

1 CITY OF MARCO ISLAND

2  
3 RESOLUTION NO. 23-\_\_\_\_

4  
5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA  
6 APPROVING CONDITIONAL USE PERMIT CUP-22-000218 TO  
7 ALLOW FOR A MIXED-USE PROJECT TO BE LOCATED AT 711-  
8 731 SOUTH COLLIER BLVD. MARCO ISLAND, FLORIDA;  
9 MAKING FINDINGS; PROVIDING FOR CONDITIONS OF  
10 APPROVAL; AND PROVIDING AN EFFECTIVE DATE.  
11

12 WHEREAS, pursuant to Section 30-64 of the City of Marco Island (“City”) Land  
13 Development Code (“LDC”), the City’s Growth Management staff has reviewed and  
14 recommended approval of a conditional use for 711-731 South Collier Boulevard, Marco Island,  
15 Florida (the “Subject Property”) pursuant to Section 30-224(14) of the LDC, for the approval of  
16 a mixed-use project (the “Conditional Use”); and  
17

18 WHEREAS, Nigam ET AL, Prateek, the Owner(s), submitted an application for  
19 conditional use approval to permit the development of a mixed use project on the Subject  
20 Property; and  
21

22 WHEREAS, the approval of the Conditional Use will not adversely affect the public  
23 interest as the proposed development will result in an increase in the available pay for parking  
24 spaces in the vicinity of beach access.  
25

26 WHEREAS, the LDC requirements related to mixed-use percentages have been met  
27 along with the requirements for the approval of the site development plan and conditional use  
28 as provided in the City’s LDC; and  
29

30 WHEREAS, the Conditional Use is consistent with Objective 3.1 of the Future Land Use  
31 Element of the City’s Comprehensive Plan which states:  
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33 Ensure sufficient land in appropriate locations on the Future Land Use Map  
34 to accommodate the projected population of the City through the year 2040  
35 in attractive and safe neighborhoods with a variety of housing types.  
36

37 WHEREAS, the Conditional Use is consistent with Policy 3.2.4 of the Future Land Use  
38 Element of the City’s Comprehensive Plan which states:  
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40 The Community Commercial future land use category is intended to provide  
41 a range of commercial uses at arterial and collector intersections and nodes  
42 within the City outside of the Town Center/Mixed Use future land use  
43 category. These areas will be comprised of retail, office and mixed use land  
44 uses. Standard densities are limited to 12 du/acre. Hotel/motel densities are  
45 limited to 26 du/acre.”; and  
46

47           **WHEREAS**, the Conditional Use has proper and adequate ingress and egress to and  
48 from the Subject Property. The only point of vehicular ingress and egress is from Collier Blvd.  
49 Access to the dumpsters will be from Muspa Way. Pedestrian access is from Collier Blvd.,  
50 and a secondary pedestrian access is located on Muspa Way; and

51  
52           **WHEREAS**, the Conditional Use is in keeping with the adjacent and nearby  
53 developments and uses. The paid parking spaces are already in existence. Residential uses  
54 are in the vicinity in the forms of multifamily and single-family to the east. Restaurants are in  
55 the vicinity, and currently exist in the vicinity along Collier Blvd.; and

56  
57           **WHEREAS**, the building proposed as part of the Conditional Use enhances the  
58 streetscape with the water fountain feature and proposed landscape. The building is  
59 compatible with the other buildings in the area regarding mass, bulk and scale; and

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

63  
64           **WHEREAS**, based upon the foregoing, the City’s Planning Board has reviewed and  
65 recommended approval of the Conditional Use 22-000218; and

66  
67           **WHEREAS**, the City Council finds that the application for Conditional Use approval meets  
68 the requirements of the City of Marco Island Code of Ordinances and should be approved,  
69 subject to the conditions of approval set forth in this Resolution.

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

73  
74           **SECTION 1. Recitals.** That the foregoing “WHEREAS” clauses are ratified and  
75 confirmed as being true and correct and are made a specific part of this Resolution.

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77           **SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-22-  
78 000218 for the Subject Property is hereby approved, subject to the conditions in Section 3. of  
79 this Resolution.

80  
81           **SECTION 3. Conditions of Approval.** Approval of the Conditional Use Permit CUP-  
82 22-000218 for the Subject Property is granted subject to the following conditions of approval:

- 83  
84           a. The percentages of the uses identified within the approved Site  
85 Development Plan and Conditional Use permit for the property shall  
86 always be maintained.  
87           b. The Owner shall record a unity of title with Collier County, Florida, to join  
88 the Subject Property into one parcel for the purpose of the approved  
89 development. The unity of title shall be reviewed and approved by the City  
90 Attorney and shall then be recorded and presented to the City prior to the

91 issuance of any building permits for the development approved pursuant to  
92 SDP 22-000216.  
93

94 **SECTION 4. Development Permit does not grant a vested right.** The issuance of this  
95 approval and Development Permit as defined in Section 163.3164, Fla.Stat., by the City does  
96 not in any way create any right on the part of the Owner/Developer to obtain a permit from a  
97 state or federal agency and does not create any liability on the part of the City for issuance of  
98 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations  
99 imposed by a state or federal agency or undertakes actions that result in the violation of state or  
100 federal law. All applicable state and federal permits must be obtained before commencement  
101 of the Development as authorized herein. This condition is included pursuant to Section  
102 166.033, Florida Statutes, as amended.  
103

104 **SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the  
105 Conditional Use approval and the approval terms and conditions contained in this Resolution  
106 shall be considered a violation of this Resolution and the City Code, and persons found violating  
107 this Resolution shall be subject to the penalties prescribed by the City Code. The  
108 Owner/Developer understands and acknowledges that it must comply with all other applicable  
109 requirements of the City Code before they may commence construction or operation, and that  
110 the foregoing approval in this Resolution may be revoked by the City at any time upon a  
111 determination that the Owner/Developer is in non-compliance with the City Code.  
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113 **SECTION 6. Effective Date.** This Resolution shall be effective immediately upon  
114 adoption.  
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116 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this \_\_\_\_ day of  
117 \_\_\_\_\_, 20\_\_.

118 CITY OF MARCO ISLAND, FLORIDA  
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120  
121 By: \_\_\_\_\_  
122 Greg Folley, Chair

123 ATTEST:

124  
125 By: \_\_\_\_\_  
126 City Clerk

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128 Reviewed for legal sufficiency:

129  
130  
131 By: \_\_\_\_\_  
132 Alan L Gabriel, City Attorney  
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