

RESOLUTION 14-40

A RESOLUTION GRANTING APPROVAL TO CONSTRUCT A 4 FOOT CHAIN LINK SAFETY FENCE 18 INCHES FROM THE SIDEWALK IN THE REQUIRED YARD ALONG THE NORTH SIDE OF WINTERBERRY FIELD ON AUBURNDALE AVENUE IN THE (P) PUBLIC USE ZONING DISTRICT, FOR PROPERTY DESCRIBED AS 1400 WINTERBERRY DRIVE, FURTHER DESCRIBED AS MARCO BCH UNIT 8, TRACT A.

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 hearing on August 1, 2014, and voted (5-2) to recommend that the Marco Island City Council approve the requested action; and

WHEREAS, City Council, acting as the Board of Zoning Appeals, will hold a public hearing after notice, while considering the request to construct a 4 foot safety fence 18 inches past the sidewalk along the North side of winterberry field on Auburndale avenue in the (p) public use zoning district and whereas the required setback is 25 feet 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 request filed by Alex Galiana, on behalf of the Marco Island Parks Department, with respect to property located at 1400 Winterberry Drive, City of Marco Island, hereby grants approval to construct a 4 foot chain link safety fence 18 inches from the sidewalk along the North side of Winterberry Park field on Auburndale Avenue in the (p) public use zoning district as an ancillary use and whereas the required setback is 25 feet, for property further described as follows:

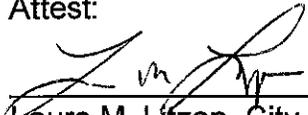
1400 WINTERBERRY DRIVE, FURTHER DESCRIBED AS MARCO BCH UNIT 8, TRACT A

Stipulations/Conditions: Approval of resolution 14-40 is subject to the following stipulation/condition:

- 1) *The petitioner shall notify property owners located across the street from the proposed project prior to the 8/18/14 City Council meeting approving the resolution.*
- 2) *The petitioner shall install a code required landscape buffer along the fence line as per Land Development Code section 30-624 (M)(2).*

SECTION 3. Effective Date. This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 18th day of August, 2014.

Attest:

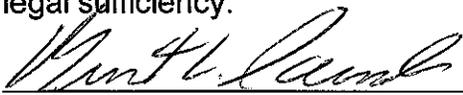


Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA
BY: 

Kenneth E. Honecker, Chairman

Approved as to form and
legal sufficiency:



Burt L. Saunders, City Attorney