MARCO ISLAND CITY COUNCIL RESOLUTION NO. 12-02

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL IN CONFORMANCE WITH SECTIONS 30-244(2) AND 30-64 OF THE CITY'S LAND DEVELOPMENT CODE FOR AN 18-HOLE MINIATURE GOLF COURSE LOCATED IN THE C-4 "GENERAL COMMERCIAL" ZONING DISTRICT, FOR PROPERTY DESCRIBED AS 902 PARK AVENUE, FURTHER DESCRIBED AS LOT 13, BLOCK 797 OF A REPLAT OF TRACT A, MARCO BEACH UNIT SIX, COLLIER COUNTY AND THE 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 effected, has held a public hearing on December 9, 2011 after notice, and voted ***(6-0)*** to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-244(2) of the City's Land Development Code (LDC), for property located within the "C-4" zoning district, to permit an 18-hole miniature golf course, and arrangements have been made concerning all applicable matters required by said regulations and in accordance with the Marco Island LDC; 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 establishment of an 18-hole miniature golf course as an approved conditional use on "General Commercial C-4" zoned property and has found that satisfactory provisions and arrangements have been made concerning all applicable matters required by the Marco Island Land Development Code; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board of Zoning Appeals in a public hearing, 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:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.

SECTION 2. The Petition CU-11-02 filed by Mr. Ronald H. Smith, with respect to property located at 902 Park Avenue, City of Marco Island, hereby grants Conditional Use approval for an 18-hole miniature golf course for property further described as follows:

Lot 13, Block 797 of a replat of Tract A, Marco Beach Unit Six, Collier County, Florida and the City of Marco Island.

Stipulations/Conditions: Approval of CU-11-02 is subject to the following stipulations and conditions:

1. *The petitioner shall construct and fill in along Park Avenue right-of-way to the greatest extent possible on-street parking between the existing mixed use development (Remax) to the west and the driveway located to the east at Madison Eye Care.*
2. *The petitioner shall submit engineered construction plans as part of a Site Development Plan for all on-site and off-site improvements. All of the plan details shall be in conformance with all pertinent sections of the Marco Island Land Development Code - Chapter 30.*
3. *The petitioner's weekday (Sunday through Thursday) hours of operation shall be 8:00A.M. to 10:00P.M. (lights out at 10:00P.M.) and the weekend (Friday & Saturday) hours of operation shall be 8:00A.M. to 11:00P.M. (lights out at 11:00P.M.).*
4. *The petitioner shall minimize the impacts of on-site lighting by only utilizing downward facing and shielded lighting fixtures, which direct light onto the subject property only. The maximum height of on-site lighting fixtures shall be 18-feet.*
5. *The proposed on-site sidewalks shall be 6-feet wide.*
6. *The petitioner shall provide bike racks on-site.*
7. *The petitioner shall comply with the American Disabilities Act (ADA) standards.*
8. *The petitioner shall design the dumpster on the alley to be enclosed on an angle to improve pickup services.*
9. *The petitioner shall not be permitted to play amplified music on-site.*

SECTION 3. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted this 6th day of February, 2012.

ATTEST:

Laura Litzan, City Clerk

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: _____
Gerard M. Gibson, Chairman

Approved as to Form and Legal Sufficiency:

Burt L. Saunders, City Attorney