

RESOLUTION NO. 06-66

A RESOLUTION DETERMINING PETITION V-06-03, A VARIANCE FROM THE MINIMUM LANDSCAPE BUFFER AND SCREENING REQUIREMENTS MANDATORY ALONG A PUBLIC RIGHT-OF-WAY, AS SPECIFIED IN SECTION 30-441(g) ALTERNATIVE C, OF THE MARCO ISLAND LAND DEVELOPMENT CODE, FROM 20 FEET TO 10 FEET, IN CONJUNCTION WITH PLANS TO CONSTRUCT A NEW THREE STORY COMMERCIAL OFFICE BUILDING ON THE SUBJECT PROPERTY; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR FILING WITH THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 30-441(g) of the Marco Island Land Development Code establishes minimum landscaping and screening requirements along a public right-of-way; and

WHEREAS, James E. Boughton, AIA of Boughton Architects, Inc., representing Anthony J. Iannotta, James McGregor, and Leonard J. Bubri, has petitioned the City for a 10 foot variance from the 20 foot minimum landscape buffer and screening requirements along a public right-of-way, in order to provide a 10 foot landscape buffer along Bald Eagle Drive and Hartley Avenue, in conjunction with plans to construct a new three story commercial building on the subject property; and

WHEREAS, the City of Marco Island has adopted Section 30-65 of the Marco Island Land Development Code which establishes variance procedures; and

WHEREAS, the Marco Island Planning Board conducted a public hearing on November 10, 2006 to consider the advisability of a 10 foot variance from the required 20 foot minimum landscape buffer and screening requirements to 10 feet in conjunction with plans to construct a new three story commercial building on the subject property, and voted to recommend that the Marco Island City Council approve the requested variance; 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 as provided for in Section 30-65, and has considered the advisability of a 10 foot variance from the required 20 foot minimum landscape buffer and screening requirements to 10 feet in conjunction with plans to construct a new three story commercial building as shown on Exhibits "A" and "B" in the "C-4" zoning district for property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by City Ordinances, including Section 30-65 of the Marco Island Land Development Code subject to the following criteria:

1. The petitioner shall maintain an opaque four foot high landscape hedge along Bald Eagle Drive and Hartley Avenue;
2. Trees planted in the public right-of-way shall be consistent with the landscape program prescribed by the City.
3. Detailed storm water management calculations and plans will be required with the site development plan submittal. Additionally, a Traffic Impact Statement and right-of-way permit is required for all off-site improvements.

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 One:

Petition V-06-03, filed by James E. Boughton, AIA of Boughton Architects, Inc., representing Anthony J. Iannotta, James McGregor, and Leonard J. Bubri with respect to the property described as 515 Bald Eagle Drive, Lot 1, Block 35, Marco Beach Unit 1, City of Marco Island, Florida, is hereby approved and authorizes a 10 foot variance from the required 20 foot minimum landscape buffer to 10 feet for the construction of a new three story commercial building.

Section Two:

This Resolution relating to Petition Number V-06-03 shall be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

Section Three:

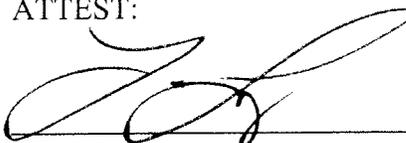
This Resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL ACTING AS THE BOARD OF ZONNING APPEALS THIS 4th DAY OF December 2006.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

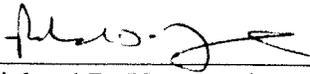
By: Terri DiSciullo
Terri DiSciullo, Chairwoman

ATTEST:



Laura Litzan
City Clerk

Approved as to form and legality:



Richard D. Yovanovich
City Attorney

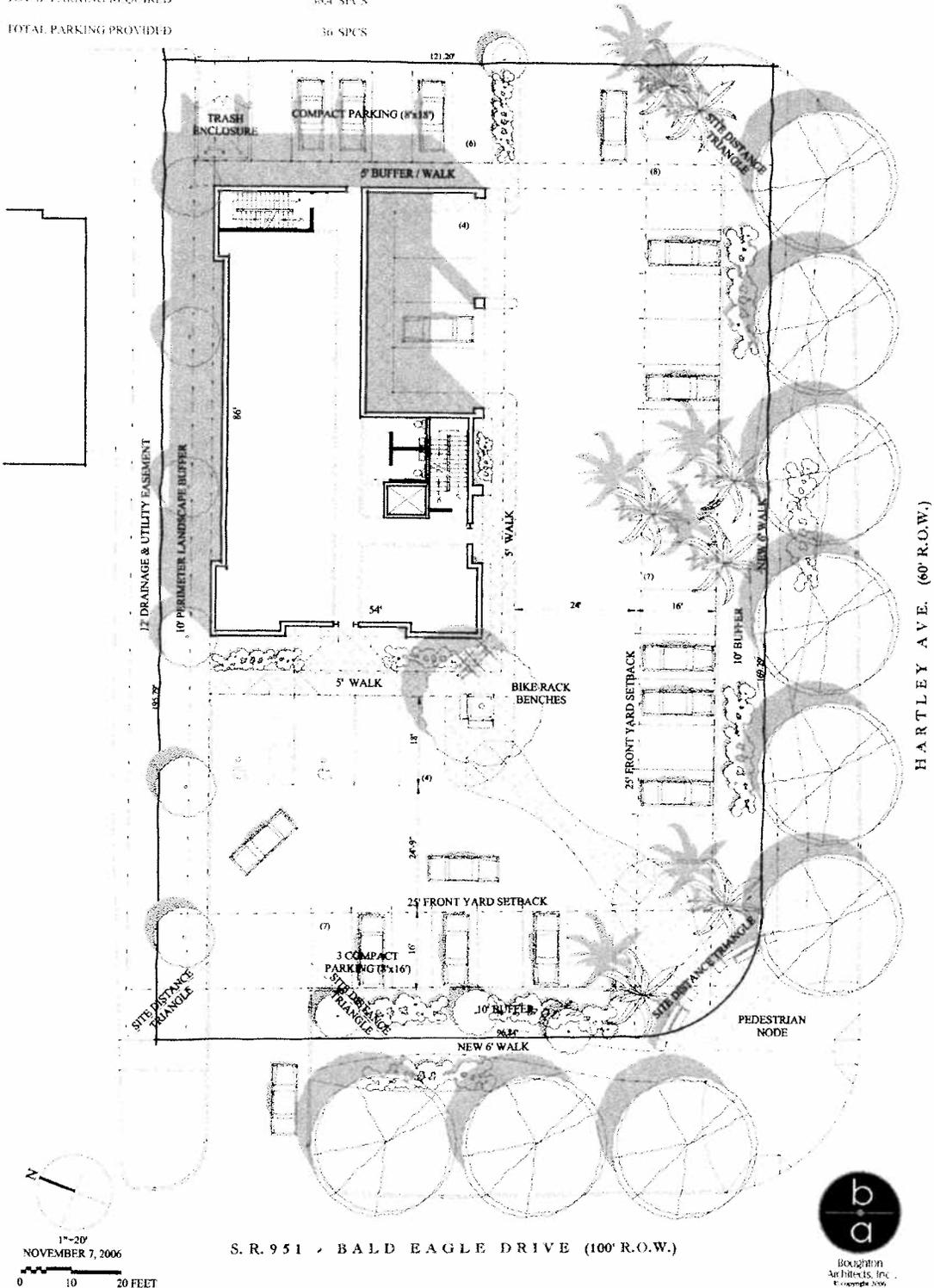
Gateway Professional Center

515 Bald Eagle Drive

	BUILDING	PARKING
GROUND FLOOR AREA	3,300 SF @ 1:300	11.0 SPCS
2nd FLOOR AREA	4,250 SF @ 1:300	14.2 SPCS
3rd FLOOR AREA	4,250 SF @ 1:300	14.2 SPCS
BLDG AREA	11,800 SF	39.4 SPCS

PARKING CREDITS	
PEDESTRIAN ACCESS	-1.0 SPCS
BICYCLE RACK	-1.0 SPCS
PEDESTRIAN NODE	-1.0 SPCS
SUBTOTAL PARKING CREDITS	-3.0 SPCS
TOTAL PARKING REQUIRED	36.4 SPCS
TOTAL PARKING PROVIDED	36 SPCS

JOSBERGERS WAY



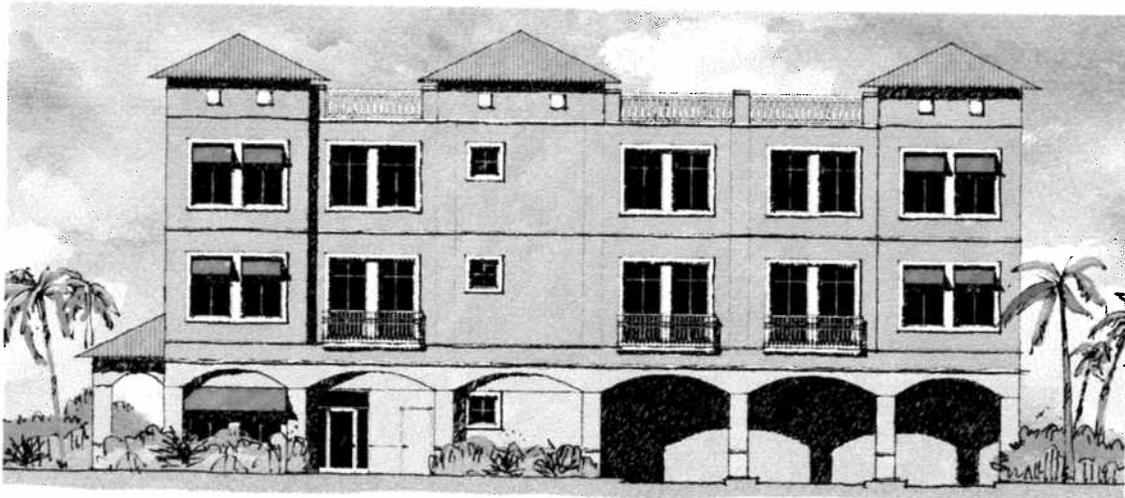
S. R. 951 / BALD EAGLE DRIVE (100' R.O.W.)



EXHIBIT "A"

Gateway Professional Center

515 Bald Eagle Drive



HARTLEY AVENUE ELEVATION



BALD EAGLE DRIVE ELEVATION

NOVEMBER 7, 2006
0 10 20 FEET



Boughton
Architects, Inc.
INCORPORATED 1978

EXHIBIT "B"