

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: August 6, 2007

Agenda Item: 6 (A)	Prepared By: Bryan Milk, City Planner <i>BM</i> Date: July 13, 2007
Agenda Section: Business: Public Hearing - Resolution	
Subject: CUE-07-01 – Request for a one-year extension of Resolution 06-28, an approved conditional use for a mixed-use building.	Department: Community Development

BACKGROUND:

David G. Childs, P.A., representing Delcor Development, LLC, is requesting a one-year extension of Resolution 06-28, an approved conditional use for a four story mixed-use residential and commercial building as allowed pursuant to Section 30-244(16) of the C-4 zoning district. The subject property is located at 928 Park Avenue, within the Town Center Mixed-Use District. The subject property is 0.46 acre in size and was historically used by Sunset Plaza for vehicular parking.

On August 21, 2006, City Council approved a Conditional Use for the proposed development through Resolution 06-28. The conditional use allows for one rectangular mixed-use building, with four habitable floors and a maximum building height of 50-feet. The first floor accommodates retail and office uses, while the second, third, and fourth floors provide for a total of six residential units. Residential and commercial uses do not occupy the same floor. The total amount of commercial space is 3,640 square feet. An identical amount of space is provided on each floor for the residential component of the development (plus non-air conditioned porches and terraces). The air conditioned floor area of each unit is approximately 1,650 square feet.

The development regulations prescribed for the subject property permit maximum building heights of 75 feet, and allow 75 percent of the gross floor area to be utilized for residential uses in mixed-use buildings.

Pursuant to Section 30-64 of the Land Development Code, a Conditional Use expires one year from the date of approval if the use has not commenced. Since original conditional use approval on August 21, 2006, staff has not received or reviewed a site development plan or application for building permit for development. Presently, the .46 acre site is undeveloped. Section 30-64 (5) of the Marco Island Land Development Code states that the Board of Zoning Appeals may grant a maximum of three one-year extensions for an approved conditional use which has not commenced. If extended for one year, the conditional use will expire again on August 21, 2008.

City Council will act as the City's Board of Zoning Appeals during their deliberations in this matter. Disclosures of "ex-parte" communications and swearing in of witnesses are required. The Resolution and petitioner's request for extension are attached for Council's review.

RECOMMENDED ACTION:

Conduct Public Hearing; consider extension of expiration date of Resolution 06-28 to August 21, 2008, subject to all conditions applicable thereto.

Reviewed by Department Director <i>Gene Olmsted</i>	Reviewed by City Manager <i>A. Wilbur</i>
Council Action: Motion by:	Second by: