

ACTION ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 5, 2019

Agenda Item:

Replat of lot in Miromar Outlet Mall parking lot (PLT2018-E001)

Resolution No. 2019-04 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Miromar Factory Outlet III Replat; and Providing an Effective Date

Description:

The applicant filed an application for a re-plat of Lot M-7 and Part of Tract L of Miromar Factory Outlet III, to combine the lots for a 135-room hotel on a 2-acre site in the parking lot of the Miromar Outlet Mall.

The Council approved the zoning for the hotel on October 24, 2018.

The re-plat has been reviewed by staff and legal counsel for conformance with the Land Development Code, Florida Statutes, and Administrative Code 13-19.

Action Requested:

Adopt Resolution No. 2019-04 approving re-plat of lot in Miromar Outlet Mall.

Financial Impacts:

There are no financial impacts.

Attachments:

1. Resolution No. 2019-04
2. Staff Report

ATTACHMENT 1

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2019 - 04

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING THE MIROMAR FACTORY OUTLET III REPLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Charles L. Krebs, I.E. filed an application (PLT2018-E001) for a replat of Lot M-7 and a part of Tract L of Miromar Factory Outlet III as recorded in Plat Book 77, at pages 41 through 50 of the Public Records of Lee County, Florida; and

WHEREAS, the replat is part of the Miromar Factory Outlet subdivision located within Miromar Outlet Mall lying in Section 26, Township 46 South, Range 25 East, Village of Estero; and

WHEREAS, the replat is required prior to conveyance of Lot M-7 as reconfigured; and

WHEREAS, the Village of Estero Transitional Land Development Code (LDC) delineates plat requirements; and

WHEREAS, under the provisions of Ordinance No. 2015-01 of the Village of Estero, the Planning and Zoning Board has been designated to make recommendations on plats; and

WHEREAS, the Planning and Zoning Board has reviewed the proposed replat at a duly noticed public meeting; and

WHEREAS, the following findings of fact are offered:

1. The plat meets the technical requirements of Chapter 177, Part I, Florida Statutes, and the requirements of the Village Transitional Land Development Code.
2. The plat has been reviewed by the Village Attorney and meets legal requirements.
3. The Planning and Zoning Board recommended approval of the Miromar Factory Outlet III replat on May 21, 2019.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. Miromar Factory Outlet III replat is approved.

Section 2. This Resolution shall take effect immediately upon adoption.

ATTACHMENT 2



STAFF REPORT
MIROMAR FACTORY OUTLET III
Re-plat
Planning & Zoning Board

PROJECT NAME: Miromar Factory Outlet III
CASE TYPE: Re-Plat of Recorded Plat
CASE NUMBER: PLT2018-E001
PLANNING & ZONING BOARD DATE: May 21, 2019
VILLAGE COUNCIL DATE: June 5, 2019

REQUEST

The applicant has requested Council approval for the re-plat of Miromar Factory Outlet Lot M-7 and a portion of Tract L, to combine the lots for a 135-room hotel on a 2-acre site in the parking lot of the Miromar Outlet Mall.

ZONING

Commercial Planned Development

The Village Council approved Zoning Ordinance No. 2018-24 on October 24, 2018 to allow a 135-room hotel on the subject property (2.3 acres). The subject property (and the Miromar Outlet Mall) is part the Timberland and Tiburon DRI originally approved by Lee County in 1985 (Resolutions Z-85-072 and Z-85-072/1) which approved an outlet mall area but did not approve the zoning at that time. The property was rezoned in 1996 from Agricultural to Commercial Planned Development by Lee County by Resolution Z-95-094. On January 6, 1997, Lee County approved an amendment to the planned development and the 4th amendment to the DRI Development Order to add 790,000 square feet of commercial space composed of a regional shopping mall.

FUTURE LAND USE DESIGNATION

Urban Community

SCHEDULE OF USES FOR SUBJECT PROPERTY

Community Commercial (CC) Uses

Resolution Z-95-094 includes all uses permitted by right, Special Permit, and Special Exception within the CC district including the two (2) additional uses listed in Z-95-094 but excluding eight (8) uses also listed in Z-95-094. Village Council added hotel as a permitted use in Ordinance No. 2018-24. A copy of the uses in Resolution Z-95-094 are provided in Exhibit A. A copy of the hotel/motel use approved in Village Ordinance No. 2018-24 is provided as Exhibit B.

TAXES

The taxes have been paid for the calendar year 2018 and confirmed by the Village attorney.

EASEMENTS

There is a 10-foot wide public utility easement along the frontage of the lot on Miromar Outlet Drive dedicated on the plat. There is also an existing utility easement for the benefit of Gulf Environmental Services, now Lee County Utilities (see OR 3023, PG 4080) as well as an existing utility easement for the benefit of Florida Power and Light Company (see OR 3308, PG 1776).

STAFF ANALYSIS

The engineering firm Hole Montes Associates submitted the re-plat documents for the reconfiguration of the subdivision to the Village of Estero on August 30, 2018. The Village reviewed the re-plat for planning and engineering conformance with the Land Development Code, Florida Statutes, and the Administrative Code 13-19. In addition, the Village Surveyor/Mapper and the Village attorney reviewed the re-plat for consistency with the Florida Statutes and the Village of Estero Administrative Code. After several resubmittals, staff and the Village Surveyor/Mapper deemed the re-plat application to be complete on February 1, 2019 (see Exhibit C) and the Village attorney deemed the application complete on April 16, 2019 (see Exhibit D). A copy of the re-plat is included as Exhibit E.

The Village attorney and staff confirm that the re-plat meets the requirements of Chapter 177, Part 1, Florida Statutes, and the requirements of Administrative Code Section 13-19 for final re-plat.

The Planning and Zoning Board recommended approval of the re-plat at their May 21, 2019 meeting.

EXHIBITS

- A. Schedule of Uses/Resolution Z-95-094
- B. Schedule of Uses/Ordinance No. 2018-24
- C. Professional Surveyor and Mapper Memorandum dated February 1, 2019
- D. Village Attorney Memorandum dated April 16, 2019
- E. Miromar Factory Outlet III Re-plat of Lot M-7 and Tract L

EXHIBIT A

SECTION A. CONDITIONS:

The CPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development of the CPD must be in accordance with the one-page Master Concept Plan entitled "Timberland & Tiburon Master Concept Plan (C.P.D.)" stamped received December 28, 1995, except as modified herein. The location of the internal accessways and lot configurations are general and may be changed at time of local development order review provided the development remains in compliance with the conditions set forth in Section A herein. Development must comply with all state and county regulations, including the Timberland & Tiburon DRI Development Order and Map H as amended.
2. The CPD may construct a maximum of 320,000 square feet of commercial uses as further limited by the conditions and deviations set forth in this resolution. Ultimately, the CPD may be permitted a maximum of 700,000 square feet of commercial uses upon approval of a Substantial Deviation review that addresses the cumulative impacts of the overall DRI.
3. No development, other than that approved in Condition 2 herein, may occur within the Timberland & Tiburon DRI until a substantial deviation analysis of the traffic impacts has been submitted to and approved by the Florida Department of Community Affairs, Southwest Florida Regional Planning Council and Lee County.
4. Prior to a Certificate of Compliance for Phase I of the regional mall (225,000 square feet), Treeline Boulevard must be constructed as a 4-laned road from Corkscrew Road to the north property line of the CPD, and Corkscrew Road must be 4-laned from I-75 to Treeline Boulevard.
5. In addition to Phase I (225,000 square feet) development, the developer may construct an additional 95,000 square feet of commercial uses when Treeline Boulevard is constructed as a two-lane arterial from the CPD's north property boundary line to the north property line of the DRI, and connected to form a continuous arterial between Corkscrew Road and Alico Road.
6. The following uses are permitted:

All uses permitted by right, Special Permit, and Special Exception within the CC district, **INCLUDING** the following additional uses:

Building Materials Sales
Business Services, Group II

but **EXCLUDING** the following:

Aircraft Landing Facilities, Private
Bait and Tackle Shop
Contractors and Builders, All Groups
Essential Service Facilities, Group II
Flea Market, Indoor
Funeral Homes or Mortuary
Non-Store Retailers, Group II
Research and Development Lab, Group II

7. The approved property development regulations are as follows:

BUILDING SETBACKS:

Front: (per Sec. 34-2192)	25 ft.
Side:	15 ft.
Rear:	25 ft.
Waterbody:	25 ft.

MINIMUM LOT DIMENSIONS:

Width:	100 ft.
Depth:	100 ft.
Area: (Corner)	20,000 sq. ft.
(Interior)	20,000 sq. ft.

MAXIMUM BUILDING HEIGHT: 45 feet, with no more
than three habitable floors

8. Prior to the issuance of a Lee County Tree Removal Permit for any phase of development on the Timberland and Tiburon DRI site, the Applicant/ Developer must submit a plan, approved by the U.S. Fish and Wildlife Service, which protects the Eastern Indigo snake from possible injuries associated with construction activities. This plan will be reviewed by the Lee County Division of Environmental Sciences.
9. The Corkscrew Road access point is limited to a right-in/right-out and left-in only. During the first phase of development, the developer must provide adequate signs, pavement markings, and restrictive median that safely channelizes and controls traffic flow.
10. If the Corkscrew Road access proves to be a safety hazard in the future, as determined by the County Engineer on the basis of an operational evaluation, the County reserves the right to close or further limit that access.
11. The local development order Traffic Impact Statement must include, at a minimum, a detailed analysis of the project's traffic impacts and a specific plan of proposed traffic mitigation.

EXHIBIT B

45 **WHEREAS**, a public information meeting was held for this application at the Planning
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 on
52 October 17, 2018; and

53
54 **WHEREAS**, a duly noticed second reading and public hearing was held before the
55 Village Council on October 24, 2018 at which time the Village Council gave consideration to
56 the evidence presented by the applicant and the Village staff, the recommendations of the
57 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 Estero,
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 The development of the 135-room hotel must be substantially consistent with the
69 site plan entitled Miromar Outlet Mall Hotel date stamped "Received October 18, 2018".

70
71 2. Schedule of Uses & Property Development Regulations

72 Hotel/motel (maximum 135 rooms)

73
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.

EXHIBIT C



Professional Engineers, Planners & Land Surveyors

February 1, 2019

Mr. Ross Morgan
Development Review Specialist
Village of Estero
Department of Community Development
9401 Corkscrew Palms Circle
Estero, FL 33928
Telephone: 239-319-2838

REFERENCE: MIROMAR FACTORY OUTLET III, COMBINATION PLAT PLT2018-E001

Dear Mr. Morgan,

I have reviewed the plat of Miromar Factory Outlet III (Combination Plat PLT2018-E001), dated January 23, 2019 and find that it is compliance with Chapter 177, Part 1, Florida Statutes.

Should you have any questions or need further information, please contact me at your earliest convenience.

Sincerely,

TOM

Thomas R. Lehnert, Jr., P.S.M.
President

Banks Engineering

10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33966
(P) 239 939 5490
(F) 239 939 2523
tlehnert@bankseng.com

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EXHIBIT D

GRAY | ROBINSON
ATTORNEYS AT LAW

8889 PELICAN BAY BLVD. BOCA RATON
SUITE 400 FORT LAUDERDALE
NAPLES, FLORIDA 34108 GAINESVILLE
TEL 239-598-3601 JACKSONVILLE
FAX 239-598-3164 KEY WEST
gray-robinson.com LAKELAND
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TAMPA

239-598-3601

DEREK.ROONEY@GRAY-ROBINSON.COM

MEMORANDUM

TO: Walter McCarthy, Development Review Manager
CC: Ross Morgan, Development Review Specialist
FROM: Derek P. Rooney, Assistant Village Attorney
DATE: April 16, 2019
SUBJECT: Miromar Outlet Mall Tract M-7 Combination PLT2018-E001 Resubmittal #2 Final

Mr. McCarthy,

I have completed my review of the above-referenced final plat package and find that the plat package meets the requirements of Chapter 177, Part I, Florida Statutes, and the requirements of the Village of Estero's Administrative Code Section 13-19 (adopted from Lee County) for final plat.

1. Plat. Accepted
2. Title Certification. Accepted
3. Survey. Accepted
4. Consent and Joinders. Not Applicable
5. Taxes. Accepted
6. Road Name Approval. Not Applicable
7. Property Owners Association Documents. Not Applicable
8. Infrastructure Surety. Not Applicable
9. Certificate of Concurrence. Not Applicable
10. Development Order Compliance. Not Applicable

April 16, 2019
Page 2

Sincerely,

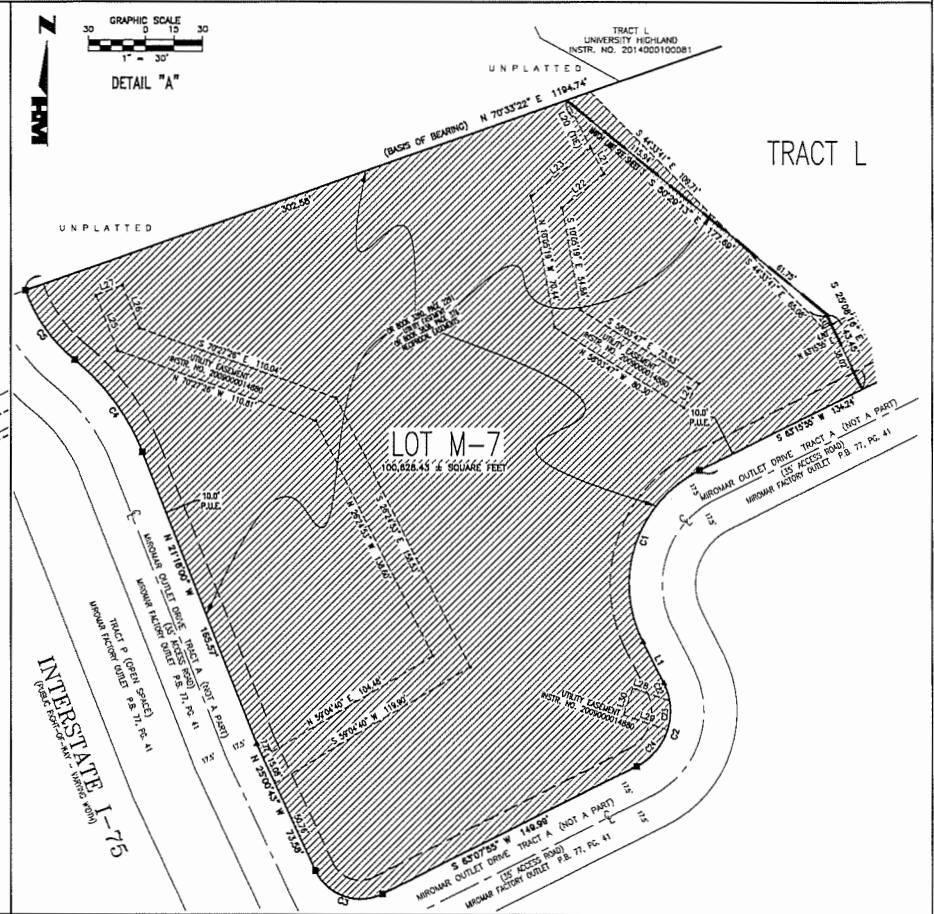
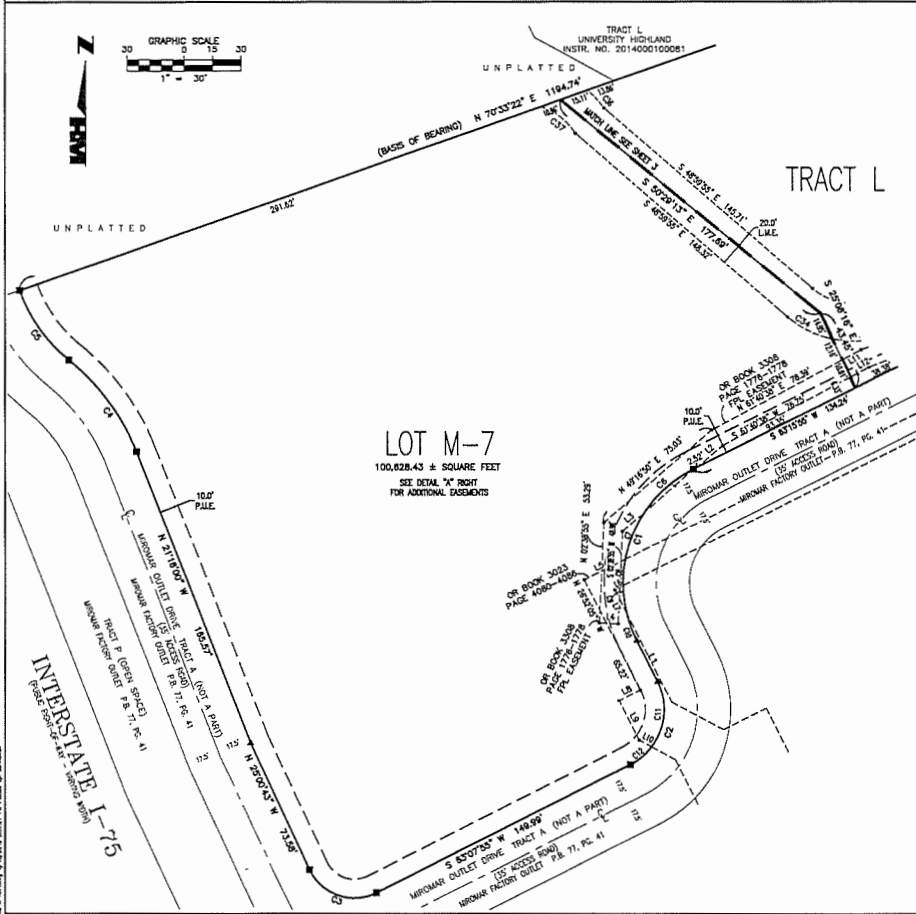
/s/ Derek Rooney

Assistant Village Attorney

MIROMAR FACTORY OUTLET III

A REPLAT OF LOT M-7 AND TRACT L, MIROMAR FACTORY OUTLET, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, AT PAGES 41 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY AND LOCATED IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

INSTR. NO.
SHEET 2 of 3



CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	67.50	80°00'00"	93.36	S 18°11'50" W	106.10
C2	32.50	80°00'00"	45.97	S 18°07'50" W	51.06
C3	28.00	81°51'22"	37.36	N 70°56'24" W	41.66
C4	11.50	28°40'04"	80.43	N 08°12'00" W	61.11
C5	65.50	31°39'24"	45.00	N 35°18'22" W	45.58
C6	67.50	20°52'28"	34.85	S 48°18'10" W	35.25
C7	67.50	22°39'46"	28.52	S 22°00'50" W	29.79
C8	67.50	11°52'22"	14.06	S 04°41'57" W	14.06
C9	67.50	12°25'40"	14.91	S 07°29'34" E	14.84
C10	67.50	13°09'41"	15.47	S 09°17'18" E	15.50
C11	33.50	84°14'05"	34.58	N 05°14'58" E	38.44
C12	33.50	28°45'05"	14.49	N 50°14'58" E	14.82
C13	33.50	17°13'23"	9.78	N 18°14'18" W	9.79
C14	33.50	27°38'28"	15.51	N 04°11'42" E	15.86
C15	33.50	45°07'23"	24.95	N 40°33'58" E	25.80
C16	53.48	28°08'42"	26.41	S 62°58'17" E	25.79
C17	54.13	13°23'52"	12.63	N 42°43'30" W	12.85
C18	34.13	39°13'48"	22.91	N 02°11'17" W	23.37

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 28°52'00" E	24.21	L20	S 26°44'00" E	26.21
L2	S 48°18'00" W	11.33	L21	S 22°44'00" E	15.33
L3	S 48°18'00" W	15.03	L22	S 51°17'47" W	28.33
L4	N 87°21'05" W	10.00	L23	N 51°17'47" E	40.43
L5	N 63°19'53" E	24.18	L24	S 31°51'13" W	15.00
L6	S 63°19'53" E	4.85	L25	N 21°27'00" W	31.23
L7	S 28°52'00" E	13.80	L26	S 21°27'00" E	24.40
L8	N 63°19'53" E	12.43	L27	N 68°33'00" E	15.00
L9	N 28°52'00" W	23.33	L28	N 71°02'54" W	20.82
L10	N 81°57'32" W	7.48	L29	S 71°02'54" E	24.57
L11	N 81°57'32" E	11.11	L30	S 18°57'00" W	15.00
L12	S 81°40'38" W	11.02			

LEGEND

- PERMANENT REFERENCE MONUMENT (PRM) SET IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES, SET 5/8" IRON PIN WITH CAP STAMPED "PRM LB1772"
- PERMANENT REFERENCE MONUMENT (PRM) SET IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES, SET MAGNETIC NAIL WITH DISC STAMPED "PRM LB1772"
- INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF TANGENCY, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF LOT M-7 AND TRACT L AS BEING N 70°33'22" E

THIS INSTRUMENT WAS PREPARED BY
THOMAS M. MURPHY, P.S.M. LS5628
6200 Whiskey Creek Dr.
Ft. Myers, FL 33919
Phone: (239) 955-1200
Florida Certificate of Authorization No. 1772

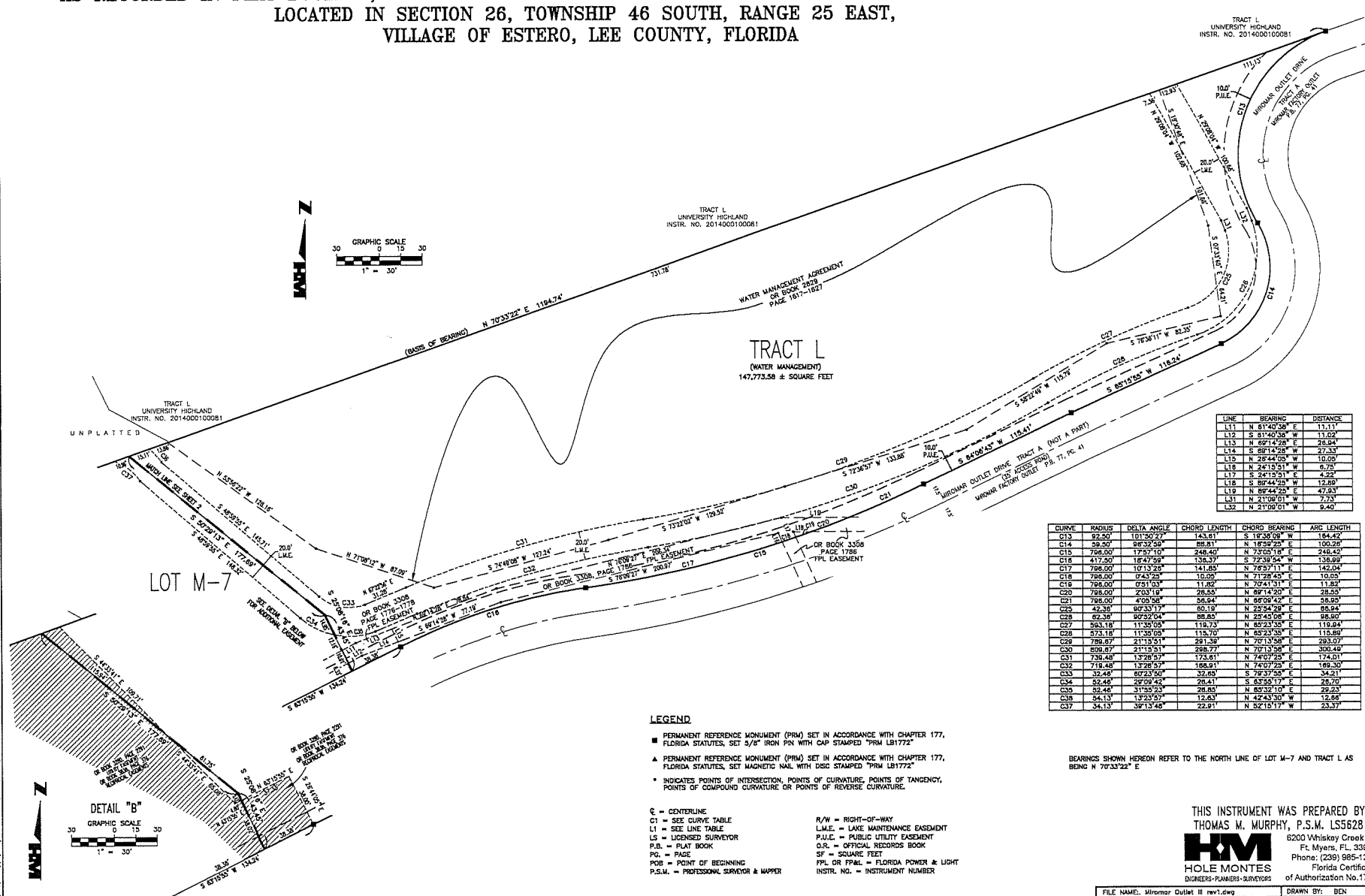
FILE NAME: Miromar Outlet III rev1.dwg
DRAWN BY: BEN

LD02018-ED36/PLT018-001

MIROMAR FACTORY OUTLET III

A REPLAT OF LOT M-7 AND TRACT L, MIROMAR FACTORY OUTLET, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, AT PAGES 41 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY AND LOCATED IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

INSTR. NO.
SHEET 3 of 3



LINE	BEARING	DISTANCE
L11	N 61°43'08\"	11.11'
L12	S 81°40'58\"	11.02'
L13	N 80°14'28\"	28.94'
L14	S 89°14'28\"	27.53'
L15	N 28°44'05\"	10.00'
L16	N 28°15'51\"	9.75'
L17	S 24°19'21\"	4.25'
L18	S 80°44'28\"	12.80'
L19	N 80°44'28\"	47.93'
L21	N 21°09'01\"	27.93'
L22	N 21°09'01\"	9.40'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C13	92.20'	101°30'27\"	143.81'	S 18°00'08\" W	184.42'
C14	59.30'	86°32'50\"	88.81'	N 18°59'25\" E	100.28'
C15	786.00'	178°7'10\"	248.40'	N 73°05'18\" E	248.42'
C16	417.50'	18°47'59\"	133.37'	S 72°39'54\" W	138.99'
C17	786.00'	10°13'28\"	141.83'	N 78°37'11\" E	142.04'
C18	786.00'	0°43'28\"	10.58'	N 71°28'45\" E	10.05'
C19	786.00'	0°11'03\"	11.89'	N 70°41'31\" E	11.88'
C20	786.00'	2°03'18\"	28.50'	N 69°14'20\" E	28.55'
C21	786.00'	4°06'58\"	56.94'	N 66°09'42\" E	58.95'
C22	42.38'	80°33'17\"	60.18'	N 23°54'09\" E	68.94'
C23	62.38'	80°32'04\"	88.85'	N 25°43'08\" E	88.80'
C27	593.18'	11°35'05\"	119.73'	N 80°23'30\" E	119.84'
C28	573.18'	11°59'05\"	113.50'	N 80°23'30\" E	115.80'
C29	789.67'	21°13'51\"	291.39'	N 70°13'58\" E	293.07'
C30	809.67'	21°13'51\"	298.77'	N 70°13'58\" E	300.49'
C31	729.48'	13°28'57\"	173.61'	N 74°07'25\" E	174.01'
C32	719.48'	13°28'57\"	168.61'	N 74°07'25\" E	169.30'
C33	32.48'	80°23'00\"	32.48'	S 79°37'58\" E	34.21'
C34	82.48'	79°09'42\"	88.41'	S 83°53'17\" E	28.70'
C35	82.48'	31°53'23\"	28.83'	N 60°32'10\" E	29.23'
C38	54.13'	13°23'57\"	12.83'	N 42°43'30\" W	12.88'
C37	34.13'	38°13'48\"	22.91'	N 52°15'17\" W	23.37'

- LEGEND**
- PERMANENT REFERENCE MONUMENT (PRM) SET IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES, SET 3/8\" IRON PIN WITH CAP STAMPED \"PRM L81772\"
 - ▲ PERMANENT REFERENCE MONUMENT (PRM) SET IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES, SET MAGNETIC NAIL WITH DISC STAMPED \"PRM L81772\"
 - INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF TANGENCY, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.
 - = CENTERLINE
 - C1 = SEE CURVE TABLE
 - L1 = SEE LINE TABLE
 - LS = LICENSED SURVEYOR
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - POB = POINT OF BEGINNING
 - P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
 - R/W = RIGHT-OF-WAY
 - L.M.E. = LAKE MAINTENANCE EASEMENT
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - O.R. = OFFICIAL RECORDS BOOK
 - SF = SQUARE FEET
 - PFL OR FPL = FLORIDA POWER & LIGHT
 - INSTR. NO. = INSTRUMENT NUMBER

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF LOT M-7 AND TRACT L AS BEING N 70°33'22\" E

THIS INSTRUMENT WAS PREPARED BY
THOMAS M. MURPHY, P.S.M. LS5628
 6200 Whiskey Creek Dr.
 Ft. Myers, FL 33918
 Phone: (239) 985-1200
 Florida Certificate
 of Authorization No. 1772

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