

**MARCO ISLAND CITY COUNCIL RESOLUTION NO. 02- 01**

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A MIXED USE DEVELOPMENT PURSUANT TO SECTION 4, SUBSECTION "16" OF THE "C-3" ZONING DISTRICT FOR PROPERTY DESCRIBED AS LOTS 4 AND 5, BLOCK 83, MARCO BEACH UNIT 5, IN SECTION 9, 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 after notice, and has considered the advisability of Conditional Use "16" of the "C-3" zoning district for a mixed use development 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 subsection 2.7.4.4 of the 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-01-01 filed by Richard Delaney representing Goodearth Land LLC, with respect to the property hereinafter described as:

Lots 4 and 5, Block 83, Marco Beach Unit 5, Section 9, Township 52 South, Range 26 East, City of Marco Island, Florida.

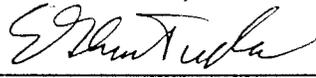
Is hereby approved for Conditional Use "16" of the "C-3" zoning district for a mixed use development in accordance with the conditions provided for in Exhibit "B", and the site plan illustrated as Exhibit "C".

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-01-01 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 January, 2002.

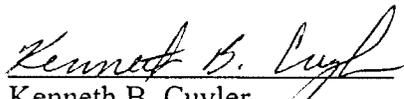
MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By:   
E. Glenn Tucker, Chairman

ATTEST:

  
A. William Moss  
City Manager/City Clerk

Approved as to Form and legality:

  
Kenneth B. Cuyler  
City Attorney

City Planner/CU-01-01 Resolution

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

The following facts are found:

1. Subsection "16" of Section 4 of the C-3 zoning district authorized the conditional use.
2. 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 \_\_\_\_\_

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

Date: December 7, 2001

CHAIRMAN: \_\_\_\_\_

MEMBER: \_\_\_\_\_

EXHIBIT "A"

## Exhibit "B"

1. The petitioner is required to provide at the option of the property owner a six foot high opaque decorative wooden fence and/or landscape buffer along the rear yard property lines of lots 15, 16, 17, and 18 of block 88, for the purposes of providing buffering and noise abatement for the vehicular parking spaces proposed along the alley. The buffer including the fence alternative shall be designed with native canopy trees (minimum of 12 feet high at planting) spaced every 25 linear feet along the inside of the fence. The buffer including the landscape alternative shall be designed with a hedge a minimum of five feet in height at planting, three feet in spread and spaced a minimum of four feet on center at planting. Native canopy trees (minimum of 12 feet high at planting) spaced every 25 linear feet shall be provided along the inside of the hedge. The opaque wooden fence and/or landscape buffer alternative selected by the property owner(s) of each lot shall be consistent with each of the other lots and initially reviewed during the site development plan review process. The petitioner shall install the buffer selected by each owner prior to receiving a certificate of occupancy permit for the subject development.
2. The developer shall be required to provide storm water drainage and surface water management facilities on-site in accordance with all codes.
3. The petitioner shall be responsible for alleyway drainage impacts imposed by the project, street lighting impacts to the residential district, and water management impacts at the rear of the subject site.
4. No new median opening will be permitted along South Barfield Drive.
5. The petitioner shall provide a public sewer line to the site.
6. The residential dwelling units proposed on floors two and three shall not be utilized as rental apartments. The dwelling units shall be sold as fee simple condominiums.
7. Prior to site development plan approval additional information needs to be provided relative to ITE references for turn lane warrants at the subject site.
8. The petitioner shall provide vehicular interconnections to the commercial property located north and south of the subject site.

