

**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2016 - 13**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, APPROVING AN  
AMENDMENT TO THE SHOPPES OF COCONUT  
TRACE COMMERCIAL PLANNED DEVELOPMENT  
TRACT B, A 1.9 ACRE PROPERTY LOCATED AT 22942  
LYDEN LANE, TO ADD LIMITED COMMERCIAL USES  
WITH CONDITIONS FOR PREVIOUSLY APPROVED  
USES ON TRACT B OF THE COMMERCIAL PLANNED  
DEVELOPMENT, TO APPROVE A DEVIATION FOR A  
SIGN SETBACK, AND TO DENY A PARKING  
REDUCTION DEVIATION; PROVIDING FOR  
CONFLICTS; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, CFT NV Developments LLC (the "Applicant") filed an application to amend the schedule of uses, add 2 deviations, and to make a special case finding for site location standards for Tract B of a property known as **Shoppes of Coconut Trace** located at 22941 Lyden Drive, Estero, FL, consisting of approximately 1.9 acres (the "Property"); and

**WHEREAS**, the STRAP number is 09-47-25-E2-3500B.00B0; and

**WHEREAS**, the Applicant requested an amendment to the approved schedule of uses to add limited commercial retail uses to the previously approved uses, a setback deviation for a monument sign, and a deviation for a 5% parking reduction; and

**WHEREAS**, the Applicant requested that the Village make a special case finding for site location standards to allow the additional uses; and

**WHEREAS**, a public hearing was held at the Planning and Zoning Board on September 20, 2016; and the Planning and Zoning Board recommended approval with conditions of the request; and

**WHEREAS**, a duly noticed first reading was held before the Village Council on November 2, 2016; and

**WHEREAS**, a duly noticed second reading and public hearing was held before the Village Council on December 7, 2016, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning and Zoning Board and the comments of the public.

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

47  
48           **Section 1.**     **Adoption of Recitals.**  
49

50           The Village Council hereby adopts the foregoing recitals and incorporates them as a  
51 part of this Ordinance.  
52

53           **Section 2.**     **Zoning Amendment.**  
54

55           The Village Council approves the amendment to allow additional commercial uses  
56 and the setback deviation, subject to the following conditions:  
57

58           **Section 3.**     **Conditions and Deviations.**  
59

60           1.       The development of this project must be consistent with the site plan for CFT  
61 NV Developments LLC, stamped November 3, 2016 (Exhibit B), except as modified  
62 by the conditions below. The development must also be consistent with the provisions  
63 of Zoning Resolution Z-03-011 and ADD2005-00034, except as modified by this  
64 action.  
65

66           2.       The schedule of uses which replaces that found in Resolution Z-03-011 and  
67 listed on Exhibit B is approved.  
68

69           3.       Condition 5 of Resolution Z-03-011 is amended by this action eliminating the  
70 limitation with the compliance with the commercial site location standards in Policy  
71 6.1.2.1 only for Out-Parcel, Block B, Tract B. However, the additional uses  
72 requested are subject to the reverse frontage road southern section being 1) issued a  
73 Certificate of Compliance under a valid approved development order and 2) platted  
74 with the approval of the Village Council. Condition 3 of ADD2005-00034 providing  
75 for a maximum intensity table for each Tract within the planned development remains  
76 in effect. The commercial location standard limitation remains in effect for the  
77 remaining portion of the approved planned development.  
78

79           4.       Deviation from LDC Section 34-2020(c) which allows a 5% reduction in  
80 required off-street parking is not approved.  
81

82           5.       Deviation from LDC Section 33-385(a)(3) which requires a 15 foot setback  
83 for a monument sign from the right-of-way, is approved to allow a 10 foot setback  
84 from the right-of-way.  
85

86           **Section 4.**     **Findings and Conclusions.**  
87

88           Based on the evidence in the record and its analysis of the relevant Transitional  
89 Comprehensive Plan goals, objectives and policies, Transitional Land Development

Code regulations, and codes and regulations, the Village Council makes the following findings and conclusions.

1. The Applicant has provided sufficient justification for the amendment of uses and a 10 foot setback deviation by demonstrating compliance with the Land Development Code, and other applicable codes and regulations.
2. The amendment will not place an undue burden upon existing transportation or planned infrastructure facilities and will not adversely affect environmentally critical area and natural resources.
3. Urban services, as defined in the Transitional Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.
4. The proposed additional commercial uses as conditioned are limited and as such, will not be inappropriate at this specific location.
5. The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
7. A Special Case finding for commercial site location standards is not needed.
8. The deviation recommended for approval:
  - (a) Enhances the planned development; and
  - (b) Preserves and promotes the general intent of the LDC to protect the public health, safety and welfare, as the requested 15' setback would conflict with existing underground utilities.

#### **Section 5. Exhibits.**

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

- |           |                     |
|-----------|---------------------|
| Exhibit A | Master Concept Plan |
| Exhibit B | Schedule of Uses    |

#### **Section 6. Conflicts.**

All sections or part of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance shall be repealed to the extent of such conflict upon the effective date of this Ordinance.

**Section 7. Severability.**

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance 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 8. Effective Date.**

This Ordinance shall be effective immediately upon adoption.

**PASSED** on first reading this 19th day of November, 2016.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 7<sup>th</sup> day of December, 2016.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

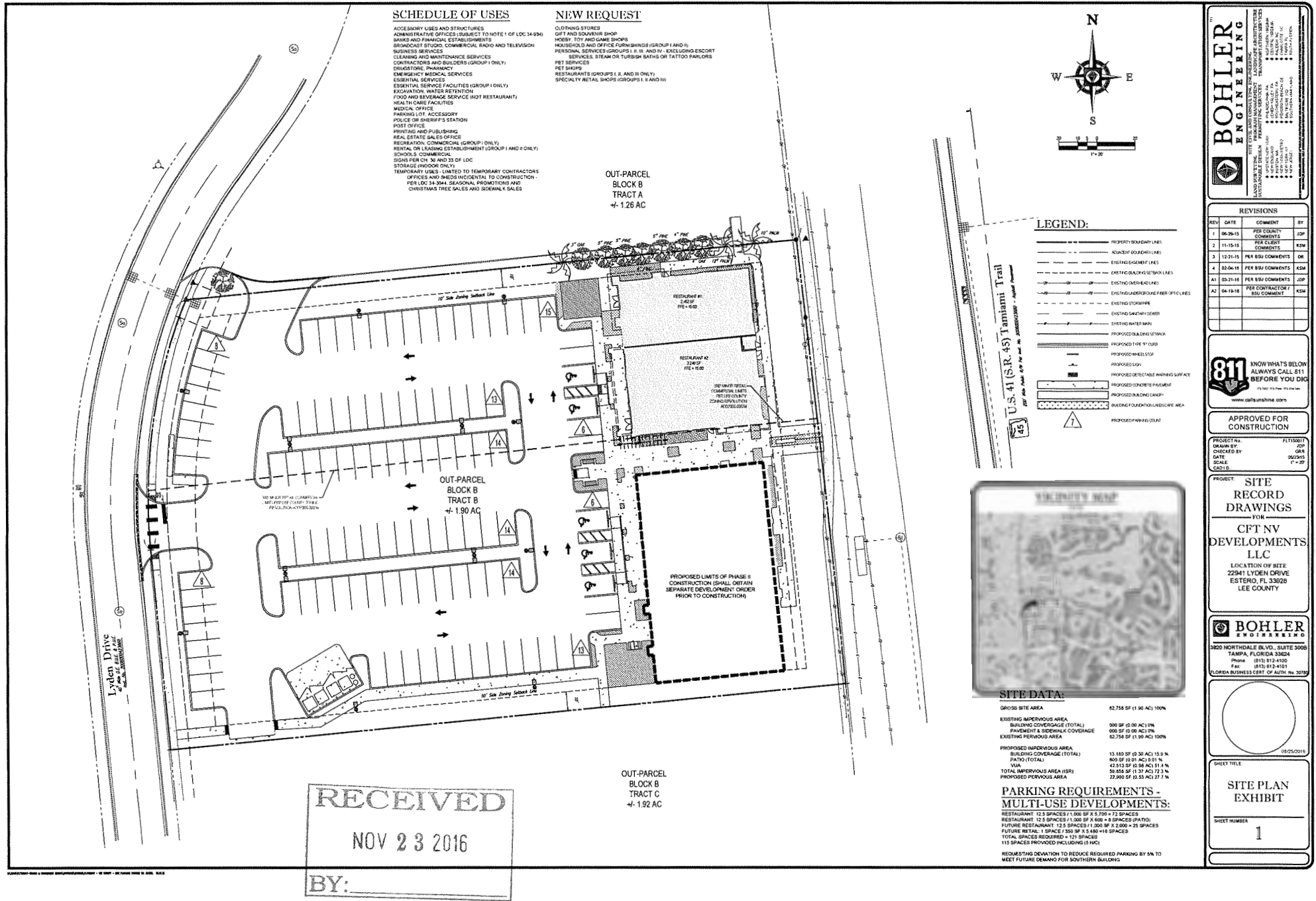
By: Nicholas Batos  
Nicholas Batos, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Batos	<u>✓</u>	_____
Vice Mayor Levitan	<u>✓</u>	_____
Councilmember Boesch	<u>✓</u>	_____
Councilmember Brown	<u>✓</u>	_____
Councilmember Errington	<u>✓</u>	_____
Councilmember Ribble	<u>✓</u>	_____
Councilmember Wilson	<u>✓</u>	_____

# EXHIBIT A



## EXHIBIT B

### SHOPPES OF COCONUT TRACE Schedule of Uses

#### Previously Approved –

Accessory Uses and Structures

Administrative Offices (subject to note 1 of LDC 34-934)

Banks and Financial Establishments

Broadcast Studio, Commercial Radio and Television

Business Services

Cleaning and Maintenance Services

Contractors and Builders (Group I only)

Drugstore, Pharmacy

Emergency Medical Services

Essential Services

Essential Service Facilities (Group I only)

Excavation, Water Retention

Food and Beverage Service (not restaurant)

Health Care Facilities

Medical Office

Parking Lot: accessory

Police or Sheriff's Station

Post Office

Printing and Publishing

Real Estate Sales Office

Recreation, Commercial (Group I only)

Rental or Leasing Establishment (Groups I and II only)

Schools, Commercial

Signs per Ch. 30 and 33 of LDC

Storage (indoor only)

Temporary Uses – limited to temporary contractors offices and sheds incidental to construction per LDC 34-3044, seasonal promotions and Christmas tree sales and sidewalk sales

#### New Request –

Clothing Stores

Gift and Souvenir Shop

Hobby, Toy and Game Shops

Household and Office Furnishings (Groups I and II)

Personal Services (Groups I, II, III, and IV – excluding escort services, steam or Turkish baths, and tattoo parlors)

Pet Services

Pet Shop

Restaurants (Groups I, II, and III only)

Specialty Retail Shops (Groups I, II, and III)