

RESOLUTION NO. 06- 16

A RESOLUTION GRANTING A THIRD ONE-YEAR EXTENSION OF RESOLUTION 03-21, AN APPROVED CONDITIONAL USE FOR INCREASING THE MAXIMUM BUILDING HEIGHT OF PRINCIPAL STRUCTURES IDENTIFIED IN SECTION 30-322(5) OF THE COMMUNITY FACILITY (CF) ZONING DISTRICT FROM 30 FEET TO 50 FEET, PURSUANT TO SECTIONS 30-324(10) AND 30-64(3) OF THE MARCO ISLAND LAND DEVELOPMENT CODE, FOR PROPERTY DESCRIBED AS LOTS 9 AND 10, BLOCK 427, OF UNIT 15 REPLAT, IN SECTION 15, TOWNSHIP 52 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA.

WHEREAS, Sections 30-321 through 30-327 of the Marco Island Land Development Code provide standards and regulations for the Community Facility (CF) zoning district; and

WHEREAS, on April 7, 2003 the Marco Island City Council, acting as the Board of Zoning Appeals adopted Resolution 03-21 attached hereto and incorporated by reference herein as Appendix One which granted a conditional use pursuant to Sections 30-324(10) and 30-64(3) of the Marco Island Land Development Code, for an increase in building height from 30 feet to 50 feet; and

WHEREAS, on April 5, 2004, the Board of Zoning Appeals adopted Resolution 04-21 attached hereto and incorporated by reference herein as Appendix Two granting a one-year extension of Resolution 03-21, pursuant to Section 30-64(5) of the Marco Island Land Development Code; and

WHEREAS, on March 21, 2005, the Board of Zoning Appeals adopted Resolution 05-23 attached hereto and incorporated by reference herein as Appendix Three granting a second one-year extension of Resolution 03-21, pursuant to Section 30-64(5) of the Marco Island Land Development Code; 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, Craig R. Woodward representing Kingsley Investments, LLC (a.k.a. the Aviary), is requesting a third one-year extension of Resolution 03-21; and

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

The Petition CUE-06-01 filed by Craig R. Woodward representing Kingsley Investments, LLC, (a.k.a. the Aviary), with respect to the property hereinafter described as:

Lots 9 and 10, Block 427, of Unit 15 replat, Section 15, 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 03-21 attached hereto and incorporated as Appendix One, and all conditions applicable thereto, is hereby extended for a third one-year extension until April 7, 2007.

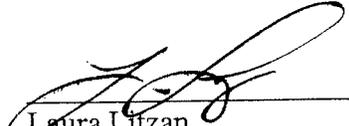
BE IT FURTHER RESOLVED that this Resolution relating to petition number CUE-06-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

This Resolution adopted after motion, second, and majority vote.

Done this 3rd day of April 2006.

Attest:

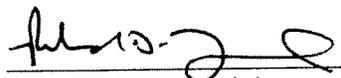
CITY OF MARCO ISLAND, FLORIDA



Laura Litzan
City Clerk

By: Terri DiSciullo
Terri DiSciullo, Chairwoman

Approved as to Form and
Legal Sufficiency:



Richard Yovanovich
City Attorney