

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2016 - 10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA; CORRECTING A DEVELOPMENT ORDER AND ZONING RESOLUTION ISSUED BY LEE COUNTY FOR THE COCONUT POINT DEVELOPMENT OF REGIONAL IMPACT FOR PROPERTY BOUNDED BY US 41 ON THE WEST, PELICAN COLONY BOULEVARD EXTENSION ON THE SOUTH, VIA COCONUT POINT ON THE EAST, AND COCONUT ROAD ON THE NORTH, IN THE VILLAGE OF ESTERO, FLORIDA; ADOPTING RECITALS; ADOPTING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Lee County approved the Eighth Development Order Amendment and a concurrent zoning amendment to the Coconut Point DRI on May 7, 2014, through Lee County Zoning Resolution #Z-14-005, upon application from Lee Memorial Health System (hereinafter, "Lee Memorial") which was intended to affect only property owned by Lee Memorial, specifically Tracts 3A-1, 3A-2, and 3A-3_1 (hereinafter, the "Lee Memorial parcels"); and

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

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

WHEREAS, after research and analysis of the changes approved in 2014, the Village Director of Community Development has determined that the use limitations and external trip restrictions adopted in 2014 have inadvertently affected more property than the Lee Memorial 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 614479; 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, ~~Tract 3-A~~ Tracts 3A-1, 3A-2, and
109 3A-3_1 in the South Village may be developed with a maximum of the
110 following: 160-bed acute care hospital, 60,000 gross leasable square
111 feet of retail, 300,000 square feet office, of which a maximum of
112 198,000 square feet may be medical office, or any combination of the
113 foregoing that does not exceed 614479 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:

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164

~~*Tract 3-A~~ Tracts 3A-1, 3A-2, and 3A-3 1 in the South Village (shown on page 3 of Map H attached hereto as Exhibit "B") may be developed with a maximum of 60,000 gross leasable sq. ft. retail, 300,000 sq. ft. total office (of which a maximum of 198,000 sq. ft. may be medical office), a maximum of 160 acute care hospital beds, or any combination of these uses that does not exceed 614479 total net new external trips.

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

*** (1) the hospital may only be constructed within Tracts 3-A 3A-1, 3A-2, and 3A-3 1, and (2) Tracts 3-A 3A-1, 3A-2, and 3A-3 1 may be developed with up to 60,000 gross leasable sq. ft. retail, 300,000 sq. ft. office (of which a maximum of 198,000 sq. ft. may be medical office), and 160 acute care hospital beds, or any combination of these uses that does not exceed 614479 total net new external trips.

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

Section 5. Effective Date.

This ordinance shall take effect immediately upon adoption.

PASSED on first reading this 17th day of August, 2016.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 31st day of August, 2016.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor

165 Reviewed for legal sufficiency:

166

167

168 By: Nancy Stroud
169 Nancy Stroud, Esq., Village Land Use Attorney

170

171

172

173 Vote: AYE NAY

174

175 Mayor Batos ✓ _____

176 Vice Mayor Levitan ✓ _____

177 Councilmember Boesch ✓ _____

178 Councilmember Brown ✓ _____

179 Councilmember Errington ✓ _____

180 Councilmember Ribble ✓ _____

181 Councilmember Wilson ✓ _____

