
Excavation, water retention
Fences, walls
Home occupation, in compliance with LDC
Model home - See condition #14
Real estate sales office - See condition #14
Recreational facilities, personal and private
Signs, in compliance with LDC

4. Dimensional Standards

The following is the approved Development Standards within the RPD:

| <u>Development Standards</u> | <u>Single-Family Attached</u> | <u>Park</u> |
|------------------------------|-------------------------------|-------------|
| Lot Coverage (%) | 70 | 70 |
| Minimum Lot Area (SF) | 3,750 | 9,325 |
| Minimum Lot Width (FT) | 35.5 | 75 |
| Minimum Lot Depth (FT) | 106 | 125 |
| Building Height (FT) | 35 | 35 |
| Limited to one story | | |
| Setbacks | | |
| Street/Front | 20 | 15 |
| Side | 0/5 | 5 |
| Rear | 10 | 5 |

Rear Accessory 5 5

5. Emergency Access

As part of local development order approval, the development order plans must include an emergency access, constructed to Village and Fire Department specifications, from the development to Three Oaks Parkway.

6. Turn Lane and Access on Three Oaks Parkway

The developer must obtain a Limited Development Order (LDO) from Lee County pursuant to Section 10-297, Lee County LDC. A copy of the LDO must be provided to the Village prior to the start of construction.

7. Fencing

As part of local development order approval, the development order plans must include the required aluminum perimeter fencing shown in the Pattern Book around the south and east property boundary and black vinyl-coated chain link fencing on the west property boundary.

8. Gopher Tortoises

The applicant shall provide copy of the Gopher Tortoise Relocation Plan at the time of issuance by FWC.

9. Amenity Area

The applicant shall provide details of the amenity area at the time of development order, to include items such as a gazebo, building, or dog park.

10. Heritage Trees

The two identified heritage trees on the site must be retained or replaced pursuant to the requirements of the LDC at the time of development order.

11. Utilities

The development must connect to water and sewer as part of any local development order.

12. Sidewalk & Pedestrian Connections

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

133
134 13. Buffers
135

136 As part of local development order approval, the development order plans must
137 demonstrate buffering consistent with the Master Concept Plan, the Land
138 Development Code, and the Pattern Book as further depicted in Option 1 of the
139 November 16, 2022 PowerPoint and Exhibit D.
140

141 As part of local development order approval, all required buffer plantings must be
142 100% native vegetation.
143

144 14. Model Homes and Real Estate Sales
145

146 A. The number of model homes or units will be limited to no more than 4
147 within the development.
148

149 B. Model homes or units may be developed within lots 35 -38 within the
150 development. Model homes or units must be shown on the development
151 order plans.
152

153 C. Real estate sales will be limited to the sale of lots or units within the
154 development only.
155

156 D. Model homes cannot be of the same floor plan, and each must be a separate
157 and different design.
158

159 E. Hours of operation for both models and real estate sales are limited to
160 Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 8 a.m. to 5
161 p.m.

162 **Section 3. Deviations**
163

- 164 1. Deviation 1 seeks relief from LDC Section 5-304.A.4.C (Development Entry
165 Points) which requires that residential development of more than five acres provide
166 more than one means of ingress or egress for the development, to allow for a single
167 access and an emergency access.

168 APPROVED, with a condition that the emergency access has an Electric Gate
169 controlled by EVAC, and that the access is able to support fire apparatus in both
170 width and weight, to be reviewed at the time of development order.
171

- 172 2. Deviation 2 seeks relief from LDC Appendix C.A.2.A (Privately Maintained
173 Roads) which requires that the minimum right-of-way width for a privately

maintained roadway shall be 60 feet, to allow for the right-of-way width to be 50 feet.

APPROVED

3. Deviation 3 seeks relief from LDC Appendix C.B.7.A.2 (Street Design and Engineering – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

APPROVED

4. Deviation 4 seeks relief from LDC Appendix C.B.7.C (Street Design and Engineering – Cul-de-Sacs) and Appendix D.H. (Illustrations and Cross-Sections – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

APPROVED

Section 4. 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 the application:

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.
6. Would not adversely affect the property values in the area.
7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities.

- 216 8. Would not result in significantly adverse impacts on the natural environment –
217 including, but not limited to water air, noise, storm water management, wildlife,
218 vegetation, wetlands, environmentally critical area, and the natural functioning of
219 the environment.
220
221 9. Is compatible with existing or planned uses in the surrounding area.
222
223 10. The deviations approved:

224 a) Will improve the quality of the proposed RPD;
225 b) Will preserve and promote the general intent of the Land Development Code to
226 protect the public health, safety, and welfare;
227 c) Will be compatible with uses on surrounding property;
228 d) Will not create an undue burden on essential public facilities.

229 **Section 6. Exhibits**

230 The following exhibits are attached to this Ordinance and incorporated by reference:

231 Exhibit A Legal Description
232

233 Exhibit B Master Concept Plan, received and date stamped July 22, 2022
234

235 Exhibit C Pattern Book, received and date stamped September 6, 2022.
236

237 Exhibit D Option 1 dated November 16, 2022
238

239 **Section 7. Severability.**

240 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
241 subsequent to its effective date be declared by a court of competent jurisdiction to be
242 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
243 portion thereof, other than the part so declared to be invalid.
244

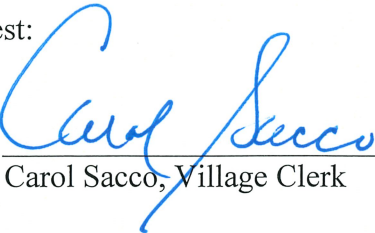
245 **Section 8. Effective Date.**

246 This ordinance shall take effect upon adoption at second reading.
247

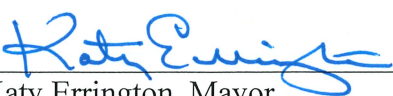
248 **PASSED** on first reading this 21st day of September, 2022.
249

250 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
251 Florida this 16th day of November, 2022.
252
253
254
255
256

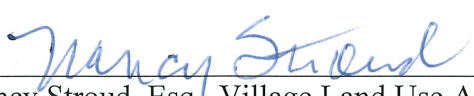
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283

Attest: 
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 
Katy Errington, Mayor

Reviewed for legal sufficiency:

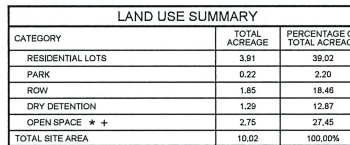
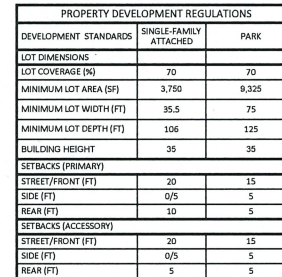
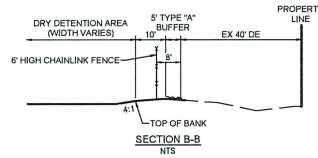
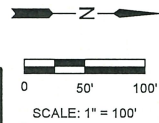
By: 
Nancy Stroud, Esq., Village Land Use Attorney

| 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> | _____ |

EXHIBIT A – LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH $89^{\circ}57'26''$ WEST ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH LINE OF SAID SECTION 34 AND THE NORTH RIGHT-OF-WAY OF WILLIAMS ROAD FOR 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $89^{\circ}57'26''$ WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH $00^{\circ}40'10''$ WEST ALONG THE WEST LINE OF SAID LOT 1 FOR 1320.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH $89^{\circ}42'15''$ EAST ALONG THE NORTH LINE OF SAID LOT 1 FOR 331.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE EAST LINE OF SAID SECTION 34 AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY; THENCE SOUTH $00^{\circ}35'12''$ EAST ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, SAID SECTION 34, AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY FOR 1,291.91 FEET; THENCE SOUTH $33^{\circ}16'13''$ WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.



- | DEVIATIONS | |
|------------|--|
| 1 | DEVIATION 1 SEEKS RELIEF FROM LDC SECTION 5-304A.4.C (DEVELOPMENT ENTRY POINTS) WHICH REQUIRES THAT RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES PROVIDE MORE THAN ONE MEANS OF INGRESS OR EGRESS FOR THE DEVELOPMENT, TO ALLOW FOR A SINGLE ENTRY AND EXIT POINT FOR THE PROPOSED COMMUNITY. |
| 2 | DEVIATION 2 SEEKS RELIEF FROM LDC APPENDIX C.2.2A (PRIVATELY-MAINTAINED ROADS) WHICH REQUIRES THAT THE MINIMUM RIGHT-OF-WAY WIDTH FOR A PRIVATELY-MAINTAINED ROADWAY SHALL BE 60 FEET, TO ALLOW FOR THE RIGHT-OF-WAY WIDTH TO BE 50 FEET. |
| 3 | DEVIATION 3 SEEKS RELIEF FROM LDC APPENDIX C.8.7.2 (STREET DESIGN AND ENGINEERING - CUL-DE-SACS) WHICH REQUIRES THAT THE MINIMUM DIAMETER OF THE RIGHT-OF-WAY FOR A ROADWAY WITH CURB AND GUTTER SHALL BE 130 FEET, TO ALLOW FOR THE RIGHT-OF-WAY DIAMETER TO BE 120 FEET. |
| 4 | DEVIATION 4 SEEKS RELIEF FROM LDC APPENDIX C.8.7.C (STREET DESIGN AND ENGINEERING - CUL-DE-SACS) AND APPENDIX D.1 (ILLUSTRATIONS AND CROSS-SECTIONS - CUL-DE-SACS) WHICH REQUIRES THAT THE MINIMUM DIAMETER OF THE RIGHT-OF-WAY FOR A ROADWAY WITH CURB AND GUTTER SHALL BE 130 FEET, TO ALLOW FOR THE RIGHT-OF-WAY DIAMETER TO BE 120 FEET. |



J.R. EVANS
ENGINEERING

| | | |
|--|------------|-----------|
| | PROJECT #: | 823-00 |
| | FILE DATE: | 02 / 2022 |
| CHRISTOPHER R. MITCHELL P.E. FL. LICENSE NO. 56740 FL. COA # 29226 | SCALE: | AS SHOWN |
| | SHEET : | 1 of 1 |

Milan Villas RPD

Residential Pattern Book

Property Location

Location: Corner of Three Oaks Parkway and Williams Road.

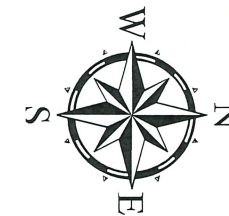
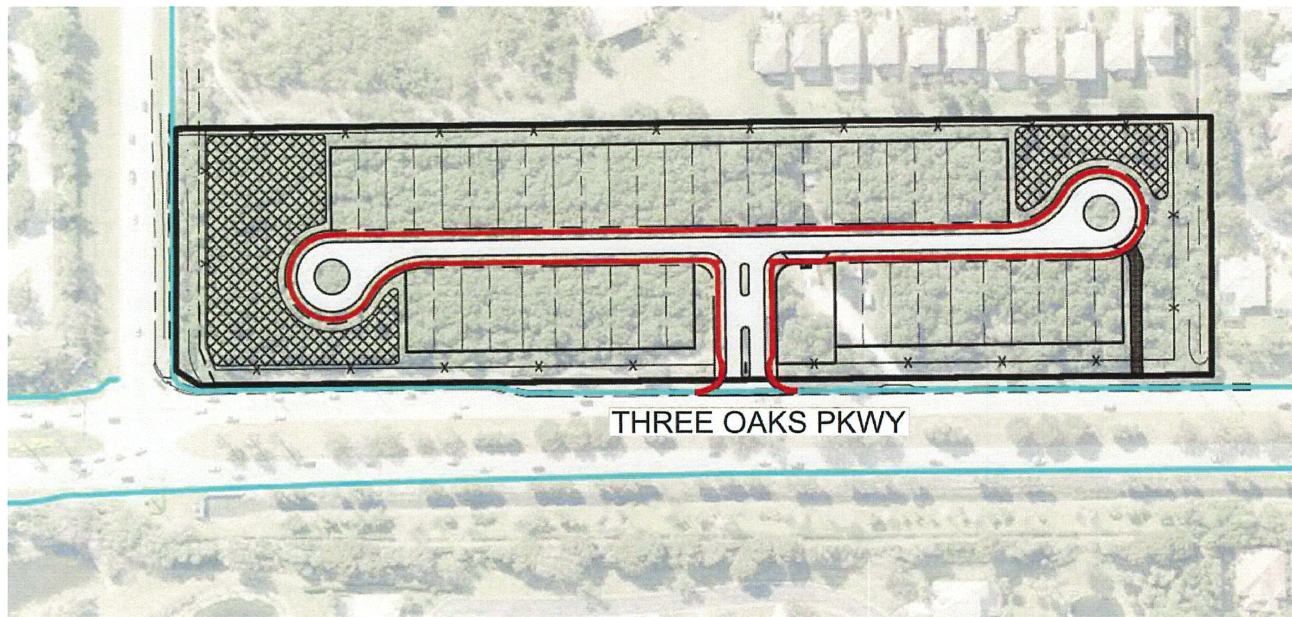


Pedestrian Circulation

Access: To the east along Three Oaks Parkway

Amenity: At entrance to development

Circulation: An internal sidewalk will be provided in front of each residence creating a connection to the external sidewalk system along Three Oaks Parkway.



LEGEND

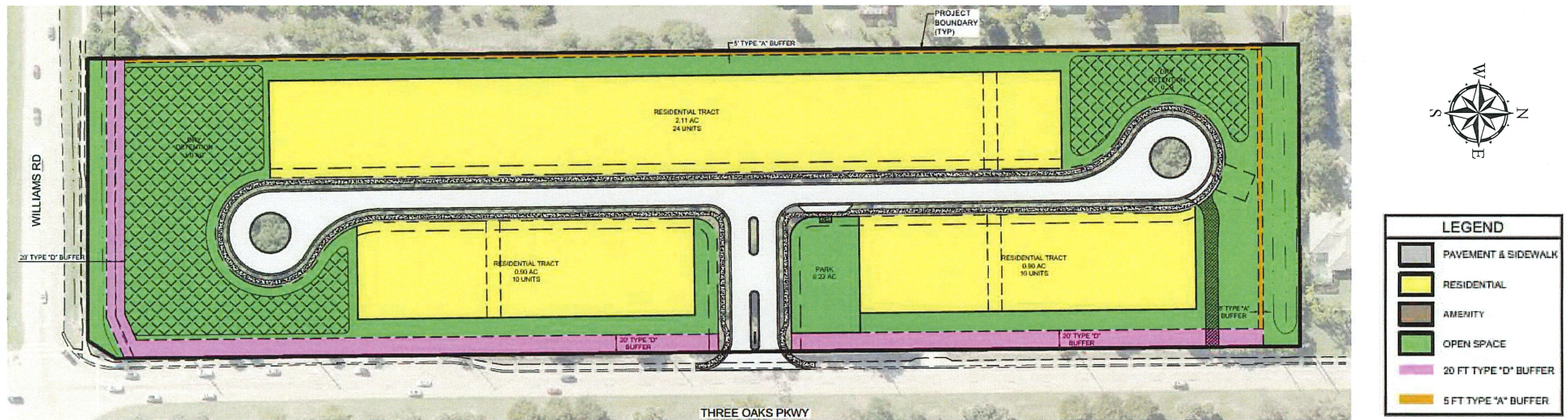
- EXISTING SIDEWALK
- PROPOSED SIDEWALK

Illustrative Plan & Open Space and Buffers

Passive Open Space: Approximately 4 acres within the development as amenity for residents.

Dry Detention: Mostly along Williams Road, with additional area at the north.

Buffers: Located on the street side of the fence line.



General Villa Concept



Roadway Perimeter Fencing



Landscape Palette

Project Plant Palette



AC - *Acer rubrum* -
Bismarck Palm



AB - *Aechmea blanchetiana*
Blanche Bromeliad



BM - *Bismarckia nobilis* -
Bismarck Palm



CE - *Conocarpus erectus* -
Green Buttonwood



CI - *Chrysobalanus icaco* -
Cocoplum



DS - *Dombeya 'Seminole Pink'* -
Seminole Pink Dombeya



EC - *Eugenia confusa* -
Red Berry Stopper



HP - *Hamelia patens* -
Fire Bush



IC - *Ilex cassine* -
Dahoon Holly



LEG - *Liriope 'Super Blue'* -
Super Blue Liriope



MA - *Meuhlenbeckia axillaris* -
Creeping Wire Vine



PR - *Phoenix roebellini* -
Pygmy Date Palm



PW - *Paurotis wrightii* -
Paurotis Palm



QV - *Quercus virginiana* -
Live Oak



RL - *Rondeletia leucophylla* -
Panama Rose



SM - *Sweitenia mahoganii* -
Mahogany



SC - Seasonal Color



TA - *Tabebuia argentea* -
Yellow Tabebuia



TD - *Tripsacum dactyloides* -
Dwarf Fakahatchee

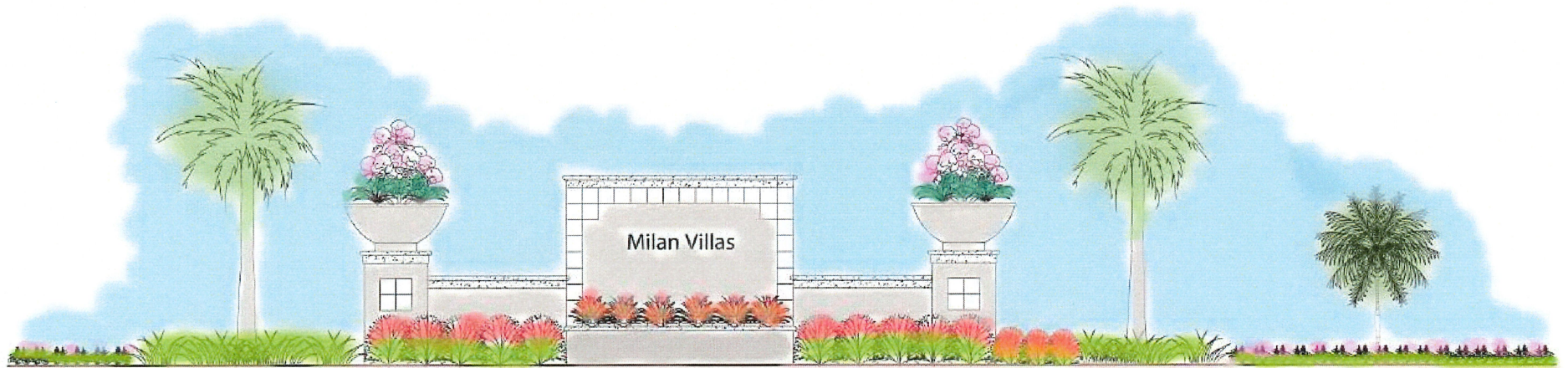


TI - *Tabebuia impetiginosa* -
Purple Tabebuia

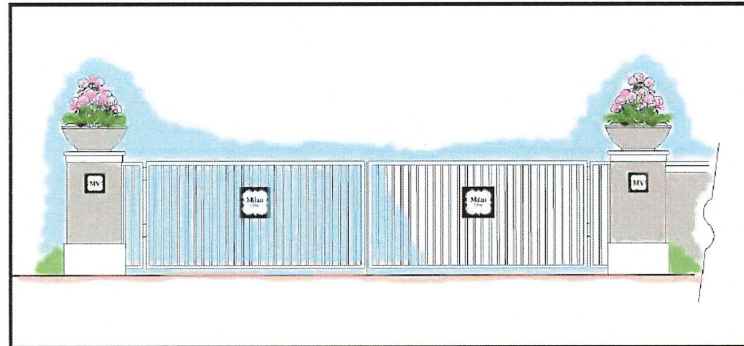


VM - *Vietchia merilii* -
Christmas Palm

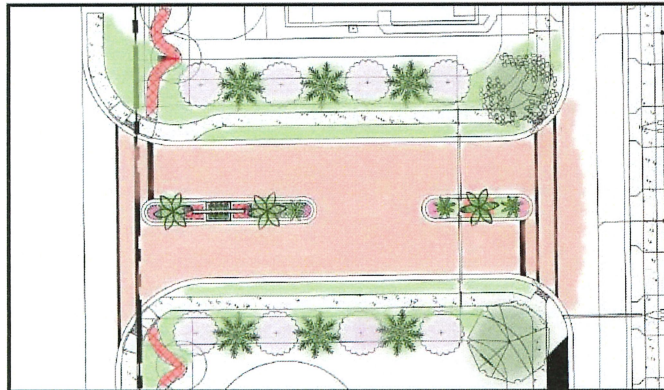
Entryway/Landscaping



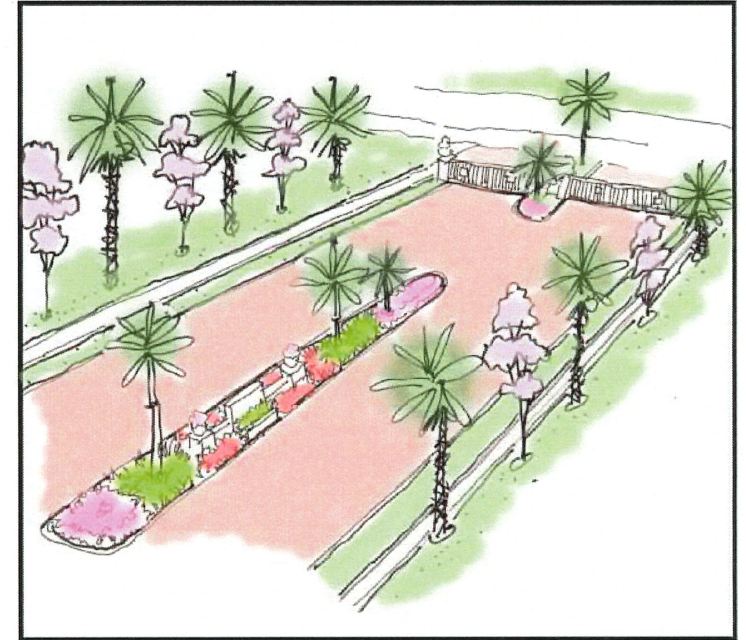
Entry Gate



Illustrative Entry - North Gate: Scale 1/2" = 1'-0"



Illustrative Entry Plan: 1/16" = 1'-0"



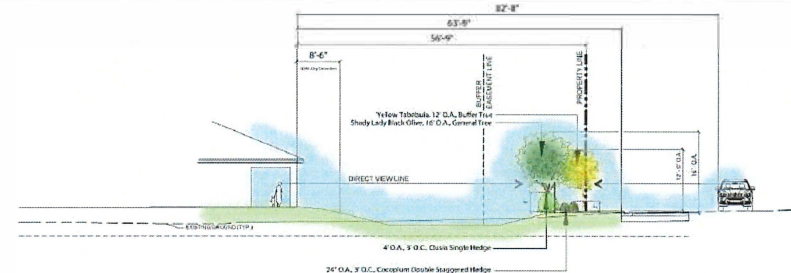
Illustrative Entry Sketch: Not to Scale

BUFFER INTENT

- Option 1 - Enhanced landscaping - Dense vegetation to block views of backyards and create opaque privacy screening

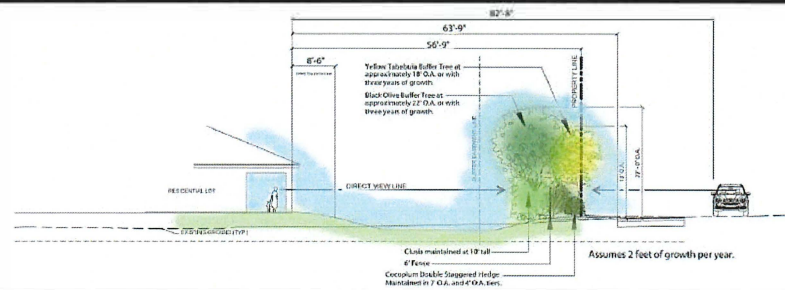
Exhibit D

November 16, 2022



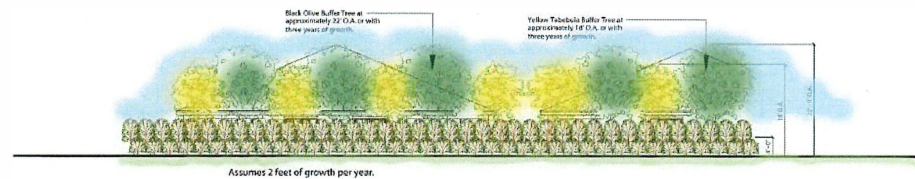
Illustrative Section Showing the View Line Between the Rear of a Typical Building and a Passing Car on Three Oaks Parkway at the Time of Planting.

Scale - 1/8" - 1' - 0"



Illustrative Section Showing the View Line Between the Rear of a Typical Building and a Passing Car on Three Oaks Parkway at Year Three.

Scale - 1/8" - 1' - 0"



Illustrative Elevation Showing a Typical 100' Buffer Segment

Scale - 1/8" = 1' - 0"