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WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

Reviewed for code compliance
D Smith
04/19/2024 10:52:42 AM

Reviewed for code compliance
M Holden
04/15/2024 12:28:05 PM

MARK J. WOODWARD
Board Certified: Real Estate Law
and in Condominium
& Planned Development Law

February 22, 2024

ANTHONY P. PIRES, JR.
Board Certified: City, County,
and Local Government Law

By Email to gmhelp@cityofmarcoisland.com

J. CHRISTOPHER LOMBARDO

City of Marco Island
Growth Management Department
50 Bald Eagle Drive
Marco Island, FL 34145

ANTHONY J. DIMORA
Licensed in FL and OH

LENORE T. BRAKEFIELD

RE: LDC Amendment Application

CRAIG R. WOODWARD
Senior Counsel
Board Certified: Real Estate Law

To whom it may concern,

Enclosed, please find the following documents for an LDC Amendment Application on behalf of our client, Oliverio Investment and Consulting, Inc.

KENNETH V. MUNDY

1. Amendment to land development code application
2. Signed affidavit of authorization
3. Proposed amendment language

ZACHARY W. LOMBARDO
Board Certified: City, County,
and Local Government Law

CAMERON G. WOODWARD

If more information is needed or would prove helpful in processing this application, please do not hesitate to contact me at (239) 649-6555 or by email at zlobcardo@wpl-legal.com.

ROSS E. SCHULMAN
Licensed in FL and NY

F. SCOTT PAUZAR, III

Your consideration of this request is greatly appreciated.

REPLY TO:

3200 TAMiami TRAIL N.
SUITE 200
NAPLES, FL 34103
239-649-6555
239-649-7342 FAX

Sincerely,

606 BALD EAGLE DRIVE
SUITE 500
MARCO ISLAND, FL 34145
239-394-5161
239-642-6402 FAX

Zachary W. Lombardo, Esq.

Enclosures as stated.

WWW.WPL-LEGAL.COM



PF-36

City of Marco Island
Growth Management Department
50 Bald Eagle Drive
Marco Island, FL 34145
Phone: 239-389-5000

AMENDMENT TO LAND DEVELOPMENT CODE APPLICATION

Applicable Sections of the Marco Island Land Development Code Sec. 30-62 Amendment procedures

Petition number: **LDCA-**_____ Date Received: _____

Planner: _____

ABOVE TO BE COMPLETED BY STAFF

Applicant Information

Name: OLIVERIO INVESTMENT AND CONSULTING INC.

Address: c/o agent

Phone Number: c/o agent Email: c/o agent

Property Information

Property owner's name: OLIVERIO INVESTMENT AND CONSULTING INC.

Address: c/o agent

Phone Number: c/o agent Email: c/o agent

SUBMITTAL REQUIREMENTS

- Application Fee: \$2,000 (payable to the City of Marco Island)
- LDC Amendment Request attached
- Written justification for the LDC change based on below criteria:
 1. The need and justification for the change;
 2. The relationship of the proposed LDC amendment to the purposes and goals, objectives, and policies, of the city's comprehensive, with appropriate consideration as to whether the proposed change will further the purposes of the LDC and other city codes, regulations, and actions designed to implement the growth management plan.
- The application can be submitted electronically, delivered or mailed to:

*City of Marco Island
Growth Management Department
50 Bald Eagle Drive, Marco Island, FL 34145*

Fee: \$2,000.00
(Resolution No. 11-10)

LDC Amendment Request

ORIGIN: Property Owner

AUTHOR: OLIVERIO INVESTMENT AND CONSULTING INC.

DEPARTMENT: N/A

LDC PAGE: N/A

LDC SECTION(S): Sec. 30-224(14), LDC

CHANGE: Addition of Architectural overlay district two—a. (Collier Blvd Pedestrian Tourist Subdistrict (North Section)) to MU CU

REASON: To facilitate mixed use projects

RELATED CODES OR REGULATIONS: Secs. 30-224(14)I. and II., LDC

GROWTH MANAGEMENT PLAN IMPACT: None, Community Commercial provides for MU

NOTES/ADDITIONAL INFORMATION:

Written Justification: There is a need for additional mixed use projects in the City.

By acceptance of this application, the applicant agrees to defend, hold harmless and indemnify the City of Marco Island and its employees and agents from any and all liability which may arise as a result of the issuance of this amendment.



Applicant/Agent

2/20/21

Date

Approval:

Planner


Date

This permit does not constitute approvals which may also be necessary under other local, state and federal regulations, including, but not limited to right-of-way permit, building permit, FAA, FCC, Fire District & DEP. This Temporary Use permit is issued pursuant to information provided by the applicant.

AFFIDAVIT

We/I, ^{Joseph Oliverio, as Manager of OLIVERIO INVESTMENT AND CONSULTING INC.} _____ being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted. We/I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by City of Marco Island staff members, Planning Board members, and/or Board or Zoning Appeals members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the petition. While the petition is pending, Staff members, Planning Board members, or Board of Zoning Appeals members will be allowed access upon the property provided they display a Marco Island City Photo ID or a Valid Driver's License.

As property owner we/I further authorize Zachary W. Lombardo, Esq. of Woodward Pires & Lombardo, P.A. to act as our/my representative in any matters regarding this Petition.



Signature of Property Owner

Joseph Oliverio, as Manager of OLIVERIO INVESTMENT AND CONSULTING INC.

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this 20 day of February, 2024, by Joseph Oliverio, who is personally known to me or has produced _____ as identification.

State of Florida
County of Collier

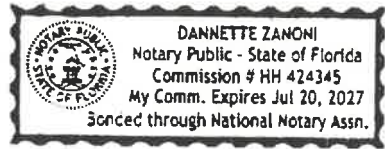


Signature, Notary Public - State of Florida

(Seal)

Dannette Zanon

Printed, Typed, or Stamped Name of Notary



(14) Mixed residential and commercial uses only within the following architectural overlay districts and subject to the following criteria:

I. Architectural overlay district two—b. (Collier Boulevard pedestrian tourist subdistrict (south section)) described and illustrated in [section 30-628](#):

a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;

b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;

c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;

d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;

e. A minimum of 24 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;

g. Maximum building height: Four stories, not to exceed 50 feet;

h. The maximum height of a mixed use structure shall be measured from the base flood elevation to the mid-point of the roof;

i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;

j. The existing residential density and intensity of commercial use of surrounding property;

- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

II. Architectural overlay district two—c. (Barfield subdistrict) described and illustrated in [section 30-628](#):

a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;

b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;

c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;

d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;

e. A minimum of 24 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: Areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot island may not be used unless existing native vegetation is maintained);

f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;

g. Maximum building height: Two stories, not to exceed 35 feet;

h. The maximum height of a mixed use structure shall be measured from the base flood elevation to the mid-point of the roof;

i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;

j. The existing residential density and intensity of commercial use of surrounding property;

- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

III. Architectural overlay district two—a. (Collier Blvd Pedestrian Tourist Subdistrict (North Section)) described and illustrated in [section 30-628](#):

a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;

b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;

c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;

d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;

e. A minimum of 24 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: Areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot island may not be used unless existing native vegetation is maintained);

f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;

g. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;

h. The existing residential density and intensity of commercial use of surrounding property;

i. The availability and location of utilities, services, and public facilities; and

j. The access to and suitability of transportation systems and routes.

