

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2016 - 10**

4  
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF**  
6 **THE VILLAGE OF ESTERO, FLORIDA;**  
7 **CORRECTING A DEVELOPMENT ORDER AND**  
8 **ZONING RESOLUTION ISSUED BY LEE COUNTY**  
9 **FOR THE COCONUT POINT DEVELOPMENT OF**  
10 **REGIONAL IMPACT FOR PROPERTY BOUNDED**  
11 **BY US 41 ON THE WEST, PELICAN COLONY**  
12 **BOULEVARD EXTENSION ON THE SOUTH, VIA**  
13 **COCONUT POINT ON THE EAST, AND COCONUT**  
14 **ROAD ON THE NORTH, IN THE VILLAGE OF**  
15 **ESTERO, FLORIDA; ADOPTING RECITALS;**  
16 **ADOPTING FINDINGS; AND PROVIDING AN**  
17 **EFFECTIVE DATE.**

18  
19 **WHEREAS,** Lee County originally approved the Development Order and rezoning for  
20 the Coconut Point Development of Regional Impact (hereinafter, "Coconut Point DRI") on  
21 October 21, 2001; and  
22

23 **WHEREAS,** Lee County approved the Eighth Development Order Amendment and a  
24 concurrent zoning amendment to the Coconut Point DRI on May 7, 2014, through Lee County  
25 Zoning Resolution #Z-14-005, upon application from Lee Memorial Health System  
26 (hereinafter, "Lee Memorial") which was intended to affect only property owned by Lee  
27 Memorial, specifically Tracts 3A-1, 3A-2, and 3A-3 1 (hereinafter, the "Lee Memorial  
28 parcels"); and  
29

30 **WHEREAS,** the changes approved by the Eighth Development Order Amendment and  
31 the concurrent zoning amendment inadvertently affected other parcels within the Coconut  
32 Point DRI, specifically Tracts 3A-3-2 and 3A-3-3; and  
33

34 **WHEREAS,** Lee Memorial has applied for an administrative amendment to the Eighth  
35 Development Order Amendment and Zoning Resolution #Z-14-005 to accurately reflect the  
36 intent of the changes approved by Lee County on May 7, 2014; and  
37

38 **WHEREAS,** after research and analysis of the changes approved in 2014, the Village  
39 Director of Community Development has determined that the use limitations and external trip  
40 restrictions adopted in 2014 have inadvertently affected more property than the Lee Memorial  
41 parcels and should be revised so as to affect only the Lee Memorial parcels; and

42       **WHEREAS**, the subject property is located in the South Village of the Coconut Point  
43 DRI on property bounded by US 41 on the west, Pelican Colony Boulevard on the south, Via  
44 Coconut Point on the east, and Coconut Road on the north; and  
45

46       **WHEREAS**, a public hearing was held with due public notice on July 19, 2016, by the  
47 Village of Estero Planning and Zoning Board which gave full consideration to the evidence  
48 available and recommended approval; and  
49

50       **WHEREAS**, the first reading of this ordinance was duly noticed and held on August  
51 17, 2016, by the Village Council; and  
52

53       **WHEREAS**, the second reading and duly noticed public hearing of this ordinance was  
54 held on August 31, 2016, by the Village Council, which gave consideration to the evidence  
55 available and determined that the adoption of this ordinance is in the public interest.  
56

57       **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,  
58 Florida:  
59

60       **Section 1.       Recitals Adopted.** Each of the above stated recitals are hereby  
61 adopted and confirmed as being true and the same are hereby incorporated as a part of this  
62 Ordinance.  
63

64       **Section 2.       Findings.** The Village Council finds that the amendment complies  
65 with the Land Development Code and the Comprehensive Plan, is consistent with the general  
66 Urban Community uses set forth in the Comprehensive Plan, and is a minor correction to a  
67 limitation on trip count generation for the Lee Memorial parcels which has no external impacts.  
68

69       **Section 3.       Approval.**  
70

71       That the Village Council hereby approves the following amendments to Lee County  
72 Zoning Resolution #Z-14-005 and the Eighth Development Order Amendment for Coconut  
73 Point DRI:  
74

75       1.       Zoning Resolution #Z-14-005 is hereby amended by replacing the Master  
76 Concept Plan attached as Exhibit B to Resolution #Z-14-005 with the Master Concept Plan  
77 attached to this Ordinance as Exhibit "A."  
78

79       2.       The Eighth Development Order Amendment is hereby amended as follows:  
80

81               A.       Section I.A., Findings of Fact and Conclusions of Law, is amended to  
82 add the underlined language and delete the stricken language to read as follows:

83                       A. The Coconut Point DRI is a master planned commercial  
84 development consisting of 482.4+/- acres located in unincorporated

85 south central Lee County at the intersection of US 41 and Coconut Road.  
86 The Coconut Point DRI is a mixed use development that will consist of:  
87 1,450,000 gross leasable square feet of retail/regional mall (Regional  
88 Retail Center), 157,500 gross leasable square feet of retail on other  
89 parcels adjacent to the regional mall (Community Commercial Retail),  
90 8,000 gross leasable square feet of Banks, 782,777 square feet of office,  
91 of which no more than 104,333 square feet may be medical office, 320  
92 hotel rooms, 1,214 condominium units, and a 400 unit assisted living  
93 facility. The project will include 33.4 acres of conservation areas, 57.1  
94 acres of lakes, 43.2 acres of road rights-of-way, and 9.0 acres of green  
95 area/open space.  
96

97 This Eighth Amendment: (1) provides an option to develop an  
98 acute care hospital within Tract 3A as shown on Page 3 of Map H  
99 attached hereto as Exhibit "A"; (2) increases the square footage of office  
100 that can be constructed within Tract 3-A so long as net new external  
101 trips from Tract 3-A do not exceed 479; and (3) extends the buildout  
102 and termination dates to December 31, 2024, and December 31, 2030,  
103 respectively.  
104

105 Tract 3A was previously allocated up to 60,000 gross leasable  
106 square feet of retail and 170,000 gross leasable square feet of general  
107 office, of which 68,333 square feet could have been medical office.  
108 Pursuant to the Eighth Amendment, Tracts 3A-1, 3A-2, and 3A-3\_1 in  
109 the South Village may be developed with a maximum of the following:  
110 160-bed acute care hospital, 60,000 gross leasable square feet of retail,  
111 300,000 square feet office, of which a maximum of 198,000 square feet  
112 may be medical office, or any combination of the foregoing that does  
113 not exceed 479 net new external trips.  
114

115 Water and wastewater treatment will be provided by  
116 Bonita Springs Utilities.  
117

118 The project phasing schedule consists of one phase with  
119 buildout in 2024.  
120

121 B. Section I.D.1.a., Transportation, Significant Impacts, Assessment  
122 Parameters, is amended to add the underlined language and delete the stricken  
123 language to the paragraph marked by an asterisk (\*) so as to read as follows:

124 \*Tracts 3A-1, 3A-2, and 3A-3 1 in the South Village (shown on page 3  
125 of Map H attached hereto as Exhibit "B") may be developed with a  
126 maximum of 60,000 gross leasable sq. ft. retail, 300,000 sq. ft. total  
127 office (of which a maximum of 198,000 sq. ft. may be medical office),

128 a maximum of 160 acute care hospital beds, or any combination of these  
129 uses that does not exceed 479 total net new external trips.  
130

131 C. Exhibit C to the Eighth Amended Development Order is amended to  
132 add the underlined language and delete the stricken language to Footnote \*\*\*  
133 so as to read as follows:  
134

135 \*\*\* (1) the hospital may only be constructed within Tracts 3A-1, 3A-2, and 3A-3 1, and (2)  
136 Tracts 3A-1, 3A-2, and 3A-3 1 may be developed with up to 60,000 gross leasable sq. ft. retail,  
137 300,000 sq. ft. office (of which a maximum of 198,000 sq. ft. may be medical office), and 160  
138 acute care hospital beds, or any combination of these uses that does not exceed 479 total net  
139 new external trips.  
140

141 **Section 4. Limitation.** The amendments set forth herein shall not create an  
142 inference, or operate to establish a precedent, that any future zoning approval with respect to  
143 any other parcel or parcels other than Tracts 3A-1, 3A-2, and 3A-3 1 are or will be granted.  
144

145 **Section 5. Effective Date.**  
146

147 This ordinance shall take effect immediately upon adoption.  
148

149 **PASSED** on first reading this 17<sup>th</sup> day of August, 2016.  
150

151 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
152 Florida this 31<sup>st</sup> day of August, 2016.  
153

154 Attest: **VILLAGE OF ESTERO, FLORIDA**  
155

156  
157 By: \_\_\_\_\_ By: \_\_\_\_\_  
158 Kathy Hall, MMC, Village Clerk Nicholas Batos, Mayor  
159  
160

161 Reviewed for legal sufficiency:  
162  
163

164 By: \_\_\_\_\_  
165 Nancy Stroud, Esq., Village Land Use Attorney  
166  
167  
168  
169  
170

171	Vote:	AYE	NAY
172			
173	Mayor Batos	_____	_____
174	Vice Mayor Levitan	_____	_____
175	Councilmember Boesch	_____	_____
176	Councilmember Brown	_____	_____
177	Councilmember Errington	_____	_____
178	Councilmember Ribble	_____	_____
179	Councilmember Wilson	_____	_____

