

## RESOLUTION 26-

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING VARIANCE PETITION VP 26-000021; PROVIDING FOR A VARIANCE FROM SECTION 30-488(4)A. TO ALLOW FOR PARKING SPACE CREDITS RESULTING FROM THE INSTALLATION OF A PEDESTRIAN CONNECTION FOR THE PROPERTIES LOCATED AT 287 AND 297 N. COLLIER BLVD., MARCO ISLAND, FLORIDA; PROVIDING FOR FINDINGS AND CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 30-65, of the City of Marco Island Land Development Code (“LDC”), which is part of the City of Marco Island Code of Ordinances, provides standards and regulations for the review and approval of variance procedures; and

**WHEREAS**, Oliverio Investment and Consulting Inc., the owner of 287 N. Collier Blvd., and 297 N. Collier, LLC, the owner of 297 N. Collier Blvd., (collectively, the “Owner”), submitted a Variance Petition (VP-26-000021) for the properties located at 287 and 297 N. Collier Blvd., Marco Island, Florida (collectively, the “Subject Property”); and

**WHEREAS**, the Subject Property is legally described as follows:

MARCO BCH UNIT 6, BLOCK 224, LOTS 2 AND 3; and

**WHEREAS**, the Subject Property is not different from other properties within the City; however, the special circumstances related to the Subject Property is the grade difference between the newer restaurant (higher flood elevation) which exists on 297 N. Collier Blvd., and the existing building on 287 N. Collier Blvd., to the south; and

**WHEREAS**, the special circumstance is the grade difference due to higher flood elevations in place when the newer structure was constructed at 297 N. Collier Blvd.; and

**WHEREAS**, the literal interpretation of the City’s Code of Ordinances could create an undue hardship since the Owner would need to construct a vehicular connection between the two properties, which would result in the loss of parking spaces, and be non-compliant with other provisions of the City’s Code of Ordinances, and the Subject Property is located in a pedestrian overlay district and the emphasis should be on encouraging pedestrian access; and

**WHEREAS**, the Subject Property is reasonably being used as it exists; however, the variance requested is will provide parking credit for a pedestrian connection instead of a vehicular connection; and

**WHEREAS**, granting the variance will not confer any special privilege as other property owners in the City are able to request the same, or similar variance; and

**WHEREAS**, granting this variance will comply with the intent of the code that is to provide cross access to the other site(s) via pedestrian access; and

**WHEREAS**, granting this variance will not violate the City's Comprehensive Plan; 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 26-000021 at the Planning Board's April 3, 2026, meeting; and

**WHEREAS**, based upon the testimony and evidence presented, the City Council does hereby find that the Variance Petition meets the requirements of Section 30-65 of the City of Marco Island Code of Ordinances, and hereby approves Variance Petition VP 26-000021, subject to the condition 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 26-000021 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Code of Ordinances, and hereby approves the variances to Section 30-488(4) a. of the City of Marco Island Land Development Code, subject to the below condition:

1. The Applicant/Contractor shall obtain a building permit prior to commencement of any construction.
2. The Owner/Developer/Petitioner is responsible for any private deed restriction approvals with the Marco Island Civic Association.
3. That issuance of this approval 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/Petitioner fails to obtain the required 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. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.
4. There is an open Site Development Plan ("SDP") amendment review, minor SDP 25-000208, that shall show, on the plans, the required bench and detail of the required landscape plan material associated with the bike rack that are necessary to claim the parking space credits. The SDP amendment improvements shall be completed and the permit associated with SDP 25-000208 closed out before approval of this variance takes effect.

5. The Owner shall provide the City with a copy of the recorded cross parking and pedestrian interconnect agreement filed with Collier County. If, at the time of approval of this Resolution, the recorded agreement has not been provided, the Owner shall record the agreement and provide a copy to the City

**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 \_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Joan Taylor, City Clerk

By: \_\_\_\_\_  
Darrin Palumbo, Chairman

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Alan L. Gabriel, City Attorney

