



UNIVERSITY HIGHLAND MPD/DRI (PARCEL 6, TRACT F-3)
Mixed Use Planned Development Amendment
Supplemental Zoning Staff Report

PROJECT NAME: UNIVERSITY SELF-STORAGE
CASE TYPE: PLANNED DEVELOPMENT AMENDMENT
CASE NUMBER: DCI2017 - E007
PLANNING & ZONING BOARD DATE: April 17, 2018
COUNCIL FIRST READING DATE: May 16, 2018
COUNCIL SECOND READING DATE: June 27, 2018

REQUEST AND STAFF RECOMMENDATION

The applicant is requesting an amendment to the Mixed-use Planned Development Zoning to permit the conversion of retail and office space to self-storage space for a proposed 90,000 square foot 3-story self-storage facility. The facility is proposed to be 45 feet in height on a 2-acre tract adjacent to the Tidewater Community on Ben Hill Griffin Parkway. There is also a request for a deviation to permit architectural features in excess of 45 feet in height for a tower of 47.5 feet.

The Planning and Zoning Board reviewed the request on April 17th and recommended approval with staff conditions. The Council held a first reading on May 16, 2018 and requested additional information (see page 2 for list).

Subsequent to that meeting, the applicant submitted a Supplemental Pattern Book with building elevations and line of sight exhibits showing the relationship of the self-storage warehouse to Tidewater and Grandezza. The applicant also submitted a response to Council questions from the first reading. **After a series of reviews of this additional information, staff recommends approval of the request with the conditions in revised Ordinance 2018-06.**

Please refer to the staff report and packet from the first reading May 16th for further information.

COUNCIL FIRST READING SUMMARY

The Council first reading was on May 16, 2018. The Council requested that the applicant address several items at the second reading. The applicant has provided a response to the Council questions (see attached).

The Council questions include:

1. Additional information pertaining to ownership. The applicant has recently supplied information that the property is owned by University Highlands Limited Partnership. The General Partner is Nassant and Company, L.L.C., whose Manager is David W. Nassif. The applicant has provided the following concerning the buyer of the site: FM Storage Partners, LLC owns University Storage LLC. The partners of FM Storage Partners, LLC are AJT Colonial/University SS, LLC (Alvaro Tomas); CSG Group, LLC (Barron Collier Ent); Eric B. Feldman; Francis Sullivan; Elizabeth Karole Willis; Alan and Michelle Dorfman; Gateway 5 (Jerry Messonnier); PBSS Resource Capital, LLC (William Depietri), Seagate Storage, LLC (William G. Price, Matthew C. Price and James Nulf).
2. Date of application. The application for public hearing was filed on September 6, 2017.
3. 2016 Land Development Code (LDC) and Comprehensive Plan Amendments. The Council asked that the Village Land Use Attorney address if the 2016 LDC and Comprehensive Plan Amendments were applicable to the request such as the definitions of compatibility, complementary uses, and the requests consistency with Objective 4.3. The Council also noted that condition 3 of Resolution Z-10-031 dealt with more than the cumulative land development summary table and that the applicant should address everything required by condition 3. See the attached memoranda from Land Use Counsel. See also the attached applicant's "Response to Village of Estero Council Questions".

The proposed self-storage building is in a prominent location in the community being located along Ben Hill Griffin Parkway at the entrance to the Tidewater residential community. As stated in the initial staff report, staff was concerned about compatibility and a 3-story facility in this location. However, the architectural style of the self-storage building has been designed to be Mediterranean, utilizing colors similar to those used in Tidewater, and a Supplemental Pattern Book has been submitted which would be included in any approval. The applicant has submitted line of sight exhibits for all sides of the proposed self-storage building. These exhibits demonstrate that the view of the proposed building from Tidewater and Grandezza will be somewhat shielded by the proposed landscape plan after the landscaping matures. The proposed conditions help to assure compatibility with the nearby residences. These conditions cover hours of operation (6 AM to 10 PM), no on-site auctions are permitted, prohibited uses (such as no storage of motor vehicles, boats, or boat trailers, no businesses may be conducted from a storage unit, and customers may not live in a unit) and increased shrub height (36 inches at time of installation and be maintained at 48 inches).

4. DRI Statute Amendments. Council wanted to be informed on the affect/impact of DRI Statute changes. University Highland is a portion of the Timberland & Tiburon DRI. See the attached memoranda from Land Use Counsel addressing the DRI legislative changes.

5. Storm Water Provisions. Council wanted more information concerning storm water provisions and how and where storm water is going to be treated or dealt with onsite. The applicant provides that “the Project site is located within Basin 5 of the UHLP (University Highland Limited Partnership) ERP (Environmental Resource Permit), which is the largest basin within the UHLP master planned water management system. Outfall from the Project (Tract F-3/Parcel 6) has been conceptually designed and approved to retain the first 0.5” of rainfall (post-development) onsite, prior to discharge through existing storm water stub-outs from the adjacent Tiburon Way into the previously constructed Tidewater storm water lake system. Storm water attenuation for water quality and flood control (consistent with SFWMD criteria) for the entirety of Basin 5 are achieved in the onsite lake system contained within the existing Tidewater development, prior to discharge into the I-75 ditch located on the western edge of Tidewater”. See the attached applicant’s “Response to Village of Estero Council Questions”.
6. Amount of Fill Material Needed. Council wanted to know the amount of fill being proposed for the subject site and the number of truck trips that are proposed for the fill operation. The applicant provides that the site will require approximately 7900 cubic yards of fill and that approximately 2000 cubic yards a day will be brought to the site over 3½ days utilizing approximately 111 truck loads. See the attached applicant’s “Response to Village of Estero Council Questions”.
7. Pubic Meetings. Council wanted the applicant to address public meetings that have been held, public input received, and the results of the public comments. See the attached applicant’s “Response to Village of Estero Council Questions”. The applicant will further address this topic in their presentation.
8. West Side and East Side Buffers. Council requested additional information concerning the project buffers and whether the buffers proposed adequately screen the lower floors (rollup doors) of the proposed facility. The applicant will further address this topic in their presentation.

DEVELOPMENT OF REGIONAL IMPACT

This project is part of a Development of Regional Impact, Timberland and Tiburon DRI. Please refer to the attached memoranda from the Village’s land use attorney for further details. The DRI does not need to be amended since it includes the mini-warehouse use, but the zoning does need to be amended to add the conversion factor for the needed square footage.

PROPOSED REVISIONS TO ORDINANCE

Condition 3 of Resolution Z-10-03 requires the applicant to provide a cumulative land development summary table at time of development order to ensure that there is remaining development intensity.

Staff has added a more specific zoning condition to require that the applicant provide a cumulative land development summary table to verify that commercial square footage is available to convert to self storage square footage consistent with the conversion factors contained in condition 18 prior to development order approval. This is condition 11 of the revised ordinance (attached).

ATTACHMENTS:

1. Applicant's Response to Village of Estero Council Questions
2. Memoranda from Land Use Counsel Nancy Stroud, dated June 14, 2018 and May 24, 2018
3. Revised Ordinance 2018-06

ATTACHMENT 1

RESPONSE TO VILLAGE OF ESTERO COUNCIL QUESTIONS

University Highland Limited Partnership Tract F-3 of Parcel 6 DCI2017-E007

June 18, 2018

1. Name of the Applicant

University Highlands Limited Partnership ("UHLP"). The General Partner is Nassant and Company, L.L.C., whose Manager is David W. Nassif.

2. Name of the Buyer

FM Storage Partners, LLC owns University Storage, LLC.

In turn, the partners of FM Storage Partners, LLC are AJT Colonial/University SS, LLC (Alvaro Tomas); CSG Group, LLC (Barron Collier Ent); Eric B. Feldman; Francis Sullivan; Elizabeth Karole Willis; Alan and Michelle Dorfman; Gateway 5 (Jerry Messonnier); PBSS Resource Capital, LLC (William Depietri); Seagate Storage, LLC (William G. Price, Matthew C. Price and James Nulf).

The owners have a management contract with Cube Smart. Cube Smart does not hold an ownership interest in the site, they simply manage it.

3. Application Date

Based on initial discussions the amendment was proposed and filed as an administrative amendment on August 9, 2017. Thereafter, staff advised that based on actions taken on another application a new application for a public hearing amendment needed to be filed. The application was filed on September 6, 2017.

4. What is the applicable Comprehensive Plan; specifically does the current Objective 4.3 apply to subject property? Does the current mixed use definition, which incorporates "complementary commercial", apply to the subject property? Does this proposal create a precedent that can be relied on by other developments?

Objective 4.3 does not apply. The current mixed use definition does not apply, and this proposal does not create a precedent that can be relied on by others. The property was included in the Mixed Use Overlay when the applicant pursued the amendment to Lee Plan in 2010 to permit the development parameters that were approved. When the applicant pursued to amend to the Future Land Use Map the staff recommended the inclusion of the property on the Mixed Use Overlay. UHLP expressed concerns and the staff submitted that the property owner did not have to use the Overlay, but the staff thought it should be available. The amendment filed by UHLP to permit residential and commercial development. In 2010 the Mixed Use Overlay policies applied if an applicant sought to utilize the commercial and non-residential areas to

determine residential density. This was called double counting in normal parlance. The 2010 zoning amendment requested by UHLP was not approved based on double counting and the Mixed Use Overlay was not used, therefore the Mixed Use Overlay policies did not apply.

The Village adopted changes to the transition comprehensive plan in 2016. The Village retained the Mixed Use Overlay for areas outside of the Village Center. Objective 4.3. was amended in 2016. The prior Objective 4.3 required TND, New Urbanism and TOD type development if an applicant was going to use the Mixed Use Overlay to count the commercial/non-residential areas for density. The objective as amended provides that if the development is located within the Overlay and uses MPD zoning and meets the implementing policies the project will be allowed to count commercial and non-residential uses in the density calculations. The policies that implement Objective 4.3. only apply if the development is relying on the Mixed Use Overlay for density. As noted, the UHLP development was not approved using the Mixed Use Overlay and was therefore not required to be New Urbanism, TND or TOD, and it did not have to comply with the implementing policies. The project currently is not seeking to increase the number of units and is not seeking to utilize the "double counting" permitted within the Mixed Use Overlay. Since the project is not relying on the Mixed Use Overlay for double counting of density the project still does not have to comply with the amended implementing policies under Objective 4.3. Policy 4.3.2. is an implementing policy that applies to projects using the "double counting" and it requires "carefully mixing complementary uses." Since the project was not approved utilizing the mixed use overlay this policy and the other implementing policies do not apply to the subject property. It should be noted that the 2010 zoning amendment reduced the amount of residential and increased the amount of commercial.

The property in question is designated C for Commercial on the Master Concept Plan and in the approved Image Book. The property in question is not designated MU or Mixed Use.

The residential areas within the UHLP development are separated from the commercial parcels by roads that are open to the public. The apartment complexes have access to the internal road network, as does the Tidewater development. The Tidewater residents were put on notice in their contract that the property in question would be commercial. Please find attached hereto the language that was placed in every contract by Pulte Homes. The Tidewater residential development is separated by a gate and a wall from the remainder of UHLP and it was not designed to interface with the commercial.

The self-storage use will serve the surrounding residential which includes residential within the Timberland and Tiburon DRI such as Tidewater, the apartments, and Grandezza as well as the Miromar Lakes development to the north. The term "mixed use pattern" was included in the glossary in the Village's 2016 amendments. A copy of the definition from the glossary is attached hereto. The term indicates that it is a physical pattern where streets form an interconnected network within and surrounding various parcels in an overall development area, neighborhood, or group of interconnected neighborhoods." While the UHLP development was approved and initiated before the 2016 amendments, the interconnected road network is in place that links the neighborhoods of the Outlet Mall, Germain, the apartments, Tidewater, and

the approved commercial parcels to each other and Estero Parkway, Ben Hill Griffin Parkway and Corkscrew Road.

The Planning and Zoning Board, the staff, and some of the residents have inquired about who will be served by University self-storage. The developer advised the Tidewater residents and the board that the self-storage use was something that would be utilized principally by the residents living in the neighborhoods surrounding the site. More specifically, CubeSmart data indicates that 80% of their customers are located within a 1 – 3 mile radius of their storage centers. Moreover, the intent is to serve the surrounding area which includes all of the residential communities east of I-75, as well as FGCU. CubeSmart has studied the opportunity presented by the subject location and they are confident, based on the market conditions, that they will achieve their typical percentage capture, if not more.

The term “density” was amended in the 2016 amendments. The definition indicates that “lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except in the Village Center Area as specifically provided in Objective 19.8 and the policies thereunder, and except within areas outside the Village Center area that are identified on the Mixed Use Overlay Map (Future Land use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.3.”. As noted above, the UHLP development did not elect to use the process described in Objective 4.3. and did not elect to utilize the “double counting”. Thus, the mixed use restrictions, including “complementary commercial”, do not apply to the subject property.

This property is unique and the approval of the conversion table for an approved use does not create a precedent for other developments, particularly those projects that utilized bonus density and the double counting to achieve a higher density. This project is also unique in terms of the amount of infrastructure (backbone surface water management, road, environmental mitigation) that has been provided in reliance on the 2010 zoning and DRI DO amendments. There are other developments in the Village that were approved using the Mixed Use Overlay double counting and they are either just starting development or remain undeveloped, and they are in a very different situation from the subject property. The development, because it is a development of regional impact, has an established number of net new external trips, and the inclusion of the commercial conversion table ensures that the project does not increase the number of net new external trips.

Resolution Z-10-031 includes a list of permitted uses. The applicant is not seeking to amend the list of permitted uses. The property has proceeded forward in reliance on the approved zoning and made a substantial change in position. The applicant has expended millions of dollars in infrastructure improvements and environmental mitigation in reliance on the zoning and DRI DO. The DRI DO provides that any reference to a governmental agency will be construed to mean any successor in interest. Thus, the Village of Estero is subject to the terms and conditions of the DRI DO even though the Village was not the adopting governmental entity. The DRI DO provides that it is binding on the developer and the terms and conditions constitute a basis upon which the developer and the local government can rely.

Section 163.3167, F.S. provides that nothing in the Community Planning Act shall limit or modify the rights of any person to complete any development that has been authorized as a Development of Regional Impact or which has been issued a local development order and development has commenced and is continuing in good faith. The development in question is both, it is a Development of Regional Impact and numerous local development orders have been issued for the property approved by Resolution Z-10-031 such that any comprehensive plan amendments cannot limit or modify the rights that are vested. The developments that used the Mixed Use Overlay to achieve a higher density did not have a local development order at the time the 2016 amendments were adopted. In further support of vested rights the legislature adopted Section 70.001, F.S. Section 70.001, F.S. which were put in place to protect vested rights from government action, such as changes in regulations. If the Village were to eliminate approved uses then that would be an inordinate burden on approved vested rights. The applicant has submitted for approved plats for the remaining undeveloped property and these plats have been approved. The property was platted in reliance on the ability to achieve the development permitted by Resolution Z-10-031.

5. Please address how each item of Condition 3 of Zoning Resolution Z-10-031 will be addressed as part of this application?

Condition 3 does not apply to the subject zoning action. Condition 3 specifically and consistently states that the Condition is a component of the submittal requirements for a local development order. It should be noted that a development order was obtained for the clearing and filling of the parcel in question. No vertical development was approved. As part of LDO #DO2016-E008 landscaping and a park bench were included as a civic space. The landscaping and the bench were reviewed and approved by the DRB. The contract purchaser has submitted that the park bench will be retained.

Condition 3 specifically provides that subparagraphs a. through k. must be addressed as part of the local development order application. The staff will be required to undertake an analysis of compliance with Condition 3 prior to the approval of the local development order. Condition (3.a.) requests a cumulative land development summary table. The staff requested the cumulative land development summary table for the zoning action even though it is a development order requirement because of the extended discussion on this issue on the Final Plan Approval within Pelican Landing. The cumulative development information is included herewith as Attachment 9. Condition (3.b.) asks for the location of external access points that are included in the local development order application. Condition (3.c.) requires the delineation of the internal roadways included in the local development order application. Condition (3.d.) requires the location and dimensions of buildings/structures setbacks and building heights included in the local development order application. Condition (3.e.) requires the delineation of the boundary of the development tract that is the subject of the local development order application. Condition (3. f.) requests the designation of zoning outside of the Timberland and Tiburon DRI. Condition (3.g.) requests identification of the required buffers, public spaces, landscape, Condition (3.h.) requests identification of required open space. Condition (3.i.) requests identification of any required civic spaces. Condition (3.j.) requires

detailed drawings of the use and application of any deviations, and Condition (3.k.) requires the location of the parking in the local development order application.

6. What is the impact of Chapter 2018-158 on Development of Regional Impacts and this project?

The new law does not affect the subject application, but it will be a matter of consideration for any future amendment to the DRI DO. The applicant is not seeking an amendment to the DRI DO. The applicant is only seeking an amendment to Condition 18 of the zoning, and a height deviation for a tower element requested by the DRB. The DRI DO does not address height.

By way of general information the DRI statute has been amended to change the process for addressing new developments of regional impact. The DRI statute was also amended to change how amendments to existing developments of regional impact are evaluated. Section 380.115, F.S. provides that a developer can elect to rescind an existing DRI DO, but if the developer elects to continue to be governed by the DRI DO the project may be completed in reliance on the development order. Any changes to the DRI DO will be governed by Section 380.06(7), F.S. The legislature made numerous changes and basically eliminated what used to be the substantial deviation section (Section 380.06(19), F.S.). The Florida Statutes now provide that if the DRI DO is amended any new conditions in the amendment to the development order may address only those impacts directly created by the proposed change, and must be consistent with Section 163.3180(5), the adopted comprehensive plan, and adopted land development regulations. The new law has specific provisions that address when changes will be subject to the current Comprehensive Plan and Land Development Code, and when the changes will be subject to the regulations in effect at the time of the original approval. These changes are not expounded on here because the applicant is not seeking an amendment to the DRI DO.

7. How is the surface water being addressed?

The property is part of an overall surface water management system. All of the UHLP property is part of a backbone water management system. The lake south of Germain and north of Miromar Outlet was expanded as dictated by the approved SFWMD permit. The backbone system was approved by ERP permit #601871-S.

David Hurst provided the following information to David Willems on May, 22, 2018. David Hurst and David Willems are working together to answer the drainage question.

University Storage (the Project) is located within the Timberland and Tiburon MPD, and was previously platted within the University Highland Tract 1 Plat (a.k.a. Tidewater) as Tract F-3 (a.k.a. UHLP Parcel 6). The portion of the Timberland and Tiburon MPD that was previously owned by the University Highland Limited Partnership (UHLP), received Final Action on its initial SFWMD Environmental Resource Permit (ERP) for the entirety of UHLP's ownership on January 19, 2012. The ERP has been modified several times since (Ref. ERP 36-01871-S-09), in order to accommodate a variety of site plan changes and drainage basin boundary adjustments.

The Project site is located within Basin 5 of the UHLP ERP, which is the largest basin within the UHLP master planned water management system. Outfall from the Project (Tract F-3/Parcel 6) has been conceptually designed and approved to retain the first 0.5" of rainfall (post-development) onsite, prior to discharge through existing storm water stub-outs from the adjacent Tiburon Way into the previously constructed Tidewater storm water lake system. Storm water attenuation for water quality and flood control (consistent with SFWMD criteria) for the entirety of Basin 5 are achieved in the onsite lake system contained within the existing Tidewater development, prior to discharge into the I-75 ditch located on the western edge of Tidewater.

From a broader perspective, the water management system for University Highland (UHLP), inclusive of the University Storage site, consists of a series of individual water management lakes, which are interconnected via hardened pipes to allow for conveyance and equalization of storm water within the overall system. UHLP is a master planned development with an approved SFWMD ERP, which was permitted to account for building, roadway, and other impervious areas within the development in the buildout condition. Development of remaining outparcels (inclusive of the Project) has already been accounted for in the storm water storage calculations/plans and reflected in the permitted road/building elevations. Any future development on the remaining outparcels within UHLP will be required to submit to, and be issued a permit modification by, SFWMD to insure that the proposed development is consistent with the original design assumptions and criteria.

For historical and informational purposes, the UHLP water management system is part of the original Tiburon and Timberland ERP, and was intentionally hydraulically bifurcated from existing developments to the east and south (Basin 1 – Grandezza, and Basin 2 – BHG Parkway and Miromar Outlet), in order to allow minimum road and finished floor elevations within the proposed UHLP development to be set using the 25 Year-3 Day and 100 Year-3 Day storm events and/or updated FEMA FIRM map elevations (respectively), without impact to the historically connected developments to the east and south. Due to the fact that both Basin 1 and Basin 2 were previously designed and constructed using older and less conservative storm water management criteria, it was determined early on in the design of the UHLP water management system that separating the "old" Basin 1 and Basin 2 system from the "new" UHLP system was the most effective way to prevent the use of the newer and more conservative design criteria from negatively impacting those existing developments.

Overall, the UHLP system is designed to provide water quality treatment and water quantity attenuation within the interconnected lake system, prior to controlled discharge from the development into the I-75 ROW drainage ditch. Stormwater discharges are controlled up to the 25 Year-3 Day flood event elevation (for each basin within the UHLP ERP) at a maximum rate of 0.066 cfs/acre, as permitted by SFWMD. The approved discharge rate is intended to mimic historic overland flow rates based on groundcover and topographic conditions, and to maintain historic groundwater recharge in order to prevent downstream development from unexpected inundation due to an unforeseen increase in upstream runoff. These historic discharge rates are periodically updated and are established using large scale hydrologic modelling efforts, which evaluate watersheds with contributing areas consisting of many square miles in area. Based on

the larger studies, it is generally the responsibility of the design engineer, in conjunction with permitting authorities, to insure that the design of any given community meets the design criteria minimums to prevent internal flooding and negative impacts to surrounding and downstream properties. UHLP has been designed, permitted and constructed following the aforementioned criteria and, it should be noted, did not experience the flooding and storm water issues that other, older communities within the area encountered during the storms preceding, or after, Hurricane Irma. Based on that fact, it is evident that the design and construction of the UHLP storm water system is sufficient to accommodate the development of the remaining outparcels within the broader UHLP system.

8. Will fill be required?

The project must be constructed to meet SFWMD, FEMA, and the Standard Building Code requirements. The Standard Building Code was amended as of January 1, 2018, to require an extra foot of freeboard. Yes, fill will have to be brought to the site. The site will require approximately 7900 cubic yards of fill that will be brought to the site. Approximately 2,000 cubic yards a day will be brought to the site. Thus, it will take approximately 3 ½ days to deliver the required fill. The trucks that are used hold approximately 18 cubic yards per truck for a total of 111 trucks over a 3 ½ day period.

9. Were public meetings held?

Yes.

A Public Information Meeting was held with the Planning and Zoning Board on August 15, 2017. The applicant communicated with Pulte, the developer of Tidewater.

The applicant communicated and met with Board members of Grandezza.

A meeting with the Tidewater residents was held on February 20, 2018.

Public Information Meetings with the Design Review Board were held on November 8, 2017 and January 24, 2018.

The Planning and Zoning Board hearing was April 17, 2018, and the Planning and Zoning Board recommended approval.

The attached letters from the manager at Tidewater and a resident indicate that the vast majority of the residents were supportive or had no objection.

The purchaser made changes to their building and site plan based on input from the DRB and the residents. The latest elevations and landscaping prepared in response to the input are included herewith as Attachment 10.

10. Recent Changes to Residential

The Master Concept Plan (MCP) that was in effect prior to the 2010 amendment provided for residential where Tidewater is currently located. The former Master Concept Plan is attached hereto. The Map H and MCP were amended in 2010 and the current documents are attached hereto. The mixed use areas were designed to allow for the development of commercial, residential or a combination thereof. The zoning resolution identifies the list of permitted uses for different development areas. As noted above, the property in question was designated commercial with the approved list of permitted uses, and the contract purchasers were all put on notice that the property would be developed with commercial uses. There have been

administrative amendments since the 2010 approval. The amendment for the expansion of the lake, and the amendment submitted on behalf of Tidewater are included herewith. Both administrative amendments depict the property in question as commercial and neither amendment changes the list of permitted uses.

Attachments:

1. Pulte Contract Disclosure
2. Tidewater Community Manager Email
3. Tidewater Resident Letter
4. Mixed Use Pattern definition from Village 2016 CPA Glossary
5. Pre-2010 Master Concept Plan
6. Master Concept Plan and Map H from 2010 Resclution Z-10-031
7. Lee County Administrative Amendment ADD2014-00144
8. Village ADD2015-00062 Resolution No. PZB2015-02
9. UHLP Commercial Parcels Square Footage Assigned
10. University Self Storage Supplemental Pattern Book

Attachment 1

Pulte Contract Disclosure

TIDEWATER BY DEL WEBB DISCLOSURE SUMMARY
PURCHASE AGREEMENT ADDENDUM

The following provisions shall be added to and shall become a part of that certain Purchase Agreement ("Agreement") by and between Pulte Home Corporation ("Seller") and _____ ("Buyer") dated _____, 20__.

1. TIDEWATER BY DEL WEBB HOMEOWNERS ASSOCIATION, INC. ("Association")

(a) **Planned Community.** Buyer acknowledges that the property being sold ("Property") is a portion of a planned community known as Tidewater by Del Webb. Tidewater by Del Webb is and shall be comprised of the Property, other residential property and recreational amenities. Buyer understands and acknowledges that the Property is subject to recorded covenants, conditions, and restrictions which establish and provide for the governance structure of the planned community, including, without limitation, the Association Documents.

(b) **Association Documents.** Buyer acknowledges that the Property is subject to, without limitation, the following which comprise the "Association Documents": (i) the Declaration of Covenants, Conditions, and Restrictions for Tidewater by Del Webb ("Association Declaration"); (ii) the Articles of Incorporation of Tidewater by Del Webb Homeowners Association, Inc. ("Association Articles"); and (iii) the By-Laws of Tidewater by Del Webb Homeowners Association, Inc. ("Association By-Laws"); including all amendments to date.

Buyer acknowledges receipt of the Association Documents and the Association's Budget and agrees to comply with all of the terms, conditions, and obligations set forth therein. Buyer is on notice and acknowledges that each of the foregoing documents may be amended from time to time. Buyer also acknowledges that the Association Documents may be supplemented by Rules and Regulations and Architectural Review Guidelines.

Buyer's Initials _____

(c) **Association Membership.** Upon acquisition of title to the Property, Buyer shall automatically become a member of the Association and shall be subject to the assessment obligations and other provisions set forth in the Association Declaration. Buyer acknowledges that the Association Declaration provides for Annual Assessments, Special Assessments, Neighborhood Assessments, Landscaping Assessments, Villa Assessments, Umbrella Association Assessments, Initial Capital Contributions, Resale Capital Assessments, One-Time Payments and such other fees and charges which may be levied pursuant to the Association Declaration.

2. UMBRELLA ASSOCIATION. Tidewater by Del Webb is subject to the: (i) Second Consolidated, Amended and Restated Declaration of Covenants, Conditions and Restrictions [T & T Umbrella Association] recorded as Instrument #2014000054787, as amended by First Amendment recorded as Instrument # 2014000083642, as amended by Second Amendment recorded as Instrument #2014000185560, as amended by Third Amendment recorded as Instrument #2015000041375, all of the Public Records of Lee County, Florida, and as amended from time to time ("Umbrella Association Declaration"); and (ii) Joint Surface Water Management System Agreement recorded as Instrument #2014000019695, Public Records of Lee County, Florida, as amended from time to time ("Joint Surface Water Management System Agreement"). Buyer, by virtue of ownership of the Property, shall automatically be a member of T & T Umbrella Association, Inc. ("Umbrella Association"). Voting rights and the method of casting votes in Umbrella Association matters is set forth in the Umbrella Association Declaration, its recorded exhibits and any unrecorded rules and regulations and architectural control provisions ("Umbrella Association Documents"). The Umbrella Association may require the Association to collect Umbrella Association assessments and other charges on behalf of the Umbrella Association from owners in Tidewater by Del Webb, and to remit a lump sum check to the Umbrella Association. The Umbrella Association adopts these assessments and other charges, and neither Developer nor the Association has control over the amount or timing of such assessments and charges. In the event that the Umbrella Association directs the Association to collect assessments and charges on behalf of the Umbrella Association, these amounts shall be included within the Association's budget as a notation. However, in no event shall Umbrella Association assessments and charges be considered Common Expenses.

3. ASSOCIATION COMMON AREA. Seller intends to construct the Common Area, which shall consist of, but not limited to, roadways, water management system and recreational amenities. Buyer acknowledges that use of these facilities shall be subject to any limitations, restrictions, requirements, and assessments as may be established by Seller and the Association's Board of Directors. Tenants and guests of members may also use the facilities as provided in the Declaration; however, Buyer acknowledges that use by such parties shall be subject to any limitations, restrictions, requirements, as may be set forth in the Association Documents. Buyer acknowledges that Seller and the Association's Board of Directors reserve the right to operate and manage these facilities through a management company. Although Tidewater by Del Webb is anticipated to have up to 381 residential dwellings, Seller makes no representation or warranty regarding the timing of or guarantees the construction of residential dwellings or the number or types of residential dwellings which will ultimately be constructed. From time to time, Seller may present to the public certain renderings, plans and models showing possible future development of Tidewater by Del Webb. Seller does not represent or warrant in any way that future improvements in Tidewater by Del Webb will be actually developed or developed in accordance with such renderings, plans and models. Seller reserves the right to seek approval from applicable zoning and regulatory authorities to increase or reduce the number of residential dwellings that may be constructed in Tidewater by Del Webb.

4. MINERAL RIGHTS. Buyer's purchase of the Property may not include subsurface mineral rights. Seller makes no representation regarding such rights. Buyer should review the title commitment for the Property and consult an attorney if Buyer has concerns with regard to mineral rights.

5. 55 AND OVER COMMUNITY. Tidewater by Del Webb is subject to the Declaration of Restrictions recorded in Instrument #2015000161950, Public Records of Lee County, Florida ("Declaration of Restrictions"), which provides, among other things, that Units within Tidewater by Del Webb are intended for the housing of persons fifty-five (55) years of age or older. The provisions set forth in the Declaration of Restrictions and Section 9.23 of the Association Declaration are intended to be consistent with, and were set forth in order to comply with the Florida and Federal Fair Housing Acts, including, without limitation, the Housing for Older Persons Act of 1995, any Federal and Florida regulations adopted thereto, and any related judicial decision, as they may be amended from time to time (collectively, the "Fair Housing Requirements") allowing discrimination based on familial status.

6. SURROUNDING AREAS.

(a) I-75 (west of Tidewater by Del Webb), Estero Parkway (north of Tidewater by Del Webb) and Ben Hill Griffin Parkway (east of Tidewater by Del Webb), maybe widened in the future.

(b) Land located to the east of Tidewater by Del Webb may be developed for commercial purposes.

(c) TECO Arena and surrounding land (located to the south of Tidewater by Del Webb) is used for hockey games, concerts and other events, held both inside and outside of TECO Arena.

7. FLOOD INSURANCE. Currently most of the lots in Tidewater by Del Webb are located in a flood zone classified as "AE". Flood insurance may be required by your lender. The Seller has no control over FEMA and Lee County's decision regarding flood insurance classifications for Tidewater by Del Webb.

The information provided above has been provided by Seller in understandable language, and is intended as a summary of only certain matters relating to the community.

Sales Representative **Date**
as witness to BUYER

(BUYER) **Date**

Accepted by: _____
Date

(BUYER) **Date**

Attachment 2

Tidewater Community Manager Email

From: Kathryn Halas
Sent: Wednesday, March 14, 2018 2:21 PM
To: 'gibbs@estero-fl.gov' <gibbs@estero-fl.gov>
Subject: Tidewater by Del Webb and proposed storage unit

Good afternoon Mary Gibbs,

I am the community manager for Tidewater by Del Webb and helped organize the presentation to the owners of Tidewater is regards to the storage facility. The storage facility is proposed to be installed at the NW corner of Tidewater Key Blvd. and Ben Hill Griffin, and Tidewater Key Blvd and Tiburon Way, which caused concerns in our community.

Al Moscato asked me to contact you to let you know how the presentation of February 20th to the Tidewater by Del Webb owners regarding the proposed storage facility was received.

Over 90 owners attended the presentation, which is a high number for our small community.

Several renditions of the proposed storage facility, including the building's overall design including all elevations and architectural features, building colors, parking lot lay out, access point to the facility, all proposed landscaping and signage was presented to the community in a power point presentation and in great detail.

Owners were permitted to ask questions and expressed concerns regarding the following items:

- Shared maintenance of the Tidewater entrance and Tiburon Way
- Hours of Operation and customer access
- Height of the structure – several owners believed the area was zoned for 2 stories only
- Maintenance of the exterior of the building (dumpsters, trash, debris, items left outside the building, loiterers)
- Increase in traffic on Tiburon and into the Tidewater entrance

Overall I observed the presentation went very well. The information was presented in a visual and understandable way. Owners questions were answered in detail and the information appeared to be well received. Several owners expressed their appreciation for the detailed and accurate information shared with the community.

I can't say if all owners are in agreement with this installation, however I have not received any further complaints or inquiries from the owners regarding the storage facility.

Please contact me if you have any questions.



FirstService

RESIDENTIAL

KATHRYN HALAS

Community Manager

10700 Tidewater Key Blvd. | Estero, FL 33928

Direct 239.390.9113 | Toll Free 800.870.0010

Email kathryn.halas@fsresidential.com

www.fsresidential.com

Follow us on | [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#)

Attachment 3

Tidewater Resident Letter

From: Steven Novak <snovak52@gmail.com>

Date: Fri, Mar 16, 2018 at 1:30 PM

Subject: Proposed University Highlands Self Storage Facility adjacent to Tidewater

To: gibbs@estero-fl.gov

Dear Ms. Gibbs and Mr. Noble --

My name is Steven Novak and I am a resident in Tidewater at 10613 Jackson Square Drive. The purpose of this email is to voice my STRONG SUPPORT for this project and my appreciation for the wonderful way that the DRB is looking out for the residents of Estero.

I should start by saying that my wife and I were the first to move into Tidewater and next month we will have been here two years. We knew when purchasing our lot and home here that areas on Ben Griffin Pkwy adjacent to Tidewater were slated for commercial use.

Although our builder is still in control of our HOA board, many residents seem to think, because of my involvement in the community, that I'm a "leader." I started a Facebook group for residents which now has 90 members and I keep everyone involved, through the Village of Estero DRB, Zoning & Planning, and Council emails that I receive, of development around the area. Last Oct/Nov when more definite plans of the self-storage facility surfaced, I began to hear a small handful of "complaints" or reports of experiences that people had with self-storage facilities near their homes up north. However, as residents began to read the presentations and to gain a better idea of what was planned and how it would look, almost all of the opposition to the facility melted away and we were left with a minority of owners who still had doubts.

In January I was approached by this minority and asked to take up the mantle and lead the charge against the facility. I could not, in good conscience, take such an action. I talk to almost every resident in the community and by an extremely wide margin they were in favor of the project. I was even asked to go to speak to the Mayor and to the DRB on behalf of the community. I declined.

My one disappointment was that the developer had never reached out to the Tidewater community with respect to this project. That was rectified by a meeting on Feb. 20 that was attended by at least 75-85 residents. Because the Facebook group reaches owners not there, I took the opportunity to tape the meeting and to take the time to transcribe it and present a summary the next day.

While I certainly can not speak for every resident there, I can tell you that overwhelmingly the Tidewater community supported this project. I'd say that there were less than 10 people who spoke up against the project and many of us (as I reported as an observation) thought that Chuck Basinait, the attorney representing Seagate, did an EXCELLENT job in addressing our concerns. As a fellow SWFL resident, he identified with resident's concerns yet was realistic and honest with his answers.

One of the residents, at one point, asked for a show of hands about the concern for the project and the 3 stories. There was never a hand raised.

I think the feelings of many in the Tidewater community can be summed up by the comment of one resident on Facebook: "My take, based on the info presented and the questions answered, is that the Village of Estero, developer and partners in this project, are making an effort to minimize the intrusion on our lives."

I can also add that there was not ONE negative complaint on that Facebook posting about the proposed facility.

Finally, if you were to come to Tidewater and ask for a show of hands in support, you'd see that the number far outweighs those opposed. We're extremely appreciative of your efforts in this matter.

But...while I am thinking about it, I just saw about the Starbucks and Tide Cleaners and the notes for the developer to make contact with Grandezza. Please remember that little Tidewater (385 homes) is also a VERY close neighbor and we'd welcome contact as well.

Please feel free to contact me with any further questions.

Kind regards,

Steve Novak

Attachment 4

Mixed Use Pattern definition
from Village 2016 CPA Glossary

XII. Glossary

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except in the Village Center Area as specifically provided in Objective 19.8 and the policies thereunder, and except within areas outside the Village Center Area that are identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.3, 4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed-use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed-use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.42.3, residential densities are calculated using the total land area included in the mixed-use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09, 07-14, 09-05, 10-43)

INFILL - The use of vacant land within a predominantly developed area for further construction or development. These lands already have

public services available but may require improvements to meet current development standards. (Added by Ordinance No. 07-14)

MIXED USE - Complementary uses of land generally within a walkable distance from one another. Complementary means uses are compatible with each other and would serve the same users without requiring a car or a bike/walk trip on a circuitous or inhospitable route. Complementary uses are the opposite of conflicting uses, for example industrial uses or commercial uses that have features near residential uses which could negatively impact the quality of life or interfere with the quiet enjoyment of such residential uses. The development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation. These uses may be combined within the same Mixed-Use Building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. True mixed-use developments primarily consist of mixed-use buildings as defined by this Glossary. (Amended by Ordinance No. 05-21, 07-14)

MIXED-USE BUILDING - Mixed-Use Building means a building that contains at least two different complementary land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) that are related. (Added by Ordinance No. 05-21)

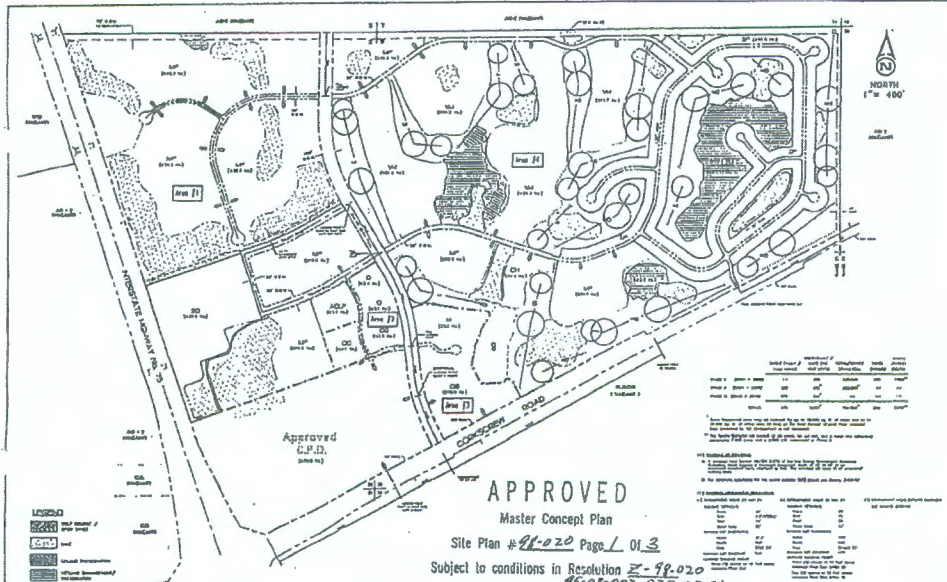
MIXED-USE PATTERN - A physical pattern where streets form an interconnected network within and surrounding various parcels in an overall development area, neighborhood, or group of interconnected neighborhoods. A variety of methods to subdivide such areas and neighborhoods may be utilized to develop individual buildings that can accommodate a variety of complementary land uses and building types.

REDEVELOPMENT - Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density. (Added by Ordinance No. 07-14)

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. (Added by Ordinance No. 07-14)

Attachment 5

Pre-2010 Master Concept Plan



PROJECT SUMMARY

1. PROJECT NAME: [Blank]

2. PROJECT LOCATION: [Blank]

3. PROJECT OWNER: [Blank]

4. PROJECT DESCRIPTION: [Blank]

5. PROJECT STATUS: [Blank]

6. PROJECT COST: [Blank]

7. PROJECT SCHEDULE: [Blank]

8. PROJECT RISK: [Blank]

9. PROJECT BENEFITS: [Blank]

10. PROJECT CHALLENGES: [Blank]

11. PROJECT OPPORTUNITIES: [Blank]

12. PROJECT CONCLUSIONS: [Blank]

13. PROJECT RECOMMENDATIONS: [Blank]

14. PROJECT CONTACTS: [Blank]

15. PROJECT APPROVALS: [Blank]

16. PROJECT NOTES: [Blank]

17. PROJECT REFERENCES: [Blank]

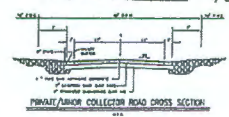
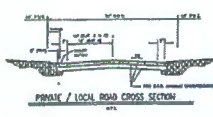
18. PROJECT ATTACHMENTS: [Blank]

19. PROJECT DATES: [Blank]

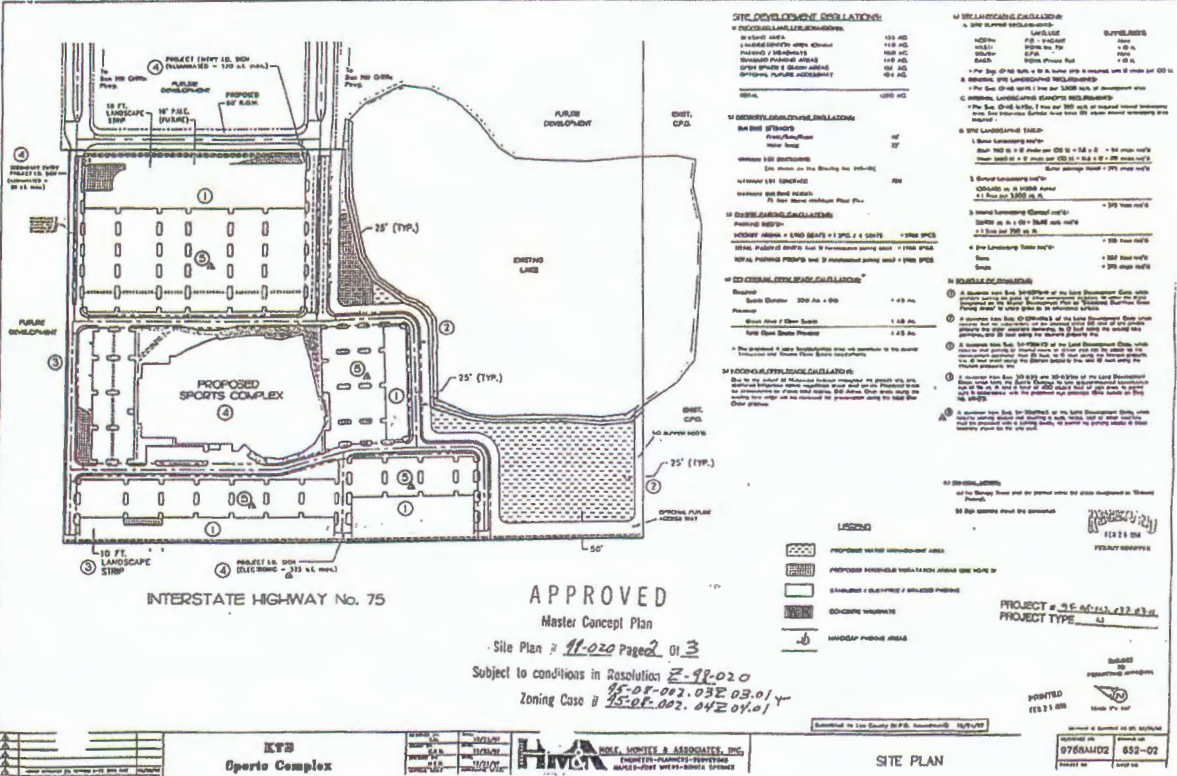
20. PROJECT VERSIONS: [Blank]

APPROVED
Master Concept Plan

Site Plan # 21-020 Page 1 of 3
Subject to conditions in Resolution E-98.020
45-01-002.032 03.01
Zoning Case # 25-08-002.042 04.01



- 1. [Symbol] [Blank]
- 2. [Symbol] [Blank]
- 3. [Symbol] [Blank]
- 4. [Symbol] [Blank]
- 5. [Symbol] [Blank]
- 6. [Symbol] [Blank]
- 7. [Symbol] [Blank]
- 8. [Symbol] [Blank]
- 9. [Symbol] [Blank]
- 10. [Symbol] [Blank]
- 11. [Symbol] [Blank]
- 12. [Symbol] [Blank]
- 13. [Symbol] [Blank]
- 14. [Symbol] [Blank]
- 15. [Symbol] [Blank]
- 16. [Symbol] [Blank]
- 17. [Symbol] [Blank]
- 18. [Symbol] [Blank]
- 19. [Symbol] [Blank]
- 20. [Symbol] [Blank]



SITE DEVELOPMENT REGULATIONS:

1. PROPOSED DEVELOPMENT REGULATIONS:

| | |
|----------------------------|--------|
| MAXIMUM AREA | 115 AC |
| LANDSCAPE STRIP WITH CROWN | 110 AC |
| PARKING / WALKWAY | 100 AC |
| STANDARD PAVEMENT AREAS | 110 AC |
| CONCRETE SIDEWALKS | 100 AC |
| WALKWAY PAVEMENT AREAS | 100 AC |
| TOTAL | 435 AC |

2. DEVELOPMENT REGULATIONS:

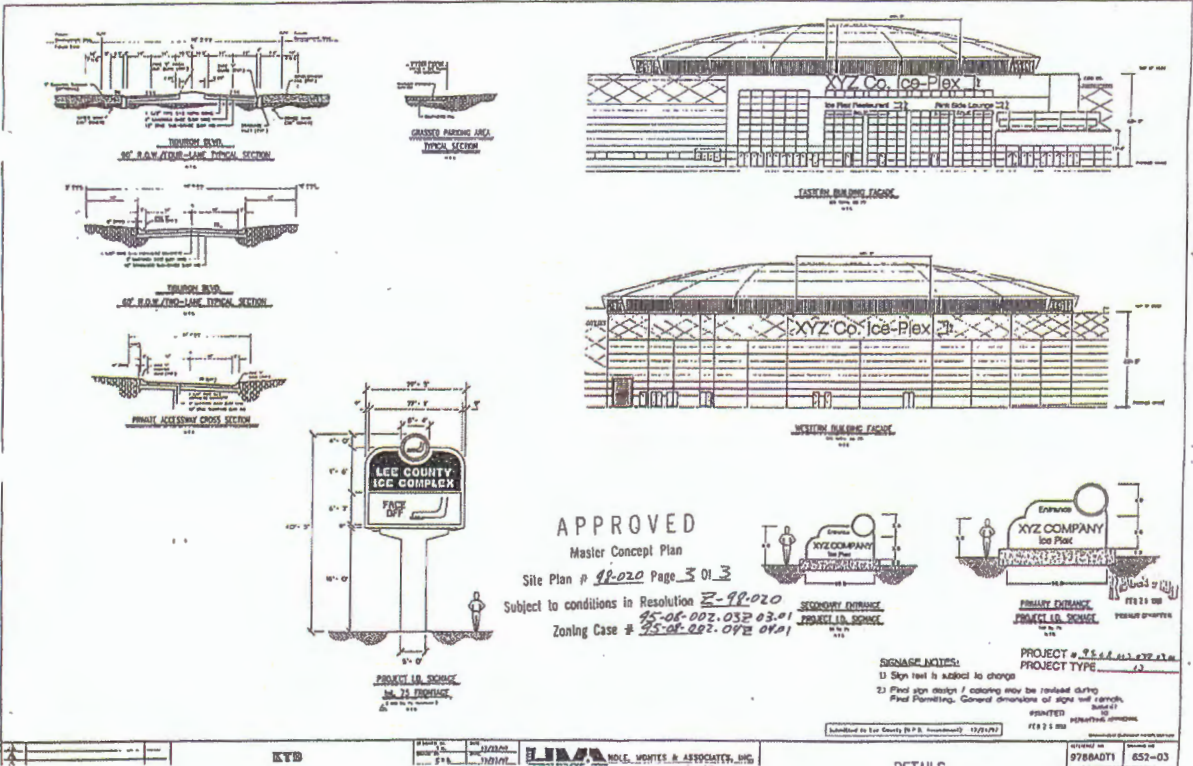
| | |
|---------------------------|-----|
| MAXIMUM SETBACKS | 25' |
| MINIMUM SETBACKS | 25' |
| MINIMUM SIDE SETBACKS | 25' |
| MINIMUM FRONT SETBACKS | 25' |
| MINIMUM REAR SETBACKS | 25' |
| MINIMUM CORNER SETBACKS | 25' |
| MINIMUM SIDEWALK SETBACKS | 25' |
| MINIMUM DRIVEWAY SETBACKS | 25' |
| MINIMUM UTILITY SETBACKS | 25' |
| MINIMUM SIGN SETBACKS | 25' |
| MINIMUM LIGHT SETBACKS | 25' |
| MINIMUM FENCE SETBACKS | 25' |
| MINIMUM WALL SETBACKS | 25' |
| MINIMUM BENCH SETBACKS | 25' |
| MINIMUM TABLE SETBACKS | 25' |
| MINIMUM SEAT SETBACKS | 25' |
| MINIMUM STOOP SETBACKS | 25' |
| MINIMUM PORCH SETBACKS | 25' |
| MINIMUM TERRACE SETBACKS | 25' |
| MINIMUM BALCONY SETBACKS | 25' |
| MINIMUM DECK SETBACKS | 25' |
| MINIMUM PATIO SETBACKS | 25' |
| MINIMUM SCREEN SETBACKS | 25' |
| MINIMUM PERGOLA SETBACKS | 25' |
| MINIMUM AWNING SETBACKS | 25' |
| MINIMUM CANOPY SETBACKS | 25' |
| MINIMUM SHED SETBACKS | 25' |
| MINIMUM GARAGE SETBACKS | 25' |
| MINIMUM DRIVEWAY SETBACKS | 25' |
| MINIMUM UTILITY SETBACKS | 25' |
| MINIMUM SIGN SETBACKS | 25' |
| MINIMUM LIGHT SETBACKS | 25' |
| MINIMUM FENCE SETBACKS | 25' |
| MINIMUM WALL SETBACKS | 25' |
| MINIMUM BENCH SETBACKS | 25' |
| MINIMUM TABLE SETBACKS | 25' |
| MINIMUM SEAT SETBACKS | 25' |
| MINIMUM STOOP SETBACKS | 25' |
| MINIMUM PORCH SETBACKS | 25' |
| MINIMUM TERRACE SETBACKS | 25' |
| MINIMUM BALCONY SETBACKS | 25' |
| MINIMUM DECK SETBACKS | 25' |
| MINIMUM PATIO SETBACKS | 25' |
| MINIMUM SCREEN SETBACKS | 25' |
| MINIMUM PERGOLA SETBACKS | 25' |
| MINIMUM AWNING SETBACKS | 25' |
| MINIMUM CANOPY SETBACKS | 25' |
| MINIMUM SHED SETBACKS | 25' |
| MINIMUM GARAGE SETBACKS | 25' |

3. LANDSCAPE REGULATIONS:

| | |
|---|--------|
| LANDSCAPE STRIP | 110 AC |
| LANDSCAPE STRIP WITH CROWN | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO AND SCREEN | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO AND SCREEN AND PERGOLA | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO AND SCREEN AND PERGOLA AND AWNING | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO AND SCREEN AND PERGOLA AND AWNING AND CANOPY | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO AND SCREEN AND PERGOLA AND AWNING AND CANOPY AND SHED | 100 AC |
| LANDSCAPE STRIP WITH CROWN AND SIDEWALK AND DRIVEWAY AND UTILITY AND SIGN AND LIGHT AND FENCE AND WALL AND BENCH AND TABLE AND SEAT AND STOOP AND PORCH AND TERRACE AND BALCONY AND DECK AND PATIO AND SCREEN AND PERGOLA AND AWNING AND CANOPY AND SHED AND GARAGE | 100 AC |

APPROVED
Master Concept Plan

Site Plan # 11-020 Page 2 of 3
Subject to conditions in Resolution E-98-020
Zoning Case # 95-08-002.03E.03.01
95-08-002.04E.04.01



APPROVED

Master Concept Plan

Site Plan # 98-020 Page 3 of 3

Subject to conditions in Resolution **Z-98-020**
 95-06-002.032 03.01
 Zoning Case # 95-06-002.032 03.01

- SIGNAGE NOTES:**
- 1) Sign text is subject to change
 - 2) Final sign design / coloring may be reviewed during Final Permitting. General dimensions of signs will remain.

PROJECT # 95-06-002.032 03.01
 PROJECT TYPE 1.0

Submitted to Lee County (P.E. Incorporated) 11/21/97

9786ADT1 652-03

KYB

DATE: 11/21/97
 DRAWN BY: [Signature]

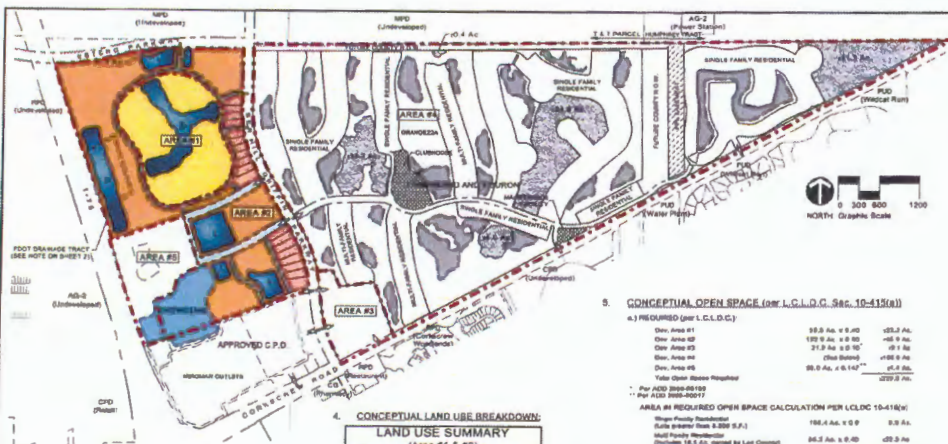
LISA MOLE, WENTZ & ASSOCIATES, INC.

DATE: 11/21/97

PROJECT # 95-06-002.032 03.01
 PROJECT TYPE 1.0

Attachment 6

Master Concept Plan and Map H from
2010 Resolution Z-10-031



PROJECT SUMMARY

1. DEVELOPMENT AREA

| | |
|------------------------|-------------|
| a. Area #1 | 482.6 AC. |
| b. Area #2 | 142.9 AC. |
| c. Area #3 | 181.2 AC. |
| d. Area #4 | 455.3 AC. |
| e. Area #5 | 350.0 AC. |
| f. Total Areas #1 - #5 | 1,512.4 AC. |

2. RESOURCES

Amend NPD for Areas #1 and #2

3. PARCEL SIZE

| | |
|--|------------|
| a. ORIGINAL D.R.I. D.O. | 1790.3 AC. |
| b. PLUS Homestead Total Parcel | 1282.7 AC. |
| c. ENTIRE PARCEL, REGULATED BY D.R.I. D.O. | 461.2 AC. |
| d. LESS Contained R.R. R.O.W. Deduction | 47.3 AC. |
| e. LESS Six HSE Gullies, Play R.O.W. Deduction | 17.4 AC. |
| f. LESS Agreement (SPS) Parcel | 178.0 AC. |
| g. TOTAL REMAINING PARCEL (Physical Aspect) | 484.1 AC. |
| h. LESS Setback Play and 1/2 R.O.W. Taking | 11.7 AC. |
| i. TOTAL REMAINING PARCEL | 472.4 AC. |

4. CONCEPTUAL LAND USE BREAKDOWN

LAND USE SUMMARY (Area #1 & #2)

| USE | AREA (ACRES) |
|--------------------------|--------------|
| WATER USE | 63.2 |
| CONCRETE | 18.7 |
| RESIDENTIAL | 42.9 |
| PROPOSED RESIDENTIAL | 15.6 |
| RECREATION | 7.4 |
| MULTI-FAMILY RESIDENTIAL | 9.2 |
| SURFACE WATER | 33.9 |
| EXPOSED SURFACE WATER | 13.9 |
| MINIMUMS/LANDS | 206.4 |
| TOTAL | 206.4 |

Development Area #3 (119,200 S.F. Commercial/Resort)

| | |
|---------------------------|-----------|
| Development Taxes | 421.2 AC. |
| Total Development Area #3 | 421.2 AC. |

Development Area #4 (1480 S.F. Units / 619 MP UNITS)

| | |
|--------------------------------------|-----------|
| Proposed Rental Rate 2.0 W | 485.8 AC. |
| Development Taxes | 477.7 AC. |
| Proposed Lot Area | 461.7 AC. |
| Proposed Unit / Relative Proportion | 461.7 AC. |
| Proposed Unit / Open Space | 461.7 AC. |
| PH, Escrowed | 471.2 AC. |
| Future Road R.O.W. Reservation | 471.2 AC. |
| Proposed Coliseum R.O.W. / D.O.P. | 471.2 AC. |
| Proposed R.O.W. / D.O.P. / Statement | 471.2 AC. |
| Total Development Area #4 | 471.2 AC. |

Development Area #5

| | |
|---------------------------|-----------|
| Development Taxes | 338.6 AC. |
| Total Development Area #5 | 338.6 AC. |

5. CONCEPTUAL OPEN SPACE (per L.C.L.D.C. Sec. 10-413(a))

a.) REQUIRED (per L.C.L.D.C.)

| | | |
|---------------------------|------------------|----------|
| Dev. Area #1 | 52.0 AC. x 0.40 | 20.8 AC. |
| Dev. Area #2 | 137.0 AC. x 0.30 | 41.1 AC. |
| Dev. Area #3 | 37.3 AC. x 0.10 | 3.7 AC. |
| Dev. Area #4 | 28.0 AC. x 0.10 | 2.8 AC. |
| Dev. Area #5 | 88.0 AC. x 0.10 | 8.8 AC. |
| Total Open Space Required | | 77.2 AC. |

* Per ASD 2000-0020
** Per ASD 2000-0017

AREA #3 REQUIRED OPEN SPACE CALCULATION PER LCLDC 10-413(h)

| | | |
|--------------------------------------|------------------|----------|
| Single Family Residential | 188.4 AC. x 0.09 | 16.9 AC. |
| Multi-Family Residential (S.F.) | 188.4 AC. x 0.09 | 16.9 AC. |
| Multi-Family Residential (Dwellings) | 84.3 AC. x 0.09 | 7.6 AC. |
| Commercial | 331.2 AC. x 0.08 | 26.5 AC. |
| Total Open Space Required | | 68.9 AC. |

b.) PROVIDED (per L.C.L.D.C.)

| | |
|--|-----------|
| Development Area #1 (252.4 AC. @ 10% MIN 3.5% @ 20%) | 47.2 AC. |
| Development Area #2 (107.0 AC. @ 10% MIN 3.5% @ 20%) | 47.8 AC. |
| Development Area #3 (107.0 AC. @ 10% MIN 3.5% @ 20%) | 47.8 AC. |
| Development Area #4 (107.0 AC. @ 10% MIN 3.5% @ 20%) | 47.8 AC. |
| Development Area #5 (107.0 AC. @ 10% MIN 3.5% @ 20%) | 47.8 AC. |
| Total Open Space Provided | 236.4 AC. |

Development Area #4 (1480 S.F. Units / 619 MP UNITS)

| | |
|--------------------------------------|-----------|
| PH, Escrowed | 471.2 AC. |
| Future Road R.O.W. Reservation | 471.2 AC. |
| Proposed Coliseum R.O.W. / D.O.P. | 471.2 AC. |
| Proposed R.O.W. / D.O.P. / Statement | 471.2 AC. |
| Total Development Area #4 | 471.2 AC. |

6. INDIGENOUS OPEN SPACE

a.) REQUIRED (per L.C.L.D.C. Sec. 10-413(a)(2))

| | | |
|--------------------------------------|-------------------------------|-----------|
| Development Area #1 | 47.2 AC. @ 10% MIN 3.5% @ 20% | 47.2 AC. |
| Development Area #2 | 47.8 AC. @ 10% MIN 3.5% @ 20% | 47.8 AC. |
| Development Area #3 | 47.8 AC. @ 10% MIN 3.5% @ 20% | 47.8 AC. |
| Development Area #4 | 47.8 AC. @ 10% MIN 3.5% @ 20% | 47.8 AC. |
| Development Area #5 | 47.8 AC. @ 10% MIN 3.5% @ 20% | 47.8 AC. |
| Total Indigenous Open Space Required | | 236.4 AC. |

b.) PROVIDED (per L.C.L.D.C. Sec. 10-413(a)(2))

| | |
|--------------------------------------|-----------|
| Development Area #1 | 47.2 AC. |
| Development Area #2 | 47.8 AC. |
| Development Area #3 | 47.8 AC. |
| Development Area #4 | 47.8 AC. |
| Development Area #5 | 47.8 AC. |
| Total Indigenous Open Space Provided | 236.4 AC. |

SCHEDULE OF REVISIONS

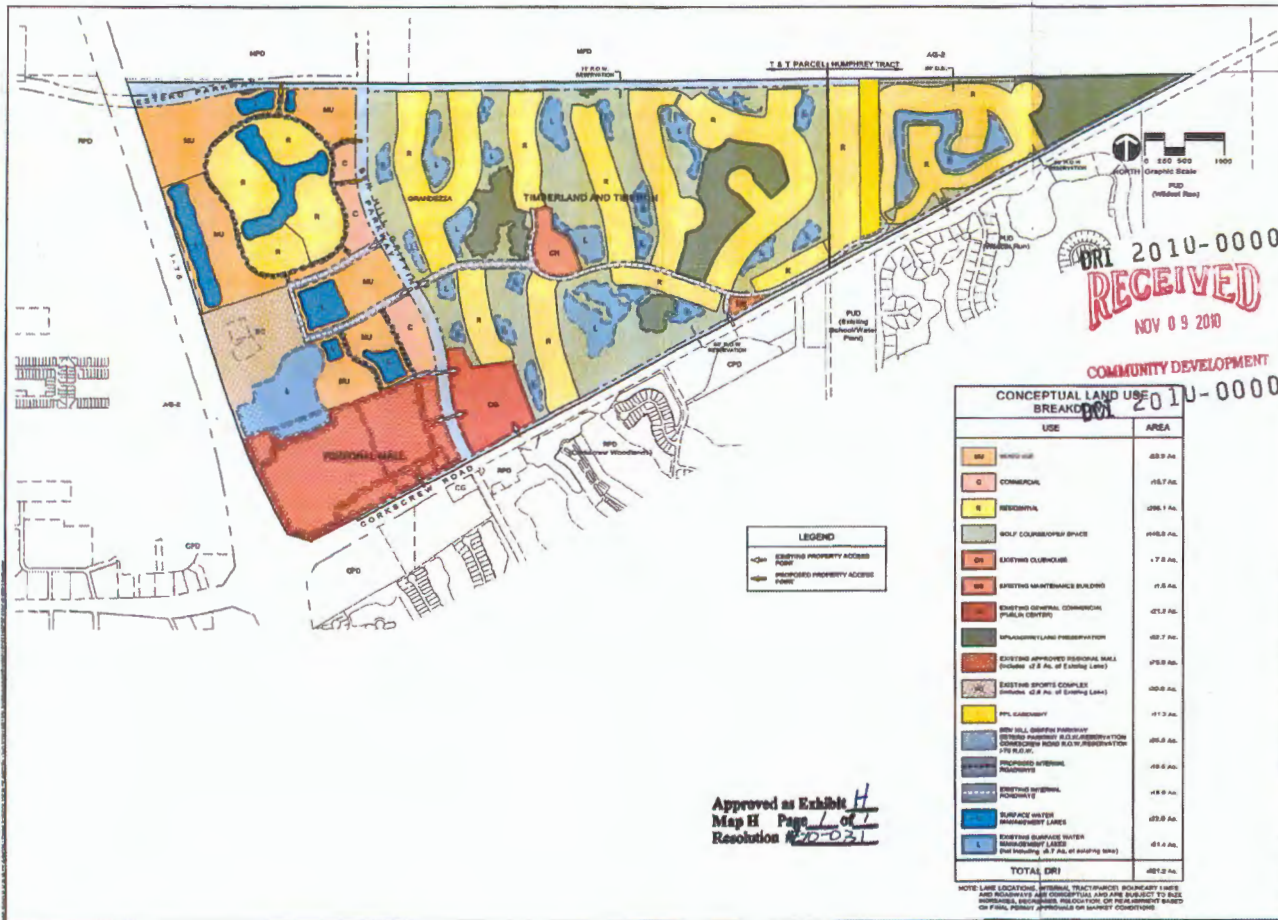
- Revision #1: Amend NPD for Areas #1 and #2.
- Revision #2: Amend NPD for Areas #1 and #2.
- Revision #3: Amend NPD for Areas #1 and #2.
- Revision #4: Amend NPD for Areas #1 and #2.
- Revision #5: Amend NPD for Areas #1 and #2.
- Revision #6: Amend NPD for Areas #1 and #2.
- Revision #7: Amend NPD for Areas #1 and #2.
- Revision #8: Amend NPD for Areas #1 and #2.
- Revision #9: Amend NPD for Areas #1 and #2.
- Revision #10: Amend NPD for Areas #1 and #2.
- Revision #11: Amend NPD for Areas #1 and #2.
- Revision #12: Amend NPD for Areas #1 and #2.
- Revision #13: Amend NPD for Areas #1 and #2.
- Revision #14: Amend NPD for Areas #1 and #2.
- Revision #15: Amend NPD for Areas #1 and #2.
- Revision #16: Amend NPD for Areas #1 and #2.
- Revision #17: Amend NPD for Areas #1 and #2.
- Revision #18: Amend NPD for Areas #1 and #2.
- Revision #19: Amend NPD for Areas #1 and #2.
- Revision #20: Amend NPD for Areas #1 and #2.

Approved as Exhibit C
MCP Page 1 of 2
Resolution #270-031

DCI 2010-00005
RECEIVED
NOV 05 2010
COMMUNITY DEVELOPMENT
DRI 2010-00001

UNIVERSITY HIGHWAY AND INTERSECTION WITH DORCHESTER ROAD
111 T.M.P.D. MCDONALD'S RESTAURANT (SITE #11 & #12)
UNLPL PROPERTY

WILSON MILLER
REGISTERED PROFESSIONAL ENGINEER
111 T.M.P.D. MCDONALD'S RESTAURANT (SITE #11 & #12)
UNLPL PROPERTY



Approved as Exhibit H
 Map H Page 1 of 1
 Resolution # 20-031

2010-0000
RECEIVED
 NOV 09 2010
 COMMUNITY DEVELOPMENT
 2010-0000

| | |
|---|-------|
| UNIVERSITY HIGM AND LIMITED PARTNERSHIP | MAP H |
| T & T MPD AMENDMENT - (AREA #1 & #2) | |
| UHP PROPERTY | |

Wilschmiller
 11111 University Blvd., Suite 100
 Dallas, Texas 75243
 972-351-1111

651 - 891

EXHIBIT H

Attachment 7

Lee County Administrative Amendment
ADD2014-00144

ADMINISTRATIVE AMENDMENT (ADD) ADD2014-00144

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Pulte Group c/o Mike Hueniken filed an application for an Administrative Amendment to a Mixed Use Planned Development on a project known as University Highlands – Tract 1 to allow the following changes:

- a. **Adopt a revised Master Concept Plan for University Highlands, Area #1 and a portion of Area #2, as depicted on the approved Master Concept Plan adopted as part of Resolution Number Z-10-031.**
- b. **Add the following deviations to the approved planned development within Area #1 and a portion of Area #2:**
 - 1) **Deviation from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied.**
 - 2) **Deviation from LDC Section 10-261 to allow curbside pick-up at the amenity facility.**
 - 3) **Deviation from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround.**
 - 4) **Deviation from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet of any private property line under separate ownership from a right of way to allow an excavation setback of 40 feet to the property boundary.**
 - 5) **Deviation from LDC Section 10-329(d)(4) which requires excavation bank slopes at 6 to 1 to allow a combination of 4 to 1 and 8 to 1 with turf reinforcement mat on the FDOT shared lake as depicted on the Master Concept Plan.**
 - 6) **Deviation from LDC Section 10-703 to allow lot size to be measured as indicated on the Master Concept Plan.**
 - 7) **Deviation from LDC Section 10-715(a) to allow for a utility easement on one side of the road along the reverse frontage road.**
 - 8) **Deviation from LDC Section 30-152(2)(a) which limits residential entrance signs to only the subdivision name to allow the applicant to list their logo in addition to the subdivision name.**

9) Deviation from LDC Section 30-152(2)(b) limits additional residential identification signs to only the subdivision name to allow the applicant to list their logo in addition to the subdivision name.

10) Deviation from LDC Section 30-152(2) which allows one entrance sign to be located at a residential project entrance to allow an off-site sign to be placed at the boulevard entrance on Ben Hill Griffin Parkway.

WHEREAS, the property is located west of Ben Hill Griffin Parkway, south of Estero Parkway, and north of Everyblades Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated on the future Land Use Map of the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned in Resolution Number Z-97-010 [with subsequent amendments in Resolution Numbers Z-97-072, Z-98-020, and Z-10-031]; and

WHEREAS, the Lee County Land Development Code (LDC) provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the applicant has requested several deviations from the LDC; and

WHEREAS, the applicant has held a public informational meeting before the Estero Community Planning Panel on September 15, 2014; and

WHEREAS, staff has reviewed the deviation requests and finding that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served by those approved as part of this action; and

WHEREAS, Environmental Sciences staff has reviewed the request having no objection to the requested deviation from LDC Section 10-329(d)(4), as conditioned; and

WHEREAS, Development Services staff has offered no objections to Deviations 2, 3, 4, 5, and 7; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space,

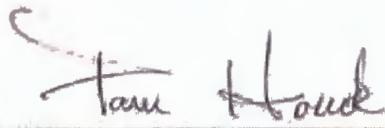
buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for the following amendments to the Mixed Use Planned Development is **APPROVED**, subject to the following conditions:

1. **The terms and conditions of Zoning Resolution Z-10-031 remain in full force and effect, except as amended in this action.**
2. **Development of Area 1 and a portion of Area 2 shown on the approved Master Concept Plan adopted as part of Resolution Z-10-031 must be in substantial compliance with Exhibit B of this action, a 3 – page plan entitled Tidewater Mixed Planned Development (last revised on 10-14-14).**
3. **The following deviations were requested as part of this action along with the action of approval/denial/or approval with condition:**
 - 1) **Deviation from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied. This Deviation is APPROVED.**
 - 2) **Deviation from LDC Section 10-261 to allow curbside pick-up at the amenity facility. This deviation is APPROVED.**
 - 3) **Deviation from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround. This deviation is APPROVED for those areas specifically depicted on Exhibit B of this action and prior to local development order approval the applicant provides a letter of no objection from the local fire protection authority for the proposed design.**
 - 4) **Deviation from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet of any private property line under separate ownership from a right of way to allow an excavation setback of 40 feet to the property boundary. This deviation is APPROVED for those areas shown on Exhibit B of this action and the fence/wall is designed for suitable protection for wayward vehicles.**
 - 5) **Deviation from LDC Section 10-329(d)(4) which requires excavation bank slopes at 6 to 1 to allow a combination of 4 to 1 and 8 to 1 with turf reinforcement mat on the FDOT shared lake as depicted on the Master Concept Plan. This deviation is APPROVED, provided as part of local development order approval, the development plans must demonstrate the planting of double the littoral plantings required by LDC 10-418 for the FDOT lake. The additional plantings are to meet the requirements enhanced littoral requirements for the use of TRMs per LDC 10-329(d)(4).**

- 6) Deviation from LDC Section 10-703 to allow lot size to be measured as indicated on the Master Concept Plan. This deviation is APPROVED.
 - 7) Deviation from LDC Section 10-715(a) to allow for a utility easement on one side of the road along the reverse frontage road. This deviation is APPROVED provided at the time of local development order the applicant provides a letter of no objection from all private utility companies that will provide service.
 - 8) Deviation from LDC Section 30-152(2)(a) which limits residential entrance signs to only the subdivision name to allow the applicant to list their logo in addition to the subdivision name. This deviation is APPROVED.
 - 9) Deviation from LDC Section 30-152(2)(b) limits additional residential identification signs to only the subdivision name to allow the applicant to list their logo in addition to the subdivision name. This deviation is APPROVED.
 - 10) Deviation from LDC Section 30-152(2) which allows one entrance sign to be located at a residential project entrance to allow an off-site sign to be placed at the boulevard entrance on Ben Hill Griffin Parkway. This deviation is APPROVED. Approval of this deviation does not grant other deviations from the Code. If other deviations are necessary to achieve this sign, these must be sought and approved. The approval of this deviation in no way indicates that future deviations will be approved to achieve the sign.
4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC 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.

DULY PASSED AND ADOPTED ON 10/31/2014

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBITS:

- A. Legal Description
- B. Master Concept Plan

APPROVED
ADD2014-00144
Chick Jakacki, Planner
Lee Co Division of Zoning
8/6/2014

EXHIBIT A

DESCRIPTION

Parcel in
Section 25 and 26, Township 46 South, Range 25 East
Lee County, Florida

Tract "1", University Highland recorded in Instrument Number 2014000100081 in the Public Records of Lee County, Florida.

L:\23186 - UHLP Pulite Group\Final Plan Approval\Legal Description.docx

STRAP NO.

26-46-25-34-00001.0000

ADMINISTRATIVE AMENDMENT FOR TIDEWATER MIXED PLANNED DEVELOPMENT

A PARCEL OF LAND IN SECTION 26 TOWNSHIP 46 SOUTH, RANGE 25 EAST
FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

| | |
|---|--|
| SITE ADDRESS 1 TIDEWATER HIGHLANDS PARKWAY, SEVENTH CORNER | PROJECT DATUM STATE PLANS, FLORIDA HEIGHT ZONE (PROCESSED 2007) AND BASED THE SOUTH LINE OF THE NORTHWEST QUARTER (NE 1/4) OF SECTION 26 TO SOUTH 90° 00' 00" W. |
| CONTRACT CUMMINS 03/09/04 SPO | RECORD PLAT PENDING |
| FLOOD ZONE ACCORDING TO F.A.M. (FLOOD INSURANCE RATE MAP) THE PROPERTY IS ZONED AS A FLOOD ZONE. DATE: APPROX. 05/20/14 AND A L.O.M. (LETTER OF MAP REVISION) CASE NO. 11-04-0007. EFFECTIVE DATE: APPROX. 05/20/14. THE PROPERTY IS LOCATED IN FLOOD ZONE 2. | STRAP NUMBERS 36-48-0000-0001-1000 |

DESIGN TEAM

| | |
|--|--|
| PROJECT ENGINEER CARL WERNER, P.E. | PROJECT MANAGEMENT CARL WERNER, P.E. |
| DESIGN ENGINEER TIM QUINN, P.E. | PROJECT SURVEYOR BOBBI SWANSON |
| LEAD DESIGN TECHNICIAN TOM HULLBLAND | SITE PLANNING JENNIFER DUFREN |
| DESIGN STAFF JAN BILDERBERG | LANDSCAPE DESIGN BY OTHERS |
| QUALITY CONTROL PENDING | LAND PLANNER PENDING |



PROJECT LOCATION

VICINITY MAP



INDEX OF DRAWINGS

| | | | |
|---|---|---|------------|
| 1 | COVER SHEET AND LOCATION MAP | A | Z3186B.DWG |
| 2 | PREL. PLAN APPROVAL, SITE PLAN | B | Z3186B.DWG |
| 3 | DETAILED DEVELOPMENT PROPERTY DEVELOPMENT REGULATIONS | B | Z3186B.DWG |

CROSS-REFERENCED DRAWINGS

| XREF | DESCRIPTION | DRAWING NAME |
|------|------------------|--------------|
| A | LOCATION MAP | Z3186B.DWG |
| B | BASE LAYOUT PLAN | Z3186B.DWG |

APPROVED
EXHIBIT B

PLAN STATUS
NOT FOR CONSTRUCTION

Barraco
and Associates, Inc.
10701 WINDHOLM DRIVE, SUITE 100
FORT MYERS, FLORIDA 33907
PHONE (888) 443-2176
FAX (888) 443-2176
WWW.BARRACO.NET

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING PROFESSIONAL SEAL

Pulte
CORPORATION
Pulte Home Corporation
2401 WILSON CENTER DRIVE
SUITE 300
DAVITA SPRINGS, FLORIDA 34434
PHONE (352) 489-7711
FAX (352) 489-7707
WWW.PULTEHOMES.COM

TIDEWATER
UNIVERSITY
HIGHLAND
TRACT I

PART OF SECTION 26,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.
SITE LAYOUT AND LAND USE
INTENTIONS OR EXISTENCES MAY
CHANGE SIGNIFICANTLY BASED
UPON SURVEY, ENGINEERING,
ENVIRONMENTAL AND/OR
REGULATORY CONSIDERATIONS
AND/OR CHANGES.

NOT FOR CONSTRUCTION

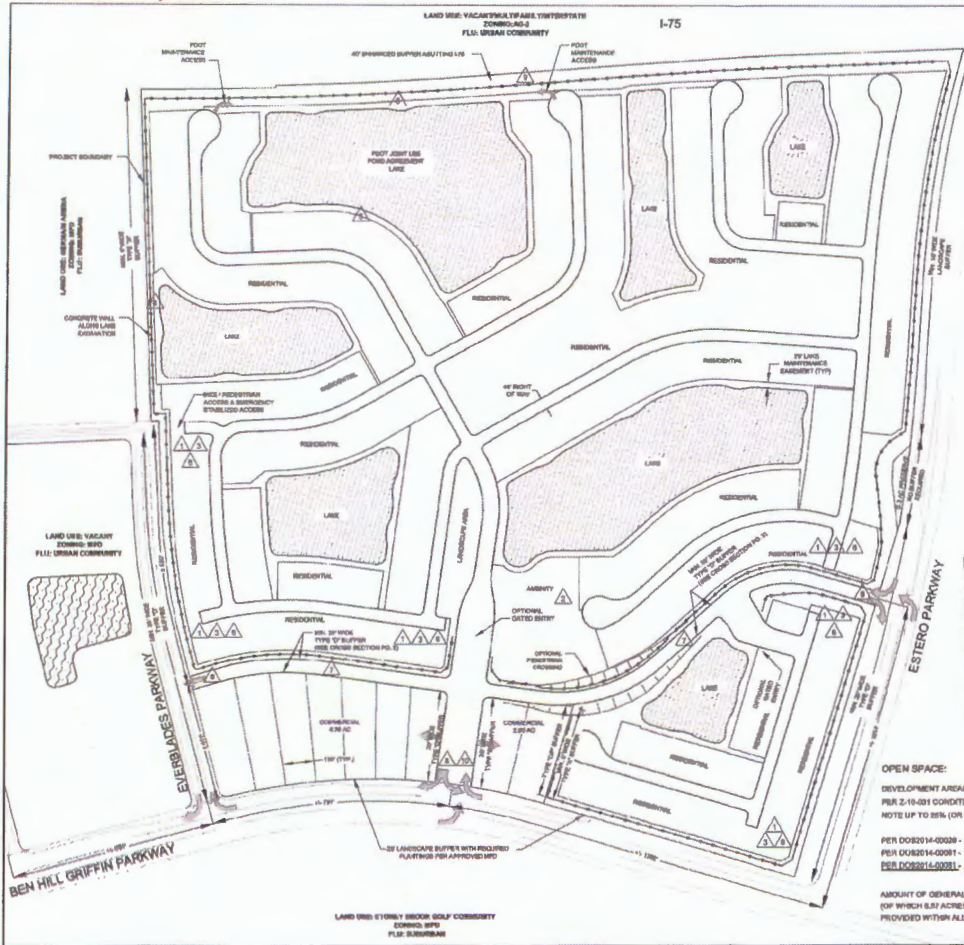
| | |
|----------|------------------------|
| DATE | DESCRIPTION |
| 05/20/14 | ISSUE FOR CONSTRUCTION |
| 05/20/14 | ISSUE FOR CONSTRUCTION |

| | |
|----------|------------------------|
| DATE | DESCRIPTION |
| 05/20/14 | ISSUE FOR CONSTRUCTION |

NOT FOR CONSTRUCTION

**COVER SHEET
AND
LOCATION MAP**

| | |
|------------------|--------------|
| PROJECT FILE NO. | SHEET NUMBER |
| Z3186 | 1 |



LEGEND

- DEVOTION REQUEST
- FENCE / WALL
- LAKE
- VEHICULAR ACCESS

OPEN SPACE:

DEVELOPMENT AREAS R1 AND R2 - 258.4 ACRES
 PER 2-10-851 CONDITION R14 - 11.9 ACRES OF GENERAL OPEN SPACE IS REQUIRED TO BE PROVIDED.
 NOTE UP TO 25% (OR 12.87 ACRES) OF THIS REQUIREMENT MAY BE CLAIMED FROM THE LAKE

PER D052014-0028 - 8.81 ACRES OPEN SPACE PROVIDED (INCLUDES 2 ACRES OF LAKE)
 PER D052014-0091 - 30.28 ACRES OF OPEN SPACES PROVIDED (RESIDENTIAL TRACTS INCLUDE 4 ACRES OF LAKE)
 PER D052014-0091 - 2.6 ACRES OF OPEN SPACE PROVIDED (COMMERCIAL TRACTS)
 40.33 ACRES OPEN SPACES PROVIDED

AMOUNT OF GENERAL OPEN SPACE TO BE PROVIDED AT THE TIME OF FUTURE DEVELOPMENT: 11.37 ACRES
 (OF WHICH 6.87 ACRES MAY BE CLAIMED FROM LAKES). NOTE A MINIMUM 10% OPEN SPACE MUST BE PROVIDED WITHIN ALL COMMERCIAL OUTRCURSES.

OPEN SPACE KEY MAP

Barraco
 and Associates, Inc.
 2271 MAGNOLIA BLVD. SUITE 400
 FORT MYERS, FLORIDA 33901
 PHONE: (888) 486-2711
 FAX: (888) 486-2712
 WWW.BARRACO.NET

PLITE
 PLITE HOME CORPORATION
 8071 WALDEN CENTER DRIVE
 SUITE 200
 SANTA FE SPRING, FLORIDA 34498
 PHONE: (352) 486-2711
 FAX: (352) 486-2712
 WWW.PLITE.COM

TIDEWATER
 UNIVERSITY
 HIGHLAND
 TRACT I

PART OF SECTION 36
 TOWNSHIP 48 SOUTH, RANGE 26 WEST
 SHERBORN, LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
 REFERRED FOR CONCEPTUAL,
 PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE
 INTENTIONS OR DETERMINES MAY
 CHANGE SIGNIFICANTLY BASED
 UPON SURVEY, ENGINEERING,
 ENVIRONMENTAL, AND/OR
 REGULATORY CONSTRAINTS
 AND/OR OPPORTUNITIES.

**NOT FOR
 CONSTRUCTION**

DATE: 08/14/2014
 DRAWN BY: J. BARRACO
 CHECKED BY: J. BARRACO
 PROJECT NO: 2014-00144

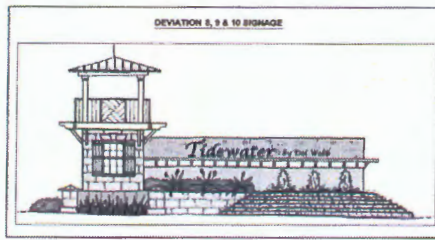
| | |
|------------------------|------------------------|
| DATE: 08/14/2014 | DATE: 08/14/2014 |
| BY: J. BARRACO | BY: J. BARRACO |
| CHECKED BY: J. BARRACO | CHECKED BY: J. BARRACO |
| DATE: 08/14/2014 | DATE: 08/14/2014 |
| BY: J. BARRACO | BY: J. BARRACO |
| CHECKED BY: J. BARRACO | CHECKED BY: J. BARRACO |
| DATE: 08/14/2014 | DATE: 08/14/2014 |
| BY: J. BARRACO | BY: J. BARRACO |
| CHECKED BY: J. BARRACO | CHECKED BY: J. BARRACO |

**FINAL PLAN
 APPROVAL
 SITE PLAN**

23186 2

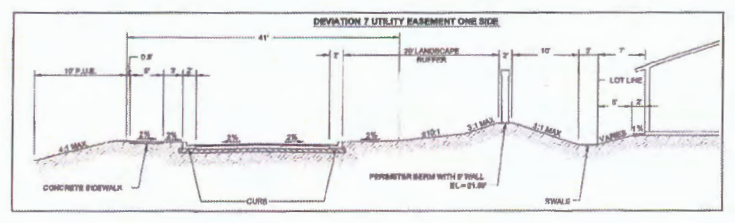
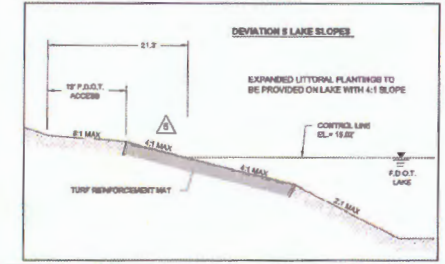
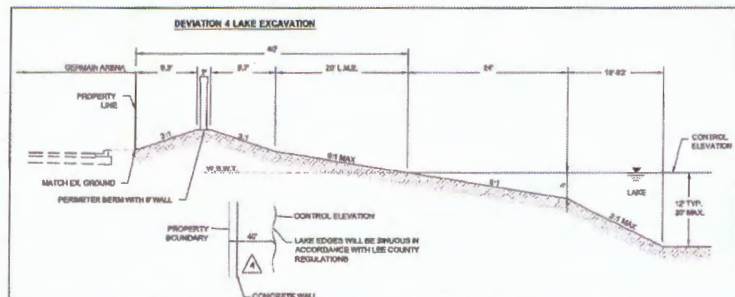
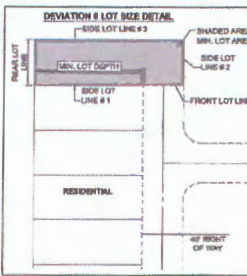
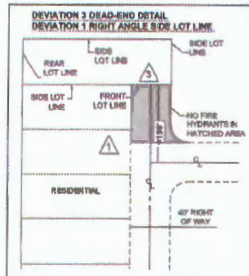
SCHEDULE OF DEVIATIONS

- 1) DEVIATION FROM LDC SECTION 10-254, WHICH REQUIRES SIDE LOT LINES BE AS NEARLY AS PRACTICAL AT RIGHT ANGLES TO STRAIGHT STREET LINES AND RADIAL TO CURVE STREET LINES, TO ALLOW THE LOT DESIGN SHOWN ON THE MASTER CONCEPT PLAN IN THOSE AREAS WHERE DEVIATION 1 IS APPLIED.
- 2) DEVIATION FROM LDC SECTION 10-251 TO ALLOW CURBSIDE PICKUP AT AGENCY FACILITY.
- 3) DEVIATION FROM LDC SECTION 10-256(a)(1) TO ELABORATE THE REQUIREMENT THAT A DEAD-END STREET BE CLOSED AT ONE END BY A CIRCULAR TURNAROUND, TO ALLOW AN ALTERNATIVE TURNAROUND.
- 4) DEVIATION FROM LDC SECTION 10-256(b)(a)(3) WHICH REQUIRES EXCAVATION SETBACK OF 10 FEET OF ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP FROM A RIGHT OF WAY TO ALLOW AN EXCAVATION SETBACK OF 40 FEET TO THE PROPERTY BOUNDARY.
- 5) DEVIATION FROM LDC SECTION 10-256(b)(4) WHICH REQUIRES EXCAVATION BANK SLOPES AT 6 TO 1 TO ALLOW A COMBINATION OF 4 TO 1 AND 8 TO 1 WITH TURF REINFORCEMENT MAT ON THE FOOT SHARED LANE AS DEPICTED ON THE MASTER CONCEPT PLAN.
- 6) DEVIATION FROM LDC SECTION 10-252 TO ALLOW LOT SIZE TO BE MEASURED AS INDICATED ON THE MASTER CONCEPT PLAN.
- 7) DEVIATION FROM LDC SECTION 10-176(a) TO ALLOW FOR A UTILITY EMBANKMENT ON ONE SIDE OF THE ROAD ALONG THE REVERSE FRONTAGE ROAD.
- 8) DEVIATION FROM SECTION 30-1522(a) WHICH LIMITS RESIDENTIAL ENTRANCE SIGNS TO ONLY THE SUBDIVISION NAME TO ALLOW THE APPLICANT TO LIST THEIR LOGO IN ADDITION TO THE SUBDIVISION NAME.
- 9) DEVIATION FROM SECTION 30-1522(b) WHICH LIMITS ADDITIONAL RESIDENTIAL IDENTIFICATION SIGNS TO ONLY THE SUBDIVISION NAME TO ALLOW THE APPLICANT TO LIST THEIR LOGO IN ADDITION TO THE SUBDIVISION NAME.
- 10) DEVIATION FROM SECTION 30-1522(a) WHICH ALLOWS ONE ENTRANCE SIGN TO BE LOCATED AT A RESIDENTIAL PROJECT ENTRANCE TO ALLOW AN OFF-SITE SIGN TO BE PLACED AT THE BOULEVARD ENTRANCE ON SIDE HILL OFF-ROAD PARKING.



PROPERTY DEVELOPMENT REGULATIONS TABLE

| | SINGLE FAMILY DETACHED | TWO FAMILY ATTACHED | MULTI FAMILY | TOWNHOUSE |
|-------------------|------------------------|---------------------|--------------|-----------|
| MIN. LOT WIDTH | 30' | 33' | 120' | 30' |
| MIN. LOT DEPTH | 100' | 100' | 100' | 100' |
| MIN. LOT AREA | 2800 SF | 2800 SF | 2800 SF | 2800 SF |
| MAX. HEIGHT | 6' | 6' | 6' | 6' |
| MAX. LOT COVERAGE | 85% | 85% | 85% | 85% |
| RETRACT MIN. | | | | |
| FRONT | 20' | 20' | 20' | 20' |
| SIDE | 0' | 0' 10" | 0' | 0' |
| REAR PRINCIPAL | 0' | 0' | 0' | 0' |
| REAR ACCESSORY | 0' | 0' | 0' | 0' |
| WATERBODY | 20' | 20' | 20' | 20' |



Barraco
 and Associates, Inc.
 CIVIL ENGINEERS - LAND SURVEYORS
 LAND PLANNING - LANDSCAPE DESIGN
 2271 BUCKINGHAM BLVD., SUITE 105
 FORT MYERS, FLORIDA 33902-2892
 PHONE 888-441-7178
 FAX 239-941-2188
 WWW.BARRACO.NET

REG. PROFESSIONAL ENGINEER
 NO. 10544
 STATE OF FLORIDA
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 25877
 STATE OF FLORIDA

Pulte
 HOMES

PLANS FOR HOME CONSTRUCTION
 3411 WINDY HILL CIRCLE
 SUITE 400
 BOCA RATON, FLORIDA 33434
 PHONE 561-993-7111
 FAX 561-993-7127
 WWW.PULTEHOMES.COM

TIDEWATER
 UNIVERSITY
 HIGHLAND
 TRACT 1

PLAN OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 28 WEST, COUNTY OF LEE, FLORIDA.

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE INTENTIONS OR DESIGNER'S BEST CONSIDERATION OF ENVIRONMENTAL AND CULINARY OPPORTUNITIES AND/OR OPPORTUNITIES.

NOT FOR CONSTRUCTION

PREPARED FOR: PULTE HOMES
 PREPARED BY: BARRACO AND ASSOCIATES, INC.
 DATE: 10/20/14
 PROJECT NO.: 23186
 SHEET NO.: 3

Attachment 8

Village ADD2015-00062
Resolution No. PZB2015-02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

RESOLUTION NO. PZB 2015-02

ADMINISTRATIVE AMENDMENT (PD) ADD2015-00062

**ADMINISTRATIVE APPROVAL
VILLAGE OF ESTERO, FLORIDA**

WHEREAS, University Highland Limited Partnership filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as Timberland and Tiburon MPD to adjust internal lakes and roadways for property located south of Estero Parkway, east of I-75, west of Ben Hill Griffin Parkway, and north of Miromar Outlets, described more particularly as:

LEGAL DESCRIPTION: In Sections 25 and 26, Township 26 South, Range 25 East, Village of Estero, Lee County Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Number Z-97-010 (with subsequent amendments in Resolution Numbers Z-97-010, Z-97-072, Z-98-020 and Z-10-031); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Comprehensive Plan for the Village of Estero; and

WHEREAS, the Village of Estero Transitional Land Development Code (LDC) provides for certain administrative changes to amend planned development zonings; and

WHEREAS, under the provisions of Ordinance 2015-01 of the Village of Estero, the Planning and Zoning Board has been delegated the authority to make determinations with respect to all applications for administrative actions; and

WHEREAS, the following findings of fact are offered:

1. The proposed amendment does not increase density or intensity within the development.
2. The proposed amendment does not decrease buffers or open space required by the Land Development Code.
3. There are no external impacts, nor are there any adverse impacts on surrounding land uses.
4. The Planning and Zoning Board has taken this action at a duly constituted public hearing after due public notice.

45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval is APPROVED, subject to the following conditions:

- 1. The terms and conditions of the original zoning resolutions, as amended, remain in full force and effect, except as amended herein.
- 2. The proposed changes to allow adjustment of the internal lakes and roadways in the area described in the request above must be in compliance with the amended Master Concept Plan. Master Concept Plan for ADD2015-00062 is hereby APPROVED and adopted. A reduced copy is attached hereto.
- 3. If it is determined that inaccurate or misleading information was provided or if this decision does not comply with the Land Development Code when rendered, then, at any time, the Village of Estero 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 Land Development Code.

PASSED AND DULY ADOPTED this 30th day of June, 2015.

VILLAGE OF ESTERO, FLORIDA
PLANNING AND ZONING BOARD




Roger Strelow, Chairman

Attest:

By: 
Kathy Hall, IMC
Village Clerk

Reviewed for legal sufficiency

By: 
Nancy Strond, Esq.

91 **Vote:**

| | | | |
|----|-----------------|---|-----------------------------|
| 92 | | | |
| 93 | Roger Strelow | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 94 | David Crawford | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 95 | Ned Dewhirst | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 96 | Marlene Naratil | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 97 | Jeff Maas | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 98 | Scotty Wood | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 99 | Ryan Binkowski | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

100

101

102 **Exhibits:**

103 A – Legal Description

104 B – Master Concept Plan

EXHIBIT "A"

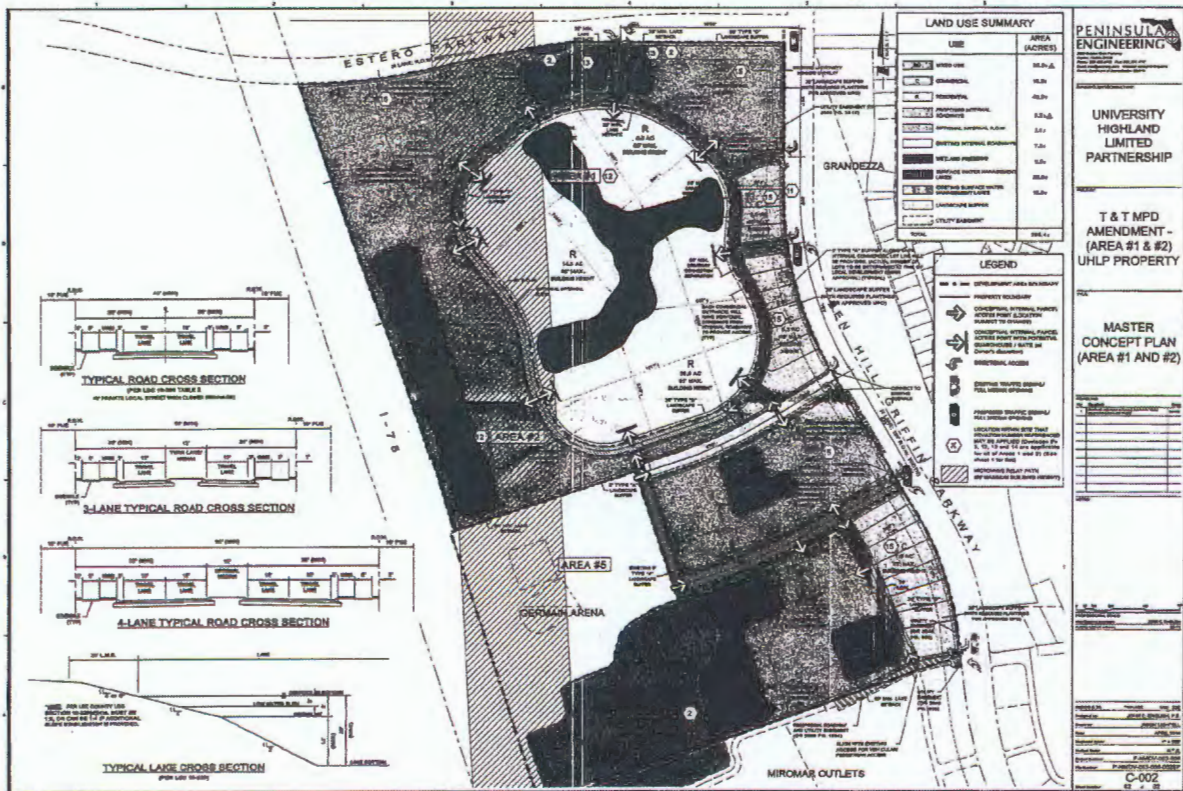
LEGAL DESCRIPTION

All of Tract 3 of University Highland, located in Sections 25 and 26, Township 26 South, Range 25 East, Lee County, Florida, according to the plat thereof on file and recorded as Instrument #2014000100081 of the Public Records of Lee County, Florida.

STRAP NO.

26-46-25-E3-34003.0000

APPROVED
ADD2015-00062
Chick Jakacki, Planner
Lee Co Division of Zoning
4/22/2015



PENINSULA ENGINEERING

UNIVERSITY HIGHLAND LIMITED PARTNERSHIP

T & T MPD AMENDMENT - (AREA #1 & #2) UHLP PROPERTY

MASTER CONCEPT PLAN (AREA #1 AND #2)

EXHIBIT B

PROJECT NO. 000000000000
 SHEET NO. 000000000000
 DATE 00/00/00
 C-002

Attachment 9

UHLP Commercial Parcels Square Footage Assigned

**UHLP COMMERCIAL PARCELS
SQUARE FOOTAGE ASSIGNED**

| Parcel | Status | Office | Retail | Hotel(1) | Self-Storage(2) |
|---------------------------|-------------------|----------------|---------------|------------|-----------------|
| 10 | Sold | 70,800 | 50,750 | 200 | 0 |
| 7 | Under Contract | 58,790 | 38,950 | 200 | 0 |
| 6 | Under Contract(3) | 20,408 | 8,650 | 0 | 90,000 |
| Total | | 149,998 | 98,350 | 200 | 90,000 |
| Assigned by DRI(4) | | 150,000 | 99,384 | 200 | |
| Excess | | 2 | 1,034 | 0 | |

- (1) Buyer of Parcel 10 & 7 can build no more than a total of 200 hotel units on the combined parcels.
- (2) 90,000 sq. ft. of self storage proposed on Parcel 6 based upon the requested conversion factor referenced in Condition 18 of the amended Resolution Z-10-31. The conversion factor is based upon conclusions presented in a memo dated October 9, 2017 from Mark Gillis of David Plummer & Associates, Inc. to Mary Gibbs and Walter McCarthy of the Village of Estero.

| Self Storage Conversion Factor: | | | |
|--|---|---|---|
| | 1 sq.ft. = x sq. ft. of self storage | Total sq. ft. required to equal 90,000 sq. ft. of self storage | Combination of office & retail sq.ft. to achieve 90,000 sq.ft. of self storage |
| General Office | 4.412 | 20,400 | 13,000 |
| Medical Office | 10.588 | 8,500 | - |
| Retail | 4.643 | 19,384 | 8,640 |

- (3) The office and retail square footage assigned to Parcel 6 is for the sole purpose of enabling the Buyer to convert the square footage to self-storage use. The final amount of the listed square footage utilized for this conversion will be at the sole discretion of UHLP.
- (4) No more than 50,000 sq. ft. of the approved 150,000 sq. ft. of office space can be utilized for medical office space.

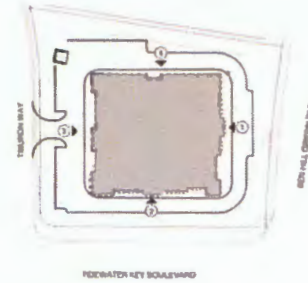
Attachment 10

University Self Storage Supplemental Pattern Book

University Self Storage

Supplemental Pattern Book
University Highlands
Parcel 6, Tract F-3

Building Elevations



SAAarchitects
Client centric • Smart solutions

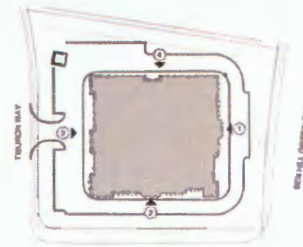


EAST ELEVATION (BEN HILL GRIFFIN PARKWAY)



SOUTH ELEVATION (TIDEWATER KEY BOULEVARD)

Building Elevations



SAAarchitects
Client centered • Smart solutions



WEST ELEVATION (OFFICE ENTRY)



NORTH ELEVATION

Materials & Signage



MATERIAL LEGEND

| | | |
|----------------|--|--|
| CLAY TILE ROOF | | |
| EFS-2 | | |
| EFS-3 | | |
| EFS-4 | | |
| EFS-1 | | |
| MASONRY VENEER | | |



EAST ELEVATION (BEN HILL GRIFFIN PARKWAY)

Landscape Plan

UNIVERSITY SELF STORAGE



DMJA
DAVID M. JONES, JR. AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS • SITE PLANNERS

CONCEPTUAL LANDSCAPE PLAN

Tree Image Board

UNIVERSITY SELF STORAGE

CANOPY TREES



Black Olive



EXISTING TREE



Green Buttonwood



Gumbo Limbo



EXISTING TREE



LIVE OAK



ROYAL PALM

EXISTING TREE



ACCENT TREES



Bald Cypress



Golden Shower Cassia



Pigeon Plum



Sabal Palm



EXISTING TREE



PALMS



Montgomery Palm

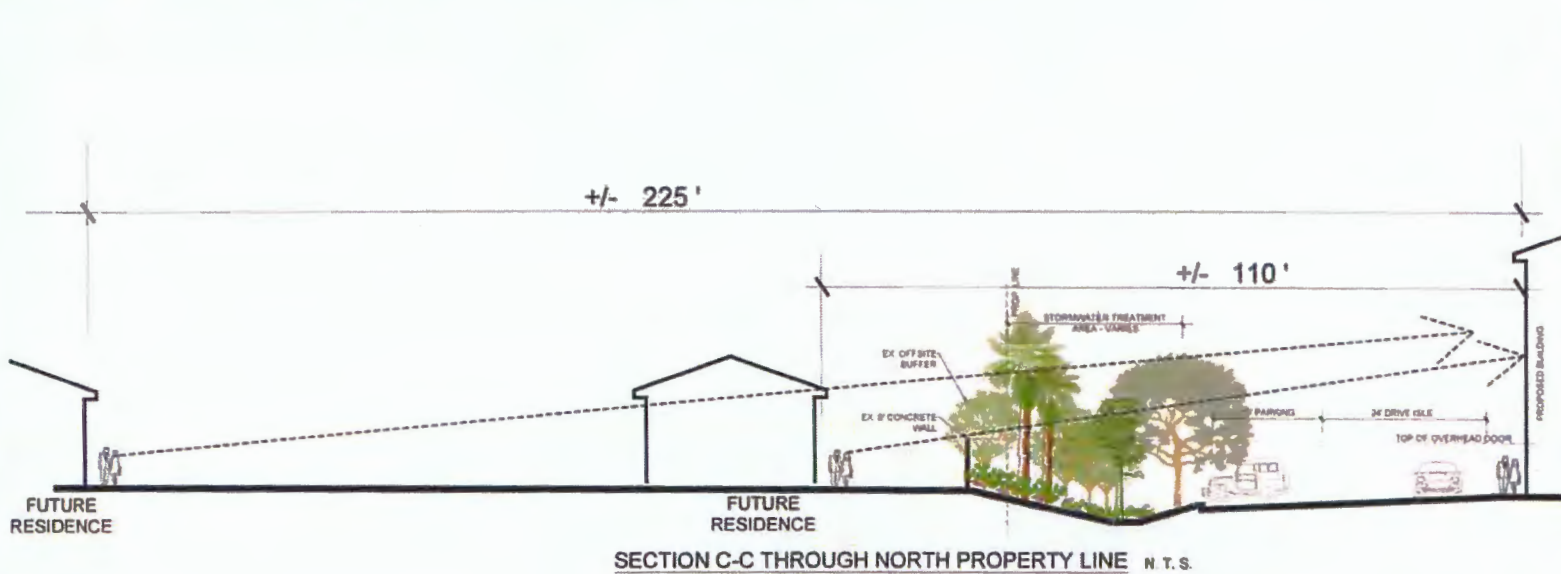


Chinese Fan Palm

EXISTING TREE



Landscape Sections



LANDSCAPE SECTIONS



DMJA

DAVID M. JONES, JR.
AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
AND PLANNERS

2222 McGregor Blvd.
West Palm Beach, Florida 33411
PHONE: (561) 837-4424
FAX: (561) 837-4414

1400 Tamiami Trail
West Palm Beach, FL 33411
PHONE: (561) 837-4427
L.A. LICENSE: LC 17100048

UNIVERSITY

Self-Storage
Ben Hill Center Parkway
Estero, FL

INFORMATION



HMI
6700 Windway Creek
Driv
Ft Myers, FL 33919
(823) 503-1000

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

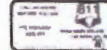
DATE: 01/15/2016

SCALE: AS SHOWN

PROJECT: UNIVERSITY SELF-STORAGE

Landscape Sections

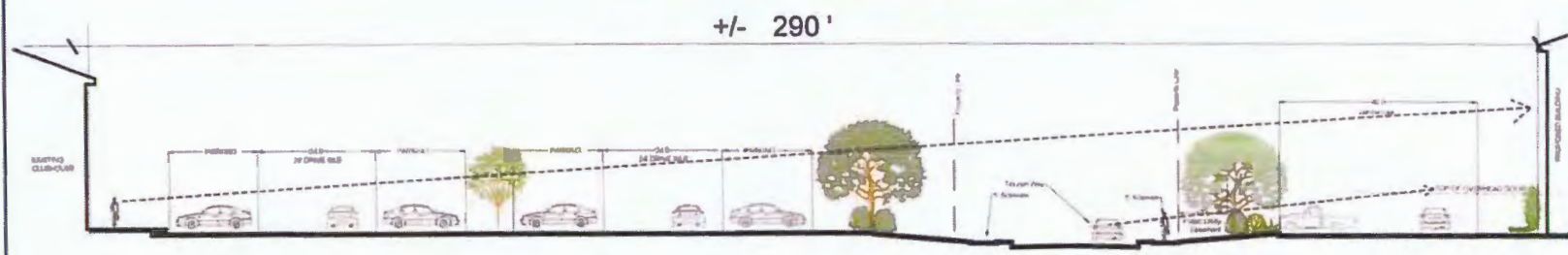
L-3



Landscape Sections



SECTION D-D THROUGH WEST PROPERTY LINE (NORTH END) N.T.S



SECTION E-E THROUGH WEST PROPERTY LINE (SOUTH END) N.T.S



DMJA
 DAVID M. JOSE, JR.
 AND ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 AND PLANNERS
 8850 McKinley Blvd.
 Fort Myers, Florida 33901
 PHONE: 813.437.5125
 FAX: 813.437.4274
 1400 Tammam Trail
 #100 12 1/2 mi SW
 Plant 1 location, FL 33909
 PHONE: 813.255.2227
 FAX: 813.255.1177

UNIVERSITY Self-Storage
 Ben Hill Griffin Parkway
 Estero, FL

H.M. HOLE MONTE
 6000 Wiggley Creek
 Drive
 Ft. Myers, FL 33919
 (813) 334-1144

PROJECT NO.:
 SHEET NO.:

DATE: 02/15/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

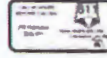
DATE: 02/15/2018
 PROJECT: University Self Storage
 SHEET: L-4
 DRAWN BY: [Name]
 CHECKED BY: [Name]

DATE: 02/15/2018
 PROJECT: University Self Storage
 SHEET: L-4
 DRAWN BY: [Name]
 CHECKED BY: [Name]

DATE: 02/15/2018
 PROJECT: University Self Storage
 SHEET: L-4
 DRAWN BY: [Name]
 CHECKED BY: [Name]

DATE: 02/15/2018
 PROJECT: University Self Storage
 SHEET: L-4
 DRAWN BY: [Name]
 CHECKED BY: [Name]

LANDSCAPE SECTIONS

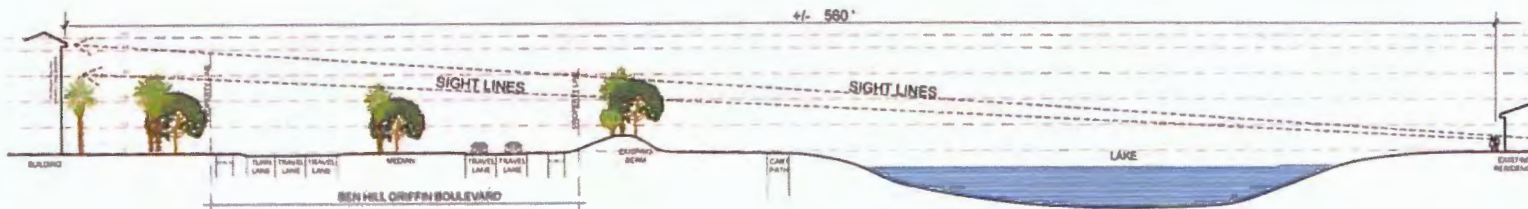


L-4

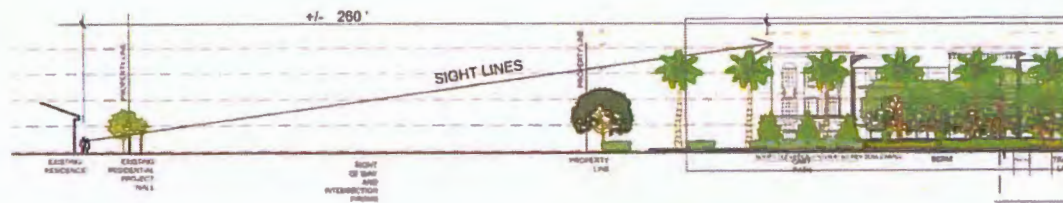
Landscape Sections



SECTION C-C THROUGH NORTH PROPERTY LINE N.T.S.



SECTION F-F: THROUGH EAST PROPERTY LINE TO NEIGHBORING PROPERTIES N.T.S.



SECTION G-G: FROM SOUTHWEST CORNER OF PROPERTY TO NEIGHBORING PROPERTIES

LANDSCAPE SECTIONS



DMJA

DAVID M. JONES, JR.
AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
AND PLANNERS

820 McGowan Blvd.
Riverview, Florida 33594
PH: 813.298.2200
FAX: 813.298.2200
LANSI Flanders Trail
Belle Meade, TN 37015
PH: 615.295.2200
LANSI Flanders Trail
LANSI Flanders Trail
LANSI Flanders Trail

UNIVERSITY

Self-Storage
Ben Hill Griffin Parkway
Estero, FL

INCORPORATION

PROFESSIONAL

H.M.

6200 Whiskey Creek
Suite 100
P.O. Myers, FL 32912
(321) 969-1200

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

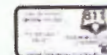
PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL

PROFESSIONAL



L-5

Landscape Sections



SECTION H-H THROUGH NORTHWEST PROPERTY LINE

DMJA
DAVID M. JONES, JR.
AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
AND PLANNERS

2205 McCarty Blvd.
West Melbourne, Florida 32903
PHONE: 329.247.3425
FAX: 329.257.4899

17101 Tomasco Blvd.
Orlando, FL 32837
Phone: 407.253.1217
E-MAIL: DMJA@DMJA.COM

PROPOSED DEVELOPMENT:

UNIVERSITY Self-Storage
Ben Hill Griffin Parkway
Estero, FL

APPROXIMATE

PROPOSED BY:

HVI HOLDING CORP.
5201 Wesley Creek Drive
Fort Myers, FL 33909
(239) 533-3300

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115

DATE: 02/15/16

SCALE: AS SHOWN

PROJECT NO: 257115



Building/Landscape Elevations



EAST BUILDING ELEVATION - BEN HILL GRIFFIN PKWY.



SOUTH BUILDING ELEVATION - TIDEWATER KEY BLVD.

Building/Landscape Elevations



WEST BUILDING ELEVATION - TIBURON WAY



NORTH BUILDING ELEVATION - ADJACENT RESIDENTIAL

ATTACHMENT 2

Lewis Stroud & Deutsch, P.L.

MEMORANDUM

TO: Village Council, Village of Estero

FROM: Nancy Stroud
Village Land Use Counsel

RE: University Highland Mixed Use Planned Development amendment and the
Florida Development of Regional Impact Statute

DATE: June 14, 2018

As explained in my memorandum of May 24, 2018, the 2018 Florida legislature enacted significant amendments to the Florida Development of Regional Impact (DRI) statute. The memorandum also explained that the effect of those amendments would need to be evaluated for each DRI on a case by case basis. I have been asked to explain the more specific impact of those amendments on the University Highland Limited Partnership application for an amendment to University Highland Mixed Use Planned Development to allow a self-storage facility by conversion of approved office and retail square footage to self-storage square footage. The application also requests a height deviation. It does not request an amendment to the DRI of which it is a part (the Timberland & Tiburon Development of Regional Impact).

As an initial matter, it should be noted that DRIs typically have been approved in the past by a zoning resolution approving the DRI development order that is attached to the resolution containing other local zoning approvals for the project. In Lee County, this local zoning approval has typically involved a rezoning to a Planned Development. The DRI development order addresses the state and regional regulatory requirements, while the remainder of the resolution addresses the details of the Planned Development. Lee County in 1985 adopted the development order for the Timberland & Tiburon DRI. The DRI is operating under a Tenth Amendment to the original development order, approved in 2011. In 2010, the County approved the Mixed Use Planned Development rezoning for University Highlands by Resolution Z-10-031.

The current application requests an amendment to the Planned Development (PD) zoning approval. The current PD zoning allows a variety of residential uses, as well as a certain amount of square footage for general office (including medical office) and retail uses. The applicant wishes to add to the zoning resolution a "conversion formula" that permits the conversion among the allocated general office, retail and medical use square footage, based on a set formula tied to the impact of new vehicle trips from each use. The proposed formula would also allow such a conversion of those allowed uses to self-storage uses as well. The PD zoning also currently limits height at this location to 45 feet; the applicant requests a deviation to allow a proposed tower of 47.5 feet on its proposed three story building.

One Lincoln Place, 1900 Glades Road, Suite 251, Boca Raton, Florida 33431

Telephone — 561 826 2800 Facsimile — 561 826 2828

June 11, 2018

Because the applicant does not request DRI amendments, the new legislation does not affect the Council's review. However, it also should be noted that nothing in the new legislation changes the DRI vesting provisions of Florida Statutes, section 163.3167. Approved DRIs retain their vested rights to develop according to their DRI development orders. In this regard, the question at first reading was raised as to whether the Village 2016 comprehensive plan amendments apply to the applicant, in particular, objective 4.3 of Plan and the definition of "mixed use":

OBJECTIVE 4.3: The Mixed Use Overlay shall not include property in the Village Center Area. Development, redevelopment, and infill rezonings located within the Mixed Use Overlay outside of the Village Center Area that utilize the Compact PD or Mixed Use Planned Development (MPD) zoning category and meet the criteria in the policies below will be allowed to use the area of commercial, office, natural water bodies and other non-residential uses in their density calculations. These proposals must contribute to compact, multi-purpose, mixed use patterns which integrate commercial development with residential, civic, and open space within the same neighborhood or buildings. (emphasis added)

. . . POLICY 4.3.2: Mixed Uses: Carefully mixing complementary uses can reduce overall trip lengths, support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space) but may be located in separate buildings that can be easily reached using publicly accessible sidewalks and streets.

b. Mixed Use Overlay areas not within the Village Center Area will provide public gathering places, civic uses, such as green spaces or community centers, and other public amenities as described in Policy 19.2.1.

c. Mixed-use patterns will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.

d. The Mixed Use Overlay is intended for mixing uses that are complementary rather than conflicting, as those terms are used in the glossary's definition of mixed use. The nature of the mix of uses will be determined based upon the needs of the Village, character of the surrounding area, the compatibility of the uses, and the characteristics of the transportation network.

. . .

MIXED USE - Complementary uses of land generally within a walkable distance from one another. Complementary means uses are compatible with each other

Lewis Stroud & Deutsch, P.L.

June 11, 2018

and would serve the same users without requiring a car or a bike/walk trip on a circuitous or inhospitable route. Complementary uses are the opposite of conflicting uses, for example industrial uses or commercial uses that have features near residential uses which could negatively impact the quality of life or interfere with the quiet enjoyment of such residential uses. These uses may be combined within the same Mixed-Use Building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance.

The DRI generally allows self-storage use within the DRI but does not specifically locate that use on the site, and thus the use is not vested by the DRI at this site. Further, it should be noted that condition 13 of the PD zoning resolution provides:

Lee County Comprehensive Plan Consistency: Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.

The PD zoning is not vested against the application of the 2016 amendment to the Comprehensive Plan by the terms of the PD zoning resolution itself. Further, while the PD zoning resolution allows self-storage use (listed as “mini warehouse” use in the PD list of uses) at this site, the use is not fully vested by the PD zoning resolution because as currently existing the resolution does not provide an allocation of square footage for this use, or for a conversion of the allocated square footage for general office (including medical office) and retail uses.

The remaining question then is whether, regardless of whether the proposed change is not vested, Objective 4.3 and its policies apply to the proposed amendments. The applicant has asserted that because it did not use the “double dipping” provisions of the original Mixed Use Overlay (allowing nonresidential acre to be counted toward residential density calculations), then this objective does not apply. Reading the objective as it stands today, the property is zoned as Mixed Use Planned Development, and thus currently “*utilize(s) the . . . Mixed Use Planned Development (MPD) zoning category.*” The last sentence of the objective arguably applies to any proposal for development within the Mixed Use Overlay and requires that such proposals “*contribute to compact, multi-purpose, mixed use patterns which integrate commercial development with residential, civic, and open space within the same neighborhood or buildings.*” Objective 4.3 and the definition of mixed use thus arguably apply to the changes proposed to the PD. The applicant should explain how the proposal meets the comprehensive plan objective and the definition of mixed use, and the Council must decide if the proposal is consistent with the Comprehensive Plan.

Lewis Stroud & Deutsch, P.L.

Lewis Stroud & Deutsch, P.L.

MEMORANDUM

TO: Village Council, Village of Estero

FROM: Nancy Stroud
Village Land Use Counsel

RE: 2018 Amendments to the Florida Development of Regional Impact Statute

DATE: May 24, 2018

The Florida legislature in its 2018 regular session enacted significant amendments to the Florida Development of Regional Impact (DRI) statute.¹ As originally created, section 380.06, Florida Statutes, established a state and regional review process for DRIs, which are defined by the statute as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” The DRI process was created in 1972 to assure that local governments identify and mitigate impacts of large-scale developments on state and regional resources, and was enacted during a period when many local governments were not very sophisticated in their development review processes. Much of the Village of Estero was developed under the DRI process, and some DRIs in Estero still include undeveloped land for which development applications may be submitted in the future.

The new legislation eliminates the state and regional review process throughout Florida, and instead local governments are tasked with review and decision-making on any DRI amendments in accordance with local government standards and processes. This means, for example, that the prior processes for determining if a DRI amendment is a “substantial deviation” are no longer applicable, and any change to an existing DRI will be reviewed under local land development regulations. Appeals of a local government DRI decision will proceed according to local land development regulations, and no longer will be subject to a state administrative process and no longer limited to only certain parties. At the same time, the legislation preserved certain rights for approved DRIs that cannot be changed by local government. These include:

1. Preservation of capital contribution front loading agreements between a developer and a local government, and any agreements between a local government and a developer to reimburse the developer for voluntary contributions paid in excess of the development’s fair share.
2. Preservation of time extensions previously granted by statute.
3. Provision that notwithstanding any comprehensive plan provision or land development regulation, the adoption by the local government of an amendment to a DRI development order does not diminish or alter any prior credits for a development

¹ The new legislation is contained in Chapter 2018-158, Laws of Florida.

4. Provision that development within a portion of the DRI that is not directly affected by a proposed change is allowed to continue during the review of the proposed change, and provides that the review is limited to impacts created by the proposed change.

Additionally, the legislation does not change the separate provision in Section 163.3167(5), Florida Statutes that provides for the vested rights of DRIs in regard to local land development regulations and comprehensive plans:

“Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.”

This provision has been interpreted judicially to mean that a developer’s only vested development right is in completing development authorized by the original DRI, while any proposed changes to the DRI may be reviewed under the land development regulations and comprehensive plan in effect at the time the changes are reviewed. *Bay Point Club, Inc. v. Bay County*, 890 So. 2d 256 (Fla. 1st DCA 2004). The new legislation modifies this ruling to require the local government to review certain DRI changes under the comprehensive plan in effect when the DRI was originally approved:

“However, a change to a development of regional impact that has the effect of reducing the originally approved height, density, or intensity of the development must be reviewed by the local government based on the standards in the local comprehensive plan at the time the development was originally approved, and if the development would have been consistent with the comprehensive plan in effect when the development was originally approved, the local government may approve the change.”

The effect of this provision must be evaluated for each already approved DRI.

The 2018 legislation may prompt some revisions to the Village land development regulations, which can be incorporated in the current preparation of the new Village land development code. For example, the legislation no longer requires the DRI developer to create annual reports, and the Village may wish to require these reports. Other updates to reflect the new legislation also should be considered.