



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

PF-01

Reviewed for code compliance
 M Holden
 12/19/2023 4:16:51 PM

Reviewed for code compliance
 K Grigsby
 12/26/2023 9:47:33 AM

Reviewed for code compliance
 Joshua Ooyman
 12/29/2023 10:15:27 AM

CONDITIONAL USE PETITION

Applicable Sections of the Marco Island Land Development Code Sec. 30-64

Petition number: **CUP-** _____ Date Received: _____
 Planner: _____

Above to be completed by staff

GENERAL INFORMATION

Property Owner(s): Publix Super Markets, Inc
 Owner's Address: P.O. Box 32010, Lakeland, FL. 33802
 Telephone: 863-680-5221 Email: allison.davis@publix.com

Agent's Name: Island Pilates Studio, LLC
 Agent's Address: 137 S Barfield Drive, Marco Island, FL. 34145
 Telephone: 602-740-9561 Email: rmurness1@yahoo.com

DISCLOSURE OF INTEREST INFORMATION

a. If the property is owned fee simple by an individual, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest (use additional sheets if necessary).

Name and Address	Percentage of Ownership
_____	_____
NA	_____
_____	_____

b. If the property is owned by a corporation, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
_____	_____
NA	_____
_____	_____

- c. If the property is in the name of a trustee, list the beneficiaries of the trust with the percentage of interest.

Name and Address	Percentage of Interest
_____	_____
NA	_____
_____	_____

- d. If the property is in the name of the general or limited partnership, list the name of the general and/or limited partners.

Name and Address	Percentage of Ownership
_____	_____
NA	_____
_____	_____

- e. If there is a contract for purchase, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock
_____	_____
NA	_____
_____	_____

Date of Contract: _____

- f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address

NA

- g. Date subject property _____ acquired _____ leased: _____

Term of lease: _____ yrs./months

If the petitioner has the option to buy, indicate date of option: _____ and date option terminates: _____ or anticipated closing date: _____

- h. Should any changes of ownership or changes in contracts for purchase subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

DETAILED LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION

If request involves change to more than one zoning district, include separate legal description for property involved in each district. Applicant shall provide a survey completed within the last 6 months at a maximum 1" to 400' scale. The applicant is responsible for supplying the correct legal description. If questions arise concerning the legal description, an engineer's certification or sealed survey may be required.

Subdivision: Marco Beach 773700 Unit 5 Block: _____ Lot: 1

Property ID #: 57190040004 Plat Book: _____ Page #: _____

Address/general location of subject property: 137 S Barfield Drive, Marco Island, FL. 34145

Size of property: _____ feet X _____ feet = 43,733 total square feet = _____ Acres

ADJACENT ZONING AND LAND USE

Property Subject	Zoning	Land Use
N	_____	_____
S	_____	_____
E	_____	_____
W	_____	_____

NA

Does the property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property.

Subdivision: _____ Block: _____ Lot: _____

Property ID #: _____ Plat Book: _____ Page #: _____

TYPE OF CONDITIONAL USE

This application is requesting conditional use number _____ of the _____ district for Pilates Studio

Present Use of the Property: Empty retail storefront. Originally a GNC Vitamin shop.

Evaluation Criteria

Attach a narrative statement describing this request for conditional use and a detailed response to each of the criterion listed below. Specify how and why the request is consistent with each.

see attached

a. That the granting of the conditional use will not adversely affect the public interest, and that the specific requirements governing the individual conditional use, if any, have been met by the petitioner;

b. That the grant of the conditional use is consistent with the comprehensive plan. A conditional use shall not be presumed to be consistent with the comprehensive plan merely because the use is listed in the LDC as a conditional use in a given zoning district;

c. That there is proper and adequate ingress to and egress from to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

d. That the proposed conditional use is compatible with adjacent properties and other property in the district. The conditional use, as depicted on the conceptual site plan, must be compatible with adjacent and nearby uses, developments, structures, and neighborhoods and will not alter the character of the community and neighborhood or be contrary to emerging development trends in the community and the neighborhood;

e. Building orientation. That buildings are oriented so as to enhance the appearance of the streetscape. Mass, bulk and scale of all structures shall be compatible with other structures and uses in the neighborhood.

NOTE: Pursuant to Section 30-63 of the City of Marco Island Land Development Code, staff's recommendation to the Planning Board and the Planning Board's recommendation to the City Council, acting as the Board of Zoning Appeals, shall be based upon a finding that the specific requirements governing the individual conditional use, if any, have been met, and that further, satisfactory provision and arrangement have been made concerning the preceding matters, where applicable.

Deed Restrictions

The City is legally precluded from enforcing deed restrictions, however, significant portions of the City of Marco Island are subject to deed restrictions. You may wish to contact the Marco Island Civic Association (MICA) at (239)642-7778 to ascertain whether or not the request is affected by existing deed restrictions.

Previous land use petitions on the subject property

To your knowledge, has a public hearing been held on this property within the last year? If so, what was the nature of that hearing?

NO

Additional Submittal requirements

In addition to this completed application, the following must be submitted in order for your application to be deemed sufficient, unless otherwise waived during the pre-application meeting:

1. A copy of the pre-application meeting notes;
2. One (1) copy of a 24" x 36" conceptual site plan (and one reduced 8 1/2" x 11" copy of site plan), drawn to a maximum scale of 1" = 400', depicting following (Additional copies of the plan may be required upon completion of staff evaluation for distribution to The Planning Board, City Council and various advisory boards).
 - All existing and proposed structures and the dimensions thereof, provisions for existing and/or proposed ingress and egress (including pedestrian ingress and egress to the site and the structure(s) on site(s).
 - All existing and/or proposed parking and loading areas (include matrix indicating required and provided parking and loading), including required parking for the disabled).
 - Locations of solid waste (refuse), stairs and service function areas, required yards, open space and preserved areas, proposed locations for utilities (as well as location of existing utility services to the site), proposed and/or existing landscaping and buffering as may be required, location of all signs and lighting including a narrative statement as to the type, character, and dimensions (such as height, area, etc.)
3. An Environmental Impact Statement (EIS), as may be required by Section 30-962 of the Land Development Code(LDC).
4. Two copies of a recent aerial photograph, taken within the previous twelve months, with a minimum scale of 1" = 400'. The aerial photograph shall identify plant and/or wildlife habitats and their boundaries. Such identification shall be consistent with Florida Department of Transportation Land Use Cover and Forms Classification System.
5. Statement of utility provisions, with all required attachments and sketches.
6. A Traffic Impact Statement (TIS) unless waived at the pre-application meeting.
7. A historical and archeological survey or waiver application if property is located within an area of historical or archaeological probability as identified at the pre-application meeting.
8. Any additional requirements as may be applicable to specific conditional uses and identified during the pre-application meeting, including but not limited to any required state or federal permits.

TRAFFIC IMPACT STATEMENT (TIS)

A TIS is required unless waived at the pre-application meeting. The TIS required may be either major or minor as determined at the pre-application meeting. Please note the following with regard to TIS submittals:

Minor TIS

Generally required for conditional use and rezone requests for property less than 10 acres in size, although based on the intensity or unique character of a petition, a major TIS may be required for a petition of ten acres or less.

A minor TIS shall include the following:

1. Trip Generation (at buildout)
 - Annual Average Daily Traffic
 - Annual Average Daily Traffic Peak Hour
 - Peak Season Daily Traffic
 - Peak Hour Peak Season Daily Traffic
2. Trip Assignment
 - Within Radius of Development Influence
3. Existing Traffic
 - Within Radius of Development Influence
 - Annual Average Daily Traffic Volumes
 - Peak Season Daily Traffic Volumes
 - Level of Service
4. Impact of the proposed use on affected major thoroughfares, including any anticipated changes in level of services (LOS)
5. Any proposed improvements (to the site or the external right-of-way) such as providing or eliminating an ingress/egress point or providing turn or decel lanes or other improvements.
6. Describe any proposal to mitigate the negative impacts on the transportation system. For Rezones Only: State how this request is consistent with the applicable policies of the Transportation Element of the Comprehensive Plan.

Major TIS

Required for all other conditional use and rezone requests.

A major TIS shall include the following:

1. All items required for a Minor Traffic Impact Statement
2. Intersection Analysis
3. Background Traffic
4. Through Traffic
5. Planned/Proposed Roadway Improvements
6. Proposed Schedule (Phasing) of Development

TRAFFIC IMPACT STATEMENT (TIS) STANDARDS

The following standards shall be used in preparing a TIS for submittal in conjunction with a conditional use or rezone petition:

Trip Generation

Provide the total traffic generated by the project for each link within the project's Radius of Development Influence (RDI) in conformance with the acceptable traffic engineering principles. The rates published in the latest edition of the Institute of Transportation Engineers (ITE) trip Generation Report shall be used unless documentation by the petitioner of the City justifies the use of alternative rates.

Trip Assignment

Provide a map depicting the assignment to the network, of those trips generated by the proposed project. The assignment shall be made to all links within the RDI. Both annual average and peak seasonal traffic should be depicted.

Existing Traffic

Provide a map depicting the current traffic conditions on all links within the RDI. The AADT, PSDT, and LOS shall be depicted for all links within the RDI.

Level of Service (LOS)

The LOS of a roadway shall be expressed in terms of the applicable Collier County Generalized Daily Service Volumes as set forth in the TCE of the GMP.

Radius of Development Influence (RDI)

The TIS shall cover the least of the following two areas:

- An area as set forth below; or,
- The area in which traffic assignments from the proposed project on the major thoroughfares exceeds 1% of the LOS "C".

<u>Land Use</u>	<u>Distance</u>
Residential	5 miles or as required by DRI
Other (commercial, industrial, institutional, etc.)	
0 - 49,999 Sq. Ft.	2 miles
50,000 - 99,999 Sq. Ft.	3 miles
100,000 - 199,999 Sq. Ft.	4 miles
200,000 - 399,999 Sq. Ft.	5 miles
400,000 and up	5 miles

In describing the RDI and TIS shall provide the measurement in road miles from the proposed project rather than a geometric radius.

Intersection Analysis

An intersection analysis is required for all intersections within the RDI where the sum of the peak-hour critical lane volume is projected to exceed 1,200 Vehicles per Hour (VPH).

Background Traffic

The effects of previously approved but undeveloped or partially developed projects which may affect major thoroughfares within the RDI of the proposed project shall be provided. This information shall be depicted on a map or alternatively in a listing of those projects and their respective characteristics.

Future Traffic

An estimate of the effects of traditional increases in traffic resulting from potential development shall be provided. Potential development is that which may be developed maximally under the effective Future Land Use Element (FLUE) and the Land Development Code. This estimate shall be for the projected development areas within the projects RDI. A map or list of such lands with potential traffic impact calculations shall be provided.

Through Traffic

At a minimum, increases in through traffic shall be addressed through the year 2015. The methodology used to generate the estimates shall be provided. It may be desirable to include any additional documentation on any background data to support the estimation as well.

Planned/Proposed Roadway Improvements

All proposed or planned roadway improvements located within the RDI should be identified. A description of the funding commitments should also be identified.

Project Phasing

When a project phasing schedule is dependent upon proposed roadway improvements, a phasing schedule may be included as part of the TIS. If the traffic impacts of a project are mitigated through a phasing schedule, such phasing schedule may be made a condition of any approval.



Statement of Utility Provisions for Conditional Use Request

Applicant: _____

Address: _____

Telephone: _____ Email: _____

Address of subject property (if available): _____

Subdivision: _____ Block: _____ Lot: _____

Property ID #: _____ Plat Book: _____ Page #: _____

Type of Sewage Disposal to be provided (check one)

- County Utility system
- City Utility System
- Franchised Utility System:
- Package Treatment Plant
- Septic System

N A

Type of Water Service to be provided (check one)

- County utility system
- City utility
- Franchised utility system
- Private system (well)

Total population to be served: _____

Peak and average daily demands:

Water: peak _____ average daily: _____

Sewer: peak _____ average daily: _____

If proposing to be connected to Collier County Regional Water System, please provide the date service is expected to be required: _____.

Narrative Statement

Provide a brief and concise narrative statement and schematic drawing of sewage treatment process to be used as well as a specific statement regarding the method of effluent and sludge disposal. If percolation ponds are to be used, then percolation data and soil involved shall be provided from tests prepared and certified by a professional engineer.

Collier County Utility Dedication Statement

If the project is located within the services boundaries of Collier County's utility service system, written notarized statement shall be provided agreeing to dedicate to Collier County Utilities the water distribution and sewage collection facilities within the project area upon completion of the construction of these facilities in accordance with all applicable County ordinances in effect at the time. This statement shall also include an agreement that the applicable system development charges and connection by fees will be paid to the County Utilities Division prior to the issuance of building permits by the City. If applicable, the statement shall contain an agreement to dedicate the appropriate utility easements for serving the water and sewer systems.

Statement of Availability Capacity from Other Providers

Unless waived or otherwise provided for at the pre-application meeting, if the project is to receive sewer or potable water services from any provider other than the City, a statement from the provider indicating that there is adequate capacity to serve the project shall be provided.

**CONDITIONAL USE APPLICATION
SUBMITTAL CHECKLIST**

THIS COMPLETED CHECKLIST IS TO BE SUBMITTED WITH APPLICATION PACKET.

	NUMBER OF COPIES	REQUIRED	NOT REQUIRED
Completed Application	1	X	
Copy of Deed(s) & list identifying Owner(s) & all partners if a Corporation	1		X
Completed Owner/Agent Affidavits, Notarized	1	X	
Pre-application notes/minutes	1		X
Conceptual Site Plans	1		X
Environmental Impact Statement (EIS)	1		X
Aerial Photograph – (with habitat areas identified)	1		X
Completed Utility Provisions Statements (with Required attachments and sketches)	1		X
Traffic Impact Statement (TIS)	1		X
Historical & Archaeological Survey or Waiver Application	1		X
Copies of State and/or Federal Permits	1		X
Architectural rendering of proposed structure(s)	1		X
Application Fee, Check shall be made payable to "City of Marco Island" Without A Rezone Petition: \$4,000 With a Rezone Petition: \$1,000		\$4,000.00 (w/Rezone \$1000.00)	
Other requirements: Digital Copy of all the above.	1		
<p>PUBLIC NOTICE REQUIREMENT: In addition to the fees required herein, the applicant is responsible for all costs of newspaper notices and required notices for public petitions and shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item is also the applicant's responsibility and be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition.</p> <p>Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005</p>			

As the authorized agent/applicant for this petition, I attest that all the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

AFFIDAVIT

We/I, Public Super Markets, 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 Island Pilates Studio, LLC to act as our/my representative in any matters regarding this Petition.

William W Rayburn, IV
Signature of Property Owner

Signature of Property Owner

WILLIAM W RAYBURN, IV
Printed Name of Property Owner
AS VP R/R ASSETS

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this 14th day of December, 20 23 by William W. Rayburn, IV who is personally known to me or has produced _____ as identification.

State of Florida
County of Polk

[Signature]
Signature, Notary Public - State of Florida

(Seal)
PATRICIA COOLEY
Commission # HH 255253
Expires August 20, 2026



Printed, Typed, or Stamped Name of Notary