

RESOLUTION 21-40

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A CONDITIONAL USE TO ALLOW A DANCE STUDIO USE AT 683 SOUTH COLLIER BOULEVARD, 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 683 South Collier Boulevard, Marco Island, Florida (the "Subject Property") pursuant to Section 30-224(5) of the LDC, for the approval of a dance studio use (the "Conditional Use"); and

WHEREAS, Kristin and Danilo Croscenco, the Lessee(s), submitted an application for a conditional use on the Subject Property; and

WHEREAS, the proposed Conditional Use is compatible with adjacent properties and not adversely affect the public interest; and

WHEREAS, the proposed Conditional Use is consistent with the Comprehensive Plan; and

WHEREAS, the proposed Conditional Use would not negatively impact the traffic flows into, and off the site; and

WHEREAS, the proposed Conditional Use will meet all required commercial zoning regulations and will not change the character of the neighborhood or community as a whole and

WHEREAS, City staff has reviewed and recommend approval of CUP-21-000118; and

WHEREAS, the City's Planning Board has reviewed and recommended approval of the Conditional Use 21-000118; and

WHEREAS, the City Council finds that the Conditional Use petition 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-21-000118 for the Subject Property is hereby approved, subject to the conditions in Section 3. of this Resolution.

SECTION 3. Conditions of Approval. Approval of the Conditional Use Permit CUP-21-000118 for the Subject Property is granted subject to the following conditions of approval:

- a. The Conditional Use approval shall expire 365 days from the effective date of this Resolution if construction/use has not commenced.
- b. The Lessee(s) are required to submit a Commercial Land-Use Certificate application before occupying the building for commercial purposes and/ or allowing students on-site.

SECTION 4. 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 7th day of September 2021.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Laura Litzan, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney