

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 24-____

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA
6 APPROVING CONDITIONAL USE PERMIT CUP-24-000202 TO
7 ALLOW FOR THREE (3), TWO (2) BEDROOM RESIDENTIAL
8 UNITS ON THE UPPER FLOOR OF 287 N. COLLIER BLVD.,
9 MARCO ISLAND, FLORIDA; MAKING FINDINGS; PROVIDING
10 FOR CONDITIONS OF APPROVAL; AND PROVIDING AN
11 EFFECTIVE DATE.
12

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 287 N. Collier Blvd., Marco Island, Florida (the
16 “Subject Property”) pursuant to Section 30-224(14) of the LDC, for the approval of three (3), two
17 (2) bedroom residential units on the upper floor (the “Conditional Use”); and
18

19 WHEREAS, Oliverio Investment and Consulting INC., the Owner(s) of the Subject
20 Property, applied for conditional use approval to permit the development of three (3), two (2)
21 bedroom residential units on the upper floor on the Subject Property; and
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23 WHEREAS, the proposed conditional use will not adversely affect the public interest, and
24 this request meets the City’s LDC requirements governing the individual use; and
25

26 WHEREAS, the Conditional Use is consistent with Policy 3.2.4 of the Future Land Use
27 Element of the City’s Comprehensive Plan which states:
28

29 The Community Commercial future land use category is intended to provide
30 a range of commercial uses at arterial and collector intersections and nodes
31 within the City outside of the Town Center/Mixed Use future land use
32 category. These areas will be comprised of retail, office and mixed-use land
33 uses. Standard densities are limited to 12 du/acre. Hotel/motel densities are
34 limited to 26 du/acre.; and
35

36 WHEREAS, the existing building has ingress/egress, and the parking area is sufficient
37 to accommodate the traffic generated from the business and the proposed residential use on-
38 site.; and
39

40 WHEREAS, the proposed residential use to be located above the commercial use is
41 compatible with surrounding uses that are similar in nature, as there is multifamily across
42 Collier Blvd., mixed-use nearby, and single-family to the east of the Subject Property; and
43

44 WHEREAS, the physical building will not be changed, will remain as the building
45 currently exists, and as the building has existed for decades since construction, and the

46 aesthetics of the existing building is in-line with the times in which it was permitted and is not
47 measurably different that the nearby structures; and

48

49 **WHEREAS**, based on the foregoing, City staff has reviewed the application, and based
50 upon the LDC requirements recommends approval of CUP-24-000202; and

51

52 **WHEREAS**, based upon the foregoing, the City’s Planning Board has reviewed the
53 application, and based upon the LDC requirements, recommends approval of the Conditional
54 Use 24-000202; and

55

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

59

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

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

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66 **SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-24-
67 000202 for the Subject Property is hereby approved, subject to the condition in Section 3 and 4.
68 of this Resolution.

69

70 **SECTION 3. Conditions of Approval.** That the approval of the Conditional Use Permit
71 CUP-24-000202 for the Subject Property is granted subject to the following conditions of
72 approval:

73

- 74 1. The residential dwelling units shall contain the following minimum floor areas:
75 efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-
76 bedroom, 900 square feet.
- 77 2. The six (6) parking spaces (two for each unit) assigned to the residential units shall
78 be designated as such with City approved signs, indicating that vehicles improperly
79 parked will be towed.
- 80 3. The hatched asphalt area by parking space #40 is removed and replaced with
81 landscape plant material.
- 82 4. The Off Street Parking Lease and Pedestrian Interconnect Agreement be recorded in
83 the Collier County Public Records, and a copy of the recorded document provided to
84 Staff prior to the issuance of the certificate of completion.
- 85 5. CUP 24-000202 is conditioned on approval of SDP 24-000200. If the SDP is not
86 approved, this application is null and void.

87

88 **Section 4. Development Permit does not grant a vested right.** The issuance of this
89 approval and Development Permit as defined in Section 163.3164, Fla.Stat., by the City does
90 not in any way create any right on the part of the Owner/Developer to obtain a permit from a
91 state or federal agency and does not create any liability on the part of the City for issuance of

92 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations
93 imposed by a state or federal agency or undertakes actions that result in the violation of state or
94 federal law. All applicable state and federal permits must be obtained before commencement
95 of the Development as authorized herein. This condition is included pursuant to Section
96 166.033, Florida Statutes, as amended.

97
98 **SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the
99 Conditional Use approval and the approval terms and conditions contained in this Resolution
100 shall be considered a violation of this Resolution and the City Code, and persons found violating
101 this Resolution shall be subject to the penalties prescribed by the City Code. The
102 Owner/Developer understands and acknowledges that it must comply with all other applicable
103 requirements of the City Code before they may commence construction or operation, and that
104 the foregoing approval in this Resolution may be revoked by the City at any time upon a
105 determination that the Owner/Developer is in non-compliance with the City Code.

106
107 **SECTION 6. Effective Date.** This Resolution shall be effective immediately upon
108 adoption.

109
110 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this ____day of
111 _____, 20__.

112 CITY OF MARCO ISLAND, FLORIDA

113
114
115 By: _____
116 , Chair

117 ATTEST:

118
119 By: _____
120 Joan Taylor, City Clerk

121
122 Reviewed for legal sufficiency:
123
124
125 By: _____
126 Alan L Gabriel, City Attorney
127