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**STAFF REPORT  
COLLIER COUNTY PLANNING COMMISSION**

**TO:** COLLIER COUNTY PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION,  
COMPREHENSIVE PLANNING DEPARTMENT

**HEARING  
DATE:** JANUARY 20, 2011

**RE:** PETITION NO. CP-20010-1, GROWTH MANAGEMENT PLAN AMENDMENT  
[*TRANSMITTAL HEARING*]

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**AGENTS/APPLICANT/OWNER**

**Agent:** Wayne Arnold, AICP  
Q. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134

**Agent:** Richard Yovanovich, Esq.  
Coleman, Yovanovich and Koester, PA  
4001 Tamiami Trail North, Suite 300  
Naples, FL 34103

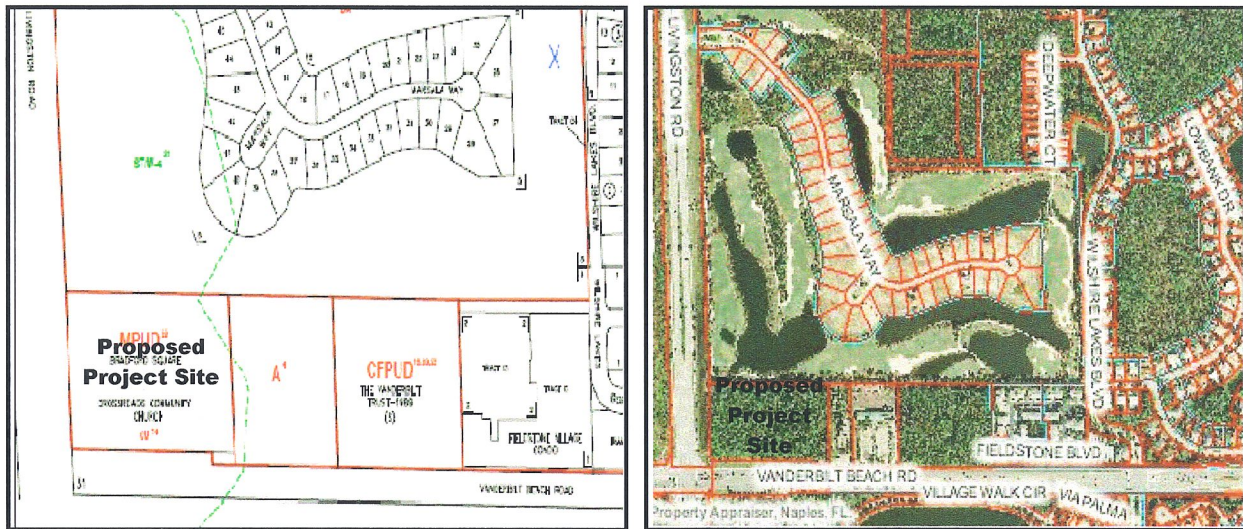
**Agent/Applicant:** Douglas W. Nelson, Vice President  
EverBank  
1185 Immokalee Road  
Naples, FL 34110

**Applicant:** Tripp Gulliford, Vice President  
EverBank  
1185 Immokalee Road  
Naples, FL 34110

**Owner:** EverBank  
1185 Immokalee Road  
Naples, FL 34110

**GEOGRAPHIC LOCATION:**

The subject property, totaling ±9.2 acres, is located at the northeast corner of Vanderbilt Beach Road and Livingston Road, within the Urban Estates Planning Community in Section 31, Township 48 South, Range 26 East.



**HISTORY/REQUESTED ACTION:**

In 2005, the subject site (and Parcel 2, presently zoned CFPUD, The Vanderbilt Trust – 1989) was the subject of a Growth Management Plan amendment (GMPA) request (Petition CP-2004-3) that established the existing Subdistrict to allow the permitted and conditional uses of the C-1 through C-3 zoning districts, other limited commercial and non-commercial uses, and residential uses up to 16 dwelling units per acre. The Board of County Commissioners (BCC) approved the petition on June 7, 2005 with the limitation that a single commercial user may not exceed 20,000 square feet after discussing neighboring properties’ development expectations, potential “big box” development, and future commercial development on the intervening parcels (zoned “A” on the above zoning map) that were not included within the GMPA request (refer to the attached June 7, 2005 BCC Minutes).

The applicant now seeks to amend the Subdistrict (Parcel 1 only) to allow a grocery/supermarket, physical fitness facility, craft/hobby store, home furniture/furnishings store or department store use to exceed the existing 20,000 square feet limitation for a single commercial use, up to a maximum of 50,000 square feet; the uses proposed to exceed the square feet cap are allowed uses within the existing Subdistrict.

The petitioner’s proposed text changes to the Subdistrict are identified below in underlined text.

**A. Urban Mixed Use District**

**16. Vanderbilt Beach Road Neighborhood Commercial Subdistrict**

The purpose of this Subdistrict is to provide primarily for neighborhood commercial development at a scale not typically found in the Mixed-use Activity Center Subdistrict. The intent is to provide commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. Allowable uses shall be a variety of commercial uses as more particularly described below, and mixed use (commercial and residential). Prohibited uses shall be gas stations and convenience stores with gas pumps, and certain types of fast food restaurants.

The Subdistrict consists of two parcels comprising approximately 17 acres, located on the north side of Vanderbilt Beach Road and east of Livingston Road, as shown on the Subdistrict Map. For mixed-use development, residential density shall be limited to sixteen dwelling units per acres. Residential density shall be calculated based upon the gross acreage of the Subdistrict parcel on which it is located (Parcel 1 or Parcel 2). Rezoning of the parcels comprising this Subdistrict is encouraged to be in the form of a PUD, Planned Unit Development. At the time of rezoning, the applicant must include architectural and landscape standards for each parcel.

a. Parcel 1

This parcel is located at the intersection of Livingston Road and Vanderbilt Beach Road. A maximum of 100,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above: retail, personal service, restaurant, office, and all other uses as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict (Ordinance No. 2005-25 adopted on June 7, 2005); other comparable and/or compatible land uses not found specifically in the C-1 through C-3 zoning districts, limited to: general and medical offices, government offices, financial institutions, personal and business services, limited indoor recreational uses, and limited retail uses; mixed-use development (residential and commercial uses). The maximum floor area for any single commercial user shall be 20,000 square feet, except for a grocery/supermarket, physical fitness facility, craft/hobby store, home furniture/furnishing store, or department store use, which shall not exceed a maximum of 50,000 square feet.

b. Parcel 2

This parcel is located approximately ¼ mile east of Livingston Road and is adjacent to multifamily residential uses. A maximum of 80,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above: General and medical offices, community facilities, and business and personal services, all as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict (Ordinance No. 2005-25 adopted on June 7, 2005). The maximum floor area for any single commercial user shall be 20,000 square feet.

At the time of rezoning of Parcel 2, the developer shall provide restrictions and standards to insure that uses and hours of operation are compatible with surrounding land uses. Permitted uses such as assisted living facilities, independent living facilities for persons over the age of 55, continuing care retirement communities, and nursing homes, shall be restricted to a maximum of 200 units and a maximum floor area ratio (FAR) of 0.6. The developer of Parcel 2 shall provide a landscape buffer along the eastern property line, abutting the Wilshire Lakes PUD, at a minimum width of thirty (30) feet. At the time of rezoning, the developer shall incorporate a detailed landscape plan for that portion of the property fronting Vanderbilt Beach Road as well as that portion along the eastern property line, abutting the Wilshire Lakes PUD.

Words underlined are added, as proposed by the petitioner

## **SURROUNDING LAND USE, ZONING AND FUTURE LAND USE DESIGNATION**

### **Existing Conditions:**

The subject site is zoned Mixed Use Planned Unit Development (MPUD – Bradford Square), and is approved for up to 100,000 square feet of C-1 through C-3 commercial uses, 10 residential multi-family units, and other non-residential uses such as essential service and open space and recreational uses. The Future Land Use designation is Urban Commercial Mixed Use District, Vanderbilt Beach Road Neighborhood Commercial Subdistrict. The site is undeveloped.

### **Surrounding Land Uses:**

North: The Pelican Marsh PUD/DRI is located to the north of the subject property and is presently developed with a golf course. The Future Land Use designation is Urban Mixed Use District, Urban Residential Subdistrict.

East: The land east of the subject property is zoned Agricultural "A," and is presently developed with a pet hospital and resort, and an equestrian center. The Future Land Use designation is Urban Mixed Use District, Urban Residential Subdistrict.

South: The land to the south of the subject property, across Vanderbilt Beach Road, is the Vineyards PUD/DRI and is currently developed with multifamily homes. The Future Land Use designation is Urban Mixed Use District, Urban Residential Subdistrict.

West: The land to the west of the subject property, across Livingston Road, is part of the Pelican Marsh PUD/DRI and is developed with a golf course and a golf course maintenance facility. The Future Land Use designation is Urban Mixed Use District, Urban Residential Subdistrict.

### **STAFF ANALYSIS**

#### **Considerations:**

The proposed change to allow certain uses to exceed the 20,000 square feet cap for a single commercial user within the Subdistrict is not expected to generate additional impacts. The existing Subdistrict allows the same uses as those proposed by this Growth Management Plan amendment and the existing Subdistrict does not contain development standards specific to this parcel. Additionally, the Mixed Use Planned Unit Development (MPUD) approved for the subject site contains appropriate development standards to ensure that the existing approved development within the project is compatible with surrounding properties. Further, the proposed increase in commercial intensity, from 20,000 to 50,000 square feet for certain commercial uses, will be reviewed for compatibility with surrounding properties at time of rezoning/PUD amendment. There are no additional public facilities impacts resulting from the proposed GMPA, as noted in the analysis below.

Because commercial demand, and project intensity and density were established with the original GMPA approval in 2005, and no additional uses and commercial square feet are proposed by this GMPA, staff did not request a needs analysis for this petition.

#### **Environmental Impacts:**

Environmental conditions have not changed since the original Plan amendment in 2005 and subsequent PUD rezoning. Further, an environmental analysis will be required as part of a subsequent rezoning/PUD amendment.

#### **Traffic Capacity/Traffic Impacts:**

The proposed amendment does not modify the previously approved maximum intensity of development. The previously approved impact statement for this site had an adjusted Total Daily trip count of 5185 with 480 adjusted PM Peak Hour trips (6880 Total Daily, 635 P.M. Peak Hour Trips – Unadjusted).

The PM Peak hour service volume on Livingston Road between Vanderbilt and Immokalee Roads is 3,840 vehicles (Total Volume is 1510 trips and Remaining Capacity is 2330 trips). The PM Peak hour service volume on Vanderbilt Beach Road between Logan and Livingston Roads is 3,540 vehicles (Total Volume is 1934 trips and Remaining Capacity is 1606 trips).



Transportation Planning staff has reviewed this petition and concluded that no change to the maximum traffic impact is evident as a result of the proposed re-allocation of commercial square feet within the Subdistrict (certain commercial uses allowed to exceed the existing 20,000 square feet limitation for a single commercial use, up to a maximum of 50,000 square feet, as part of the shopping center use). Further, staff recommends that this application may be found consistent with policy 5.1 of the Transportation Element of the Growth Management Plan.

**Public Facilities Impact:**

Public Facilities (water, waste water, parks, etc.) conditions have not changed since the original Plan amendment in 2005 and subsequent PUD rezoning. Further, public facilities analyses will be required as part of a subsequent rezoning/PUD amendment.

**NEIGHBORHOOD INFORMATION MEETING (NIM) NOTES (provided by the agent and reviewed and edited by staff):**

The Neighborhood Information meeting was held on Monday, November 1, 2010 from 5:35 p.m. to 6:50 p.m. at the Hampton Inn Naples/I-75, located at 2630 Northbrooke Plaza Drive, Naples, FL, after the agent dully noticed and advertised the meeting as required by the Collier County Land Development Code.

D. Wayne Arnold, agent for the applicant opened the meeting at 5:35 p.m. In attendance was Michele Mosca, representing Collier County, and Richard D. Yovanovich, Esq., agent for the applicant. At the time the meeting began, eight people were in attendance. A sign-in sheet was provided at the entrance of the meeting room and all eight attendees signed-in. Aerial photographs of the site and surrounding area were displayed.

Mr. Arnold explained the proposed Comprehensive Plan amendment application process, project location, and description of the proposed text changes to the Future Land Element of the Growth Management Plan. Mr. Arnold emphasized that the proposed increase from 20,000 square feet to up to 50,000 square feet for a limited number of commercial uses is necessary in order to establish a successful commercial center with key anchor tenants. The overall maximum commercial development on Parcel 1 of the Subdistrict will remain unchanged at 100,000 square feet.

Ms. Mosca provided the tentative transmittal hearing dates for the CCPC and BCC – CCPC in December and BCC in January/February. Questions were raised in regard to landscape buffering, building heights, traffic volumes, and hours of operation. The neighbors were also concerned about empty store fronts and the over abundance of vacant commercial in the area and asked how this project would benefit the surrounding neighborhoods. The residents also expressed that they did not want to see a Wal-Mart or Target on the site. Mr. Arnold answered questions from the neighbors, and both Mr. Yovanovich and Mr. Arnold agreed that they would work with the neighbors as they had done in the past with the original Comprehensive Plan amendment and rezone. Several attendees indicated their opposition to the proposed amendment in its current form but agreed to meet with the applicant to address outstanding concerns.

Mr. Arnold invited anyone with further questions to contact his office or contact Ms. Mosca.

**FINDINGS AND CONCLUSIONS:**

- The magnitude and scale of this project (100,000 square feet of gross leasable floor area of C-1 to C- 3 commercial uses, and other similar commercial uses) are consistent with neighborhood commercial development at the upper size limits.


- The subject site abuts an arterial road – Livingston Road and a collector road – Vanderbilt Beach Road.
- No additional commercial uses or overall commercial square feet are proposed by this amendment.
- No additional public facilities impacts will be generated as a result of the proposed change.
- The petition is generally compatible with surrounding land uses. A more detailed compatibility analysis will be performed at time of rezoning/PUD amendment.

**LEGAL CONSIDERATIONS:**

This Staff Report has been reviewed and approved by the County Attorney's office.

**STAFF RECOMMENDATION:**

Staff recommends that the Collier County Planning Commission forward Petition CP-2010-1 to the Board of County Commissioners with a recommendation of approval to transmit to the Florida Department of Community of Affairs.

Prepared By:  Date: 1-6-11  
 Michele R. Mosca, AICP, Principal Planner  
 Comprehensive Planning Section

Reviewed By:  Date: 1-12-11  
 David Weeks, AICP,  
 Growth Management Plan Manager  
 Comprehensive Planning Section

Reviewed By:  Date: 1-10-11  
 Michael Bosi, AICP,  
 Comprehensive Planning Manager  
 Comprehensive Planning Section

Reviewed By:  Date: 01-10-2011  
 William D. Lorenz, Jr., PE, Director  
 Land Development Services Department

Approved By:  Date: 1-12-11  
 Nick Casanguida, Deputy Administrator  
 Growth Management Division

PETITION NO.: CP-2010-01  
 Staff Report for the January 20, 2010 CCPC Meeting.

NOTE: This petition has been scheduled for the March 22, 2011, BCC Meeting.

COLLIER COUNTY PLANNING COMMISSION:

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 MARK P. STRAIN, CHAIRMAN

CHAIRMAN COYLE: Motion to approve by Commissioner Fiala, second by Commissioner Halas --

MS. MOSCA: Commissioners, if I may, I just have a correction for the record.

CHAIRMAN COYLE: Okay.

MS. MOSCA: If I may. I apologize for interrupting.

For the record, Michele Mosca with the comprehensive planning staff.

The only change I have is a correction to the ordinance. What we'd like to do is accurately reflect the project acreage. The redesignation of 79 acres, rather than 80 to sending, and the redesignation of 153 acres to receiving, with a total project acreage of 232. Thank you.

CHAIRMAN COYLE: Commissioner Coletta?

COMMISSIONER COLETTA: No, I'm fine. I was going to make a motion, but Commissioner Fiala did.

CHAIRMAN COYLE: Okay. All right. Any further discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER HALAS: Aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Aye.

Any opposed by like sign.

(No response.)

CHAIRMAN COYLE: It passes unanimously.

MR. MUDD: Commissioner, that brings us with to the next item, which is Petition CP-2004-3. Petition requesting amendment to the future land use element and future land use map to create a new

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Vanderbilt Beach Road neighborhood commercial subdistrict to allow for C-1 through C-3 commercial uses, other comparable and/or compatible commercial uses not found specifically in the C-1 through C-3 zoning districts. Mixed use development and indoor self-storage on two parcels, one located at the northeast corner of Vanderbilt Beach Road and Livingston Road, which is 9.18 acres, and one parcel further east on the north side of Vanderbilt Beach Road, eight acres, zoned Vanderbilt Trust PUD, in Section 31, Township 48 South, Range 26 East, urban estates planning community.

And Mr. Arnold, Wayne Arnold, will present.

MR. ARNOLD: Thank you, Commissioners. Wayne Arnold for the record, here with Rich Yovanovich, Tammy Kipp, Amy Turner, who are the property owners of the subject petition.

Staff report was very clear. The property is two parcels located on Vanderbilt Beach Road; one at the corner of Livingston Road, the other is just slightly removed by two parcels to the east.

This started out under your original transmittal to the state with the reference to indoor self-storage.

Between the transmittal and our adoption today, and in fact before the planning commission, we held a neighborhood informational meeting out at the Vineyards Community School, well attended by residents from Wilshire Lakes, as well as some residents from Village Walk, which is across the street from the two parcels. And one thing was very clear at that meeting, nobody was supporting indoor self-storage. So after that meeting, we modified our request to eliminate the indoor self-storage reference in this.

I understand that the text that's before you today still has one stray reference to indoor self-storage that I think staff's going to tell you it should be removed. But that was probably the largest discussion point at that meeting. And so we eliminated that request.

We did have follow-up meetings with certain residents of Wilshire Lakes and Fieldstone Village Condominium that's part of



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Wilshire Lakes, as well as representatives from Village Walk board of directors. And after that meeting, I think it was clear that the self-storage was a use that they were very happy that we were willing to give up.

Also out of that meeting we learned that there was a concern over gas station uses. We agreed to eliminate gas stations and convenience stores with gas pumps. The other significant amendment was there was a concern about certain types of fast food restaurants. Not all fast food, but -- I could name some of them, but they're primarily the type that serve hamburgers of the fried variety, and we agreed that the most appropriate reference, rather than naming specific chain restaurant names, was to -- I think it was David Weeks who actually coined the phrase, it would be limited fast food restaurants would be prohibited.

So you'll now find this a little bit reorganized, but there's prohibition on self-storage, prohibition on gas stations and a limitation on certain types of restaurants, if you will.

And the other couple things that we did do, we agreed to provide a minimum 30-foot buffer adjacent to the Wilshire Lakes property, which would be our eastern boundary, and we agreed to allow the county and Wilshire Lakes to work along our common property line to bring a sound wall, if required, as part of the six-lane improvements for Vanderbilt Beach Road, to turn it north along our common property line to help satisfy some of the noise concerns that the Fieldstone Village residents had with the six-laning.

The other thing that we agreed to do that I think both groups that we've primarily worked with here were happy to hear was the fact that we were willing to bring forward a specific landscape plan and architectural standards as part of the zoning that we'll certainly follow so that we can demonstrate to them that this isn't your typical commercial type development. And in fact, on the eastern parcel, with the limitations that we have, there is no retail even permitted, it's

now primarily office, professional service type uses and assisted living type facilities, those types of community facilities.

And I think we have concurrence from all of our neighbors that we're on the right track and they would hope that we could move forward endorsing the plan amendment.

One of the other suggestions that the planning commission had that would be certainly something tied to zoning was that in the zoning document, they would look for assurances that no Certificates of Occupancy for either parcel would be issued until October of '07, which coordinates with the six-lane improvements for Vanderbilt Beach Road.

But with that, that's really my presentation. We would encourage you all to adopt it. We've had unanimous recommendation from Planning Commission. I think you'll hear from at least one of our neighbors here that they're now in favor of it with the elimination of self-storage, the gas stations and limited restaurant uses.

CHAIRMAN COYLE: We have one public speaker. Would you like to listen to speakers first, Commissioner Halas?

COMMISSIONER HALAS: Sure.

MS. FILSON: Your speaker is Kathleen Adams.

MS. ADAMS: Kathleen Adams, Village Walk Homeowners Association.

Many of you may remember that you did receive a letter from us, along with a petition, asking for residential. And after meeting with the folks from the Turner family and their representation, we're convinced that what they're proposing is something that we can live with and we have absolutely no objection to it, and we urge you to vote for it. Thank you.

CHAIRMAN COYLE: Thank you.  
Commissioner Halas?

COMMISSIONER HALAS: Yes, I think you were -- what is

the height of the buildings going to be in that general area? I think you were looking at coming up with assisted living and some office space.

MR. ARNOLD: That's correct. Right now the assisted living that was approved as part of the Vanderbilt Trust PUD on the easternmost parcel, which is known as parcel two, allows for 50-foot building heights on that parcel.

One of the things that we had talked about was adding a building height to the Comprehensive Plan Amendment language, and the Planning Commission eliminated that early on, thinking that if we put a height then we're entitled to get it. And I think there was a thought that let us be silent on height in the comprehensive plan and let's debate that point of what's the appropriate height when we come back for zoning.

COMMISSIONER HALAS: I make a motion for approval.

COMMISSIONER FIALA: Second.

CHAIRMAN COYLE: Okay, motion for approval by Commissioner Halas, second by Commissioner Fiala.

Commissioner Henning?

COMMISSIONER HENNING: Commissioners, this is boxing in a parcel in between that I can see the only future use for that one would be commercial. And why would you put residential in between two commercials? So my concern is that we limit it, that there won't be any big boxes on either one of these parcels, Parcel A or Parcel B.

CHAIRMAN COYLE: So Parcel 1 or Parcel 2?

COMMISSIONER HENNING: Both.

CHAIRMAN COYLE: All right.

MR. ARNOLD: If I might address that. I don't -- in the context that I think of big box retail, if that's like some of the other users that we've had, the Toys R Us, the Sports Authorities, things of that size, your code talks about them being 20,000 square feet or larger

qualifies under the big box regulations that you have in the land development code. The only way that I see any individual user exceeding 20,000 is if we end up with an assisted living facility that would house that much square footage.

But otherwise, I really envision on the corner you would end up with more of a retail center that would have outparcels. And that in itself may exceed 20,000 square feet, but I don't think we've envisioned a single user that would connote a big box user --

COMMISSIONER HENNING: And the only for that is this parcel might languish for years and years, and then the people in the middle here come back for a comprehensive amendment and therefore demonstrating a big box, so --

MR. ARNOLD: Well, if it would satisfy the Commissioners' concerns, I guess if we could keep it to single user not exceeding the 20,000 square-foot standard, I think that that's something that works for us. We don't certainly envision that --

COMMISSIONER HALAS: That's in my motion.

MR. ARNOLD: -- on the retail or commercial side of things. No retail or commercial --

COMMISSIONER HENNING: What's the difference between what I said and what you're saying?

MR. ARNOLD: I don't know that there is. I was just trying to clarify that we meant a single use.

COMMISSIONER FIALA: I wonder if your assisted living is 20,000? Then all of a sudden you've defeated that, right?

MR. ARNOLD: Maybe what we should say is no retail or commercial use would exceed the 20,000.

COMMISSIONER HENNING: Retail or commercial.

CHAIRMAN COYLE: Okay. So we have a motion by Commissioner Halas --

MR. MUDD: Mr. Chairman, staff has to put a couple of things on the record.

Mr. Moss?

MR. MOSS: Good morning, Commissioners, John-David Moss, Comprehensive Planning.

As Mr. Arnold mentioned, if you look at the exhibit that's been provided to you, there is in the second line the phrase "and indoor self-storage," which needs to be stricken. So I just wanted to point that out.

I also wanted to point out that I did speak with another community group in the neighborhood, and although they were opposed to it initially, they are perfectly satisfied with the changes that have been made and they're 100 percent in support of it also.

CHAIRMAN COYLE: Okay. We have a motion by Commissioner Halas, seconded by Commissioner Fiala for approval with the stipulation that no single commercial or retail user will occupy either of these sites and that we will strike any --

COMMISSIONER HALAS: Size of the building, less than 20,000 feet -- square feet.

CHAIRMAN COYLE: I think it's greater than 20,000 feet. But if we -- is that where we are, no single user --

MR. YOVANOVICH: No individual user can exceed 20,000 square feet of retail. And there's no retail at all on Parcel 2, so --

COMMISSIONER FIALA: You don't mean individual user, you mean individual retail user. Isn't that what you said?

MR. YOVANOVICH: Yes. On Parcel 1 where commercial and retail is allowed, no individual single retail user will be allowed to exceed 20,000 square --

CHAIRMAN COYLE: Retail or commercial user will be committed (sic) to build there. And we will strike all references to indoor self-storage.

Okay, Commissioner Henning?

COMMISSIONER HENNING: I think the key word is commercial. That's retail and offices. And the other one about the



indoor storage, Commissioner?

CHAIRMAN COYLE: Yeah, I've already stipulated that and it's included in this motion.

I want to make sure we're clear on what you're saying, Commissioner Henning. We're saying retail or commercial.

COMMISSIONER HENNING: Well, if you just say commercial, that takes care of office and retail, that you can only limit it to 20,000 square feet. It would be on both parcels.

MR. ARNOLD: Right. I don't think we have an objection to the direction we're headed. I guess the only hesitation I would have is the only C-1 to C-3 use that we would envision that could ever exceed that 20,000 might be something like a supermarket or grocery store. It could be an anchor tenant that has that type of square footage. I don't know if that use is a specific concern, but, you know, I understand which way we're headed. I don't want to make this too confusing, but like I said, I think that would be the only type of use I can envision under those C-1 to C-3 as a retail type commercial use that could gain that kind of square footage.

CHAIRMAN COYLE: Well, I'm trying to get the specific language for this motion in place. Are we going to say retail and commercial not to exceed 20,000 feet for a single user, or are we just going to say commercial?

COMMISSIONER HENNING: Commercial, Commissioner, is anything. It's office, it's retail, it's industrial, it's --

COMMISSIONER FIALA: Is it assisted living?

COMMISSIONER HENNING: No.

CHAIRMAN COYLE: Well, there's still some discussion about this issue.

MR. ARNOLD: Could I just ask clarification? Is there a concern specifically about a grocery store? Because I -- that would be the only hesitation I'd have about boxing ourselves in to something that we didn't intend --

COMMISSIONER HALAS: I don't think a grocery store even enters into this, with the size of the parcel that's here. And I think from my understanding talking with the particular people that own this property, the discussion was that it may be a certain type of restaurant, it may be little curio shops, and then it may be also assisted living on the other part. So that's my understanding.

So as far as exceeding the 20,000, I don't even think that really enters into the picture.

MR. ARNOLD: To be honest, Commissioner, it didn't to me either until the issue was raised by Commissioner Henning about the big box. And just not knowing exactly what the mix of tenants is, that was the only tenant that I could envision that could exceed that 20,000 square feet. But I certainly understand and I don't want to overcomplicate something I think we're headed in the direction we need.

CHAIRMAN COYLE: What's the motion going to say?

COMMISSIONER HALAS: Well, the motion should say that this is strictly for small-scale retail or restaurants that fit the agenda that's been discussed by not only the petitioner but also by the community that was accepted.

And I think the things that were brought forth through all the negotiations with the property owners that surrounded this particular piece of property, I think that's what we need to address in that manner. And I think that everybody realized that what was going to be there is basically assisted living on Parcel No. 2, and on Parcel No. 1 there would be no gas stations, but there could be a restaurant there, an upscale restaurant or whatever else, and maybe some upscale type of coffee shops or whatever else.

CHAIRMAN COYLE: Commissioner Henning?

COMMISSIONER HALAS: Does that help clarify?

CHAIRMAN COYLE: No, stop, okay? You guys sit down. Commissioner Henning, go ahead.

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COMMISSIONER HENNING: Let me clarify the motion and you can correct me, Commissioner. It's a motion to approve removal of self-storage out of the parcel and limit the square foot of commercial space to single user to 20,000 -- not to exceed 20,000.

COMMISSIONER HALAS: Not to exceed 20,000.

CHAIRMAN COYLE: Okay. And that's okay with your second, Commissioner Fiala?

COMMISSIONER FIALA: Yes.

CHAIRMAN COYLE: Any further discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER HALAS: Aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Aye.

Any opposed by like sign.

(No response.)

CHAIRMAN COYLE: It carries unanimously.

MR. ARNOLD: Thank you, Commissioners.

MR. MUDD: Commissioner, that brings us to Petition CP-2004-4. It's a petition requesting an amendment to the future land use element to change the rural fringe mixed use district sending lands to add three transfer of development rights, TDR bonus provisions, each for one TDR credit for, number one, early entry into the TDR program; number two, environmental restoration and maintenance; and number three, fee simple conveyance to a government agency by gift and to amend the rural village development standards.

And Mr. Bruce Anderson is going to present.

MR. ANDERSON: Good morning again, Commissioners. My