1	VILLAGE OF ESTERO, FLORIDA
2	ZONING
3	ORDINANCE NO. 2024-07
4	
5	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6	VILLAGE OF ESTERO, FLORIDA, APPROVING WITH
7	CONDITIONS AN AMENDMENT TO THE
8	COMMERCIAL PLANNED DEVELOPMENT FOR
9	PROPERTY LOCATED AT 8111 BROADWAY EAST,
10	EAST OF U.S. 41 AND NORTH OF ESTERO UNITED
11	METHODIST CHURCH CONSISTING OF
12	APPROXIMATELY 1 ACRE; PROVIDING FOR
13	CONFLICTS; PROVIDING FOR SEVERABILITY; AND
14	PROVIDING AN EFFECTIVE DATE.
15	WINEDEAG DRIHTT BANKIN DEAL BOTATE HOLDBIOG H.C.
16	WHEREAS, PRUITT FAMILY REAL ESTATE HOLDINGS LLC, represented by
17	Veronica Martin, TDM Consulting, Inc. (the "Applicant"), filed an application to amend the
18	Commercial Planned Development (CPD) zoning for a property located at 8111 Broadway
19	East, known as the Old Post Office , Estero, FL, consisting of approximately 1.07 acres (the
20 21	"Property"); and
22	WHEREAS, the Property STRAP number is 28-46-25-E2-U1923.2494, and the
23	Property is legally described in Exhibit A attached hereto; and
24	Toperty is legally described in Exhibit 7 attached hereto, and
25	WHEREAS, the case number is DCI2024-E001; and
26	THE TENTE OF THE CASE HAMISTING DELECTION OF THE CASE HAMISTING
27	WHEREAS, the property was rezoned from Agriculture to Commercial Planned
28	Development by Ordinance 2020-03; and
29	
30	WHEREAS, the Applicant desires to make changes to the Master Concept Plan,
31	deviations, permitted uses, architecture, and landscaping; and
32	
33	WHEREAS, a noticed Public Information Meeting was held on February 13, 2024 at
34	the Planning Zoning and Design Board; and
35	
36	WHEREAS, at a duly noticed public hearing held on May 14, 2024, the Planning
37	Zoning and Design Board recommended approval of the request, including deviations; and
38	
39	WHEREAS, a duly noticed first reading was held before the Village Council on June
40	5, 2024; and
41	
42	WHEREAS, a duly noticed second reading and public hearing was held before the
43	Village Council on June 19, 2024, at which time the Village Council gave consideration to the
44	evidence presented by the Applicant and the Village staff, the recommendations of the
45	Planning Zoning and Design Board and the comments of the public.
46	

47 48	N Florida:	OW, THEREFORE, be it ordained by the Village Council of the Village of Estero,	
49 50	<u>s</u>	ection 1. Approval.	
51 52 53 54	The Village Council approves the amendment to the zoning, subject to the follows conditions and deviations.		
55 56	<u>S</u>	ection 2. Conditions.	
57			
58 59	1.	This Ordinance supersedes Ordinance 2020-03 which is hereby null and void.	
60	2.	Master Concept Plan	
61 62 63 64		Development of this project must be consistent with the Master Concept Plan (MCP) titled "8111 Broadway East", dated "Revised February 15, 2024" and stamped "Received April 16, 2024" except as modified by the conditions below.	
65 66	3.	Development Parameters	
67 68 69		Development is permitted at a maximum as follows:	
70 71		• 4,800 square feet of commercial use	
72	4.	Maximum Building Height	
73 74		35 feet (including architectural features)	
75 76	5.	Impact Fees	
77 78 79		Any new use will pay the appropriate impact fees at building permit issuance.	
80 81	6.	Uses and Site Development Regulations	
82 83		The following uses and setbacks apply to the project:	
84		a. <u>Schedule of Uses</u>	
85 86 87		<u>Principal Uses</u>	
88 89		Banks and Financial Institutions (No Drive-Thru) Drugstore, Pharmacy	
90		Medical or Dental Lab	
91		Office, General Business	

92		Office, Medical
93		Outpatient Care Facilities
94		Personal Services, Groups I and II
95		Retail Sales, Groups I and II
96		Utility, Minor
97		Accessory Uses
98		
99		Accessory Uses/Recreation Facilities – Decks and other similar facilities
100		Automated Teller Machine (ATM)
101		Bike Parking Rack
102		Electric Vehicle (EV) Level 1 or 2 Charging Station
103		Fences/Walls
104		
105		b. Building Setback Requirements
106		
107		Front/Street (South) – 25 Feet
108		Rear (North) – 20 Feet
109		Side (East) – 14.5 Feet
110		Side (West) – 20 Feet
111		
112	7.	No Blasting
113		
114		No development blasting is permitted as part of this project.
115		
116	8.	<u>Utilities - Sewer</u>
117		
118		This development must connect to sanitary sewer service as soon as service is
119		available as required by the Village Land Development Code. The owner or assign
120		of the property will be subject to any special assessment district or similar
121		mechanism for provision of central sewer identified by the Village or sewer
122		provider.
123		
124		Annual septic tank inspections must be conducted and submitted to the Village
125		Community Development Director to ensure that the septic system is functioning
126		properly.
127		
128	9.	Pattern Book
129		
130		The development must be consistent with the Pattern Book "Pruitt Professional
131		Office Building" date stamped "Received, April 16, 2024". The colors must be
132		consistent with the proposed rendering.
133		
134		
135		
136		

137	10. Sidewalk & Pedestrian Connections
138	
139	Sidewalks and pedestrian connections must be provided consistent with the Pattern
140	Book and Land Development Code.
141	
142	11. Prior to issuance of the Development Order Certificate of Compliance an executed
143	public easement shall be submitted for the sidewalk on Broadway East.
144	
145	12. <u>Buffers</u>
146	
147	As part of local development order approval, the development order plans must
148	demonstrate buffering consistent with the Master Concept Plan, the Land
149	Development Code, and the Pattern Book. As part of local development order
150	approval, all required buffer plantings must be 100% native vegetation.
151	
152	13. Vehicular/Pedestrian Impacts
153	
154	Approval of this zoning request does not address mitigation of the project's
155	vehicular or pedestrian traffic impacts. Additional conditions consistent with the
156	LDC may be required to obtain a local development order.
157	
158	14. Concurrency
159	
160	Approval of this rezoning does not constitute a finding that the proposed project
161	meets the concurrency requirements set forth in the Land Development Code and
162	the Comprehensive Plan. The developer is required to demonstrate compliance with
163	all mandatory concurrency requirements prior to issuance of a local development
164	order.
165	
166	15. Solid Waste Management
167	
168	As part of any local development order approval for vertical development, the
169	development order plans must include facilities in compliance with LDC Section
170	10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste
171	and recyclables. The minimum area required for and specific locations of these
172	facilities, as well as the architectural and design features, will be reviewed at the
173	time of local development order application.
174	
175	16. Land Development Code (LDC)
176	
177	Where the Village LDC is referenced in these conditions of approval for
178	implementation of the condition at the time of development order issuance, the
179	LDC in effect at the time of the local development order shall be applicable.
180	ı rr

182 183	Se	ction 3. Deviations.			
183 184 185 186 187	1.	A Deviation from LDC Section 3-705.C. Intensity and Dimensional Standards, which requires a 20-foot building setback to the east property line to permit a 14.5-foot building setback to the east property line.			
188 189		Deviation 1 is approved.			
190 191 192 193 194	2.	A Deviation from LDC Section 3-705.C. Intensity and Dimensional Standards, which requires that parking or internal roads or drives be located in this case a minimum of 20 feet from the east property line to permit the existing driveway and parking lot to be 15 feet from the east property line.			
195		Deviation 2 is approved.			
196 197 198 199 200 201	3.	A Deviation from LDC Section 5-406.B.3. Buffer Types, which requires a Type C buffer to be a minimum of 20 feet wide with 10 trees and 30 shrubs per 100 linear feet with an 8-foot-high solid wall to permit a 14.5-foot-wide Type C buffer along the east property line with the wall located 10 feet from the property line, and to permit the "wall" to be made of PVC or similar material.			
202 203		Deviation 3 is approved.			
204 205 206 207 208 209	4.	A Deviation from LDC Section 5-304.B.3 Cross-Access Between Adjoining Developments, which requires that adjacent commercial uses must provide interconnections for automobile, bicycle, and pedestrian traffic and that all adjacent parking lots must connect to permit that the subject site not provide a vehicular interconnection or shared access to the adjacent property to the north and west.			
210 211		Deviation 4 is approved.			
212 213 214 215 216	5.	A Deviation from LDC Section 5-506 Appearance, which requires that all fences and fence walls on each property be of uniform materials, design, and color to permit both the existing chain link fence and proposed buffer wall to be of different materials, design, and color than the existing chain link fence.			
217 218		Deviation 5 is approved.			
219 220 221 222 223 224	6.	A Deviation from LDC Section 5-405A.1.A., Connection Separation, which requires a connection separation distance of 330 feet on Collector roads to permit a connection separation distance of $265\pm$ feet to the nearest residential driveway to the east and $298\pm$ feet to U.S. 41 to the west.			
225		Deviation 6 is approved.			

227	<u>Se</u>	ection 4.	Findings and Conclusions.	
228				
229	Ba	Based upon an analysis of the application and the standards for approval in the Land		
230	De	Development Code, and the conditions of approval, the Council finds and concludes as		
231	fol	follows:		
232	1.	Is consis	tent with the Comprehensive Plan;	
233				
234		The requ	uest complies with the Comprehensive Plan and is consistent with the	
235		_	ommercial Land Use designation.	
236				
237	2.	Is not in	conflict with any portion of the LDC;	
238			,	
239		The prop	osed amendment requests the approval of uses within an existing building.	
240			est is not in conflict with the Land Development Code.	
241		1		
242	3.	Address	es a demonstrated community need;	
243			,	
244		The prop	osed development would address a need to upgrade and utilize an older	
245			that has become an eyesore.	
246			multipus second un eyesore.	
247	4	Is compa	atible with existing and proposed uses surrounding the subject land,	
248	••		e appropriate zoning district for the land;	
249		unu is th	e appropriate zoning district for the fand,	
250		The suhi	ect property is already zoned as CPD, and the proposed amendment	
251			fewer uses than already approved. With the proposed condition it would	
252			atible with the surrounding area.	
253		oe compa	more with the surrounding dred.	
254	5	Would r	esult in a logical an orderly development pattern;	
255	٥.	Would I	csuit in a logical an orderly development pattern,	
256		The nron	osed amendment is for the reuse of an existing building.	
257		The prop	osed amenament is for the reuse of an existing building.	
258	6	Would n	ot adversely affect the property values in the area;	
259	0.	Would II	of adversely affect the property values in the area,	
260		The nron	osed amendment should positively impact property values in the area.	
261		The prop	osea amenameni snoula postitvety impact property values in the area.	
262	7	Would	possult in development that is adequately segred by public facilities	
263	7.		result in development that is adequately served by public facilities	
264			otable water, wastewater, solid waste, storm water, schools, parks,	
265		ponce, ar	nd fire and emergency medical facilities);	
266		The music	not will aliminate and no advangages to Droad way East. The manages is	
267			ect will eliminate one roadway access to Broadway East. The property is	
268			Estero Fire District and fire/EMS service is available. A condition has	
269		veen imp	osed to require sewer service when available.	
	0	Wardd	ot vocult in cignificantly advance impacts on the natural arrivance of	
270	8.	would n	ot result in significantly adverse impacts on the natural environment	

including, but not limited to, water, air, noise, storm water management,

272	wildlife, vegetation, wetlands, environmentally critical areas, and the natural			
273	functioning of the environment;			
274	,			
275	The property has previously been cleared and is developed.			
276				
277	9. Is compatible with existing or planned uses in the surrounding uses;			
278	5. 15 compatible with existing of planned uses in the surrounding uses,			
279	The proposed amendment to the CPD, as conditioned, will not have any negativ			
280	impact on surrounding uses.			
281	mp wer en sun reuniung uisesi			
282	Section 5. Exhibits.			
283	Section 6. Dambits.			
284	The following exhibits are attached to this Ordinance and incorporated by reference:			
285	The following emitoris are attached to this ordinance and incorporated by followine.			
286	Exhibit A Legal Description			
287	Exhibit B Master Concept Plan titled "8111 Broadway East Master Concept Plan,			
288	Revised February 15, 2024" and stamped "Received April 16, 2024"			
289	Exhibit C Pattern Book titled "Pruitt Professional Office Building" date stamped			
290	"Received, April 16, 2024"			
291	10, 2024			
292	Section 6. Conflict.			
293	section of Commet.			
294	All ordinances, resolutions, official determinations or parts thereof previously adopted			
295	or entered by the Village or any of its officials and in conflict with this Ordinance are			
296	hereby repealed to the extent inconsistent herewith.			
297	hereby repeated to the extent inconsistent herewith.			
298	Section 67. Severability.			
299	Section 67. Sever ability.			
300	Should any section paragraph sentence clause phrase or other part of this Ordinance			
301				
302	subsequent to its effective date be declared by a court of competent jurisdiction to be			
303	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.			
304	portion thereof, other than the part so decrared to be invand.			
305	Section 78. Effective Date.			
306	Section 70. Effective Date.			
307	This Ordinance shall take effect immediately upon adoption.			
308	This Ordinance shall take effect inimediately upon adoption.			
309	PASSED on first reading this 5 th day of June, 2024.			
310	ASSED on first reading tins 5 day of June, 2024.			
311	DASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estara			
312	PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 19 th day of June, 2024.			
313	Fromua on second reading this 19 day of Julie, 2024.			
314				
315				

317	Attest:		VILLAGE OF ESTERO, FLORIDA
318	/ /		
319	(and).	a ()	
320	By:		By: mha
321	Carol Sacco, Village Cle	erk	Jon McLain, Mayor
322			
323			
324	Reviewed for legal sufficience	cy:	
325			
326	-3	waters of the	
327		De Q	
328	Nancy E. Stroud, Village	e Land Use Att	orney
329			
330	Vote:	AYE	NAY
331			
332	Mayor McLain	X	
333	Vice Mayor Ribble	_X	
334	Councilmember Fiesel	<u>X</u>	
335	Councilmember Fayhee	<u>X</u>	
336	Councilmember Lopez	×	
337	Councilmember Ward	_X	
338	Councilmember Zalucki	_ X	

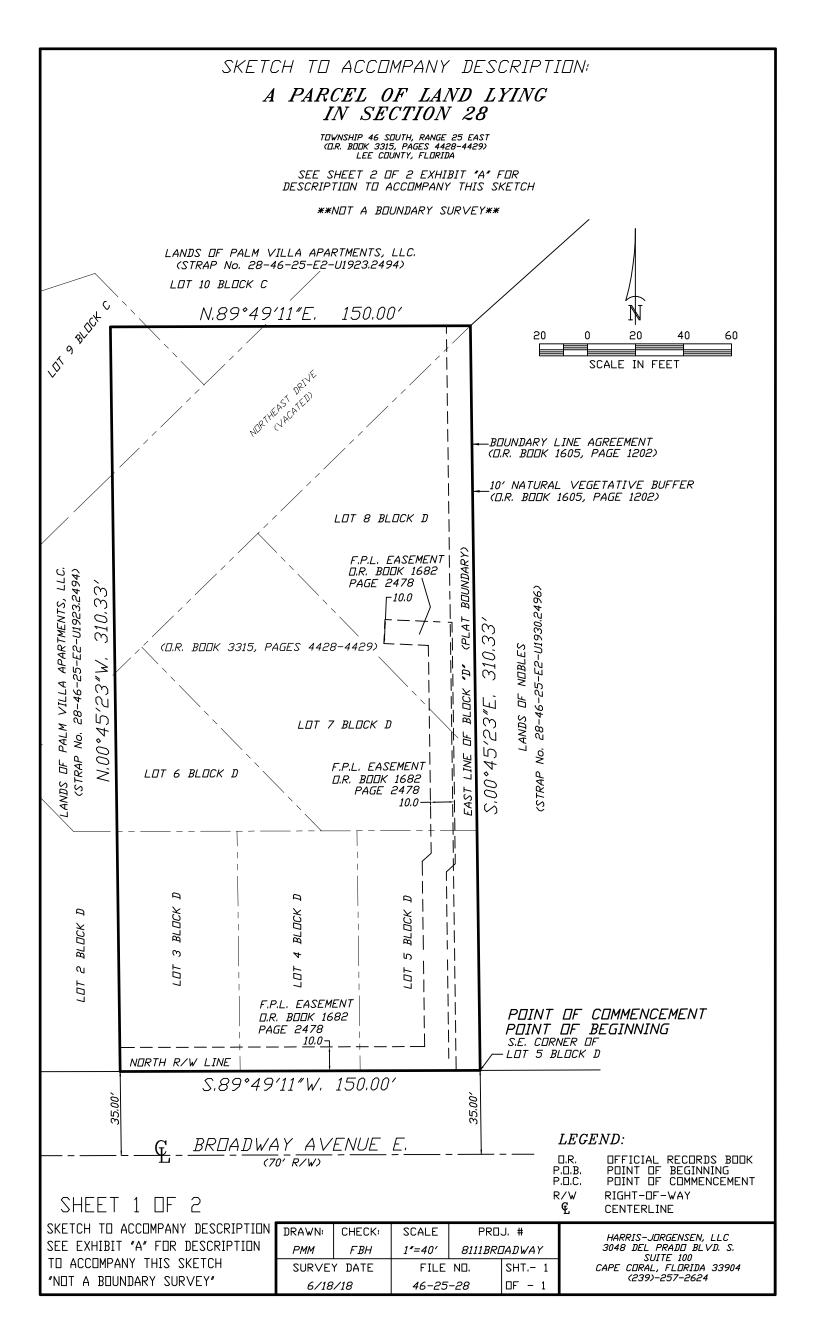


EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A PARCEL OF LAND LYING IN SECTION 28

TOWNSHIP 46 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION: (PER HARRIS-JORGENSEN, LLC)

A TRACT OR PARCEL OF LAND LYING IN BLOCKS D AND C AND ADJOINING VACATED STREET OF TRAIL ACRES, ACCORDING TO A PLAT RECORDED IN PLAT BOOK 7, PAGE 46 OF THE LAND RECORDS OF LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID BLOCK D, THENCE RUN S.89°49'11" W. ALONG THE NORTH RIGHT-OF-WAY LINE OF BROADWAY AVENUE E. (70 FEET WIDE) FOR 150.00 FEET; THENCE RUN N.00°45'23" W. FOR 310.33 FEET; THENCE RUN N.89°4911" E. FOR 150.00 FEET; THENCE RUN S.00°45'23" E. TO THE AFORESAID SOUTHEAST CORNER BLOCK D, ALONG THE NORTH RIGHT OF WAY LINE OF BROADWAY AVENUE E. FOR 310.33 FEET TO THE POINT OF BEGINNING.

CONTAINING: 46,485.32 SQ. FT OR 1.06 ACRES, MORE OR LESS.

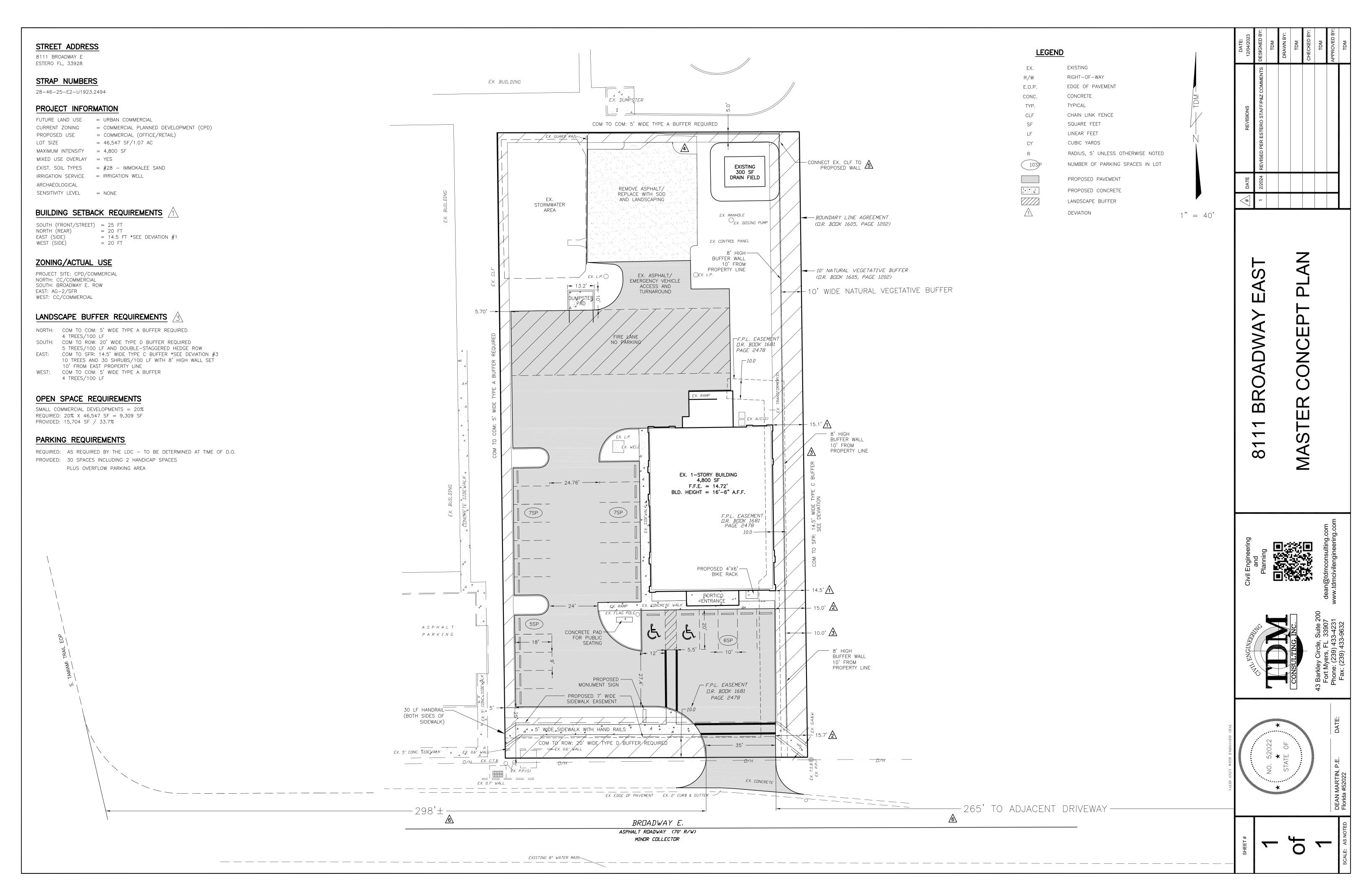
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
09/11/2018

 $N\Pi TF:$

THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

SHEET 2 OF 2

HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD, S, SUITE 100 CAPE CORAL, FLORIDA 33904 (239)-257-2624





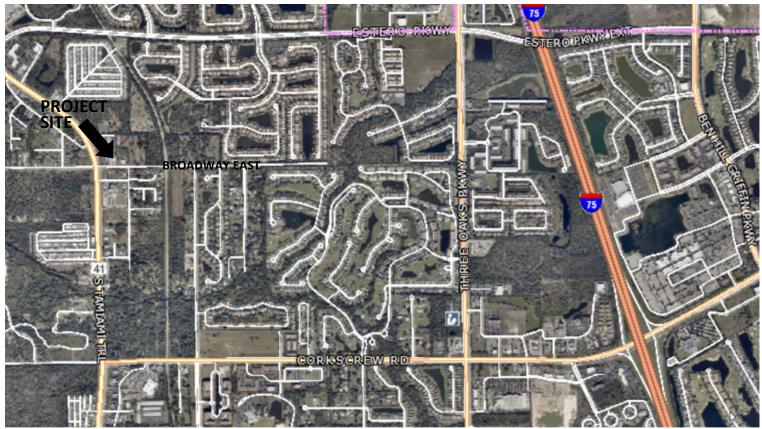
A PATTERN BOOK FOR:

PRUITT PROFESSIONAL OFFICE BUILDING

(FORMERLY THE OLD ESTERO POST OFFICE BUILDING)

8111 BROADWAY EAST VILLAGE OF ESTERO, FLORIDA

MSA
MOORE & SPENCE ARCHITECTS, P.A.







ENLARGED VICINITY MAP

PATTERN BOOK INDEX

ARCHITECTURAL ELEMENTS (MOORE & SPENCE ARCHITECTS, P.A.

- A1 INDEX, VICINITY MAPS
- A2 SOUTH EXISTING PHOTO, PROPOSED ELEVATION
- A3 PROPOSED RENDERING
- A4 SOUTH PROPOSED FULL ELEVATION W/LANDSCAPING
- A5 SOUTH EXISTING ELEVATION, PROPOSED ELEVATION
- A6 EAST EXISTING ELEVATION, PROPOSED ELEVATION
- A7 EAST PROPOSED ELEVATION W/BUFFER WALL –LANDSCAPING
- A8 WEST EXISTING ELEVATION, PROPOSED ELEVATION
- A9 NORTH EXISTING ELEVATION, PROPOSED ELEVATION
- A10 MONUMENT SIGN AND DUMPSTER ELEVATIONS
- A11 MATERIALS AND COLORS
- A12 SITE AMENITIES 1 PEDESTRIAN BENCH—BICYLCE RACK
- A13 SITE AMENITIES 2 BUFFER WALL
- A14 LINE OF SITE GRAPHIC WITH BUFFER WALL
- A15 LAND DEVELOPMENT CODE COMPLIANCE

SITE ELEMENTS (TDM CONSULTING, INC.)

MASTER CONCEPT PLAN 9SITE, ZONING, AND PARKING)

LANDSCAPING ELEMENTS (LANDESCO)

- L1.0 LANDSCAPE PLAN
- L2.1 RENDERED SITE PLAN
- L2.2 LANDSCAPE ELEVATION



PROPOSED SOUTH ELEVATION (STREET VIEW)



EXISTING SOUTH ELEVATION (STREET VIEW)



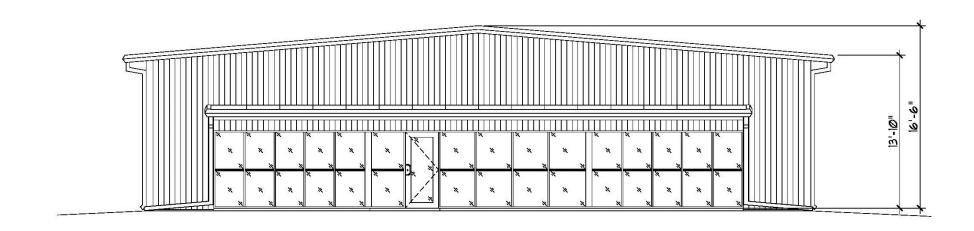
PROPOSED RENDERING (SOUTH AND WEST ELEVATIONS)

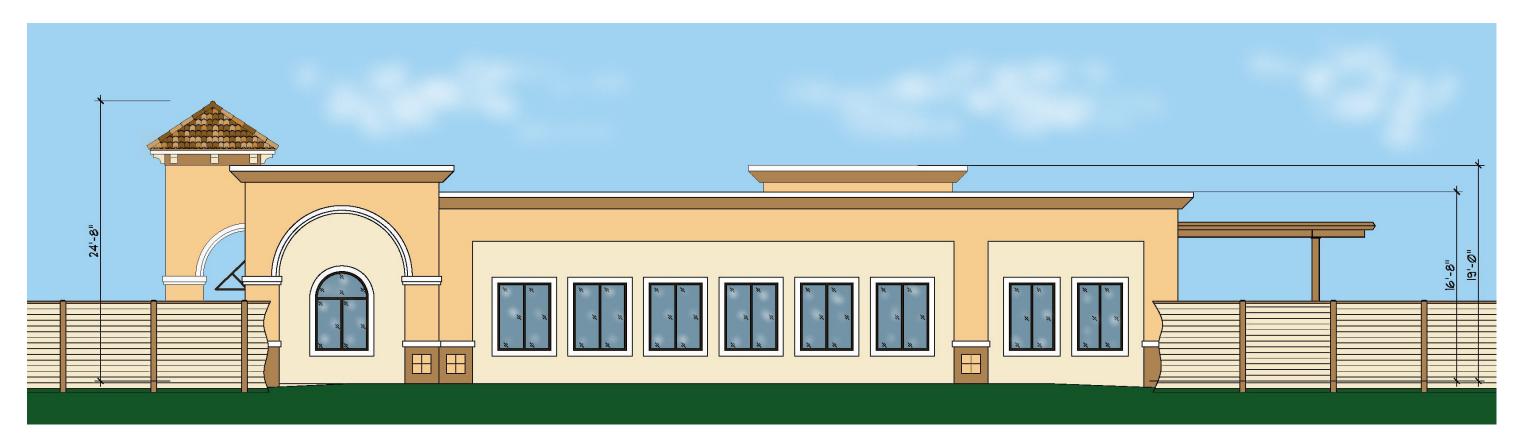


PROPOSED SOUTH ELEVATION (STREET VIEW - FULL PROPERTY WIDTH)

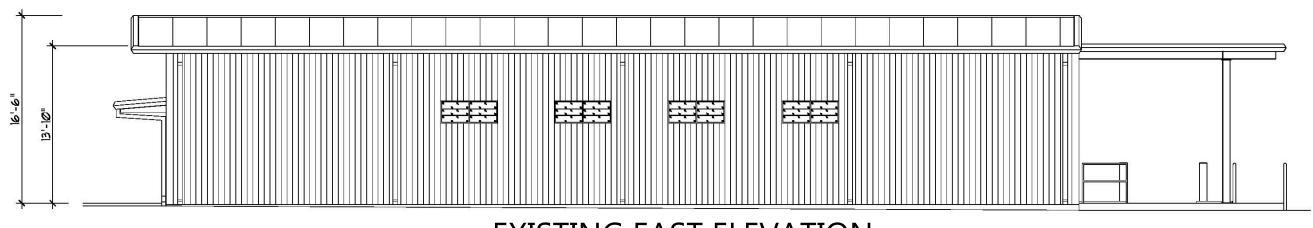


PROPOSED SOUTH ELEVATION (STREET VIEW)





PROPOSED EAST ELEVATION



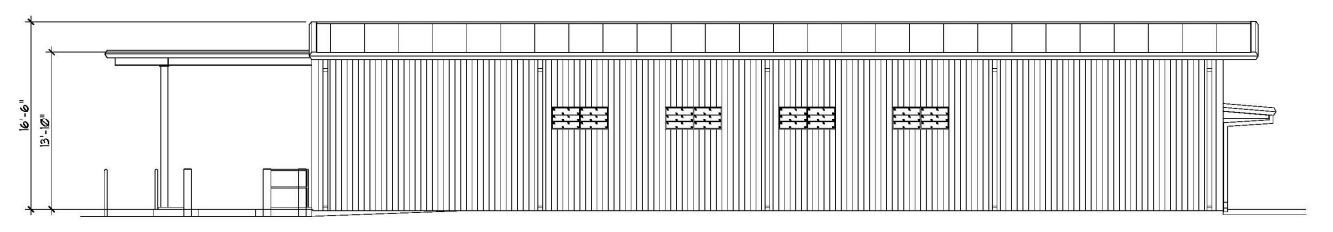


PROPOSED EAST ELEVATION

(WITH WALL and LANDSCAPE BUFFER)



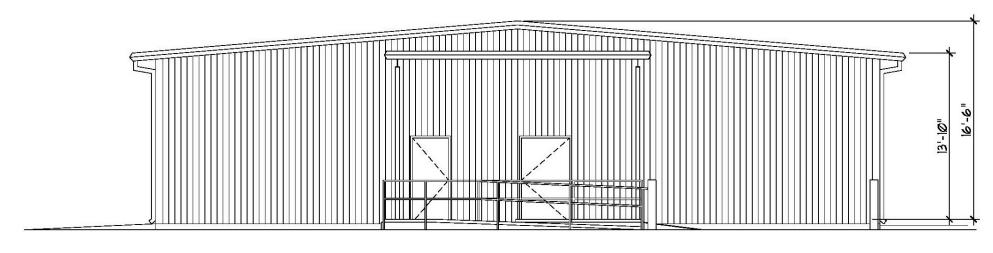
PROPOSED WEST ELEVATION



EXISTING WEST ELEVATION

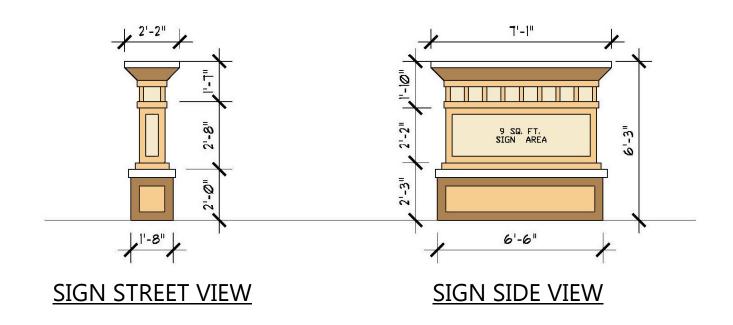


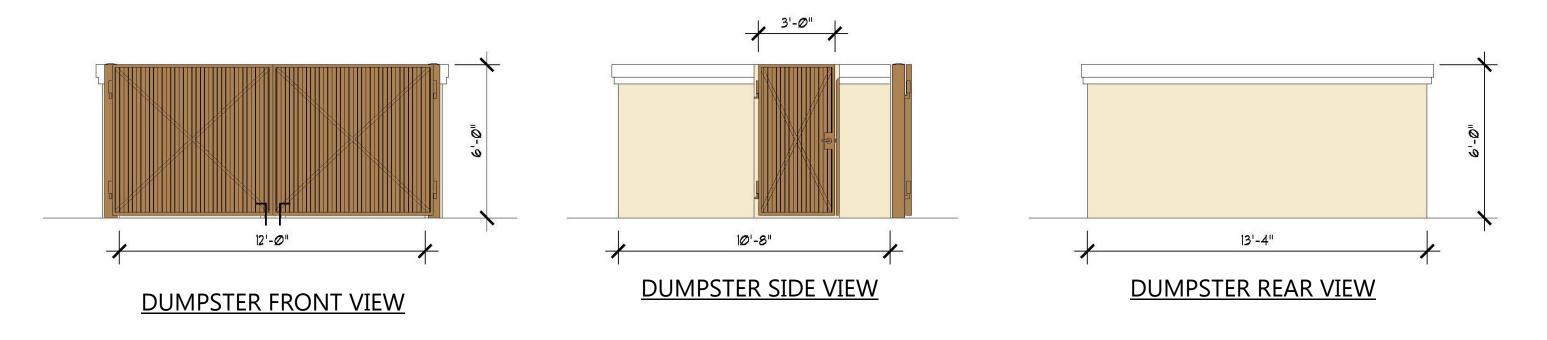
PROPOSED NORTH ELEVATION



EXISTING NORTH ELEVATION

MONUMENT SIGN & DUMPSTER ENCLOSURE







CEMENT TILE EAGLE—CAPISTRANO 3773 WALNUT CREEK BLEND TAN-ORANGE-DARK BROWN



METAL AWNING COLOR: SW6131 CHAMOIS



CORBEL BRACKET (HIGH DENSITY EPS FOAM WITH TRIMSTONE COATING)

Heritage Bench





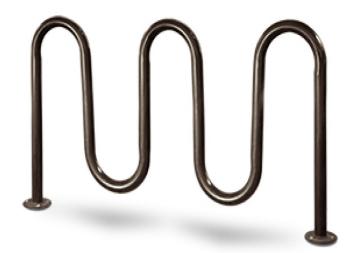
Contemporary Comfort

Made with nine 2" x 4" recycled plastic resinwood slats and powder-coated, heavy duty cast aluminum frames, these Heritage Benches are the industry standard for architectural design. The under structure is braced with length and width supports. The recycled plastic resinwood slats are available in an array of color options. Powder-Coated cast aluminum frames are available in black and green. Hardware is stainless steel.

6' Bench - 72-1/2"L x 22"W x 30"H Slat Color Options cedar Frame Color Options green

Contemporary Loop Bike Rack





Model 5805SM | Video

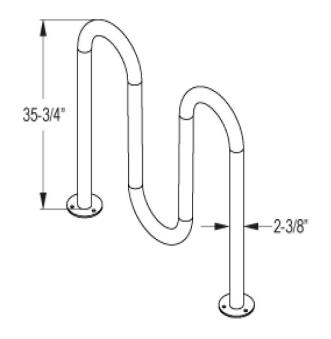
These bike racks provide safe economical bicycle parking that allows the use of high security U-Locks to secure the bike frame. The racks are offered in the variety of powder-coated as shown.

Dimensions

Model 5803 - 3'-3"W x 36"H*

The Standard of Bike Parking The durable frames of these contemporary loop bike racks are constructed from a 2.3/8"O.D. pipe

The durable frames of these contemporary loop bike racks are constructed from a 2-3/8"O.D. pipe. Making them incredibly well-suited for continued exposure to environmental conditions.



green

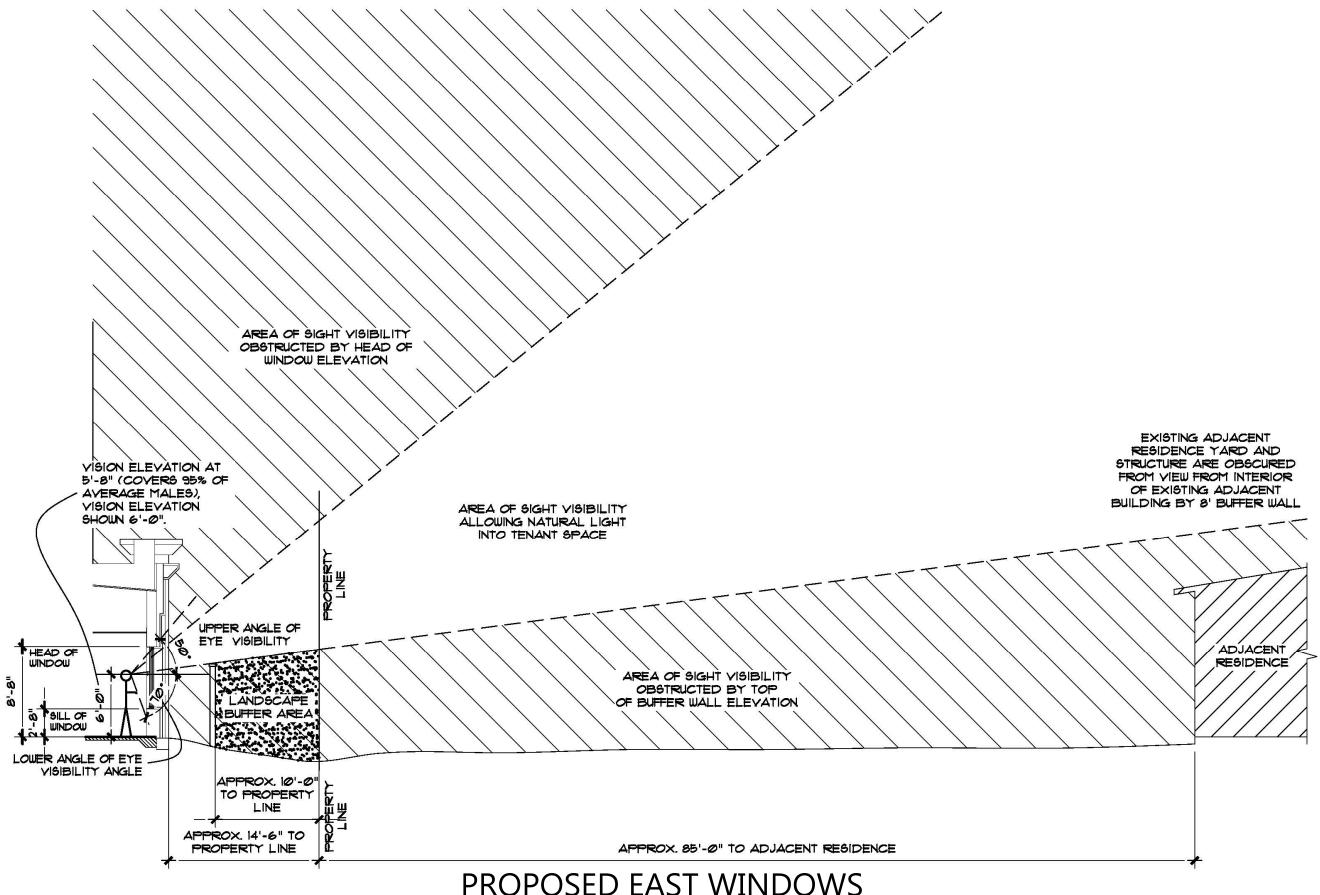
Standard Powder-Coat Colors

PEDESTRIAN BENCH

BICYCLE RACK



BUFFER WALL—EAST PROPERTY LINE



PROPOSED EAST WINDOWS
LINE OF SIGHT GRAPHIC

LAND DEVELOPMENT CODE COMPLIANCE

CHAPTER 5 — SITE DEVELOPMENT STANDARDS

SECTION 5-7.-ARCHITECTURAL, FORM, AND DESIGN STANDARDS.

5-703.-ARCHITECTURAL STYLES AND CHARACTERISTICS.

PRIMARY ARCHITECTURAL STYLE - ITAILIAN COUNTRYSIDE

PITCHED ROOF, DECORATIVE PARAPETS, OVERHANGING EAVES, DECORATIVE

BRACKETS, CURVED WINDOWS, ENTRY PORCH, VARYING ROOF DESIGNS.

5-706.-BUILDING DESIGN STANDARDS.

- THE BUILDING MASSING IS CONSISTANT WITH THE BUILIDNGS LOCATED ADJACENT ON THE EAST AND WEST SIDE OF THE BUILDING.
- THE MAIN ENTRY IS ORIENTED TOWARD THE PUBLIC RIGHT-OF-WAY.
- ALL FACADES OF THE BUILDING FEATURE ARCHITECTRUAL DESIGN ELEMENTS.
- BLANK WALLS ARE INTERRUPTED WITH VARYING ROOF LINES, TRANSPARENT WINDOWS, AWNINGS, VARYING COLOR PATTERNS, ARTICULATED PARAPET, ENTRY TOWER,
- BUILDING FACADES HAVE OFFSET DIMENSIONS OF AT LEAST 8".
- BUILDING COLORS ARE WARM EARTH TONES.
- BUILDING COLOR PALETTE UTILIZES THREE COLORS.
- THE ROOF TREATMENTS INCLUDE PARAPETS, VERTICAL ROOF CHANGES, THREE DIMENSIONAL CORNICE.
- WINDOWS ALONG STREET FAÇADE EXCEED 60% OF THE LINEAR STREET FRONTAGE.
- -AWNINGS ARE PROVIDED ON THE EAST AND WEST FACADES.
- -SOUARE COLUMNS ARE USED AT THE COVERED BUILIDNG ENTRY PORTICO.
- THE MAIN BUILDING ENTRYWAY AND THE SECONDARY MEANS OF EGRESS SHALL HAVE DOORWAY LIGHTING TO COMPLEMENT THE BUILDING DESIGN.
- PARKING LOT SITE LIGHTING SHALL BE PROVIDED AND BE COORDNATED WITH THE LANDSCAPING PLANS.