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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2024-13**

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH
CONDITIONS AND DEVIATIONS A REZONING TO
ESTERO PLANNED DEVELOPMENT (EPD) FOR A
21.4-ACRE TRACT OF PROPERTY LOCATED IN THE
NORTHEAST CORNER OF SANDY LANE AND
CORKSCREW ROAD; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

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WHEREAS, Toll Southeast LP Company, Inc, represented by RVi Planning and Landscape Architecture (the “Applicant”), filed an application to rezone the property from Residential Planned Development to Estero Planned Development Zoning, for a property located on the Northeast corner of Sandy Lane and Corkscrew Road, consisting of approximately 21.4 acres (the “Property”); and

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WHEREAS, the Property STRAP numbers are 36-46-25-E1-U1986.2380 and 36-46-25-U2011.2380, and the Property on 9201-9301 Corkscrew Road is legally described in Exhibit A attached hereto; and

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WHEREAS, the zoning case number is DCI2024-E003; and

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WHEREAS, the property was later rezoned from Agriculture to Commercial Planned Development by Lee County in 1999 and further rezoned to Residential Planned Development by Village Ordinance 2015-21; and

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WHEREAS, the Applicant proposes a residential townhome project with a maximum of 154 units; and

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WHEREAS, a noticed Public Information Meeting was held on July 9, 2024 at the Planning Zoning and Design Board and was continued for the applicant to make revisions; and

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WHEREAS, at a duly noticed public hearing held on September 10, 2024, the Planning Zoning and Design Board recommended approval with conditions of the request, including deviations; and

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WHEREAS, a duly noticed first reading was held before the Village Council on October 2, 2024; and

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WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 16, 2024, at which time the Village Council gave consideration to

46 the evidence presented by the Applicant and the Village staff, the recommendations of the
47 Planning Zoning and Design Board and the comments of the public.

48
49 **NOW, THEREFORE,** be it ordained by the Village Council of the Village of Estero,
50 Florida;

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52 **Section 1. Approval.**

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54 The Village Council approves the rezoning subject to the following conditions and
55 deviations.

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57 **Section 2. Conditions.**

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59 1. The previous approvals contained in Ordinance 2015-21 and all prior resolutions,
60 including conditions and deviations, are no longer in effect and are superseded by
61 the conditions in this approval.

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63 2. Master Concept Plan

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65 Development of this project must be consistent with the Master Concept Plan
66 (MCP) titled “Estero Townhomes EPD” dated August 29, 2024 except as modified
67 by the conditions below.

68
69 The lake shown on the Master Concept Plan must be designed to have a sinuous
70 shoreline as required by the Land Development Code, subject to review at time of
71 development order.

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73 3. Development Parameters and Uses

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75 Development is permitted at a maximum as follows:

76
77 154 Townhouse units

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79 The Schedule of Uses is attached as Exhibit B.

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81 4. Maximum Building Height and Property Development Regulations

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83 35 feet (2 stories)

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85 Property Development Regulations are attached as Exhibit C

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5. No Blasting

No development blasting is permitted as part of this project.

6. Utilities

This development must connect to water and sanitary sewer service at time of development order. Underground electric utilities will be provided per the Land Development Code.

7. Pattern Book

The development must be consistent with the Pattern Book “Estero Townhomes” dated 09.26.2024. Applicant has the option [\(but not the obligation\)](#) to include a wall or fence, in addition to required landscaping, separating the rear sides of the abutting backyards of townhomes.

8. Public Benefit Areas

- a. The Western Corner Park and Eastern Corner Park, and pathways, as identified on the Master Concept Plan will be designed and constructed by the applicant as shown in the Pattern Book and donated to the Village. The applicant or its successors will maintain the dedicated Western Corner Park and Eastern Corner Park in perpetuity. The donation and easements documents will be subject to the approval of the Village Attorney. Details of the planting, butterfly garden, seating area, and hardscape will be reviewed as part of the development order. The public parks will be separated from the project by a wall or fence and landscaping.
- b. Construction must commence on both the Western Corner Park and Eastern Corner Park prior to issuance of Certificate of Occupancy for 50% of the units and must be completed prior to issuance of Certificate of Occupancy for the last building.

9. Construction

Construction of buildings will be of concrete block, not wood frame.

10. Turn Lane

Developer will remove existing turn lane on Corkscrew Road as part of the development order.

130 11. Sidewalk and Pedestrian Connections

- 131
- 132 a. Applicant will construct the sidewalk path (6-8' or wider if possible on
- 133 Corkscrew Road and 10' on Sandy Lane) as part of the development order
- 134 except as follows: The connection from Sandy Lane to the intersection of
- 135 Corkscrew Road (including all necessary road and drainage improvements) will
- 136 be designed and permitted by the Village of Estero's consultant with input from
- 137 applicant, and will be constructed by applicant at applicant's expense within 6
- 138 months of the later of (1) the Village's receipt of final permits and applicant's
- 139 notice to proceed from the Village and (2) applicant's development order. The
- 140 Village will endeavor to obtain such permits within 1 year of the Effective Date
- 141 of this Ordinance.
- 142
- 143 b. Applicant will make a \$75,000.00 payment for a future crosswalk connection
- 144 by the Village of Estero (from Sandy Lane across Corkscrew Road) upon
- 145 completion of the Sandy Lane/Corkscrew sidewalk improvements under
- 146 condition 11.a.
- 147

148 12. Design Parc Lane

149 Applicant will design striped lanes to be approved at development order in order

150 to manage turns from Design Parc Lane onto Corkscrew Road.

- 151
- 152
- 153 13. At the time of Development Order one parking space in the Amenity Center will
- 154 be marked reserved for mail pickup.
- 155
- 156 14. Applicant will ~~build out~~install the ~~landscaping~~ and walls/fences on the perimeter
- 157 of the project prior to vertical construction, except for construction of model units.
- 158
- 159 15. At time of Development Order, the Construction Management Plan will show
- 160 access for site work and model unitss off Corkscrew Road, and access for vertical
- 161 construction off Sandy Lane.
- 162

163 **Section 3. Deviations.**

164 **Deviation 1** requests to deviate from Land Development Code (LDC) Appendix C,

165 Table C-(A)2 specifications for privately maintained roads and illustration Appendix

166 D Section D.1 which requires privately maintained local street with closed drainage to

167 have a minimum right-of-way width of 60 feet to allow for a minimum right-of-way

168 width of 45 feet.

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171

172 Deviation 1 is approved subject to the travel lanes being 11 feet.

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174 **Deviation 2** requests to deviate from Land Development Code (LDC) Section
175 3-707.B.4, Streets., which identifies streets should not end in dead ends, cul-de-sacs,
176 hammerheads or other forms which do not connect with other streets to allow two dead
177 end streets on the east side of the property.

178 Deviation 2 is approved as shown on the Master Concept Plan.

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180 **Deviation 3** requests to deviate from Land Development Code (LDC) Section 5-406,
181 which requires a 20-foot-wide Type D external right-of-way buffer, to allow for an
182 enhanced 15-foot-wide Type D buffer with a maximum 6-foot-tall wall along the
183 Corkscrew Road right-of-way.

184

185 Deviation 3 is approved subject to the additional plantings and wall.

186

187 **Deviation 4** requests to deviate from Land Development Code (LDC) Section 5-406,
188 which requires a 15-foot Type B buffer when multi-family residential is adjacent to
189 single-family residential, to allow an enhanced 10-foot Type B buffer with an 8-foot-
190 tall wall along the northern property line.

191 Deviation 4 is approved with the enhanced plantings and wall.

192

193 **Deviation 5** requests to deviate from the Land Development Code (LDC) Section 5-
194 411.D.8, which requires the required buffer plantings to be installed along the exterior
195 side of a proposed wall that is not required by code, to allow for 50 percent of the required
196 buffer plantings to be installed along the interior side of the wall along the northern
197 property line.

198 Deviation 5 is approved with the enhanced plantings provided on both sides of the wall.

199

200 **Deviation 6** requests to deviate from the Land Development Code (LDC) Section 5-
201 510.C, which requires a minimum of 5 trees per 100 linear feet and shrubs to be located
202 on the exterior side of a residential project fence or wall, to allow 50 percent of the
203 required landscaping to be placed on the interior side of the wall along the northern
204 property line.

205 **Deviation 6** is approved with enhanced planting planted on both sides of the wall.

206

207 **Deviation 7** requests to deviate from the Land Development Code (LDC) Section 5-
208 204.3.B, which requires all on-street parking to be arranged so that no vehicle is required
209 to back out from such areas directly onto a road, except for parking areas serving as
210 driveways of single-family detached dwellings, two-family dwellings, or coach homes
211 with garages; to allow four (4) back out parking spaces to accommodate visitor parking.

212

213 Deviation 7 is approved as shown on the Master Concept Plan.
214

215 **Section 4. Findings and Conclusions.**
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217 The proposal, as conditioned, is consistent with the general criteria of the Estero Planned
218 Development zoning district as follows:
219

- 220 a. Goals The townhome development as proposed does not include a mix of housing
221 types. However, this proposal is more compatible with the adjacent subdivision to the
222 north and will diversify the available housing types in the general area.
223
- 224 b. Reasonable Standards The applicant will be providing sidewalks and small public use
225 areas to foster walkability in the Village Center.
226
- 227 c. Accessibility Two accessible public use areas are provided, and onsite interconnections
228 and connections with adjoining properties align with the objectives of the Village
229 Center.
230
- 231 d. Streets A minimum level of connectivity is provided. Two gated access points are
232 proposed for this development. Internal streets will be private, and the external
233 sidewalks will be for public use.
234
- 235 e. Street Design The applicant has proposed a sidewalk along Corkscrew Road and Sandy
236 Lane. This will increase walkability and provide connectivity to the two public use
237 areas on the south side of the development.
238
- 239 f. Lots and Blocks Due to the narrow rectangular shape of the developable area and
240 requirements for open space, a standard grid and block layout is not feasible.
241
- 242 g. The Visual Edge The applicant is proposing a building height reduction from 45 feet
243 under the previously approved zoning, to 35 feet. This height reduction is more
244 compatible with the residential use to the north. The proposed statement corner public
245 area on the southwest corner of the development and sidewalk along Corkscrew Road
246 also adds to the visual edge.
247
- 248 h. Architecture The revised building design is generally consistent with the Village
249 architectural standards.
250
- 251 i. Quality of Buildings The proposed development will be concrete block construction
252 for more sustainability.
253

254 **Section 5. Exhibits.**

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

- Exhibit A Legal Description
- Exhibit B Schedule of Uses
- Exhibit C Property Development Regulations
- Exhibit D Master Concept Plan titled “Estero Townhomes EPD” dated August 29, 2024
- Exhibit E Pattern Book titled “Estero Townhomes” dated September 26, 2024.

Section 6. Severability.

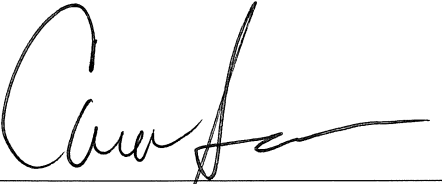
Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part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

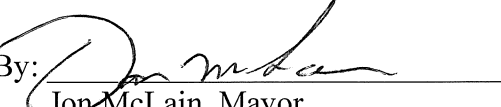
Section 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.


PASSED on first reading this 2nd day of October, 2024.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 16th day of October, 2024.

Attest: 
By: _____
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____
Jon McLain, Mayor

Reviewed for legal sufficiency:

By: 
Nancy E. Stroud, Village Land Use Attorney

299	Vote:	AYE	NAY
300			
301	Mayor McLain	<u>X</u>	_____
302	Vice Mayor Ribble	<u>X</u>	_____
303	Councilmember Fiesel	<u>-</u>	<u>-</u> Absent
304	Councilmember Fayhee	<u>X</u>	_____
305	Councilmember Lopez	<u>X</u>	_____
306	Councilmember Ward	<u>X</u>	_____
307	Councilmember Zalucki	<u>X</u>	_____