

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  
84               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
- Additional palm trees shall be added to the east elevation where they will not interfere with utilities.
- 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. This zoning amendment complies with the Village's Transitional Comprehensive Plan, and, without limitation, is consistent with the mixed use requirements found in Objective 4.3 thereof.
2. 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.
3. 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.
4. The application, as conditioned, is compatible with existing and planned uses in the surrounding area.



- 170 5. Approval of the request will not place an undue burden upon existing  
171 transportation or planned infrastructure facilities and will be served by streets  
172 with the capacity to carry traffic generated by the development.  
173  
174 6. Urban services will be available and adequate to serve the proposed use.  
175  
176 7. The request will not adversely affect environmentally critical areas and natural  
177 resources.  
178  
179 8. The proposed use, with the proposed conditions, is appropriate at the subject  
180 location.  
181  
182 9. The recommended conditions provide sufficient safeguards to the public  
183 interest and are reasonably related to impacts on the public's interest created by  
184 or expected from the proposed development.  
185  
186 10. The deviation recommended for approval:  
187  
188 a. Enhances the planned development; and  
189 b. Preserves and promotes the general intent of the LDC to protect the  
190 public, health, safety and welfare.  
191

192 **Section 4. Exhibits.**  
193

194 The following exhibits are attached to this Ordinance and incorporated by reference:  
195

- 196 Exhibit A Legal Description  
197 Exhibit B Master Concept Plan, titled University Storage Tract F-3 date stamped  
198 "Received April 5, 2018".  
199 Exhibit C Pattern Book titled "University Self Storage Supplemental Pattern Book  
200 University Highlands" date stamped "Received June 15, 2018".  
201

202 **Section 5. Conflicts.**  
203

204 All Sections or part of Sections of the Code of Ordinances, all Ordinances or parts of  
205 Ordinances, and all resolutions or parts of Resolutions, in conflict with this Ordinance  
206 shall be repealed to the extent of such conflict upon the effective date of this Ordinance.  
207

208 **Section 6. Severability.**  
209

210 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance  
211 subsequent to its effective date be declared by a court of competent jurisdiction to be

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

**Section 7. Effective Date.**

This Ordinance shall be effective immediately upon adoption.

**PASSED** on first reading this 16<sup>th</sup> day of May, 2018.

**PASSED** and adopted **BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 27<sup>th</sup> day of June, 2018.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: James R. Boesch  
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: Nancy Stroud  
Nancy Stroud, Esq., Village Land Use Counsel

Vote:	AYE	NAY
Mayor Boesch	<u>✓</u>	<u>   </u>
Vice Mayor Ribble	<u>✓</u>	<u>   </u>
Councilmember Batos	<u>✓</u>	<u>   </u>
Councilmember Errington	<u>✓</u>	<u>   </u>
Councilmember Levitan	<u>✓</u>	<u>   </u>
Councilmember McLain	<u>✓</u>	<u>   </u>
Councilmember Wilson	<u>✓</u>	<u>   </u>

**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 10-081(a)  
SOLID WASTE / RECYCLE REQUIRED SF  
FIRST 25,000 SF 216  
TOTAL 216

PARKING CALCULATION:  
LDC 34-002(2) MINI-TAKEOVERS  
1 SPACE PER 25 STORAGE UNITS WITH A MINIMUM OF 6 SPACES  
681 UNITS / 25 = 27 SPACES  
GENERAL OFFICE  
1 SPACE PER 350 SF  
700 SF / 350 = 2 SPACES  
TOTAL REQUIRED = 29 SPACES  
TOTAL PROVIDED = 31 SPACES (INCLUDES 2 H.C.)

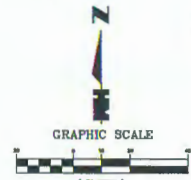
ZONING Z-10-031  
MINIMUM SETBACKS:  
STREET (PRIVATE, BLDG HGT 0'-85') 20' + 0.5' FOR EVERY 1' OVER 85'  
STREET (PRIVATE, BLDG HGT 85'-99') 20' + 0.5' FOR EVERY 1' OVER 85'  
STREET (PUBLIC, BLDG HGT 0'-85') 25' + 0.5' FOR EVERY 1' OVER 85'  
STREET (PUBLIC, BLDG HGT 85'-99') 25' + 0.5' FOR EVERY 1' OVER 85'  
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 = 80.4 ACRES  
PER 2-10-031 CONDITIONS #15 - 81.4 ACRES OF GENERAL OPEN SPACE IS REQUIRED TO BE PROVIDED.  
NOTE: UP TO 10% (8.04 ACRES) OF THIS REQUIREMENT MAY BE CLAIMED FROM THE LAKES.  
PER BOARD 14-00025 - 0.81 AC. OPEN SPACE PROVIDED (INCLUDES 2 AC. OF LAKES)  
PER BOARD 14-00061 - 30.86 AC. OF OPEN SPACE PROVIDED RESIDENTIAL TRACTS (INCLUDES 1 AC. OF LAKES)  
PER BOARD 14-00061 - 0.84 AC. OF OPEN SPACE SHALL BE PROVIDED IN FUTURE COMMERCIAL TRACT 2.0.  
PER BOARD 14-00461 - 0.84 AC. OF OPEN SPACE PROVIDED (INCLUDES 0.7 AC. OF LAKES)  
PER BOARD 15-00047 - 0.89 AC. OF OPEN SPACE PROVIDED (UNIMPAVED VOTING BOON)  
PER BOARD 15-00047 - 0.89 AC. OF OPEN SPACE PROVIDED  
TOTAL 30 APPLICATION - 0.78 AC. OF OPEN SPACE PROVIDED  
FUTURE COMMERCIAL DEVELOPMENT - 1.40 AC. (10% MINIMUM REQUIRED) FUTURE  
64.56 AC. OPEN SPACE PROVIDED (INCLUDING FUTURE)  
AMOUNT OF GENERAL OPEN SPACE 0 BE PROVIDED AT THE TIME OF FUTURE DEVELOPMENT: 610 ACRES (OF WHICH 0.50 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

SHEET NO. 5	
PROJECT NO. 20170398	DATE: 04/05/2018
<div> <div>UNIVERSITY STORAGE</div> <div>TRACT F-3</div> <div>LEE COUNTY, FLORIDA</div> </div>	
<div> <div>6200 Whiskey Creek Drive</div> <div>Fort Myers, FL 33919</div> <div>Phone: (239) 985-1200</div> <div>Florida Certificate of Professional Engineers</div> <div>Authorization No. 1772</div> </div>	
<div> <div>DATE: NOVEMBER 2017</div> <div>BY: [Signature]</div> <div>DATE: NOVEMBER 2017</div> <div>BY: [Signature]</div> </div>	

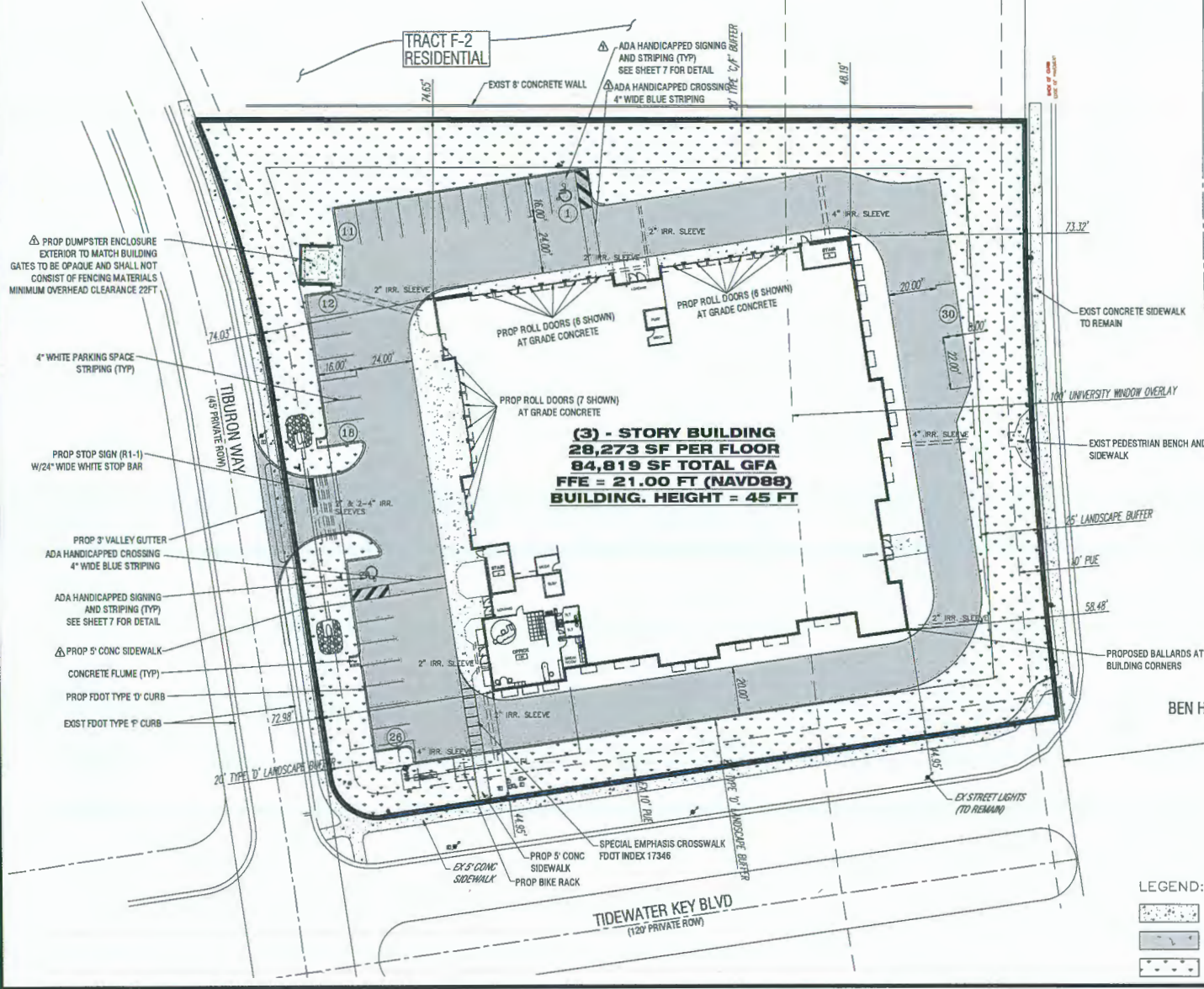




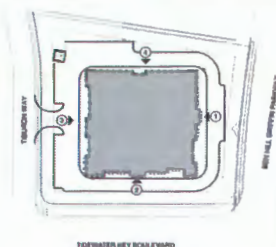
Exhibit C

# University Self Storage

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

RECEIVED  
JUN 15 2018  
VILLAGE OF ESTERO

# Building Elevations

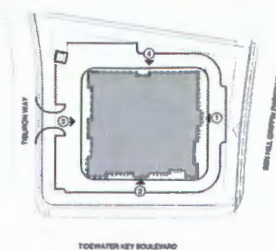


**SAA**architects  
Client centered • Smart solutions





# Building Elevations















**SMA**architects  
Client centered • Smart solutions

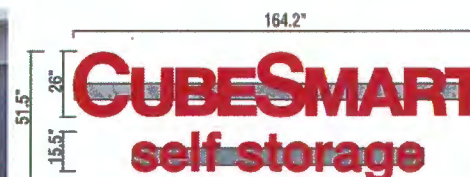


# Materials & Signage

**SAA**architects  
Client centered • Smart solutions

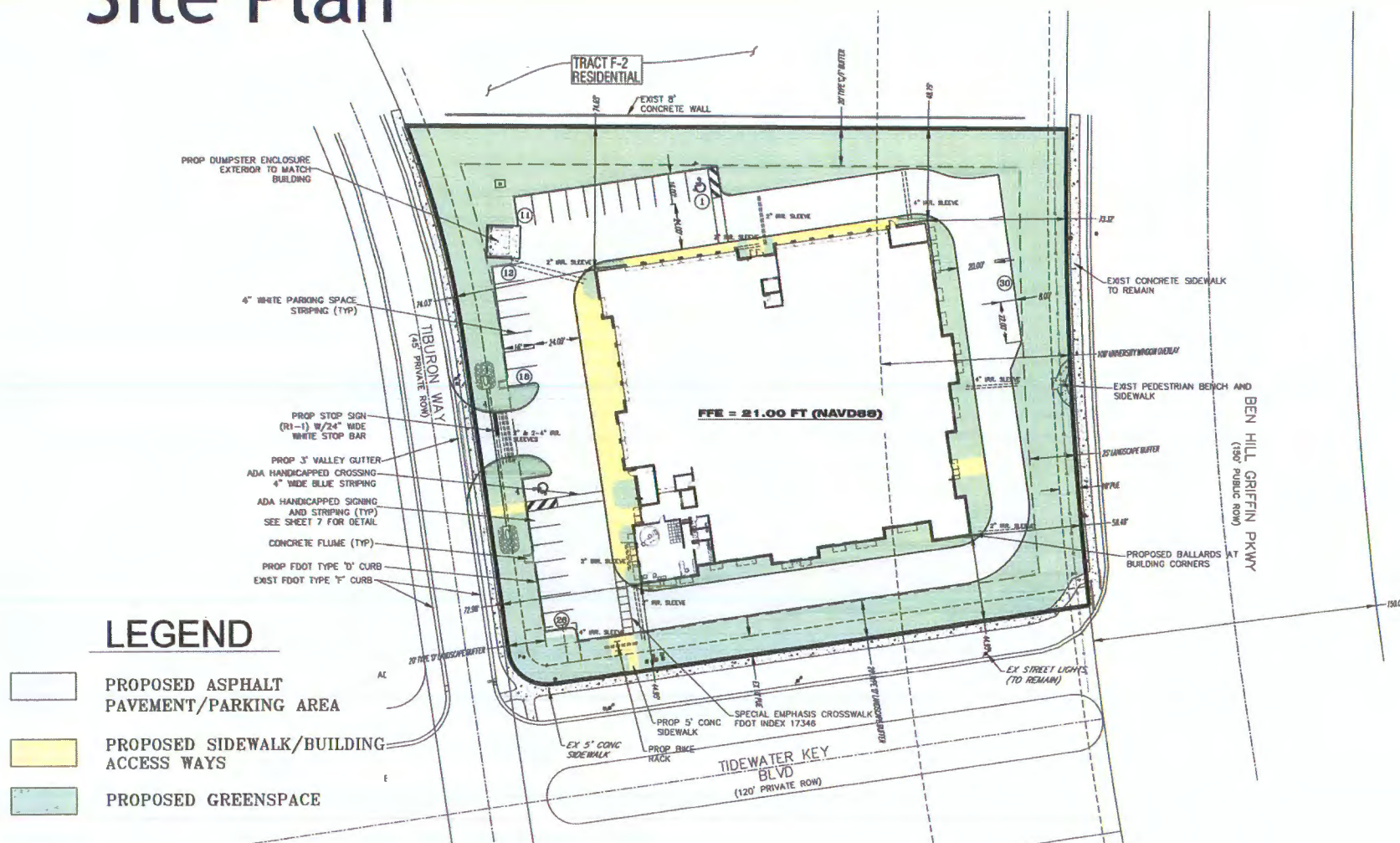
**MATERIAL LEGEND**

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





# Site Plan



# Landscape Plan

## UNIVERSITY SELF STORAGE

### CANOPY TREES



### ACCENT TREES



### PALM TREES



## CONCEPTUAL LANDSCAPE PLAN

SCALE 1" = 20'





# 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

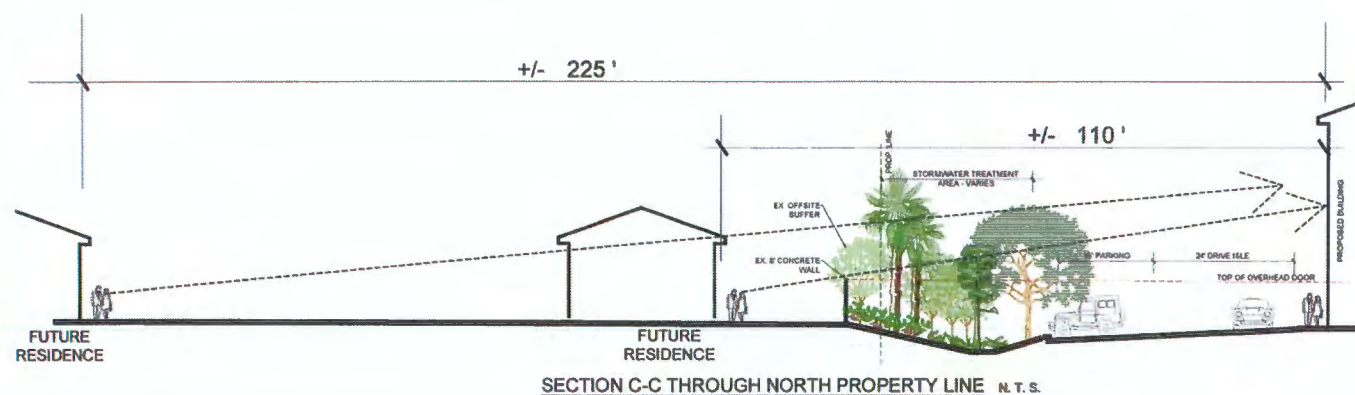


Chinese Fan Palm



EXISTING TREE

# Landscape Sections



LANDSCAPE SECTIONS



**DMJA**

DAVID M. JONES, JR.  
LANDSCAPE ARCHITECT, INC.

LANDSCAPE ARCHITECTS  
AND PLANNERS

2221 McIntosh Blvd.  
Fort Myers, Florida 33901  
REGISTRATION NO. 1001  
FAX: 941.936.1011  
1844 Tamarac Trail  
Tampa, FL 33601  
Phone: 813.281.1011  
Fax: 813.281.1011  
PERMIT NO. 04101001  
L.A. LICENSE NO. 00000000

PROJECT INFORMATION

**UNIVERSITY**  
**Self-Storage**  
Ben Hill Griffin Parkway  
Estero, FL

INFORMATION



6200 University Creek  
Dr.  
Ft. Myers, FL 33919  
(239) 938-1200

CONSULTANT

DESIGN PROFESSIONAL

DESIGNER: JONES, JR.  
ARCHITECT, INC.  
ARCHITECT

PROJECT NO.: 217111

DESIGNER: JONES, JR.

ARCHITECT: JONES, JR.

ARCHITECT: JONES, JR.

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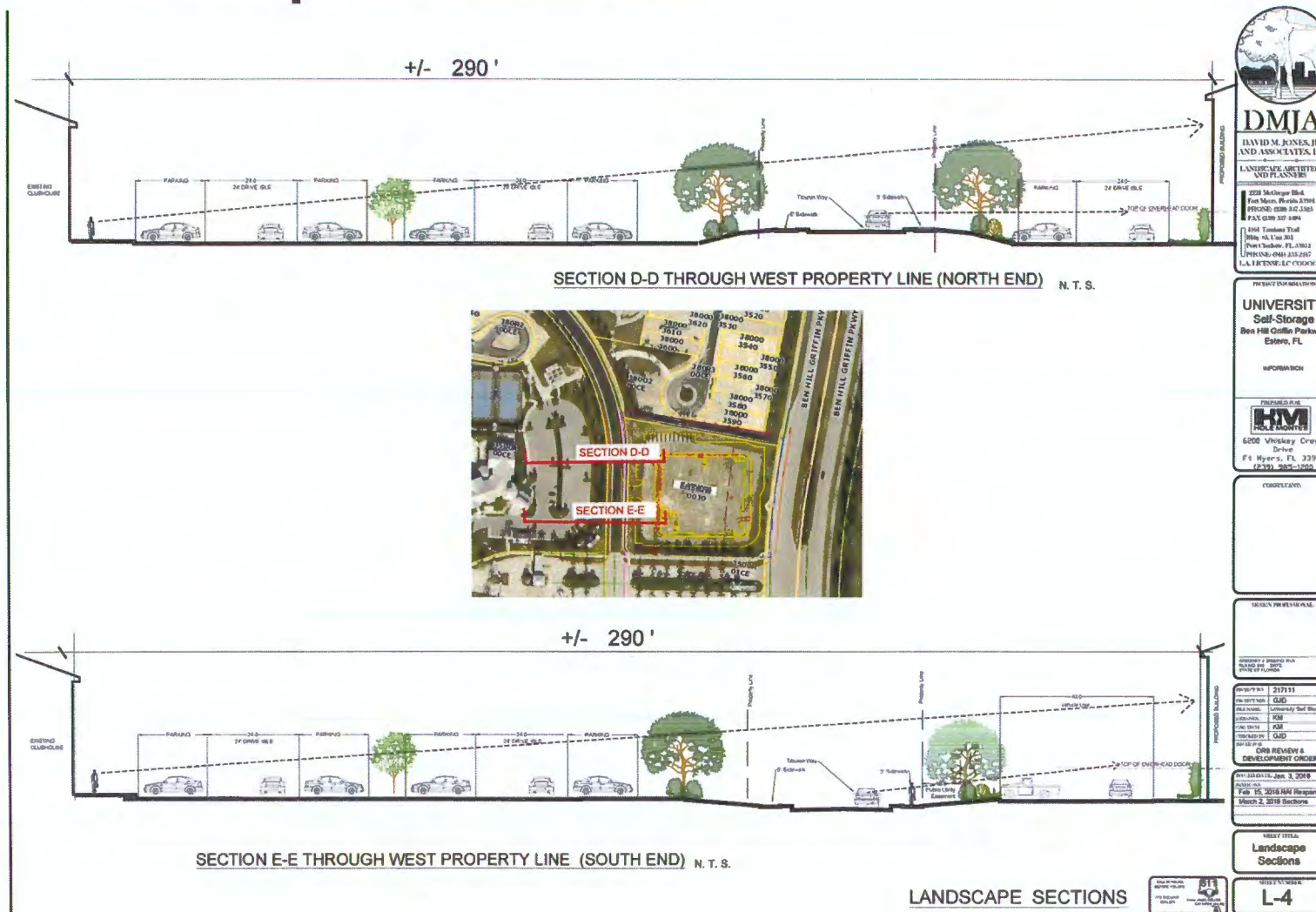
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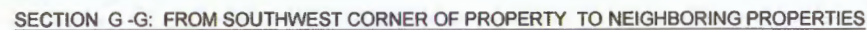
ARCHITECT: JONES, JR.

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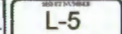


# Landscape Sections



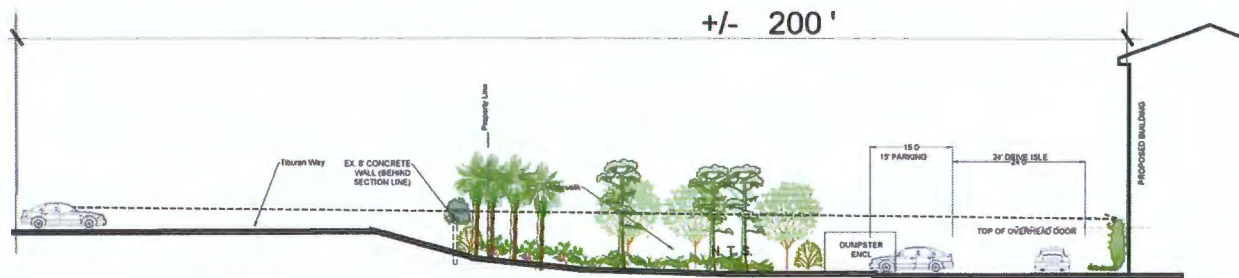
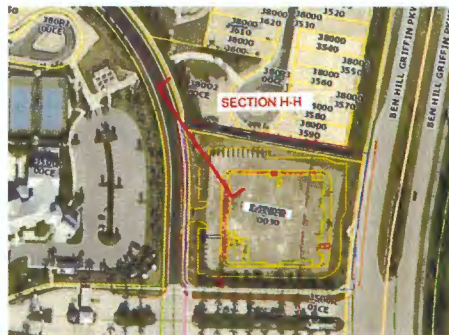


## LANDSCAPE SECTIONS





# Landscape Sections



SECTION H-H THROUGH NORTHWEST PROPERTY LINE

LANDSCAPE SECTIONS



**DMJA**

DAVID M. JONES, JR.  
AND ASSOCIATES, INC.

LANDSCAPE ARCHITECTS  
AND PLANNERS

2225 McGee Road  
Fort Myers, Florida 33901  
PHONE: 941.337.5545  
FAX: 941.337.4494

11000 Tamiami Trail  
Fort Myers, FL 33907  
PERSONAL: 941.337.5517  
E-MAIL: DMJA@DMJA.COM

PROJECT INFORMATION

**UNIVERSITY  
Self-Storage**

Ben Hill Griffin Parkway  
Egmont, FL

DESCRIPTION

PREPARED BY

**H.M.  
HOLE MORLEY**

6200 University Creek  
Drive  
Fort Myers, FL 33919  
(941) 935-1288

DATE/REVISION

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# 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