

RESOLUTION 14-20

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL IN CONFORMANCE WITH SECTIONS 30-264(9) AND 30-244(4) OF THE LAND DEVELOPMENT CODE.

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 April 18, 2014 after notice, and voted to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-264(9) of the City's Land Development Code (LDC), for properties located within the "C-5" zoning district, to permit Marco River Marina, Inc. to construct a dry dock storage boat barn and office building to a height of 53.5 feet and to construct a service building to a height of 44 feet both located on 951 Bald Eagle Drive. The Marco Island Planning Board also voted to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-244(4) of the City's Land Development Code (LDC), for properties located within the "C-4" zoning district, to permit Marco River Marina, Inc. to construct and operate a boat dealership (NAICS: 441222) with an outside display area located at 900 Bald Eagle Drive. 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, has held a public hearing after proper notice, and has considered the request for the establishment of a boat dealership and increased building heights as approved conditional uses on "General Commercial C-4 and Heavy Commercial C-5" zoned properties and has found that satisfactory provisions and arrangements have been made concerning all applicable matters required by the Marco Island LDC; and

WHEREAS, all interested parties have been given opportunity to be heard by this 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 City of Marco Island hereby approves Petition CU-13-01 and grants conditional use approval to Marco River Marina, Inc. to increase its building height at the "C-5" zoned parcel at 951 Bald Eagle Drive to construct: (i) the proposed dry dock storage boat barn and office building to have a maximum height of 53.5 feet, as measured from the base flood elevation to the mid-point of the roof, and (ii) the proposed service center building to have a maximum building height of 44 feet, as measured from the base flood elevation to the mid-point of the roof. The City of Marco Island hereby also grants conditional use approval to Marco River Marina, Inc. to permit a conditional use at the "C-4" zoned parcel at 900 Bald Eagle Drive for the operation of a boat dealership (NAICS: 441222) with an outside display area. Properties further described as follows:

900 BALD EAGLE DRIVE is legally described as: LOT 1, BLK. 783, OF A REPLAT OF A PORTION OF MARCO BEACH UNIT 11, AS RECORDED IN PLAT BOOK 12, PAGES 24 THROUGH 26 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FL. AND

951 BALD EAGLE DRIVE is legally described as: BEING A PORTION OF TRACT A, MARCO BEACH UNIT 4, AS RECORDED IN PLAT BOOK 6, PAGE 33 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FL. MORE PARTICULARLY DESCRIBED IN O.R. Book 232, Page 24, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FL.

B. Approval of CU-13-01 is subject to the following stipulations/conditions:

- 1) The boat dealership building not to exceed 1600 square feet of air conditioned space plus or minus 10% as well as a maximum building height of 25 feet plus or minus 10%.**
- 2) The Minimum yard requirement, pursuant to Sec. 30-265 of the City's Land Development Code, for the entire "Side yard" located on the "C-5" zoned parcel at 951 Bald Eagle Drive that abuts Angler's Cove shall be five (5) feet; and**
- 3) The Landscaping requirement, pursuant to Sec. 30-265 of the City's Land Development Code, for the "Side yard" located on the "C-5" zoned parcel at 951 Bald Eagle Drive that abuts Angler's Cove shall be enhanced along the entire common boundary between the parcels pursuant to the recommendations of the Marco Island Planning Board and as depicted on the Landscape Plan approved as part of the project's Site Development Plan.**

- 4) The proposed service center building will not contain a restaurant, but food may be consumed on the premises, including food brought by boat owners moored at the marina or catered special events.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 16th day of June, 2014.

Attest:



Laura M. Litzan, City Clerk

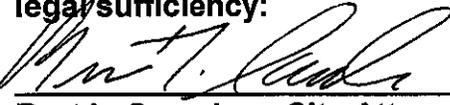
CITY OF MARCO ISLAND, FLORIDA

BY:



Kenneth E. Honecker, Chairman

**Approved as to form and
legal sufficiency:**



Burt L. Saunders, City Attorney

