

RESOLUTION NO. 08- 32

A RESOLUTION GRANTING THE SECND ONE-YEAR EXTENSION OF RESOLUTION 06-28, AN APPROVED CONDITIONAL USE FOR A FOUR STORY MIXED-USE RESIDENTIAL AND COMMERCIAL BUILDING AS PROVIDED FOR IN SECTION 30-244(16) OF THE C-4 ZONING DISTRICT AND MARCO ISLAND LAND DEVELOPMENT CODE, FOR PROPERTY DESCRIBED AS 928 PARK AVENUE, FURTHER DESCRIBED AS LOT 11, BLOCK 797, MARCO BEACH UNIT SIX, AS RECORDED IN PLAT BOOK 12, PAGES 53 AND 54 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, IN SECTION 8, TOWNSHIP 52 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA.

WHEREAS, Sections 30-242 through 30-246 of the Marco Island Land Development Code provide standards and regulations for the General Commercial (C-4) Zoning District; and

WHEREAS, on August 21, 2006 the Marco Island City Council, acting as the Board of Zoning Appeals adopted Resolution 06-28 attached hereto and incorporated by reference herein as Appendix One which granted a conditional use pursuant to Section 30-244(16) of the Marco Island Land Development Code, to develop a four story mixed-use commercial and residential building in the C-4 zoning district; and

WHEREAS, Section 30-64(5) of the Marco Island Land Development Code provides that the Board of Zoning Appeals may grant a maximum of three one-year extensions of approved conditional uses which have not been commenced; and

WHEREAS, Robert Garraty, of Garraty Realty Inc., representing Delcor Development, LLC, is requesting the second one-year extension of Resolution 06-28; and

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

The Petition CUE-08-01 filed by Robert Garraty, representing Delcor Development, LLC, with respect to the property hereinafter described as:

Lots 11, Block 797, recorded in Plat Book 12, pages 53 and 54 of the Public Records of Collier County, Florida, in Section 8, Township 52 South, Range 26 East, City of Marco Island, Florida.

Is hereby approved pursuant to Section 30-64(5) of the Marco Island Development Code, and the expiration date for Resolution 06-28 attached hereto and incorporated as Appendix One, and all conditions applicable thereto, is hereby extended for the second one-year extension until August 21, 2009.

BE IT FURTHER RESOLVED that this Resolution relating to petition number CUE-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 18th day of August 2008.

Attest:

CITY OF MARCO ISLAND, FLORIDA

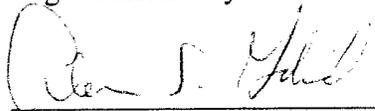


Laura Litzan
City Clerk

By: 

William D. Trotter, Chairman

Approved as to Form and
Legal Sufficiency:



Alan L. Gabriel, Esq.
City Attorney

RESOLUTION NO. 06-28

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL TO DEVELOP 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 928 PARK AVENUE, FURTHER DESCRIBED AS LOT 11, BLOCK 797, MARCO BEACH UNIT 6, IN SECTION 8, 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 July 21, 2006 after proper notice, and voted 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 construct a new four story mixed-use building on the subject property, 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 construct a new four story mixed-use building 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-05-06 filed by David G. Childs, P.A., representing Delcor Development, LLC, with respect to the property hereinafter described as:

928 Park Avenue, further described as Lot 11, Block 797, Marco Beach Unit 6, in Section 8, Township 52 South, Range 26 East, City of Marco Island, Florida.

"APPENDIX ONE"

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

1. During the Site Development Plan review process the Public Works Department will evaluate the project for full compliance with regulations governing engineering, water management, and traffic circulation on and off-site.
2. During the Site Development Plan review process the petitioner shall provide a six foot wide sidewalk along the Park Avenue right-of-way.
3. The petitioner shall post signs along the alleyway parking spaces stating "reserved parking for Sunset Plaza patrons".

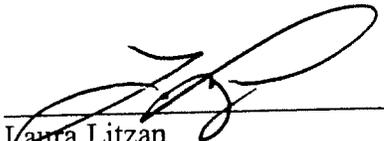
BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-05-06 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 21st day of August, 2006.

Attest:

CITY OF MARCO ISLAND, FLORIDA

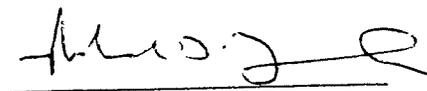


Laura Litzan
City Clerk

By: Terri DiSciullo

Terri DiSciullo, Chairwoman

Approved as to Form and
Legal Sufficiency:



Richard Yovanovich
City Attorney

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-05-06
(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 X 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 X No _____
 - c. Affects neighboring properties in relation to noise, glare, economic or odor effects:
No affect X Affect mitigated by _____
Affect cannot be mitigated _____
 - d. Compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes X No _____

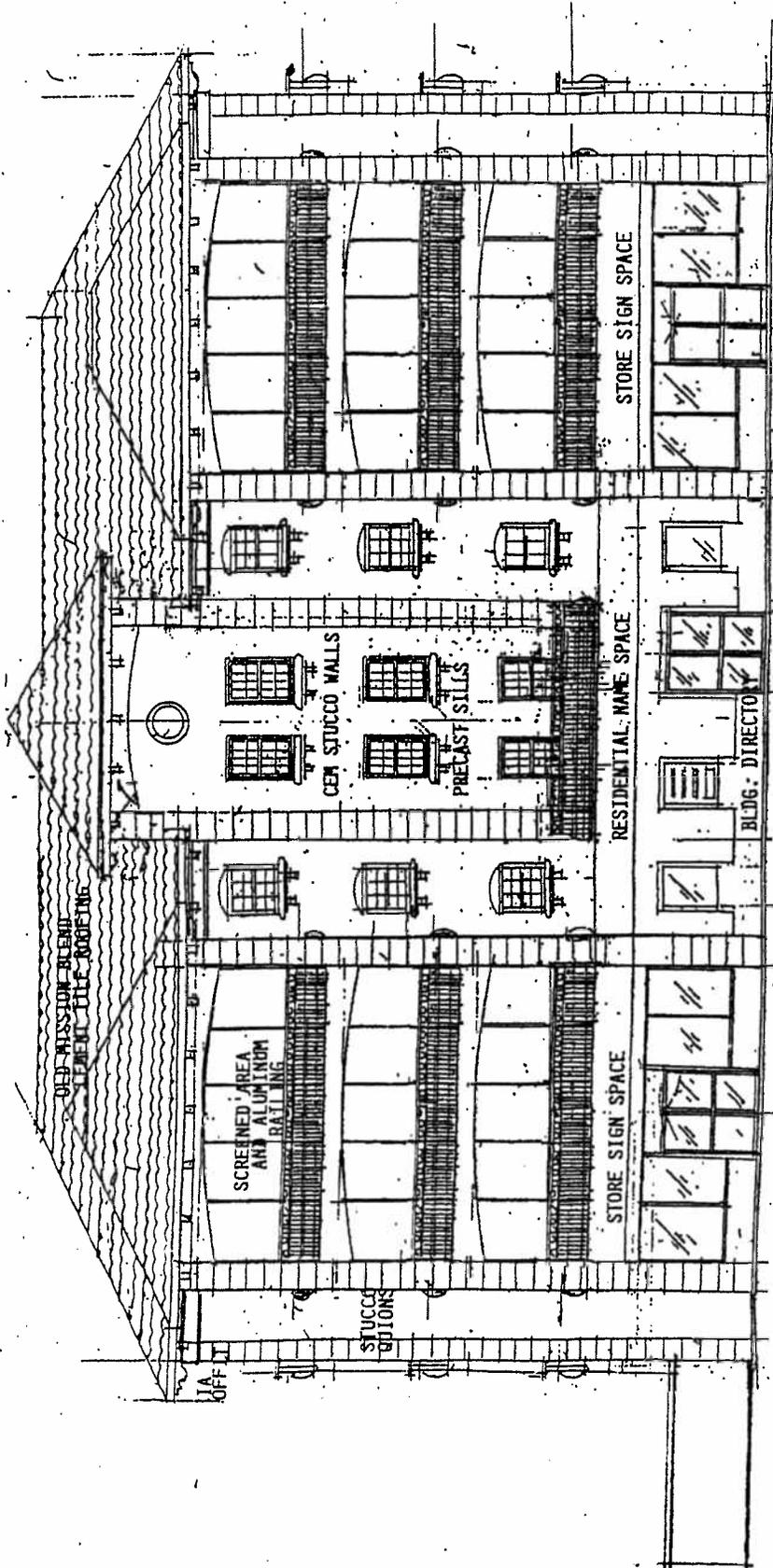
Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval — PARKING & SIDEWALK SPACES

Date: 7/19/00

CHAIRMAN: [Signature]

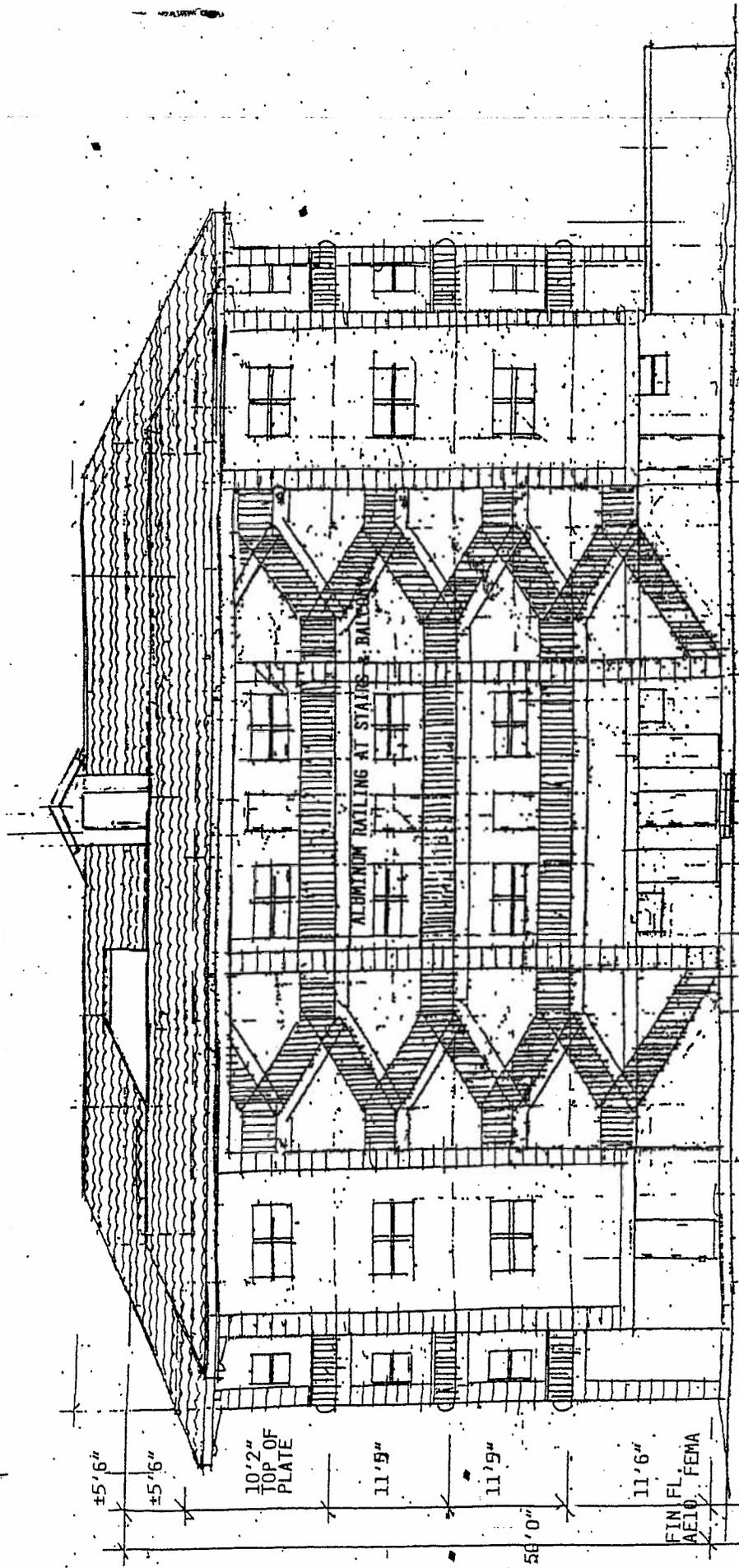
MEMBER: _____

EXHIBIT "A"



FRONT (south) ELEVATION
 Scale = 1/4" = 1'-0"

FRONT VIEW OF MIXED USE
 RESIDENTIAL BUILDING ON PARK AVENUE



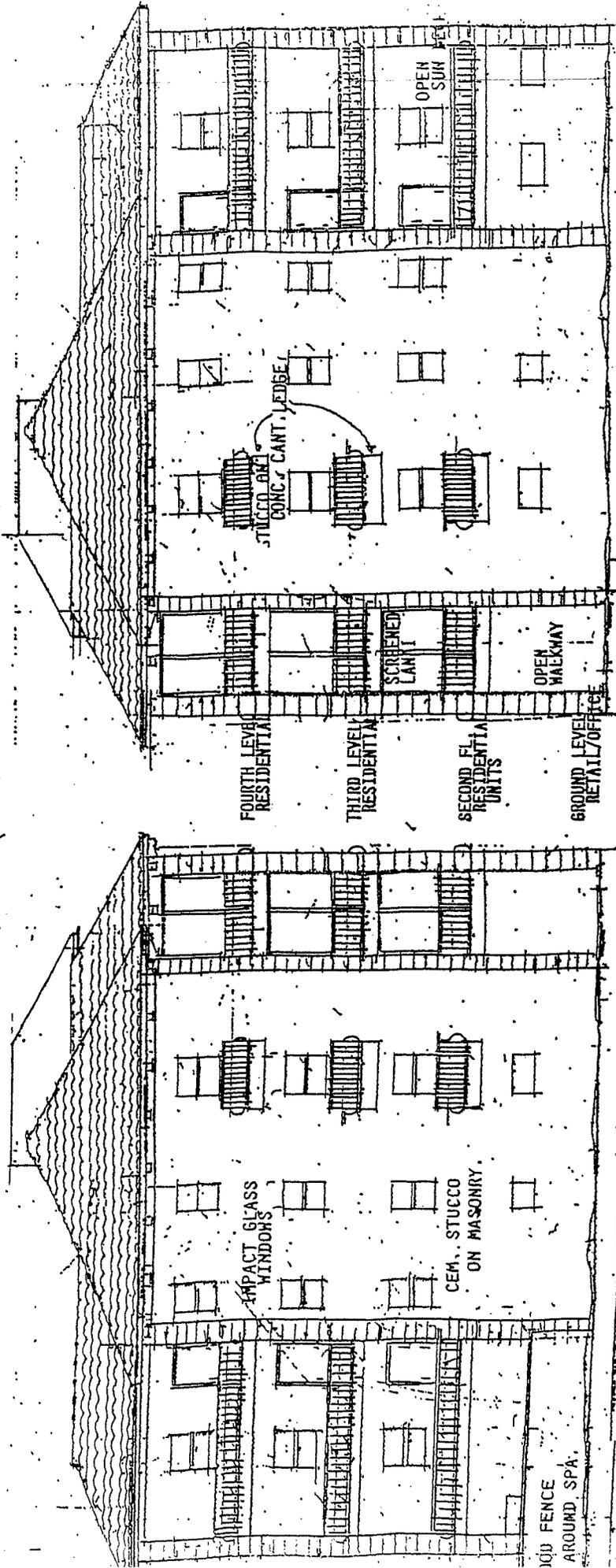
REAR (NOTED) ELEVATION

REAR VIEW OF MIXED USE

RESIDENTIAL BUILDING ON PARK AVENUE

MARCO ISLAND, FLA.

11/11

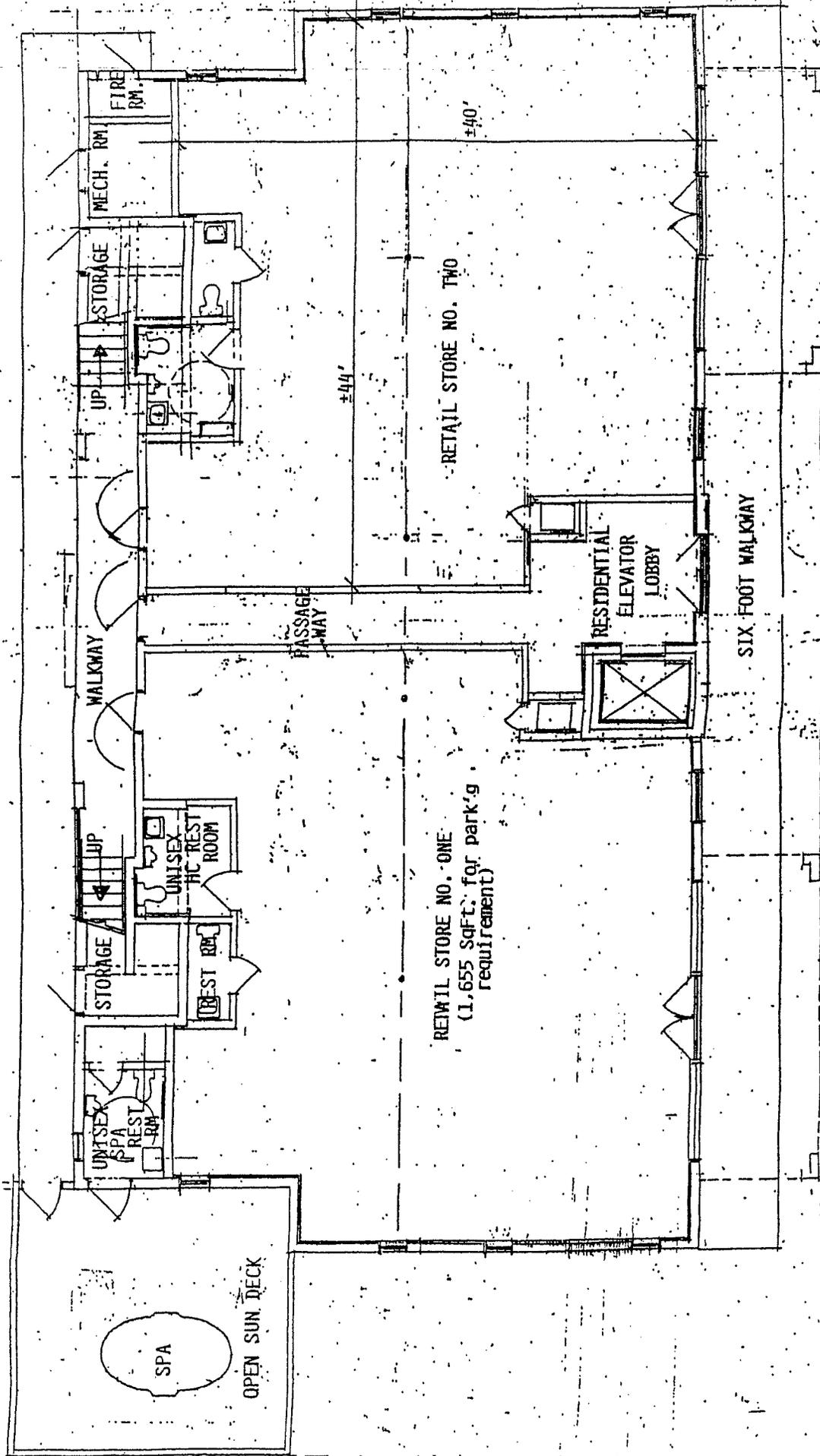


LEFT SIDE (WEST) ELEVATION
Scale 1/8" = 1'0"

RIGHT SIDE (EAST) ELEVATION
Scale 1/8" = 1'0"

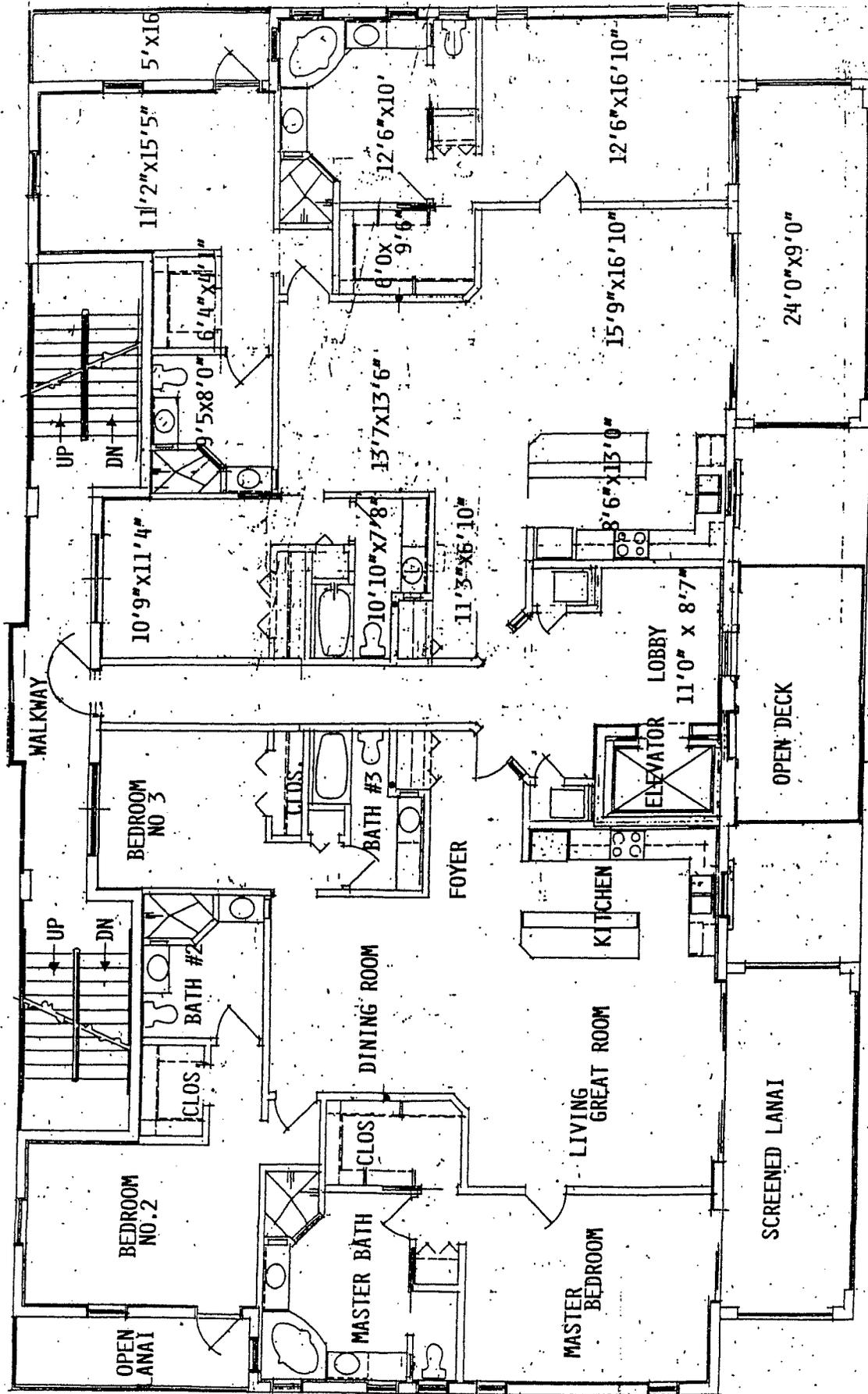
SIDE VIEW OF MIXED USE
RESIDENTIAL BUILDING ON PARK AVENUE
MARCQ ISLAND, FLA.

EXHIBIT "D"



TYPICAL FLOOR PLAN OF RETAIL STORES
 SCALE 1/8" = 1'0"
 (APPROXIMATE DIMENSIONS)

EXHIBIT "E"



FLOOR PLAN - UNITS # 1, 3 & 5

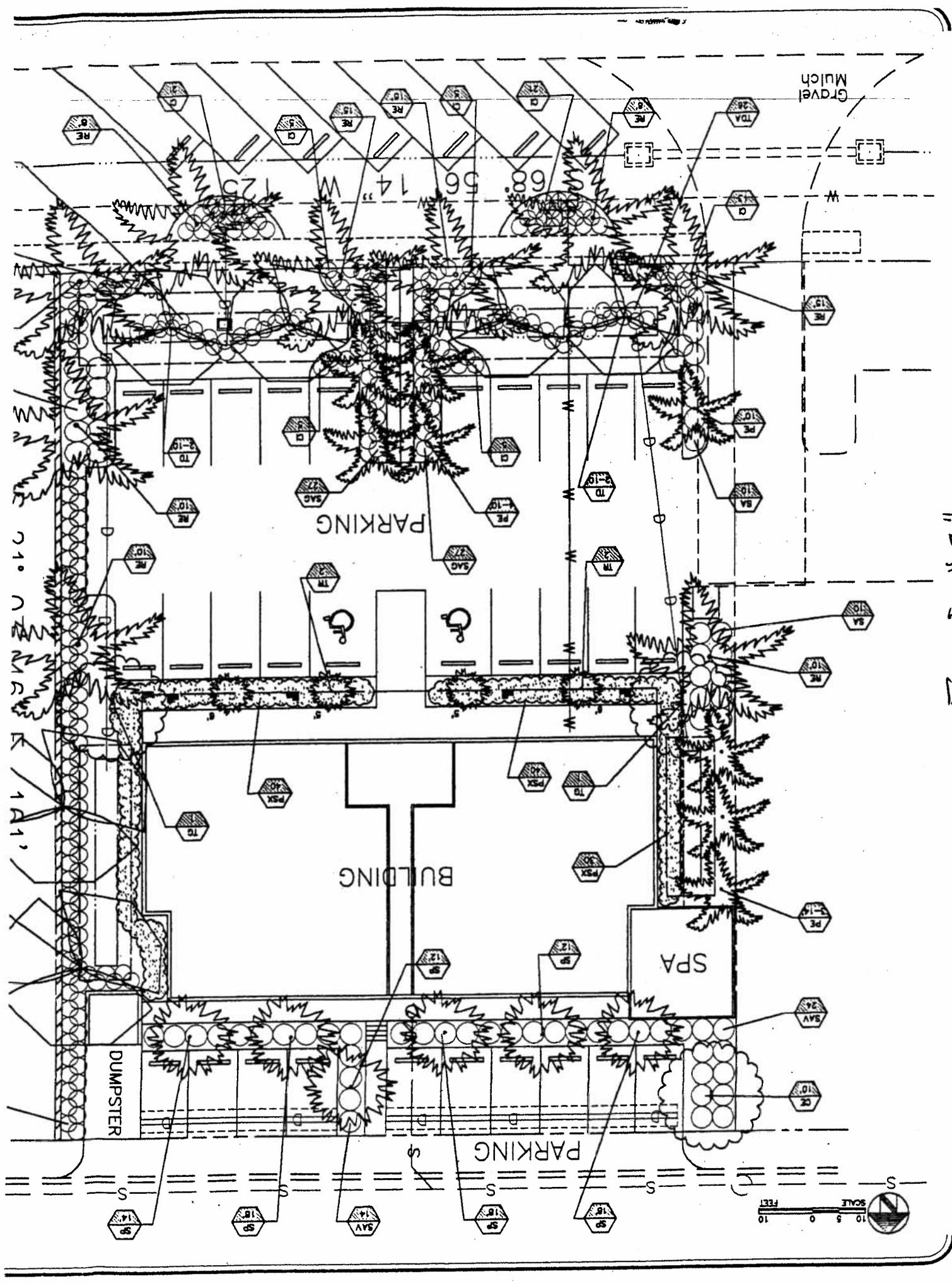
FLOOR PLAN - UNITS # 2, 4 & 6

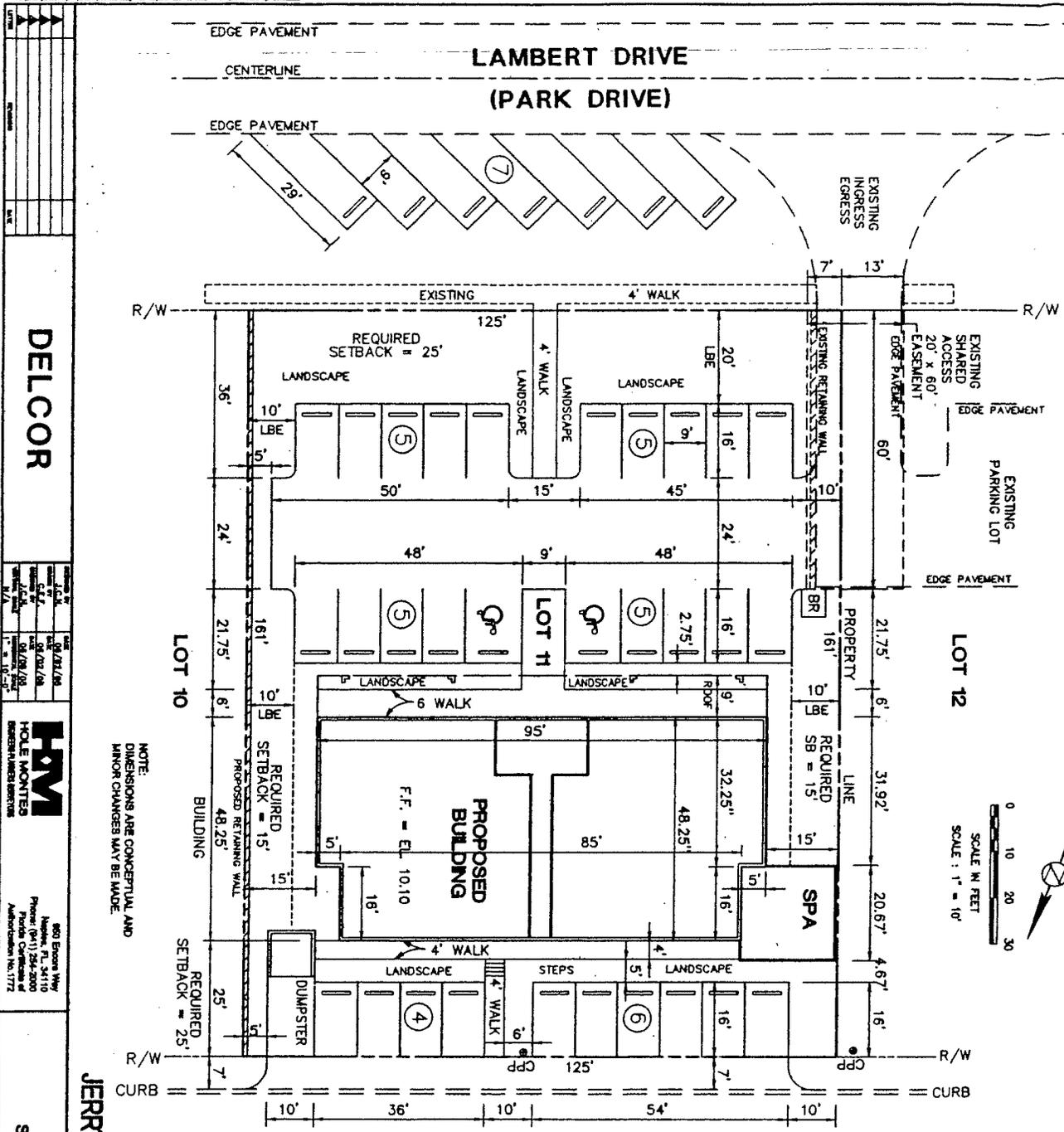
TYPICAL FLOOR PLAN OF RESIDENTIAL UNITS

SCALE 1/8" = 1'0"

(APPROXIMATE DIMENSIONS)

EXHIBIT "F"





NOTE:
DIMENSIONS ARE CONCEPTUAL AND
MINOR CHANGES MAY BE MADE

DELCOR		HVM		MASTER SITE PLAN	
Project No.	5071MSP	Project No.	5071MSP	Sheet No.	4352-1
Client	JERRY C. NEAL, P.E.	Client	JERRY C. NEAL, P.E.	Scale	1" = 10'
Address	2005.071	Address	2005.071	Date	2005.071

JERRY C. NEAL, P.E. #26646

EXHIBIT H
10-18-05

ALLEY

LEGAL DESCRIPTION:
Lot #71, Block #207, Unit #8
Mape 16464, Florida 20,125 SQ. FT.
0.46 AC.

DEVELOPMENT STANDARDS: Provided
BUILDING SETBACK (FRONT) ... 25 FEET ... 25 FEET
BUILDING SETBACK (SIDE) ... 15 FEET ... 15 FEET
BUILDING SETBACK (REAR) ... 25 FEET ... 25 FEET
BUILDING HEIGHT ... 7.5 FEET ... 5.5 FEET

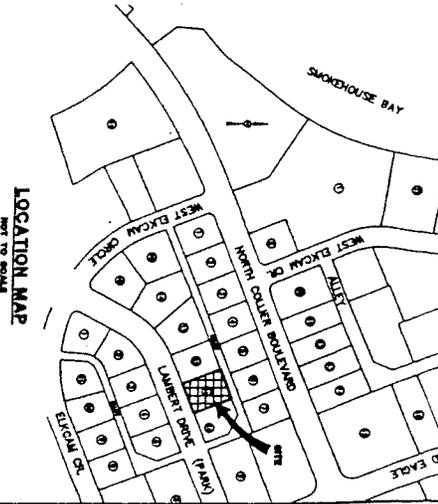
SITE SUMMARY:

BUILDING FOOTPRINT (444 SF)	0.104 AC.	21.98 %
PAVEMENT (7600 SF)	0.172 AC.	37.28 %
SEWER/WALK (1812 SF)	0.034 AC.	8.00 %
SPA & DUMPSTER (978 SF)	0.015 AC.	3.26 %
GRASS (5911 SF)	0.134 AC.	29.40 %
TOTAL SITE AREA (20,125 SF)	0.462 AC.	100.00%

PARKING SUMMARY:

REQUIRED	PROVIDED
NETAL REQUIRED 1 SPACE PER 250 SF OF NETAL	16 SPACES
1340 SF / 250	144 SPACES
RESIDENTIAL PARKING REQUIRED 3 SPACES PER UNIT	120 SPACES
RESIDENTIAL 8 UNITS X 2	16 SPACES
SUB-TOTAL	27 SPACES
CREDIT FOR ONE BLOCK	1
CREDIT FOR FOOT TRAFFIC	1
CREDIT FOR SHADING (VERTICAL PARKING)	1
TOTAL	21.5 SPACES

PROVIDED 27 REGULAR AND 2 HANDICAP SPACES
* THE 10 SPACES OF THE ALLEY ARE FOR RESTAURANT NORTH OF THE ALLEY



GARRATY REALTY

August 8, 2008
Mr. Bryan Milk, City Planner, and
The Marco Island City Council

Dear Sirs,

We are respectfully applying for a one year renewal of the approved conditional use permit for the property located at 928 Park Avenue. We have been making progress with the plans and intend to move forward with the development but the downturn in the real estate market and economy has forced us to delay construction. Also, the ongoing staging of debris and materials and subsequent restoration of the Veterans Memorial Park site has made the "Town Center" unsuitable for the development and marketing of a new project.

We are pleased however that the site is being cleaned up and restored and that the City is looking into grants and other sources of revenue to improve the infrastructure and gentrification of what will one day be the Marco Island's central hub or "Activity Center" as is provided in the Master Plan. We anticipate that our development will be an attractive and cohesive part of the improvement of this area of the Island.

The record shows that the conditional use was approved overwhelmingly by both the Planning Board as well as the City Council. The density, ratios, building height, and criteria are unchanged from the time of the original approval and are still consistent with the C-4 zoning. The site plan, parking plan, lighting plan, building elevations, traffic study, site engineering and drainage plan, etc. are all on record with the City.

Herbert Savage, Architect and I will attend the hearing on behalf of the Owner/Developer (Delcor Development, LLC) as they are unable to attend in person. Mr. Savage will bring along drawings of the project and will be available to answer questions about the development for those of you that were not seated on the council for the original approval and for the others that may need to be refreshed on our plans. We will be present without the Owner/Developer's attorney Donald Childs due to his untimely death in July.

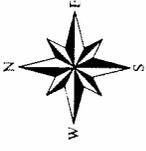
Thank you for your consideration.

Sincerely,

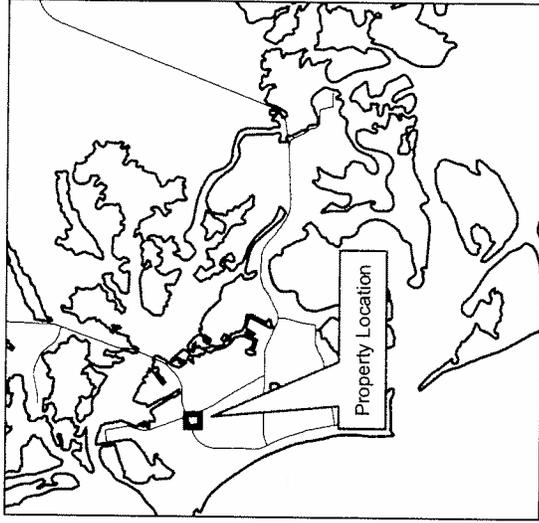


Robert Garraty
Marketing Director
Garraty Realty, Inc.

291 SOUTH COLLIER BOULEVARD MARCO ISLAND FLORIDA 34145
(239) 642-3050 robert@garratyrealty.com



PETITION CU-08-01
DELCOR DEVELOPMENT LLC
928 PARK AVE



WIDE AERIAL VIEW

