MARCO ISLAND CITY COUNCIL RESOLUTION NO. 03-13

RELATING TO PETITION NUMBER BD-02-35 FOR AN EXTENSION OF A BOAT DOCK ON PROPERTY HEREINAFTER DESCRIBED IN 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 City of Marco Island has adopted Ordinance 00-04 which regulates the requirements for boat docking facilities on Marco Island; and

WHEREAS, the Marco Island Planning Board conducted a public hearing on January 31, 2003 to consider the advisability of a 342-foot extension of a boat dock from the permitted 20 feet to allow for a 362-foot boat dock facility (as shown Exhibit "A") in a C-5 zone for the property hereinafter described, and voted 5-1 to recommend that the Marco Island City Council approve the requested boat dock extension; and

WHEREAS, the Marco Island City Council is acting as the Board of Zoning Appeals; and

WHEREAS, the Marco Island City Council has held a public hearing and has considered the advisability of a 342-foot extension of a boat dock from the permitted 20 feet to allow for a 362-foot boat dock facility (as shown Exhibit "A") in a C-5 zone for the 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 said regulations and in accordance with Ordinance 02-08.

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 CITY OF MARCO ISLAND CITY COUNCIL that:

The petition filed by Tim Hall of Turrell and Associates, Inc., as agent for Marco River Marina, Inc., property owner, with respect to the property hereinafter described as:

> 951 Bald Eagle Drive, commonly known as Marco River Marina, and further described as a portion of Tract "A", Marco Beach Unit 4, as recorded in Plat book 6, Page 33 of the public records of Collier County,

Florida, being in Sections 5 and 6, Township 52 South, Range 26 East. All being more particularly described as follows:

Parcel "A": Commencing at the southeast corner of Section 5, Township 52 South, Range 26 East, Run north 89° 03' 03" west along the south line of said Section 5 for 3302.95 feet to a point on the easterly line of said Tract "A"; thence north 23° 32' 36" west, along the easterly line of said Tract "A" for 10.17 feet to the point of beginning of the parcel hereinafter described; thence north 89° 27' 34" west 539.84 feet to a point on the easterly right-of-way line of State Road S-951 said point being on the arc of a circular curve to the right having a radius of 1860.08 feet; thence northwesterly along the arc of said curve thru a central angle of 7° 24' 57" for 270.76 feet with a cord bearing north 12° 04' 46" west and a chord distance F 240.54 feet to the northwest corner of said Tract "A"; thence along the boundary of said Tract "A" the following courses north 81° 37' 40" east, 98.19 feet; thence south 89° 27' 34" east 509.30 feet; thence south 44° 25' 34" east, 100 feet; thence south 27° 53' 08" west, 192.30 feet; thence south 23° 32' 36" east, 9.24 feet to the point of beginning.

Parcel "B": Commencing at the northwest corner of said Tract "A", said point being the southwest corner of lot 14, block 133, as shown on said plat of Marco Beach Unit 4, also lying on the easterly right-of-way of State Road S-951, run southeasterly along the easterly right-of-way line of state Road S-951 and along the arc of a circular curve to the left having a radius of 1860.08 feet, a central angle of 7° 24' 57" for 240.76 feet to the point of beginning; thence continuing southeasterly along the arc of said curve having a radius of 1860.08 feet, a central angle of 5° 04' 53" for 164.97 feet; thence south 20° 52' 10" east, 122.98 feet; thence north 69° 07' 50" east, 514.14 feet; thence north 23° 32' 36" west 90.76 feet; thence north 89° 27' 34" west, 539.84 feet to the point of beginning.

Be and the same is hereby approved for a 342-foot extension of a boat dock from the permitted 20 feet to allow for a 362-foot boat dock facility (as shown Exhibit "A") in a C-5 zoning district where in said property is located, subject to the following conditions:

1. The extension granted shall be valid as long as the use of the property remains C-5 with a full-service marina providing marina related services as defined in the Land Development Code.
2. The width of the Magnolia Waterway at the opening to Factory Bay will be maintained for navigation, as shown on Exhibit "A".
3. The larger vessels moored at the "A" dock will be docked at the seaward end of the "A" Dock.
4. No more than two commercial vessels over 100 feet in length or no more than two commercial vessels over 100 passengers may be moored within the Factory Bay area of the boat dock facility.
5. All docks, or mooring pilings, whichever protrudes the greater into the water, regardless of length shall have reflectors and house numbers four (4) inches minimum size installed at the outermost end on both sides.

7. If applicable, any exotic vegetation as defined in Section 3.9.6.4.1 of the Land Development Code shall be removed from the site and the property shall be maintained exotic free in perpetuity.
8. Any outside lighting on the boat docking facility will comply with Ordinance 99-7.
9. The site plan attached to this resolution, also referred to as Exhibit "A", shall be binding upon the property upon approval of the resolution. Any deviation from the approved site plan shall require further consideration by the Planning Board after a properly noticed public hearing.
10. Prior to the issuance of a building permit for the approved boat dock facility, the property owner shall provide the City of Marco Island with a copy of the recorded resolution of approval.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD-02-35 be recorded in the minutes of this Board and filed with the City Clerk's Office.

This resolution adopted after motion, second and majority vote.

Done this 18TH day of February 2003.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: _____
E. Glenn Tucker, Chairman

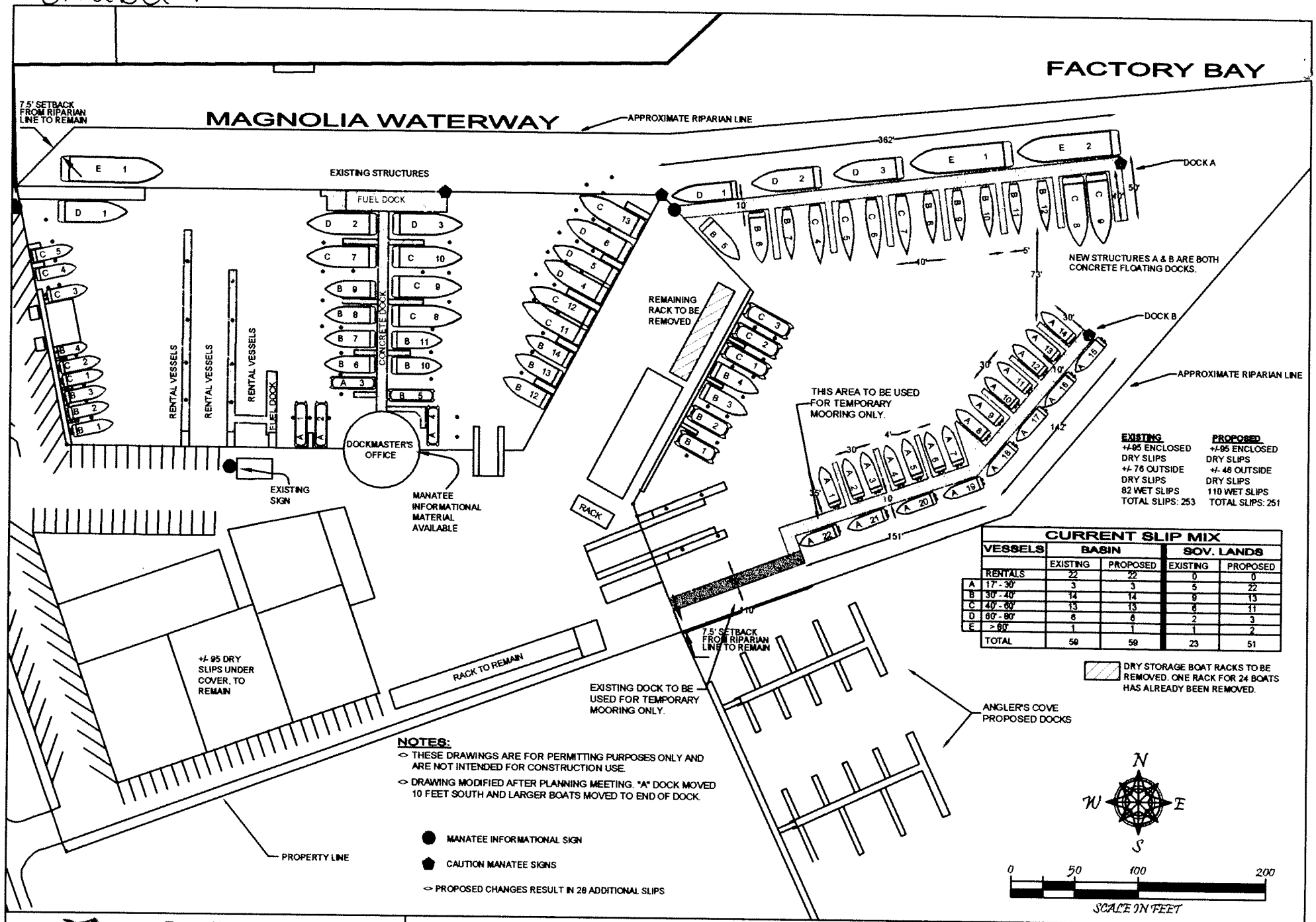
ATTEST:

_____
Laura Litzan
City Clerk

Approved as to form and legality:

_____
Rich Yovanovich
City Attorney

Exhibit A



EXISTING	PROPOSED
+/-95 ENCLOSED DRY SLIPS	+/-95 ENCLOSED DRY SLIPS
+/- 76 OUTSIDE DRY SLIPS	+/- 46 OUTSIDE DRY SLIPS
82 WET SLIPS	110 WET SLIPS
TOTAL SLIPS: 253	TOTAL SLIPS: 251

CURRENT SLIP MIX

VESSELS		BASIN		SOV. LANDS	
		EXISTING	PROPOSED	EXISTING	PROPOSED
	RENTALS	22	22	0	0
A	17' - 30'	3	3	5	22
B	30' - 40'	14	14	9	13
C	40' - 60'	13	13	6	11
D	60' - 80'	6	6	2	3
E	> 80'	1	1	1	2
	TOTAL	59	59	23	51

DRY STORAGE BOAT RACKS TO BE REMOVED. ONE RACK FOR 24 BOATS HAS ALREADY BEEN REMOVED.

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- DRAWING MODIFIED AFTER PLANNING MEETING. "A" DOCK MOVED 10 FEET SOUTH AND LARGER BOATS MOVED TO END OF DOCK.
- PROPOSED CHANGES RESULT IN 28 ADDITIONAL SLIPS

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MARCO RIVER MARINA

WET AND DRY SLIP LAYOUT

DESIGNED	T.T.T.	REVISION	DWG NAME	SLIP LYOUT
DRAWN	S.A.S.	12-03-02	SHEET	03
DATE	10-28-02	02-13-03	SCALE	1"=100'
JOB NO.	9812	N/A	03 Slip Layout 10-31-02.dwg	

SECTION- 5 TOWNSHIP- 52S RANGE- 26E