

1 CITY OF MARCO ISLAND

2  
3 RESOLUTION NO. 24-\_\_\_\_

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5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA  
6 APPROVING CONDITIONAL USE PERMIT CUP-24-000055 TO  
7 ALLOW FOR PERSONAL CAR STORAGE DEVELOPMENT TO  
8 BE DEVELOPED AT THE PROPERTIES LOCATED AT  
9 138,148,158, AND 168 S. BARFIELD BLVD. MARCO ISLAND,  
10 FLORIDA; MAKING FINDINGS; PROVIDING FOR CONDITIONS  
11 OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.  
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13 WHEREAS, pursuant to Section 30-64 of the City of Marco Island (“City”) Land  
14 Development Code (“LDC”), the City’s Growth Management staff has reviewed and  
15 recommended approval of a conditional use for 138, 148, 158, and 168 S. Barfield Blvd., , Marco  
16 Island, Florida (the “Subject Property”) pursuant to Section 30-224(14) of the LDC, for the  
17 approval of a personal car stoarage development (the “Conditional Use”); and  
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19 WHEREAS, Marco Luxe, LLC. & Southbound Leasing, LLC., the Owner(s) of the Subject  
20 Property, submitted an application for conditional use approval to permit the development of a  
21 personal car storage project on the Subject Property; and  
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23 WHEREAS, the approval of the Conditional Use will not adversely affect the public  
24 interest as the proposed development will result in an increase in the available pay for parking  
25 spaces in the vicinity of beach access.  
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27 WHEREAS, the LDC requirements related to personal car storage have been met along  
28 with the requirements for the approval of the site development plan and conditional use as  
29 provided in the City’s LDC; and  
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31 WHEREAS, the Conditional Use is consistent with Policy 4.1.2 of the Future Land Use  
32 Element of the City’s Comprehensive Plan which states:  
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34 Rezonings, conditional use, site improvement plans, and other  
35 development proposals will be evaluated as to the availability and proximity  
36 of the road network; central sewer and water lines; community facilities and  
37 services such as schools, EMS, fire and police protection, and other public  
38 facilities; compatibility with surrounding land uses; and any other relevant  
39 facts affecting the public health, safety, and welfare; and  
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41 WHEREAS, the Conditional Use has proper and adequate ingress and egress to and  
42 from the Subject Property. The property has ingress and egress from both South Barfield  
43 Blvd. and Silver Spray Way; and  
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45           **WHEREAS**, the Conditional Use is in keeping with the adjacent and nearby  
46 developments and uses. There is currently car storage, an auto parts store, a florist, and  
47 grocery shopping complex nearby; and

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

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53           **WHEREAS**, based on the foregoing, City staff has reviewed and recommends approval  
54 of CUP-24-000055; and

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56           **WHEREAS**, based upon the foregoing, the City’s Planning Board has reviewed and  
57 recommended approval of the Conditional Use 24-000055; and

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

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

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

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69           **SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-24-  
70 000055 for the Subject Property is hereby approved, subject to the condition in Section 3. of this  
71 Resolution.

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73           **SECTION 3. Development Permit does not grant a vested right.** The issuance of this  
74 approval and Development Permit as defined in Section 163.3164, Fla.Stat., by the City does  
75 not in any way create any right on the part of the Owner/Developer to obtain a permit from a  
76 state or federal agency and does not create any liability on the part of the City for issuance of  
77 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations  
78 imposed by a state or federal agency or undertakes actions that result in the violation of state or  
79 federal law. All applicable state and federal permits must be obtained before commencement  
80 of the Development as authorized herein. This condition is included pursuant to Section  
81 166.033, Florida Statutes, as amended.

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

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this \_\_\_\_day of \_\_\_\_\_, 20\_\_.

CITY OF MARCO ISLAND, FLORIDA

By: \_\_\_\_\_  
Jared Grifoni, Chair

ATTEST:

By: \_\_\_\_\_  
City Clerk

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
Alan L Gabriel, City Attorney