RESOLUTION 08-11924

A RESOLUTION DETERMINING CONDITIONAL USE PETITION 07-CU11 TO ALLOW FOR THE PURCHASE OF AN ADDITIONAL 8 UNITS OF RESIDENTIAL DENSITY IN THE "D" DOWNTOWN ZONING DISTRICT AT 852 1ST AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances requires that additional residential density in the "D" Downtown Zoning District is permitted only upon approval of a conditional use; and

WHEREAS, Taggart Naples 1, LLC, has requested conditional use approval for purchase of an additional 8 units density, located at 852 1st Avenue South; and

WHEREAS, William J. Dempsey, has been authorized by 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 6 to 0 that Conditional Use Petition 07-CU11 be approved, 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 Comprehensive 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 Conditional Use Petition 07-CU11 is hereby approved to allow for the purchase of an additional 8 units of residential density in the "D" Downtown Zoning District at 852 1st Avenue South, and more fully described as:

Lots 11 to 16 inclusive, Block 19, Tier 9, Replat of Naples Seaboard and Gulf Railway Company, according to the plat in Plat Book 1, Page 59, Public Records of Collier County, Florida.

Section 2. That due to current market conditions, the appeal by petitioner for an extension of time for obtaining a building permit as provided in Section 46-34(a) of the Code of Ordinances is hereby approved. Therefore this approval shall expire on July 23, 2009, unless a building permit based upon and incorporating the conditional use is issued before that date or if the building permit is not required, the approved uses have not commenced.

Section 3. This resolution shall take effect immediately upon adoption.

Bill Barnett, Mayor

Attest:
Tara A. Norman, City Clerk

Date filed with City Clerk: 2/6/08

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