

RESOLUTION 24-64

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING CONDITIONAL USE PERMIT CUP-24-000055 TO ALLOW FOR PERSONAL USE VEHICLE STORAGE DEVELOPMENT TO BE DEVELOPED AT THE PROPERTIES LOCATED AT 138,148,158, AND 168 SOUTH BARFIELD DRIVE, MARCO ISLAND, FLORIDA; MAKING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

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 138, 148, 158, and 168 South Barfield Drive, Marco Island, Florida (the “Subject Property”) pursuant to Section 30-224(14) of the LDC, for the approval of a personal car storage development (the “Conditional Use”); and

WHEREAS, Marco Luxe, LLC. & Southbound Leasing, LLC., the Owner(s) of the Subject Property, submitted an application for conditional use approval to permit the development of a personal car storage project on the Subject Property; and

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

WHEREAS, the LDC requirements related to personal car storage have been met along with the requirements for the approval of the site development plan and conditional use as provided in the City’s LDC; and

WHEREAS, the Conditional Use is consistent with Policy 4.1.2 of the Future Land Use Element of the City’s Comprehensive Plan which states:

Rezoning, conditional use, site improvement plans, and other development proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare; and

WHEREAS, the Conditional Use has proper and adequate ingress and egress to and from the Subject Property. The property has ingress and egress from both South Barfield Drive. and Silver Spray Way; and

WHEREAS, the Conditional Use is in keeping with the adjacent and nearby developments and uses. There is currently car storage, an auto parts store, a florist, and a grocery shopping complex nearby; and

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

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

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

WHEREAS, the City Council finds that the application for Conditional Use approval 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.

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-24-000055 for the Subject Property is hereby approved, subject to the condition in Section 3. of this Resolution.

SECTION 3. Development Permit does not grant a vested right. The issuance of this approval and Development Permit as defined in Section 163.3164, Fla.Stat., 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 non-compliance 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 21st day of October 2024.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney