

RESOLUTION 26-38

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING VARIANCE PETITION VP 26-000054; PROVIDING FOR A VARIANCE FROM SECTION 30-305(3) AND SECTION 30-441(G), OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE, FOR THE PROPERTY LOCATED AT 2559 SAN MARCO ROAD, MARCO ISLAND, FLORIDA 34145; PROVIDING FOR FINDINGS AND 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, Collier County. (the “Owner”), submitted a Variance Petition (VP-26-000054) for the property located at 2559 San Marco Road, Marco Island, Florida 34145 (the “Subject Property”); and

WHEREAS, the Subject Property is legally described as follows:

UNPLATTED LANDS 13 52 26 COMM INT/SEC CTR LI SR92 + WLY END OF MARCO ISL BRIDGE, N81DEG E ALG CTR LI SR 92 241.26FT, S 2 DEG E 69.19FT TO POB, CONT S 2 DEG E 25FT, S 39 DEG W 115FT, S 87 DEG W 185FT, NELY 155FT, N 81 DEG E 150FT, S 45 DEG E 55FT TO POB .65 AC OR 882 PG 1109-12 Parcel No. 78567000368; and;

WHEREAS, there are special circumstances and conditions related to this site due to the use as a major Collier County water facility with a 500,000-gallon water tank and associated infrastructure that was built prior to the City incorporation. The site is irregularly shaped and bordered by right-of-way to the north and west, the FDEP site to the south and Goodland Bay to the east; and

WHEREAS, the special circumstance is that the use on the site as a water storage facility, and that the site was included as part of the original incorporation of the City; and

WHEREAS, the special conditions related to the land are not due to actions of the applicant; and

WHEREAS, the literal interpretation will prevent the improvements needed to the facility. The emergency backup generator is to provide power to the facility during power outages; and

WHEREAS, the requested variance is the minimum necessary to accommodate the proposed addition; and

WHEREAS, granting the variance will not confer any special privilege. This site is unique due to location and use; and

WHEREAS, it does not appear granting the variance will be injurious to the neighboring properties that are right-of-way, water and FDEP; and

WHEREAS, the requested variance is consistent with the following provisions of the City's Comprehensive Plan:

Policy 1.2.4 of the Future Land Use Element: The City will continue to allow essential public facilities, as defined in section 163.3164(39), Florida Statutes and services in all future land use categories and zoning districts to ensure such facilities and services can be accommodated and that the adopted level-of-service standards are maintained; 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 of Variance Petition VP 26-000054 at the Planning Board's July 10, 2026, meeting; and

WHEREAS, City Council does hereby approve Variance Petition VP 26-000054, 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 26-000054 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Land Development Code, and hereby approves the variance to Section 30-305(3) and Section 30-441(g), of the City of Marco Island Land Development Code, subject to the below conditions:

1. The variance is approved subject to the approval of SDP 25-000179. If SDP 25-000179 is not approved, the variance requested in Variance Petition VP 26-000054 shall be null and void
2. Public Works has no objection; however drainage, paving and grading shall be shown on the SDP application prior to any building submittal.

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 3rd day of August, 2026.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Darren Palumbo, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney