

RESOLUTION 15-63

A RESOLUTION APPROVING A CONDITIONAL USE FOR A SEAWALL CUT IN TO CREATE A BOAT LIFT / NAUTICAL GARAGE, LOCATED AT 1791 BARBADOS AVENUE, MARCO ISLAND, FLORIDA 34145.

WHEREAS, pursuant to Chapter 54 - Waterways and Beaches of the City Land Development Code of the City of Marco Island staff has reviewed and recommended approval to PLC Investment Group and Peterson Properties Holdings for a conditional use for a seawall cut in to create a boat lift / nautical garage to be located at 1791 Barbados Avenue, Marco Island, Florida 34145; and

WHEREAS, the Planning Advisory Board in their August 7, 2015 meeting has reviewed and approved Conditional Use Petition #15-002690 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

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

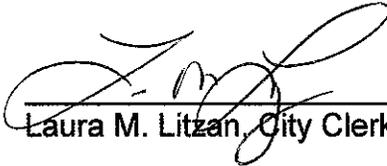
SECTION 2. Adoption. The conditional use for the proposed seawall cut in, boat lift and nautical garage as shown on drawings FP 1.1 and FP 1.2 prepared for the PLC Investment Group, 800 Harbor Drive, Naples, Florida 34103 dated 2-1-2015, are approved with the following conditions:

1. This Conditional Use approval is specific to this use only and to the specific lot located at 1791 Barbados Avenue, Marco Island, Florida 34145.
2. The Petitioner is responsible for complying with any private deed restriction requirements and or approvals, if applicable, with the Marco Island Civic Association (MICA) prior to project commencement.
3. The Petitioner is responsible for obtaining all necessary permits and approvals through the Florida Fish & Wildlife Conservation Commission (FWC) to have the existing burrowing owl burrow removed from the property prior to project commencement. Those same reports must be submitted to the City of Marco Island Environmental Specialist. The City reserves the right to review and re-evaluate its approval or set additional conditions after review of the FWC report.
4. The approval provided to staff from the Florida Department of Environmental Protection (DEP) requires the petitioner monitor the levels of turbidity in the proposed project area and monitoring reports be submitted to the Florida Department of Environmental Protection. Those same reports must be submitted to the City of Marco Island Environmental Specialist. The City reserves the right to review and re-evaluate this conditional use approval or set additional conditions after review of the DEP report.

5. The Petitioner shall submit construction documents through the City's Building Services Department prior to obtaining the necessary building permits.
6. No part of any structure including deadman and tiebacks below grade will be permitted within the 6'-0" public easements.
7. Any and all watercraft must be fully contained within the nautical garage dimensions (length and width); no watercraft of any kind can protrude out beyond the face of the seawall, nautical garage opening or nautical garages doors if any.
8. This conditional use approval shall expire one year from the date of issuance of the building permit, if by that date the use for which the conditional use was granted has not been commenced and faithfully completed.
9. Petitioner acknowledges and agrees that as a condition of constructing the nautical garage no additional boat lifts, docks, or docking facilities are permitted at this property in perpetuity. All docking and boat storage to be contained within the nautical garage.

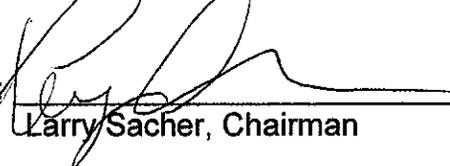
SECTION 3. Effective Date. This Resolution shall take effect immediately upon adoption by Council. The foregoing Resolution was adopted this 9th day of September 2015.

Attest:



Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Larry Sacher, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney