RESOLUTION NO. 13-01

A RESOLUTION GRANTING A VARIANCE (V-12-03) APPROVAL IN CONFORMANCE WITH SECTIONS 30-65 OF THE CITY'S LAND DEVELOPMENT CODE TO GRANT AN AREA VARIANCE AND A MODIFICATION TO EXHIBIT A (THE SITE PLAN) AMENDING RESOLUTION NO. 05-08 IN ORDER TO CONSTRUCT A COVERED BAR AND SEATING AREA WITHIN THE MARCO WALK SHOPPING CENTER PIAZZA FOR EATING AND DRINKING PURPOSES WHICH IS LOCATED IN THE C-3 "COMMERCIAL INTERMEDIATE" ZONING DISTRICT, FOR PROPERTY DESCRIBED AS 599 SOUTH COLLIER BLVD., FURTHER DESCRIBED AS TRACT B, MARCO BEACH UNIT 7, SECTION 17, TOWNSHIP 52 SOUTH AND RANGE 26 EAST OF COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA

WHEREAS, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

WHEREAS, the Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing on November 2, 2012 after notice, and voted *(5-0)* to recommend that the Marco Island City Council approve the requested Variance pursuant to Sections 30-65 of the City's Land Development Code (LDC), for property located within the "C-3" zoning district, to allow the construction of an outdoor bar within the Marco Walk Shopping Center piazza for eating and drinking purposes, and arrangements have been made concerning all applicable matters required by said regulations and in accordance with the Marco Island LDC; and

WHEREAS, City Council, acting as the Board of Zoning Appeals, will hold a public hearing on January 7th, 2013 after proper notice, while considering the request for this variance petition to be an approved variance on "C-3 Commercial Intermediate" zoned property and has found that satisfactory provisions and arrangements have been made concerning all applicable matters required by the Marco Island Land Development Code; and

WHEREAS, all interested parties will be given opportunity to be heard by the Board of Zoning Appeals in a public hearing, and the Board having considered all matters presented:

NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.

SECTION 2. The Petition V-12-03 filed by Leon Agami and Venetian Investments, LLC, with respect to property located at 599 South Collier Blvd., City of Marco Island, hereby grants an area variance by means of variance approval and by amending the site plan associated with Resolution No. 05-08, for property further described as follows:

TRACT B, MARCO BEACH UNIT 7, SECTION 17, TOWNSHIP 52 SOUTH AND RANGE 26 EAST OF COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA

SECTION 3. Effective Date. This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 7th day of January, 2013.

CITY OF MARCOISLAND, FLORIDA

By: _____
Joseph R. Batte, Chairman

ATTEST:

_____
Laura Litzan
City Clerk

Approved as to Form and legal sufficiency:

_____
Burt L. Saunders
City Attorney