<div align="center">

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

</div>

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
50
51   **WHEREAS,** a first reading was subsequently held before the Village Council on January
52   8, 2025; and
53
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.
58
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
91
92

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

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 "Rev. 1-22-2025". Pattern Book shall also include five signature trees/palms at the front column areas of the entryway to soften the massing of the vertical open panels on the building. Roof material is revised to tile roof.

8. Buffers and Landscaping

   a. 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.

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

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 will be entirely located within the subject property and 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. In addition to the plantings discussed above, the developer shall coordinate with the Marsh Landing HOA to determine areas within the Marsh Landing development suitable for plantings that would provide additional screening of the proposed development. If an agreement is met with the Marsh landing HOA, the applicant

139   will provide cash in lieu to the Marsh Landing HOA to fund the purchase and
140   installation of these plantings within the Marsh Landing Development.

141

142   c. The applicant has agreed to plant a hedge row maintained to form a 48" height
143   visual screen within one year after time of planting along the edge of the parking
144   area located in the western portion of the proposed development (as depicted on the
145   Master Concept Plan). These plantings are located within the subject property.

146

147 10. <u>Concurrency</u>

148

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

153

154 11. <u>Parking Lot Lighting</u>

155

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

158

159 12. <u>Lighting and Signage</u>

160

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

164

165 13. <u>Rear Windows/Visibility</u>

166

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

170

171 14. <u>Radio Enhancement</u>

172

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

178

179 15. <u>Hurricane Preparedness</u>

180

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

183
184

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, 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.

229   The proposed deviation for a reduced buffer will:
230
231   1. Be similar to the other right-of-way landscape buffers found within the subdivision.
232
233   2. Reduce the width of the buffer by 5 feet but will contain the required trees and shrubs
234   of the Type D buffer.
235

Section 5. Exhibits.

236
237
238 The following exhibits are attached to this Ordinance and incorporated by reference:
239

240   Exhibit A   Master Concept Plan titled "Comerlat Hospitality Tract F Hotel" stamped
241   "Received January 22, 2025".
242   Exhibit B   Pattern Book titled "Pattern Book Coconut Trace CPD Tract F" dated "Rev.
243   1-22-2025".
244

Section 6. Severability.

245
246
247 Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance
248 subsequent to its effective date be declared by a court of competent jurisdiction to be
249 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
250 portion thereof, other than the part so declared to be invalid.
251

Section 7. Effective Date.

252
253
254 This Ordinance shall take effect immediately upon adoption.
255
256 **PASSED** on first reading the 8th day of January, 2025.
257
258   **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
259 Florida on second reading this 5th day of February, 2025.
260
261
262 Attest: **VILLAGE OF ESTERO, FLORIDA**
263
264
265 By: _____   By: _____
266   Carol Sacco, Village Clerk   Jon McLain, Mayor
267
268
269 Reviewed for legal sufficiency:
270
271
272 By: _____
273   Nancy E. Stroud, Village Land Use Attorney
274
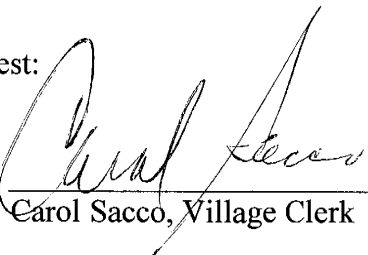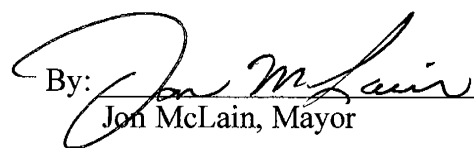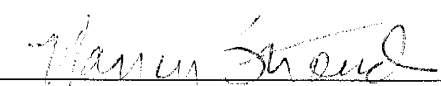
	Vote:	AYE	NAY
275			
276			
277	Mayor McLain	X	___
278	Vice Mayor Ribble	X	___
279	Councilmember Fiesel	X	___
280	Councilmember Fayhee	X	___
281	Councilmember Lopez	X	___
282	Councilmember Ward	X	___
283	Councilmember Zalucki	X	___

GRAPHIC SCALE

20   10   0   10   20   40

(IN FEET)
1 inch = 20 ft.

LEGEND:

- PROP. SIDEWALKS AND MISC. IMPERVIOUS
- PROP. GREEN SPACE AREA
- PROP. BUILDING AREA

② DEVIATION

PROP. ONSITE IMPROVEMENTS

DEVELOPMENT TRACT F	± 97,576 SF	= 2.24 AC.	= 100.00%
TOTAL IMPERVIOUS AREA	± 68,934 SF	= 1.58 AC.	= 70.62%
BUILDING AREA (FIRST FLOOR)	± 15,470 SF	= 0.36 AC.	= 15.85%
PARKING ASPHALT/CURB	± 45,573 SF	= 1.05 AC.	= 46.71%
SIDEWALKS/POOL DECK	± 7,866 SF	= 0.18 AC.	= 8.06%
PERVIOUS GREEN SPACE	± 28,667 SF	= 0.66 AC.	= 29.38%

ZONING DISTRICT CPD (Z-00-010)

MINIMUM LOT AREA:
AREA: 43,560 SF
WIDTH: 100 FT
DEPTH: 100 FT

MAXIMUM BUILDING HEIGHT
40 FT (TRACT F)

MINIMUM SETBACKS:
SIDE: 15 FT
REAR: 25 FT
WATER: 25 FT

LOT COVERAGE
MAXIMUM: 55.00%

OPEN SPACE CALCULATION
MIN. REQUIRED/PROVIDED OPEN SPACE(10%) = 0.22 AC.

AERIAL PHOTOGRAPH: APRIL 2024

Plan labels

BULB WAY

LYDEN DRIVE

EXIST. COMMERCIAL A PORTION OF BLOCK A TRACT C-D

EXIST. COMMERCIAL BLOCK A TRACT B

EXIST. COMMERCIAL BLOCK A TRACT A

EXIST. COMMERCIAL A PORTION OF BLOCK A TRACT E

EXIST. TRACT P WATER MANAGEMENT

EXIST. MARSH LANDINGS RPD

PROP. HIGH INTENSITY PED. MARKINGS, TYP
EXIST. DRAINAGE INLET, TYP.
EXIST. SAN. MANHOLE
PROP. "NO LEFT TURN" SIGN R3-2
EXIST. WATER MAIN
PROP. 5' CONCRETE SIDEWALK
PROP. STOP BAR & STOP SIGN (TYP.)
EXIST. WATER SERVICE
EXIST. LIFT STATION
EXIST. FIRE HYDRANT
EXIST. SAN. SERVICE
PROP. PROJECT MONUMENT SIGN
15 FT. TYPE D BUFFER
EXIST. FIRE HYDRANT
EXIST. LOT LINE (TYP)
PROP. 249 Sqft. DUMPSTER ENCLOSURE (21'x12')
WHITE DIRECTION ARROWS, (TYP)
DO NOT ENTER
PROP. STOP BAR & STOP SIGN R1-1 & "DO NOT ENTER" R5-1
EXIST. DRAINAGE STUBOUT TYP.
PROP. STOP BAR & STOP SIGN (TYP.)
CONCRETE CAR STOP (TYP)
CURB CUT RAMP W/ TACTILE WARNING SURFACE, TYP
H.C. PARKING SIGN, SEE DETAIL (TYP)
4" WHITE PAVEMENT MARKINGS (TYP)
PROP. HIGH INTENSITY PED. MARKINGS, TYP
PROP. STOP BAR & SIGN WITH "NO LEFT TURN" SIGN R3-2
POOL
W.C.
M.E.R.

122 HOTEL ROOMS
125 PARKING SPACES
1 PER 1.2 ROOMS = 102 SPACES

PROP. BIKE RACK MIN. 3 SPACES (TYP)
PROP. 36" H HEDGE ROW
25' DRAINAGE EASE.
EXIST. OAK 53.7 FT
EXIST. PALM 39.1 FT
30 FT. LANDSCAPE BUFFER RES Z-00-010
EXIST. OAK 45 FT
EXIST. PROP. LINE
5 FT. TYPE A BUFFER
15 FT. TYPE D BUFFER
EXIST. 8 FT. WALL (TYP)
EXIST. PALM 44.4 FT
APPROXIMATE LOCATION OF ENHANCED PERIMETER BUFFER PLANTINGS
APPROXIMATE LOCATION OF ENHANCED PERIMETER BUFFER PLANTINGS

50.1'   195.6'   170.4'
40' R.O.W.
10' P.U.E.
15.1'   18.1'   11.4'   20.6'   24'   14.1'   13.8'   16'
10.7'   9'   18'   10'   22'
16'   2'2'
10.7'   18'   10'
9'   16'   18'
12'   15'

Title block

COMERLAT HOSPITALITY
TRACT F - HOTEL
ESTERO, FLORIDA

DESIGNED BY C.L.K. DATE 02/22/24
DRAWN BY C.L.K. DATE 02/22/24
CHECKED BY C.L.K. DATE 02/22/24
VERTICAL SCALE N/A
HORIZONTAL SCALE 1"=20'

HM HOLE MONTES a Bowman Company
6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772

MASTER CONCEPT PLAN

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW :
CHARLES L. KREBS, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #56835
DATE

CAD FILE NAME: 1549-01 MCP
DRAWING NO.: 1549-01
PROJECT NO.: 340745
SHEET NO.: 1 OF 1

Pattern Book

Planned Development Amendment
Coconut Trace CPD Tract F

DCI2024-E006
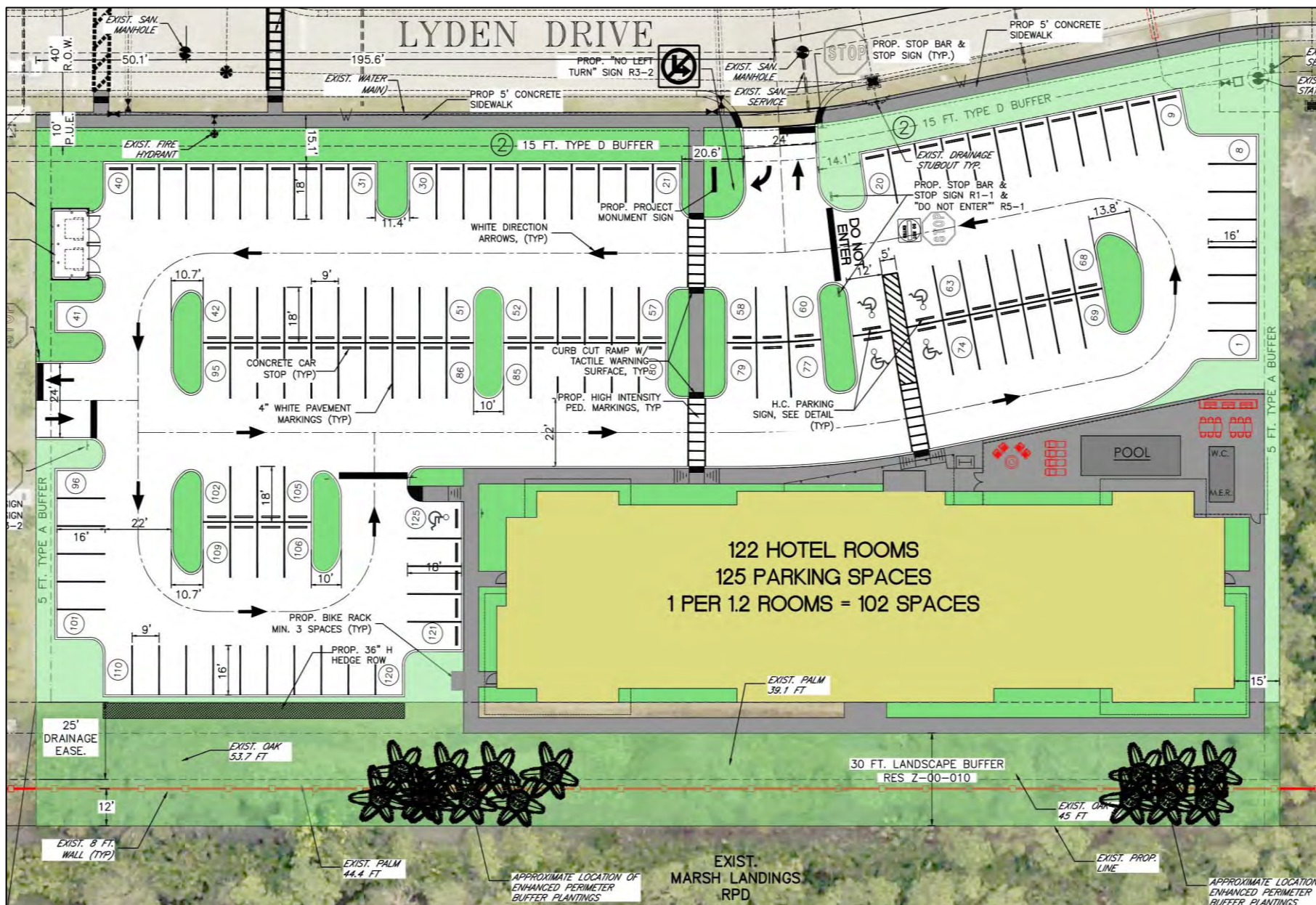**Rev. 1-22-2025**

Location

Location

Development Standards (per Lee County Zoning Resolution Z-00-010)

MIN. LOT AREA
Area: 43,500 SF
Width: 100 ft.
Depth: 100 ft.

MAX. BUILDING HEIGHT
40 ft. (Tract F)

MIN. SETBACKS
Side: 15 ft.
Rear: 25 ft.
Water: 25 ft.

LOT COVERAGE
Maximum: 55%

OPEN SPACE
Min. Req./Provided (10%):
0.22 Ac.

122 HOTEL ROOMS
125 PARKING SPACES
1 PER 1.2 ROOMS = 102 SPACES

Master Concept Plan

Connectivity

Walkable Amenities

Subject Property

Restaurants
From 1 to 13 min

Retail
From 1 to 14 min

Services
From 1 to 16 min

Sports and entretainment
From 7 to 12 min

Future Amenities
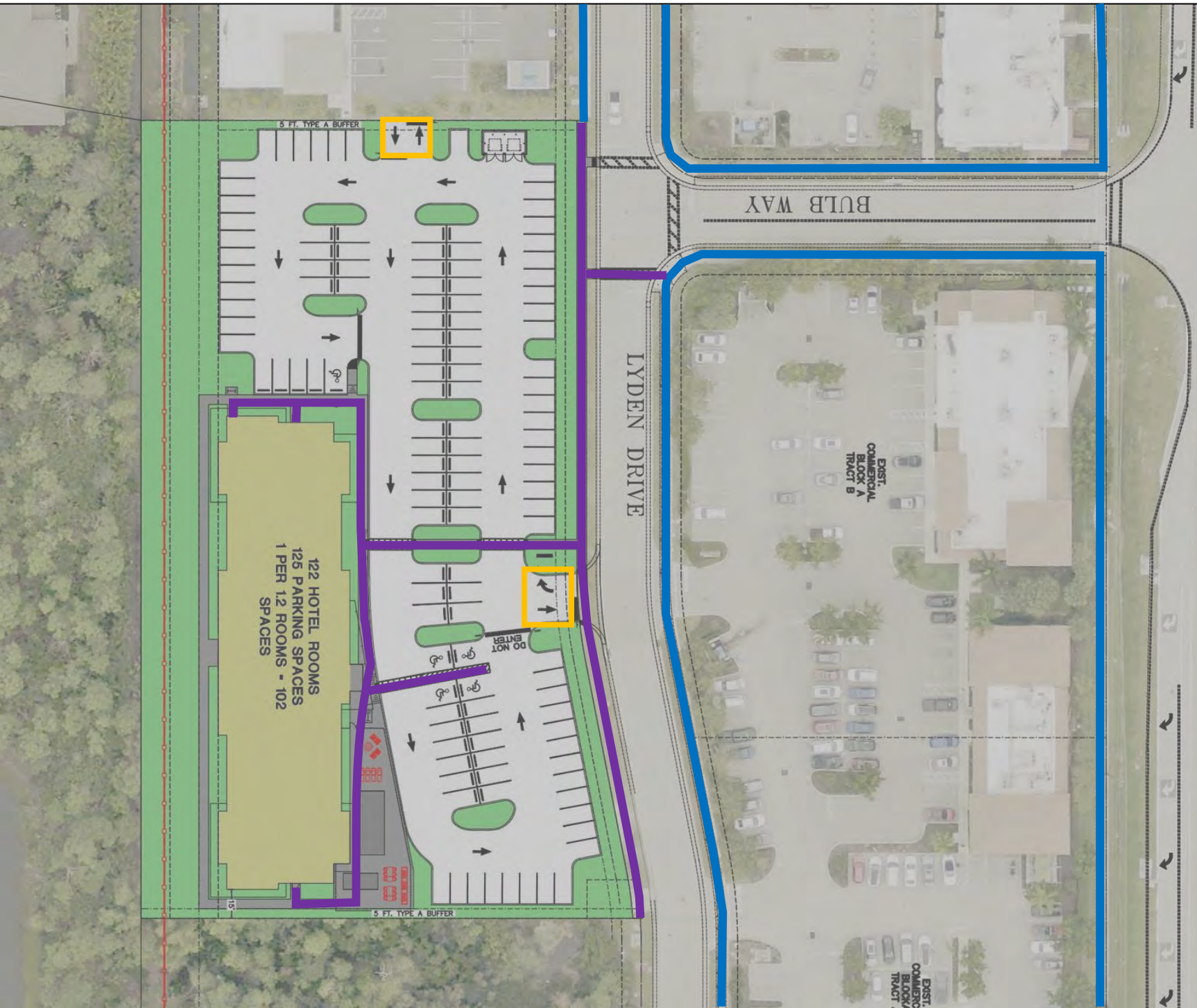From 7 to 13 min
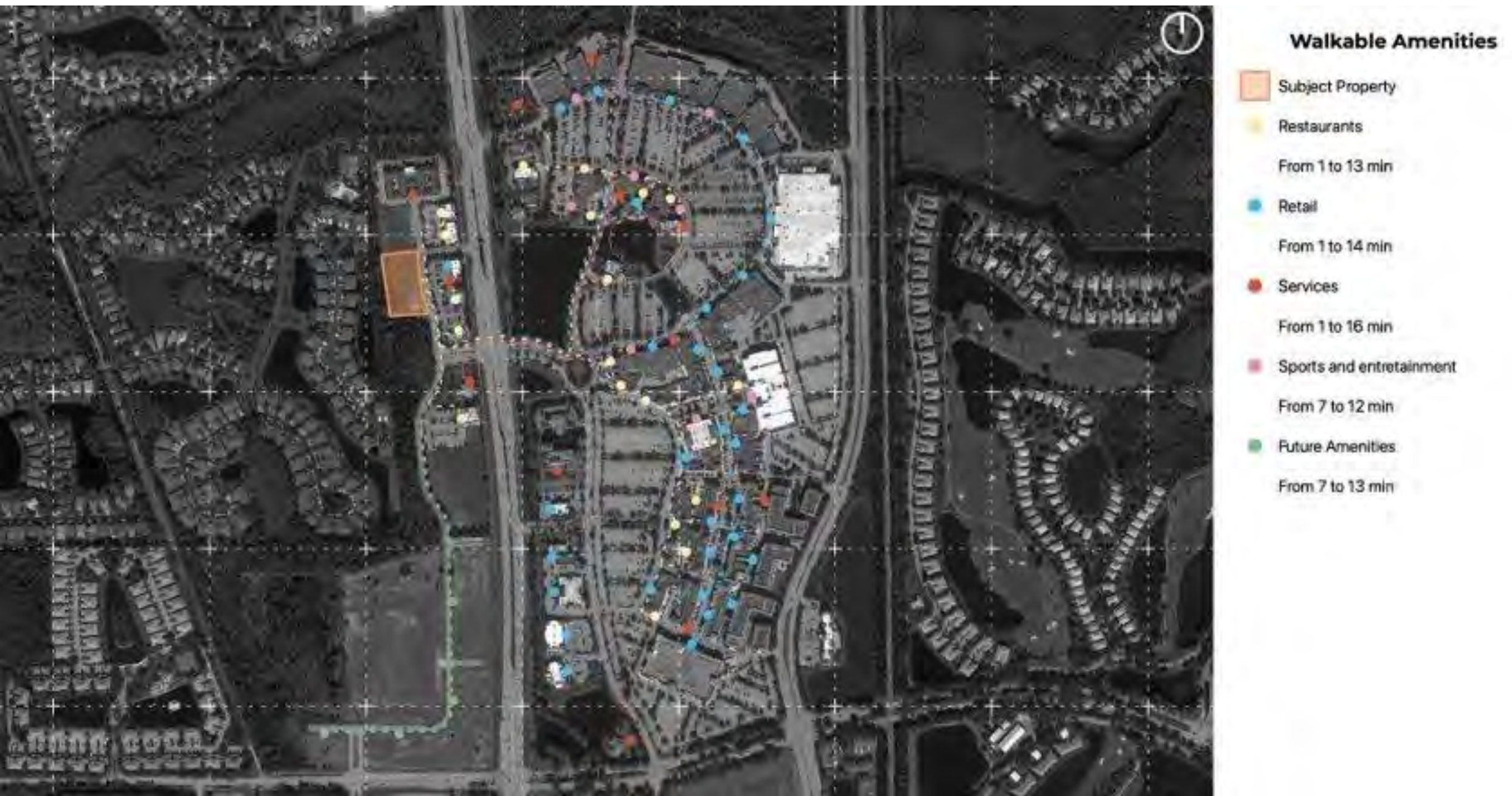
Connectivity

Two-way access

Proposed pedestrian improvements

Off-site pedestrian facilities

Setbacks to Adjacent Residential
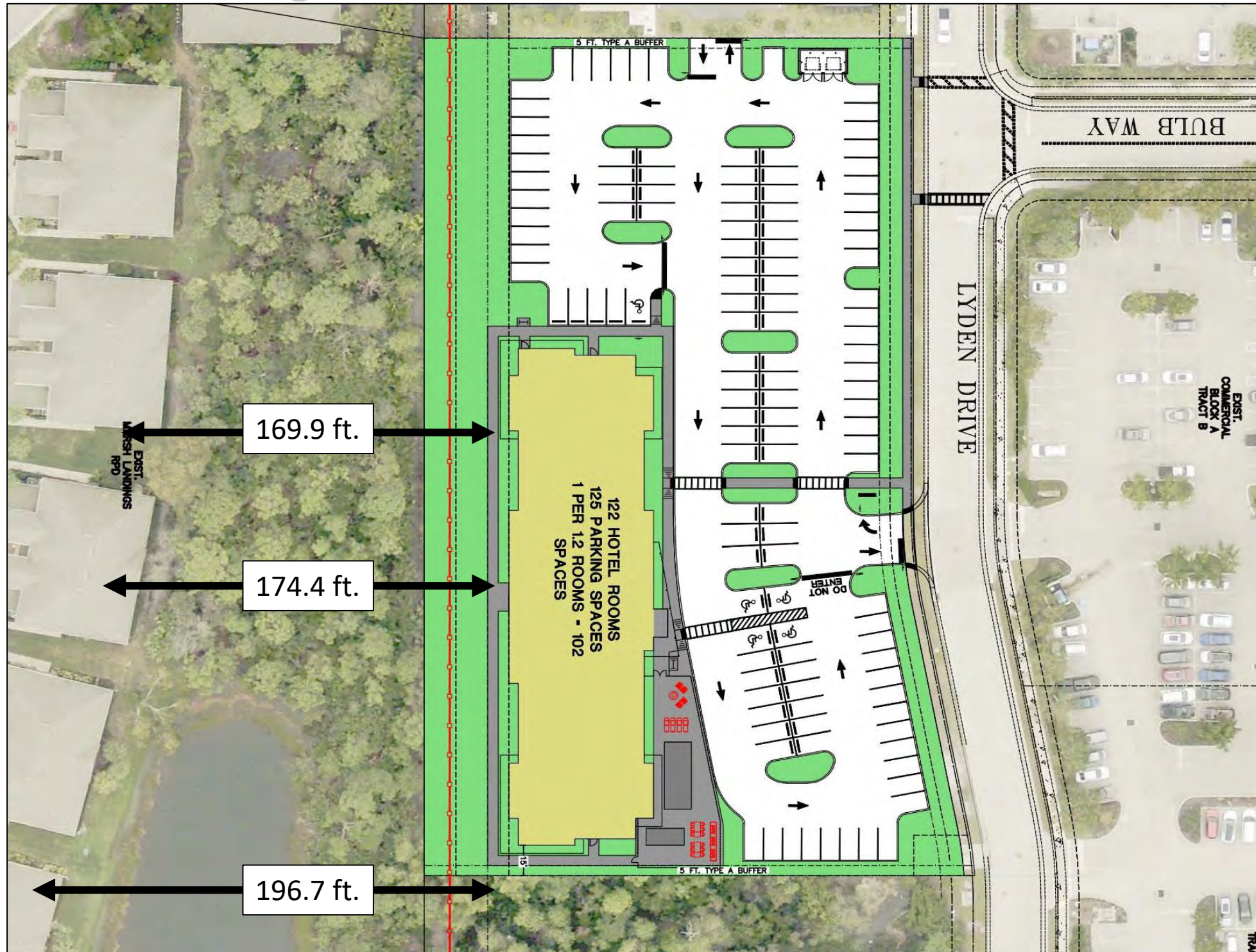
Design

Design

FRONT ELEVATION
Scale 1/8" = 1'-0"

SIDE ELEVATION
Scale 1/8" = 1'-0"

Design

REAR ELEVATION
Scale 1/8" = 1'-0"

SIDE ELEVATION
Scale 1/8" = 1'-0"

Materials

1st Level Horizontal Wood Siding
StoCast Wood – Oak

Vertical Wood Siding
StoCast Wood – Mocha

Quick Stack® - Antique Cream

Stone
Coronado Stone – Quick Stack – Antique Cream

Bowman

MK ARCHITECTURE

HYATT studios

InterMountain

Comerlat Hospitality

Materials

Building Paint Colors

Champagne
SW6644

Desert Lace
Sto Color 1009
Southwest Collection

Trim / 1st Level Overhang Color / Brackets / Fascia
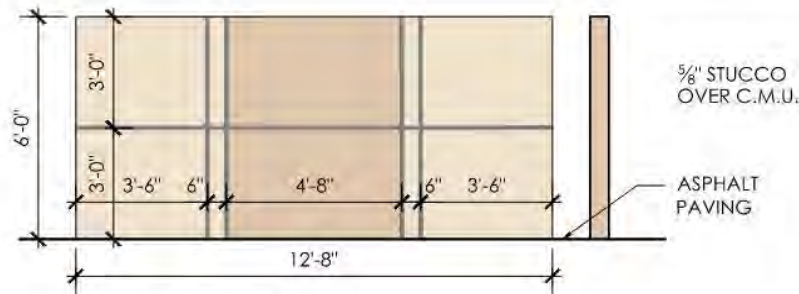
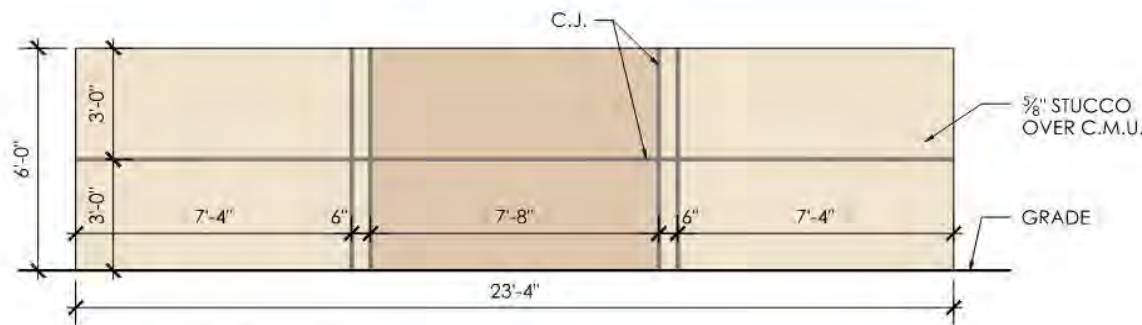Extra White
SW 7006

Standing Seam Metal Roof

Parapet Trim

Sierra Tan
Pac-Clad

Spalding Gray
SW6074

Bowman MK ARCHITECTURE HYATT studios InterMountain Comerlat Hospitality

Design

SIDE ELEVATION

⅝" STUCCO OVER C.M.U.

ASPHALT PAVING

BACK ELEVATION

C.J.

⅝" STUCCO OVER C.M.U.

GRADE
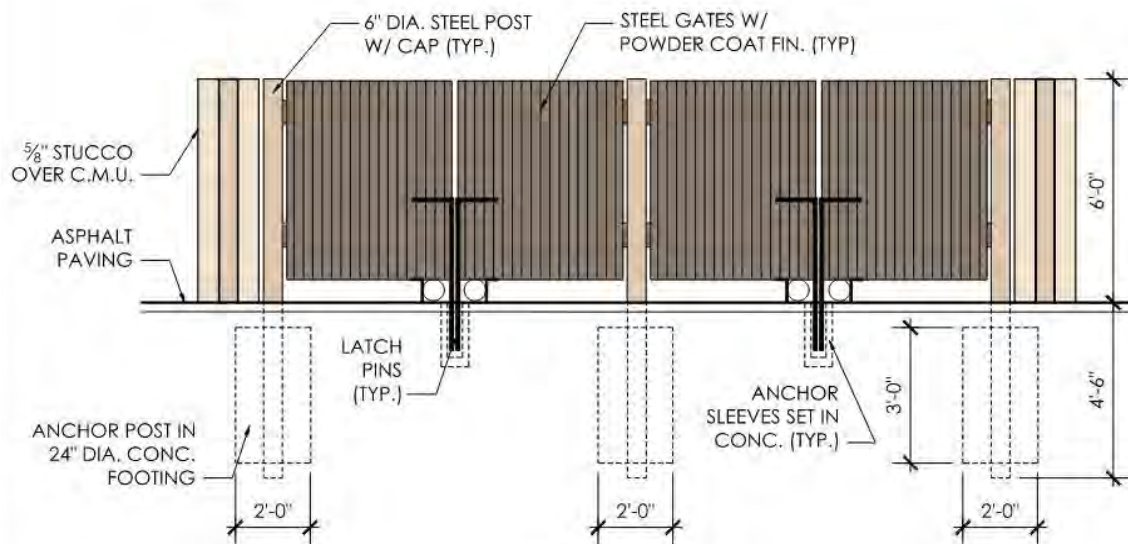
FRONT DUMPSTER ELEVATION

6" DIA. STEEL POST W/ CAP (TYP.)

STEEL GATES W/ POWDER COAT FIN. (TYP)

⅝" STUCCO OVER C.M.U.

ASPHALT PAVING

LATCH PINS (TYP.)

ANCHOR SLEEVES SET IN CONC. (TYP.)

ANCHOR POST IN 24" DIA. CONC. FOOTING

DUMPSTER WALL SECTION

6'-0" A.F.F. T.O. MASONRY

⅝" STUCCO FINISH BOTH SIDES

GRADE

12x16 MONO FTG. W/ (2) #5 CONT.

MOUND GROUT

8"x8" BOND BEAM BLOCK W/ (1) #5 BAR & FILLED SOLID WITH GROUT

8"x16" C.M.U. W/ DUR-O-WALL @ 16" O.C. VERTICALLY, W/ (2) #5 @ 4" O.C. HOR.

#5 REINFORCING BARS & DOWELS 24" MIN. LAP IN GROUT FILLED CELLS @ 24" O.C. MAX.

BOLLARD (BEYOND)

6" CONC. SLAB W/ 6x6 W1.4 x W1.4 W.W.F, ON SOIL COMPACTED TO 3000 P.S.F. MIN.

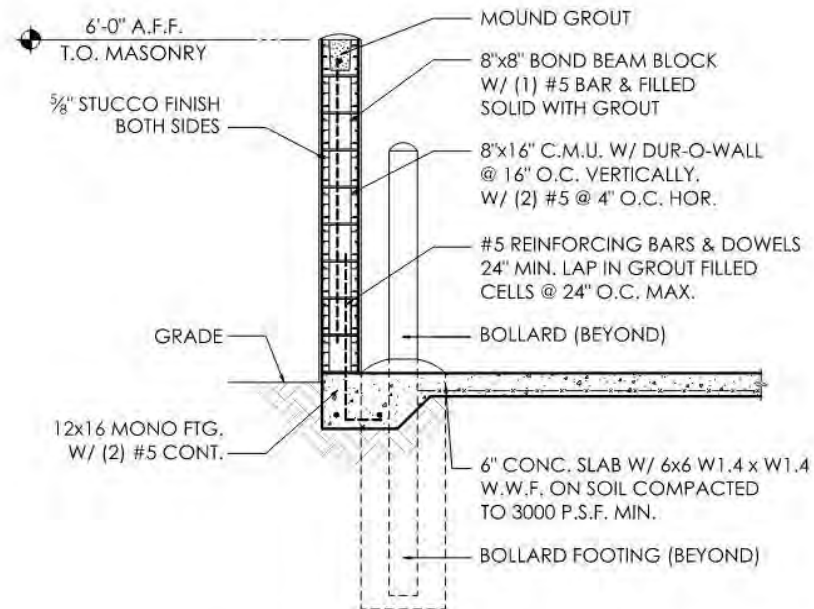BOLLARD FOOTING (BEYOND)

PAINT COLOR LEGEND

SHERWIN WILLIAMS SW6644 CHAMPAGNE

STOCOLOR SOUTHWEST COLLECTION GROUT COLOR 1009 DESERT LACE

SHERWIN WILLIAMS SW6074 SPALDING GRAY

MK ARCHITECTURE

1-16-2025

Landscape Plan

LYDEN DRIVE
(R−O−W, D.E., B.U.E., P.U.E.)

Type D Landscape Buffer

PUBLIC SIDEWALK

Type D Landscape Buffer

Type A Landscape Buffer

TYPICAL CANOPY TREE

PEDESTRIAN ACCESS

DO NOT ENTER

STATEMENT PALM TREE

TYPICAL LIGHT POLE 20' OR LESS HT.

POOL AMENITY AREA

ENTRANCE OVERHANG

Type A Landscape Buffer

122 HOTEL ROOMS
125 PARKING SPACES
15,565 SF FOOTPRINT

HEDGE ADDED FOR BUFFERING

Existing Landscape Buffer

ENHANCED PALM GROUPINGS FOR SCREENING

WALL

Bowman **MK** ARCHITECTURE **HYATT** studios **Inter**Mountain **Comerlat** Hospitality

Perimeter Landscape Buffers

- <u>North:</u> Type A perimeter landscape buffer consisting of 4 trees per 100 linear feet.
- <u>South:</u> Type A perimeter landscape buffer consisting of 4 trees per 100 linear feet.
- <u>East (along Lyden Drive):</u> Type D perimeter landscape buffer consisting of 5 trees per 100 linear feet; double staggered hedge rows maintained to form a 36" height visual screen within one year after time of planting.
- <u>West:</u> Existing 30' perimeter landscape buffer in accordance with Resolution Z-00-010 consisting of 10 trees per 100 linear feet; hedge; and a solid wall 8 feet in height.

Enhanced Landscaping

- West (adjacent to Marsh Landing): In the approximate areas shown on the plan where there is a lack of existing vegetation, sabal palms staggered at clear trunk heights (CT) between 10' CT and 30' CT. The screening provided will create buffers against views between 8' and 35' in height. **These enhanced plantings are located within the subject site.**
- In addition to the plantings discussed above, the developer shall coordinate with the Marsh Landing HOA to determine areas within the Marsh Landing development suitable for plantings that would provide additional screening of the proposed development. If an agreement is met with the Marsh Landing HOA, the applicant will provide cash in lieu to the Marsh Landing HOA to fund the purchase and installation of these plantings within the Marsh Landing development.
- Along the western parking, a hedge row maintained to form a 48" height visual screen within one year after time of planting. **These enhanced plantings are located within the subject site.**

Bowman **MK** ARCHITECTURE   HYATT studios   InterMountain   Comerlat Hospitality

Enhanced Western Perimeter Buffer

COCONUT TRACE HOTEL SITE

LINE OF SITE EXHIBIT NOTES:

APPLICATION

1   The Applicant will locate the sections of the adjacent preserve within the Marsh Landings Community that have opening that allow views into the Hotel Stie. The Applicant will fill those lines of sight with Sabal Palms in effort to screen the Hotel Building from the neighboring residential units.

2   Sabal Palms will be staggered at Clear Trunk Heights (CT) between 10'CT and 30'CT. The screening effect will created buffers against views between 8 and 35 feet.

3   The existing wall will provide a visual buffer up to 8 feet

4   All Planting will take place on the Applicant's property and will be staggered on both sides of the existing perimeter wall. The Applicant will maintain the plantings in perpetuity.

5   At the time of construction, the Applicant will be sure to cluster the illustrated Sabal Palms in all openings and continously through those openings found on site.
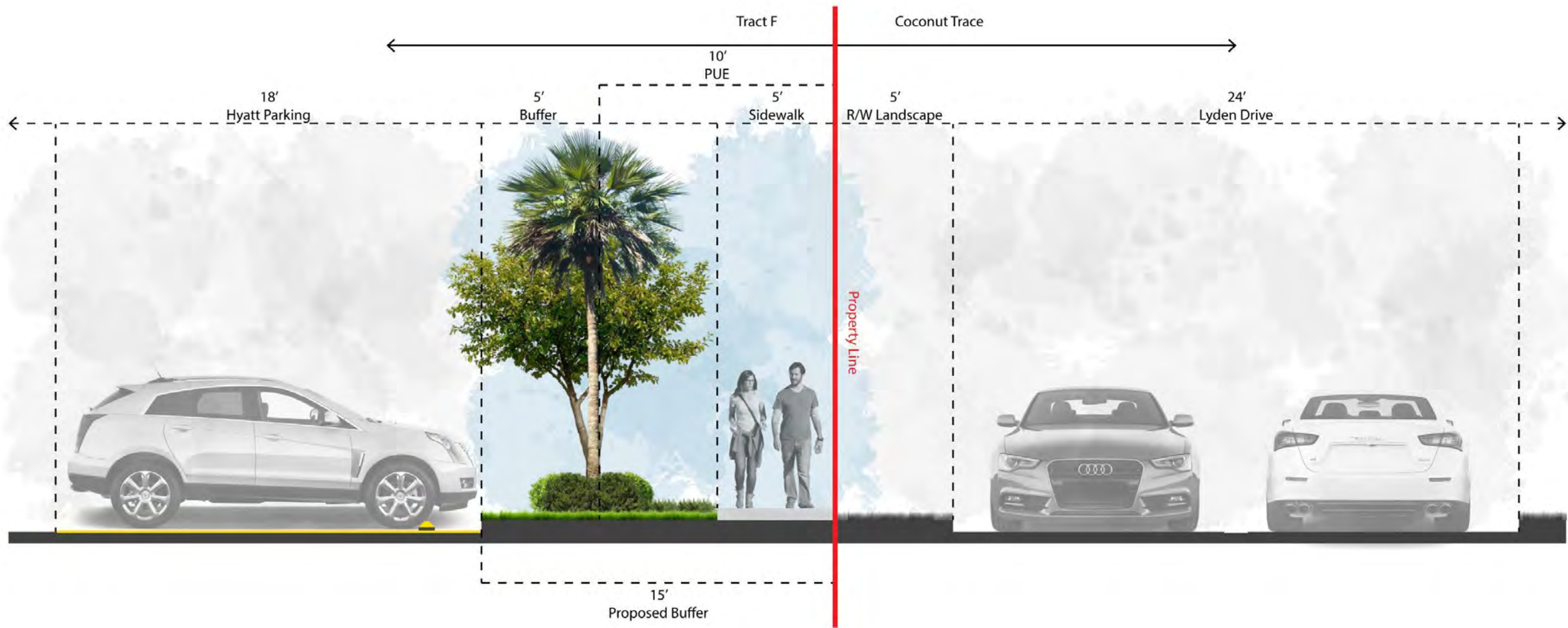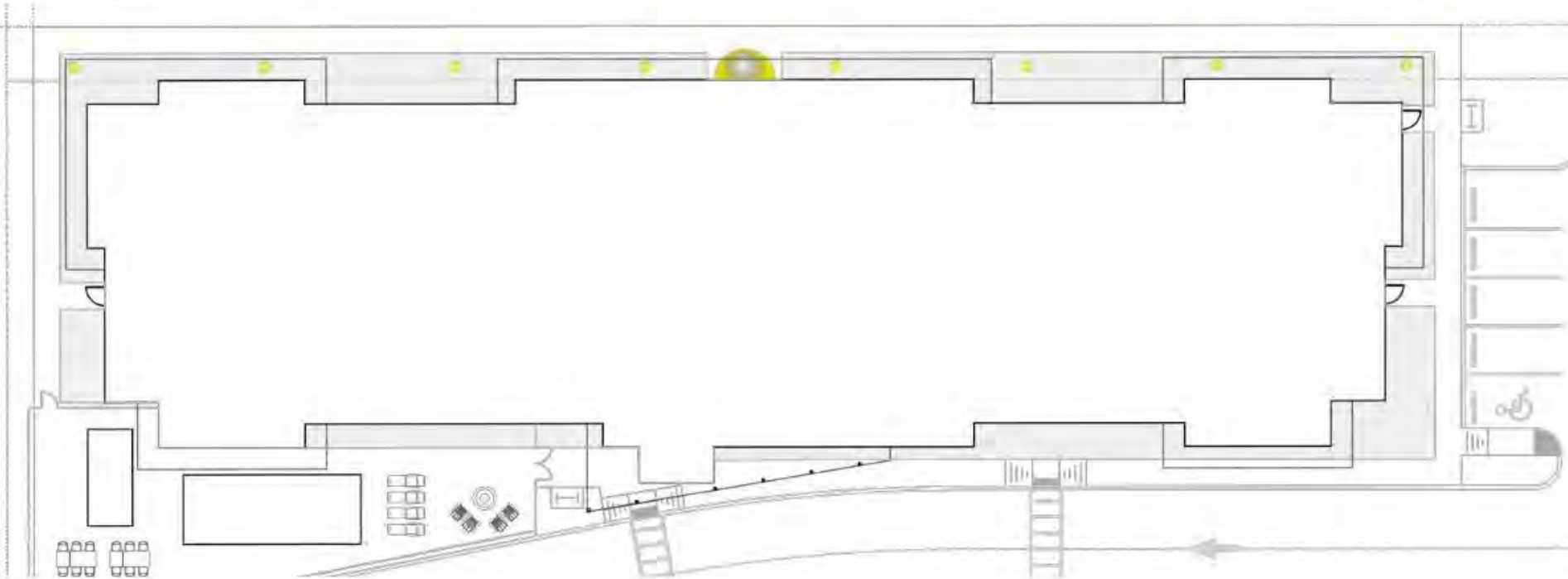
Perimeter Buffer – Adjacent to Lyden Dr.

Western Façade Lighting

Rear Elevation

The outdoor lamp posts are intended solely to provide lighting for pedestrian use. The proposed fixtures are under 4 feet in height with direct, downward-facing light.

For the rear access, a single lighting fixture is recommended at a maximum height of 12 feet. This fixture will have low glare, with intensity set to the minimum level permitted by code.