

RESOLUTION NO. 09-34

**A RESOLUTION DETERMINING PETITION NUMBER OSP-09-01, AN OFF-STREET PARKING PETITION PURSUANT TO THE PROVISIONS OF SECTION 30-484 OF THE MARCO ISLAND LAND DEVELOPMENT CODE FOR 21 OFF-SITE PARKING SPACES AT THE COLLIER BUILDING LOCATED AT 267 NORTH COLLIER BOULEVARD; PROVIDING FOR THE RECORDING OF AN AGREEMENT WITH THE COUNTY CLERK; PROVIDING FOR FILING WITH THE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Section 30-484 of the Marco Island Land Development Code establishes off-street parking and loading standards; and

**WHEREAS**, the Marco Island Planning Board conducted a public hearing on August 14, 2009 to consider the advisability of off-site parking in excess of 33% allowed by administrative determination, specifically 47%, to be located at the Collier Building, 267 North Collier Blvd., a contiguous property within the same commercial "C-3" zoning district, and voted 3 to 2 to recommend that the Marco Island City Council approve the requested off-street parking petition subject to conditions; and

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

**WHEREAS**, City Council, as the Board of Zoning Appeals, has held a public hearing after proper notice, and has considered the advisability of off-street parking and has found as a matter of fact that satisfactory provisions and arrangements have been or will be made concerning all applicable matters required by the Land Development Code; and

**WHEREAS**, all interested parties have been given the opportunity to be heard by this Council in public meeting assembled, and Council having considered all matters presented;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** of the City of Marco Island, Florida, that:

1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.
2. The Petition filed by Joey's Pizza, Inc. with respect to parking required for the business located at 257 North Collier Blvd., Lot 6, Block 224, Unit 6, Section 8, Township 52 South, Range 26 East is hereby approved for 21 off-site parking spaces subject to the terms and conditions herein.

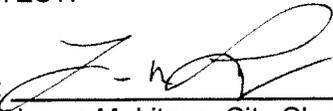
3. The Petitioner shall execute an amendment to its existing agreement, approved by the City Attorney, to be recorded with the Collier County Clerk, securing shared parking for 21 parking spaces located at the Collier Building, 267 North Collier Blvd., prior to any increase in intensity of use.

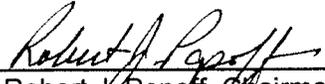
4. This Resolution shall take effect immediately upon its adoption.

Passed in open and regular session of the City Council of the City of Marco Island this 21<sup>st</sup> day of September, 2009.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

By:   
\_\_\_\_\_  
Laura M. Litzan, City Clerk

By:   
\_\_\_\_\_  
Robert J. Popoff, Chairman

Approved as to form and  
Legal sufficiency:

By:   
\_\_\_\_\_  
Alan L. Gabriel, City Attorney