

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2019 - 25

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH
CONDITIONS A ZONING AMENDMENT WITH
DEVIATIONS TO PERMIT A PROPOSED 590-UNIT
RESIDENTIAL PROJECT KNOWN AS CORKSCREW
CROSSING FOR PROPERTY LOCATED AT 12840 AND
12970 CORKSCREW ROAD IN THE VILLAGE OF
ESTERO, FLORIDA, AND COMPRISING
APPROXIMATELY 395.6 ACRES IN THE RESIDENTIAL
PLANNED DEVELOPMENT; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, applicant, J. Dean Templeton, Trustee, and Argo Crossing, LP has applied for a zoning amendment and deviations on the property ("Property") which comprises 395.6 acres, located on Corkscrew Road between Wildcat Run and the Preserve at Estero for a proposed residential project known as **Corkscrew Crossing**; and

WHEREAS, the Project was formerly known as Monte Cristo; and

WHEREAS, in 2007 the Property was rezoned by Lee County from Agricultural to Residential Planned Development by Resolution Z-07-047 for 724 residential units, including a maximum of 130 single-family units and 594 multiple-family units; and

WHEREAS, the applicant seeks an amendment to the Zoning to reduce the total number of units from 724 to 590, change the product mix to primarily single-family units (including single-family attached and zero lot line) with up to 70 townhome multi-family units, adopt a new Master Concept Plan modifying the development footprint and preserve area, and reduce and modify the number and type of prior deviations; and

WHEREAS, the zoning amendment is contingent upon the adoption and effectiveness of a Comprehensive Plan Amendment related to wetlands (CPA2019-02) which is being processed concurrently with this application; and

WHEREAS, the zoning amendment is also contingent upon the adopted new Village of Estero Comprehensive Plan (Village Plan), which is not yet effective, becoming effective; and

42 **WHEREAS**, the Property STRAP numbers are 30-46-26-E3-U2598.2485,
43 19-46-26-E3-U2613.2570 and 31-46-26-E3-U2585.2313; and
44

45 **WHEREAS**, public information meetings were held for this application at the Planning
46 and Zoning Board on June 30, 2015 and February 20, 2018; and
47

48 **WHEREAS**, the Planning and Zoning Board considered the application at its meeting
49 on June 18, 2019 and recommended approval with conditions of the request; and
50

51 **WHEREAS**, a duly noticed first reading was held before the Village Council on July
52 24, 2019; and
53

54 **WHEREAS**, a duly noticed second reading and public hearing was held before the
55 Village Council on October 2, 2019 at which time the Village Council gave consideration to
56 the evidence presented by the applicant and the Village staff, the record of the proceedings
57 before and recommendations of the Planning and Zoning Board, and the comments of the
58 public.
59

60 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
61 Florida:
62

63 **Section 1. Zoning Amendment, Conditions and Deviations.**
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65 The Village Council approves the zoning amendment with the approved deviations and
66 conditions all of which are contained in Exhibit A, which is made a part hereof.
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68 **Section 2. Property Development Regulations.**
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70 The property development regulations are contained in Exhibit B, which is made a part
71 hereof.
72

73 **Section 3. Schedule of Uses.**
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75 The schedule of uses is contained in Exhibit C, which is made a part hereof.
76

77 **Section 4. Findings and Conclusions.**
78

79 The Council finds and concludes as follows:
80

- 81 1. The zoning amendment is consistent with the Village Comprehensive Plan adopted
82 on June 13, 2018, as amended by Ordinance 2019-02, amending Future Land Use

83 Element Policy 1.2.3, being adopted and becoming effective. The applicant has
84 provided sufficient justification for the zoning amendment by demonstrating
85 compliance with the Village of Estero Comprehensive Plan adopted June 13, 2018
86 as amended by Comprehensive Plan Amendment CPA 2019-02.
87

- 88 2. Approval of the request will not place an undue burden upon existing transportation
89 facilities because the 4-laning of Corkscrew Road has been added into the Lee
90 County Capital Improvement Program with construction estimated to begin around
91 the end of 2020, which will be adequate to carry traffic generated by the
92 development.
93
- 94 3. The zoning amendment is consistent with the densities and uses in the Village Plan
95 as amended.
96
- 97 4. Most urban services will be available and adequate to serve the proposed use with
98 the exception of bus service.
99
- 100 5. The Village Council finds that, on balance, the development has sufficiently
101 addressed adverse wetland impacts on the property as described in Future Land Use
102 Policy 1.2.3, with the required onsite preservation and restoration, offsite
103 mitigation, and payment of \$750,000 to the Village for environmental purposes
104 within the Village.
105
- 106 6. The proposed use, with the recommended conditions, is compatible with existing
107 and planned uses in the area.
108
- 109 7. There are sufficient conditions to provide sufficient safeguards that are reasonably
110 related to impacts created by or expected from the proposed development.
111
- 112 8. The deviations preserve and promote the general intent of the Land Development
113 Code to protect the public health, safety and welfare.
114

115 **Section 5. Exhibits.**
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117 The following exhibits are attached to this Ordinance and incorporated by reference:
118

- 119 Exhibit A Zoning Conditions and Deviations, with Attachment A
120 Exhibit B Property Development Regulations
121 Exhibit C Schedule of Uses
122 Exhibit D Master Concept Plan, titled "Corkscrew Crossing RPD", dated April
123 2019, Revision 6, stamped "Received April 26, 2019"

Exhibit E Pattern Book titled "Corkscrew Crossing RPD" dated September 28, 2018

Exhibit F Legal Description

Section 6. 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 7. Effective Date.

This Ordinance shall be effective when the Village new Comprehensive Plan (CPA2018-01) becomes effective and when Comprehensive Plan Amendment CPA2019-02, Ordinance 2019-24 becomes effective.

PASSED on first reading this 24th day of July, 2019.

PASSED and adopted **BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 25th day of September, 2019.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor

Reviewed for legal sufficiency:

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

165	Vote:	AYE	NAY
166	Mayor Ribble	<u>✓</u>	<u> </u>
167	Vice Mayor Errington	<u>✓</u>	<u> </u>
168	Councilmember Batos	<u>✓</u>	<u> </u>
169	Councilmember Boesch	<u>✓</u>	<u> </u>
170	Councilmember Levitan	<u>✓</u>	<u> </u>
171	Councilmember McLain	<u>✓</u>	<u> </u>
172	Councilmember Wilson	<u>✓</u>	<u> </u>