

RESOLUTION 23-27

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING CONDITIONAL USE PERMIT CUP-22-000218 TO ALLOW FOR A MIXED-USE PROJECT TO BE LOCATED AT 711-731 SOUTH COLLIER BOULEVARD, MARCO ISLAND, FLORIDA; MAKING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 30-64 of the City of Marco Island ("City") Land Development Code ("LDC"), the City's Growth Management staff has reviewed and recommended approval of a conditional use for 711-731 South Collier Boulevard, Marco Island, Florida (the "Subject Property") pursuant to Section 30-224(14) of the LDC, for the approval of a mixed-use project (the "Conditional Use"); and

WHEREAS, Nigam ET AL, Prateek, the Owner(s), submitted an application for conditional use approval to permit the development of a mixed use project on the Subject Property; and

WHEREAS, the approval of the Conditional Use will not adversely affect the public interest as the proposed development will result in an increase in the available pay for parking spaces in the vicinity of beach access.

WHEREAS, the LDC requirements related to mixed-use percentages have been met along with the requirements for the approval of the site development plan and conditional use as provided in the City's LDC; and

WHEREAS, the Conditional Use is consistent with Objective 3.1 of the Future Land Use Element of the City's Comprehensive Plan which states:

Ensure sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of the City through the year 2040 in attractive and safe neighborhoods with a variety of housing types.

WHEREAS, the Conditional Use is consistent with Policy 3.2.4 of the Future Land Use Element of the City's Comprehensive Plan which states:

The Community Commercial future land use category is intended to provide a range of commercial uses at arterial and collector intersections and nodes within the City outside of the Town Center/Mixed Use future land use category. These areas will be comprised of retail, office and mixed use land uses. Standard densities are limited to 12 du/acre. Hotel/motel densities are limited to 26 du/acre."; and

WHEREAS, the Conditional Use has proper and adequate ingress and egress to and from the Subject Property. The only point of vehicular ingress and egress is from Collier Blvd.

Access to the dumpsters will be from Muspa Way. Pedestrian access is from Collier Blvd., and a secondary pedestrian access is located on Muspa Way; and

WHEREAS, the Conditional Use is in keeping with the adjacent and nearby developments and uses. The paid parking spaces are already in existence. Residential uses are in the vicinity in the forms of multifamily and single-family to the east. Restaurants are in the vicinity, and currently exist in the vicinity along Collier Blvd.; and

WHEREAS, the building proposed as part of the Conditional Use enhances the streetscape with the water fountain feature and proposed landscape. The building is compatible with the other buildings in the area regarding mass, bulk and scale; and

WHEREAS, based on the foregoing, City staff has reviewed and recommends approval of CUP-22-000218; and

WHEREAS, based upon the foregoing, the City's Planning Board has reviewed and recommended approval of the Conditional Use 22-000218; and

WHEREAS, the City Council finds that the application for Conditional Use approval meets the requirements of the City of Marco Island Code of Ordinances and should be approved, subject to the conditions of approval set forth in this Resolution.

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 and Approval. The Conditional Use Permit CUP-22-000218 for the Subject Property is hereby approved, subject to the conditions in Section 3. of this Resolution.

SECTION 3. Conditions of Approval. Approval of the Conditional Use Permit CUP-22-000218 for the Subject Property is granted subject to the following conditions of approval:

- a. The percentages of the uses identified within the approved Site Development Plan and Conditional Use permit for the property shall always be maintained.
- b. The Owner shall record a unity of title with Collier County, Florida, to join the Subject Property into one parcel for the purpose of the approved development. The unity of title shall be reviewed and approved by the City Attorney and shall then be recorded and presented to the City prior to the issuance of any building permits for the development approved pursuant to SDP 22-000216.

SECTION 4. Development Permit does not grant a vested right. The issuance of this approval and Development Permit as defined in Section 163.3164, Fla.Stat., by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development as authorized herein. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 5. Failure to Comply With Resolution. That failure to adhere to the Conditional Use approval and the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before they may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

SECTION 6. Effective Date. This Resolution shall be effective immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 24th day of July 2023.

ATTEST:



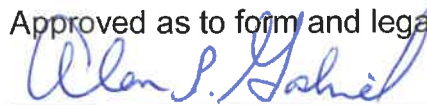
Joan Taylor, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Gregory Folley, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

