1	RESOLUTION 24-09		
2 3 4 5 6 7 8 9	A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A FITNESS CENTER USE AT 137 SOUTH BARFIELD DRIVE, MARCO ISLAND, FLORIDA; MAKING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.		
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11 12 13 14 15 16	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 137 South Barfield Drive, Marco Island, Florida (the "Subject Property") pursuant to Section 30-224(3) of the LDC, for the approva of a Pilates fitness studio use (the "Conditional Use"); and		
17 18 19	WHEREAS, Island Pilates Studio, LLC, the Lessee, submitted an application, CUP-23-000435, for the Conditional Use on the Subject Property; and		
20 21	WHEREAS, the proposed Conditional Use is compatible with adjacent properties and will not adversely affect the public interest; and		
22 23 24 25	WHEREAS, the proposed Conditional Use is consistent with the City of Marco Island Comprehensive Plan; and		
26 27 28	WHEREAS , the proposed Conditional Use would not negatively impact the traffic flows into, and off the site; and		
29 30 31	WHEREAS , the proposed Conditional Use will meet all required commercial zoning regulations, and will not change the character of the neighborhood or community as a whole; and		
33 34 35	WHEREAS, City staff has reviewed and recommended approval of CUP-23-000435; and		
36 37	WHEREAS , the City's Planning Board has reviewed and recommended approva of Conditional Use application CUP-23-000435; and		
38 39 40 41	WHEREAS , the City Council finds that the Conditional Use petition 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.		
42 43 44	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-23-000435 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-23-000435 for the Subject Property is granted subject to the following conditions of approval:

- a. The Conditional Use approval shall expire 365 days from the effective date of this Resolution if construction/use has not commenced.
- b. The Lessee(s) are required to submit a Commercial Land-Use Certificate application before occupying the building for commercial purposes and/or allowing students on-site.

 SECTION 4. Development Permit does not grant a vested right. The issuance of this approval and Development Permit as defined in Section 163.3164, Florida Statutes, 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 noncompliance 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 4th day of March 2024.

92	ATTEST:	CITY OF MARCO ISLAND, FLORIDA
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94		By:
95	Joan Taylor, City Clerk	Jared Grifoni, Chairman
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98	Approved as to form and legal sufficiency:	
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101	Alan L. Gabriel, City Attorney	