RESOLUTION 08-11905

WHEREAS, Section 56-151 of the Land Development Code establishes the standards for applicability of Residential Impact Statements; and

WHEREAS, Section 50-102(b)(2) of the Land Development Code provides that when practical difficulties prevent the establishment of such [parking] facilities upon the same lot, the facilities may be provided on land within a radius of 600 feet of the lot, provided the land is zoned so as to permit such parking facilities; and

WHEREAS, relief granted under this subsection shall be by the approval of a conditional use petition in accordance with this land development code; and

WHEREAS, Philip McCabe, Trustee, has requested residential impact statement and conditional use approval to allow a portion of the required parking for a proposed mixed use building at 545 Park Street to be provided in a remote parking lot located at 719 4th Avenue South, 3 7th Street South and 7 3rd Avenue South; and

WHEREAS, John M. Passidomo, Esq., has been authorized by the owner to file this petition; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered the public input, the recommendation of the staff, and the standards and guidelines of Subsection 46-34, Conditional Uses, and recommended by a vote of 4 to 1 that Residential Impact Statement Petition 07-RIS10 and Conditional Use Petition 07-CU8 be approved subject to a number of conditions, finding that the criteria had been met; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria for conditional uses, set forth in Subsection 46-34 of the Land Development Code, have been met and that the petition should be granted;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Residential Impact Statement 07-RIS10 is hereby granted Conditional Use Petition 07-CU8 and is hereby approved to allow for a portion of the required parking for a proposed mixed use building at 545 Park Street to be provided in a remote parking
Section 2. That this approval is subject to the following conditions:

a. This approval is for 46 parking spaces.

b. If and when the proposed parking garage at Sixth Avenue South and Eighth Street South is built and the petitioner purchases 46 parking spaces in that garage from the City, the subject property would be unencumbered.

Section 3. That, due to current market conditions, the appeal by petitioner for extension of time for obtaining a building permit, as provided in Section 46-34(a) of the Code of Ordinances is hereby approved, providing that the implementation of the Landscape Plan for the Project be implemented immediately. Therefore, that this approval shall expire on January 23, 2011, unless a building permit based upon and incorporating the conditional use is issued before that date.

Section 4. This resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:
Tara A. Norman, City Clerk

Approved as to form and legality:
Robert D. Pritt, City Attorney

Date filed with City Clerk: 1/30/08