

**RESOLUTION NO. 04- 21**

A RESOLUTION GRANTING A 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 Exhibit "A" 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, Section 30-64(5) of the Marco Island Land Development Code provides that the Board of Zoning Appeals may grant a one-year extension for a conditional use which has not been commenced.

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

The Petition CUE-04-01 filed by The Aviary Marco Island, LCC, 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 Exhibit "A", and all conditions applicable thereto, is hereby extended for one additional year until April 7, 2005.

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CUE-04-01 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 5<sup>th</sup> day of April 2004.

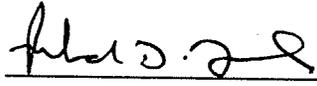
Attest:

CITY OF MARCO ISLAND, FLORIDA

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

By:   
\_\_\_\_\_  
Terri DiSciullo, Chairwoman

Approved as to Form and  
Legal Sufficiency:

  
\_\_\_\_\_  
Richard Yovanovich  
City Attorney

**RESOLUTION NO. 03- 21**

**A RESOLUTION TO INCREASE 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, 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, 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, the Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing after notice, and has considered the advisability of Conditional Use "10" of section 30-324 of the "CF" zoning district to increase the building height from 30 feet to 50 feet on the property hereinafter described, 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 sections 30-64(3) and 30-324(10) of the Marco Island Land Development Code for the Marco Island Planning Board; 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-03-01 filed by Craig R. Woodard and Ronald Nino representing Kingsley Investment, Inc., 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 for Conditional Use "10" of section 30-324 of the "CF" zoning district to increase the principal building height from 30 feet to 50 feet in accordance with the site and architectural plans illustrated as Exhibit "B", the service and amenity schedule illustrated as Exhibit "C", and the following condition:-**

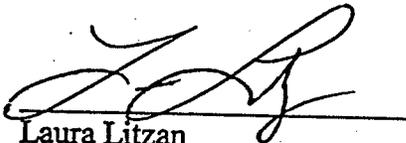
a. The petitioner's site plan drawing reveals two driveways approximately 100 apart. Because of operational and safety concerns including the potential for vehicle conflicts, a right turn lane facility is required for the project.

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-03-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

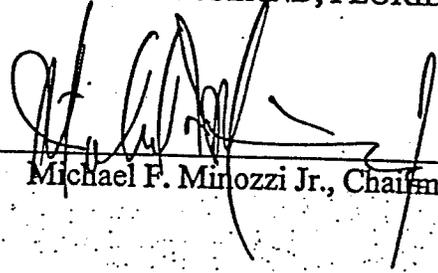
This Resolution adopted after motion, second and majority vote.

Done this 7th day of April, 2003.

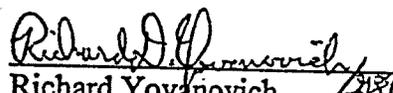
Attest:

  
Laura Litzan  
City Clerk

CITY OF MARCO ISLAND, FLORIDA

By:   
Michael F. Minozzi Jr., Chairman

Approved as to Form and  
Legal Sufficiency:

  
Richard Yovanovitch  
City Attorney

**FINDING OF FACT BY  
MARCO ISLAND PLANNING BOARD  
FOR  
A CONDITIONAL USE PETITION FOR  
CU-03-01**

The following facts are found:

1. Section 30-322(5) of the Marco Island Land Development Code (LDC) authorized the conditional use.
2. Pursuant to Section 30-64(3) of the Land Development Code, 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
3. Those uses identified in Section 30-322(5) of the Land Development Code shall be reviewed pursuant to Section 30-224(10) and the following supplemental review criteria shall be considered because of:
  - e. Starting with a minimum open space requirement of 30% for each foot of height sought in excess of 30 feet, there shall be a one percent increase in project open space:  
Additional open space provided equivalent to height increase  
Yes  No

- f. In addition to any required State license applications there shall be sufficient documentation of services to be provided at the facility to demonstrate a commitment to "aging in place" as defined in 400.402 F.S., and the physical location(s), as shown on required site plans, of where such services will be rendered or supported at the facility:

Continuing care services and amenities provided  
Yes  No

- g. Provision of parking on-site pursuant to section 30-1018(n); provided however, that City Council may decrease the amount of required parking by 10% based on consideration of other transportation options and services, such as valets, passenger vans, buses, etc., if applicable:

Parking reduction and/or deviations requested  
Yes  No

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

Date: 3/21/03

CHAIRMAN: Ernest Van Heusen

MEMBER: Ernest Van Heusen

[Signature]



## **THE AVIARY MARCO ISLAND --- Senior Retirement Living**

The Aviary Marco Island, in support of the concept of "aging in place" as defined Florida Statutes 400.402 (4):

**"Aging in place" or "age in place" means the process of providing increased or adjusted services to a person to compensate for the physical or mental decline that may occur with the aging process, in order to maximize the person's dignity and independence and permit them to remain in a familiar, non institutional, residential environment for as long as possible. Such services may be provided by facility staff, volunteers, family, or friends, or through contractual arrangements with a third party."**

is providing the attached proposed services for independent and assisted living residents at The Aviary as requested at the March 17, 2003 City Council meeting and the March 21, 2003 Planning Board Meeting.

April 7, 2003

Exhibit "B"

## **SERVICES AVAILABLE TO ASSISTED LIVING RESIDENTS**

**Residents of the ALU will be entitled to the following services:**

- Three meals per day
- 24-hour nursing availability
- 24-hour emergency response system
- 24-hour professional staff
- Daily reminders of activities and dining
- On-going wellness and health assessments by licensed nurses
- Concierge services
- Daily scheduled transportation to appointments
- Daily housekeeping services
- Laundering of linens and towels
- Basic cable TV
- Verbal reminders for medication
- Occasional assistance with dressing and grooming

**The Aviary will offer personalized fee-for-service plans designed to meet the abilities, preferences and individual needs of our Residents. These services will be provided either on the premises of The Aviary or off premises by licensed providers. They can include for example:**

- Daily assistance with Activities of Daily Living (bathing, grooming, dressing, eating and toileting)
- Assistance with ambulating and transferring for safety.
- Personal laundry and additional housekeeping services as needed
- Medication management
- Nutritional assistance and monitoring
- Physical therapy
- Occupational therapy
- Speech therapy
- Pulmonary therapy
- Podiatrist
- Audiologist
- Counseling

## **SERVICES AVAILABLE TO INDEPENDENT LIVING RESIDENTS**

The following is a list of services that will be available to the Independent Living residents at The Aviary to facilitate the concept of "aging in place." This will enable them to maintain their independence for as long as possible.

**Residents of the ILU will be entitled to the following services:**

- The monthly fees assumes one meal per person per day
- Parking
- Utilities including electricity, gas, water, sewer, trash removal
- Weekly residential housekeeping
- Weekly flat laundry service
- 24-hour emergency response system
- 24-hour security
- Basic cable TV
- Maintenance of buildings and grounds
- Full calendar of social, cultural, and recreational activities
- Unlimited use of the exercise/Jacuzzi area
- Health/wellness program
- Arts and crafts
- Exercise programs
- Concierge services
- Regularly scheduled transportation for shopping and other outings
- Move-in coordination

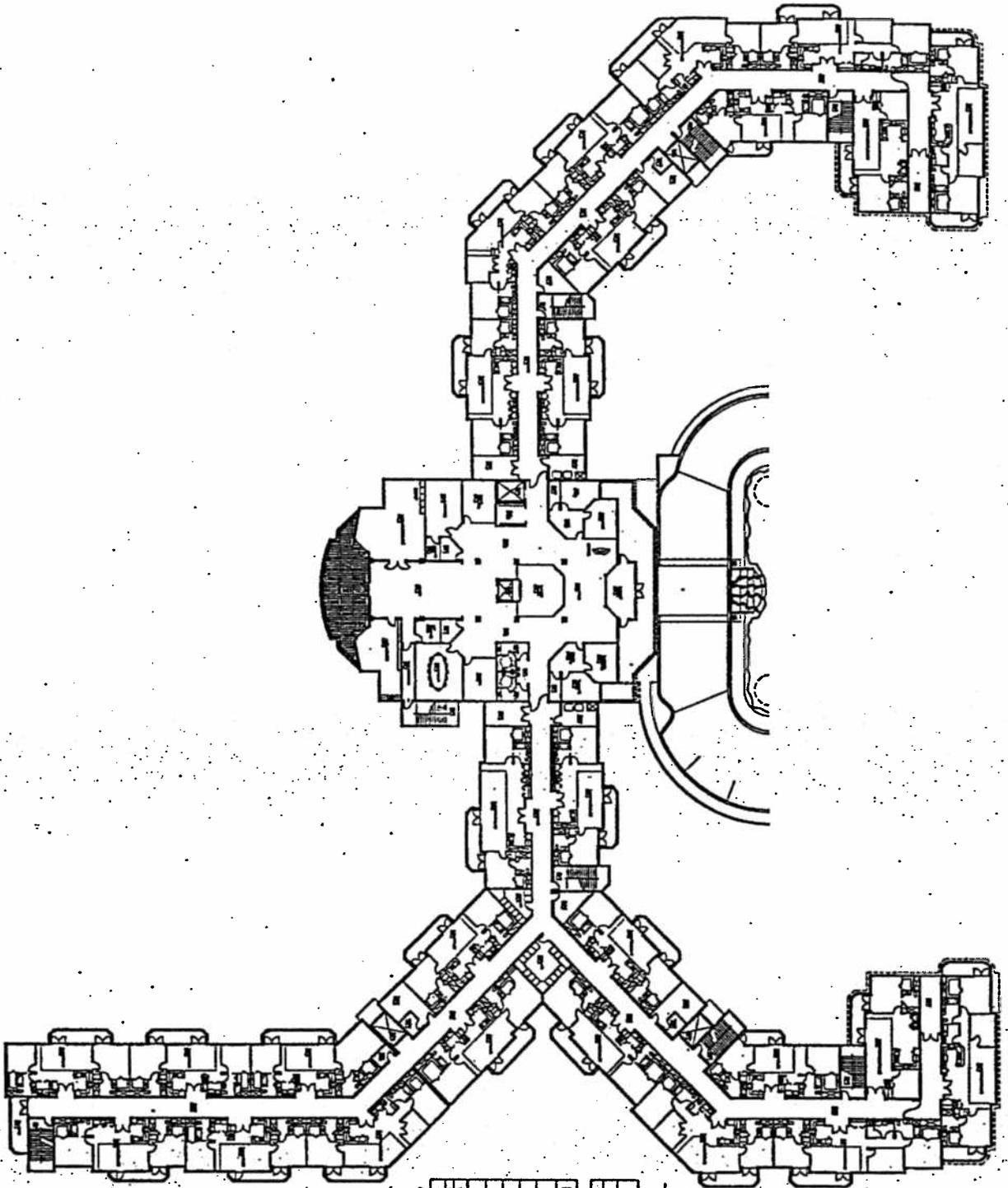
**Residents of the ILU will be assisted with securing fee-for-service Home Health Care services. These services will be provided either on the premises of The Aviary or off premises by licensed providers. They can include for example:**

- Assistance with Activities of Daily Living
- Physical therapy
- Speech therapy
- Occupational therapy
- Counseling
- Pulmonary therapy
- Podiatrist
- Nursing Care
- Monitoring of medications
- Companion/Homemaker Services
  - Live-in or visiting caregiver
  - Meal preparation
  - Additional housekeeping
  - Laundry
  - Shopping





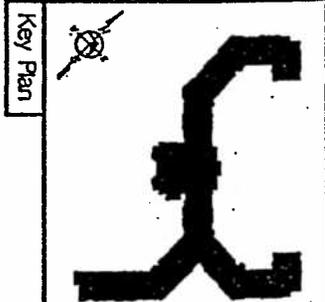




2nd Floor Overall Plan

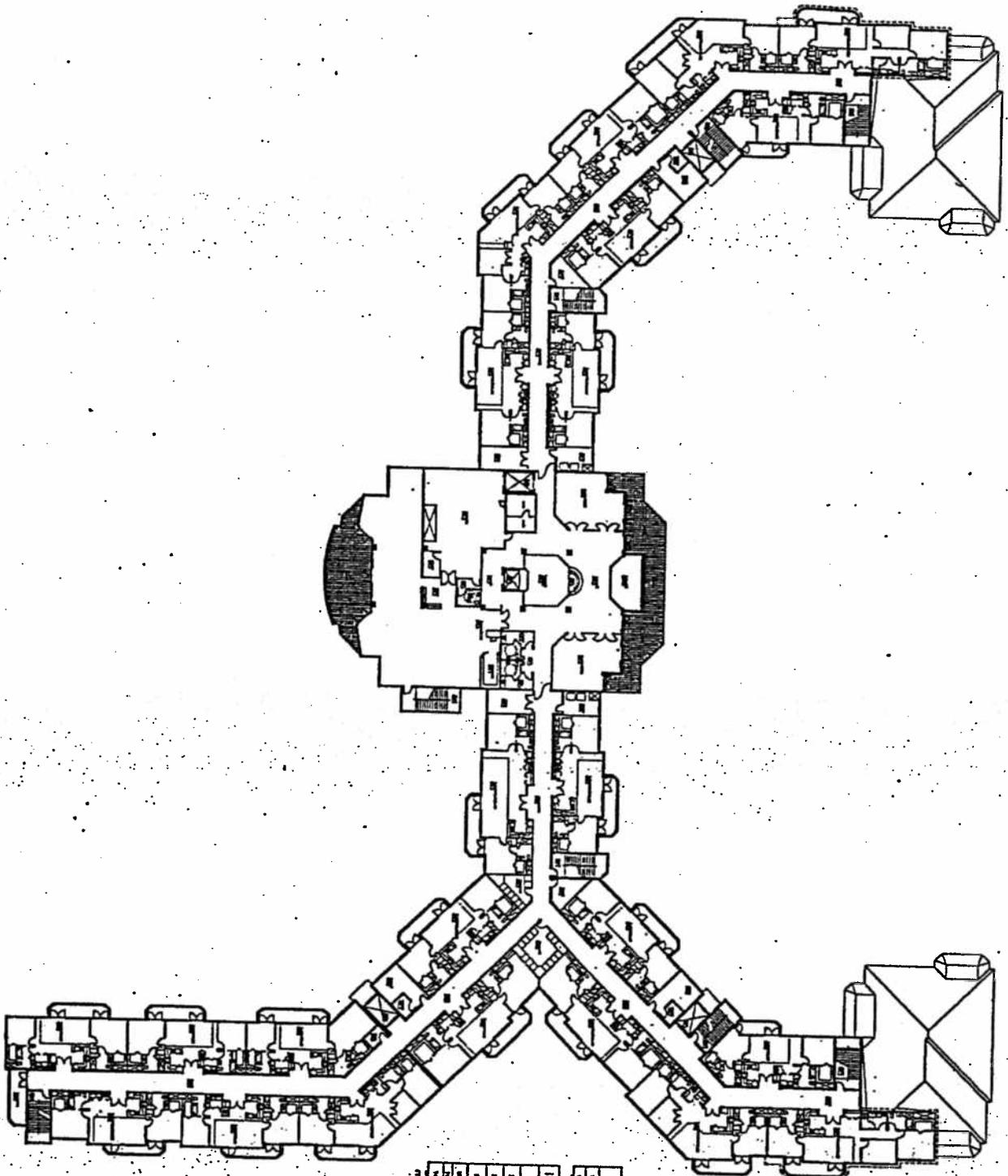
EXHIBIT "C"

2ND FLOOR CORE SCHEDULE			
NOTE: EXISTING WALLS AND CEILING HEIGHTS AS SHOWN ON PLANS.			
TOTAL CORE AREA: 1,234 SQ. FT.			
UNIT TYPE	NO. OF UNITS	SQ. FT.	TOTAL SQ. FT.
APARTMENT UNIT	1	1,234	1,234
CONDO UNIT	1	1,234	1,234
OFFICE UNIT	1	1,234	1,234
RETAIL UNIT	1	1,234	1,234
RESTAURANT UNIT	1	1,234	1,234
STORAGE UNIT	1	1,234	1,234
TOTAL	6	7,404	7,404



*The Aviary*

<p>OWNER: [REDACTED]</p> <p>ARCHITECT: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO.: [REDACTED]</p>	<p>DESIGN: [REDACTED]</p> <p>CONSTRUCTION: [REDACTED]</p> <p>OPERATION: [REDACTED]</p> <p>MAINTENANCE: [REDACTED]</p>	<p>PROCESSES: [REDACTED]</p> <p>PHASES: [REDACTED]</p>	<p>DATE: [REDACTED]</p> <p>BY: [REDACTED]</p> <p>FOR: [REDACTED]</p> <p>PROJECT: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO.: [REDACTED]</p>
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3rd Floor Overall Plan

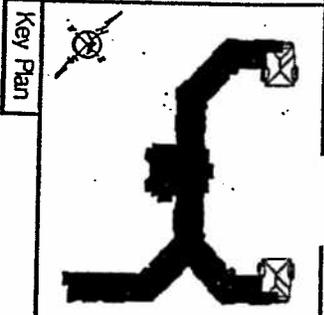
EXHIBIT "C"

**3RD FLOOR CORE SCHEDULE**  
 TOTAL AREA: 1,200 SQ. FT.  
 TOTAL CORE AREA: 1,200 SQ. FT.

UNIT TYPE	NO.	TOTAL AREA	NO.	TOTAL AREA
Office	10	1,000	10	1,000
Conference	2	200	2	200
Reception	1	100	1	100
Storage	1	100	1	100
Other	1	100	1	100
<b>TOTAL</b>	<b>15</b>	<b>1,500</b>	<b>15</b>	<b>1,500</b>

**3RD FLOOR UNIT COUNT SCHEDULE**  
 TOTAL UNIT COUNT: 15  
 TOTAL CORE UNIT COUNT: 15

UNIT TYPE	COUNT
Office	10
Conference	2
Reception	1
Storage	1
Other	1
<b>TOTAL</b>	<b>15</b>



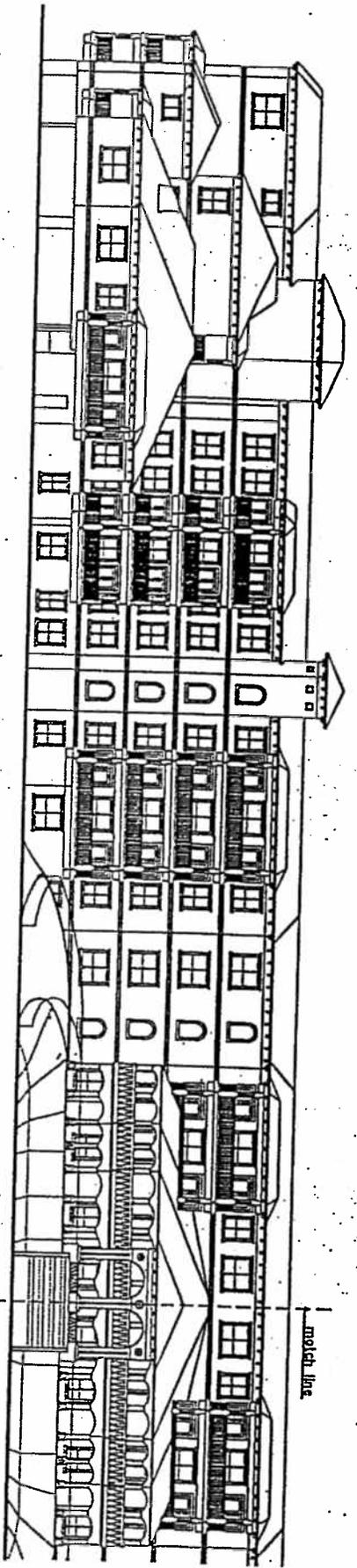
*The Aviary*

PROJECT NO.	DATE	SCALE	SHEET NO.	TOTAL SHEETS



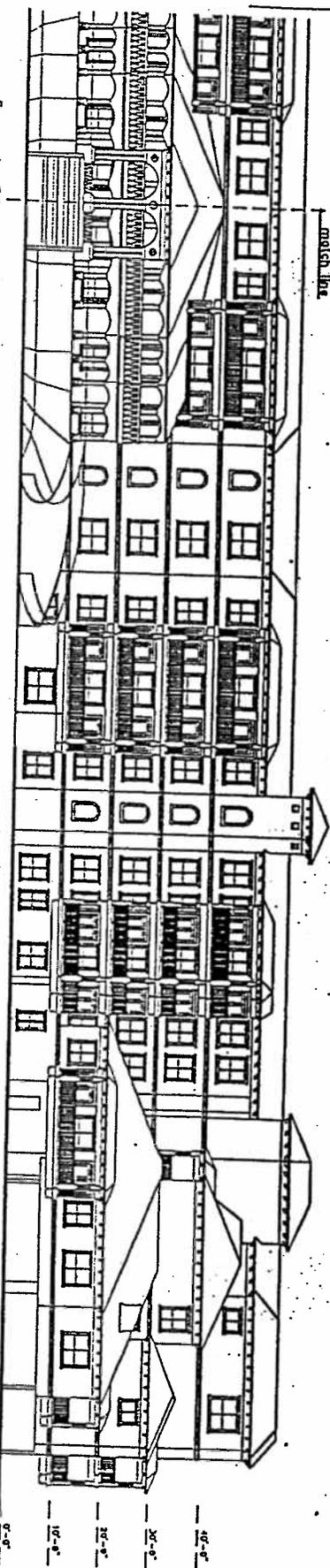






FRONT ELEVATION

match line



FRONT ELEVATION

match line

0'-0"  
12'-0"  
24'-0"  
36'-0"  
48'-0"

EXHIBIT "C"

Exterior Elevations

Scale

The Aviary

PROJECT NO. DRAWING NO. SHEET NO. DATE SCALE PROJECTED BY DRAWN BY CHECKED BY IN CHARGE	ARCHITECT ENGINEER PLUMBER ELECTRICIAN MECHANICAL SANITARY STRUCTURAL CIVIL LANDSCAPE ARCHITECT SURVEYOR ARCHITECTURAL PAINTER SIGN PAINTER STATIONER PHOTOGRAPHER MODEL MAKER PAINTER CARPENTER MASON PLUMBER ELECTRICIAN MECHANICAL SANITARY STRUCTURAL CIVIL LANDSCAPE ARCHITECT SURVEYOR ARCHITECTURAL PAINTER SIGN PAINTER STATIONER PHOTOGRAPHER MODEL MAKER	PROJECT NO. DRAWING NO. SHEET NO. DATE SCALE PROJECTED BY DRAWN BY CHECKED BY IN CHARGE	ARCHITECT ENGINEER PLUMBER ELECTRICIAN MECHANICAL SANITARY STRUCTURAL CIVIL LANDSCAPE ARCHITECT SURVEYOR ARCHITECTURAL PAINTER SIGN PAINTER STATIONER PHOTOGRAPHER MODEL MAKER PAINTER CARPENTER MASON PLUMBER ELECTRICIAN MECHANICAL SANITARY STRUCTURAL CIVIL LANDSCAPE ARCHITECT SURVEYOR ARCHITECTURAL PAINTER SIGN PAINTER STATIONER PHOTOGRAPHER MODEL MAKER
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