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**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2024-14**

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH  
CONDITIONS AN AMENDMENT TO THE COMMERCIAL  
PLANNED DEVELOPMENT AND A DEVIATION FOR A  
REDUCED TYPE D LANDSCAPE BUFFER FOR THE  
PROPERTY LOCATED IN THE COCONUT TRACE  
SUBDIVISION LOCATED ON US 41, WEST OF LYDEN  
DRIVE AND EAST OF THE MARSH LANDING  
COMMUNITY; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS, InterMountain Hotels**, represented by Hole Montes, a Bowman Company (the “Applicant”), filed an application to amend the Commercial Planned Development (CPD) zoning for a property located within **Coconut Trace**, consisting of approximately 2.24-acres (the “Property”); and

**WHEREAS**, the Property is located at 22910 Lyden Drive, Tract F, bearing STRAP number 04-47-25-E3-3500A.00F0, and is legally described as Out-Parcel “F”, in Block “A”, of Coconut Trace, according to the map or plat thereof as recorded in Plat Book Instrument No. 2006000423660, of the Public Records of Lee County, Florida; and

**WHEREAS**, the zoning case number is DCI2024-E006; and

**WHEREAS**, the 13.47-acre portion of the CPD that includes the property was rezoned from Agriculture to Commercial Planned Development by Lee County in 2000. The remaining 11.3-acres of the CPD were rezoned from Agriculture to Commercial Planned Development by Lee County in 2003. Subsequent Administrative Amendment ADD2003-00002, amended the approved Master Concept Plan to facilitate shared access to US 41 with the adjoining property to the south, eliminating a shared buffer and adjusting the internal roadway to accommodate the shared access; and

**WHEREAS**, the Applicant proposes a 122-room, 4-story hotel, and a revised Master Concept Plan, Pattern Book, and deviation; and

**WHEREAS**, a noticed Public Information Meeting was held on April 9, 2024, at the Planning Zoning and Design Board; and

**WHEREAS**, at a duly noticed public hearing held on October 29, 2024 the Planning Zoning and Design Board continued the hearing until November 12, 2024; and

**WHEREAS**, on November 12, 2024, the Planning Zoning and Design Board recommended approval with conditions of the request, including the deviation; and

47           **WHEREAS**, a duly noticed first reading was held before the Village Council on December  
48 4, 2024, at which time the Council tabled the item until further revisions were made to the project  
49 Pattern Book; and

51           **WHEREAS**, a first reading was subsequently held before the Village Council on January  
52 8, 2025; and

54           **WHEREAS**, a duly noticed second reading and public hearing was held before the Village  
55 Council on \_\_\_\_\_, 2025, at which time the Village Council gave consideration to  
56 the evidence presented by the Applicant and the Village staff, the recommendations of the Planning  
57 Zoning and Design Board, and the comments of the public.

59           **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,  
60 Florida;

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62           **Section 1.     Approval.**

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64           The Village Council approves with conditions the amendment to the zoning subject to the  
65 following conditions and deviation.

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67           **Section 2.     Conditions.**

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69           1. The previous approvals contained in Resolution Z-00-010, including conditions and  
70 deviations, remain in effect except as modified by the conditions in this approval.

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72           2. Master Concept Plan

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74           Development of this project must be consistent with the Master Concept Plan (MCP)  
75 titled “Comerlat Hospitality Tract F Hotel” stamped “Received August 15, 2024”  
76 except as modified by the conditions below.

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78           3. Development Parameters

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80           Development is permitted at a maximum as follows:

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82           122-Room Hotel on Tract F

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84           4. Maximum Building Height and Property Development Regulations

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86           Height: 40 feet (4 stories)

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88           Property Development Regulations - Setbacks

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90           Street: 25 feet

91           Side: 15 feet

92           Rear: 25 feet

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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

Development must be substantially consistent with the revised Pattern Book “Pattern Book Coconut Trace CPD Tract F” dated \_\_\_\_\_. Pattern Book shall also include three signature trees/palms at the front column areas of the entryway to soften the massing of the vertical open panels on the building.

8. Buffers

Landscape buffers will be supplemented as detailed in Condition 9. As part of local development order approval, all required buffer planting must be 100% native vegetation.

9. Enhanced Perimeter Buffering Adjacent to Marsh Landing

- a. In the areas identified on the Master Concept Plan where there are gaps, the western perimeter buffer shall be enhanced with staggered Sabal Palms at Clear Trunk Heights (CT) between 10’ CT and 30’ CT to create additional screening of the exterior windows between the heights of 8’ and 35’. The enhanced buffer must be planted early enough during development of the project so that it will be visually opaque at time of certificate of occupancy of the hotel.
- b. The developer will coordinate with Marsh Landing to provide plantings in gap areas by planting on Marsh Landing property or provide cash in lieu for future plantings.
- c. There will be a 48” high continuous hedgerow west of the parking lot adjacent to Marsh Landing.

10. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the mandatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all mandatory concurrency requirements prior to issuance of a local development order.

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11. Parking Lot Lighting

Parking lot lighting shall be limited to a maximum pole height of 20'. All parking lot lighting will comply with the applicable requirements of the Estero LDC.

12. Lighting and Signage

There will be no building signage on the west side of the building. Lighting on the west building façade will use reduced glare and reduced quantity of light fixtures on ground level.

13. Rear Windows/Visibility

The third and fourth floor windows on the western façade shall be designed to improve privacy and reduce visibility and light trespass using grey glass, tint, or other similar techniques and/or materials to be visually opaque.

14. Radio Enhancement

The owner or owner's representative shall conduct an assessment model to determine if the minimum radio signals' strength for the fire department communication is in compliance with NFPA 1:11.10, NFPA 1221:11.3.9, standards for inbound and outbound signal strength and quantity. If minimum signal strength is not available, the applicant shall install radio enhancement in the building.

15. Land Development Code (LDC)

Where the Village LDC is referenced in these conditions of approval for implementation of the condition at the time of development order issuance, the LDC in effect at the time of the local development order shall be applicable.

**Section 3.      Deviations.**

Deviation from LDC Table 5-406.B.4. *Buffer Type Required*, which requires a 20-foot wide Type D landscape buffer between commercial and right-of-way uses, to allow a 15-foot wide Type D landscape buffer, of which 10 feet will be located in a utility easement is approved.

**Section 4.      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 Planned Development Amendment as conditioned will be consistent with the goals, objectives, and policies of the Comprehensive Plan.

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2. The Planned Development Amendment as conditioned will not conflict with any portion of the Land Development Code, except for the deviation.
3. The Planned Development Amendment will address a community need for services.
4. The Planned Development Amendment as conditioned will be compatible with existing and planned uses surrounding the subject land.
5. The Planned Development Amendment will result in a logical and orderly development pattern.
6. The Planned Development Amendment will not adversely affect the property values in the area.
7. The Planned Development Amendment will result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities).
8. The Planned Development Amendment as conditioned will not result in significantly adverse impacts on the natural environment including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
9. The Planned Development Amendment as conditioned will be compatible with existing or planned uses in the surrounding area.

The proposed deviation for a reduced buffer will:

1. Be similar to the other right-of-way landscape buffers found within the subdivision.
2. Reduce the width of the buffer by 5 feet but will contain the required trees and shrubs of the Type D buffer.

**Section 5. Exhibits.**

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

- Exhibit A Master Concept Plan titled “Comerlat Hospitality Tract F Hotel” stamped “Received August 15, 2024”.
- Exhibit B Pattern Book titled “Pattern Book Coconut Trace CPD Tract F” dated “\_\_\_\_\_”.

**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

231 invalid, such decision shall not affect the validity of this Ordinance as a whole or any  
232 portion thereof, other than the part so declared to be invalid.

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234 **Section 7. Effective Date.**

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236 This Ordinance shall take effect immediately upon adoption.

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238 **PASSED** on first reading the 8th day of January, 2025.

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240 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
241 Florida on second reading this \_\_\_\_ day of \_\_\_\_\_, 2025.

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244 Attest: **VILLAGE OF ESTERO, FLORIDA**

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247 By: \_\_\_\_\_  
248 Carol Sacco, Village Clerk

By: \_\_\_\_\_  
Jon McLain, Mayor

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251 Reviewed for legal sufficiency:

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254 By: \_\_\_\_\_  
255 Nancy E. Stroud, Village Land Use Attorney

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257 Vote: AYE NAY

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259	Mayor McLain	_____	_____
260	Vice Mayor Ribble	_____	_____
261	Councilmember Fiesel	_____	_____
262	Councilmember Fayhee	_____	_____
263	Councilmember Lopez	_____	_____
264	Councilmember Ward	_____	_____
265	Councilmember Zalucki	_____	_____