

**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2018 - 05**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH  
CONDITIONS A ZONING AMENDMENT TO ALLOW A  
HOTEL USE ON TRACT 1D-3 OF THE COCONUT POINT  
MIXED USE PLANNED DEVELOPMENT AND  
DEVIATIONS FOR HEIGHT OF BUILDING AND  
ARCHITECTURAL FEATURES FOR PROPERTY  
LOCATED AT 8009 SWEETWATER RANCH  
BOULEVARD IN THE VILLAGE OF ESTERO,  
FLORIDA, AND COMPRISING APPROXIMATELY 2.16  
ACRES; PROVIDING FOR CONFLICTS; PROVIDING  
FOR SEVERABILITY; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, applicant, REA Trust, LLC, has applied for a zoning amendment and deviations on the property ("Property") which comprises **Tract 1D-3 of Coconut Point**, located off US 41, on Sweetwater Ranch Boulevard, for a proposed **Hilton Garden Inn**; and

**WHEREAS**, the property is part of the larger Coconut Point Development of Regional Impact which was rezoned in 2002 by Lee County to Mixed Use Planned Development (MPD) in Resolution Z-02-009 and most recently amended by Ordinance No. 2017-02; and

**WHEREAS**, the property is also subject to the DRI Development Order; and

**WHEREAS**, the applicant applied for an amendment to the MPD to add a hotel use and applied for deviations for building height, and the height of architectural features; and

**WHEREAS**, the Property STRAP number is 04-47-25-E3-301D3.0000; and

**WHEREAS**, the public information meeting was held for this application at the Planning and Zoning Board on August 15, 2017; and

**WHEREAS**, the Planning and Zoning Board considered the application at its meeting on April 17, 2018 (continued from March 20, 2018) and recommended approval with conditions of the requests; and

**WHEREAS**, a duly noticed first reading was held before the Village Council on May 9, 2018; and

44       **WHEREAS**, a duly noticed second reading and public hearing was held before the  
45 Village Council on June 20, 2018, at which time the Village Council gave consideration to the  
46 evidence presented by the applicant and the Village staff, the recommendations of the Planning  
47 and Zoning 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:

51  
52       **Section 1.     Zoning Amendment.**

53  
54       The Village Council hereby amends the Coconut Point Mixed Use Planned  
55 Development, Resolution Z-02-009 as amended most recently by Ordinance No. 2017-02, to  
56 approve a hotel use on Tract 1D-3 and deviations for height of the hotel building and  
57 architectural features as follows:

58  
59       **Section 2.     Conditions.**

60  
61       1. Master Concept Plan

62       The development of the 120 unit hotel building on Tract 1D-3 must be substantially  
63 consistent with the Master Concept Plan for Coconut Point MPD last revised on  
64 05/18/2017. Hotel use is added to Tract 1D and eliminated from Tract 1C.

65  
66       2. Previous Approvals

67       The previous approvals (contained in Ordinance No. 2017-02) including conditions  
68 and deviations remain in effect except the hotel/motel use in Condition 6 is  
69 eliminated and the height in Condition 5 is modified to 55 feet for the hotel use  
70 only as stated in Condition 3 below and 45 feet for any approved use in Tract 1C.

71  
72       3. Maximum Building Height and Uses

73       Maximum Building Height Tract 1D-3 only: 55 feet or 5 stories for hotel use only.

74  
75       Maximum Building Height Tract 1C only: 45 feet or 3 stories. Hotel Use is  
76 eliminated from Tract 1C.

77  
78       4. Pattern Book

79       The project design must be consistent with the Pattern Book, titled "Hilton Garden  
80 Inn at Coconut Point, Supplemental Pattern Book, Tract 1D-3", stamped "Received  
81 April 9, 2018", except that Option 1 on page 6 is deleted.

82  
83       5. Base Flood Elevation

84       The finished first floor of the hotel must meet base flood elevation (AE – EL 15  
85 NAVD) at a minimum plus one foot of free board.



87           6. Off-site Parking Sidewalk Connection & Easement

88           The applicant must provide a sidewalk connection, including the provision of  
89           crosswalks across Sweetwater Ranch Boulevard, to the offsite parking lot on the  
90           north side of Sweetwater Ranch Boulevard to the hotel. These improvements must  
91           be made prior to a certificate of compliance being issued for the Development Order  
92           for the proposed hotel. This off-site parking area will provide up to 10 parking  
93           spaces for employees and will be accessed by way of perpetual easement to be  
94           provided at the time of Development Order.  
95

96           7. Stormwater Management

97           The developer of Tract 1D-3 (hotel site) will construct the recommended onsite  
98           overflow structure on Tract 1D-3 as referenced in pages 10 through 12 of the  
99           Coconut Point North Village Surface Water Management Analysis – Basin 5A  
100          (prepared by Hole Montes dated March 27, 2018) prior to issuance of the Certificate  
101          of Compliance for infrastructure for Tract 1D-3. The overflow structure will be  
102          subject to SFWMD, Village of Estero and the North Village Association review  
103          and approval.  
104

105          8. Deviation 1

106          Deviation 1 is from the LDC Section 33-229, “Maximum Height,” which limits  
107          maximum building height outside of the Interstate Highway Interchange Areas to a  
108          maximum of three (3) stories or 45-feet, to allow a maximum building height of 55  
109          feet, as measured in accordance with LDC Section 34-2171(1). **Deviation 1 is**  
110          **Approved** as depicted in the Pattern Book.  
111

112          9. Deviation 2

113          Deviation 2 is from LDC Section 33-229, “Maximum Height,” which requires a  
114          deviation to exceed the maximum height limitations for architectural elements that  
115          enhance visibility or create focal points or amenities, such as turrets, sculpture,  
116          clock tower, and corner accentuating rooflines, to allow for architectural elements  
117          not to exceed an additional 22 feet in height for a maximum architecture feature  
118          height of 77 feet as depicted in the Pattern Book. **Deviation 2 is Approved** as  
119          depicted in the Pattern Book.  
120

121          10. Deviation 3

122          Deviation 3 seeks a deviation from the LDC Section 33-351, “Landscaping  
123          Buffers,” which requires a 20-foot Type D landscape buffer between commercial  
124          and right-of-way uses, to allow a 15-foot Type D landscape buffer, of which 10 feet  
125          will be located in a utility easement. **Deviation 3 is Approved** as depicted in the  
126          Pattern Book. Required trees must be planted outside of the utility easement.  
127  
128  
129

**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. The shift in the use as a hotel from Tract 1C to this site (Tract 1D-3) is not deemed to increase overall intensity within the Coconut Point DRI/MPD and will not adversely impact surrounding land uses, either within the overall planned development or external thereto. As such, the proposal, as conditioned, does not increase allowable intensity within the DRI/MPD and, therefore, is not anticipated to increase vehicular trips above what has already been anticipated.
3. The application is compatible with existing and planned uses in the surrounding area. The proposed use is set back approximately 140 feet from the fire station and 170 feet from the nearest residence in Rapallo. The applicant's Line of Sight exhibit contained in the Pattern Book illustrates that the hotel top floor will be visible from some Rapallo residences, but the approved hotel use on Tract C (which is being eliminated) would have the same visual impact.
4. Urban services will be available and adequate to serve the proposed use.
5. The request will not adversely affect environmentally critical areas and natural resources.
6. The proposed use, with the proposed conditions, is appropriate at the subject location.
7. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public's interest created by or expected from the proposed development.
8. The deviations recommended for approval:
  - a. Enhance the planned development; and
  - b. Preserve and promote the general intent of the LDC to protect the public, health, safety and welfare.



**Section 4. Exhibits.**

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

- Exhibit A Legal Description  
Exhibit B Master Concept Plan, titled "Coconut Point M.P.D." dated 05/18/17  
stamped "Received June 11, 2018"  
Exhibit C Supplemental Pattern Book titled "Hilton Garden Inn at Coconut Point"  
stamped "Received April 9, 2018"

**Section 5. Conflicts.**

All Sections or part of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all resolutions or parts of Resolutions, in conflict with this Ordinance shall be repealed to the extent of such conflict upon the effective date of this Ordinance.

**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 be effective immediately upon adoption.

**PASSED** on first reading this 9<sup>th</sup> day of May, 2018.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 20<sup>th</sup> day of June, 2018.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: James R. Boesch  
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: Nancy Stroud  
Nancy Stroud, Esq., Village Land Use Counsel

216	Vote:	AYE	NAY
217	Mayor Boesch	<u>✓</u>	<u>  </u>
218	Vice Mayor Ribble	<u>✓</u>	<u>  </u>
219	Councilmember Batos	<u>✓</u>	<u>  </u>
220	Councilmember Errington	<u>✓</u>	<u>  </u>
221	Councilmember Levitan	<u>✓</u>	<u>  </u>
222	Councilmember McLain	<u>✓</u>	<u>  </u>
223	Councilmember Wilson	<u>✓</u>	<u>  </u>

Exhibit A

**LEGAL DESCRIPTION**

Tract "1D-3", of Coconut Point-Area 1, according to the Plat thereof, as recorded in Plat Book 83, Pages 1 through 13, inclusive, of the public records of Lee County, Florida.





**H M**  
**HOLE MONTES**  
ENGINEERS • PLANNERS • SURVEYORS

DATE	TIME	SHEET NO.	SHEET TOTAL
05/15/17	1:00 PM	1	1

REFERENCE NO. 9779B\_MCP8

CHMENT 'A'



Exhibit C



*Coconut Point*

ESTERO, FLORIDA

DESIGN REVIEW GUIDELINES

RECEIVED  
APR 09 2018

VILLAGE OF ESTERO

# Hilton Garden Inn at Coconut Point

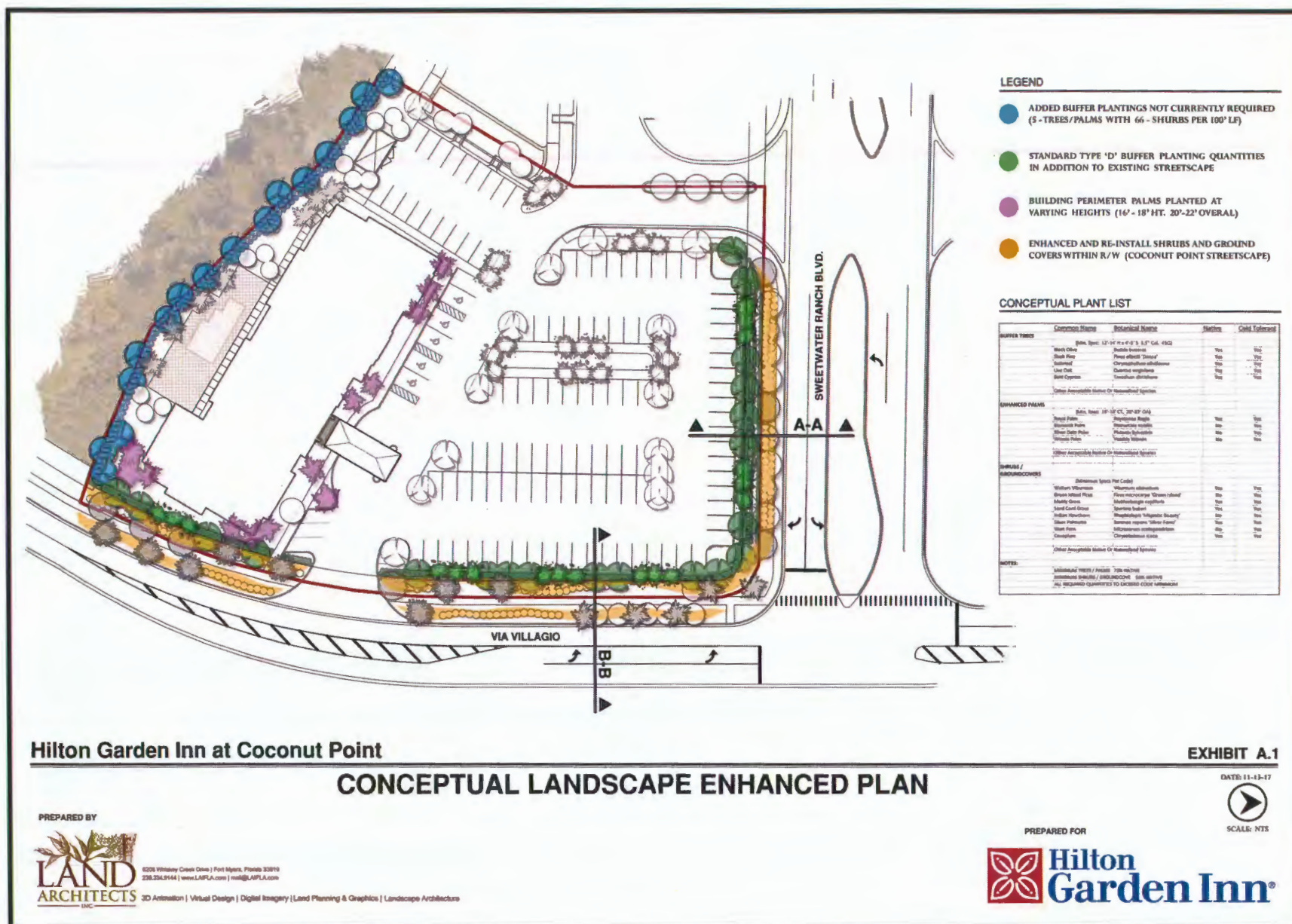
## Supplemental Pattern Book

### Tract 1D-3

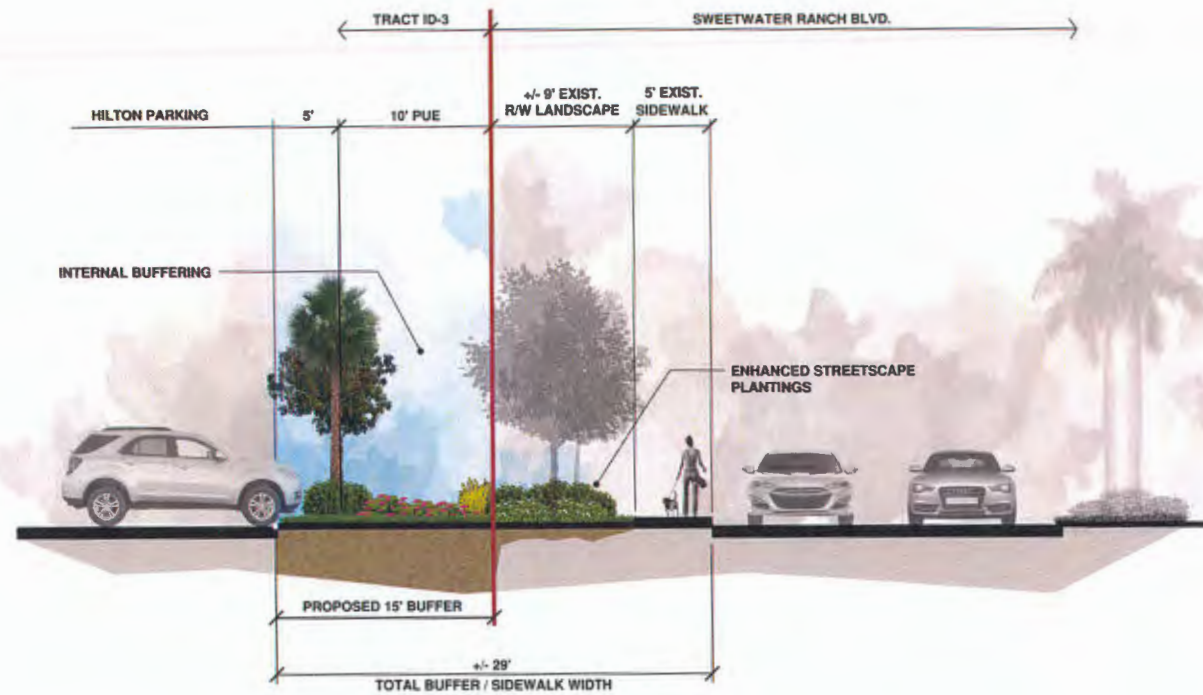




## 3







Hilton Garden Inn at Coconut Point

EXHIBIT A.2

DATE: 11-13-17

## CROSS SECTION 'A-A' - SWEETWATER RANCH BLVD.

PREPARED BY



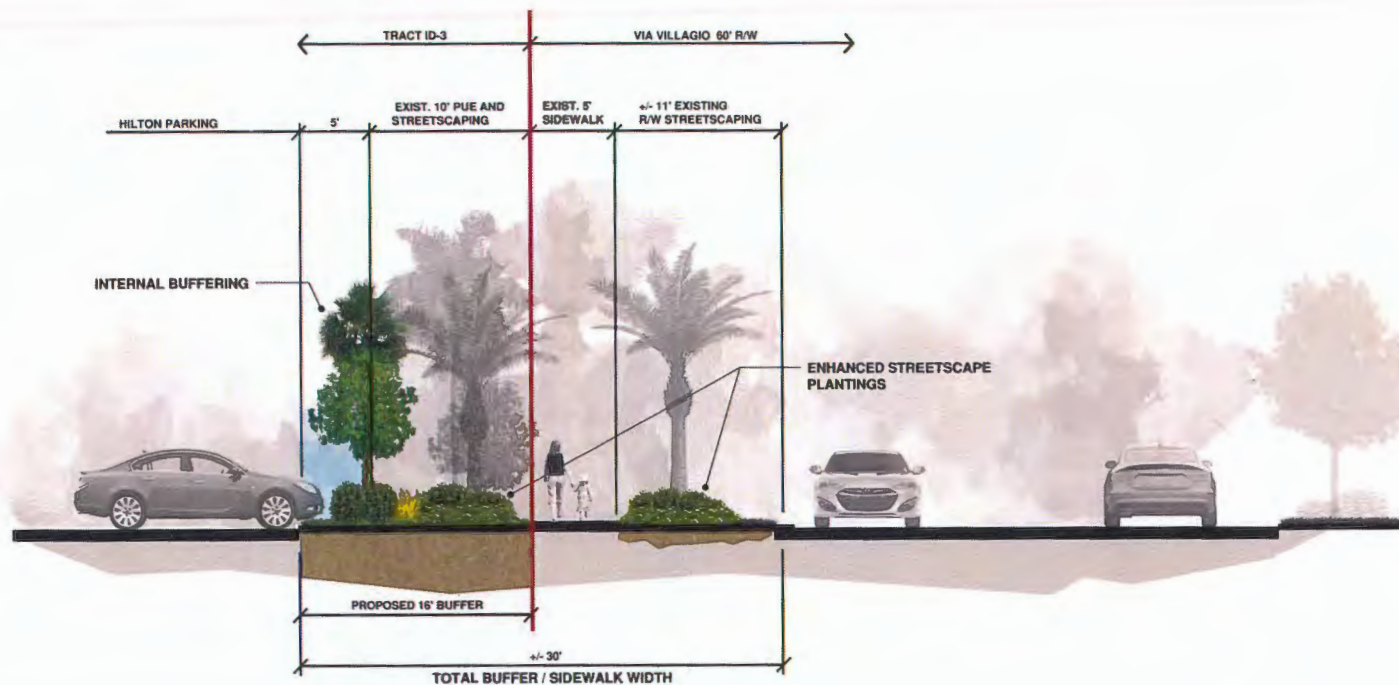
6336 Wilshire Cross Drive | Fort Myers, Florida 33919  
888.234.2144 | www.LANDLA.com | info@LANDLA.com

3D Animation | Virtual Design | Digital Imagery | Land Planning & Graphics | Landscape Architecture

PREPARED FOR



Enhanced Landscaping



Hilton Garden Inn at Coconut Point

EXHIBIT A.3

DATE: 11-13-17

## CROSS SECTION 'B-B' - VIA VILLAGIO

PREPARED BY



6209 Whiskey Creek Drive | Fort Myers, Florida 33919  
238.524.8144 | www.LANDFLA.com | info@LANDFLA.com

3D Animation | Visual Design | Digital Imagery | Land Planning & Graphics | Landscape Architecture

PREPARED FOR



Enhanced Landscaping





# Building Elevation

## Color Scheme - Option 1





# Building Elevation

## Color Scheme - Option 2



NORTH SIDE ELEVATION



SOUTH SIDE ELEVATION

**ZIA**  
ARCHITECTS  
INCORPORATED

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DATE: 09/28/2018  
BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS SHOWN

HILTON GARDEN INN  
8870 PL.  
ELEVATIONS

A2.1  
09/28/2018

# Building Elevations





EAST SIDE ELEVATION



WEST SIDE ELEVATION

**ARCHITECT**  
ZHA  
ARCHITECTS, PLLC

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BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

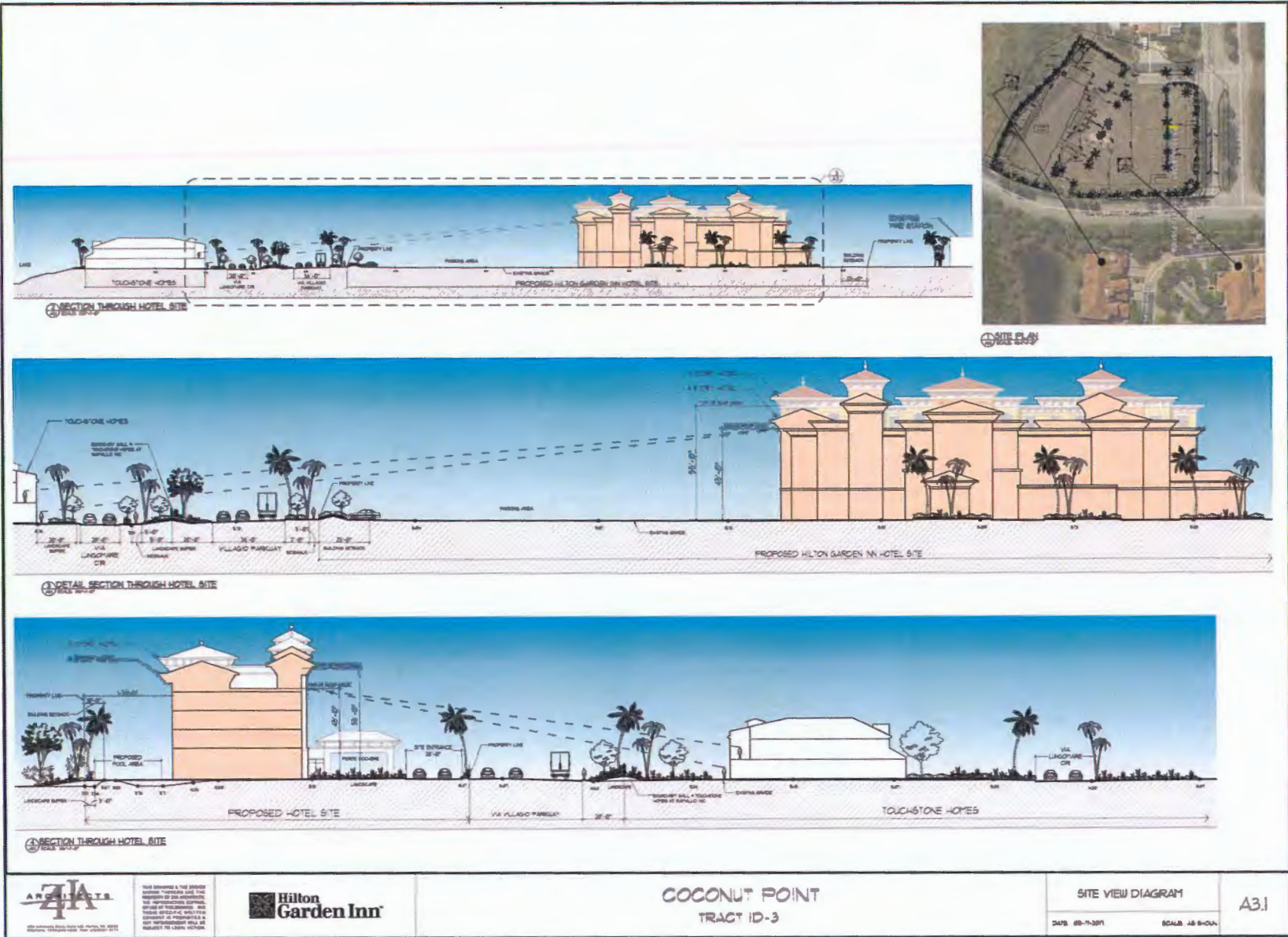
HILTON GARDEN INN  
SEVERO FL  
ELEVATIONS

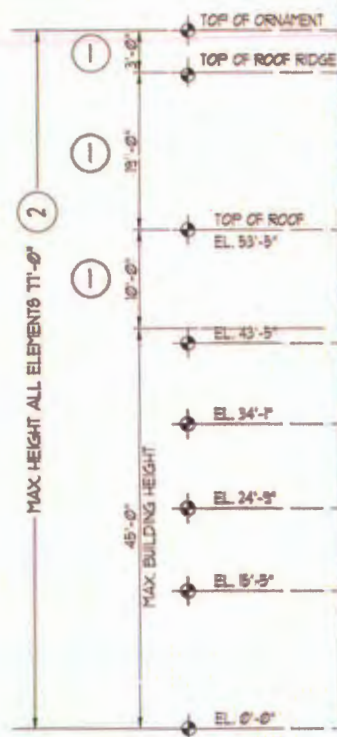
A2.2  
09/28/2018

# Building Elevations

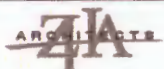


# Line of Sight





- ① DEVIATION 1 SEEKS RELIEF FROM THE LDC SECTION 33-229, *MAXIMUM HEIGHT*, WHICH LIMITS MAXIMUM BUILDING HEIGHT OUTSIDE OF THE INTERSTATE HIGHWAY INTERCHANGE AREAS TO A MAXIMUM OF THREE STORIES OR 45 FEET, TO ALLOW A MAXIMUM BUILDING HEIGHT OF 55 FEET, MEASURED PER SEC. 34-211 (U) OF THE LAND DEVELOPMENT CODE.
- ② DEVIATION 2 SEEKS RELIEF FROM LDC SECTION 33-229, *MAXIMUM HEIGHT*, WHICH REQUIRES A DEVIATION TO EXCEED THE MAXIMUM HEIGHT LIMITATIONS FOR ARCHITECTURAL ELEMENTS THAT ENHANCE VISIBILITY, OR CREATE FOCAL POINTS OR AMENITIES, SUCH AS TURRETS, SCULPTURE, CLOCK TOWER AND CORNER ACCENTUATING ROOFLINES, TO ALLOW FOR ARCHITECTURAL ELEMENTS NOT TO EXCEED AN ADDITIONAL 22 FEET IN HEIGHT.



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HILTON GARDEN INN  
ESTERO, FL.

DEVIATION 1 & 2  
BUILDING HEIGHT

DATE: 01/08/17

SCALE: NTS



# Height Deviation Exhibit