

ATTACHMENT 3

VILLAGE OF ESTERO, FLORIDA ZONING ORDINANCE NO. 2018 - 06

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS A ZONING AMENDMENT 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 ON TRACT F-3 OF UNIVERSITY HIGHLAND MIXED USE PLANNED DEVELOPMENT; APPROVING A DEVIATION FOR HEIGHT OF ARCHITECTURAL FEATURES FOR PROPERTY LOCATED AT TIDEWATER KEY BOULEVARD AND BEN HILL GRIFFIN PARKWAY IN THE VILLAGE OF ESTERO, FLORIDA, AND COMPRISING APPROXIMATELY 2 ACRES IN THE PLANNED DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, applicant, University Highland Limited Partnership, has applied for a zoning amendment and deviation on the property ("Property") which comprises **Tract F-3 of Parcel 6 of the University Highland development**, located on Ben Hill Griffin Parkway and Tidewater Key Boulevard, for a proposed **self-storage** facility; and

WHEREAS, the Property is part of the larger Timberland & Tiburon Development of Regional Impact approved in 1985 by Lee County; and

WHEREAS, University Highland is a 794-acre portion of the Timberland & Tiburon DRI, located west of Ben Hill Griffin Parkway; and

WHEREAS, the Property was rezoned from Planned Unit Development and Commercial by Lee County Resolution Z-97-010 to Mixed Use Planned Development (MPD) for a variety of residential and commercial uses including mini-warehouse in Area #2; and

WHEREAS, a subsequent notice of proposed change to the DRI and amendment to the zoning was approved by Lee County in Resolution Z-10-031 which contains the zoning conditions that apply to the portion of the Property known as University Highland MPD; and

42 **WHEREAS**, the applicant applied for an amendment to the Zoning Resolution
43 Z-10-031 to modify condition 18 of the zoning approval to allow for conversion of uses to
44 accommodate the square footage needed for the self-storage facility; and
45

46 **WHEREAS**, the Property STRAP number is 26-46-25-E2-3600F.0030; and
47

48 **WHEREAS**, the public information meeting was held for this application at the
49 Planning and Zoning Board on August 15, 2017; and
50

51 **WHEREAS**, the Planning and Zoning Board considered the application at its meeting
52 on April 17, 2018 and recommended approval with conditions of the requests; and
53

54 **WHEREAS**, a duly noticed first reading was held before the Village Council on May
55 16, 2018; and
56

57 **WHEREAS**, a duly noticed second reading and public hearing was held before the
58 Village Council on June 27, 2018, at which time the Village Council gave consideration to the
59 evidence presented by the applicant and the Village staff, the recommendations of the Planning
60 and Zoning Board, and the comments of the public.
61

62 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
63 Florida:
64

65 **Section 1. Zoning Amendment.**
66

67 The Village Council approves the zoning amendment with the following conditions:
68

69 1. Master Concept Plan

70 The development of the 84,819 square foot building on Parcel 6 (Tract F-3)
71 must be substantially consistent with the Site Plan entitled University Storage
72 Tract F-3 date stamped received April 5, 2018. Self-storage facility is limited
73 to 600 storage units.
74

75 2. Condition

76 Condition 18 of Resolution Z-10-031 is modified as follows:
77

78 *Residential and commercial Conversion Formula: A combination of the*
79 *approved residential types (Single-family, Two-family, Townhouse, Multi-*
80 *family, Single-family detached, and Zero lot line) will be allowed based on*
81 *conversion rates of 2.3 multi-family/townhouse units per single-family/zero lot*
82 *line unit and 1.6 multi-family/townhouse units per duplex/two-family unit. The*
83 *commercial conversion rate would permit the conversion of one square foot of*

general office as an equivalent of four point four hundred twelve square feet of self-storage (1 s.f. of general office = 4,412 s.f. of self-storage), and one square foot of retail is an equivalent of four point six hundred forty three square feet of self-storage (1 s.f. retail = 4,643 s.f. of self-storage), and one square foot of medical office equals ten point five hundred eighty-eight square feet of self-storage (1 s.f. medical office = 10.588 s.f. of self storage).

3. Previous Approvals

The previous approval (contained in Resolution Number Z-10-031) including conditions and deviations remains in effect except as modified by the conditions and deviations contained in this approval.

4. Hours of Operation

Hours of operation for the self-storage facility are Monday through Sunday 6:00 AM to 10:00 PM. Customers may access their storage units only during these hours of operation.

5. Renter Defaults

No on-site auctions are permitted.

6. Prohibited Uses

No outdoor storage is permitted. No storage of cars, other motor vehicles, boats or boat trailers is allowed. No overnight parking is permitted. No businesses may be conducted from a storage unit. Customers may not store or abandon hazardous materials in the facility. No storage of animals, food, or other perishable items may be stored onsite. Customers may not live in a storage unit. No residential use is approved.

7. Maximum Building Height

Maximum Building Height is 45 feet or 3 stories (See Deviation for architectural feature height).

8. Buffers and Landscaping

Buffers will be installed and enhanced as depicted in the Pattern Book, Site Plan page.

- North Property line – 20 foot Type C/F buffer
- West Property line – 20 foot Type D buffer
- South Property line – 20 foot Type D buffer
- East Property line – 25 foot Type D buffer
- The Tiburon Way and Tidewater Key Boulevard Road Buffer will be enhanced so that all new required trees must be a minimum 45 gallon

container, 12-foot to 14-foot planted height. Shrub height must be 36 inches at time of installation and be maintained at 48 inches.

9. Finished First Floor Elevation

The finished first floor of the building must be at 21.0 NAVD at a minimum.

10. Pattern Book

Development must be in substantial compliance with the Pattern Book, titled "University Self Storage Supplemental Pattern Book University Highlands," stamped "Received June 15, 2018".

11. Development Order Approval

Prior to a Development Order Approval, a cumulative land development summary table must be submitted to the Village to demonstrate that there is adequate commercial office and retail square footage to permit the conversion of this commercial square footage to Self Storage square footage consistent with modified condition 18.

Section 2. Deviation.

Deviation 9 seeks relief from LDC section 33-229 which limits buildings outside of the Interstate Highway Interchange Areas to a maximum of three stories or 45 feet, whichever is less, to allow a tower with a maximum height of 47.5 feet. Deviation 9 is approved as depicted in the Pattern Book.

Section 3. Findings and Conclusions.

The Council finds and concludes as follows:

1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.
2. The applicant's traffic analysis provides that Ben Hill Griffin Parkway is shown to operate at a Level of Service LOS "B" after the addition of the project traffic.
3. The application, as conditioned, is generally compatible with existing or planned uses in the surrounding area.
4. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

- 167 5. Urban services will be available and adequate to serve the proposed use.
168
169 6. The request will not adversely affect environmentally critical areas and natural
170 resources.
171
172 7. The proposed use, with the proposed conditions, is appropriate at the subject
173 location.
174
175 8. The recommended conditions provide sufficient safeguards to the public
176 interest and are reasonably related to impacts on the public's interest created by
177 or expected from the proposed development.
178
179 9. The deviation recommended for approval:
180
181 a. Enhances the planned development; and
182 b. Preserves and promotes the general intent of the LDC to protect the
183 public, health, safety and welfare.
184

185 **Section 4. Exhibits.**

186
187 The following exhibits are attached to this Ordinance and incorporated by reference:
188

- 189 Exhibit A Legal Description
190 Exhibit B Master Concept Plan, titled University Storage Tract F-3 date stamped
191 "Received April 5, 2018".
192 Exhibit C Pattern Book titled "University Self Storage Supplemental Pattern Book
193 University Highlands" ~~date~~ stamped "Received May ~~May~~ June 15, 2018".
194

195 **Section 5. Conflicts.**

196
197 All Sections or part of Sections of the Code of Ordinances, all Ordinances or parts of
198 Ordinances, and all resolutions or parts of Resolutions, in conflict with this Ordinance
199 shall be repealed to the extent of such conflict upon the effective date of this Ordinance.
200

201 **Section 6. Severability.**

202
203 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
204 subsequent to its effective date be declared by a court of competent jurisdiction to be
205 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
206 portion thereof, other than the part so declared to be invalid.
207

208 **Section 7. Effective Date.**

209

210 This Ordinance shall be effective immediately upon adoption.

211

212 **PASSED** on first reading this 16th day of May, 2018.

213

214 **PASSED** and adopted **BY THE VILLAGE COUNCIL** of the Village of Estero,
215 Florida this 27th day of June, 2018.

216

217 Attest:

VILLAGE OF ESTERO, FLORIDA

218

219 By: _____
220 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

221

222

223 Reviewed for legal sufficiency:

224

225

226 By: _____
227 Nancy Stroud, Esq., Village Land Use Attorney

228

229

230 Vote:	AYE	NAY
231 Mayor Boesch	_____	_____
232 Vice Mayor Ribble	_____	_____
233 Councilmember Batos	_____	_____
234 Councilmember Errington	_____	_____
235 Councilmember Levitan	_____	_____
236 Councilmember McLain	_____	_____
237 Councilmember Wilson	_____	_____

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Tract "F-3" of TIDEWATER, according to the plat thereof recorded as Instrument #2015000254670 of the public records of Lee County, Florida.

Exhibit B

REFUSE AND SOLID WASTE DISPOSAL:
LDC 10-261(a)
SOLID WASTE / RECYCLE REQUIRED SF
FIRST 25,000 SF 216
TOTAL 216

PARKING CALCULATION:
LDC 34-2020(b) MINI-WAREHOUSE
1 SPACE PER 25 STORAGE UNITS WITH A MINIMUM OF 5 SPACES
581 UNITS / 25 = 23 SPACES
GENERAL OFFICE
1 SPACE PER 350 SF
700 SF / 350 = 2 SPACES
TOTAL REQUIRED = 25 SPACES
TOTAL PROVIDED = 31 SPACES (INCLUDES 2 H.C.)

ZONING Z-10-031
AREA #2
MINIMUM SETBACKS:
STREET (PRIVATE, BLDG HGT 0'-65') 20'
STREET (PRIVATE, BLDG HGT 65'-95') 20' + 0.5' FOR EVERY 1' OVER 65'
STREET (PUBLIC, BLDG HGT 0'-65') 25'
STREET (PUBLIC, BLDG HGT 65'-95') 25' + 0.5' FOR EVERY 1' OVER 65'
SIDE SETBACK 15'
REAR SETBACK 25'
MAX BUILDING HEIGHT 45'
ADJACENT ZONING:
NORTH = MPD
SOUTH = ROW
EAST = ROW
WEST = ROW



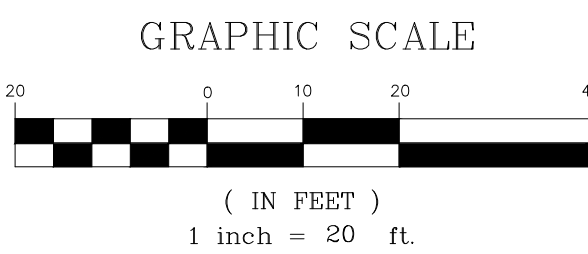
REQUIRED OPEN SPACE:
DEVELOPMENT AREAS #1 AND #2 = 208.4 ACRES
PER Z-10-031 CONDITIONS #7D - 51.5 ACRES OF GENERAL OPEN SPACE IS REQUIRED TO BE PROVIDED.
NOTE: UP TO 25% (OR 12.87 ACRES) IF THIS REQUIREMENT MAY BE CLAIMED FROM THE LAKES
PER DOS2014-00028 -8.91 AC. OF OPEN SPACE PROVIDED (INCLUDES 2 AC. OF LAKES)
PER DOS2014-00061 -30.58 AC. OF OPEN SPACE PROVIDED RESIDENTIAL TRACTS (INCLUDES 4 AC. OF LAKES)
PER DOS2014-00061 -0.84 AC. OF OPEN SPACE SHALL BE PROVIDED IN FUTURE COMMERCIAL TRACT D.O.
PER LDO2014-00451 -6.84 AC. OF OPEN SPACE PROVIDED (INCLUDES 6.7 AC. OF LAKE)
PER DOS2015-00047 -0.25 AC. OF OPEN SPACE PROVIDED (REMOVED OUTSIDE ROW)
PER DOS2016-E0002 -4.98 AC. OF OPEN SPACE PROVIDED
THIS DO APPLICATION -0.72 AC. OF OPEN SPACE PROVIDED
FUTURE COMMERCIAL DEVELOPMENT -1.40 AC. (10% MINIMUM REQUIRED) FUTURE
54.50 AC. OPEN SPACE PROVIDED (INCLUDING FUTURE)
AMOUNT OF GENERAL OPEN SPACE 0 BE PROVIDED AT THE TIME OF FUTURE DEVELOPMENT: 0.76 ACRES (OF WHICH 0.00 ACRES MAY BE CLAIMED FROM LAKES). NOTE A MINIMUM 10% OPEN SPACE MUST BE PROVIDED WITHIN ALL COMMERCIAL OUTPARCELS.

BEN HILL GRIFFIN PKWY
(150' PUBLIC ROW)

RECEIVED
APR 05 2018
VILLAGE OF ESTERO

LEGEND:

- PROPOSED CONCRETE
- PROPOSED ASPHALT PAVEMENT
- PROPOSED GREEN AREA



NUMBER	REVISIONS	DATE
1	REVISED PER VILLAGE OF ESTERO COMMENTS	1/23/18

CAD FILE NAME
17038B.SP

PROJECT NO.
2017038B

SHEET NO.
5

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED & SEALED BELOW:

PERSON, TAYLOR, P.E.
FLORIDA PROFESSIONAL ENGINEER
LICENSE #9891
DATE: March 06, 2018

SITE PLAN

6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No. 1772

HOLE MONIES
ENGINEERS - PLANNERS - SURVEYORS

UNIVERSITY STORAGE

TRACT F-3
LEE COUNTY, FLORIDA

DESIGNED BY
BT
NOVEMBER/2017

DRAWN BY
BT
NOVEMBER/2017

CHECKED BY
BT
NOVEMBER/2017

VERTICAL SCALE
N/A

HORIZONTAL SCALE
N/A

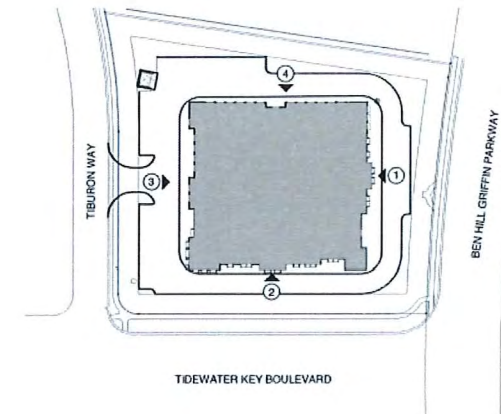
University Self Storage

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

RECEIVED
JUN 15 2018
VILLAGE OF ESTERO

Building Elevations

SAAarchitects
Client centered • Smart solutions



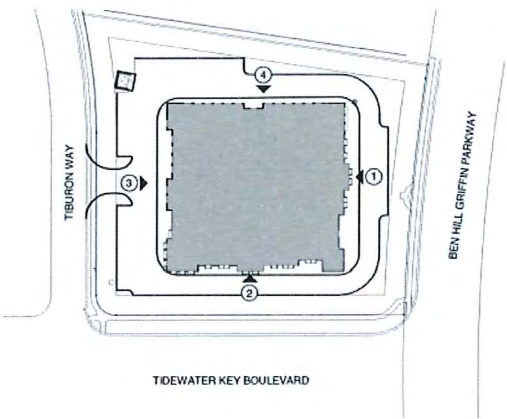
EAST ELEVATION (BEN HILL GRIFFIN PARKWAY)



SOUTH ELEVATION (TIDEWATER KEY BOULEVARD)

Building Elevations

SAAarchitects
Client centered • Smart solutions



WEST ELEVATION (OFFICE ENTRY)



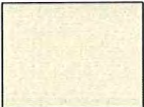

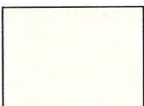



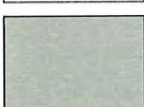

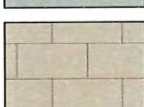



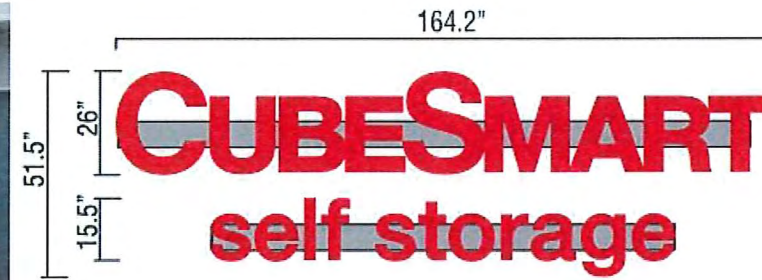
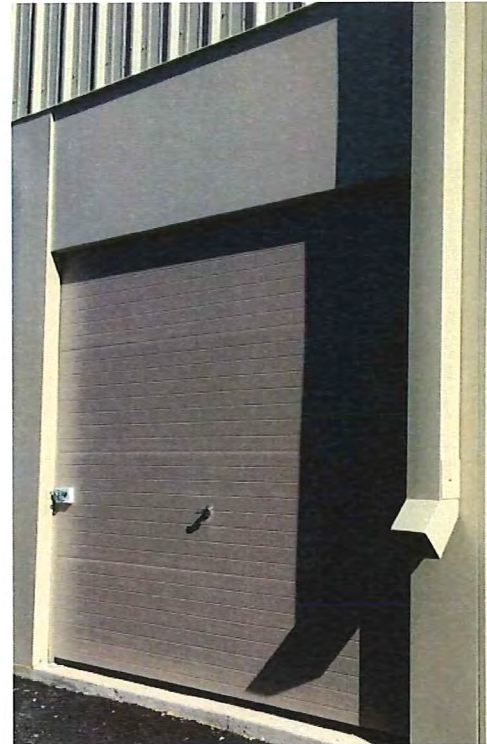
NORTH ELEVATION

Materials & Signage

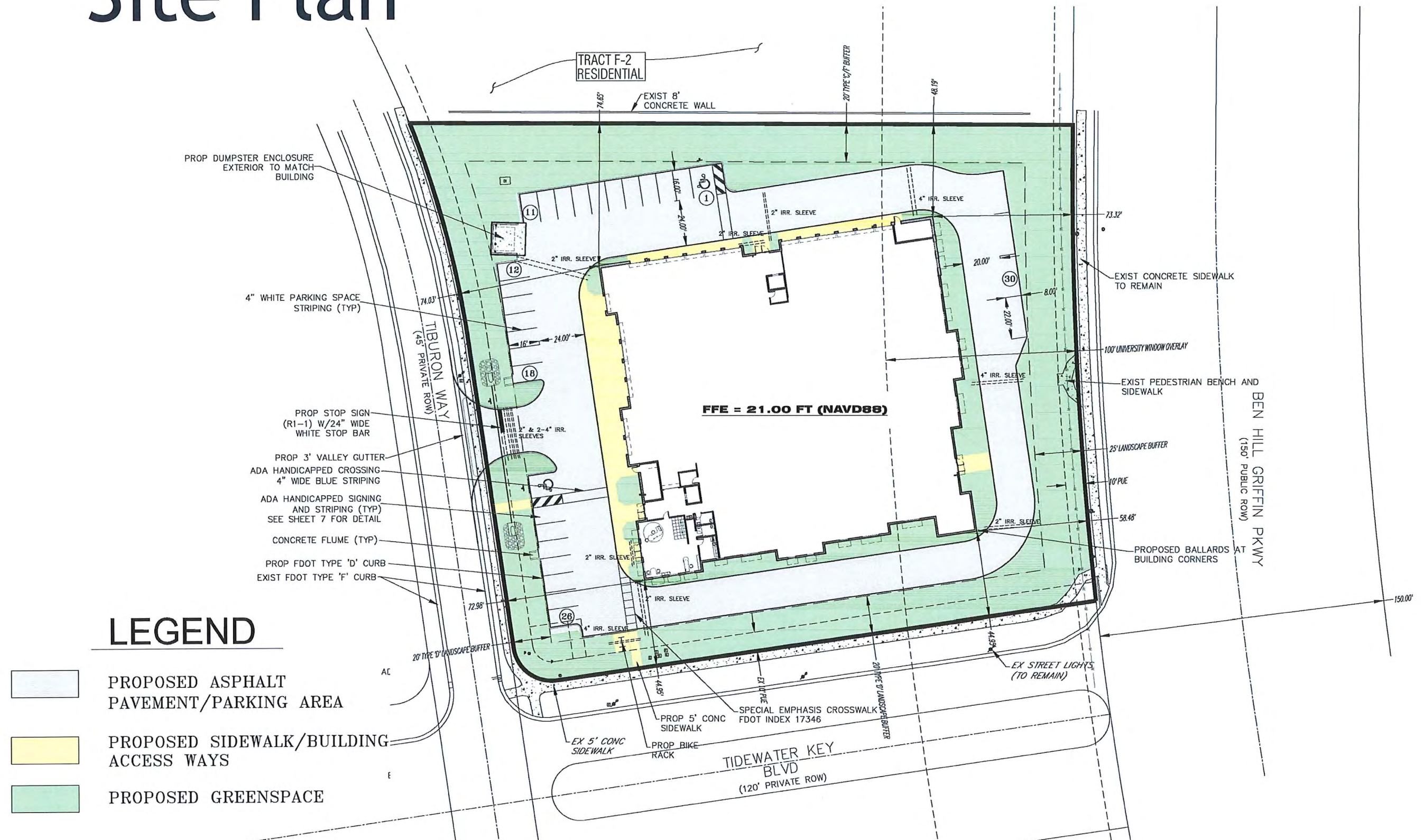
SAAarchitects
Client centered • Smart solutions

MATERIAL LEGEND

CLAY TILE ROOF		
EIFS - 2		
EIFS - 3		
EIFS - 4		
EIFS - 1		
MASONRY VENEER		



EAST ELEVATION (BEN HILL GRIFFIN PARKWAY)



Landscape Plan

UNIVERSITY SELF STORAGE

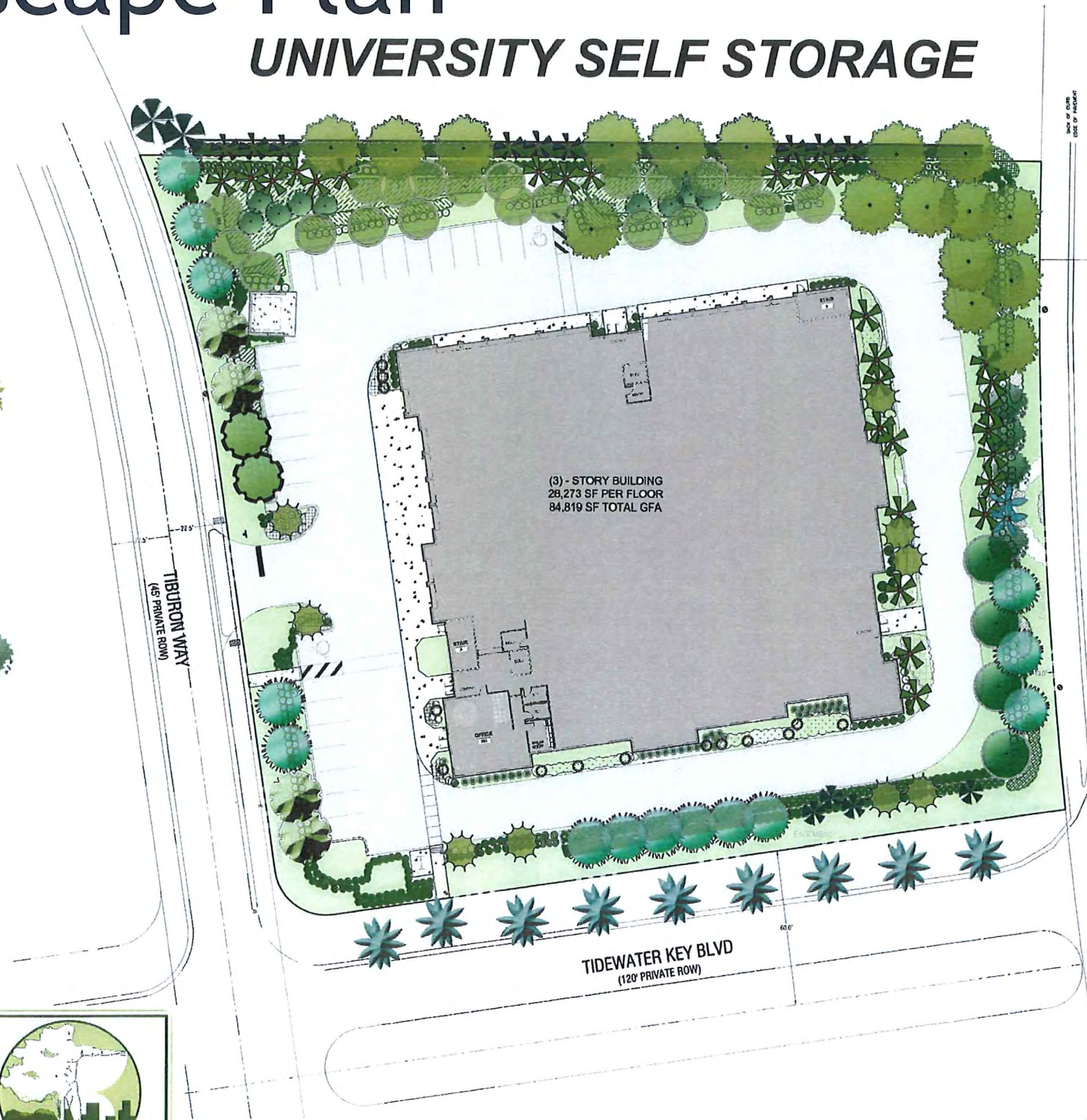
CANOPY TREES



ACCENT TREES



PALM TREES



CONCEPTUAL LANDSCAPE PLAN



Tree Image Board

UNIVERSITY SELF STORAGE

CANOPY TREES



Black Olive



EXISTING
TREE



Green
Buttonwood



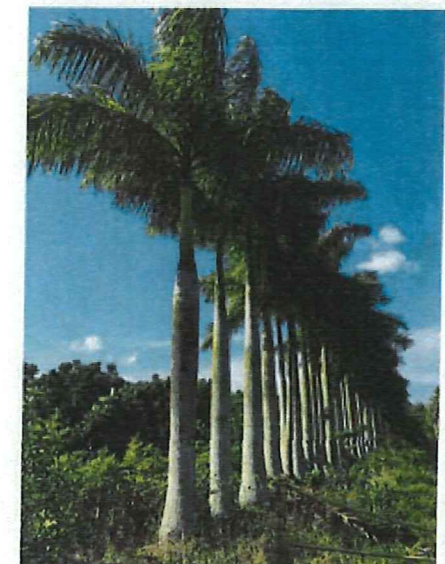
Gumbo Limbo



EXISTING
TREE



LIVE OAK



ROYAL PALM

EXISTING
TREE



ACCENT TREES



Bald Cypress



Golden Shower Cassia



Pigeon Plum



Sabal Palm



EXISTING
TREE



Montgomery Palm

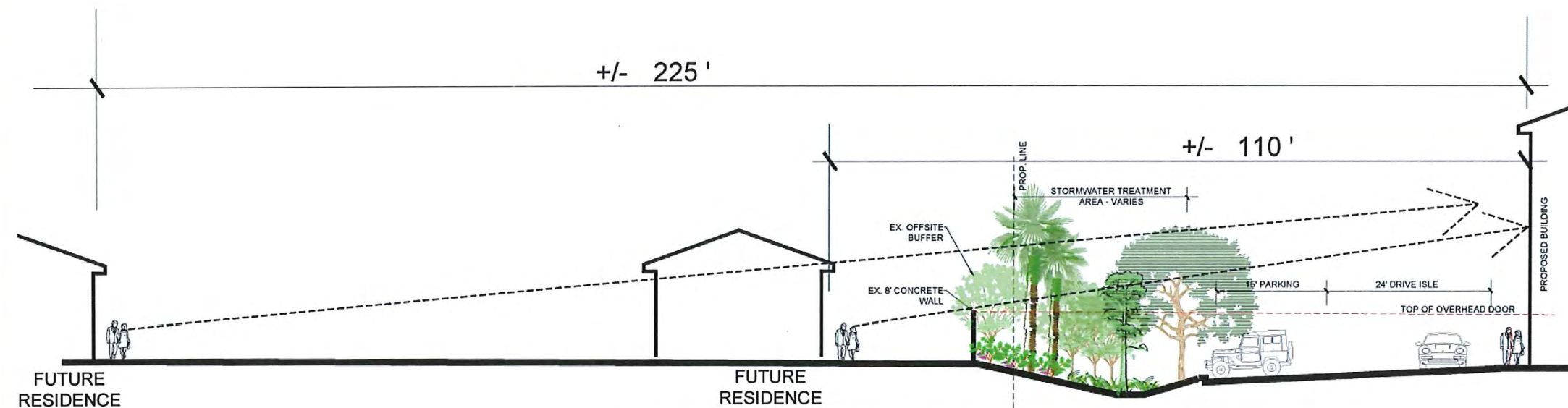


Chinese Fan Palm

EXISTING
TREE



Landscape Sections



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



DMJA

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

2221 McGregor Blvd.
Fort Myers, Florida 33901
PHONE: (239) 337-5525
FAX: (239) 337-4194
4161 Tandani Trail
Bldg. #5, Unit 501
Port Charlotte, FL 33952
PHONE: (941) 235-2217
L.A. LICENSE: LC 0000063

PROJECT INFORMATION:

UNIVERSITY
Self-Storage
Ben Hill Griffin Parkway
Estero, FL

INFORMATION

PREPARED FOR:



6200 Whiskey Creek
Drive
Ft Myers, FL 33919
(239) 985-1200

CONSULTANT:

DESIGN PROFESSIONAL:

GREGORY J. DISERIO RLA
PLANO: 840 DATE: _____
STATE OF FLORIDA

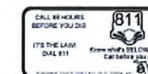
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PROJECT MGR.: GJD
FILE NAME: University Self Storage
DATE: 01/03/18
CAD TECH: KM
CHECKED BY: GJD
DESIGNED FOR: DRB REVIEW & DEVELOPMENT ORDER

ISSUED DATE: Jan. 3, 2018
REVISIONS:
Feb. 15, 2018 RAI Response
March 2, 2018 Sections

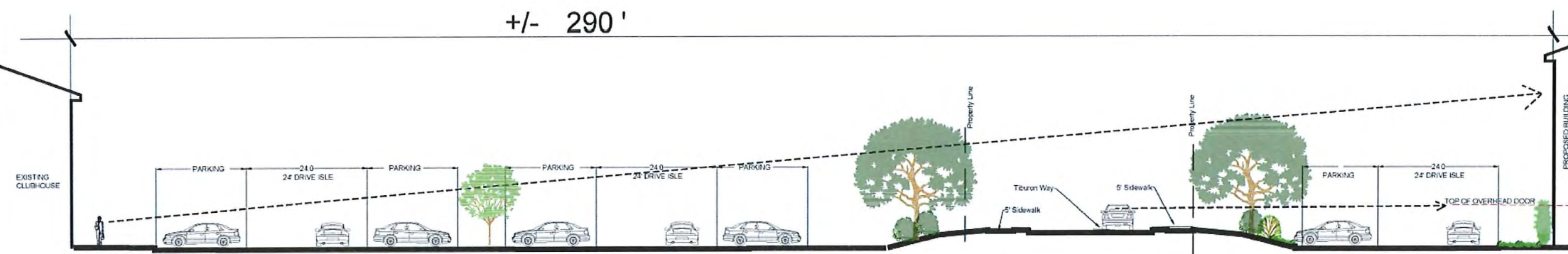
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Sections**

SHEET NUMBER:
L-3

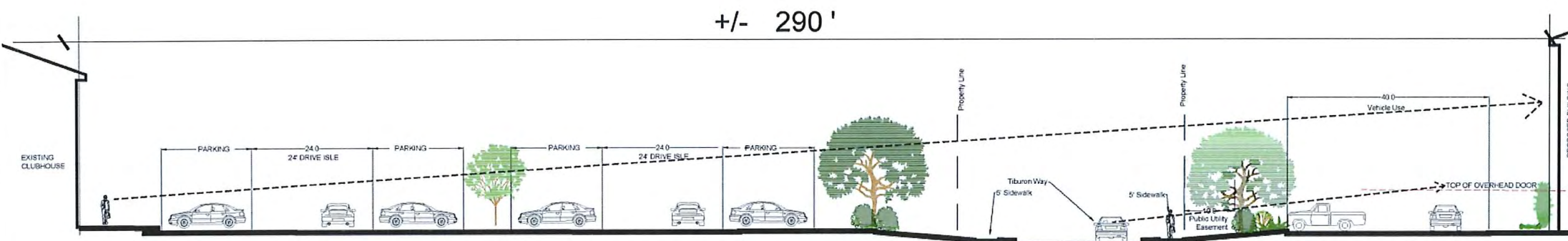
LANDSCAPE SECTIONS



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.



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PROJECT INFORMATION:

UNIVERSITY
Self-Storage
Ben Hill Griffin Parkway
Estero, FL

INFORMATION



6200 Whiskey Creek
Drive
Ft Myers, FL 33919
(239) 585-1200

CONSULTANT:

DESIGN PROFESSIONAL:

GREGORY J. DIERDORF, P.L.A.
PLANO 845 DATE
STATE OF FLORIDA

PROJECT NO. 217111
PROJECT NAME University Self Storage
DESIGNER KM
CAD TRICK KM
CHECKED BY GJD
ISSUED FOR DRB REVIEW & DEVELOPMENT ORDER

ISSUED DATE: Jan. 3, 2018
REVISIONS:
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March 2, 2018 Sections

SHEET TITLE:
Landscape
Sections

SHEET NUMBER:
L-4

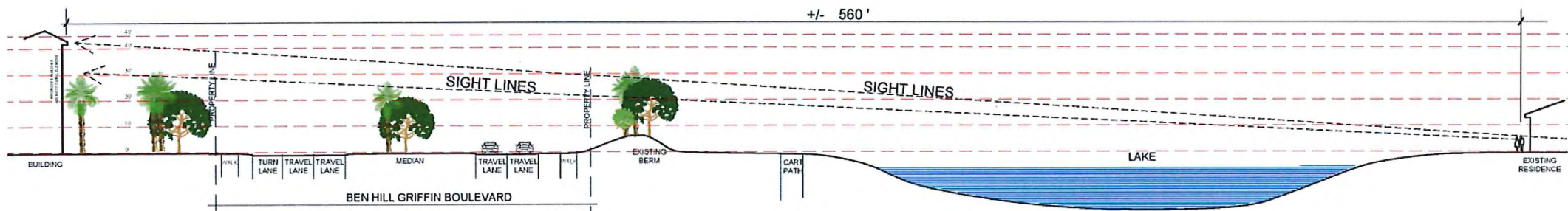
LANDSCAPE SECTIONS



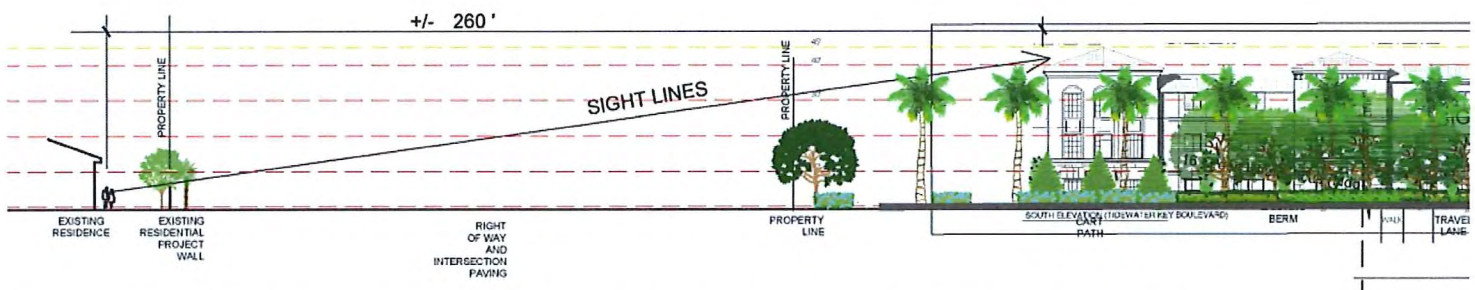
Landscape Sections



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

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AND ASSOCIATES, INC.

LANDSCAPE ARCHITECTS
AND PLANNERS

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INFORMATION

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CONSULTANT:

DESIGN PROFESSIONAL:

GREGORY J. DIERDORF, P.L.A.
PLAID 88, DATE
STATE OF FLORIDA

PROJECT NO: 217111

PROJECT MGR: G.J.D.

FILE NAME: University Self Storage

CUSTOMER: KM

CAD TRNG: KM

CHECKED BY: G.J.D.

ISSUED FOR: DRB REVIEW & DEVELOPMENT ORDER

ISSUED DATE: Jan 3, 2018

REVISIONS:

Feb. 15, 2018 RAI Response

March 2, 2018 Sections

SHEET TITLE:

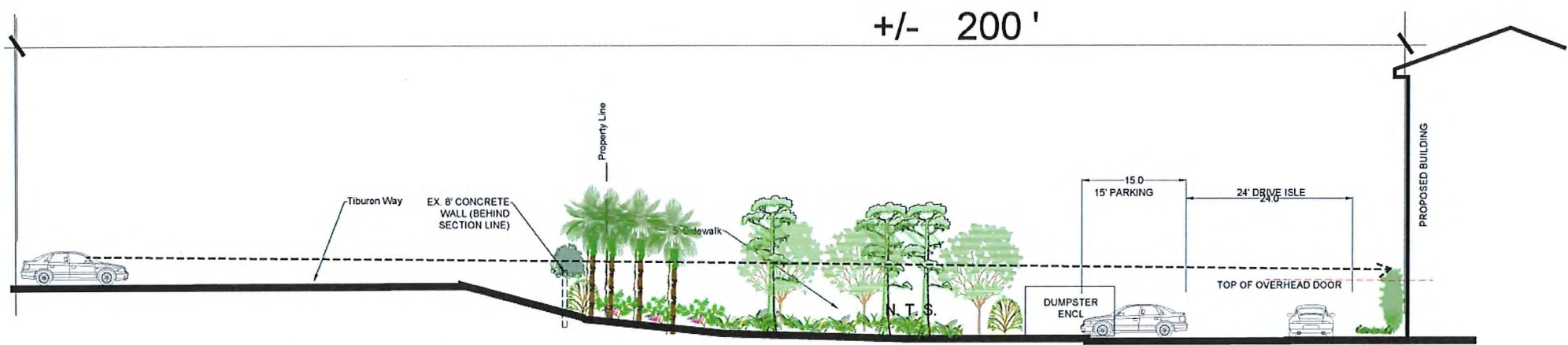
Landscape
Sections

SHEET NUMBER:

L-5



Landscape Sections



SECTION H-H THROUGH NORTHWEST PROPERTY LINE



DMJA
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4161 Tanami Trail
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PHONE: (941) 235-2217
L.A. LICENSE: LC 0000663

PROJECT INFORMATION:

UNIVERSITY
Self-Storage
Ben Hill Griffin Parkway
Estero, FL

INFORMATION

PREPARED FOR:



HOLE MONTES

6200 Whiskey Creek
Drive
Ft Myers, FL 33919
(239) 985-1200

CONSULTANT:

DESIGN PROFESSIONAL:

PROJECT NO: 217111
PROJECT NAME: GJD
FILE NAME: University Self Storage
CUSTOMER: KM
CAD TRICK: KM
CHECKED BY: GJD
ISSUED FOR: DRB REVIEW & DEVELOPMENT ORDER

ISSUED DATE: Jan 3, 2018
REVISIONS:
Feb. 15, 2018 RAJ Response
March 2, 2018 Sections

SHEET TITLE:
**Landscape
Sections**

SHEET NUMBER:
L-7



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