

**RESOLUTION NO. 08-21**

**A RESOLUTION GRANTING CONDITIONAL USE APPROVAL OF A MIXED USE BUILDING IN ACCORDANCE WITH SECTION 30-244(16) OF THE C-4 COMMERCIAL ZONING DISTRICT AND MARCO ISLAND LAND DEVELOPMENT CODE, FOR PROPERTY DESCRIBED AS 23 FRONT STREET, FURTHER DESCRIBED AS LOTS 51-54, BLOCK 5, MARCO HIGHLANDS, IN SECTION 9, TOWNSHIP 52 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA.**

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 4, 2008 after proper notice, and voted 7 to 0 to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-244(16) of the "C-4" zoning district to expand a two story building for mixed-use, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 30-64(3) of the Marco Island Land Development Code; 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 a Conditional Use to expand a two story building for mixed-use on commercial "C-4" zoned property pursuant to Section 30-244(16) of the Marco Island Land Development Code, and has found that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations; and

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

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

The Petition CU-08-01 filed by Craig R. Woodward, Esq., representing Matt Walthour, with respect to the property hereinafter described as:

23 Front Street, further described as Lots 51-54, Block 5, Marco Highlands, as recorded in Plat Book 3, Page 72 of the Public Records of Collier County,

Florida, in Section 9, Township 52 South, Range 26 East, City of Marco Island, Florida.

Is hereby approved for Conditional Use "16" of Section 30-244 of the "C-4" zoning district to expand a two story building for mixed use in accordance with the site and architectural plans illustrated as Exhibits "B" through "D", and the following condition:

1. The petitioner shall renovate the subject site with landscaping and open space as illustrated on Exhibit "B" prior to issuance of a certificate of completion for residential use.

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-08-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

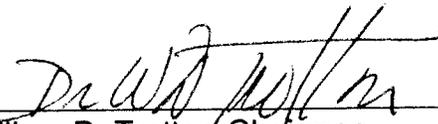
This Resolution adopted after motion, second and majority vote.

Done this 21<sup>st</sup> day of April, 2008.

Attest:

CITY OF MARCO ISLAND, FLORIDA

  
\_\_\_\_\_  
Laura Litzan  
City Clerk

By:   
\_\_\_\_\_  
William D. Trotter, Chairman

Approved as to Form and  
Legal Sufficiency:

  
\_\_\_\_\_  
Alan L. Gabriel, Esq.  
City Attorney

**FINDING OF FACT BY  
MARCO ISLAND PLANNING BOARD  
FOR  
A CONDITIONAL USE PETITION FOR  
CU-08-01  
(mixed use project)**

The following facts are found:

1. Section 30-244(16) of City Code authorizes the conditional use.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:
  - a. Consistency with the Land Development Code & Growth Management Plan:  
Yes  No
  - b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:  
Adequate ingress & egress  
Yes  No
  - c. Affects neighboring properties in relation to noise, glare, economic or odor effects:  
No affect  Affect mitigated by \_\_\_\_\_  
Affect cannot be mitigated \_\_\_\_\_
  - d. Compatibility with adjacent properties and other property in the district:  
Compatible use within district  
Yes  No

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval \_\_\_\_\_.

Date: 4/7/08

CHAIRMAN: [Signature]

MEMBER: [Signature]

EXHIBIT "A"

↑ NORTH

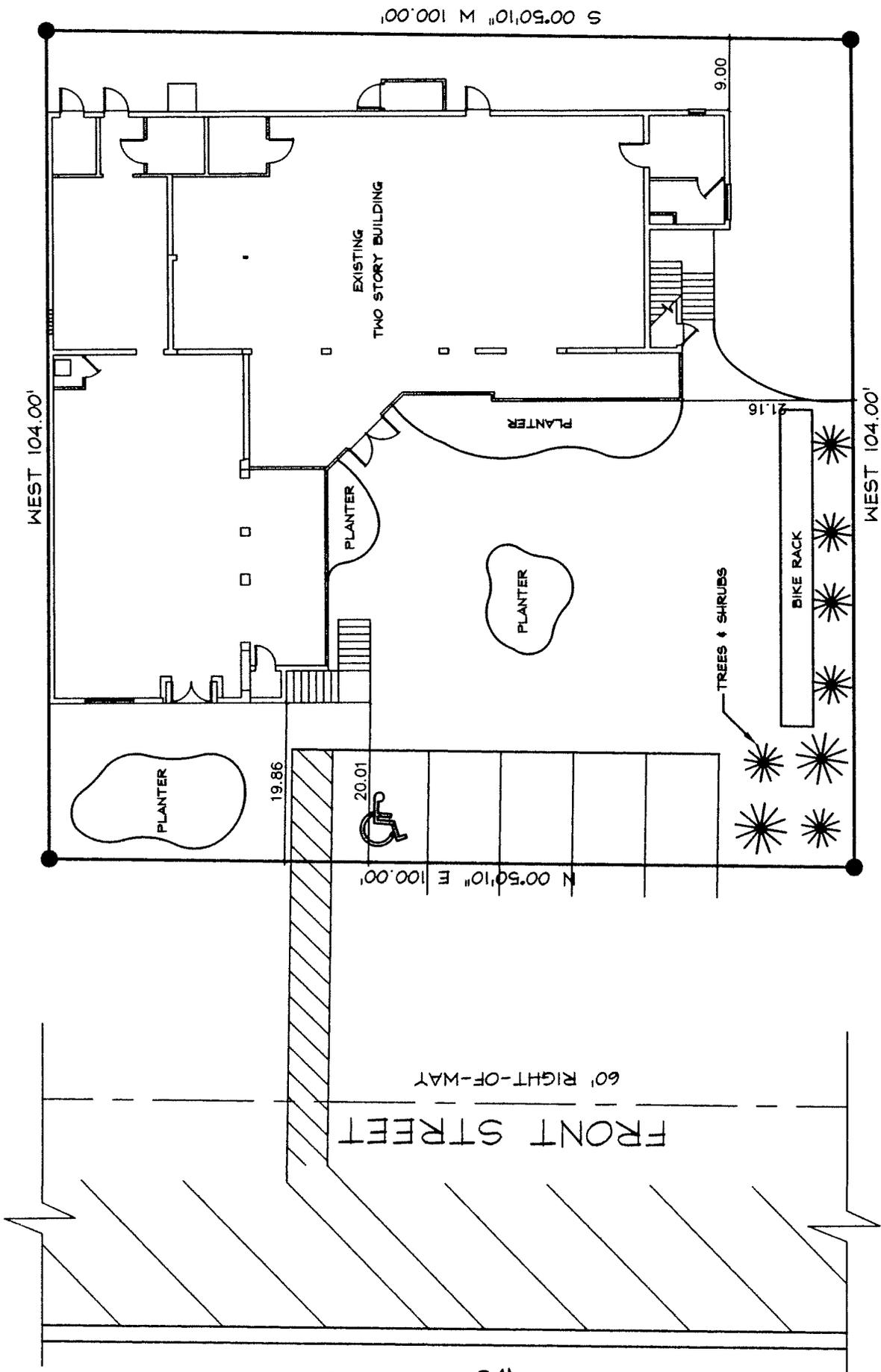
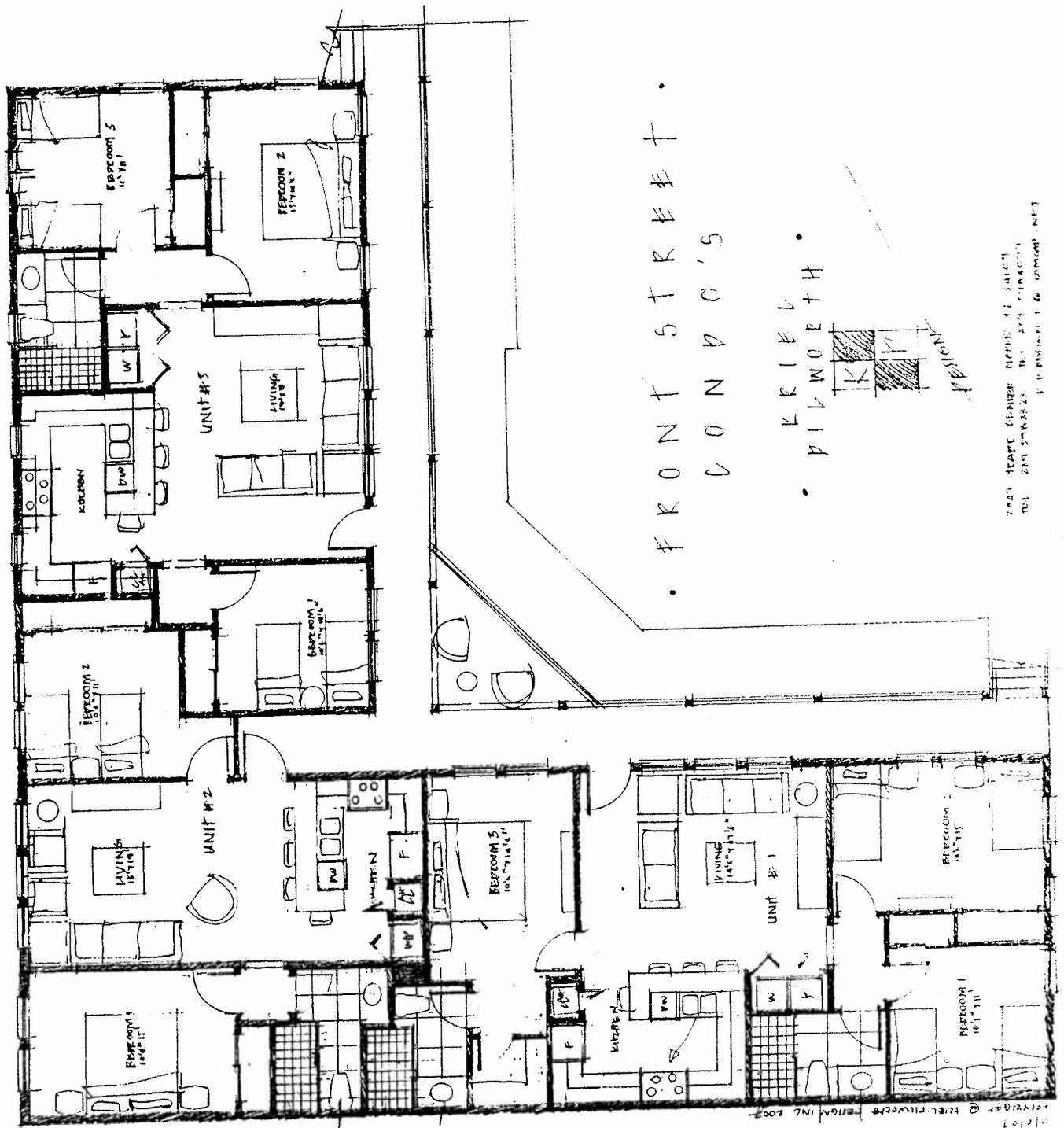


EXHIBIT "B"

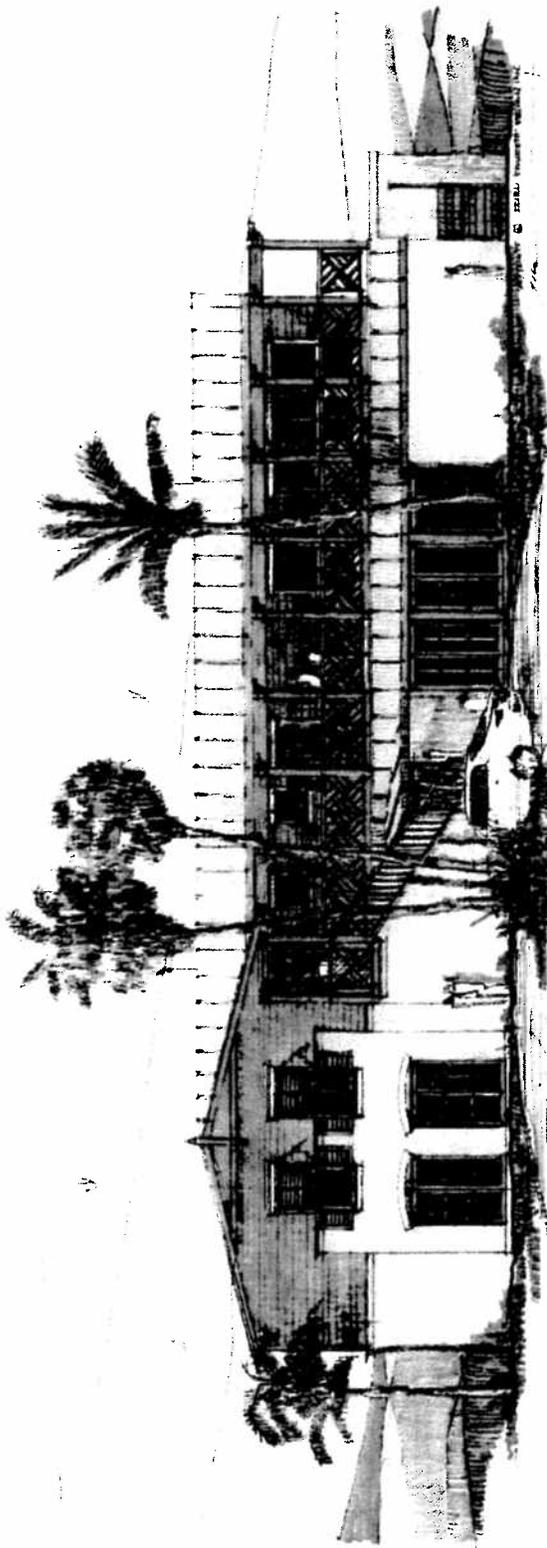


FRONT STREET.  
 CONDOR'S  
 PILWODE'S

14

PLAN SCALE CENTER NORTH 1/4 SECTION  
 2007 2007 2007 2007 2007 2007 2007 2007 2007 2007

EXHIBIT "C"



• K K I E P W I K W O C K T H • 25 FRONT STREET  
MALDEN ISLAND



1931 DEPT. OF THE INTERIOR, BUREAU OF LANDS, SURVEY OF MALDEN ISLAND

EXHIBIT "D"