

RESOLUTION NO. 06- 52

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL TO DEVELOP THREE MIXED USE BUILDINGS IN ACCORDANCE WITH SECTION 30-224(16) OF THE C-3 COMMERCIAL ZONING DISTRICT AND MARCO ISLAND LAND DEVELOPMENT CODE, FOR PROPERTY DESCRIBED AS LOT 1, BLOCK 147, MARCO BEACH UNIT 5, IN SECTION 16, 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 6 to 0 to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-224(16) of the “C-3” zoning district to construct three mixed-use buildings 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 three mixed-use buildings on commercial “C-3” zoned property pursuant to Section 30-224(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-05-02 filed by Clay C. Brooker of Cheffy, Passidomo, and Johnson, representing Trinity Plaza, LLC, with respect to the property hereinafter described as:

Lot 1, Block 147, Marco Beach Unit 5, in Section 16, Township 52 South, Range 26 East, City of Marco Island, Florida.

Is hereby approved for Conditional Use "16" of Section 30-224 of the "C-3" zoning district to construct a total of three four story mixed-use buildings in accordance with the site, water management, and architectural plans illustrated as Exhibits "B", "C", "D" and "E", and the following conditions:

1. Petitioner shall be responsible for preventing and mitigating any adverse drainage impacts on the southern adjacent properties caused by the storm/surface water on the property;
2. Detailed storm water management calculations and plans will be required with the site development plan submittal. These plans should include providing an underground system to handle the storm water outfall along Balmoral Court to open water;
3. Based on the submitted Traffic Impact Statement, Public Works will require a right turn/deceleration lane to be constructed along San Marco Road, to include the reconstruction of the Balmoral Court intersection. This design must be included in the site development plan submittal. A right-of-way permit will also be required by Public Works for all off-site improvements;
4. The petitioner shall build a minimum five foot tall architecturally designed masonry wall along the entire southern property boundary for noise abatement and buffer purposes, prior to issuance of a Certificate of Occupancy permit for any of the commercial space or condominium units;
5. Prior to development of the site, an incidental take permit through the Florida Fish and Wildlife Conservation Commission is required for relocation of gopher tortoises, and an Environmental Resource Permit (ERP) is required through the South Florida Water Management District.

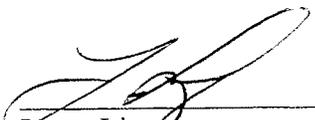
BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-05-02 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

This Resolution adopted after motion, second and majority vote.

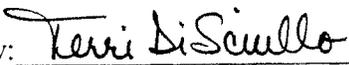
Done this 6th day of November, 2006.

Attest:

CITY OF MARCO ISLAND, FLORIDA

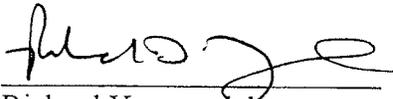


Laura Litzan
City Clerk

By: 

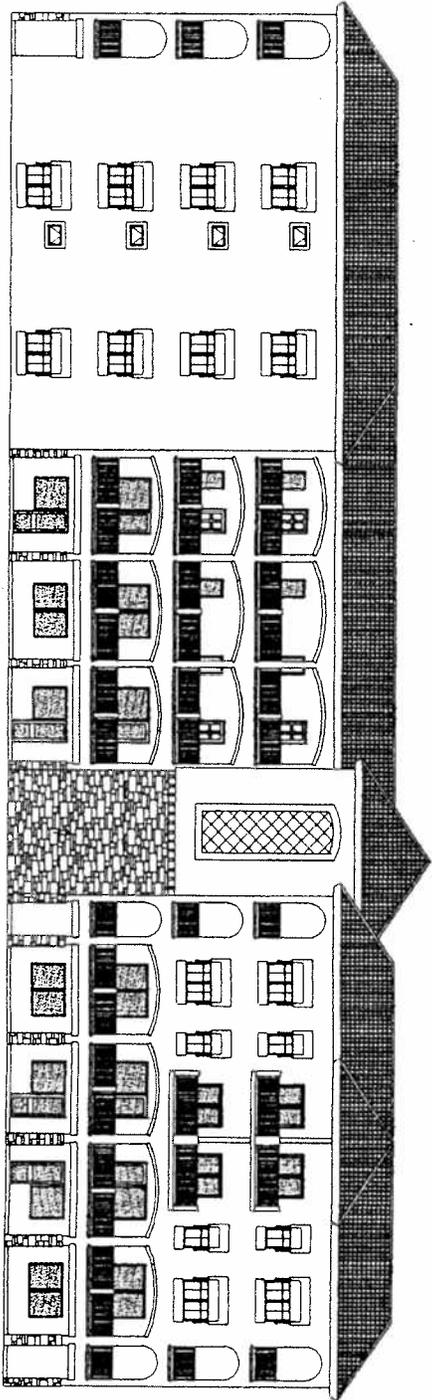
Terri DiSciullo, Chairwoman

Approved as to Form and
Legal Sufficiency:

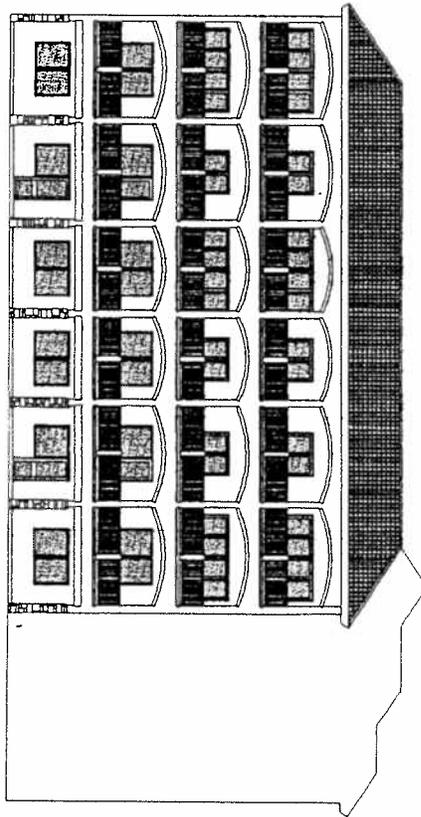


Richard Yovanovitch

City Attorney



WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

TRINITY PLAZA

EXHIBIT "C"

THOMAS E. KILLEN
 ARCHITECT, P.A.
 3440 SANDY HOOK BLVD. #1
 NAPLES, FLORIDA 34104
 (239) 434-4715

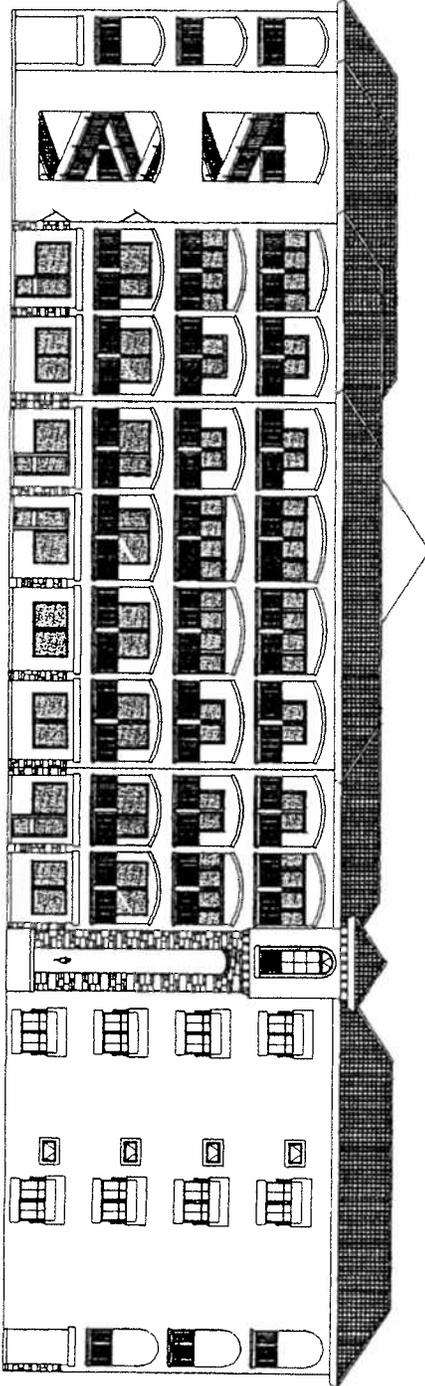
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DD-2
DATE SHOWN

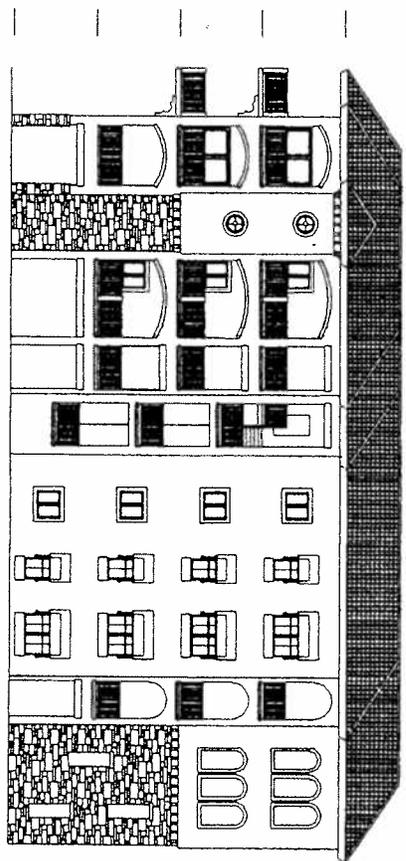
ELEVATIONS	
NO.	DATE

12/15/10

12/15/10



EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

DD-1
DATE: 5/24/88

NO.	DATE	REVISION

TRINITY PLAZA

THOMAS E. KILLEN
ARCHITECT, L.L.C.
3640 RADIO ROAD, SUITE 107
NAPLES, FLORIDA 34104
1234 08-118

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1/8" = 1'-0"

EXHIBIT "D"

