

RESOLUTION 22-17

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA DENYING APPROVAL OF AN OFF-SITE PARKING AGREEMENT FOR PROPERTY LOCATED AT 1202 BALD EAGLE DRIVE, FOR ADDITIONAL PARKING TO BE LOCATED AT 1121, 1117, AND 1111 BALD EAGLE DRIVE, ASSOCIATED WITH SITE DEVELOPMENT PLAN (SDP 21-000089); PROVIDING FOR FINDINGS OF DENIAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IX, Site Development and Site Development Plan Standards of the Marco Island Land Development Code (“LDC”) provides standards and regulations for the review and approval of off-site parking agreements proposed in conjunction with development of property within the City of Marco Island (“City”); and

WHEREAS, Marco Club, LLC, a Florida Limited Liability Company, (“Owner/Developer”) submitted a Site Development Plan Application (SDP 21-000089) for the development of a restaurant with a 268-seat dining room and exterior deck area, consisting of approximately 7,480 square feet on property located at 1202 Bald Eagle Drive, Marco Island, Florida 34145 (the “Development”); and

WHEREAS, on February 4, 2022, the City’s Planning Board approved the Site Development Plan, subject to the approval of an off-site parking agreement that would permit the Owner to utilize the property located at 1121, 1117, and 1111 Bald Eagle Drive as an off-site parking location to provide parking for the restaurant use at 1202 Bald Eagle Drive; and

WHEREAS, pursuant to Section 30-484 of the City of Marco Island Code of Ordinances, the off-site parking agreement requires approval by the City Council;

WHEREAS, in considering the approval of the off-site parking agreement to be entered into between Marco Club, LLC and 1121 Bald Eagle Drive, LLC, the City Council shall consider whether the off-site parking agreement meets the locational requirements for off-street parking facilities as provided in Section 30-484(a)(3)a.-f., and 30-484(b)(1)-(12) of the City of Marco Island Code of Ordinances; and

WHEREAS, on March 7, 2022 , the City Council held a quasi-judicial hearing to consider the off-site parking agreement for SDP 21-000089) as submitted by the Owner/Developer, and following the presentation of, and consideration of all testimony and evidence presented at that initial hearing there was discussion regarding traffic, sidewalks and restaurant operations, whereupon Council elected by a 4-3 vote to continue the hearing to secure additional information, including an updated traffic study; and

WHEREAS, on May 2, 2022 the City Council reconvened the quasi-judicial hearing to consider the previous testimony and evidence as well as any new testimony and evidence submitted by the City and the Owner/Developer, and

WHEREAS, City Council after due consideration of the requirements of the locational requirements for off-street parking facilities and the Owner/Developer proposed off-site parking agreement City Council made the findings as contained herein.

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

SECTION 1. Recitals. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

SECTION 2. Adoption. The off-site parking agreement submitted by the Owner/Developer in conjunction with the Site Development Plan Application 21-000089 is hereby denied based on the findings contained herein.

SECTION 3. Findings for Denial. Based upon the testimony and evidence presented at the quasi-judicial hearings on March 7, 2022, and May 2, 2022, including but not limited to the entire City file regarding SDP 21-000089; the off-site parking agreement submitted by the Owner/Developer is denied subject to the following findings:

1. Upon consideration of the criteria contained in Section 30-484(b)(3), the Council finds that the use of the off-site parking location poses negative impacts for pedestrian safety in the area of the proposed restaurant. There is a concern for pedestrians who will need to walk from the restaurant property to the off-site parking lot, which is distance of about 1000 feet.
2. Upon consideration of the criteria contained in Section 30-484(b)(4), the Council finds that the use of the off-site parking facility will result in increased vehicular traffic dropping off customers and then walking back to the restaurant after parking the vehicle in the off-site parking location. The issues will be exacerbated during the summer months when thunderstorms and heavy rain will make it more difficult for pedestrians to walk to the restaurant from the off-site parking location, or having to wait for a golf cart to transport them to and from the restaurant from the off-site parking location.
3. Upon consideration of the criteria contained in Section 30-484(b)(5), the Council finds that the development and use of the off-site parking location in conjunction with the restaurant location at 1202 Bald Eagle Drive will adversely impact the character and quality of the neighborhood and the future development of surrounding properties. Vehicles and pedestrians travelling to and from the restaurant from the off-site parking location will

create issues for local traffic, bicyclists, and other individuals travelling in the area. The increased traffic will increase travel times for individuals residing or working in neighboring properties, all resulting in negative impacts to the character and quality of the neighborhood in that location of the City.

SECTION 4. Determination of Denial. Based on these findings the City Council, pursuant to a vote of 6-1 finds that the proposed off-site parking agreement does not meet the requirements as provided in the City's Code of Ordinances, and therefore, the application for the off-site parking agreement, which is a condition of the approved SDP 2021-000089, as presented is denied.

SECTION 5. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE MARCO ISLAND CITY COUNCIL, this 2nd day of May, 2022.


ATTEST:


Michael J. Sheffield, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 
Erik Brechinitz, Chairman

Approved as to form and legal sufficiency:


Alan L. Gabriel, City Attorney

Received and filed in the City Clerk's Office this 25 day of MAY 2022.


Michael J. Sheffield, City Clerk

