

**MARCO ISLAND CITY COUNCIL RESOLUTION NO. 04- 16**

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR A MIXED USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT PURSUANT TO SECTION 30-224(16) OF THE MARCO ISLAND LAND DEVELOPMENT CODE, ON LOTS 21 AND 22, BLOCK 146, MARCO BEACH UNIT FIVE, 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 March 5, 2004 after notice, and voted 5 to 0 to recommend that the Marco Island City Council approve the requested Conditional Use "16" of Section 30-224 of the "C-3" zoning district for a mixed use residential and commercial development for 14 condominium units and 9,796 square feet of commercial space, 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 30-224(16) 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 as provided in said Regulations was made, and has considered the advisability of granting Conditional Use approval for a mixed use residential and commercial development on Lots 21 and 22, Block 146, Marco Beach Unit 5, 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 in accordance with the Land Development Code for the City of Marco Island: and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in public meeting assembled, and the Board having considered all matters presented;

NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS THAT:

The Petition CU-04-03 filed by Dale Anthony Weisl, representing Amir H. Neyestani, with respect to the property hereinafter described as Lots 21 and 22, Block 146, Marco Beach Unit 5 as recorded in Plat Book 6, Pages 39-46 of the Public Records of Collier County, Florida, is hereby granted Conditional Use approval for a mixed use residential and commercial development for 14 condominium units and 9,796 square feet of commercial space on the above-described property in accordance with Section 30-224(16) and Exhibit's "A" through "F" subject to the following conditions:

1. Prior to Site Development Plan approval, substantial alley improvements are anticipated to accommodate traffic increases and stormwater drainage. The alleyway may need to be widened and reconstructed to accommodate 2-way traffic.
2. Additional right-of-way may be required at the alleyway depending on the scope of necessary roadway, drainage and buffer related improvements.
3. It is recommended that sanitary sewer services be acquired through the installation of a public sewer facility extending from San Marco Road.
4. Pursuant to the City Right-Of-Way Master Plan, the median opening access directly opposite the project may be closed in the future.
5. Prior to Site Development Plan approval, the Traffic Impact Study should include an analysis for turn lane warrants and traffic volumes and impacts to the alleyway.
6. Restaurants and bars are prohibited on the subject property.

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-04-03 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

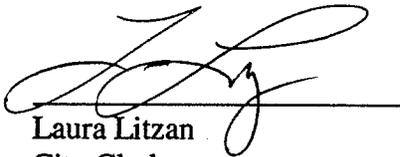
This Resolution adopted after motion, second and majority vote.

Done this 15<sup>th</sup> day of March 2004.

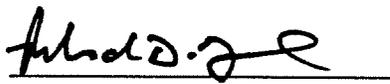
MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By: Terri DiSciullo  
Terri DiSciullo, Chairwoman

ATTEST:

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

Approved as to Form and legality:

  
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Richard Yovanovich  
City Attorney