

**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2018 - 24**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH  
CONDITIONS A ZONING AMENDMENT WITH  
DEVIATIONS TO PERMIT A PROPOSED 135-ROOM  
HOTEL FOR PROPERTY LOCATED IN THE MIROMAR  
OUTLET MALL PARKING LOT, NORTH OF  
CORKSCREW ROAD IN THE VILLAGE OF ESTERO,  
FLORIDA, AND COMPRISING APPROXIMATELY 2.3  
ACRES IN THE COMMERCIAL PLANNED  
DEVELOPMENT; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; AND PROVIDING  
AN EFFECTIVE DATE.**

**WHEREAS**, applicant, Robert B. Roop, Executive Vice President, CFO, Miromar Outlet Parking West LLC, has applied for amendments to the Development of Regional Impact Development Order, and a zoning amendment and deviations on the property ("Property") which comprises 2.3 acres, located in the northwest corner of the Miromar Outlets Mall, adjacent to I-75 for a proposed hotel project known as **Miromar Outlet Hotel**; and

**WHEREAS**, the subject property (and the Miromar Outlet Mall) is part of 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 rezoning at that time; and

**WHEREAS**, in 1996 the Property was rezoned by Lee County from Agricultural to Commercial Planned Development by Resolution Z-95-094; and

**WHEREAS**, on January 6, 1997, Lee County approved an amendment to the planned development and the 4<sup>th</sup> amendment to the DRI Development Order to add 790,000 square feet of commercial space composed of a regional shopping mall; and

**WHEREAS**, the applicant recently applied for an amendment to the Zoning and DRI Development Order to allow a 75-foot high 135-room hotel on Lot M-7, adopt a new Master Concept Plan for the 2.3-acre hotel site, and add deviations; and

**WHEREAS**, the applicant indicates the property STRAP Numbers are 26-46-25-E3-270M7.0000 and 26-46-25-E3-2700L.0010; and

**WHEREAS**, the Property legal description is attached; and

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           Minimum Lot Dimensions

81           Width:	100 ft.
82           Depth	100 ft.
83           Area:	20,000 sq. ft.

84           Maximum Building Height: 75 feet, with no more than five (5) habitable floors.  
85  
86  
87  
88

89           3. Previous Approval

90           The previous approval (contained in Resolution Number Z-95-094) including  
91 conditions and deviations remains in effect except as modified by the conditions and deviations  
92 contained in this approval.  
93

94           4. Re-plat

95           Prior to a development order for the hotel being issued, a replat of Lot M-7 and Tract  
96 L must be submitted, reviewed, and approved.  
97

98           5. Pattern Book

99           The proposed development must be substantially in compliance with the Pattern  
100 Book titled "Miromar Hotel October 17, 2018" date stamped "Received October 18 2018".  
101

102           6. Architectural Features

103           The hotel is limited to a maximum building height of 75 feet and 5 stories.  
104

105           7. Finished First Floor Elevation

106           The finished first floor of the building must be 20.0 NAVD at a minimum.  
107

108           8. Off-site Parking, Sidewalk Connections, & Easement

109           As part of the Development Order, the applicant must provide a joint-use parking  
110 agreement and sidewalk connections, including the provision of crosswalks across Miromar  
111 Outlet Drive, to the offsite parking lot on the south side of Miromar Outlet Drive to the hotel.  
112 Pedestrian sidewalks must be provided in the off-site (mall) parking lot. The off-site parking  
113 lot pedestrian sidewalks must connect to the pedestrian sidewalk system on the hotel property.  
114

115           As part of the Development Order, the applicant must provide parking as required  
116 by the Land Development Code. If parking on the hotel parcel is insufficient, the applicant  
117 must provide an easement for the off-site joint-use parking that permits hotel patrons access to  
118 these spaces. The easement must be recorded in the records of Lee County prior to the issuance  
119 of the Development Order.  
120

121           9. Miromar Outlet Drive Drainage

122           The Development Order must address the drainage inlets serving Miromar Outlet  
123 Drive and how stormwater is proposed to be re-routed through the hotel site with discharge  
124 into the surface water management system lake.  
125  
126

127           10. Estero Fire Rescue

128           An Auto Turn study is required to ensure adequate access for fire apparatus. The  
129 study must be included in the Development Order and approved prior to the issuance of the  
130 Development Order.

131  
132           11. Consumption on Premises of Alcoholic Beverages

133           Consumption on premises must be in accordance with the following:

- 134           A. Consumption on Premises (4COP) is permitted as an accessory use within the  
135 hotel including but not limited to the guestrooms, lounge, lobby, restaurants,  
136 meeting rooms, and public spaces associated with the hotel.
- 137           B. The hotel may have outdoor seating with consumption on premises as  
138 depicted on the Master Concept Plan. The total square footage for outdoor  
139 consumption on premises at the hotel is limited to 5,000 square feet as  
140 depicted on the Master Concept Plan. A permanent bar is permitted within the  
141 designated outdoor seating or pool area.
- 142           C. Prior to receiving a zoning sign-off for obtaining an alcoholic beverage  
143 license for the outdoor seating area for parcel M-7, the Applicant must  
144 provide the total square footage previously approved for consumption on  
145 premises and demonstrate that approval of the square footage does not exceed  
146 the square footage amount permitted under COP condition B above.
- 147           D. The sale and service of alcoholic beverages in the outdoor seating area is  
148 limited to the hours of 7:00 a.m. to midnight daily.
- 149           E. Outdoor consumption on premises areas must be clearly marked with a  
150 physical barrier to prevent alcoholic beverages from being removed from the  
151 designated area.
- 152           F. Live entertainment, in conjunction with consumption on premises, is limited  
153 to indoor areas and designated outdoor seating areas between the hours of  
154 7:00 a.m. and 2:00 a.m. daily. No entertainment in the designated outdoor  
155 seating area may be audible beyond the perimeter of the hotel.
- 156           G. Music may be piped into the outdoor consumption on premises areas,  
157 provided the volume does not exceed normal conversational level.

158  
159           12. Reasonable effort shall be made on the site for safe pedestrian access to the arena  
160 for large events. The applicant shall coordinate with the arena operator on these efforts and  
161 this will be reviewed at time of Development Order.

162  
163           **Section 2.     Deviations.**

- 164  
165           1. Deviation (6) requests relief from LDC Section 10-415(c)(2)a., which requires one  
166 tree for every 250 square feet of internal planting area and that no parking space  
167 may be more than 100 feet from a tree planted in a permeable island, peninsula or  
168 median of 10-foot minimum width. The developer instead seeks to install one tree  
169 for every 250 square feet on internal planting areas with no parking spaces more



than 200 feet from a tree planted in a permeable island, peninsula or median of 20-foot minimum width. This deviation is approved with the following condition:

All parking area islands must meet a minimum size requirement of 360 square feet (20 feet by 18 feet). Canopy tree requirements will be calculated using one parking canopy tree planted for each 250 square feet of required internal planting area. A minimum of 75 percent of the parking canopy trees must be native species and, when planted, have a minimum caliper measurement of 3 inches, when measured at three feet above ground.

2. Deviation (7) requests relief from LDC Section 10-415(c)(2)d., which requires that no more than an average of 10 parking spaces may occur in an uninterrupted row. This deviation is approved with the same condition required for Deviation (6).
3. Deviation (9) requests relief from LDC Section 10-285 which requires a minimum connection separation on local roads of 125 feet, to allow for connection separation distances as depicted on the Master Concept Plan. Deviation 9 is approved.
4. Deviation (10) requests relief from LDC Section 10-416(d)(3) and LDC Section 33-351 which require a type D buffer separating commercial development from a right-of-way and a type A buffer between adjacent commercial lots, to allow for no buffer requirement separating the proposed hotel from Miromar Outlet Drive and the Outlet Mall parking lot. The existing vegetation on the south side of the hotel parcel, where the existing parking lot is not being reconfigured, will remain to the greatest extent possible. Deviation 10 is approved with the condition that the applicant plant 6 bald cypress trees in the dry treatment area depicted on the MCP and retain the existing trees along Miromar Outlet Drive.
5. Deviation (11) requests relief from LDC Section 34-625(d)(4) which requires light poles not to exceed 25 feet, to allow for the light poles at 30 feet within the Planned Development. Deviation 11 is approved.
6. Deviation (12) requests relief from LDC Section 33-229 which requires that buildings outside of highway interchange areas be limited to a maximum height of 45 feet, to allow for a maximum height of 75 feet for the hotel at the Outlet Mall. Deviation 12 is approved.
7. Deviation (13) requests relief from LDC Section 10-256(d) which requires sidewalks along privately maintained local streets to allow for sidewalks as depicted on the Master Concept Plan along Miromar Outlet Drive between the hotel parcel and the road. Deviation 13 is approved.
8. Deviation (14) requests relief from LDC Section 33-56 which specifies the dimensions of monument signs and LDC Section 33-383 which prohibits pylon

signs in Estero except as approved within a Development of Regional Impact by planned development zoning resolution adopted prior to June 24, 2003 to allow for hotel signs to be placed on the existing legal pylon signs as depicted in the Pattern Book. Deviation 14 is approved.

9. Deviation (15) requests relief from LDC Section 30-153 which allows for the placement of identification and directory signs in non-residential subdivisions and multiple occupancy complexes of more than 5 establishments, to allow for the utilization of the Miromar Outlet project identification sign as a directory sign with the addition of signage for the hotel, as depicted in the pattern book. Deviation 15 is approved with the condition that the onsite hotel signage must meet dimensional requirements of the LDC.

### **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. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities because there are interim improvements underway at the I-75 interchange, and the 4-laning of Corkscrew Road east of Ben Hill Griffin Parkway is funded in the Lee County CIP. This project will not significantly impact the interchange or the segment of Corkscrew Road east of Ben Hill Griffin Parkway.
3. The application is generally compatible with existing or planned uses in the surrounding area. The proposed use is set back a considerable distance to adjacent commercial uses.
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 Miromar Outlet Mall date stamped "Received October 18, 2018".  
Exhibit C Pattern Book titled "Miromar Hotel October 17, 2018" date stamped "Received October 18, 2018".

**Section 5. Conflicts.**

All Sections or parts 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 become effective immediately upon adoption.

**PASSED** on first reading this 17<sup>th</sup> day of October, 2018.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 24<sup>th</sup> day of October, 2018.

Attest:

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

**VILLAGE OF ESTERO, FLORIDA**

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

301 Reviewed for legal sufficiency:

302

303

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

306

307

308	Vote:	AYE	NAY
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309	Mayor Boesch	<u>✓</u>	<u>      </u>
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310	Vice Mayor Ribble	<u>✓</u>	<u>      </u>
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311	Councilmember Batos	<u>✓</u>	<u>      </u>
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312	Councilmember Errington	<u>✓</u>	<u>      </u>
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313	Councilmember Levitan	<u>✓</u>	<u>      </u>
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314	Councilmember McLain	<u>✓</u>	<u>      </u>
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315	Councilmember Wilson	<u>✓</u>	<u>      </u>
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Exhibit A

PROPERTY DESCRIPTION:

ALL OF LOT M-7 AND A PORTION OF TRACT L, MIROMAR FACTORY OUTLET, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, AT PAGES 41-50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT M-7, MIROMAR FACTORY OUTLET, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, AT PAGES 41-50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N70°33'22"E ALONG THE BOUNDARY OF SAID LOT M-7, FOR A DISTANCE OF 302.58 FEET TO THE MOST WESTERLY CORNER OF TRACT L OF SAID MIROMAR FACTORY OUTLET; THENCE RUN S50°29'13"E FOR A DISTANCE OF 177.69 FEET; THENCE RUN S25°08'16"E FOR A DISTANCE OF 43.45 FEET TO A POINT ON THE BOUNDARY OF TRACT A OF SAID MIROMAR FACTORY OUTLET; THENCE RUN THE REMAINING CALLS ALONG THE BOUNDARY OF SAID TRACT A; THENCE RUN S63°15'55"W FOR A DISTANCE OF 95.86 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 67.50 FEET, THROUGH A CENTRAL ANGLE OF 90°08'00" AND BEING SUBTENDED BY A CHORD OF 95.56 FEET AT A BEARING OF S18°11'55"W, FOR AN ARC LENGTH OF 106.18 FEET; THENCE RUN S26°52'05"E FOR A DISTANCE OF 24.21 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 32.50 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD OF 45.97 FEET AT A BEARING OF S18°07'55"W, FOR AN ARC LENGTH OF 51.06 FEET; THENCE RUN S63°07'55"W FOR A DISTANCE OF 149.99 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 26.00 FEET, THROUGH A CENTRAL ANGLE OF 91°51'22" AND BEING SUBTENDED BY A CHORD OF 37.36 FEET AT A BEARING OF N70°56'24"W, FOR AN ARC LENGTH OF 41.68 FEET; THENCE RUN N25°00'43"W FOR A DISTANCE OF 73.58 FEET; THENCE RUN N21°18'00"W FOR A DISTANCE OF 165.57 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 117.50 FEET, THROUGH A CENTRAL ANGLE OF 29°48'04" AND BEING SUBTENDED BY A CHORD OF 60.43 FEET AT A BEARING OF N36°12'02"W, FOR AN ARC LENGTH OF 61.11 FEET, TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 82.50 FEET, THROUGH A CENTRAL ANGLE OF 31°39'24" AND BEING SUBTENDED BY A CHORD OF 45.00 FEET AT A BEARING OF N35°16'22"W, FOR AN ARC LENGTH OF 45.58 FEET TO THE POINT OF BEGINNING. CONTAINING 100,628.43 SQUARE FEET OR 2.3 ACRES, MORE OR LESS.





Exhibit C



# MIROMAR HOTEL

ESTERO, FL

September 26, 2018

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## VICINITY MAP

### PROJECT INTENT:

Redevelop an existing greyfield using **SMART GROWTH PRACTICES**, creating a compact urban form. The proposed development will contribute towards **ECONOMIC GROWTH** for the **VILLAGE OF ESTERO** and the surrounding businesses the hotel will support. The underutilized parking lot will become the location of a new hotel. The hotel has the potential to create a **SYMBIOTIC** relationship with the Germain Arena and Miromar Outlets. The hotel guests will have a **WALKABLE CONNECTION** to the Germain Arena, Miromar Outlets, restaurants, and open space along the lake.

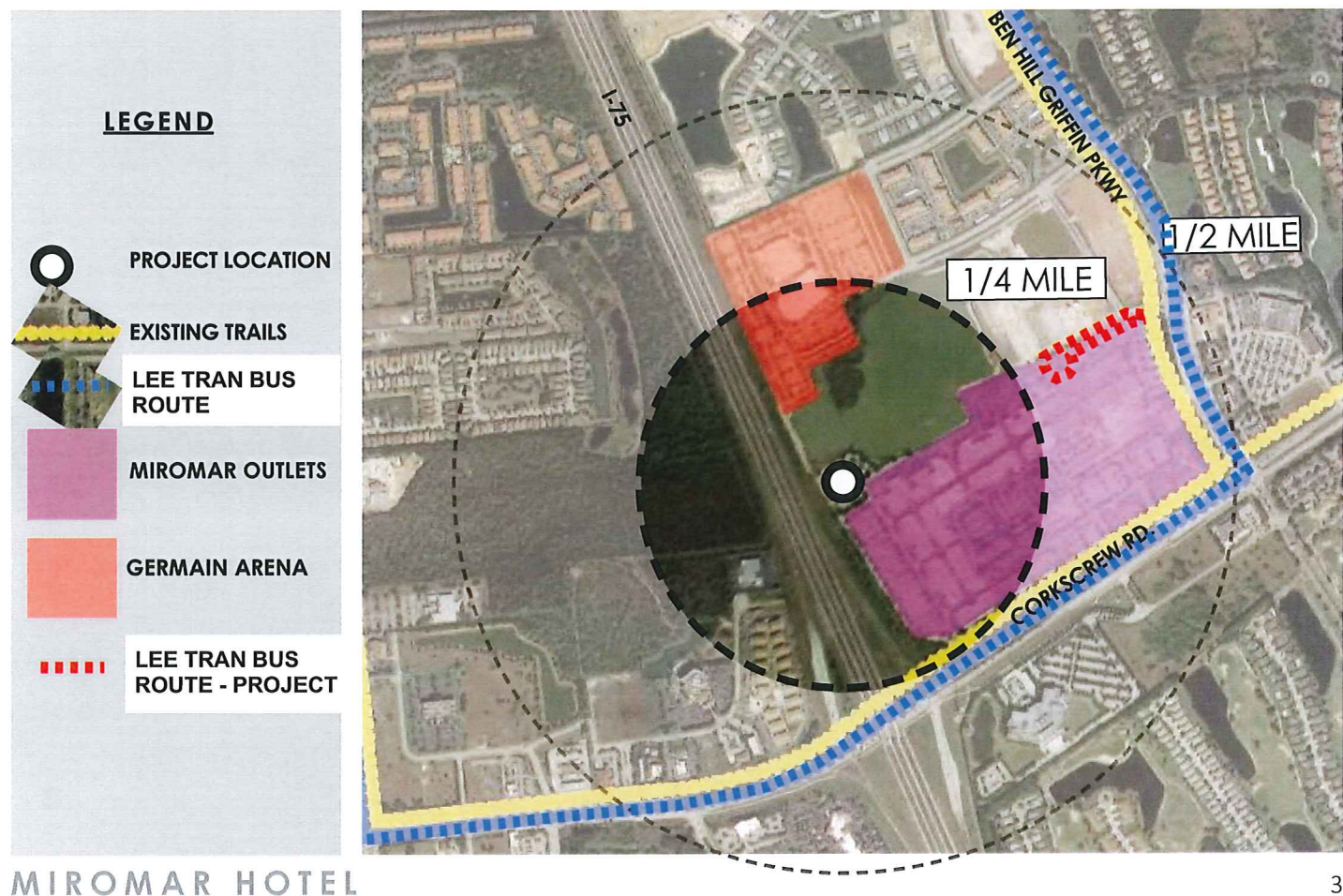
### PROJECT GOALS:

- Create a walkable development with less reliance on the automobile
- Enhance the existing open space
- Create a cohesive aesthetic and architecture that compliments the Miromar Outlets vernacular.
- Enhance the vegetative buffer along I-75



MIROMAR HOTEL

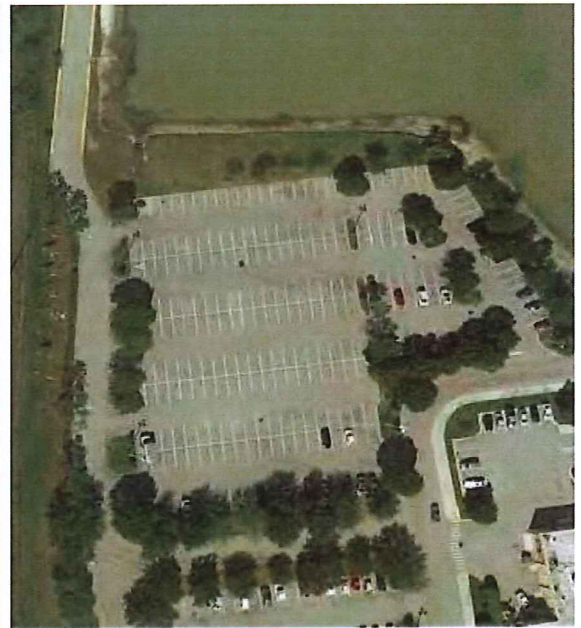
## CONNECTIVITY VIA WALKABILITY RADIUS MAP



## GREY FIELD REDEVELOPMENT

GREY FIELDS OFFER LARGE INFILL REDEVELOPMENT OPPORTUNITIES. GREY FIELDS SITES TYPICALLY ARE HIGHLY VISIBLE PROPERTIES THAT REDUCE THE APPEAL OF SURROUNDING COMMUNITIES, SO THEIR REDEVELOPMENT OFTEN CATALYZES ADDITIONAL PROJECTS. GREY FIELD REDEVELOPMENT PROJECTS CAN ACHIEVE MARKET-COMPETITIVE SALES PRICES AND LEASE RATES FOR COMMERCIAL AND RESIDENTIAL SPACE. (OFFICE OF SUSTAINABLE COMMUNITIES, 2012)

### PROJECT SITE: UNDERUTILIZED PARKING LOT

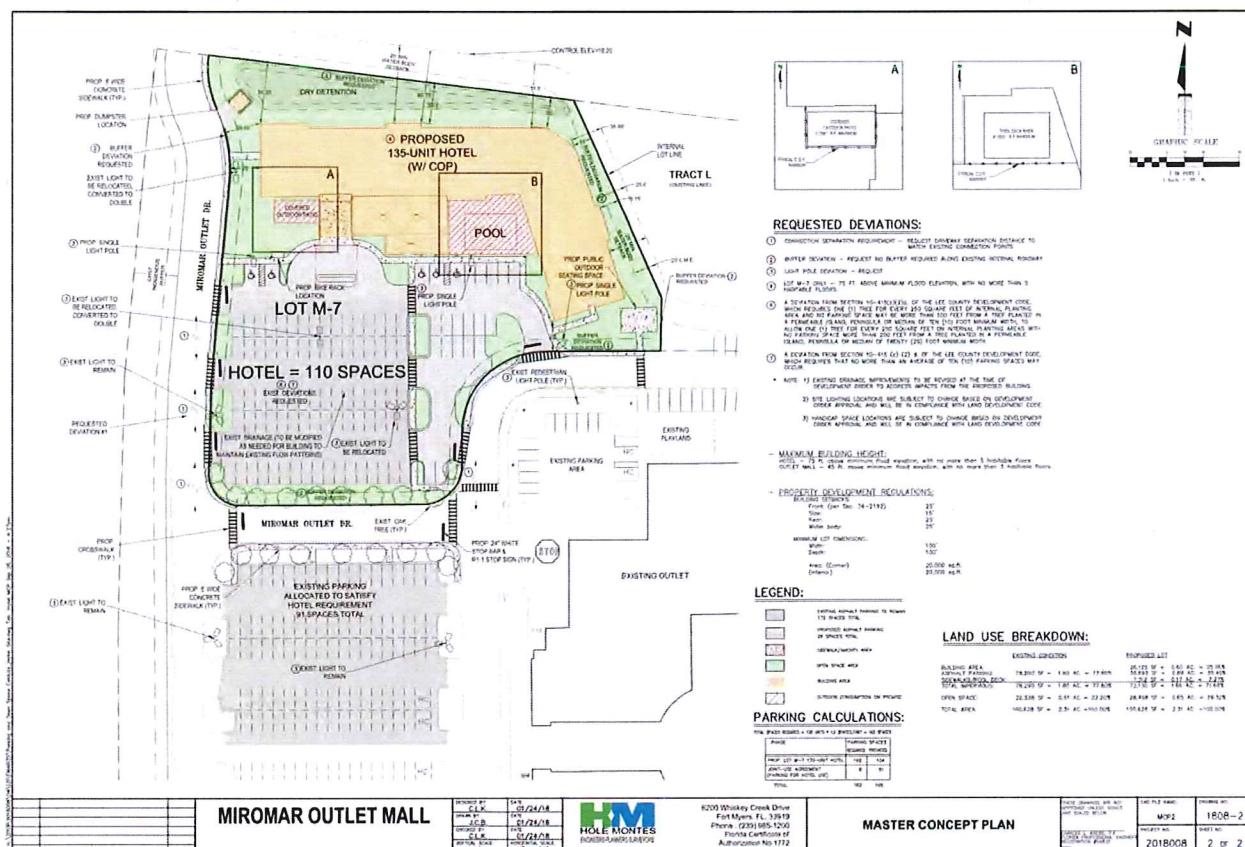


## MIROMAR HOTEL

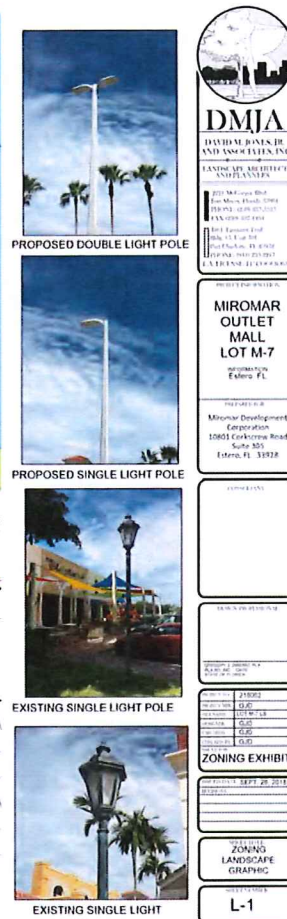


## REDEVELOPMENT PLAN

INFILL DEVELOPMENT AND REDEVELOPMENT ARE CRITICAL COMPONENTS OF URBAN GROWTH, REDUCING URBAN SPRAWL AND MAKING A MORE EFFICIENT USE OF EXISTING INFRASTRUCTURE TO IMPROVE OVERALL ACCESSIBILITY. (SUSTAINABLE DEVELOPMENT PROJECTS, GODSCHALK & MALIZIA, 2013)

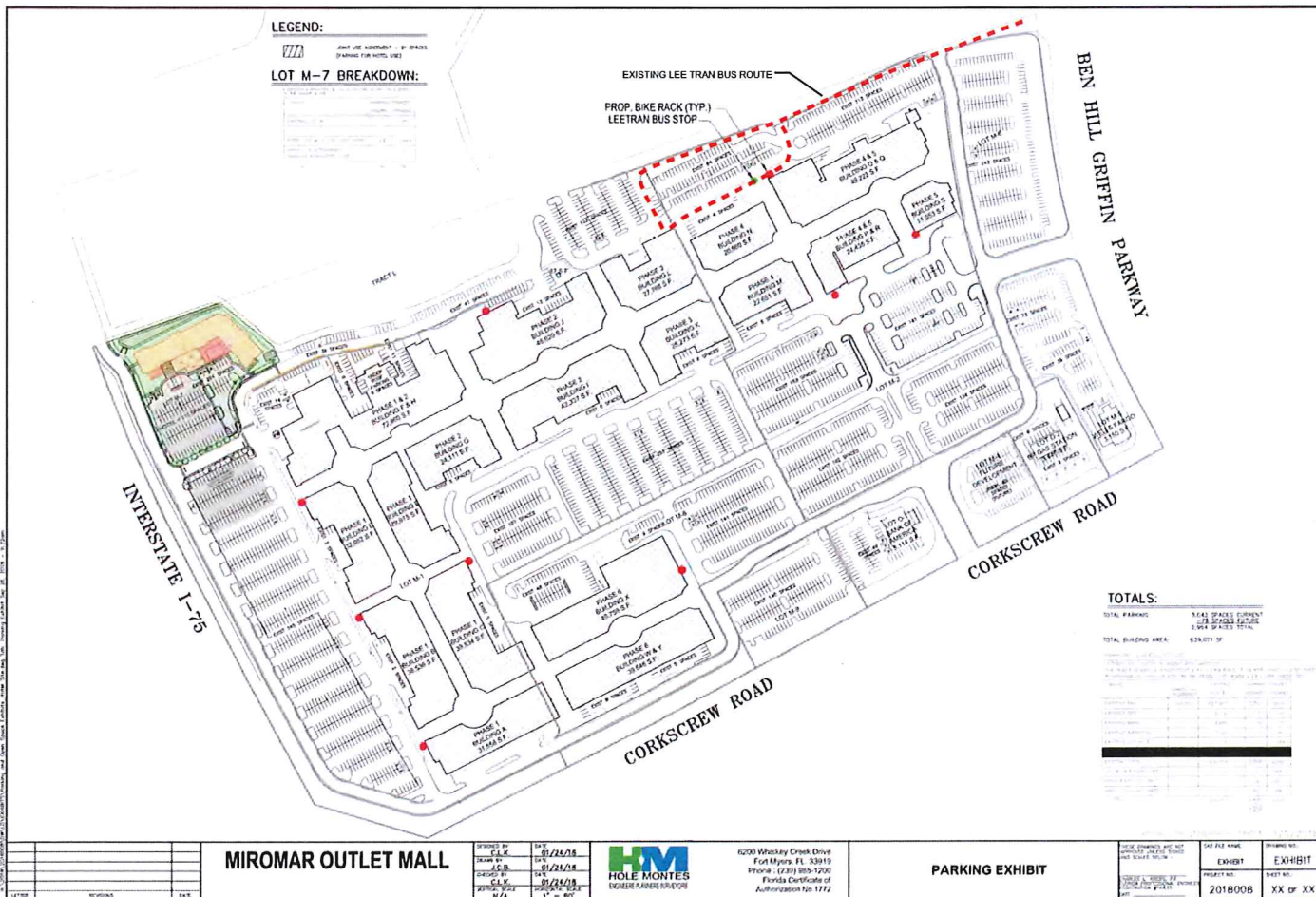


# MIROMAR HOTEL



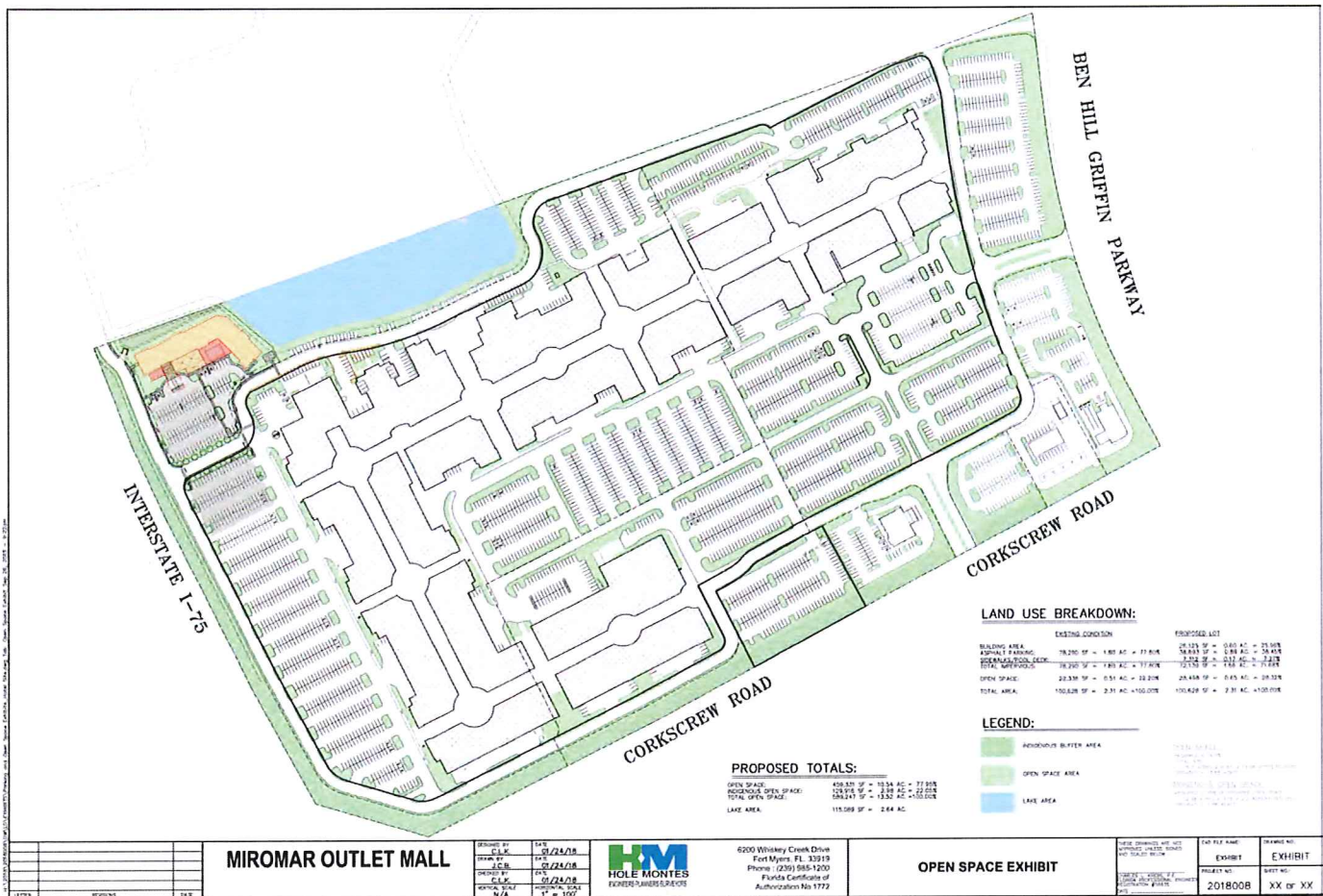


## OPEN SPACE AND PARKING EXHIBIT



MIROMAR HOTEL

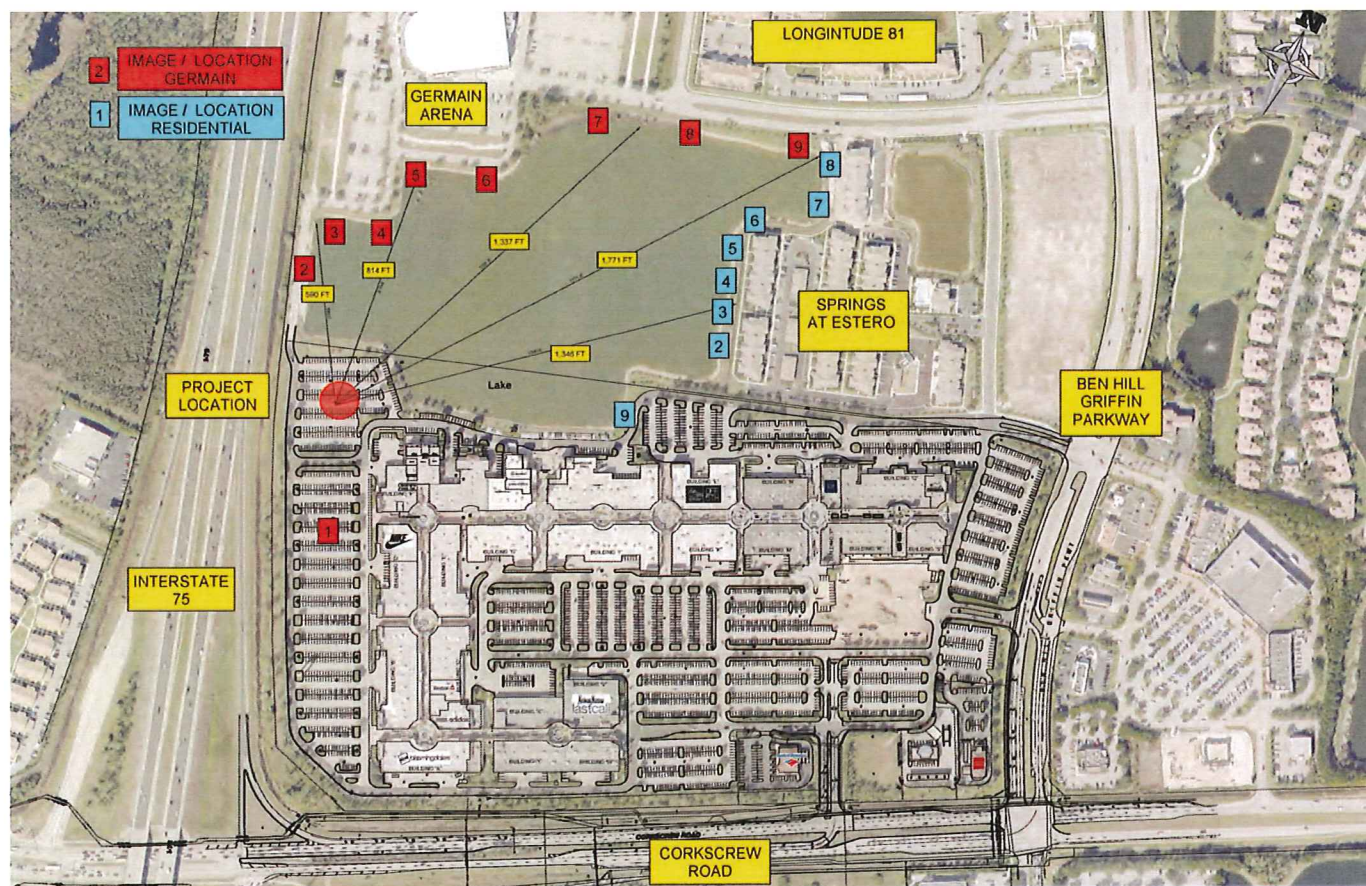
# OPEN SPACE AND PARKING EXHIBIT



MIROMAR HOTEL



## MIROMAR OUTLETS VIEW EXHIBIT



MIROMAR HOTEL



## MIROMAR OUTLETS VIEW EXHIBIT

### Germain Location



### MIROMAR HOTEL

## MIROMAR OUTLETS VIEW EXHIBIT

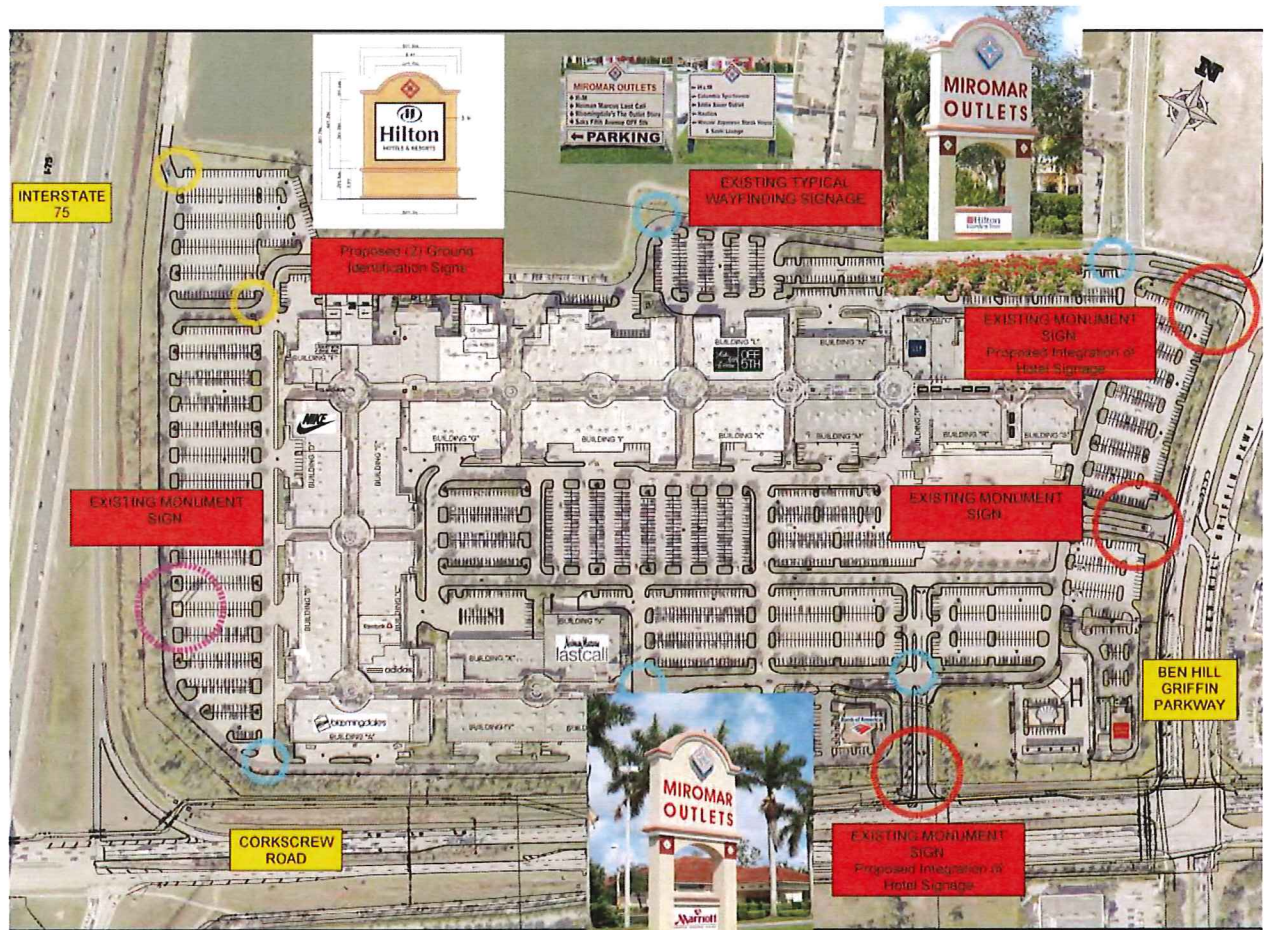
### Residential Location



### MIROMAR HOTEL



## MIROMAR OUTLETS SIGNAGE EXHIBIT



MIROMAR HOTEL

## PEDESTRIAN ACCESSIBILITY

### DESIGN GOALS

- Expand the existing sidewalk by connecting to proposed sidewalks.
- Create safe walkable connections from hotel > lake outlook > arena > mall > restaurants > bus transit > existing trails
- Continue design standards from existing sidewalks and median paths.
- Construct multi-use pathways that feature shade trees, benches, bike racks and other design elements that attract usage. Enable multi-modal transportation access within and between areas (Policy No. 19.4.2)

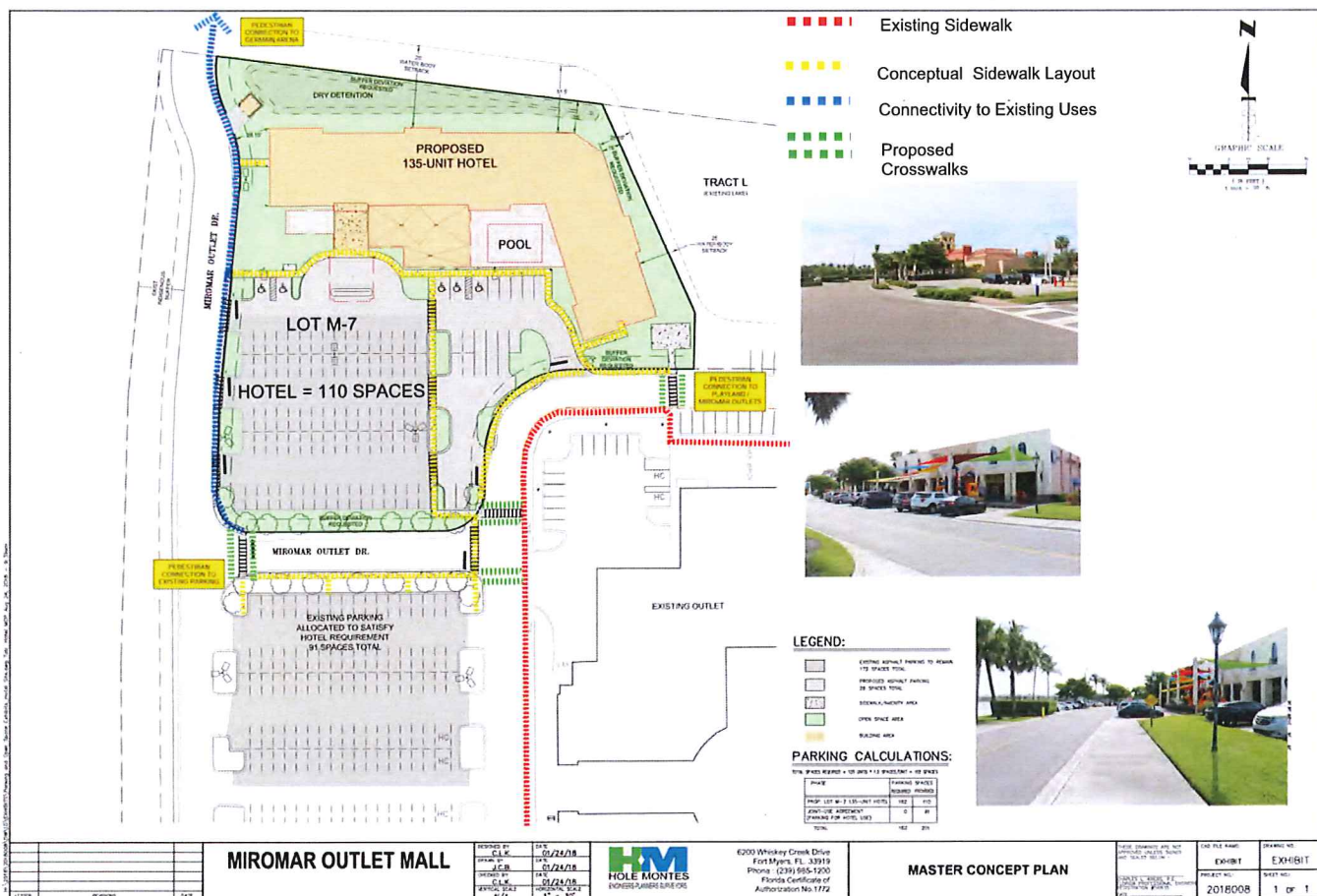
### EXISTING SIDEWALK CONNECTIONS



## MIROMAR HOTEL



# INTERNAL CONNECTIVITY MAP



MIROMAR HOTEL

## ARCHITECTURAL DETAILS: HOTEL



MIROMAR HOTEL

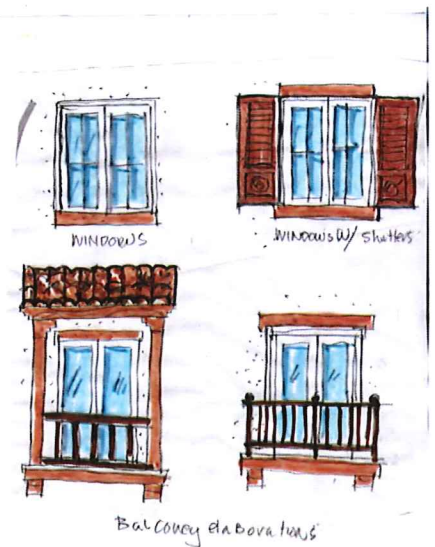
## ARCHITECTURAL DETAILS: HOTEL



MIROMAR HOTEL



## ARCHITECTURAL DETAILS: HOTEL



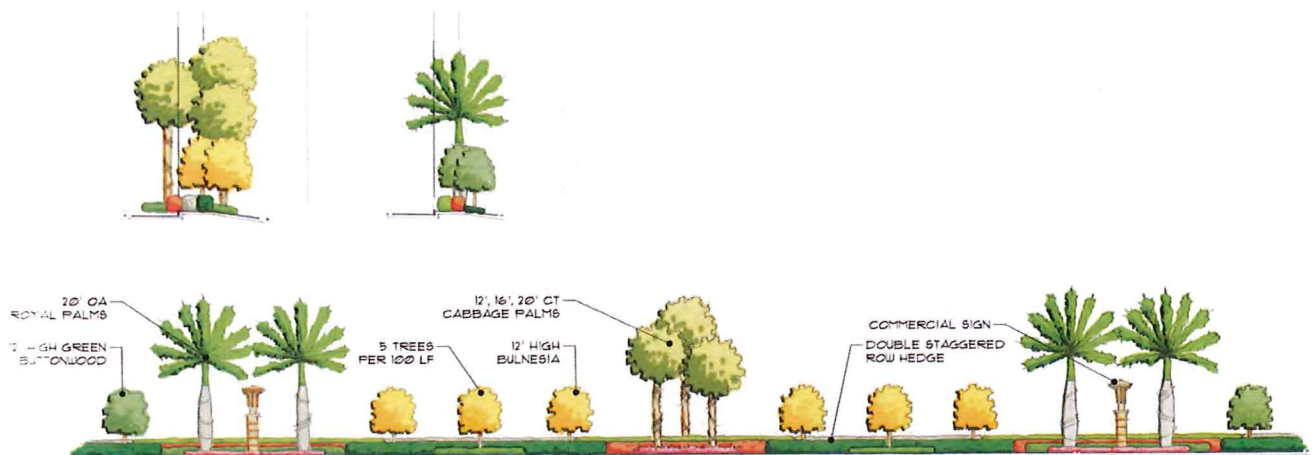
MIROMAR HOTEL



## VEGETATIVE BUFFER

**Vegetative buffers** are areas of natural or established vegetation to enhance aesthetics along a major roadway (I-75).

### Type D Buffer Along I-75 (Policy Sec.10-416)



## LANDSCAPE CHARACTER

### DESIGN GOALS

- Incorporate lush plantings of palms and ornamentals that landscape surrounding building
- Provide stately shade trees to be used in the parking lot medians to help lessen the heat island effect and create shade throughout the paved surfaces
- Incorporate layers of landscaping to reduce visual pollution to benefit surrounding properties and provide sound attenuation
- Use native plantings and Florida Friendly Landscaping to develop a sustainable site that meets Land Development Codes 10-416 - 10-421.



NATIVE PLANTS ARE ADAPTED TO LOCAL ENVIRONMENTAL CONDITIONS, THEY REQUIRE FAR LESS WATER, SAVING TIME, MONEY, AND PERHAPS THE MOST VALUABLE NATURAL RESOURCE, WATER. IN ADDITION TO PROVIDING VITAL HABITAT FOR BIRDS, MANY OTHER SPECIES OF WILD LIFE BENEFIT AS WELL. (NATIONAL AUDUBON SOCIETY)

## PLANTING PLAN

### Landscape Exhibit



DENOTES NATIVE /FLORIDA FRIENDLY PLANT



JATROPHA



ORANGE GEIGER



SABAL PALM



ALUMINUM PICKET FENCE



PINK TABEBUIA



RIBBON PALM



YELLOW TABEBUIA



SHADY LADY OLIVE



ROYAL PALM



GREEN ISLE FICUS



HEDGE HIBISCUS



MUHLY GRASS



COONTIE



LANTANA

MIROMAR HOTEL

## CONSULTANT TEAM

**BOOTH DESIGN GROUP**, *Landscape Architecture*

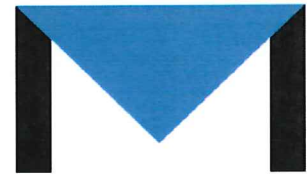


**BOOTHDESIGNGROUP**  
landscape architecture • planning • urban design

**DELISI, INC.**, *Lands Use Planning & Water Policy*



M I R O M A R



MIROMAR HOTEL