ESTERO LOCK-UP @ HALFWAY CREEK

APPLICATION FOR ADMINISTRATIVE AMENDMENT (PD) ADD2015-E002
VILLAGE OF ESTERO PLANNING & ZONING BOARD
DECEMBER 15, 2015
APPLICANT PRESENTATION
Presentors

- Elizabeth Fountain, P.E., CFM, Vice President J.R. Evans Engineering
  - Project Engineer of Record
- Robert Soudan Sr., BRB Development, LLC
  - Project Developer and Owner
Estero Lock-UP @ Halfway Creek Project Description

- Located south of the intersection of Fountain Lakes Boulevard and U.S. 41: 22776 South Tamiami Trail, Estero
- Received original Development Order Approval on October 7, 2009 as DOS2008-0078 and remains active until October 7, 2017.
- Per market trends, the development plan for the project has been updated with the following revisions:
  - Self-storage facility building has been reduced to a 3-story building with a total square footage of 78,606 sq. ft.
  - Previous open storage building along the west boundary has been revised to a 1-story fully enclosed storage building with 10,080 sq. ft. of floor area.
  - The dry detention area was expanded to provide additional water quality treatment and storage of the project’s storm water run-off.
Estero Lock-UP @ Halfway Creek Project Description Cont’d

- Development Plan Revisions:
  - Wastewater system revised to include sanitary sewer connection to Bonita Springs Utilities system located within the adjacent Fountain Lakes community.
  - Updated Landscape and Lighting plans per the proposed plan revisions.
  - Increased setback along west property line for additional open space and enhanced landscape buffer.
  - Substituting architectural building wall for previous Type C landscape buffer wall along with west property line.
Deviation Request Description:

- A request to remove the 8-ft. high wall requirement from the Type “C” landscape buffer to be located along the project’s western boundary.

- Initial Zoning and Development Order approval indicated an open linear storage roofed structure along the west property line. The 8 ft. wall within the landscape buffer acted as a screen.

- The new plan indicates a solid 1-story storage building with an increased setback for the required landscape buffer. The new building is proposed as a masonry structure meeting the Village of Estero architectural design standards with a masonry rear wall, negating the need for a second wall.
**APPLICATION FOR ADMINISTRATIVE DEVIATION FROM CHAPTERS 10 AND 33 IN UNINCORPORATED AREAS ONLY**

[OC Section 86-104 and Chapter 13]

**Project Name:** Palm Lookout at Highlands Crest

**Request:** This request is to amend the approved Type 1 buffer located along the easternmost property line.

**Contact Information:**

1. **Name of Applicant:** [Redacted]
2. **Address:** [Redacted]
3. **Phone Number:** [Redacted]

**Relationship of Applicant to Owner (check one and provide related information):**

- **Applicant is the legal owner of the property.** [Yes/No]
- **Applicant has been authorized to own and to represent the owner for this advice.** [Yes/No]

**Authorized Agent:** [If different than above, name of the person who is to receive all County-related correspondence regarding this application.]

1. **Company Name:** [Redacted]
2. **Contact Person:** [Redacted]
3. **Phone Number:** [Redacted]

**Additional Agents:** Provide the names of other agents that the County may contact concerning the application.

1. **Property Owners:** If a multiple-name or corporate, partnership, trust, association, provide all full legal names. (Check all that apply) [Yes/No]

**Disclosure of Interest:**

1. **Receive Money or Monetize:** [Yes/No]
2. **Relate to Property:** [Yes/No]

**Street Address of Property:** 30738 South Tamiami Trail, Estero, FL 33928

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**Lee County Community Development**

[Logo]

[Address and Phone Number]
Deviation Request Application Documents

16. Specific Request: Indicate the Section(s) of Law or County Land Development Code from which the deviation is sought (check the appropriate selections).
- Section 10.081 - Lot size minimum
- Section 10.085 - Fencing requirements
- Section 10.089 - Setbacks
- Section 10.093 - Lot width
- Section 10.094 - Right of Way
- Section 10.095 - Building setbacks
- Section 10.101 - Accessory buildings
- Section 10.121 - Easements
- Section 10.125 - Signage
- Section 10.141 - Property line
- Section 10.145 - Adjacent property line
- Section 10.150 - Environmental
- Section 10.155 - Landscaping

17. Responsibility and Justification of Request: Explain the proposed request and why the Code alternative deviation is needed. For each deviation proposed, provide an explanation as to how the deviation satisfies the criteria provided in Section 10.016. (1) The proposed request to allow the sound engineering practices (not applicable to sections 10.050, 10.055, and 10.065 - see above) Attorney’s fee - $3,000.
(2) The request is to allow a deviation from the health, safety, and welfare of the fire and life safety requirements to allow for the allowed area and height. The area will be increased by a factor of 1.5 for a total square footage of 7,500 square feet
(3) Per Section 10.016, Chapter 10, the proposed deviation would not adversely affect the public welfare.
(4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners or any applicable applicable law or order of the Board of County Commissioners.
(5) The granting of the deviation will not adversely affect the public welfare.
(6) The proposed deviation cannot provide the service of the adopted level of service standard or is due to an illegible condition.

18. Plans:
- A. Provide a 3D CAD plan that is scaled and edited by a registered/registered professional engineer that accurately reflects the proposed deviation.
- B. For independent site plans, prepare and submit a site plan for review.

19. Other Required Documentation:
- Any other documents or calculations requested by the Director of Development Services (See below).

SUBMILLIT REQUIREMENT CHECKLIST
- Clearly label your attachments as noted in bold below.
- Complete application (2/14/20)
- Application for Zoning (3/24/2022)
- Notice of public hearing (4/20/2020)
- Plan (4/14/2020)
- Development Review Form (4/14/2022)
- Subdivision survey (4/14/2020)
- Phase 1 Subdivision (4/14/2020)
- Subdivision Map of the Plans (4/14/2020)
- Description of proposed Form (4/14/2020)
- Legal description (per 10.20.100)

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Application fees will be reviewed for application to comply with requirements of the Lee County Land Development Code. The application will be certified if all documents are complete.

Acceptance of an application for an administrative deviation is not a guarantee that a request will be allowed. If the Director determines that the request is detrimental to the public welfare, the request shall be denied. The Director’s decision shall be final, except if a public hearing is held, the Director may reverse or modify its decision, if it is determined that substantial or increasing information was provided to the County at the decision does not comply with the law, or if the Director’s decision is not in compliance with 10.170.

The Director’s decision is final and cannot be appealed. In the event the Director determines the application for administrative deviation does not comply for a public hearing, the Director may reverse or modify its decision, if it is determined that substantial or increasing information was provided to the County at the decision does not comply with the law, or if the Director’s decision is not in compliance with 10.170.

If it is determined that substantial or increasing information was provided to the County at the decision does not comply with the law, or if the Director’s decision is not in compliance with 10.170, the Director may reverse or modify its decision, if it is determined that substantial or increasing information was provided to the County at the decision does not comply with the law, or if the Director’s decision is not in compliance with 10.170.
Deviations Request
Application Documents
Estero Lock-Up @ Halfway Creek Deviation Request

- Deviation Justification:
  - New 1-story masonry building replaces previous open storage building and rear wall serves as landscape wall
  - Increased set-back from property line to building = more green area for enhanced landscape buffer
  - Additional landscape buffer wall would adversely impact accessibility to required utility easements for the sanitary sewer facilities serving the project.
  - Proposed alternate plan has been approved by the Village of Estero Design Review Board and received support by the residences of the Fountain Lakes community.
Deviation Request
Supporting Documents
Alternate Plan: Overall View
Paving, Grading, & Drainage Plan
Master Utility Plan
Alternate Plan: Detail View
Alternate Plan: Architectural Section View
Alternate Plan: Landscape Plan
Alternate Plan: Landscape Plan
West Buffer

West Boundary Landscape Buffer Details:

- 28 feet Provided Open Area vs. 20 feet Required
- Total of 45 Trees Provided vs. 39 Trees in Previous Plan
- Total of 173 Shrubs vs. 133 Shrubs in Previous Plan
VILLAGE OF ESTERO DESIGN REVIEW BOARD
MEETING OF OCTOBER 14, 2015

The Village of Estero Design Review Board meeting was held on the date and time Estero Village Board Meeting, Room 200, 23300 River Road, Estero, Florida.
Also present: Nancy Socha, Project Manager, Community Development Director Mary Gibb, and Village Clerk Kathy Hall.

1. CALL TO ORDER
Chairman O’Toole called the meeting to order at 9:04 a.m.

2. PLEDGE OF ALLEGIANCE
Chairman O’Toole led with the Pledge of Allegiance.

3. ROLL CALL
Village Clerk Kathy Hall called the roll with all members present present and in the presence of Board Member Socha.
Chairman O’Toole provided a list of Board members. All audience members and staff providing testimony were present in the Village Clerk’s office.

4. APPROVAL OF AGENDA
The agenda was approved as presented by Board Member Socha.

5. BUSINESS

A. Approval of September 23, 2015 Minutes
David Mabon Sorenson reported that the Minutes were approved and distributed and mailed to all members present and signed by the President. The Minutes were then signed by the President, read and approved by the Board.

B. Approval of September 23, 2015 Minutes
Board Member Socha presented the Minutes for approval and the Minutes were then approved.
Village of Estero Design Review
Board: Meeting Minutes Oct. 14, 2015

Public Comments:

[Comment text not visible in the image]

Board Member Tacketts moved approval of the monument sign, seconded by Board Member Irons, and seconded and approved by Board Members Anderson, Jones, McFerrin, Tackett, Whitehead, and Chairman O’Donnell voting yes, Board Member Price recusing, and Board Member Siemon abstaining.

[Agenda items C and D were addressed prior to agenda item E.]

(C) Consent Point Honda - Honda Dealership on US 41 next to Ricker True Value Station (District 2)
- Monument Sign Approval

Chairman O’Donnell seconded himself. Board Member Price took over as Chairman for the portion of the agenda.

There was no declarations of ex parte contact made by Board Members.

Community Development Director Gibbs provided a brief introduction.

Michael Boyd, representing Consent Point Honda, explained that the proposed monument sign incorporated the roof design and color from the building. He spoke to the previous design that was presented to the Estero Design Review Committee (EDRC) some time ago.

Discussion followed regarding architectural consistency, lighting, material and structure construction, and putting the address on the end facia facing the road. Detailed discussions ensued regarding the width and height of the sign.

Board Member Price called for public comment and no one came forward.

Board Member Jones moved approval of the monument sign as revised, along with the location of the address on the pediments to side facing the road, changing the base from 15 1/2 x 24”, change the sign width from 17” to 14”, change the sign height from 14” to 14”, and the Florida portion of the sign to remain the same as presented. The motion was seconded by Board Member Tacketts, with Board Members Anderson, Jones, McFerrin, Price, Tackett, and Whitehead voting yes, Chairman O’Donnell recusing, and Board Member Siemon abstaining.

Draft Discussion followed regarding Mediterranean-style monument signs.

(D) Estero Lake Tap In Hallenbeck Creek (District 2)
- EDRC 2009-0077 Approval of Development Order Amendment Certification of self-sufficiency
- Monument Sign Approval

There were no declarations of ex parte contact or conflict of interest made by Board Members.

Community Development Director Gibbs provided a brief introduction.

Robert Forrest, representing The Lode, Inc., explained that the project began 14 years ago, a Development Order was approved and prelims were issued. However, due to the financial situation in 2008, the project was put on hold for a year. Next, what they met with the EDRC was an application to amend the Development Order to build a smaller project, they submitted several EDRC meetings, received input from neighbors, and everything was approved. He spoke to the original Development Order requirement for a wall that was to be built 10’ from the property line due to the sensitivity of the wetlands. They decided to go to an embankment structure and the wall of the structure would become the wall for the project, which had a 20’ setback on the west side of the property with additional landscaping.

Board discussion and questions followed. Chairman O’Donnell provided back ground information from the EDRC meetings, noting that the committee concentrated on the side of the building facing US 41, the location of the wall relative to the street, with results, a wall building extend blocking on the west side, and the developer agreed to do no more plantings.

Elizabeth Fournier, Civil Engineer, spoke regarding the landscape plan. Discussion followed.

Public Comments:

A Fountain Lake resident addressed concerns regarding the appearance of the building, the landscaping, and the intensity of use in residential.

John Hallas, Vice President, Fountain Lake Master Association and ECC, representatives for Fountain Lake, said that they were working with Lee County regarding the water in Hallenbeck Creek, and inquired regarding the rate of the retention pond. Ms. Fournier explained that it was roughly one-quarter acre, approximately 1 foot, and would include a detention basin. She added that a central structure would be located at the wetty edge. Brief discussion followed.

Elizabeth Fournier, Civil Engineer, stated that, even though the wall was reviewed by the EDRC, the wall was in the Master Concept Plan and, as a procedural point, would have to go before the Planning and Zoning Board. He also stated that he was an exception of all from the amendment stating they accepted the plan without the wall. Discussion followed relating to the County review being complete. However, the Master Concept Plan was deleted, the EDRC, Final map changed since the development plan begins, the property was not zoned one and the Zoning Board considered it was not within their jurisdiction, so they could be an internal scope on the building. Discussion also addressed the monument sign located on the north side of the driveway. If intended to be a continuation of the sign, the applicant would need come back to the EDRC for additional approval, otherwise, the sign following the lettering was supposed.

Chairman O’Donnell moved approval of the Development Order amendment, the modification to the EDRC planform, putting a solid wall from start of the site, the monument sign, and string property of the wall definition, seconded by Board Member Price. Brief discussion followed. The motion was called and carried with Board Members Anderson, Jones, McFerrin, Price, Tackett, and Chairman O’Donnell voting yes, Board Member Whitehead voting absent, and Board Member Siemon absent.

Design Review Board Meeting Minutes – October 14, 2015
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Deviation Request
Summary of Findings

- Request is based on sound engineering practices as removing the wall requirement promotes safe access to the critical utilities serving the project.

- Request is consistent with the original standard in that the landscape buffer will contain more than the required plantings and the architectural rear wall of the 1-story building will act as the wall.

- The deviation request is authorized through LDC Chapter 33-57 for an applicant pursuing a development order approval within the Village of Estero Planning Community.

- Deviation request does not increase density or intensity of the development.

- Deviation request does not cause any added external impacts.
Questions