



UNIVERSITY HIGHLANDS – PARCEL 6, TRACT 1 (Tract F-3)
Mixed-use Planned Development Amendment
Zoning Staff Report

PROJECT NAME: UNIVERSITY HIGHLANDS
CASE TYPE: PLANNED DEVELOPMENT AMENDMENT
CASE NUMBER: DCI2017 - E-007
PLANNING & ZONING BOARD DATE: April 17, 2018
VILLAGE COUNCIL DATE: TBD

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.

Staff recommends approval of the request with conditions.

APPLICATION SUMMARY

Applicant

Albert F. Moscato Jr., University Highland Limited Partnership.

Location

The subject property is generally located between Estero Parkway and Corkscrew Road east of I-75 and north of Miromar Outlets.

Request

Mixed-use Planned Development (MPD) amendment to:

1. Include a commercial conversion table to permit the conversion of retail and office square footage to self storage square footage for the University Highlands Mixed-use Planned Development (MPD) and height deviation for proposed tower.

If the conversion table amendment is approved, an applicant (contract purchaser of Tract F-3) proposes to build a self storage (Cube Smart) facility on Tidewater Tract F-3 which is located in the northwest quadrant of the intersection of Tidewater Key Boulevard and Ben Hill Griffin Parkway.

LAND USE CATEGORY

Urban Community (Proposed Urban Commercial)

PUBLIC INFORMATION MEETING

Public information meetings for this application were held at the Planning and Zoning Board on August 15, 2017, and with the Design Review Board on November 8, 2017. A workshop with the Design Review Board was also held on January 24, 2018.

At the August 15, 2017 meeting, Planning and Zoning Board members asked questions about what the facility would look like. The applicant stated that the facility was not designed yet, and that “the facility would have to go through the design review board.” The applicant also stated that the storage facility is “presently a permitted use” (See Attached P&ZB August 15, 2017 Approved Minutes).

At the November 8, 2017 Public Information Meeting, Design Review Board members asked about the pine trees that were removed on the site and asked that they be replaced. The Board provided various design comments such as: add more undulation in the roof; add more vegetation to the east side of the building to mitigate visibility of vehicles parked along the building; make the windows and openings more proportional; and break up the horizontal of the building (See Attached DRB November 8, 2017 Approved Minutes).

At the January 24, 2018 Design Review Board workshop the applicant’s representative provided a brief introduction of the project and explained modifications that have occurred since the November 8, 2017 Public Information meeting as well as presenting the site lighting plan. The Board provided comments and questions concerning the roofline; stated that the areas between the three towers needs more detail; add depth to the faux windows/fixed shutters; create depth with the horizontal line between the second and third floors; provide detail on eaves and awnings; and have palm trees on the buffer clear the adjacent tree lines. Five members of the public appeared and spoke against the proposed project. Comments included: maintaining the integrity of the area where the project is proposed to be built; the location is not appropriate for a self-storage facility; the physical size of the building is out of place of the neighborhood; and that there is only one entrance into the self-storage facility which will have traffic impacts to the Tidewater Community (See Attached DRB January 24, 2018 Approved Minutes).

PROJECT HISTORY

The property that is the subject of this request is known as the Timberland & Tiburon Development of Regional Impact (DRI). The original DRI approval was in 1985. The overall DRI contains 921.2 acres and consists of several existing developments such as: Grandezza, Shops at Grandezza, Miromar Outlets, Germain Arena and University Highland. Resolution Z-10-031 provides the zoning conditions that apply to that portion of the DRI known as University Highlands. The request is to amend Condition 18 of the zoning approval (See Attached Resolution Z-10-031).

CONDITION 18

Condition 18 currently provides for a residential conversion formula on the entire University Highlands site to allow the property owner to convert a variety of unit types into single family, zero lot line and duplex/two-family units. This condition is reproduced below:

Residential Conversion Formula: A combination of the approved residential types (Single-family, Two-family, Townhouse, Multi-family, Single-Family Detached, and Zero lot line) will be allowed based on conversion rates of 2.3 multi-family/townhouse units per single-family/zero lot line unit and 1.6 multi-family/townhouse units per duplex/ two-family unit.

The applicant is requesting an amendment to Resolution Z-10-031 Condition 18. The applicant proposes the following revision to this condition (shown in strike thru underline format:

Residential ~~and commercial~~ Conversion Formula: A combination of the approved residential types (Single-family, Two-family, Townhouse, Multi-family, Single-Family Detached, and Zero lot line) will be allowed based on conversion rates of 2.3 multi-family/townhouse units per single-family/zero lot line unit and 1.6 multi-family/townhouse units per duplex/ two-family unit. ~~The commercial conversion rate would permit the conversion of one square foot of general office as an equivalent of four point four hundred twelve square foot 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. (sic)~~

The stated “desired objective” of the applicant is to achieve a total of 90,000 square feet of self storage space. The conversion formula has been developed to demonstrate that the number of new vehicle trips, those associated with the proposed self storage space, does not exceed that associated with the approved uses. The applicant provides in a October 9 memorandum the University Highlands approved land uses, approved trip generation, and 3 land use scenarios, to demonstrate that the desired commercial conversion formula will not result in more new external trips for University Highland after the conversion to the self storage use (See Attached Mark Gillis October 9, 2017 Memorandum).

Land use scenario # 1 adds the self storage use and reduces general office use by 20,400 square feet. Land use scenario #2 adds the self storage use and reduces medical office use by 8,500 square feet. Land use scenario #3 adds the self storage use and reduces retail space by 8,640 square feet and reduces general office space by 13,000 square feet. All 3 land use scenarios result in less traffic with the exception of scenario #1 which results in 1 additional PM Peak hour trip. This memorandum also states that the determination of the actual land use conversion scenario will be made by the owner of University Highland.

PROJECT DESCRIPTION

University Highlands is a portion of the Timberland and Tiburon DRI and is approved by Resolution number Z-10-031. University Highlands is approved for up to 1,300 dwelling units, of various types including single family, assisted living units, duplex units, two-family units, townhouse units, zero-lot line units subject to the conversion contained in condition 18, 150,000

square feet of office use, of which up to 50,000 square feet can be medical office, and 99,384 square feet of retail use, and 200 hotel units.

If the commercial conversion formula is approved, the owner of University Highlands parcel 6 (Tract F-3 Tidewater) proposes to sell parcel 6 to accommodate a Cube Smart (the self storage facility) to develop a 3 story approximate 90,000 square foot self storage facility.

University Highlands Parcel 6 or Tract F-3 Tidewater is located at the north west quadrant of the intersection of Tidewater Key Boulevard and Ben Hill Griffin Parkway. The applicant proposes a 3 story self storage facility. Height is limited to 45 feet on Parcel 6.

CONCEPTUAL SITE PLAN

The applicant has provided a Conceptual Site Plan that depicts an approximate 90,000 (84,819) square foot self storage facility on Parcel 6 (Tract F-3) of the Tidewater development. The applicant is proposing a single access point for the proposed self storage building on Tiburon Way. The site plan includes a pedestrian connection (sidewalk) to Tidewater Key Boulevard. The plan provides parking on the north, east, and west sides of the building with an access way encircling the building. The proposal includes a single building that has 3 stories. The proposal includes 12 roll up doors on the northside and 7 roll up doors on the westside of the proposed building. The proposal provides 31 parking spaces including 2 handicap spaces. The Code requires 25 parking spaces. The Site Plan accommodates 581 storage units.

The Preliminary Landscape Plan submitted provides a 25 foot wide Type "D" buffer along Ben Hill Griffin Parkway and 20 foot wide Type D buffer along Tidewater Key Boulevard and Tiburon Way.

PATTERN BOOK

Staff asked the applicant as part of the sufficiency review to submit a Pattern Book in compliance with Sections 33-391, 33-392 and 33-393 of the Land Development Code. The applicant responded as follows:

Section 33-391, LDC, provides that a pattern book describes the anticipated visual character for a development project. Section 33-392, LDC, provides that the level of detail in the pattern book will be based on the scale, scope and timing of the development. Section 33-393, LDC, requires a pattern book as part of applications for planned development zoning. Compliance with the pattern book is a condition of such rezoning. The property in question is already zoned for a planned development and it was approved with a pattern book which is entitled University Highland Limited Partnership Image Book and it is attached hereto. The applicant is not seeking to change the list of permitted uses or the pattern book. The applicant is seeking the ability to provide the appropriate square footage of self-storage/mini-warehouse. The applicant is seeking to sell the property to an entity that will be responsible for constructing and maintaining the storage facility. The entity has the property under contract is Seagate Development Group, and Seagate Development Group will hereinafter be referred to as the buyer. The buyer will have to receive approval from the seller for the architecture as well as from the Village Design Review Board...The attached elevation is provided by way of example for compliance with the already approved pattern book with the

understanding that it is preliminary and must undergo a DRB public information meeting as well as the review and approval process.

The applicant did not provide a pattern book for the proposed self storage facility but did submit a copy of the University Highland Limited Partnership Image Book, dated September 7, 2010. The Image Book provides examples of architectural theming and treatment of general site elements. The Book specifies that “Mediterranean Revival is the preferred choice of architectural styles for the UHLP village”. In the first insufficiency letter, staff asked the applicant to submit a Pattern Book in compliance with Sections 33-391, 33-392 and 33-393 of the Land Development Code. In the 1st Sufficiency Response (November 6, 2017), the applicant, in part, responded as follows concerning this issue:

Section 33-393, LDC, requires a pattern book as part of applications for planned development zoning. Compliance with the pattern book is a condition of such rezoning. The property in question is already zoned for a planned development and it was approved with a pattern book which is entitled University Highland Limited Partnership Image Book and it is attached hereto. The applicant is not seeking to change the list of permitted uses or the pattern book. The applicant is seeking the ability to provide the appropriate square footage of self-storage/mini-warehouse. The applicant is seeking to sell the property to an entity that will be responsible for constructing and maintaining the storage facility.

Staff notes the Image Book is general in nature and does not provide any elevations of any proposed buildings in the project. Staff also notes that the architectural style of Tidewater is more closely coastal architecture than Mediterranean. Staff also notes that LDC Section 33-393 specifies that all planned development zoning applications filed after the effectiveness of Section 33-393 require that a pattern book be submitted as part of application for planned development zoning. The request is an amendment to a planned development that will result in a use, a self storage facility, on a specific piece of property that has not been previously depicted in a pattern book. The applicant’s attorney disagreed that a supplemental pattern book was required and provided an email to staff on March 5th declaring:

The last sufficiency was filed on January 16, 2018. Pursuant to Section 34-373, LDC, the application is deemed sufficient and ready for substantive review. Furthermore, this section of the LDC provides “insufficiency issues not raised during the initial sufficiency review may not serve as the basis for a finding of insufficiency during subsequent rounds of sufficiency review.” The email that was sent by you was well past the 20 day time frame and it raises new issues not part of the sufficiency reviews. The applicant has not agreed to a voluntary waiver of the time frames. The administrative amendment in this matter was filed on August 9, 2017. The public hearing application was filed on September 6, 2017. The application is very straight forward. Pursuant to the adopted Land Development Code the matter must proceed to substantive review and public hearing.

SURROUNDING ZONING AND LAND USE

North – Vacant residential lots zoned Mixed-use Planned Development within the Tidewater Community designated as Urban Community Future Land Use category (Proposed Village Neighborhood 1).

East – Ben Hill Griffin Parkway then Grandezza Golf Course and stormwater lake, then single family homes within Grandezza zoned Mixed-use Planned Development designated as Suburban Future Land Use category (Proposed Village Neighborhood 1).

South – Tidewater Key Boulevard then vacant commercial Tract F-4 of the Tidewater Plat zoned Mixed-use Planned Development. The land use designation is Urban Community (Proposed Urban Commercial).

West – Tiburon Way then the Tidewater Community amenity center then a stormwater tract then single family homes in the Tidewater Community, all zoned Mixed-use Planned Development. These properties are located in the Urban Community Future Land Use category (Proposed Village Neighborhood 1).

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, height, compatibility, and Comprehensive Plan considerations (including Estero-specific goals and policies).

The Planning and Zoning Board will review the project on April 17th and will provide a recommendation to Council. In order to assist, staff has provided a summary of the project's advantages and disadvantages below. Following this section is more information on each of the issues.

Summary of Advantages and Disadvantages

Disadvantages:

- Proposal results in a self storage/mini warehouse building directly opposite the clubhouse for the Tidewater Community, essentially at the entrance to the residential Tidewater Community.
- Proposed 3 story self storage structure would be the tallest structure in the immediate area.
- Proposal lacks pedestrian connectivity with Tiburon Way and Ben Hill Griffin Parkway.
- Proposal has roll up doors on 2 sides of the proposed building lending an industrial look and detracting from the office building appearance. The roll up doors on the west side of the building will clearly be visible external to the site due to the location of the access point on Tiburon Way.
- Applicant has not provided a Pattern Book.

Advantages:

- Mini-warehouse is an approved use in Area 2 as contained in Resolution Z-10-031.
- Mini-warehouse/self storage use is a low traffic generating use. Other commercial uses are approved on the site that could generate higher traffic volumes.
- The project is providing more open space than what is required. Ten percent open space is required on this parcel, and the applicant has committed to providing 30% open space.
- Designed to look similar to an office building, but the applicant has not provided a pattern book.

Height

Section 33-229 of the Land Development Code limits height of buildings outside of the Highway Interchange Areas to a maximum of three stories or 45 feet, whichever is less. This section of the code also provides that “Elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines, may exceed the maximum height limitations with an approved variance or deviation.” Resolution Z-10-031 specifies a maximum building height of 45 feet for the commercial use parcels which the subject site is designated on the Master Concept Plan for University Highlands. The self storage building design includes a tower that exceeds 45 feet. The applicant provides that the top of the tower is at 47.5 feet. Staff recommends that a Deviation be granted for this architectural appurtenance if Council approves the amendment to the zoning.

Environmental Issues

Staff has performed an environmental inspection on the property. The following are the findings:

- The property has been cleared and partially filled.
- There are no wetlands on the site.
- There are no native vegetative communities or critical habitat that could support listed species.
- There are no imperiled (listed) species on the site and no potential since there is no critical habitat.
- The site falls within a X flood zone.
- This is a highly disturbed site. The site is maintained in a mowed state.

Staff believes that larger plant material should be substituted for the code required minimum to better screen the proposed building from the adjacent right of ways and is recommending a condition be included with any zoning approval for the zoning amendment. This condition requires larger trees and shrubs to be installed as part of the right of way buffer.

Flood Issues

As mentioned above, the site falls within the X Zone. The proposed building is not located within Special Flood Area. The site is classified as an area of moderate or minimal hazard. No Base Flood Elevations or base flood depths are shown within X Zones. The applicant has indicated that the first floor elevation will be 21.0' NAVD.

Transportation Issues

The proposed use (90,000 square feet) will generate approximately 225 trips per day according to the October 9, 2017 memorandum from Mark Gillis with David Plummer & Associates, Inc. The applicant for the Development Order for the Self Storage building has provided a site specific Traffic Impact Statement (TIS) that analyzes a single three-story building with a total of 88,500 square feet of self storage uses. This latter analysis provides that this use will generate 134 Daily 2-way trips. The TIS found that Ben Hill Griffin Parkway is shown to operate at a Level of Service LOS “B” after the addition of the project traffic. The TIS also concludes that no roadway capacity improvements will be required as a result of the analysis. The TIS also performed a turn lane analysis for the proposed site access on Tiburon Way and found that a right turn lane will not be warranted at the proposed site access on Tiburon Way.

The applicant has provided an analysis in a October 9, 2017 memorandum from Mark Gillis with David Plummer & Associates, Inc., that shows that the number of new trips does not exceed that associated with approved uses. The memorandum provides 3 land use scenarios “to demonstrate that the resultant net new external trips after the land use conversion would be equivalent to the approved number of trips for University Highland”. Other approved commercial uses could generate higher traffic volumes than the proposed self storage use.

Utilities

The subject property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services as depicted on Maps 6 and 7 of the Lee Plan. The applicant has obtained a service availability letter, dated January 8, 2018, from Lee County Utilities. This letter provides that the applicant estimates that the project will have an estimated flow demand of approximately 836 gallons per day; and Lee County Utilities has sufficient capacity to provide potable water and wastewater service.

Neighborhood Compatibility Issues/Architectural Style

The adjacent uses are a mixture of future residential and commercial uses internal to the University Highlands development. The project is proposed to be designed similar to an office building.

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. The proposed architectural style of the proposed self storage building has been designed to be Mediterranean utilizing colors similar to those used in Tidewater. Some further refinements may be needed.

The applicant has submitted line of sight exhibits for all sides of the proposed self storage building. These exhibits demonstrate that the proposed building is shielded by the proposed landscape plan.

Comprehensive Plan Considerations

The Future Land Use designation of this property is Urban Community. The Urban Community designation is intended for areas characterized by a mixture of relatively intense commercial and residential uses with future development in this category encouraged to be developed as a mixed-use where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre) only with “bonus” density. The proposed use is allowable within this category and is already approved.

Concerning Objective 2.1 Development Location and Objective 2.1 Development Timing the applicant provides that the inclusion of a commercial conversion table is not specifically addressed in the transition comprehensive plan but that the proposed development is consistent with Objective 2.1 Development Location and Objective 2.1 Development Timing. The applicant provides that the completion or build out of the planned development will permit a contiguous and compact growth pattern. The applicant also states that the property is located in a future urban area where growth is expected and the are adequate public infrastructure exists.

Staff believes that the request is consistent with Objective 2.1 and Objective 2.2. Contiguous and compact growth patterns will result with the development of the site with the proposed self storage building. There are adequate urban services to accommodate the proposed development.

Staff believes the request is consistent, as conditioned, with the compatibility policies of the Plan such as Policy 5.1.5. Staff finds that the request is consistent with the Comprehensive Plan and is compatible with the surrounding existing and planned developments.

Deviations

Previous zoning approval (Z-10-031) references 8 Deviations. These do not apply to this site. A new deviation is required to permit a tower feature at 47.5 feet in height. The specific new Deviation, Deviation Number 9:

9. 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.

Approval of this deviation will allow an architectural appurtenance, a tower, which will break up the roofline and provide further architectural interest to the proposed building. The approval of the deviation will enhance the achievement of the objectives of the planned development and will not cause a detriment to the health, safety or welfare of abutting property owners or the general public. Staff recommends approval of this deviation.

FINDINGS AND CONCLUSIONS

After balancing the advantages and disadvantages of this project and its impacts, based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

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 TIS 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 is generally compatible with existing or planned uses in the surrounding area. Staff notes that the proposed self storage use meets all required setbacks.
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.
5. Urban services will be available and adequate to serve the proposed use.
6. The request will not adversely affect environmentally critical areas and natural resources.
7. The proposed use, with the proposed conditions, is appropriate at the subject location.

8. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public's interest created by or expected from the proposed development.
9. The deviation recommended for approval:
 - a. Enhances the planned development; and
 - b. Preserves and promotes the general intent of the LDC to protect the public, health, safety and welfare.

ATTACHMENTS

- A. Zoning Map
- B. Future Land Use Map
- C. Recommended Conditions
- D. Lee County Utilities Availability Letter
- E. Zoning Resolution Z-10-031
- F. Public Information Meeting Minutes
- G. Conceptual Site Plan
- H. Proposed Landscape Plan
- I. Mark Gillis October 9, 2017 Memorandum
- J. Line of Sight Exhibits