

1 VILLAGE OF ESTERO, FLORIDA
2 ZONING
3 ORDINANCE NO. 2020-09
4

5 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6 VILLAGE OF ESTERO, FLORIDA, CONSIDERING A
7 ZONING AMENDMENT TO THE ESTERO TOWN
8 CENTER COMMERCIAL PLANNED DEVELOPMENT,
9 TO ALLOW AUTO REPAIR AND SERVICE, GROUP I,
10 AS A STAND-ALONE USE ON PROPERTY LOCATED IN
11 THE SOUTHEAST QUADRANT OF CORKSCREW
12 ROAD AND THREE OAKS PARKWAY AND
13 CONSISTING OF APPROXIMATELY 1.14 ACRES;
14 PROVIDING FOR CONFLICTS; PROVIDING FOR
15 SEVERABILITY; AND PROVIDING AN EFFECTIVE
16 DATE.
17

18 WHEREAS, KRG ESTERO, LLC represented by Palmetto Capital Group and
19 Brendan Sloan, Avalon Engineering, Inc. (the "Applicant"), filed for a zoning amendment on
20 a portion of Tract A of the Estero Town Center Commercial Planned Development property
21 ("Property"); and
22

23 WHEREAS, the Property STRAP number is 35-46-25-E1-3300A.0000, and the
24 Property is legally described in Exhibit A attached hereto; and
25

26 WHEREAS, the Applicant requested a zoning amendment to the Estero Town Center
27 Commercial Planned Development District (CPD) (Case number DCI2019-E005); and
28

29 WHEREAS, the Applicant is requesting 6,400 square feet of Auto Service and Repair,
30 Group I uses; and
31

32 WHEREAS, a noticed public information meeting was held on July 16, 2019 at the
33 Planning and Zoning Board; and
34

35 WHEREAS, at a duly noticed public hearing held on August 18, 2020, the Planning
36 and Zoning Board recommended denial of the zoning amendment request; and
37

38 WHEREAS, a duly noticed first reading was held before the Village Council on
39 November 18, 2020; and
40

41 WHEREAS, a duly noticed second reading and public hearing was held before the
42 Village Council on December 2, 2020, at which time the Village Council gave consideration
43 to the evidence presented by the Applicant and the Village staff, the recommendations of the

44 Planning and Zoning Board and the comments of the public, but continued the hearing until
45 December 9 for additional information; and
46

47 **WHEREAS**, the hearing was continued from December 9, 2020 to January 6, 2021
48 and again to February 3, 2021; and
49

50 **WHEREAS**, at the continued hearing on February 3, 2021, the Council gave further
51 consideration to the evidence presented by the Applicant and the Village staff, the
52 recommendations of the Planning and Zoning Board and the comments of the public.
53

54 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
55 Florida:
56

57 **Section 1. Rezoning.**
58

59 The Village Council denies the zoning amendment of the Property, to allow Vehicle
60 Repair and Service, Group I as a stand-alone use in the CPD.
61

62 **Section 4. Findings and Conclusions.**
63

64 Based upon an analysis of the application and the standards for approval in the Land
65 Development Code the Council finds and concludes as follows:
66

- 67 1. The applicant has not provided sufficient justification for the zoning amendment
68 regarding compliance with the Comprehensive Plan, the Land Development Code,
69 and other applicable codes.
70
- 71 2. Approval of the request will not place an undue burden upon existing transportation
72 or planned infrastructure facilities.
73
- 74 3. The application is generally compatible with existing or planned uses in the
75 surrounding area.
76
- 77 4. Urban services will be available and adequate to serve the proposed use with the
78 exception of sanitary sewer service.
79
- 80 5. The request will not adversely affect environmentally critical areas and natural
81 resources.
82
- 83 6. The proposed use is not appropriate at the subject location.
84

85 **Section 5. Exhibits.**
86

87 The following exhibits are attached to this Ordinance and incorporated by reference:
88

89 Exhibit A 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 take effect immediately upon adoption.

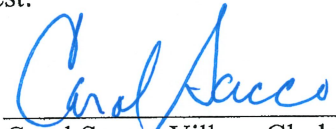
PASSED on first reading this 18th day of November, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 3rd day of February, 2021.

Attest:

VILLAGE OF ESTERO, FLORIDA

By:


Carol Sacco, Village Clerk

By:


Bill Ribble, Mayor

Reviewed for legal sufficiency:

By:


Nancy E. Stroud, Village Land Use Attorney

| Vote: | AYE | NAY |
|-----------------------|-------------------------------------|-------------------------------------|
| Mayor Ribble | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Vice Mayor Errington | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Levitan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember McLain | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Boesch | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Batos | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Councilmember Wilson | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Rendered this 17th day of February, 2021.

Description

Subject Parcel Description:


A portion of Tract A of ESTERO TOWN COMMONS as recorded in Instrument Number 2006000411908 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of said Tract A, being a point on the Southerly right-of-way line of Corkscrew Road (right-of-way varies), thence run N89°24'57"E, along said Southerly right-of-way line, a distance of 192.54 feet to the POINT OF BEGINNING.

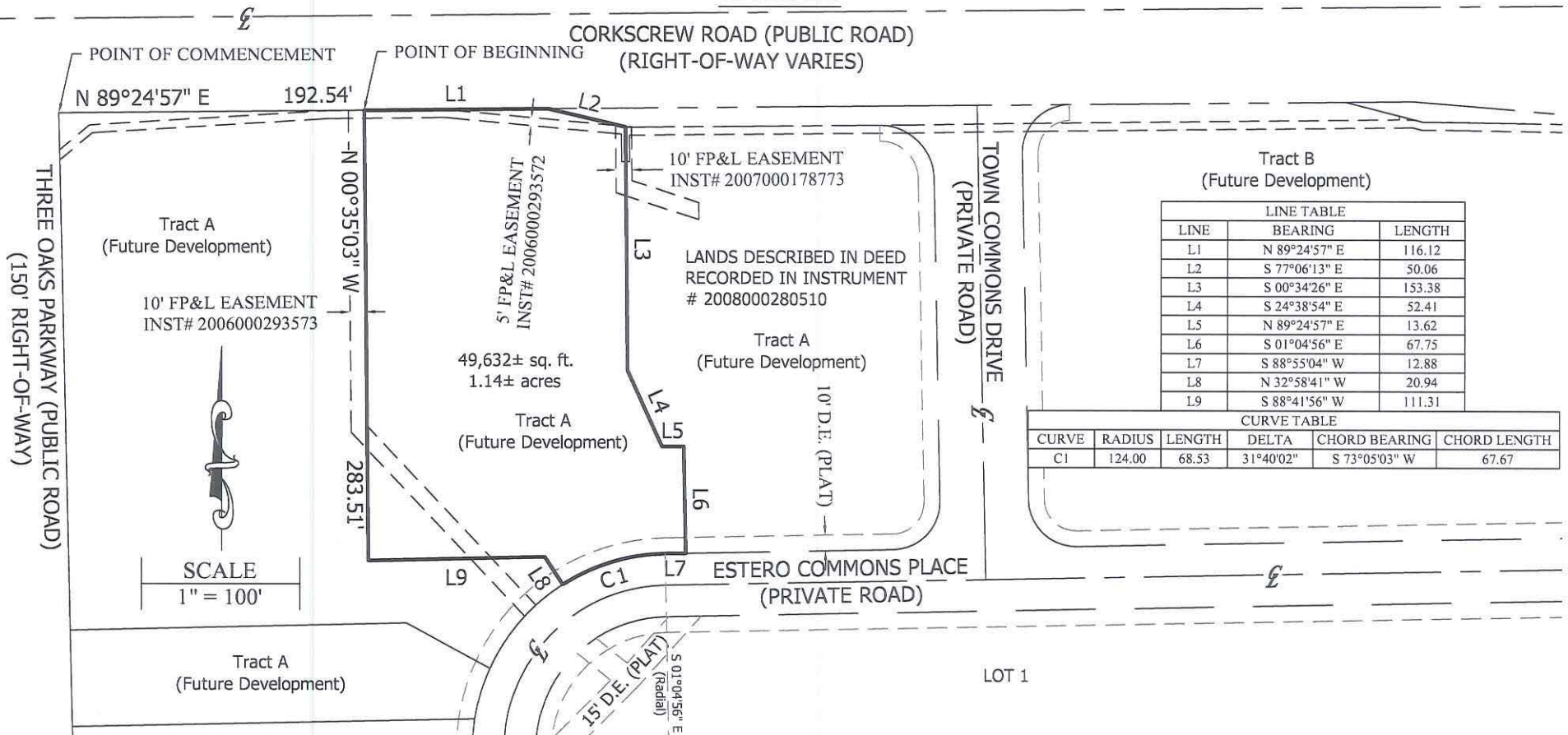
From said POINT OF BEGINNING, thence continue N89°24'57"E, along said Southerly right-of-way line, a distance of 116.12 feet; thence run S77°06'13"E, departing said Southerly right-of-way line, and along the Northerly line of said Tract A, a distance of 50.06 to an intersection with the Westerly boundary of lands described in deed recorded in Instrument Number 2008000280510, Public Records of Lee County, Florida; thence run the following four (4) courses and distances along said Westerly boundary, (1) S00°34'26"E a distance of 153.38 feet; (2) S24°38'54"E a distance of 52.41 feet; (3) N89°24'57"E a distance of 13.62 feet; (4) S01°04'56"E a distance of 67.75 feet to an intersection with the northerly right-of-way line of Estero Commons Place (Private Road); thence run S88°55'04"W, along said Northerly right-of-way line, a distance of 12.88 feet to a point on a non-tangential curve to which a radial line bears S01°04'56"E; thence run 68.53 feet along the arc of said non-tangential curve to the left of radius 124.00 feet, concave to the Southeast, having a delta angle of 31°40'02", a chord bearing of S73°05'03"E and a chord length of 67.67 feet; thence run N32°58'41"W, departing said Northerly right-of-way line, a distance of 20.94 feet; thence run S88°41'56"W a distance of 111.31 feet ; thence run N00°35'03"W a distance of 283.51 feet to the POINT OF BEGINNING.

Said parcel contains 49,632 sq. ft. (more or less) or 1.14 acres (more or less)

Bearings are based on the Southerly right-of-way line of Corkscrew Road being N89°24'57"E.

| | | |
|--|---|--|
| <p style="text-align: center;">THIS IS NOT A SURVEY</p> | <p style="text-align: center;">Description to Accompany Sketch</p> <p style="text-align: center;">Proposed Firestone Parcel</p> <p style="text-align: center;"><i>A portion of Tract A, ESTERO TOWN COMMONS, as recorded in Instrument Number 2006000411908, Public Records of Lee County, Florida, lying in Section 35, Township 46 South, Range 25 East, Lee County, Florida</i></p> | <p style="text-align: center;"><i>Not Valid without Sheet 1 of 2</i></p> |
| <p style="text-align: center;"><i>Sheet 2 of 2</i></p> | <div style="text-align: center;">  <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610</p> <p>ARDURRA</p> <p>COLLABORATE. INNOVATE. CREATE.</p> </div> | <p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on September 13, 2019 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Sheet 1 of 2 for Signature and Seal</i></p> <p>DAVID KEITH CRAMER (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> |

Sketch



SURVEY NOTES:

1. BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD BEING N89°24'57"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2019, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.

LEGEND:

FP&L = FLORIDA POWER & LIGHT COMPANY
D.E. = DRAINAGE EASEMENT
INST# = INSTRUMENT NUMBER
℄ = CENTERLINE

THIS IS NOT A SURVEY

SHEET 1 OF 2

JOB # 19-5123

PREPARED FOR: Palmetto Capital Group

SECTION 35, TOWNSHIP 46S, RANGE 25E

Sketch to Accompany Description
Proposed Firestone Parcel
A portion of Tract A, ESTERO TOWN COMMONS, as recorded in Instrument Number 2006000411908, Public Records of Lee County, Florida, lying in Section 35, Township 46 South, Range 25 East, Lee County, Florida



324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **September 13, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Signature of David Keith Cramer

DAVID KEITH CRAMER (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 1 of 2