1	VILLAGE OF ESTERO, FLORIDA ZONING
2 3	ORDINANCE NO. 2018 - 24
	ORDINANCE NO. 2016 - 24
4	AN ODDINANCE OF THE VILLACE COUNCIL OF THE
5	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6 7	VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS A ZONING AMENDMENT WITH
8	DEVIATIONS TO PERMIT A PROPOSED 135-ROOM
9	HOTEL FOR PROPERTY LOCATED IN THE MIROMAR
10	OUTLET MALL PARKING LOT, NORTH OF
11	CORKSCREW ROAD IN THE VILLAGE OF ESTERO, FLORIDA, AND COMPRISING APPROXIMATELY 2.3
12 13	ACRES IN THE COMMERCIAL PLANNED
13 14	DEVELOPMENT; PROVIDING FOR CONFLICTS;
	PROVIDING FOR SEVERABILITY; AND PROVIDING
15 16	AN EFFECTIVE DATE.
10 17	AN EFFECTIVE DATE.
18	WHEREAS, applicant, Robert B. Roop, Executive Vice President, CFO, Miroman
19	Outlet Parking West LLC, has applied for amendments to the Development of Regional Impac
20	Development Order, and a zoning amendment and deviations on the property ("Property")
21	which comprises 2.3 acres, located in the northwest corner of the Miromar Outlets Mall
22	adjacent to I-75 for a proposed hotel project known as Miromar Outlet Hotel ; and
23	adjacent to 1-75 for a proposed noter project known as will other Outlet Hoter, and
24	WHEREAS, the subject property (and the Miromar Outlet Mall) is part of the
25	Timberland and Tiburon DRI originally approved by Lee County in 1985 (Resolutions
26	Z-85-072 and Z-85-072/1), which approved an outlet mall area but did not approve the
27	rezoning at that time; and
28	1020milg at that time, and
29	WHEREAS, in 1996 the Property was rezoned by Lee County from Agricultural to
30	Commercial Planned Development by Resolution Z-95-094; and
31	
32	WHEREAS, on January 6, 1997, Lee County approved an amendment to the planned
33	development and the 4 th amendment to the DRI Development Order to add 790,000 square fee
34	of commercial space composed of a regional shopping mall; and
35	
36	WHEREAS, the applicant recently applied for an amendment to the Zoning and DR
37	Development Order to allow a 75-foot high 135-room hotel on Lot M-7, adopt a new Master
38	Concept Plan for the 2.3-acre hotel site, and add deviations; and
39	
40	WHEREAS, the applicant indicates the property STRAP Numbers are 26-46-25-E3-
41	270M7.0000 and 26-46-25-E3-2700L.0010; and
1 2	
13	WHEREAS the Property legal description is attached; and

45	WHEREAS , a public information meeting was held for this application at the Plannir					
46	and Zoning Board on February 20, 2018; and					
47						
48	WHEREAS, the Planning and Zoning Board considered the application at its meeting					
49	on September 18, 2018 and recommended approval with conditions of the request; and					
50						
51	WHEREAS, a duly noticed first reading was held before the Village Council of					
52	October 17, 2018; and					
53						
54	WHEREAS, a duly noticed second reading and public hearing was held before the					
55	Village Council on, 2018 at which time the Village Council gav					
56	consideration to the evidence presented by the applicant and the Village staff, the					
57	recommendations of the Planning and Zoning Board, and the comments of the public.					
58						
59	NOW, THEREFORE, be it ordained by the Village Council of the Village of Ester					
60	Florida:					
61						
62	Section 1. Zoning Amendment.					
63						
64	The Village Council approves the zoning amendment with the following conditions:					
65	(The DRI amendment is referenced in Resolution 2018-17.)					
66 67	1 Master Concept Plan					
68	1. Master Concept Plan The development of the 125 mean hetel must be substantially consistent with the					
69	The development of the 135-room hotel must be substantially consistent with the site plan entitled Miromar Outlet Mall Hotel date stamped "Received"					
70	site plan chitried willomar Outlet wan Hotel date stamped. Received					
71	2. Schedule of Uses & Property Development Regulations					
72	Hotel/motel (maximum 135 rooms)					
73	120,002,1110,001 (11111,1111,1111,1111,1111)					
74	Building Setbacks:					
75	Front: 25 ft.					
76	Side: 15 ft.					
77	Rear: 25 ft.					
78	Waterbody: 25 ft.					
79	Street: 25 ft.					
80						
81	Minimum Lot Dimensions					
82	Width: 100 ft.					
83	Depth 100 ft.					
84	Area: 20,000 sq. ft.					
85						
86	Maximum Building Height: 75 feet, with no more than five (5) habitable floors.					
87						

3. Previous Approval

The previous approval (contained in Resolution Number Z-95-094) including conditions and deviations remains in effect except as modified by the conditions and deviations contained in this approval.

4. Re-plat

Prior to a development order for the hotel being issued, a replat of Lot M-7 and Tract L must be submitted, reviewed, and approved.

5. Pattern Book

The proposed development must be substantially in compliance with the Pattern Book titled "Miromar Hotel" date stamped "Received _______".

6. Architectural Features

The hotel is limited to a maximum building height of 75 feet and 5 stories. If Architectural features higher than 75 feet are desired, a deviation will have to be applied for and approved.

7. Finished First Floor Elevation

The finished first floor of the building must be 20.0 NAVD at a minimum.

8. Off-site Parking, Sidewalk Connections, & Easement

compliance being issued for the Development Order for the proposed hotel.

As part of the Development Order, the applicant must provide a joint-use parking agreement and sidewalk connections, including the provision of crosswalks across Miromar Outlet Drive, to the offsite parking lot on the south side of Miromar Outlet Drive to the hotel. Pedestrian sidewalks must be provided in the off-site (mall) parking lot. The off-site parking lot pedestrian sidewalks must connect to the pedestrian sidewalk system on the hotel property. Pedestrian sidewalks to be provided in the off-site parking lot include providing sidewalks on either side of the lot and a center sidewalk in the middle of the parking lot, all connecting to the sidewalk proposed on Miromar Outlet Drive. Crosswalks must be provided crossing all

parking lot access aisles. These improvements must be made prior to a certificate of

 .

As part of the Development Order, the applicant must provide a minimum of 162 parking spaces. The applicant must provide an easement for the off-site joint-use parking that permits hotel patrons access to these spaces. The easement must be recorded in the records of Lee County prior to the issuance of the Development Order.

9. Miromar Outlet Drive Drainage

 The Development Order must address the drainage inlets serving Miromar Outlet Drive and how stormwater is proposed to be re-routed through the hotel site with discharge into the surface water management system lake.

10. Estero Fire Rescue

An Auto Turn study is required to ensure adequate access for fire apparatus. The study must be included in the Development Order and approved prior to the issuance of the Development Order.

11. Consumption on Premises of Alcoholic Beverages

Consumption on premises must be in accordance with the following:

- A. Consumption on Premises (4COP) is permitted as an accessory use within the hotel including but not limited to the guestrooms, lounge, lobby, restaurants, meeting rooms, and public spaces associated with the hotel.
- B. The hotel may have outdoor seating with consumption on premises as depicted on the Master Concept Plan. The total square footage for outdoor consumption on premises at the hotel is limited to 5,000 square feet as depicted on the Master Concept Plan. A permanent bar is permitted within the designated outdoor seating or pool area.
- C. Prior to receiving a zoning sign-off for obtaining an alcoholic beverage license for the outdoor seating area for parcel M-7, the Applicant must provide the total square footage previously approved for consumption on premises and demonstrate that approval of the square footage does not exceed the square footage amount permitted under COP condition B above.
- D. The sale and service of alcoholic beverages in the outdoor seating area is limited to the hours of 7:00 a.m. to 2:00 a.m. daily.
- E. Outdoor consumption on premises areas must be clearly marked with a physical barrier to prevent alcoholic beverages from being removed from the designated area.
- F. Live entertainment, in conjunction with consumption on premises, is limited to indoor areas and designated outdoor seating areas between the hours of 7:00 a.m. and 2:00 a.m. daily. No entertainment in the designated outdoor seating area may be audible beyond the perimeter of the hotel.
- G. Music may be piped into the outdoor consumption on premises areas, provided the volume does not exceed normal conversational level.

12. The Master Concept Plan, Deviations and Pattern Book must be revised per comments in the staff prior to the Council 2^{nd} reading.

Section 2. Deviations.

1. Deviation (6) requests relief from LDC Section 10-415(c)(2)a., which requires one tree for every 250 square feet of internal planting area and that no parking space may be more than 100 feet from a tree planted in a permeable island, peninsula or median of 10-foot minimum width. The developer instead seeks to install one tree for every 250 square feet on internal planting areas with no parking spaces more than 200 feet from a tree planted in a permeable island, peninsula or median of 20-foot minimum width. This deviation is approved with the following condition:

All parking area 360 square feet be calculated us square feet of 181 percent of the parking area 182 planted, have a 183 measured at three squares area 184 percent of the parking area 185 percent of the parking area 186 percent of the parking area 187 percent of the parking area 188 percent of the parking area 189 percent of the 1

All parking area islands must meet a minimum size requirement of 360 square feet (20 feet by 18 feet). Canopy tree requirements will be calculated using one parking canopy tree planted for each 250 square feet of required internal planting area. A minimum of 75 percent of the parking canopy trees must be native species and, when planted, have a minimum caliper measurement of 3 inches, when measured at three feet above ground.

2. Deviation (7) requests relief from LDC Section 10-415(c)(2)d., which requires that no more than an average of 10 parking spaces may occur in an uninterrupted row. This deviation is approved with the same condition required for Deviation (6).

3. Deviation (9) requests relief from LDC Section 10-285 which requires a minimum connection separation on local roads of 125 feet, to allow for connection separation distances as depicted on the Master Concept Plan. Deviation 9 is approved.

4. Deviation (10) requests relief from LDC Section 10-416(d)(3) and LDC Section 33-351 which require a type D buffer separating commercial development from a right-of-way and a type A buffer between adjacent commercial lots, to allow for no buffer requirement separating the proposed hotel from Miromar Outlet Drive and the Outlet Mall parking lot. The existing vegetation on the south side of the hotel parcel, where the existing parking lot is not being reconfigured, will remain to the greatest extent possible. Deviation 10 is approved with the condition that the applicant plant 6 bald cypress trees in the dry treatment area depicted on the MCP and retain the existing trees along Miromar Outlet Drive.

5. Deviation (11) requests relief from LDC Section 34-625(d)(4) which requires light poles not to exceed 25 feet, to allow for the light poles at 30 feet within the Planned Development. Deviation 11 is approved.

Section 3. Findings and Conclusions.

The Council finds and concludes as follows:

1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.

2. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities because there are interim improvements underway at the I-75 interchange, and the 4-laning of Corkscrew Road east of Ben Hill Griffin Parkway is funded in the Lee County CIP. This project will not significantly impact the interchange or the segment of Corkscrew Road east of Ben Hill Griffin Parkway.

221 222 223		dication is generally compatible with existing or planned uses in the ling area. The proposed use is set back a considerable distance to adjacent cial uses.
224		
225	4. The Cou	ncil finds that General Interchange land use category is extended over the
226		property to allow heights over 45 feet. The hotel is limited to 75 feet in
227	height.	
228	J	
229	5. Urban se	ervices will be available and adequate to serve the proposed use.
230		1 1 1
231	6. The requ	uest will not adversely affect environmentally critical areas and natural
232	resource	· · · · · · · · · · · · · · · · · · ·
233		
234	7. The pro-	posed use, with the proposed conditions, is appropriate at the subject
235	location.	
236		
237	8. The reco	ommended conditions provide sufficient safeguards to the public interest
238		easonably related to impacts on the public's interest created by or expected
239		proposed development.
240		
241	9. The devi	ations recommended for approval:
242		ince the planned development; and
243		erve and promote the general intent of the LDC to protect the public, health,
244		y and welfare.
245		
246	Section 4.	Exhibits.
247		
248	The following	ng exhibits are attached to this Ordinance and incorporated by reference:
249		
250	Exhibit A	Legal Description
251	Exhibit B	Master Concept Plan, titled date stamped
252		"Received, 2018".
253	Exhibit C	Pattern Book titled "Miromar Hotel" date stamped "Received
254		, 2018".
255		 /

257	Section 5. C	Conflicts.				
258						
259				of Ordinances, all Ordinances or parts of		
260				solutions, in conflict with this Ordinance		
261	shall be repealed to the extent of such conflict upon the effective date of this Ordinance.					
262						
263	Section 6. S	everability.				
264						
265				se, phrase or other part of this Ordinance		
266	subsequent to its	s effective date b	e declared by	y a court of competent jurisdiction to be		
267	invalid, such dec	cision shall not a	ffect the vali	dity of this Ordinance as a whole or any		
268	portion thereof,	other than the pa	rt so declared	d to be invalid.		
269						
270	Section 7. E	Effective Date.				
271						
272	This Ordinance	shall become effe	ective immed	liately upon adoption.		
273						
274	PASSED on first	st reading this	day of _	, 2018.		
275						
276	PASSED and a	dopted BY THI	E VILLAGI	E COUNCIL of the Village of Estero,		
277	Florida this day of	of	, 2018.			
278						
279	Attest:		VILL	AGE OF ESTERO, FLORIDA		
280						
281	By:		By:	James R. Boesch, Mayor		
282	Kathy Hall, MMC,	Village Clerk		James R. Boesch, Mayor		
283						
284						
285	Reviewed for legal suff	iciency:				
286						
287						
288	By:					
289	Nancy Stroud, Esq.	, Village Land U	se Counsel			
290						
291						
292	Vote:	AYE	NAY			
293	Mayor Boesch					
294	Vice Mayor Ribble					
295	Councilmember Batos					
296	Councilmember Erringt					
297	Councilmember Levitar					
298	Councilmember McLair					
299	Councilmember Wilson					

PROPERTY DESCRIPTION:

ALL OF LOT M-7 AND A PORTION OF TRACT L, MIROMAR FACTORY OUTLET, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, AT PAGES 41-50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT M-7, MIROMAR FACTORY OUTLET. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, AT PAGES 41-50 OF THE PUBLIC RECORDS OF LEE COUNTY. FLORIDA; THENCE RUN N70°33'22"E ALONG THE BOUNDARY OF SAID LOT M-7, FOR A DISTANCE OF 302.58 FEET TO THE MOST WESTERLY CORNER OF TRACT L OF SAID MIROMAR FACTORY OUTLET: THENCE RUN S50°29'13"E FOR A DISTANCE OF 177.69 FEET; THENCE RUN S25°08'16"E FOR A DISTANCE OF 43.45 FEET TO A POINT ON THE BOUNDARY OF TRACT A OF SAID MIROMAR FACTORY OUTLET; THENCE RUN THE REMAINING CALLS ALONG THE BOUNDARY OF SAID TRACT A; THENCE RUN S63°15'55"W FOR A DISTANCE OF 95.86 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE: THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 67.50 FEET, THROUGH A CENTRAL ANGLE OF 90°08'00" AND BEING SUBTENDED BY A CHORD OF 95.56 FEET AT A BEARING OF \$18°11'55"W, FOR AN ARC LENGTH OF 106.18 FEET; THENCE RUN \$26°52'05"E FOR A DISTANCE OF 24.21 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE: THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 32.50 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD OF 45.97 FEET AT A BEARING OF S18°07'55"W, FOR AN ARC LENGTH OF 51.06 FEET; THENCE RUN S63°07'55"W FOR A DISTANCE OF 149.99 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE: THENCE ALONG SAID CURVE TO THE RIGHT. HAVING A RADIUS OF 26.00 FEET, THROUGH A CENTRAL ANGLE OF 91°51'22" AND BEING SUBTENDED BY A CHORD OF 37.36 FEET AT A BEARING OF N70°56'24"W, FOR AN ARC LENGTH OF 41.68 FEET: THENCE RUN N25°00'43"W FOR A DISTANCE OF 73.58 FEET; THENCE RUN N21°18'00"W FOR A DISTANCE OF 165.57 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 117.50 FEET, THROUGH A CENTRAL ANGLE OF 29°48'04" AND BEING SUBTENDED BY A CHORD OF 60.43 FEET AT A BEARING OF N36°12'02"W, FOR AN ARC LENGTH OF 61.11 FEET, TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 82.50 FEET, THROUGH A CENTRAL ANGLE OF 31°39'24" AND BEING SUBTENDED BY A CHORD OF 45.00 FEET AT A BEARING OF N35°16'22"W. FOR AN ARC LENGTH OF 45.58 FEET TO THE POINT OF BEGINNING. CONTAINING 100,628.43 SQUARE FEET OR 2.3 ACRES, MORE OR LESS.

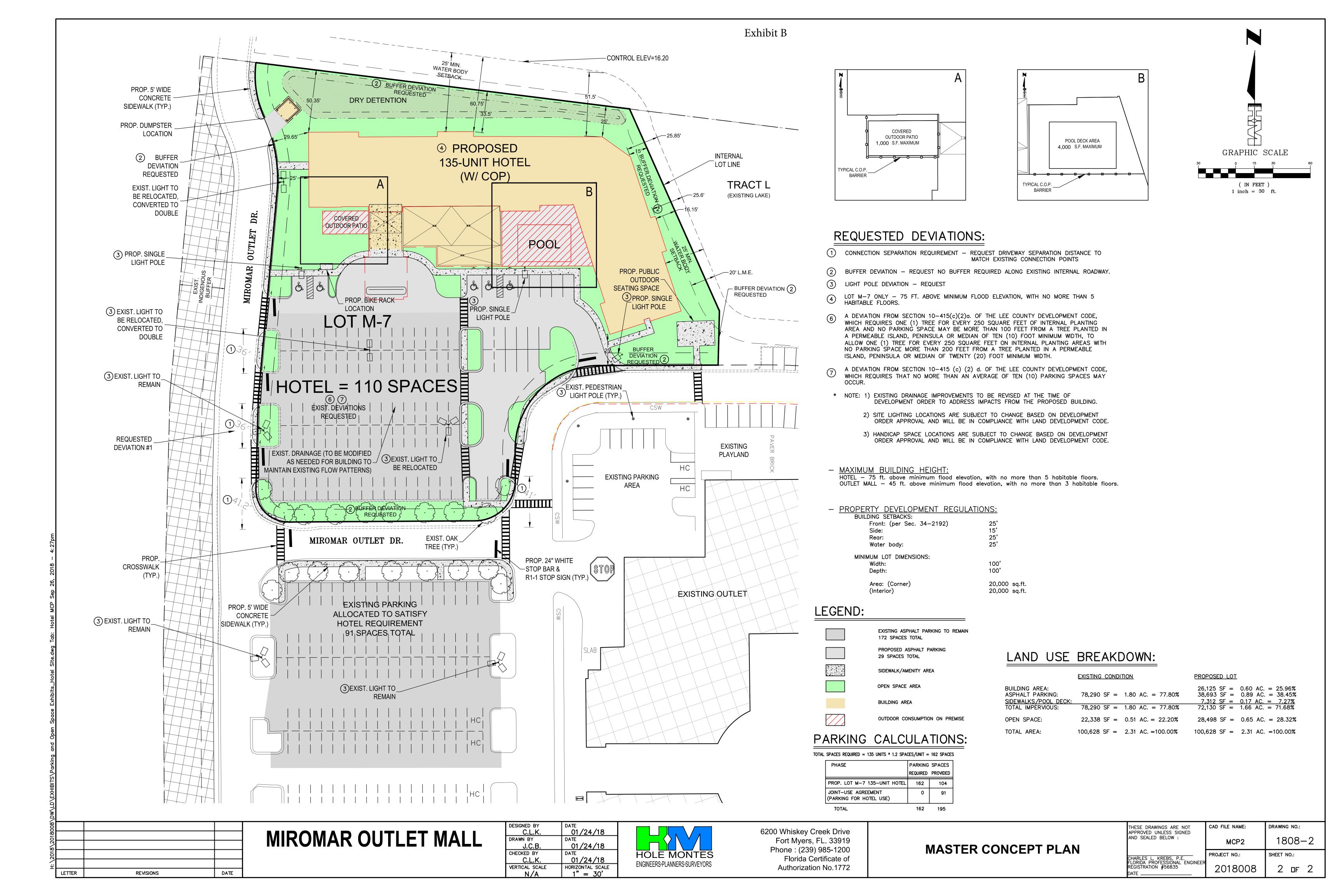


Exhibit C







MIROMAR HOTEL

ESTERO, FL

September 26, 2018

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VICINITY MAP

PROJECT INTENT:

Redevelop an existing greyfield using **SMART GROWTH PRACTICES**, creating a compact urban form. The proposed development will contribute towards **ECONOMIC GROWTH** for the **VILLAGE OF ESTERO** and the surrounding businesses the hotel will support. The underutilized parking lot will become the location of a new hotel. The hotel has the potential to create a **SYMBIOTIC** relationship with the Germain Arena and Miromar Outlets. The hotel guests will have a **WALKABLE CONNECTION** to the Germain Arena, Miromar Outlets, restaurants, and open space along the lake.

PROJECT GOALS:

- Create a walkable development with less reliance on the automobile
- Enhance the existing open space
- Create a cohesive aesthetic and architecture that compliments the Miromar Outlets vernacular.
- Enhance the vegetative buffer along I-75



CONNECTIVITY VIA WALKABILITY RADIUS MAP

LEGEND

PROJECT LOCATION

EXISTING TRAILS

LEE TRAN BUS ROUTE

MIROMAR OUTLETS

GERMAIN ARENA

LEE TRAN BUS
ROUTE - PROJECT

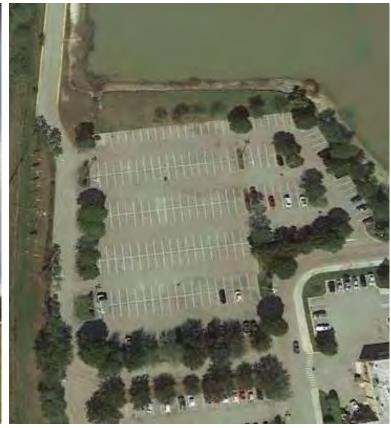


GREY FIELD REDEVELOPMENT

GREY FIELDS OFFER LARGE INFILL REDEVELOPMENT OPPORTUNITIES. GREY FIELDS SITES TYPICALLY ARE HIGHLY VISIBLE PROPERTIES THAT REDUCE THE APPEAL OF SURROUNDING COMMUNITIES, SO THEIR REDEVELOPMENT OFTEN CATALYZES ADDITIONAL PROJECTS. GREY FIELD REDEVELOPMENT PROJECTS CAN ACHIEVE MARKET-COMPETITIVE SALES PRICES AND LEASE RATES FOR COMMERCIAL AND RESIDENTIAL SPACE. (OFFICE OF SUSTAINABLE COMMUNITIES, 2012)

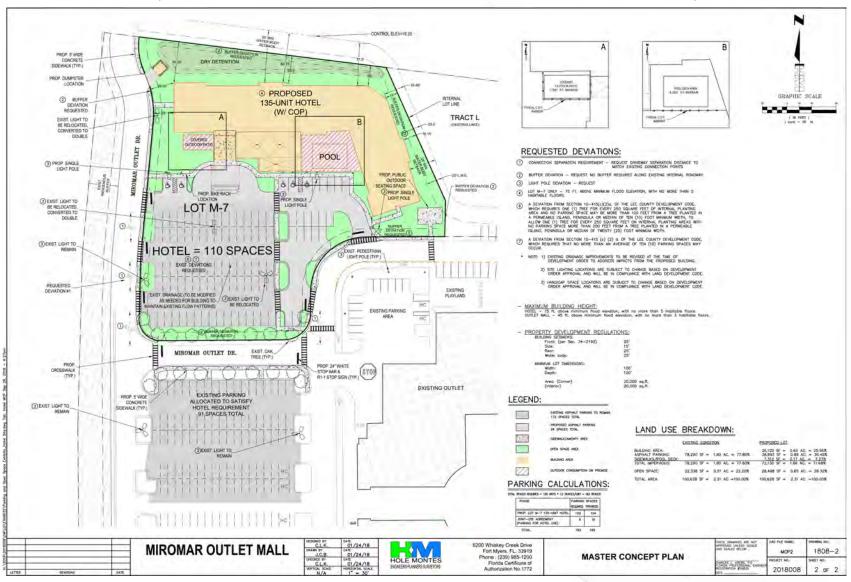
PROJECT SITE: UNDERUTILIZED PARKING LOT





REDEVELOPMENT PLAN

INFILL DEVELOPMENT AND REDEVELOPMENT ARE CRITICAL COMPONENTS OF URBAN GROWTH, REDUCING URBAN SPRAWL AND MAKING A MORE EFFICIENT USE OF EXISTING INFRASTRUCTURE TO IMPROVE OVERALL ACCESSIBILITY. (SUSTAINABLE DEVELOPMENT PROJECTS, GODSCHALK & MALIZIA, 2013)

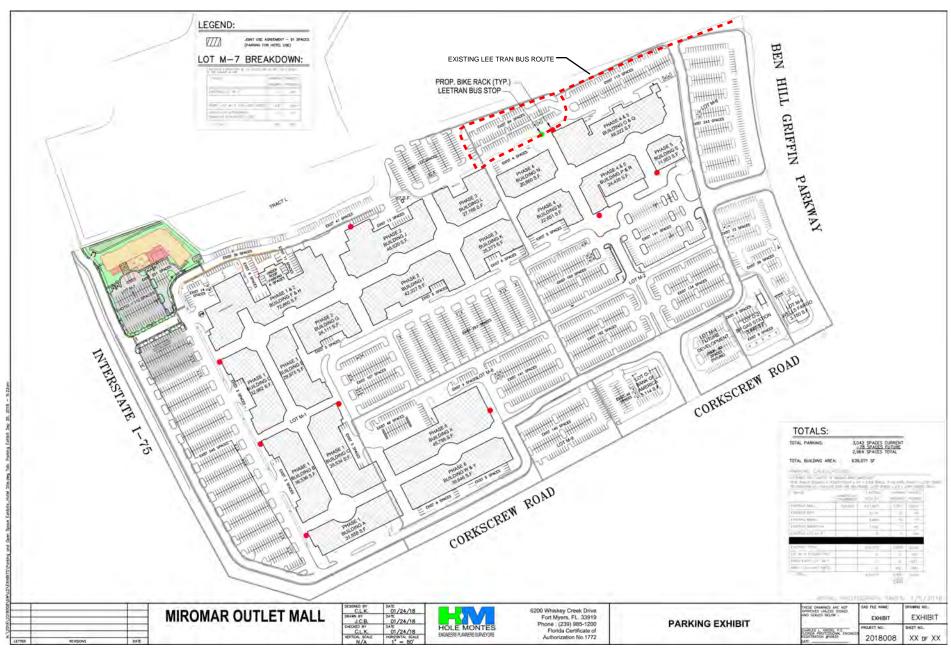


ZONING LANDSCAPE EXHIBIT

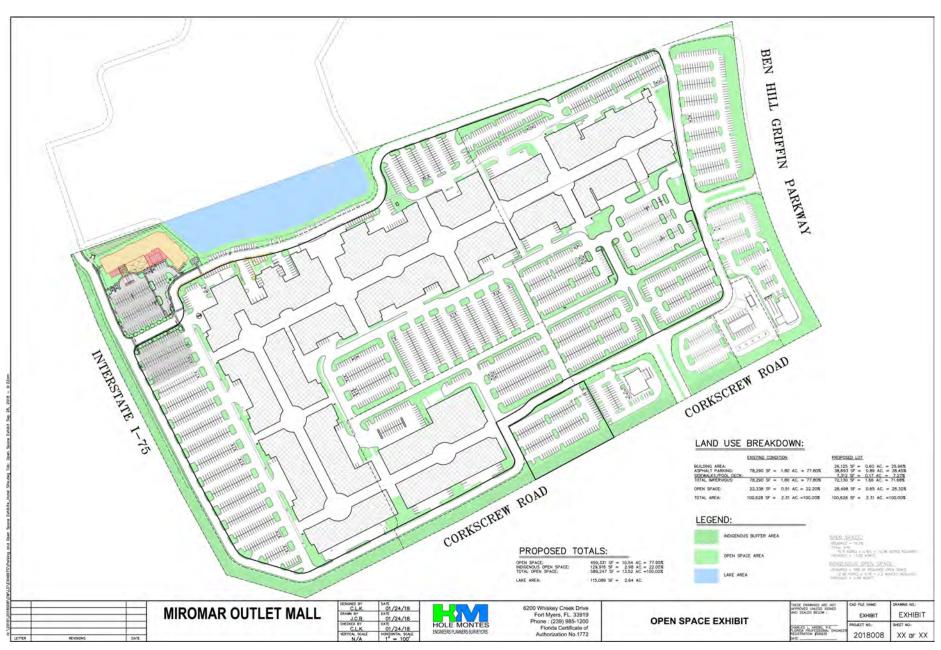


MIROMAR HOTEL

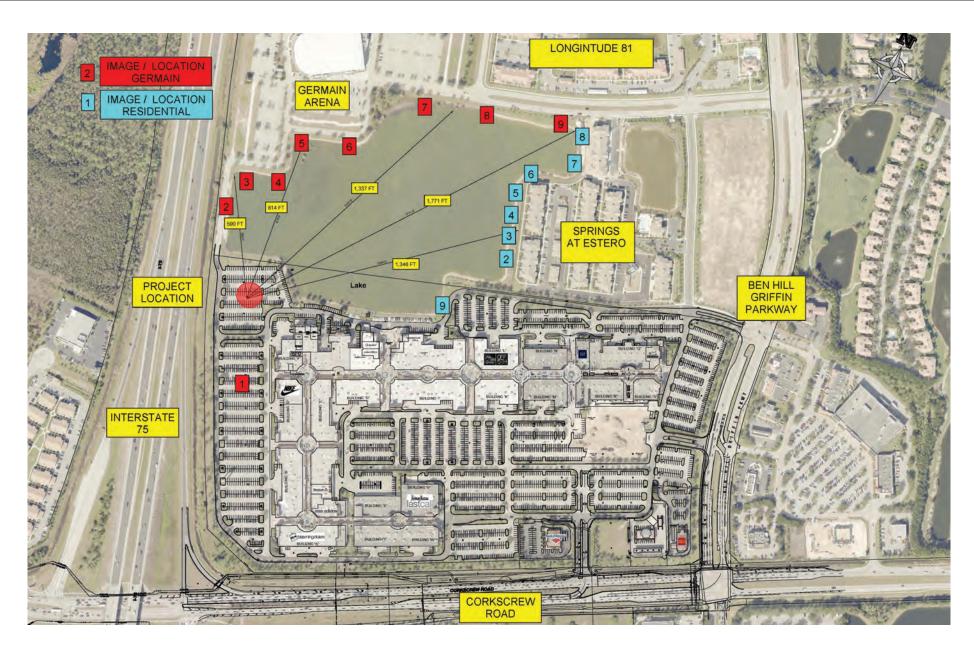
OPEN SPACE AND PARKING EXHIBIT



OPEN SPACE AND PARKING EXHIBIT



MIROMAR OUTLETS VIEW EXHIBIT



MIROMAR OUTLETS VIEW EXHIBIT

Germain Location

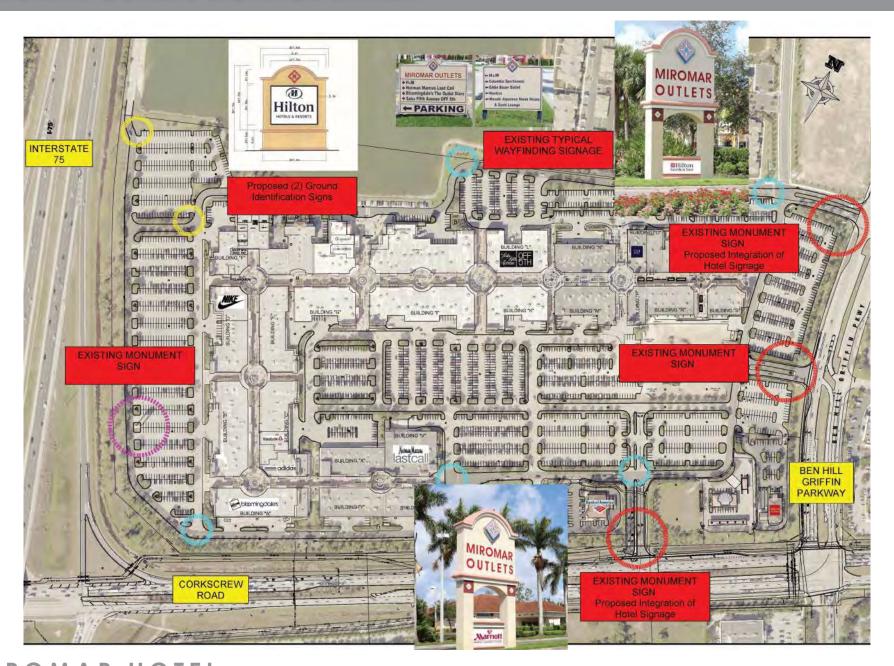


MIROMAR OUTLETS VIEW EXHIBIT

Residential Location



MIROMAR OUTLETS SIGNAGE EXHIBIT



MIROMAR HOTEL

PEDESTRIAN ACCESSIBILITY

DESIGN GOALS

- Expand the existing sidewalk by connecting to proposed sidewalks.
- Create safe walkable connections from hotel > lake outlook > arena > mall > restaurants > bus transit > existing
 trails
- Continue design standards from existing sidewalks and median paths.
- Construct multi-use pathways that feature shade trees, benches, bike racks and other design elements that attract
 usage. Enable multi-modal transportation access within and between areas (Policy No. 19.4.2)

EXISTING SIDEWALK CONNECTIONS





INTERNAL CONNECTIVITY MAP



ARCHITECTURAL DETAILS: HOTEL



MIROMAR HOTEL

ARCHITECTURAL DETAILS: HOTEL



ARCHITECTURAL DETAILS: HOTEL

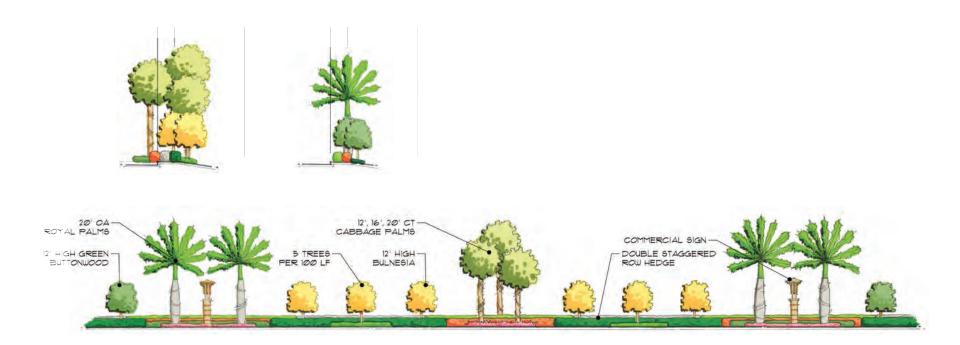


MIROMAR HOTEL

VEGETATIVE BUFFER

Vegetative buffers are areas of natural or established vegetation to enhance aesthetics along a major roadway (I-75).

Type D Buffer Along I-75 (Policy Sec.10-416)



LANDSCAPE CHARACTER

DESIGN GOALS

- Incorporate lush plantings of palms and ornamentals that landscape surrounding building
- Provide stately shade trees to be used in the parking lot medians to help lessen the heat island effect and create shade throughout the paved surfaces
- Incorporate layers of landscaping to reduce visual pollution to benefit surrounding properties and provide sound attenuation
- Use native plantings and Florida Friendly Landscaping to develop a sustainable site that meets Land Development Codes 10-416 10-421.



NATIVE PLANTS ARE ADAPTED TO LOCAL ENVIRONMENTAL CONDITIONS, THEY REQUIRE FAR LESS WATER, SAVING TIME, MONEY, AND PERHAPS THE MOST VALUABLE NATURAL RESOURCE, WATER. IN ADDITION TO PROVIDING VITAL HABITAT FOR BIRDS, MANY OTHER SPECIES OF WILD LIFE BENEFIT AS WELL. (NATIONAL AUDUBON SOCIETY)

PLANTING PLAN

Landscape Exhibit DENOTES NATIVE /FLORIDA FRIENDLY PLANT ALUMINUM PICKET FENCE ORANGE GEIGER SABAL PALM **JATROPHA** YELLOW TABEBUIA PINK TABEBUIA SHADY LADY OLIVE HEDGE HIBISCUS COONTIE MUHLY GRASS **GREEN ISLE FICUS**

CONSULTANT TEAM

BOOTH DESIGN GROUP, Landscape Architecture

DELISI, INC., Lands Use Planning & Water Policy











MIROMAR HOTEL