

## RESOLUTION 24-08

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING AN APPLICATION FOR VARIANCE REQUEST (VP-22-000190) FROM THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE, SEC. 30-488, MINIMUM PARKING REQUIREMENTS, TO ALLOW FOR REDUCED PARKING FROM THE REQUIREMENTS OF RECREATION FACILITIES (INDOOR), WHICH REQUIRES 1 SPACE PER 100 SQUARE FEET TO 1 SPACE PER 300 SQUARE FEET, FOR REAL PROPERTY LOCATED AT 860 BALD EAGLE DRIVE, MARCO ISLAND, FLORIDA 34145 MAKING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 30-65, of the Marco Island Land Development Code (“LDC”) provides standards and regulations for the review and approval of variance procedures; and

**WHEREAS**, Eagle Center Marco, LLC and JARP Enterprises, LLC., (the “Owner”), submitted a Variance Petition (VP-22-000190) for the property located at 860 Bald Eagle Drive, Marco Island, Florida 34145 (the “Subject Property”); and

**WHEREAS**, the Subject Property is legally described as follows:

MARCO BCH UNIT 11 REPLAT BLK 782 LOT 33  
Parcel No. 57991640001; and;

**WHEREAS**, the Owner has applied for a variance from the parking standards for indoor fitness use, deviating from the required one space per 100 square feet requirement to permit one space per 300 square feet, by appointment only; and

**WHEREAS**, the City Council finds that the requested variances are the minimum to make possible the reasonable use of the land, building, and proposed building and it will promote health, safety, and welfare by minimizing driveway cuts; and

**WHEREAS**, the City Council finds that granting the variance will not confer special privilege; and

**WHEREAS**, the City Council finds that granting the variance will be in keeping with the neighborhood and the existing development patterns established; and

**WHEREAS**, granting this variance is consistent with the City of Marco Island Comprehensive Plan, Future Land Use Element, Policy 2.1.2, Goal 2 Community Character, where the City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted

LDC. The purpose for the reviews will be to ensure compatibility between land uses, that the needs of residents, businesses, and those they serve are met on-island to the extent possible, and that emerging and modern uses are addressed through the City's regulatory framework; and

**WHEREAS**, the City of Marco Island ("City") staff has reviewed the application for the variance, and recommends approval; and

**WHEREAS**, the City's Planning Board reviewed and recommended approval to the City Council of Variance Petition VP VP-22-000190 at the City Planning Board's February 2, 2024 meeting; and

**WHEREAS**, City Council does hereby approve Variance Petition VP-22-000190, subject to the conditions of approval as set forth in this Resolution.

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

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

**SECTION 2. Variance Approved.** Based on the testimony and evidence presented to the City Council, the City Council finds that Variance Petition VP-22-000190 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Land Development Code, and hereby approves the variances to Section 30-488, Minimum Parking Requirements of the City of Marco Island Land Development Code, subject to the below conditions:

1. Granting this variance will not violate the City's Comprehensive Plan.
2. Hours of operation cannot be extended beyond the Hagen Engineer's parking study submitted.

**SECTION 3. Failure to Obtain Other Permits.** That issuance of this approval by the City does not in any way create any right on the part of the Owner 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 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 on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 4. Failure to Adhere to Resolution.** That failure to adhere to 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, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner understands and acknowledges that it must comply with all other applicable requirements of the City Code before it 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 is in non-compliance with the City Code.

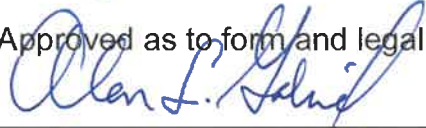
**SECTION 5. Effective Date.** That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 4<sup>th</sup> day of March 2024.

**ATTEST:**

  
\_\_\_\_\_  
Joan Taylor, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**  
By:   
\_\_\_\_\_  
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:  
  
\_\_\_\_\_  
Alan L. Gabriel, City Attorney

