

**Petition PB-09-115 LUC.** Causseaux, Hewett, and Walpole, Inc., agent for Legacy Fountains, LLC. Amend the Future Land Use Map from REC (Recreation) to PUD (Planned Use District) to allow a residential, commercial, office, and retail development. Located at 1420, 1424, 1428, 1432 Southwest 52<sup>nd</sup> Street. Related to PB-09-116 PDV.

Board Member Chris Dawson recused himself due to his involvement with this project several years ago as a private sector planner, prior to serving on the City Plan Board. He then left the room and did not participate farther in this public hearing. The Planning Department staff presentation was made by Bedez Massey, Planner. Gerry Dedenbach of Causseaux, Hewett, and Walpole, Inc., made a presentation for the applicant. The City's Environmental Coordinator, Mark Garland, responded to Plan Board questions regarding environmental aspects of the property.

| Motion By: Bob Ackerman   | Seconded By: Crystal Goodison |
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| <p><b>Moved To:</b> Approve Petition PB-09-115 LUC with staff conditions, and with the following modifications to Condition 7:</p> <p>A maximum of 45,000 square feet of building area, floor area and gross floor area shall be allowed for non-residential use, including a maximum of 20,000 square feet for retail/commercial use; a maximum of 20,000 square feet for office use; and a maximum of 5,000 square feet for a stand-alone bank with one drive-through lane. <u>The owner/developer may substitute one of the following for the 5,000 square feet of bank use with one drive-through lane:</u></p> <p><u>2,500 additional square feet of general (non-medical) office use, or,</u></p> <p><u>1,750 additional square feet of retail/commercial use that is not an eating place.</u></p> <p><u>In the event the bank use will not be developed, there shall be no drive-through facilities allowed at the development. And, the owner/developer shall provide a revised trip generation report at the development plan review stage showing that the substitute use does not exceed the trips associated with the bank use (including consideration of pass-by and internal capture trips).</u></p> | <p><b>Upon Vote: 4:0</b></p>  |