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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2020-04**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AN AMENDMENT TO THE SOUTH ESTERO COMMERCIAL CENTER COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR MEDICAL OFFICE AS A USE ON THE 1.14 ACRE LOT (LOT 4) LOCATED ON THE EAST SIDE OF US 41, 700 FEET SOUTH OF THE CORKSCREW ROAD INTERSECTION AND CORKSCREW VILLAGE SHOPPING CENTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BROADWAY88, LLC represented by Gary Muller of Johnson Engineering, Inc., (the “Applicant”), filed an application for an amendment to the Commercial Planned Development (CPD) zoning to add medical offices as an allowed use for property located on the east side of US 41, 700 feet south of the Corkscrew Road intersection and Corkscrew Village Shopping Center located at 21401 Corkscrew Village Lane, known as the **South Estero Commercial Center**, Estero, FL, consisting of approximately 1.14 acres (the “Property”); and

WHEREAS, the Property STRAP number is 33-46-25-E2-01000.0040; and

WHEREAS, the Applicant wishes to add medical office use within the existing building on the site; and

WHEREAS, at a duly noticed public hearing held on June 16, 2020, the Planning and Zoning Board recommended approval with conditions of the amendment request; and

WHEREAS, a duly noticed first reading was held before the Village Council on June 17, 2020; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on July 15, 2020, 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.

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

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Section 1. Rezoning.

The Village Council approves with conditions the amendment to the south Estero Commercial Center Commercial Planned Development to allow for Medical Office as a use on Lot 4, subject to the following conditions and deviations.

Section 2. Conditions.

1. All conditions from Resolution Z-99-077 shall remain in full force and effect unless otherwise amended by these conditions.

2. Master Concept Plan

Development of this project must be consistent with the Master Concept Plan (MCP) titled “South Estero Commercial Center”, dated October 2019 and stamped “Received March 27, 2020”, except as modified by the conditions below and described in Exhibit A attached hereto.

3. Pattern Book

The building must be in compliance with the Pattern Book titled “South Estero Center Pattern Book” stamped “Received May 13, 2020”. The exterior will be repainted and repainting will be in accordance with the Pattern Book.

4. Limited Development Order

Prior to change of use, a Limited Development Order must be obtained that resolves the following site issues:

- a. Erosion on the east property slope that is affecting the roots of several canopy trees and undermining the drive aisle pavement.
- b. Supplement the existing buffer hedges to create a continuous buffer hedge.
- c. The solid waste enclosure shall be relocated consistent with the requirements of Lee County Utilities.
- d. Handicap parking spaces will be in proximity to the building entries.

5. Modified Schedule of Uses (Lot 4 only)

- Animal Clinic
- Auto Repair and Service, Group 1
- Banks and Financial Establishments
- Broadcast Studio, Commercial Radio and Television
- Business Services, Group I
- Car Wash

88	Cleaning and Maintenance Services
89	Clothing Stores, General
90	Clubs, Commercial Fraternal & Membership
91	Contractors and Builders, Groups I & II
92	Department Store
93	Household and office Furnishings
94	Laundry and Dry Cleaning, Group I
95	Lawn and Garden Supply Store
96	Medical Office
97	Non-store Retailers, All Groups
98	Paint, Glass and Wallpaper Store
99	Personal Services, All Groups (excluding Escort Services, fortune tellers, and
100	massage establishments)
101	Recreation, Commercial, Groups II & IV
102	Repair Shops, Groups I & II
103	Restaurant, All Groups
104	Schools, Commercial
105	Social Services, Group I
106	Specialty Retail Shops, Groups I, II, III, IV
107	Storage, Indoor
108	Towers, Communication, 100 ft or less
109	Transportation Services, Group II
110	Used Merchandise Stores, Groups I & II (excluding Pawnshop)

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Section 3. 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 as follows:

1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.
2. The proposed use is generally compatible with existing or planned uses in the surrounding area. The proposed use is located within an existing building in an established commercial area.
3. The request is consistent with the Village Center land use category as it does not result in an increase in intensity of use as defined in the Land Development Code.
4. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.

- 132 5. Urban services are available and adequate to serve the proposed use.
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134 6. The request will not adversely affect environmentally critical areas and natural
135 resources.
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137 7. The proposed use, subject to the proposed conditions, is appropriate at the subject
138 location.
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140 8. The recommended conditions provide sufficient safeguards to the public interest
141 and are reasonably related to impacts on the public's interest created by or expected
142 from the proposed development.
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144 **Section 4. Exhibit.**

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146 The following exhibit is attached to this Ordinance and incorporated by reference:

147
148 Exhibit A Master Concept Plan titled "South Estero Commercial Center", dated
149 October 2019 and stamped "Received March 27, 2020"
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151 **Section 5. Severability.**

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153 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
154 subsequent to its effective date be declared by a court of competent jurisdiction to be
155 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
156 portion thereof, other than the part so declared to be invalid.
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158 **Section 5. Effective Date.**

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160 This Ordinance shall take effect immediately upon adoption.

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162 **PASSED** on first reading this 17th day of June, 2020.
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164 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
165 Florida on second reading this 15th day of July, 2020.
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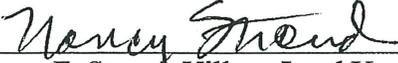
167 Attest:

VILLAGE OF ESTERO, FLORIDA

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169 By: 
170 Steve Sarkozy, Acting Village Clerk

By: 
Bill Ribble, Mayor

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172 Reviewed for legal sufficiency:

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

	Vote:	AYE	NAY
176	Mayor Ribble	<u>X</u>	_____
177	Vice Mayor Errington	<u>X</u>	_____
178	Councilmember Levitan	<u>X</u>	_____
179	Councilmember McLain	<u>X</u>	_____
180	Councilmember Boesch	<u>X</u>	_____
181	Councilmember Batos	<u>X</u>	_____
182	Councilmember Wilson	<u>X</u>	_____