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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:

44

45 **Section 1. Rezoning.**

46

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.

58

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

60

61 3. Addresses a demonstrated community need.

62

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

65

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

67

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

69

70 7. Would result in development that is adequately served by public facilities.

71

72 8. Would not result in significantly adverse impacts on the natural environment.

73

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:

78

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

85 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
86 portion thereof, other than the part so declared to be invalid.

87

88 **Section 5. Effective Date.**

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90 This Ordinance shall take effect immediately upon adoption.

91

92 **PASSED** on first reading this 6th day of July, 2022.

93

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

96

97

98 Attest:

VILLAGE OF ESTERO, FLORIDA

99

100
101
102 By: 

Caro Jacobs, Village Clerk

By: 

Katy Errington, Mayor

104

105 Reviewed for legal sufficiency:

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107

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109 By: 

Nancy E. Stroud, Village Land Use Attorney

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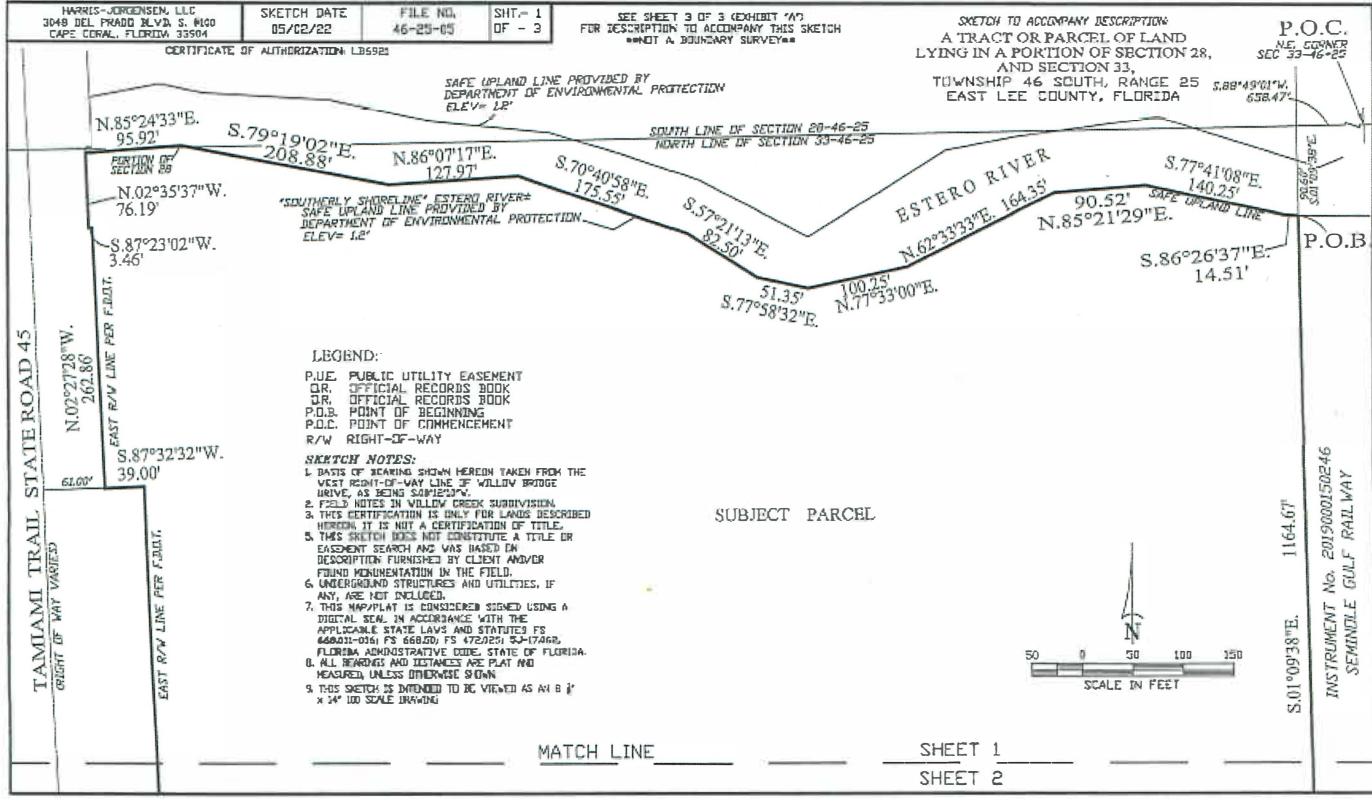
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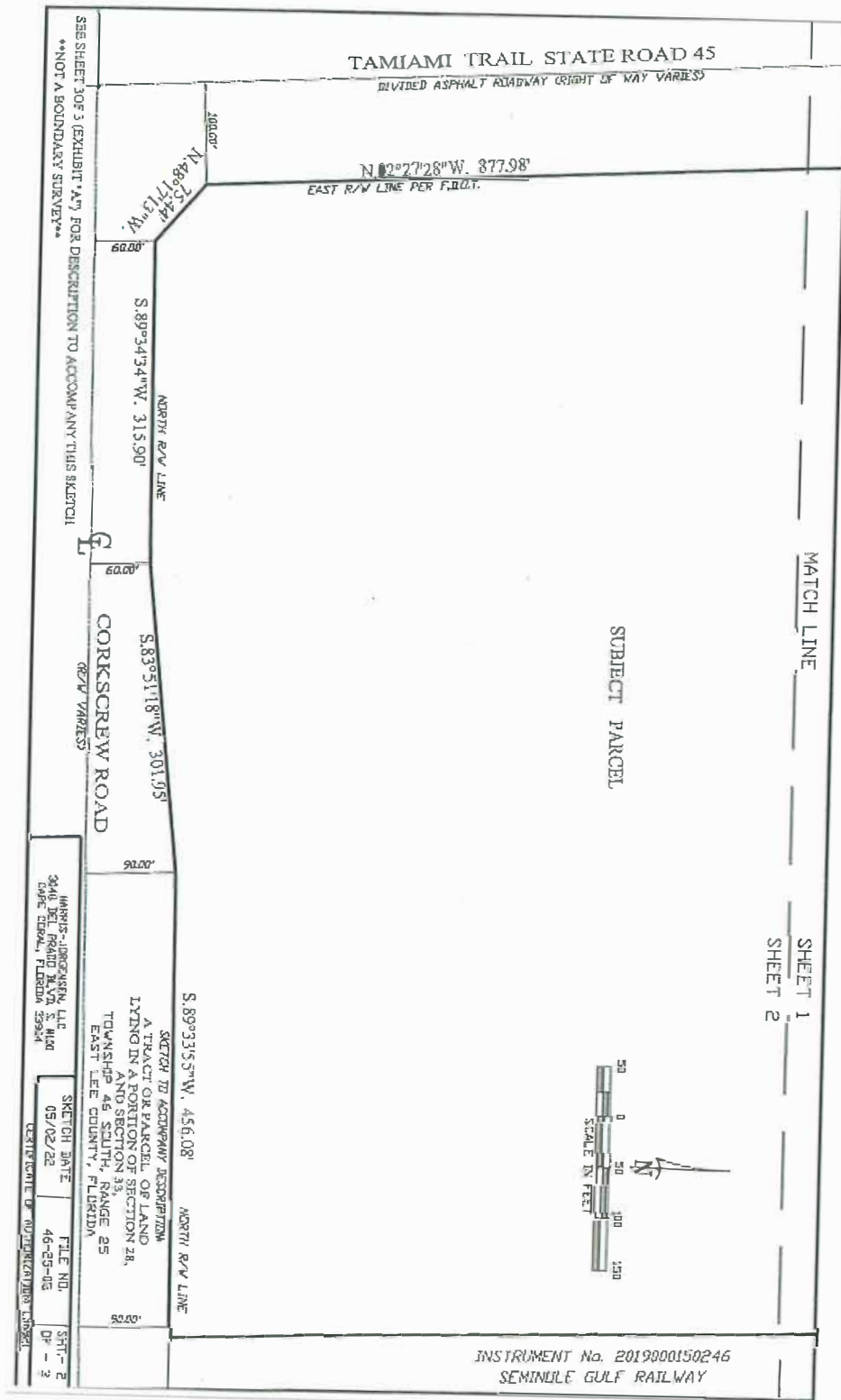
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113 Vote:	AYE	NAY
114 Mayor Errington	<u>X</u>	___
115 Vice Mayor McLain	<u>X</u>	___
116 Councilmember Ribble	<u>X</u>	___
117 Councilmember Fiesel	<u>X</u>	___
118 Councilmember Boesch	<u>X</u>	___
119 Councilmember Ward	<u>X</u>	___
120 Councilmember Wilson	<u>X</u>	___

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EXHIBIT A
LEGAL DESCRIPTION





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128

Zoning Ordinance No. 2022-E008
 Case No. REZ 2022-E001
 Estero on the River and Happehatchee Parcel

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 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.835118"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 TAMAMIAMI 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 Date: 2022.05.05 08:52:55 -04'00'
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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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