RESOLUTION NO. 2010-03

**A RESOLUTION APPROVING PETITION CCCLV-09-01, A VARIANCE FROM THE COASTAL CONSTRUCTION CONTROL LINE SETBACK REQUIREMENTS UNDER ARTICLE XI OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, TO PERMIT THE CONSTRUCTION OF A RESTROOM AND BOARDWALK AT TIGERTAIL BEACH PARK, WHICH PROPERTY IS DESCRIBED HEREIN; PROVIDING FOR FILING WITH THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Section 30-753 of the City of Marco Island Code of Ordinances ("Code") establishes the setback lines for coastal construction; and

**WHEREAS,** Petition CCCLV-09-01 is a request for a variance from the Coastal Construction Control Line setback requirements subject to the review for such variances under Section 30-756 of the Code; and

**WHEREAS,** the Collier County Board of County Commissioners Coastal Zone Management Department has petitioned the City for a variance from the Coastal Construction Control Line requirements to allow for the construction of a restroom, boardwalk and related improvements at Tigertail Beach Park; and

**WHEREAS,** the Petitioner has provided justification for a variance as required by Sections 30-755 and 30-756 of the Code, and has demonstrated "compliance with the City's Comprehensive Plan, Conservation and Coastal Management Element"; and

**WHEREAS,** the Marco Island Planning Board, following an advertised public hearing on December 11, 2009, considered public input, the recommendation of the staff, and the standards and guidelines of Section 30-756 of the Code to consider the advisability of such a petition, and voted 6 in favor and one opposed to recommend that the Marco Island City Council, as the Board of Zoning Appeals approve the requested variance; and

**WHEREAS,** as part of its deliberation, the Planning Board found that the Petition is consistent with the City's Comprehensive Plan, and in particular, the Conservation and Coastal Management Element; and

**WHEREAS,** the requested improvements subject to this variance will benefit persons with disabilities, families and other park patrons, and are otherwise in the public interest; and

**WHEREAS,** the Marco Island City Council is acting as the Board of Zoning Appeals; and

**WHEREAS,** after considering the recommendation of the Planning Board and after providing the petitioner, staff, and the public an opportunity to present testimony and evidence, the City Council, as the Board of Zoning Appeals, finds as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by City Ordinances, including Section 30-756 of the Code; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in a public meeting assembled, and the Board has considered all matters presented.

**NOW THEREFORE,** be it resolved by the Marco Island City Council, that:

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this resolution by this reference.

**Section 2. Approval.** Variance Petition CCCLV-09-01, filed by the Collier County Coastal Zone Management Department, representing the Collier County Board of County Commissioners, with respect to the property legally described on Exhibit "A" attached hereto and made a part hereof, is hereby granted to allow for a variance from Coastal Construction Control Line setback requirements provided by Section 30-753 of the Code, to allow for the construction of a restroom shelter approximately 32 feet by 15 feet in size, a dune walkover ("boardwalk") and supporting infrastructure in the approximate locations as depicted in Exhibit "B."

**Section 3. Recordation Required.** This Resolution relating to Petition Number CCCLV-09-01 shall be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED IN OPEN AND REGULAR SESSION** of the Marco Island City Council acting as the Board of Zoning Appeals on the 19th day of January 2010.

ATTEST:

Laura Litzan, City Clerk

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

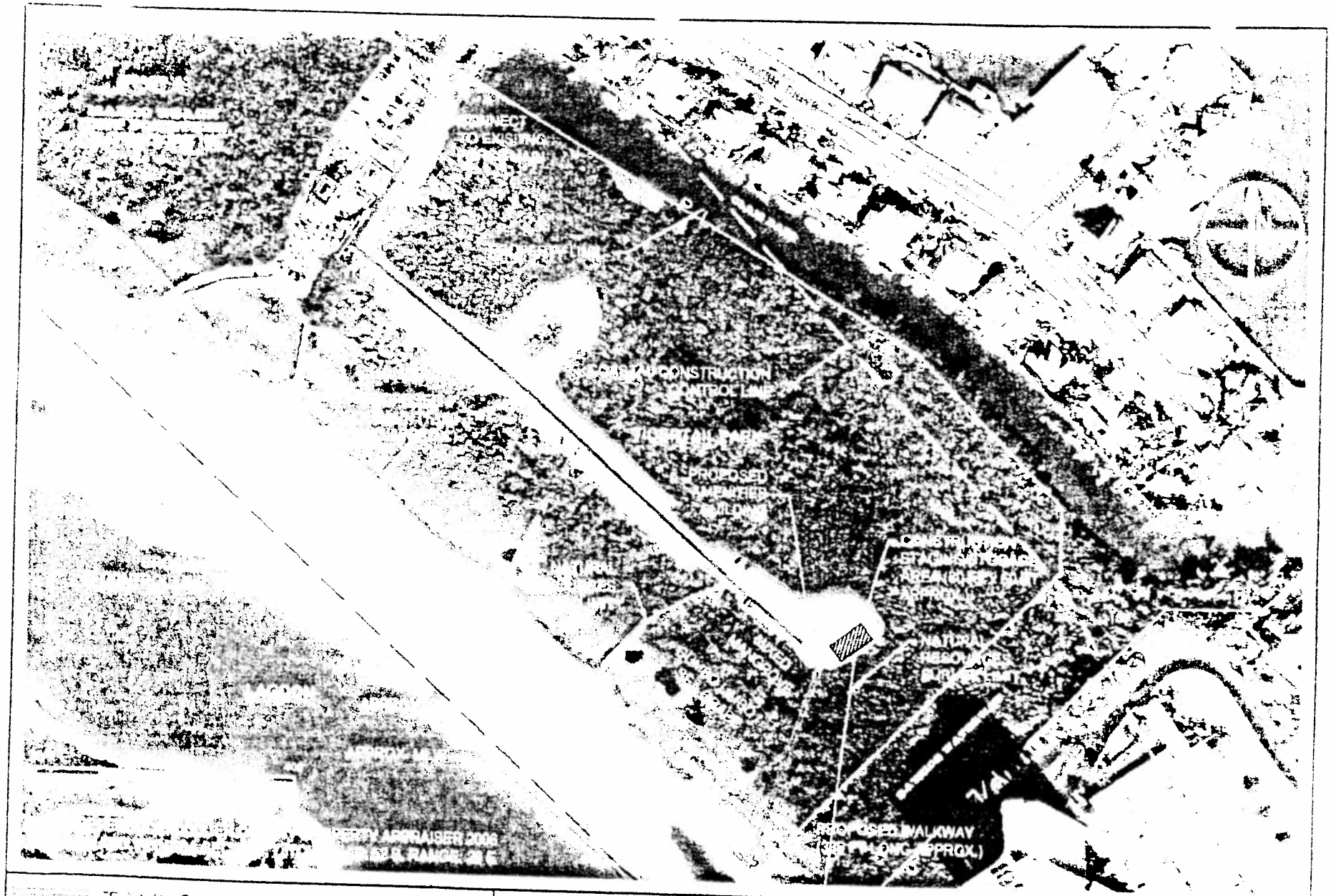
By: _____
Robert J. Popoff, Chairman

Approved as to form and legal sufficiency:

Alan Gabriel, City Attorney

## EXHIBIT "A"
## LEGAL DESCRIPTION OF SUBJECT PROPERTY

Tract A, Marco Beach Unit 8, according to the plat thereof recorded in Plat Book 6, Page 63, of the Public Records of Collier County, Florida.




TAYLOR ENGINEERING INC.

[illegible] CYPRESS GREEN DRIVE SUITE 200
JACKSONVILLE FLORIDA [illegible]

FIGURE 2
PROJECT OVERVIEW WITH AERIAL
[illegible] PARK BEACH ACCESS AND AMENITIES PROJECT
COLLIER COUNTY FLORIDA