



City of Sanibel  
Planning Department

## MEMORANDUM

DATE: February 16, 2007

TO: Judie Zimomra, City Manager

FROM:  Robert J. Duffy, AICP, Planning Director

SUBJECT: **APPEAL FILED FOR THE FOREVER GREEN CENTER –  
SIZE OF THE RETAIL UNIT & FORMULA RETAIL USE OF THE UNIT**

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On February 20, 2007, City Council will consider the appeal filed for CNC Partnership by Joe Cimato.

The appeal, filed pursuant to City Council Resolution no. 05-171, is to the denial of an application:

for a development permit to combine 2 existing commercial units (#3 and #4) into a single commercial unit of 2,330 sq. ft. of commercial floor area; and

for a business tax receipt (formerly known as an occupational license) for a formula retail business to occupy the subject 2,330 sq. ft. commercial unit.

### OPTIONS FOR CITY COUNCIL CONSIDERATION

There are several options that City Council can take in response to this appeal.

1. **Continue the appeal hearing on both requests** (size of retail unit and formula retail use) until the appellant identifies the specific business (formula retail store) for which the appeal is being made.
2. **Deny both requests** (size of retail unit and formula retail use) with findings that approval would be contrary to the long term goals of City Council Resolution no. 05-171 and /or disadvantageous to the health, safety and welfare of the general public.
3. **Approve both requests** (size of retail unit and formula retail use) with findings that approval would not be contrary to the long term goals of City

Council Resolution no. 05-171 and /or not be disadvantageous to the health, safety and welfare of the general public.

4. **Approve the request for the 2,330sf commercial (retail) unit** with findings that approval would not be contrary to the long term goals of City Council Resolution no. 05-171 and /or not be disadvantageous to the health, safety and welfare of the general public **and deny the request for a formula retail store** with findings that approval would be contrary to the long term goals of City Council Resolution no. 05-171 and /or disadvantageous to the health, safety and welfare of the general public, **or continue the request for a formula retail store** until the appellant identifies the specific business (formula retail store) for which the appeal is being made.
5. **Approve the request for the 2,330sf commercial (retail) unit** with findings that approval would not be contrary to the long term goals of City Council Resolution no. 05-171 and /or not be disadvantageous to the health, safety and welfare of the general public **and approve the request for a formula retail store** with findings that approval would be contrary to the long term goals of City Council Resolution no. 05-171 and /or disadvantageous to the health, safety and welfare of the general public, subject to the condition that the formula retail store will not be a jewelry store or a gift, novelty, souvenir or shell shop.

C: City Council  
Ken Cuyler, City Attorney