

**MARCO ISLAND CITY COUNCIL RESOLUTION NO. 00- 61**

**A RESOLUTION PROVIDING FOR THE CONDITIONAL USE APPROVAL FOR A MIXED-USE DEVELOPMENT IN THE “C-3-MIZO” ZONING DISTRICT PURSUANT TO SECTION 2.2.27.7.1.1. OF THE COLLIER COUNTY LAND DEVELOPMENT CODE FOR PROPERTY HEREINAFTER DESCRIBED IN 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 City Charter provides that the Collier County Land Development Code in effect on August 28, 1997 (“Regulations”) shall remain in effect as the City of Marco Island’s transitional land development regulations; 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 as in said regulations made and provided, and has considered the advisability of a mixed-use Conditional Use of Section 2.2.27.7.1.1. in a “C-3-MIZO” zone for a residential multi-family and commercial use development on the properties hereinafter described, and has found as a matter of fact (Exhibit “B”) 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 opportunity to be heard by this Board in 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-00-04 filed by William H. Lewis of WHL Architects representing WD Development LLP with respect to the property hereinafter described as: Marco Beach Unit 5, Block 147, Lots 2 & 3, City of Marco Island, Florida. Be and the same is hereby approved for a mixed-use Conditional Use of Section 2.2.27.7.1.1. in a “C-3-MIZO” zone for a residential multi-family and commercial use development on the properties hereinafter described, in accordance with the Conceptual Site Plan (Exhibit “A”), and pursuant to the following conditions:

1. A traffic impact statement shall be submitted as part of the SDP submittal.
2. Development of the type ‘B’ buffer shall include additional landscaping beyond the LDC requirement for noise and glare reduction. And, if head lights become a problem along the interior access roads, then a solution will be provided by the applicant.

3. Development of site lighting shall include provisions for glare elimination in accordance with City of Marco Island Ordinance No. 99-7.
4. The site/landscape design shall include required vegetation preservation in accordance with Section 3.9.5.5 of the LDC.
5. Final site design shall include any stipulations placed by the U.S. Corps of Engineers and the South Florida Water Management District. If wetlands are found at the site that cannot be mitigated, then the current conditional use proposal, if approved, will be nullified.
6. If no permits are received from the U.S. Corps of Engineers and South Florida Water Management District within one year of the conditional use approval, the applicant may request a 6-month extension. If no permits are received within this 6-month extension, then the conditional use, as approved, will become void, and any development permit granted under the approved conditional use shall be nullified.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number CU-00-04 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 4th day of December, 2000.

MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By: Harry Cowin  
Harry Cowin, Chairman

ATTEST:

Laura Litzan  
Laura Litzan  
Deputy City Clerk

A. William Moss  
A. William Moss  
City Manager

Approved as to form and legality:

Kenneth B. Cuyler  
Kenneth B. Cuyler  
City Attorney



**FINDING OF FACT BY  
MARCO ISLAND PLANNING BOARD  
FOR  
A CONDITIONAL USE PETITION FOR  
CU-00-04**

The following facts are found:

1. Sections 2.2.27.7.1. of the Collier County Land Development Code authorized the conditional uses.
2. Granting the conditional uses 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 Project Design  
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 recommend for approval \_\_\_\_\_

Date: 11/14/00

CHAIRMAN: [Signature]

MEMBER: [Signature]

EXHIBIT "B"