

ESTERO LOCK-UP @ HALFWAY CREEK

APPLICATION FOR ADMINISTRATIVE AMENDMENT (PD) ADD2015-E002

VILLAGE OF ESTERO PLANNING & ZONING BOARD

DECEMBER 15, 2015

APPLICANT PRESENTATION



J.R. **EVANS** ENGINEERING

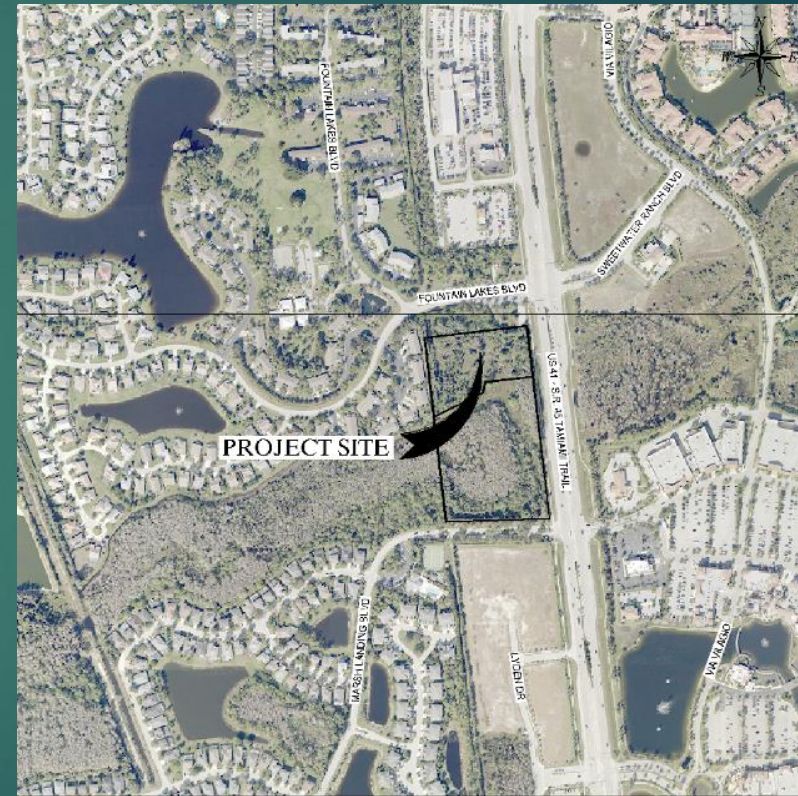
Presentors

- ▶ 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.



LOCATION MAP

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.

Estero Lock-Up @ Halfway Creek

Deviation Request

▶ 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.

Deviation Request Application Documents



APPLICATION FOR ADMINISTRATIVE DEVIATION FROM CHAPTERS 10 AND 33 IN UNINCORPORATED AREAS ONLY [LDC Section 10-104 and Chapter 33]

Project Name: Estero Lock-Up at Halfway Creek

Request: The request proposes to remove the 8 ft wall requirement from the proposed Type "C" buffer located along the projects west property line.

1. Name of Applicant: Lock-Up Estero, LLC (Larry J. Smith)
Address: 800 Frontage Road
City, State, Zip: Northfield, IL
Phone Number: 847.446.7872 E-mail: larry@brbdev.com

2. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
 Applicant is the sole owner of the property. [34-201; 34-204]
 Applicant has been authorized by the owner(s) to represent them for this action. [34-202; 34-204]

3. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]

a. Company Name: J.R. Evans Engineering, P.A.
Contact Person: Elizabeth A. Fountain, P.E., CFM
Address: 9351 Corkscrew Road, Unit 102
City, State, Zip: Estero, FL 33928
Phone Number: 239.405-9148 E-mail: elizabeth@reeng.com

b. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. [34-202; 34-204]

4. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]
Name: Lock-Up Estero, LLC
Address: 800 Frontage Road
City, State, Zip: Northfield, IL
Phone Number: 847.446.7872 E-mail: larry@brbdev.com

5. Disclosure of Interest [34-201; 34-204]:
 Attach [Disclosure of Interest](#) Form. [34-201; 34-204]

6. STRAP Number(s) [34-204]:
04-47-25-E4-39000.0002 04-47-25-E3-39000.0001

7. Street Address of Property: 22776 South Tamiami Trail, Estero, FL 33928

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

8. Legal Description (must submit one):
 Legal description (metes and bounds) and sealed sketch of the legal description. [34-204]
OR
 Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. [\(Click here to see an example of a legal description with no metes and bounds.\)](#) [34-204]

9. Use(s) of Property [34-204]:
a. Current uses of property are:
Vacant
b. Intended uses of property are:
Self-Storage Facility/Commercial Use

10. Lee Plan (Future Land Use) Designation of Property [34-204]:
Suburban

11. Current Zoning of Property [34-204]:
CPD

12. Property Dimensions [34-204]:
a. Width (average if irregular parcel): 920 Feet
b. Depth (average if irregular parcel): 500 Feet
c. Total area: 10.56 Acres or square feet

13. Current Use of the Adjacent Properties (briefly describe):
North: Vacant, Zoned AG-2
East: U.S. 41 State Right-of-Way
South: Marsh Landing – RPD, Residential Planned Development
West: Fountain Lakes - Multi-family Residential

14. Public Hearings: Has a public hearing for any purpose been held regarding the subject property within the last 12 months?

NO
 YES – If **YES**, please provide the following information regarding the hearing:
a. Name of Applicant: _____
b. Date of Hearing: _____
c. Case Number: _____
d. Type of Request: _____
e. Result/Disposition of Hearing: _____

15. Local Development Orders: Has an application for a Development Order been filed with Lee County Department of Community Development?

NO
 YES – If **YES**, please provide the following information:
a. Name of Applicant: Lock-Up Estero, LLC
b. Lee County DOS Application #: DOS2008-00078
c. Current Status of DOS Application: Initially approved on Oct. 7, 2009/ Amendment is in Review

Deviation Request Application Documents

16. Specific Request: Indicate the Section(s) of Lee County Land Development Code from which the administrative deviation approval is sought [please check the appropriate selection(s)].

- Section 10-261 (refuse and solid waste disposal facilities)
- Section 10-263 (access streets)
- Section 10-265 (intersection separations)
- Section 10-296, Table 2 (ROW widths - County maintained streets)
- Section 10-296, Table 3 (ROW widths - private streets)
- Section 10-296(d)(3) (drainage and 10-296(e) through (i) road specifications)
- Section 10-296(j) (horizontal curves)
- Section 10-296(o) (intersection designs)
- Section 10-296(p) (CJ-de-sacs)
- Section 10-322 (swale sections)
- Section 10-323(d)(1)a.2.&a.3 (Water excavation setbacks)
- Section 10-323(b)(4)a. (excavation bank slopes)
- Section 10-352 (public water)
- Section 10-353 (public sewer)
- Section 10-389(c) (water mains)
- Section 10-415(b)(5) (Indigenous native vegetation)
- Section 10-416(c) Landscaping of parking and vehicle use areas
- Section 10-418(3) (surface water management systems; limited to the prohibition of hardened structures behind single family residences for restriction of existing lake bank slopes as provided in section 10-329(c)(4)b)
- Section 10-441 (mass transit facilities)
- Section 10-610 (site design standards and guidelines for commercial developments)
- Section 10-716 (piping materials in right of way)
- Chapter 33 (if permitted) Section(s) Chapter 33-57

17. Explanation and Justification of Request: Explain the proposed request and why the administrative deviation is needed. For each deviation requested, provide an explanation as to how the deviation satisfies the criteria provided in 10-104(b). **[10-104]**

- (1) The request is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7, article III, chapter 10);
- (2) The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;
- (3) For division 7, article III, chapter 10, the required facility would unnecessarily duplicate existing facilities;
- (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and
- (5) For sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

18. Plans:

- a. Provide a 24"x36" plan that is sealed and dated by a registered professional engineer, that accurately reflects the applicant's alternative proposal (not required for deviations requested from LCLDC Sections 10-415(b)(5) or 10-416(c)).
- b. For indigenous open space and parking lot landscaping deviations, (LCLDC Section 10-415(b)(3) and Section 10-416(c)), provide a 24"x36" plan signed, sealed and dated by a registered landscape architect, that accurately reflect the applicant's alternative proposal. **[10-104]**

19. Other Requested Documentation: Any other materials and/or calculations requested by the Director of Development Services to aid in the decision. **[10-104]**

SUBMITTAL REQUIREMENT CHECKLIST	
<i>Clearly label your attachments as noted in bold below.</i>	
<input checked="" type="checkbox"/>	Completed application [34-204]
<input checked="" type="checkbox"/>	Filing Fee [34-204]
<input checked="" type="checkbox"/>	Affidavit of Authorization Form [34-204, 34-202]
<input type="checkbox"/>	Additional Agents [34-204, 34-202]
<input type="checkbox"/>	Multiple Owners List (if applicable) [34-201, 34-204]
<input checked="" type="checkbox"/>	Disclosure of Interest Form [34-204, 34-201]
<input checked="" type="checkbox"/>	Legal description (must submit one) [34-202, 34-204]
<input checked="" type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
OR	
<input type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
<input checked="" type="checkbox"/>	Explanation and Justification of Request [10-104]
<input checked="" type="checkbox"/>	Alternate Proposal Plan [10-104]
<input checked="" type="checkbox"/>	Other Requested Documentation (as may be required) [10-104]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative deviation in no way guarantees its approval. If the Director determines that the requested deviation is beyond the scope of Land Development Code Section 10-104 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative deviation is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative deviation will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Deviation Request Application Documents

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, LARRY J. SMITH (name), as VICE PRESIDENT (owner/title) of Lock Up Estero Development Series, LLC (company/property), swear or affirm under oath, that I am the owner (or the authorized representative of the owner(s) of the property and that:

- I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
- All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
- I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
- The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Larry J. Smith Signature 4.29.2015 Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 29 APR 2015 (Date) by LARRY J. SMITH (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Pamela M. Hyatt
Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Larry J. Smith, VP - Development, BRB Development LLC (Lock Up Estero LLC), who, being first duly sworn and deposed says:

- That I am the record owner, or a legal representative of the record owner, of the property that is located at 22776 South Tamiami Trail, Estero, FL 33928 and is the subject of an Application for zoning action (hereinafter the "Property").
- That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	
X	

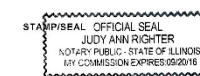
Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Larry J. Smith
Property Owner
Larry J. Smith
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on November 16, 2015 by Larry J. Smith, who is personally known to me or who has produced personally known as identification.



Judy Ann Richter
Signature of Notary Public

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

Estero Lock-Up @ Halfway Creek
Explanation and Justification of Deviation Request

This proposed deviation is 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. When the project received initial development order approval, the plan indicated an open linear storage roofed structure along the west property line. Since the structure was a covered (roofed) structure only, the 8 ft. high wall within the Type "C" landscape buffer acted as a screen. Based upon recent updates to the project, the plan now indicates a solid 1-story storage building along the west property line with an increased setback for the required landscape buffer. Since the new building is now proposed as a masonry structure meeting the Village of Estero architectural design standards with a masonry rear wall, this negates the need for the wall to hide an open structure. In addition, in order to provide sanitary sewer service to the project, utility easements are required along portions of the west property line. The wall would adversely impact the accessibility of the sanitary sewer facilities for any maintenance and/or repair. The wall cannot be located within the utility easement and placing it outside the utility easement will impeded access to such easement. The proposed plan and landscape plan are consistent with the intent of the original landscape buffer with wall. The original plan called for the wall to be located within the Type C landscape buffer at 15 feet from the property line and the proposal increases the open space to the architectural building to 28 feet as well as increasing the green area and resulting in a more aesthetically pleasing view from the Fountain Lakes community. The proposed landscape buffer will contain more green area, more plant material and the proposed linear building will aide in providing adequate screening to the other portions of the project.

Specifically, the previous plan with wall called for the following outline of plant material and quantities:

- 39 Trees Provided in Type C Buffer and Type F Buffer
- 133 Shrubs Provided in Type C Buffer and Type F Buffer

The proposed plan with increased open area calls for the following plant material and quantities:

- 45 Trees Provided in Type C Buffer and Type F Buffer
- 173 Shrubs Provided in Type C Buffer and Type F Buffer

The updated plan has been reviewed and approved by the Village Design Review Board providing their support for eliminating the wall requirement to include the architectural wall with enhanced buffer plantings and the increased setback to 28 feet as a better alternative.

Provided below are the specific criteria to be addressed with an explanation as applicable:

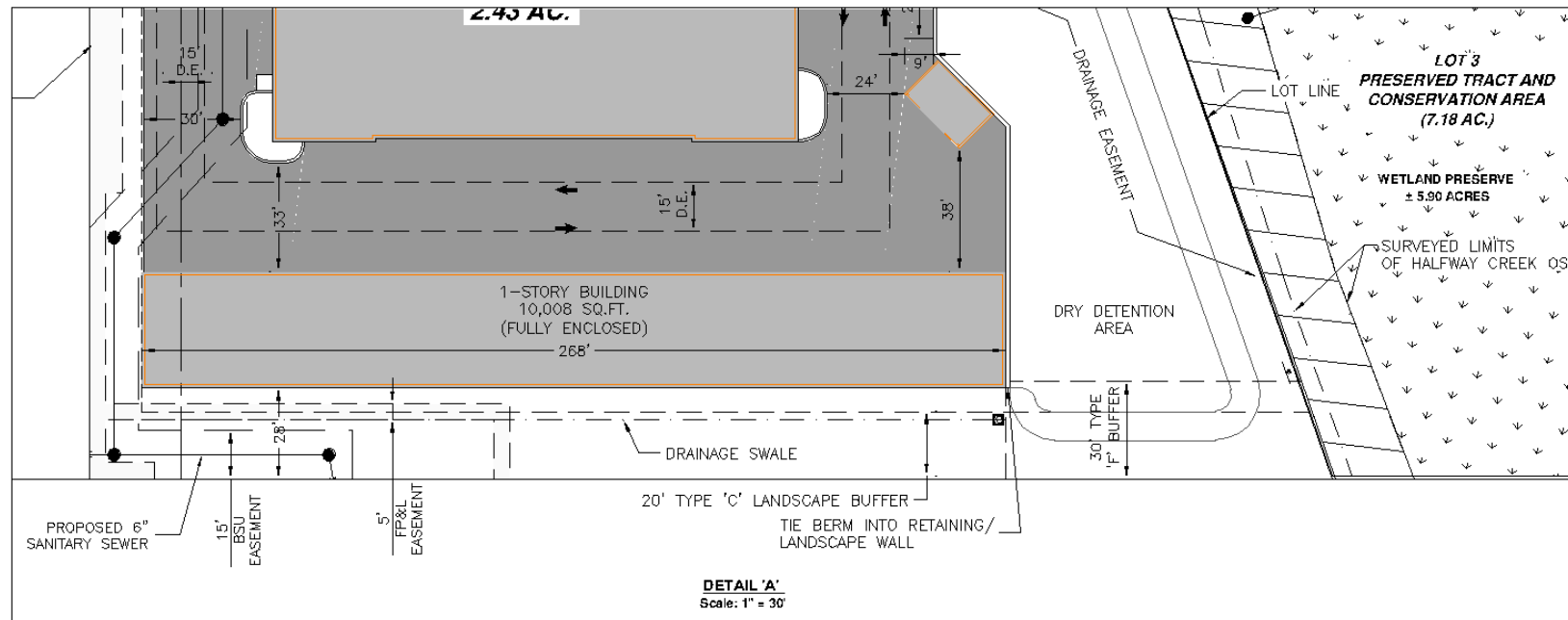
- (1) The request is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7, article III, chapter 10);

In relation to sound engineering practices, the request to remove the wall requirement has a positive impact by providing adequate access to the proposed sanitary sewer facilities serving the project. The proposed project has no alternative and must provide a connection to existing sanitary sewer facilities located within the Fountain Lakes community. Therefore, there is a 15 ft. Bonita Springs Utilities (BSU) easement located along a portion of the property's west boundary which needs to be accessible for any

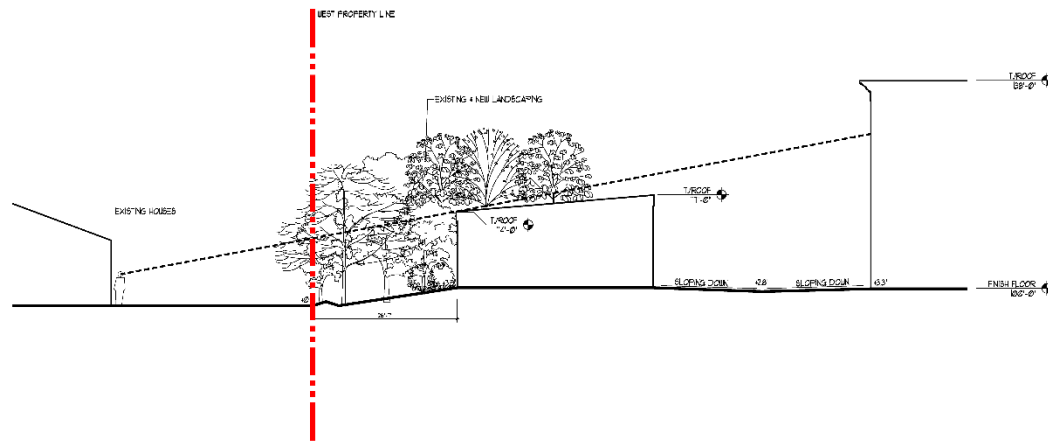
needed maintenance and/or repair. The wall would adversely impact access to the facilities as it cannot be located within the utility easement and its location cannot impeded access to such easement.

- (2) The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;
The request remains consistent with the original standard in that the landscape buffer and required plantings are still included in the proposed plan and now the proposed 1-story linear architectural building wall will act as the wall. The proposed plan has received support from the Village of Estero Design Review Board and the residents of the adjacent Fountain Lakes community.
- (3) For division 7, article III, chapter 10, the required facility would unnecessarily duplicate existing facilities;
The request is not applicable for this criteria.
- (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and
The granting of the requested deviation is not in conflict with any specific policy directive, ordinance or Lee Plan provision. The deviation request is authorized through LDC Chapter 33-57 for an applicant with a project located within the Village of Estero Planning Community.
- (5) For sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.
The request is not applicable for this criteria.

Alternate Plan: Detail View



Alternate Plan: Architectural Section View



THE LOCKUP SELF STORAGE
Tamiami Trail, Estero, Florida

© 2015 Architects & Design, Inc. All Rights Reserved.

WEST PROPERTY LINE SITE CROSS SECTION
1/8" = 1'-0"
01.12.15

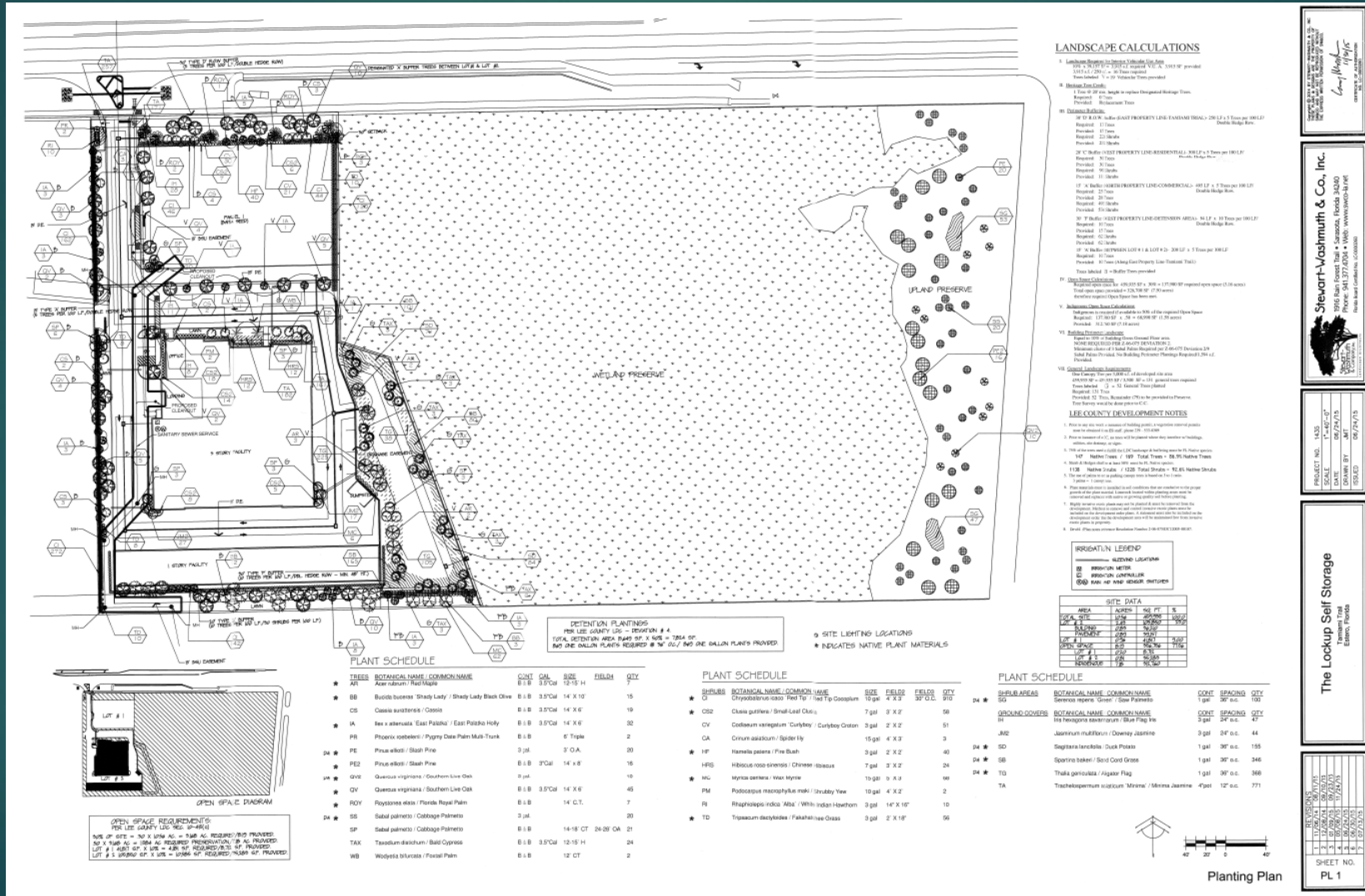
BRB THE LOCKUP
Self Storage

Partners in Design
ARCHITECTS

262.652.2800
Kenosha, WI

847.940.0300
Riverwoods, IL

Alternate Plan: Landscape Plan



PROJECT NO. 1435
SCALE: 1"=40'-0"
DATE: 08/27/15
BY: [Signature]
CHECKED: 08/27/15

Stewart-Vasmath & Co., Inc.
1000 Main Street, Suite 1000, Kansas, Kansas 66202
www.stewartvasmath.com

PROJECT NO. 1435
SCALE: 1"=40'-0"
DATE: 08/27/15
BY: [Signature]
CHECKED: 08/27/15

The Lockup Self Storage
1000 Main Street, Suite 1000, Kansas, Kansas 66202
www.lockupselfstorage.com

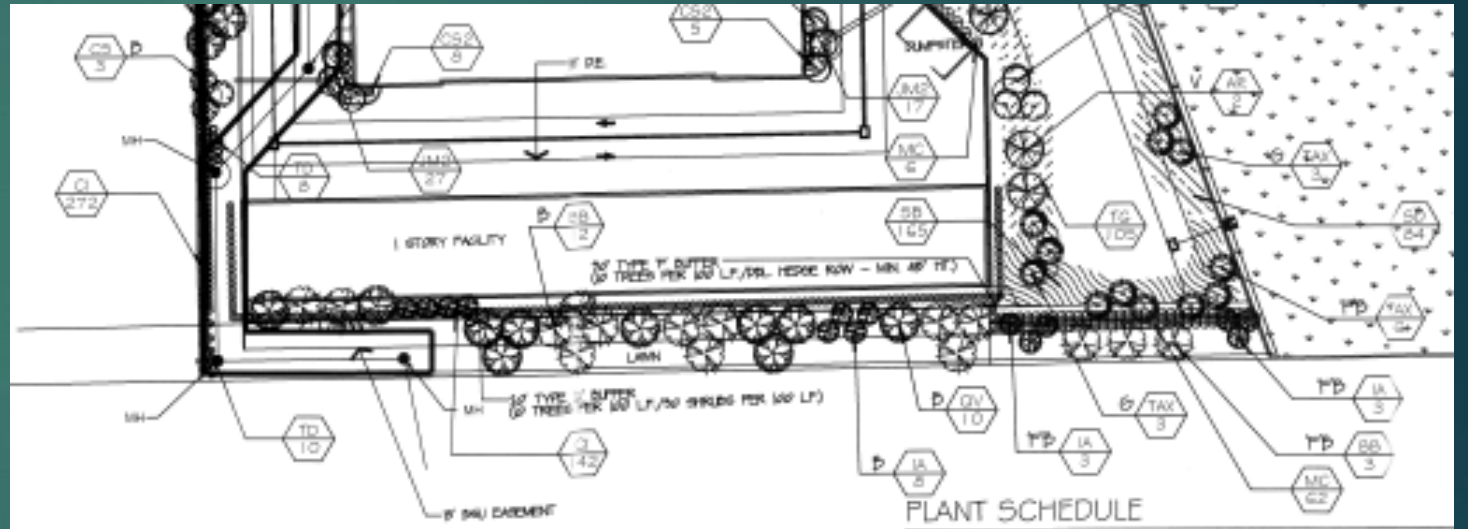
PROJECT NO. 1435
SCALE: 1"=40'-0"
DATE: 08/27/15
BY: [Signature]
CHECKED: 08/27/15

SHEET NO. PL 1

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 Minutes Oct. 14, 2015

VILLAGE OF ESTERO DESIGN REVIEW BOARD MEETING OF OCTOBER 14, 2015

The Village of Estero Design Review Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Albert O'Donnell and Board Members W. Scott Anderson, Barry Jones, Joe McHarris, William Prysi, James Tatrooks, and Patty Whitehead. Absent: Board Member Simons.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Chairman O'Donnell called the meeting to order at 5:34 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman O'Donnell led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Member Simons.

Chairman O'Donnell provided clarification of Board procedures. All audience members and staff providing testimony were sworn in by Village Clerk Kathy Hall.

4. APPROVAL OF AGENDA

Attorney Stroud asked that an item to consider Board Member recommendations to Village Council be added as agenda item 9 (B).

Board Member Prysi moved approval of the agenda as amended, seconded by Board Member Jones, called and carried unanimously with Board Member Simons absent.

5. BUSINESS

(A) Approval of August 26, 2015 Minutes

Board Member Whitehead requested that the last sentence of agenda item D (page 4) be amended to include more detail regarding the Live Oak. Board discussion followed and consensus was to amend the minutes to read: "Detailed discussion followed related to saving the Live Oak; the sense was that the building would be moved to the north in order to save the tree. Discussion also followed regarding the master manhole; buffering/screening/fencing; ingress/egress; and prototypes."

Board Member Jones moved approval of the August 26, 2015 minutes as amended, seconded by Board Member Anderson, called and carried unanimously with Board Member Simons absent.

(B) Approval of September 23, 2015 Minutes

Board Member Prysi moved approval of the September 23, 2015 minutes as presented, seconded by Board Member McHarris, called and carried unanimously with Board Member Simons absent.

6. ACTION ITEMS

- (A) Shell Station at Miramar Outlets – Northwest corner of Ben Hill Griffin Pkwy and Corkscrew Road (currently BP gas station) (District 4)
- Monument Sign Approval

Community Development Director provided a brief introduction.

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

Laura Farenhem, representing University Shell, provided additional information since the September 23, 2015 meeting and explained the issues with the rain water that accumulates under the sign. She proposed to utilize the current sign, cut off the top, reface it, and leave the opening at the bottom to properly allow for the flow of water in the swale where the sign was located. Discussion followed regarding the non-compliant status of the sign; possibility of moving the sign to the berm; wind load; clearance at the bottom; architectural enhancements; DOI permit for tree removal; and providing a revised plan to bring back to the next meeting.

Board Member Prysi moved to continue the monument sign approval to the next meeting, seconded by Board Member McHarris, called and carried (unanimously with Board Member Simons absent).

- (B) Autumn Leaves of Estero – US 41 at Lyden Drive (District 2)
- A102015-00145 Monument Sign Approval

Note: Agenda items C and D were addressed prior to agenda item B.

Board Member Prysi recused himself in order to present the application.

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

Bill Prysi, Land Architects, Inc., stated the reason for the application was due to the requirement for a deviation. Through a PowerPoint presentation, Mr. Prysi provided information regarding site location, original sign location and deviation; bus stop railing improvements that have caused detrimental impacts to the approved sign location; original approved design of proposed sign walls; separating the sign and placing it where it will not be obstructed by the bus stop improvements; the deviation request was to allow the second sign due to the hardship from the bus stop improvements.

Discussion followed related to landscaping and the railing; a concern regarding precedent was addressed. Community Development Director Gibbs noted that an administrative deviation for the monument sign was under review by the Planning and Zoning Board.

Village of Estero Design Review Board: Meeting Minutes Oct. 14, 2015

Public Comment:

Joyce Johnson objected to the location of the signs and addressed concern regarding the lack of a crosswalk across US 41.

Board Member Tatooles moved approval of the monument sign, seconded by Board Member Jones, called and carried with Board Members Anderson, Jones, McHarris, Tatooles, Whitehead, and Chairman O'Donnell voting aye, Board Member Prysi recusing, and Board Member Simons absent.

Note: Agenda items C and D were addressed prior to agenda item B.

(C) Coconut Point Honda – Honda Dealership on US 41 next to Race Trac gas station (District 2) **- Monument Sign Approval**

Chairman O'Donnell recused himself. Board Member Prysi took over as Chairman for this portion of the agenda.

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

Community Development Director Gibbs provided a brief introduction.

Michael Boyd, representing Coconut Point Honda, explained that the proposed monument sign incorporated the roof design and colors 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; masonry and stucco construction; and putting the address on the endcap facing the road. Detailed discussion ensued regarding reducing the width and height of the sign.

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

Board Member Jones moved approval of the monument sign as revised: change the location of the address to the perpendicular side facing the road; change the base from 2' 8" to 2' 4"; change the sign width from 17' 4" to 14' 4"; change the sign height from 14' 4" to 14'; and the Honda portion of the sign to remain the same as presented. The motion was seconded by Board Member Tatooles, with Board Members Anderson, Jones, McHarris, Prysi, Tatooles, and Whitehead voting aye, Chairman O'Donnell recusing, and Board Member Simons absent.

Brief discussion followed regarding Mediterranean-style monument signs.

(D) Estero Lock Up at Halfway Creek (District 2) **• DOS 2008-00078 – Approval of Development Order Amendment/Clarification of wall requirement** **• Monument Sign Approval**

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

Community Development Director Gibbs provided a brief introduction.

Robert Soudan, representing The Lock Up, explained that the project began 10 years ago, a Development Order was approved and permits were issued; however, due to the financial situation in 2008, the project was put on hold until a year ago when they met with the EDRC with an application to amend the Development Order to build a smaller project; they attended 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 metal-type shed design. They decided to change to an enclosed 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 landscape.

Board discussion and questions followed. Chairman O'Donnell provided background information from the EDRC meetings, noting that the committee concentrated on the side of the building facing US-41; the south-facing side was against the creek with woods, a liner building created blocking on the west side, and the developer agreed to do more plantings.

Elizabeth Fountain, Civil Engineer, spoke regarding the landscape plan; discussion followed.

Public Comment:

A Fountain Lakes resident addressed concern regarding the appearance of the building, the landscaping, and the intense use next to residential.

John Rellias, Vice President, Fountain Lakes Master Association and ECCL representative for Fountain Lakes, stated that they were working with Lee County regarding the water in Halfway Creek and inquired regarding the size of the retention pond. Ms. Fountain responded that it was roughly one-quarter acre, approximately 3 feet, and would include a perimeter berm. She added that a control structure would be located at the westerly edge. Brief discussion followed.

Howard Levitan, Pelican Sound resident, 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 need to go before the Planning and Zoning Board. He also noted that he was in receipt of an email from the community stating they accepted the plan without the wall. Discussion followed relating to the County review being complete, however, the Master Concept Plan was dated; the FEMA flood map changed since the development plans began; the property was in a flood zone and the developers had done the appropriate measures; and whether the visible doors on the storage units could be painted the same color as the building. Discussion also addressed the monument sign located on the north side of the driveway; if they intended it to be a joint-use sign, the applicant would need to come back to the DRB for additional approval; only illumination of the lettering was permitted.

Chairman O'Donnell moved approval of the Development Order amendment, the modification to the BSU casement, painting visible storage unit doors the color of the building, the monument sign, and strong support of the wall deviation, seconded by Board Member Prysi. Brief discussion followed. The motion was called and carried with Board Members Anderson, Jones, McHarris, Prysi, Tatooles, and Chairman O'Donnell voting aye; Board Member Whitehead voting nay; and Board Member Simons absent.

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