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**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.

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**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

89 Rear Accessory 5 5  
90 5. Emergency Access  
91  
92 As part of local development order approval, the development order plans must  
93 include an emergency access, constructed to Village and Fire Department  
94 specifications, from the development to Three Oaks Parkway.  
95  
96 6. Turn Lane and Access on Three Oaks Parkway  
97  
98 The developer must obtain a Limited Development Order (LDO) from Lee County  
99 pursuant to Section 10-297, Lee County LDC. A copy of the LDO must be  
100 provided to the Village prior to the start of construction.  
101  
102 7. Fencing  
103  
104 As part of local development order approval, the development order plans must  
105 include the required aluminum perimeter fencing shown in the Pattern Book around  
106 the south and east property boundary and black vinyl-coated chain link fencing on  
107 the west property boundary.  
108  
109 8. Gopher Tortoises  
110  
111 The applicant shall provide copy of the Gopher Tortoise Relocation Plan at the time  
112 of issuance by FWC.  
113  
114 9. Amenity Area  
115  
116 The applicant shall provide details of the amenity area at the time of development  
117 order, to include items such as a gazebo, building, or dog park.  
118  
119 10. Heritage Trees  
120  
121 The two identified heritage trees on the site must be retained or replaced pursuant  
122 to the requirements of the LDC at the time of development order.  
123  
124 11. Utilities  
125  
126 The development must connect to water and sewer as part of any local development  
127 order.  
128  
129 12. Sidewalk & Pedestrian Connections  
130  
131 Sidewalks and pedestrian connections must be provided consistent with the Pattern  
132 Book and Land Development Code.

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13. 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, and the Pattern Book as further depicted in Option 1 of the November 16, 2022 PowerPoint and Exhibit D.

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

14. Model Homes and Real Estate Sales

- A. The number of model homes or units will be limited to no more than 4 within the development.
- B. Model homes or units may be developed within lots 35 -38 within the development. Model homes or units must be shown on the development order plans.
- C. Real estate sales will be limited to the sale of lots or units within the development only.
- D. Model homes cannot be of the same floor plan, and each must be a separate and different design.
- E. Hours of operation for both models and real estate sales are limited to Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 8 a.m. to 5 p.m.

**Section 3. Deviations**

- 1. Deviation 1 seeks relief from LDC Section 5-304.A.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 access and an emergency access.

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

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

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

176 APPROVED

177

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

182

183 APPROVED

184

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

190

191 APPROVED

192 **Section 4. Findings and Conclusions**

193

194 Based upon an analysis of the application and the standards for approval in the Land  
195 Development Code, and the conditions of approval, the Council finds and concludes  
196 the application:

197

198 1. Is consistent with and furthers the goals, objective, and policies of the  
199 Comprehensive Plan and all other Village adopted plans.

200

201 2. Is not in conflict with any portion of the LDC.

202

203 3. Addresses a demonstrated community need

204

205 4. Is compatible with existing and proposed uses surrounding the subject land and is  
206 the appropriate zoning district for the land.

207

208 5. Would result in a logical and orderly development pattern.

209

210 6. Would not adversely affect the property values in the area.

211

212 7. Would result in development that is adequately served by public facilities (road,  
213 potable water, wastewater, solid, waster, storm water, schools, parks, police, and  
214 fire and emergency medical facilities.

215

- 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  
231 The following exhibits are attached to this Ordinance and incorporated by reference:  
232

233 Exhibit A Legal Description  
234

235 Exhibit B Master Concept Plan, received and date stamped July 22, 2022  
236

237 Exhibit C Pattern Book, received and date stamped September 6, 2022.  
238

239 Exhibit D Option 1 dated November 16, 2022  
240

241 **Section 7. Severability.**

242  
243 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance  
244 subsequent to its effective date be declared by a court of competent jurisdiction to be  
245 invalid, such decision shall not affect the validity of this Ordinance as a whole or any  
246 portion thereof, other than the part so declared to be invalid.  
247

248 **Section 8. Effective Date.**

249  
250 This ordinance shall take effect upon adoption at second reading.  
251

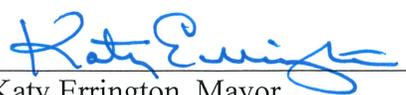
252 **PASSED** on first reading this 21<sup>st</sup> day of September, 2022.  
253

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

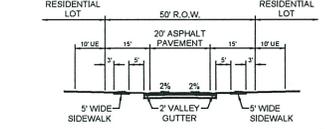
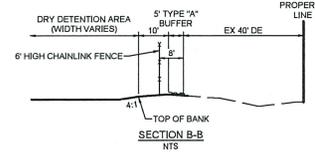
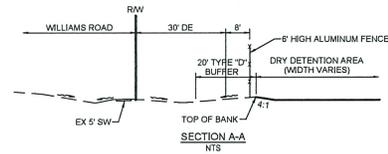
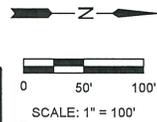
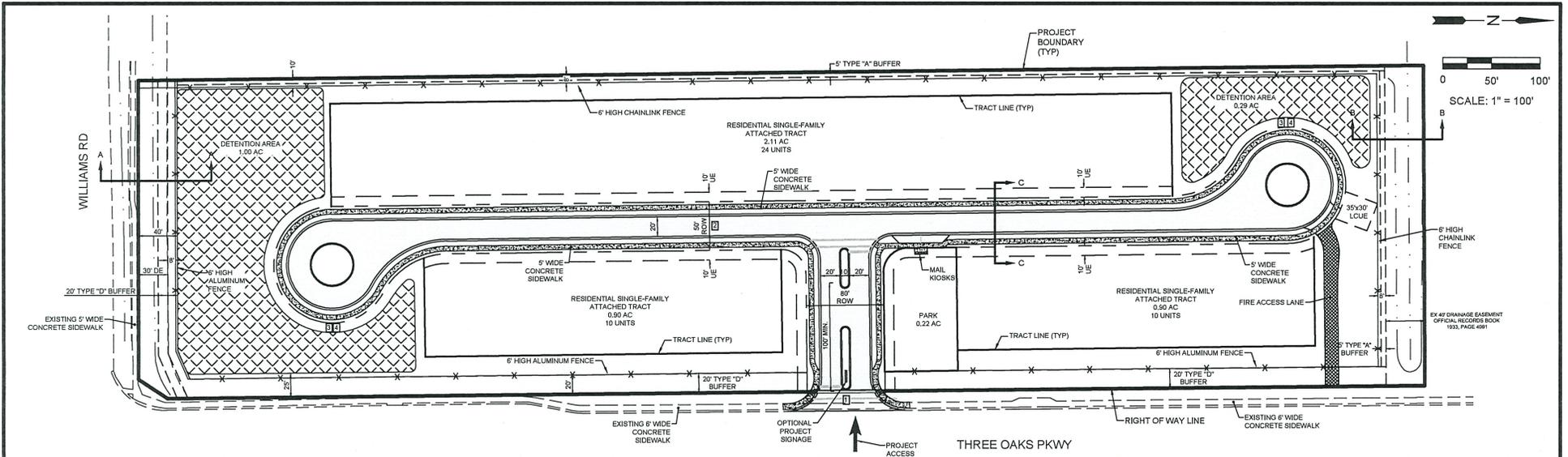
Vote:	AYE	NAY
Mayor Errington	<u>X</u>	_____
Vice Mayor McLain	<u>X</u>	_____
Councilmember Ribble	<u>X</u>	_____
Councilmember Fiesel	<u>X</u>	_____
Councilmember Boesch	<u>X</u>	_____
Councilmember Ward	<u>X</u>	_____
Councilmember Wilson	<u>X</u>	_____

EXHIBIT A – LEGAL DESCRIPTION

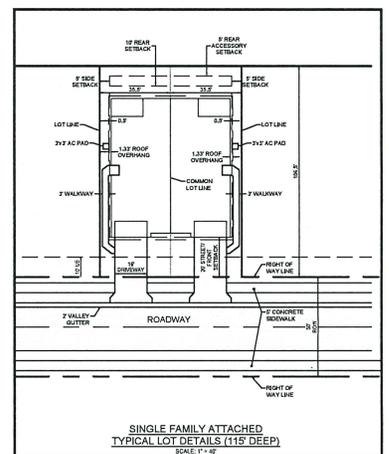
A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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°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°57'26" WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°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°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°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°16'13" WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.

C:\LAND\2017\823 - MILAN VILLAS (PAVLET)\0823-00-AUTOCAD\0823-00 PUD\CURRENT PLANS\REV\01\0823-01 PUD MCP REV\01.DWG 7/21/2022 3:33 PM



PROPERTY DEVELOPMENT REGULATIONS		
DEVELOPMENT STANDARDS	SINGLE-FAMILY ATTACHED	PARK
LOT DIMENSIONS		
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	35	35
SETBACKS (PRIMARY)		
STREET/FRONT (FT)	20	15
SIDE (FT)	0/5	5
REAR (FT)	10	5
SETBACKS (ACCESSORY)		
STREET/FRONT (FT)	20	15
SIDE (FT)	0/5	5
REAR (FT)	5	5



- DEVIATIONS**
- 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.
  - DEVIATION 2 SEEKS RELIEF FROM LDC APPENDIX C.A.2.A (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.
  - 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 THE RIGHT-OF-WAY DIAMETER TO BE 120 FEET.
  - 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 THE RIGHT-OF-WAY DIAMETER TO BE 120 FEET.

LAND USE SUMMARY		
CATEGORY	TOTAL ACREAGE	PERCENTAGE OF TOTAL ACREAGE
RESIDENTIAL LOTS	3.91	39.02
PARK	0.22	2.20
ROW	1.85	18.46
DRY DETENTION	1.29	12.87
OPEN SPACE * +	2.75	27.45
TOTAL SITE AREA	10.02	100.00%

\* INCLUDING BUFFERS, SWALES & OTHER COMMON AREAS.  
 + RPD REQUIRED OPEN SPACE WILL BE MET THROUGH OPEN SPACE & DRY DETENTION.

#	DATE	REVISIONS
1	03/31/2022	REVISED PER COUNTY COMMENTS
2	07/21/2022	REVISED PER COUNTY COMMENTS



J.R. EVANS ENGINEERING, P.A.  
 9351 CORKSCREW ROAD, SUITE 102  
 ESTERO, FLORIDA 33928  
 PHONE: (239) 405-9148  
 FAX: (239) 289-2537  
 WWW.JREVANSENGINEERING.COM

**MILAN VILLAS**  
 RPD MASTER CONCEPT PLAN

CHRISTOPHER R. MITCHELL P.E.  
 FL. LICENSE NO. 56740  
 FL. COA # 29226

PROJECT #:	823-00
FILE DATE:	02 / 2022
SCALE:	AS SHOWN
SHEET:	1 of 1

# Milan Villas RPD

## Residential Pattern Book

# Property Location

**Location:** Corner of Three Oaks Parkway and Williams Road.

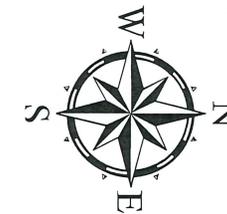
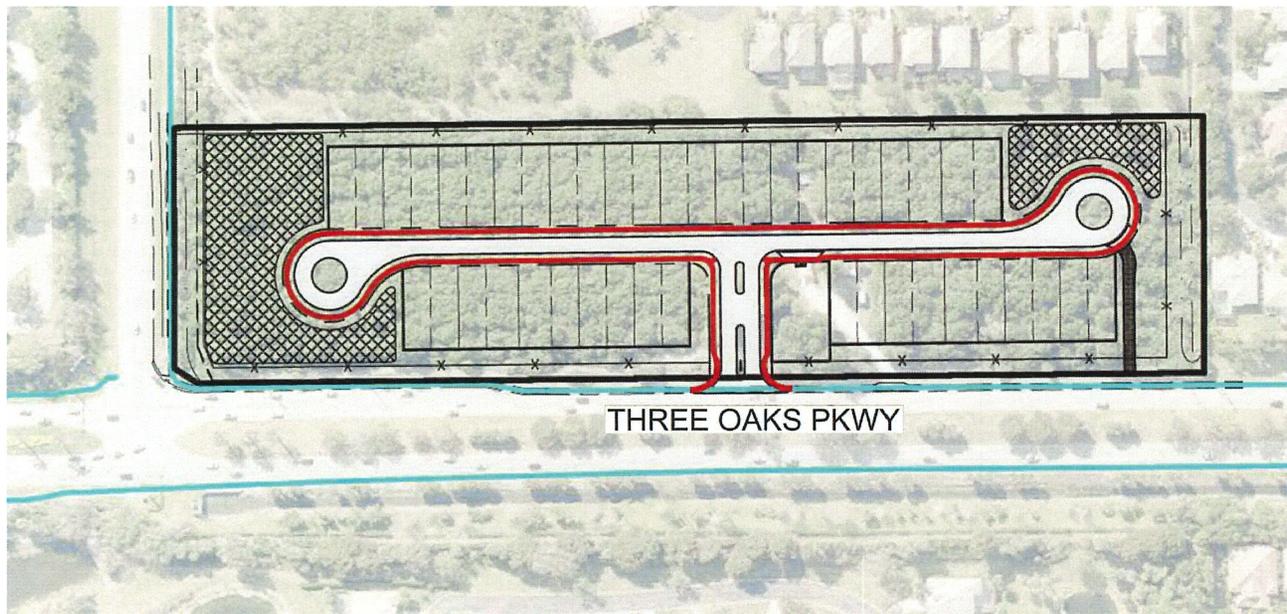


# Pedestrian Circulation

**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.



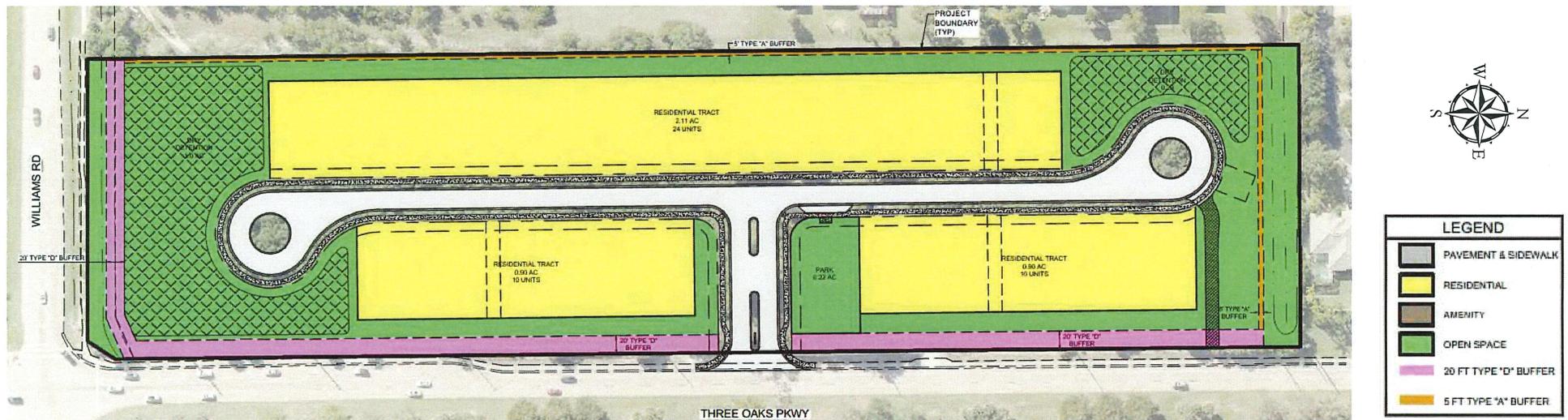
LEGEND	
	EXISTING SIDEWALK
	PROPOSED SIDEWALK

# 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 mahogany* -  
Mahogany



SC - Seasonal Color



TA - *Tabebuia argentea* -  
Yellow Tabebuia



TD - *Tripsacum dactyloides* -  
Dwarf Fakahatchee



TI - *Tabebuia impetiginosa* -  
Purple Tabebuia

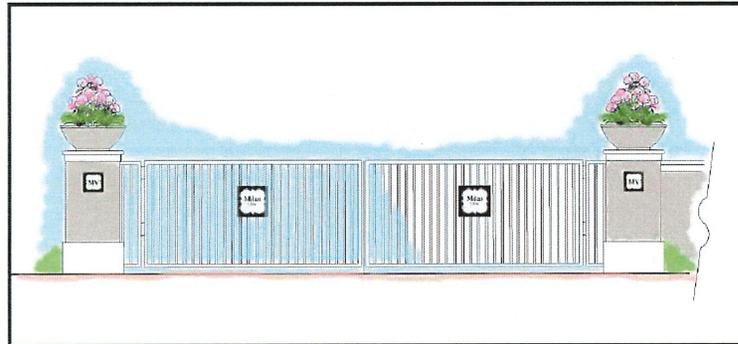


VM - *Vietchia merillii* -  
Christmas Palm

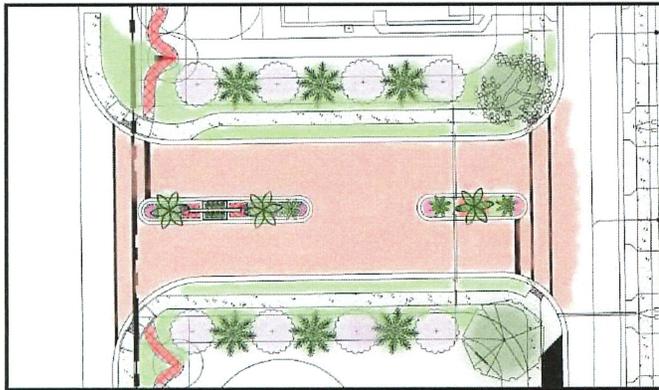
# Entryway / Landscaping



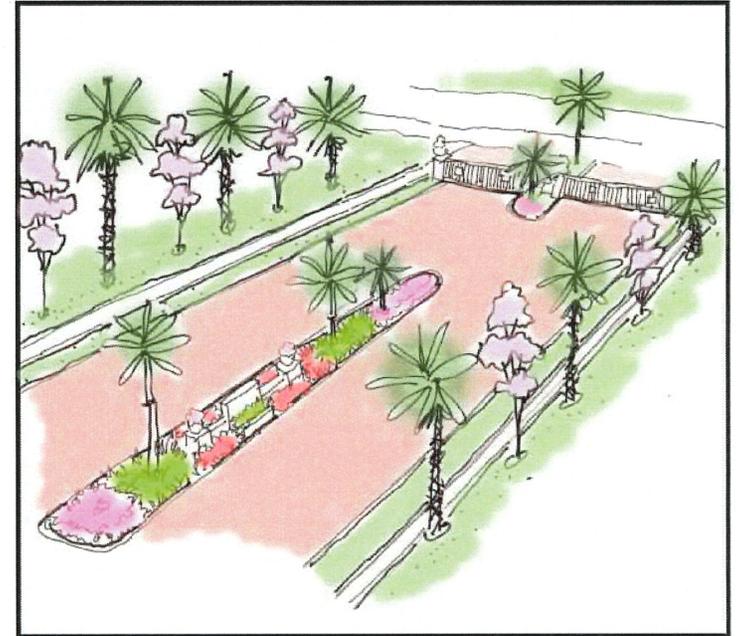
# Entry Gate



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



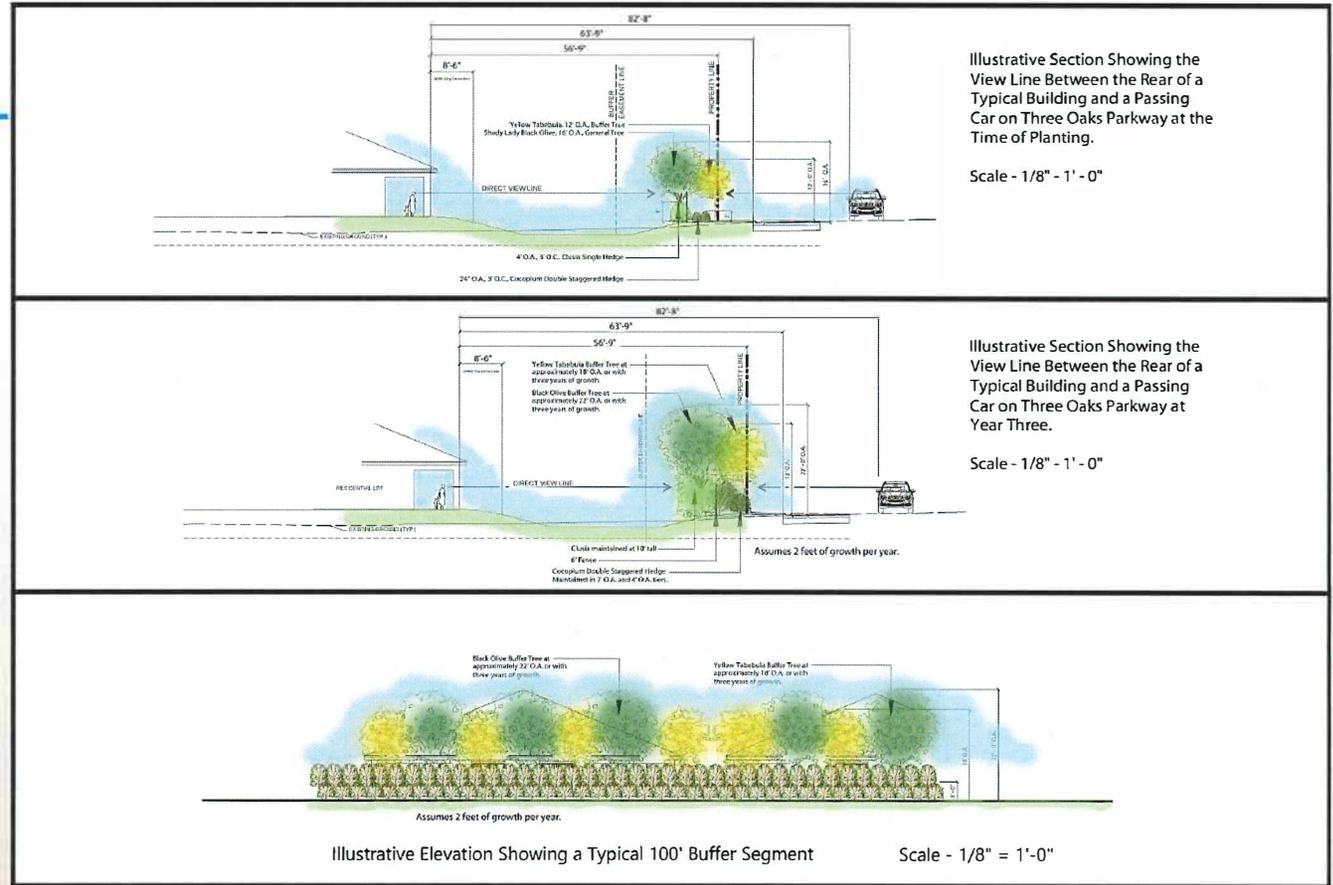
Illustrative Entry Plan: 1/16" = 1'-0"



Illustrative Entry Sketch: Not to Scale

# BUFFER INTENT

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



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"

Exhibit D  
November 16, 2022