

CCPC TRANSMITTAL RECOMMENDATION FOR CP-2008-1

Petition CP-2008-1, Estates Shopping Center Subdistrict

CCPC Recommendation: No recommendation. Motion to Transmit failed by 4/4 vote. Motion was subject to staff alternative text in the Staff Report, but revised to: 1) keep the list of allowable uses #1-27 as proposed by petitioner, but delete #28 [this requires a re-lettering of paragraphs]; 2) revise paragraph "a.12" to reflect the correct SIC Code term; 3) revise paragraph "a." to add a "catchall" prohibited use #14; 4) revise paragraph "b." to reduce the total allowable building area from 225,000 s.f. to 210,000 s.f., as proposed by the petitioner at the hearing, and to modify the building floor area term; 5) revise paragraph "c." to recognize the potential for more than one grocery use; 6) revise paragraph "e.1." pertaining to the timing of right-of-way donation; and, 6) delete paragraph "n." pertaining to common architectural theme.

[Staff Report pages 29-32]

a. Allowable Uses shall be limited to the following:

1. Amusement and Recreation (Groups 7911, 7991, 7993 and 7999, including only day camps, gymnastics instruction, judo/karate instruction, sporting goods rental and yoga instruction)
2. Apparel and Accessory Stores (Groups 5611-5699)
3. Auto and Home Supply Stores (Groups 5531, 5541, including gasoline service stations without repair)
4. Automotive Repair and Services (Groups 7514, 7534, including only tire repair, 7539, including only minor service, lubricating and diagnostic service) and 7542)
5. Business Services (Groups 7334-7342, 7371-7376, 7379, 7382, 7383, 7384, and 7389)
6. Child Day Care Services (Group 8351)
7. Communications (Groups 4812, 4841)
8. Depository and Non-Depository Institutions (Groups 6021-6062, 6091, 6099, 6111-6163, including drive through facilities)
9. Eating Places (Group 5812, including only liquor service accessory to the restaurant use.
10. Educational Services (Group 8299)
11. Engineering, Accounting, Research and Management (Groups 8711-8721, 8741-8743, 8748)
12. Food Stores (Groups 5411-5499, including convenience stores with gas)
13. General Merchandise Stores (Groups 5311, 5331, and 5399)
14. Government Administration Offices (Groups 9111-9199)
15. Hardware, Garden Supply and Paint/Wallpaper Stores (Groups 5231, 5251, and 5261)
16. Holding and Other Investment (Groups 6712-6799)
17. Home Furniture/Furnishings (Groups 5712-5736)
18. Insurance Carriers (Groups 6311-6361)
19. Justice, Public Order and Safety (Groups 9221, 9222, 9229, and 9311)
20. Meeting and Banquet Rooms
21. Miscellaneous Retail (Groups 5912, 5921 (accessory to grocery or pharmacy only) 5932, 5941-5949, 5992-5995, and 5999)
22. Personal Services (Groups 7211, 7212, 7215, 7221-7251, 7291-7299)
23. Real Estate (Groups 6512-6552)
24. Security and Commodity Brokers (Groups 6211-6289)
25. Transportation Services (Group 4724)
26. Video Rental (Group 7841)
27. U.S. Post Office (Group 4311, excluding major distribution centers)

b. The following uses shall be prohibited:

1. Drinking Places (5813) and Stand Alone Liquor Stores (5921)
 2. Mail Order Houses (5961)
 3. Merchandizing Machine Operators (5962)
 4. Power Laundries (7211)
 5. Crematories (7261)
 6. Radio, TV Representatives (7313) and Direct Mail Advertising Services (7331)
 7. NEC Recreational Shooting Ranges, Waterslides, etc. (7999)
 8. General Hospitals (8062), Psychiatric Hospitals (8063), and Specialty Hospitals (8069)
 9. Elementary and Secondary Schools (8211), Colleges (8221), Junior Colleges (8222)
 10. Libraries (8231)
 11. Correctional Institutions (9223)
 12. Solid Waste Management Services (9511)
 13. Homeless Shelters and Soup Kitchens
 14. Any use not listed in paragraph "a." above
- c. Development intensity shall be limited to 210,000 square feet of gross floor area.
- d. A grocery use shall be constructed first, and it shall contain a minimum of 27,000 square feet.
- e. No individual use shall exceed 30,000 square feet of building area, with the exception of grocery use.
- f. Development within this Subdistrict shall be phased and the following commitments related to area roadway improvements shall be completed within the specified timeframes:
1. Right-of-Way for Golden Gate Boulevard Expansion and Right-of-Way for the Wilson Boulevard Expansion will be donated to the County at no cost within 180 days of a written request from the County after rezoning approval.
 2. The applicant shall pay its fair share for the intersection improvements at Wilson Boulevard and Golden Gate Boulevard within 90 days of County request for reimbursement.
 3. Until the intersection improvements at Golden Gate Boulevard and Wilson Boulevard are complete, the County shall not issue a Certificate(s) of Occupancy (CO) for more than 100,000 square feet of development. The applicant must obtain a C.O. for a grocery store as part of this 100,000 square feet, and the grocery store must be the first C.O. obtained.
- g. Rezoning is encouraged to be in the form of a Planned Unit Development (PUD). The rezoning ordinance shall contain development standards to ensure that all commercial land uses will be compatible with neighboring residential uses.
- h. A 25-foot wide landscape buffer shall be provided abutting the external right-of-way. This buffer shall contain two staggered rows of trees that shall be spaced no more than 30 feet on center, and a double row hedge at least 24 inches in height at time of planting and attaining a minimum of three feet height within one year. A minimum of 50% of the 25-foot wide buffer area shall be comprised of a meandering bed of shrubs and ground covers other than grass. Existing native trees must be retained within this 25-foot wide buffer area to aid in achieving this buffer requirement; other existing native vegetation shall be retained, where possible, to aid in achieving this buffer requirement. Water retention/detention areas shall be allowed in this buffer area if left in natural state, and drainage conveyance through the buffer area shall be allowed if necessary to reach an external outfall.

- i. No commercial building may be constructed within 125 feet of the northern or western property boundaries of this Subdistrict.
- j. Any portion of the Project directly abutting residential property (property zoned E-Estates and without an approved conditional use) shall provide, at a minimum, a seventy-five (75) feet wide buffer, except the westernmost 330' of Tract 106, which shall provide a minimum 20' wide buffer, in which no parking uses are permitted. Twenty-five (25) feet of the width of the buffer along the developed area shall be a landscape buffer. A minimum of fifty (50) feet of the buffer width shall consist of retained or re-planted native vegetation and must be consistent with subsection 3.05.07.H of the Collier County Land Development Code (LDC). The native vegetation retention area may consist of a perimeter berm and be used for water management detention. Any newly constructed berm shall be revegetated to meet subsection 3.05.07.H of the LDC (native vegetation replanting requirements). Additionally, in order to be considered for approval, use of the native vegetation retention area for water management purposes shall meet the following criteria:
 - 1. There shall be no adverse impacts to the native vegetation being retained. The additional water directed to this area shall not increase the annual hydro-period unless it is proven that such would have no adverse impact to the existing vegetation.
 - 2. If the project requires permitting by the South Florida Water Management District, the project shall provide a letter or official document from the District indicating that the native vegetation within the retention area will not have to be removed to comply with water management requirements. If the District cannot or will not supply such a letter, then the native vegetation retention area shall not be used for water management.
 - 3. If the project is reviewed by Collier County, the County engineer shall provide evidence that no removal of native vegetation is necessary to facilitate the necessary storage of water in the water management area.
- k. All buildings shall have tile roofs, 'Old Style Florida' metal roofs, or decorative parapet walls above the roofline. The buildings shall be finished in light, subdued colors, except for decorative trim.
- l. Building heights shall be limited to one (1) story and a maximum of thirty-five (35) feet.
- m. All lighting shall be architecturally designed and limited to a height of twenty-five (25) feet. Such lighting shall be shielded from neighboring residential land uses.
- n. Commercial uses shall encourage pedestrian traffic through placement of sidewalks, pedestrian walkways, and marked crosswalks within parking areas. Adjacent projects shall coordinate placement of sidewalks so that a continuous pathway through the Subdistrict is created.
- o. Drive-through establishments shall be limited to financial institutions, with no more than three lanes. The drive-through areas shall be architecturally integrated with the rest of the building.
- p. Fences or walls may be constructed on the commercial side of the required landscape buffer between adjacent commercial and residential uses. If constructed, such fences or walls shall not exceed five (5) feet in height. Walls shall be constructed of brick or stone. Fences shall be of wood or concrete post or rail types, and shall be of open design (not covered by slats, boards or wire).