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

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.

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 February 5, 2025, at which time the Village Council gave consideration to the evidence
56 presented by the Applicant and the Village staff, the recommendations of the Planning Zoning and
57 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;

61
62 **Section 1. Approval.**

63
64 The Village Council approves with conditions the amendment to the zoning subject to the
65 following conditions and deviation.

66
67 **Section 2. Conditions.**

68
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.

71
72 2. Master Concept Plan

73
74 Development of this project must be consistent with the Master Concept Plan (MCP)
75 titled “Comerlat Hospitality Tract F Hotel” stamped “Received January 22, 2025”
76 except as modified by the conditions below.

77
78 3. Development Parameters

79
80 Development is permitted at a maximum as follows:

81
82 122-Room Hotel on Tract F

83
84 Consumption on Premises for Hotel, per State liquor license

85
86 4. Maximum Building Height and Property Development Regulations

87
88 Height: 40 feet (4 stories)

89
90 Property Development Regulations - Setbacks

93 Street: 25 feet
94 Side: 15 feet
95 Rear: 25 feet
96

97 5. No Blasting
98

99 No development blasting is permitted as part of this project.
100

101 6. Utilities
102

103 This development must connect to water and sanitary sewer service at time of
104 development order. Underground electric utilities will be provided per the Land
105 Development Code.
106

107 7. Pattern Book
108

109 Development must be substantially consistent with the revised Pattern Book “Pattern
110 Book Coconut Trace CPD Tract F” dated “Rev. 1-22-2025”. Pattern Book shall also
111 include five signature trees/palms at the front column areas of the entryway to soften
112 the massing of the vertical open panels on the building.
113

114 8. Buffers and Landscaping
115

116 a. Landscape buffers will be supplemented as detailed in Condition 9. As part of local
117 development order approval, all required buffer planting must be 100% native
118 vegetation.
119

120 b. Landscaping will be provided around the pool to screen the parking lot. Specific
121 plantings will be determined at time of development order to form a continuous
122 visual barrier at or near the height of the pool fencing.
123

124 9. Enhanced Perimeter Buffering Adjacent to Marsh Landing
125

126 a. In the areas identified on the Master Concept Plan where there are gaps, the western
127 perimeter buffer shall be enhanced with staggered Sabal Palms at Clear Trunk
128 Heights (CT) between 10’ CT and 30’ CT to create additional screening of the
129 exterior windows between the heights of 8’ and 35’. The enhanced buffer will be
130 entirely located within the subject property and must be planted early enough
131 during development of the project so that it will be visually opaque at time of
132 certificate of occupancy of the hotel.
133

134 b. ~~The developer will coordinate with Marsh Landing to provide plantings in gap areas~~
135 ~~by planting on Marsh Landing property or provide cash in lieu for future plantings.~~
136 In addition to the plantings discussed above, the developer shall coordinate with the
137 Marsh Landing HOA to determine areas within the Marsh Landing development
138 suitable for plantings that would provide additional screening of the proposed

139 development. If an agreement is met with the Marsh landing HOA, the applicant
140 will provide cash in lieu to the Marsh Landing HOA to fund the purchase and
141 installation of these plantings within the Marsh Landing Development.
142

- 143 c. ~~There will be a 48” high continuous hedgerow west of the parking lot adjacent to~~
144 ~~Marsh Landing.~~ The applicant has agreed to plant a hedge row maintained to form
145 a 48” height visual screen within one year after time of planting along the edge of
146 the parking area located in the western portion of the proposed development (as
147 depicted on the Master Concept Plan). These plantings are located within the
148 subject property.
149

150 10. Concurrency
151

152 Approval of this rezoning does not constitute a finding that the proposed project meets
153 the mandatory concurrency requirements set forth in the Land Development Code and
154 the Comprehensive Plan. The developer is required to demonstrate compliance with all
155 mandatory concurrency requirements prior to issuance of a local development order.
156

157 11. Parking Lot Lighting
158

159 Parking lot lighting shall be limited to a maximum pole height of 20’. All parking lot
160 lighting will comply with the applicable requirements of the Estero LDC.
161

162 12. Lighting and Signage
163

164 There will be no building signage on the west side of the building. Lighting on the west
165 building façade will use reduced glare and reduced quantity of light fixtures on ground
166 level.
167

168 13. Rear Windows/Visibility
169

170 The third and fourth floor windows on the western façade shall be designed to improve
171 privacy and reduce visibility and light trespass using grey glass, tint, or other similar
172 techniques and/or materials to be visually opaque.
173

174 14. Radio Enhancement
175

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

Evaluation of hurricane impacts and shelter will be determined at time of development order in accordance with Land Development Code Sections 7-504 and 7-505.

16. 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.
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,

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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 January 22, 2025”.
- Exhibit B Pattern Book titled “Pattern Book Coconut Trace CPD Tract F” dated “Rev. 1-22-2025”.

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 the 8th day of January, 2025.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 5th day of February, 2025.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

272 Reviewed for legal sufficiency:

273

274

275 By: _____

276 Nancy E. Stroud, Village Land Use Attorney

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282 Vote: AYE NAY

283

284 Mayor McLain _____ _____

285 Vice Mayor Ribble _____ _____

286 Councilmember Fiesel _____ _____

287 Councilmember Fayhee _____ _____

288 Councilmember Lopez _____ _____

289 Councilmember Ward _____ _____

290 Councilmember Zalucki _____ _____