MARCO ISLAND CITY COUNCIL RESOLUTION NO. 12-03

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL IN CONFORMANCE WITH SECTIONS 30-224(3) AND 30-64 OF THE CITY'S LAND DEVELOPMENT CODE FOR AN 18-HOLE MINIATURE GOLF COURSE LOCATED IN THE C-3 "COMMERCIAL INTERMEDIATE" ZONING DISTRICT, FOR PROPERTIES DESCRIBED AS 951, 961, 971 AND 981 WINTERBERRY DRIVE, FURTHER DESCRIBED AS LOTS 11, 12, 13 AND 14 OF BLOCK 348 MARCO BEACH UNIT TEN, PLAT BOOK 6, 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 affected, has held a public hearing on January 6, 2012 after notice, and voted *(7-0)* to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-224(3) of the City's Land Development Code (LDC), for property located within the "C-3" 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 "Commercial Intermediate C-3" zoned properties 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-11-03 filed by Donna Di Promessa, LLC, with respect to properties located at 951, 961, 971 and 981 Winterberry Drive, City of Marco Island, hereby grants Conditional Use approval for an 18-hole miniature golf course for property further described as follows:

LOTS 11, 12, 13 AND 14 OF BLOCK 348 MARCO BEACH UNIT TEN, PLAT BOOK 6, COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA.

Stipulations/Conditions: Approval of CU-11-03 is subject to the following stipulations/conditions:

1) *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.*

2) *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 and Saturday) and (Holiday eves consistent with the City of Marco Island City Hall recognized Holiday's) hours of operation shall be 8:00A.M. to 11:00P.M. (lights out at 11:00P.M.).*

3) *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 the lighting fixtures shall be 18-feet.*

4) *The petitioner shall provide bike racks on-site.*

5) *The petitioner shall not be permitted to play amplified music on-site.*

6) *The petitioner shall provide compliance with the American Disabilities Act (ADA) standards.*

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