RESOLUTION 08-12026

A RESOLUTION DETERMINING VARIANCE PETITION 08-V3 FROM SECTION 50-35(a)(2) OF THE CODE OF ORDINANCES, CITY OF NAPLES, WHICH REQUIRES POLE SIGNS TO HAVE A FRONT SETBACK OF 10 FEET AND BE A MINIMUM OF 50 FEET FROM AN INTERSECTION IN ORDER TO USE A NONCONFORMING POLE WITH A FRONT SETBACK OF 7.6 FEET AND 9 FEET AWAY FROM AN INTERSECTION, FOR PROPERTY LOCATED AT 3770 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 50-35(a)(2) of the Code of Ordinances of the City of Naples establishes a minimum 10 foot front yard setback and a 50 foot minimum distance from an intersection for pole signs in the Highway Commercial district; and

WHEREAS, Logan Ft. Myers Associates, L.P. are the owners of the property; and

WHEREAS, Michael Markiewicz, petitioner's agent, has been authorized by the owners to file this petition; and

WHEREAS, the petitioner has requested a variance from the setback requirements in order to allow for the utilization of a nonconforming pole sign with a front setback of 7.6 feet and a distance of 9 feet from the intersection at 3770 9th Street North; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered public input, the recommendation of the staff, and the standards and guidelines of Subsection 46-37, "Variances," and recommended by a vote of 3 to 2 that Variance Petition 08-V3 be approved, finding that the criteria have 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 set forth in Section 46-37 of the Land Development Code for variances have not been met and that the petition should be denied;

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

Section 1. That Variance Petition 08-V3 is hereby denied.

Section 2. That the denial of this variance pursuant to Section 46-37 of the Land Development Code is due to failure to meet standards.

Section 3. This resolution shall take effect immediately upon adoption.
Resolution 08-12026


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

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Date filed with City Clerk: 5/15/08
Exhibit "A"

Legal Description

All of that part of Block "A" of North Naples Highlands, as recorded in plat book 3, at page 12 of the public records of Collier County, Florida, being more particularly described as follows:

Beginning at the intersection of the Northerly right of way line of Frank Whiteman Boulevard and the Westerly right of way line of Tenth Street North, being the Southeasterly corner of Said Block "A";

thence along the Northerly right of way line of said Frank Whiteman Boulevard, N 89°40'45" W, 22.53 feet to a point of curvature;

thence continuing along said right of way line, 113.27 feet along the arc of a circular curve to the left, having a central angle of 19°40'00"., a radius of 330.00 feet and chord which bears S 80°29'15" W, 112.72 feet to a point of reverse curvature;

thence continuing along said right to way line, 92.48 feet along the arc of a circular curve to the right, having a central angle of 19'40'00", a radius of 270.00 feet, and a chord which bears S 80°29'15"W, 92.22 feet to a point of tangency;

thence continuing along said right of way line, N 89°40'45" W, 140.37 feet to a point of curvature;

thence 15.65 feet along the arc of a circular curve to the right, having a central angle of 89°40'45", a radius of 10.00 feet, and a chord which bears N 44°50'22" W, 14.10 feet to a point on the Easterly right of way line of U.S. Highway No. 41 (Tamiami Trail North);

thence along said right of way line, North, 160.13 feet to the Northwesterly corner of said Block "A";

thence along the North line of said Block "A", S 89°43'03" E, 174.96 feet to the Westerly right of way line of Tenth Street North and the North easterly corner of said Block "A";

thence along said right of way line, South, 135.32 feet the Point of Beginning of the herein described lands.

Containing 1.36 acres, more or less.