

**MARCO ISLAND CITY COUNCIL RESOLUTION NO. 12-09**

**A RESOLUTION AMENDING RESOLUTION NO. 12-02 TO ALLOW ADDITIONAL HOURS OF OPERATION TO INCLUDE HOLIDAY EVES CONSISTENT WITH THE CITY OF MARCO ISLAND RECOGNIZED HOLIDAYS FROM 8:00 A.M. TO 11:00 P.M. (LIGHTS OUT AT 11:00 P.M.). RESOLUTION NO. 12-02 GRANTED CONDITIONAL USE APPROVAL IN CONFORMANCE WITH SECTIONS 30-244(2) AND 30-64 OF THE CITY'S LAND DEVELOPMENT CODE TO ALLOW AN 18-HOLE MINIATURE GOLF COURSE TO BE 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 on February 6, 2012 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**, City Council, acting as the Board of Zoning Appeals, has held a public hearing on March 5, 2012 after proper notice, and has considered the amendment to the 18-hole miniature golf course at 902 Park Avenue to allow the hours of operation on Holiday eves to be consistent with City of Marco Island recognized Holidays to be 8:00 A.M. to 11:00 P.M. (lights out at 11:00 P.M.); 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 8:00 A.M. to 10:00 P.M. (lights out at 10:00 P.M.) and the weekend (Friday & Saturday) and Holiday eves consistent with the City of Marco Island recognized Holiday hours of operation shall be 8:00 A.M. to 11:00 P.M. (lights out at 11:00 P.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 5<sup>th</sup> day of March, 2012.

ATTEST:

By:

  
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Laura Litzan, City Clerk

MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By:

  
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Gerard M. Gibson, Chairman

Approved as to Form and Legal Sufficiency:

By:

  
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Burt L. Saunders, City Attorney