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April 8, 2024

Reviewed for code compliance
M Holden
04/15/2024 12:27:47 PM

Via Email: mholden@cityofmarcoisland.com

Mary P. Holden
City of Marco
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Reviewed for code compliance
Joshua Ooyman
04/15/2024 4:52:33 PM

Subject: LDCA 24-000034 | Supplemental Argument in Support

Dear Ms. Holden:

Please accept this letter in support of the application to amend the City of Marco Island Land Development Code ("LDC") filed on behalf of Oliverio Investment and Consulting, Inc.

This application seeks to restore the exact same mixed-use conditional use to architectural district two-a that is allowed for architectural districts two-b and c.

Prior to 2006, all C-3 zoning could, by conditional use, apply for mixed use development. That included architectural district two-a. In 2006, this ability was limited to certain architectural districts and removed from architectural district two-a. The record is unclear as to why architectural district two-a lost its ability to apply for mixed use projects by way of a conditional use application.

In addition to the lack of clarity in the record as to why City Council amended the LDC in 2006 as described, the current 2040 Comprehensive Plan (enacted after the 2006 LDC amendment) does not preclude this pattern of development, in fact, it specifically authorizes it.

- 1. Policy 3.2.4 regarding the Community Commercial future land-use designation authorizes mixed-use development at 12 units per acre.** The policy makes no distinction between the architectural districts. Architectural districts two-b and two-c are designated Community Commercial. Thus, it is clearly consistent for architectural district two-a to have mixed-use development as the other districts that are able to implement this conditional use by way of the LDC have the same future land use designation.

2. Additionally, Table 1 makes no distinction between architectural districts and authorizes density units across the entire Community Commercial future land-use designation.

a. This is clear by comparing Table 1 to Policy 1.1.1 of the 2001 comprehensive plan (the effective plan when the LDC provided that properties in architectural district two-a could apply for a conditional use for mixed-use development). The current comprehensive plan and the 2001 comprehensive plan both list 75 acres of Community Commercial across all architectural districts and then calculate total density by multiplying by 12 units/acre, which is to say no density was removed in or after 2006 when the LDC was amended to remove architectural district two-a from the mixed-use conditional use.

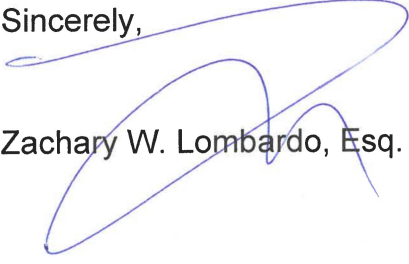
i. Note that the 2001 comprehensive plan lists 925 density units which is 75 times 12 plus 25 affordable housing density bonus units. The 2009 comprehensive plan left the affordable housing density bonus units and subtracted out 48 units for City Hall to arrive at 877 density units. The current comprehensive plan removes the affordable housing density bonus and subtracts out the 48 units for City Hall, but still lists 877 density units. Thus, it is clear that no density units have been removed from the Community Commercial future land-use district despite the LDC being amended in 2006 to remove the mixed-use conditional use from architectural district two-a.

3. Policy 3.2.9 regarding mixed use development in commercial future land-use designations provides guidance as to the requirements of the projects but does not provide any guidance as to why certain districts should be able to apply for this conditional use and others not. In fact, this policy makes it clear that provided the standards in the policy are met, mixed-use development is consistent and authorized.

From the above analysis, it appears arbitrary that the City removed the ability for architectural district two-a to apply for a conditional use for mixed-use development.

Further, because there are no consistency issues with restoring this ability, because there is no articulated distinction between two-a, b, and c, and because the 2040 Comprehensive Plan specifically authorizes mixed-use development in the Community Commercial future land use designation, the applicant requests two-a be restored consistent with the 2040 Comprehensive Plan.

Sincerely,



Zachary W. Lombardo, Esq.