

**RESOLUTION NO. 12-21**

**A RESOLUTION GRANTING CONDITIONAL USE APPROVAL IN CONFORMANCE WITH SECTIONS 30-224(3) AND 30-64 OF THE CITY'S LAND DEVELOPMENT CODE FOR A PHYSICAL FITNESS CENTER LOCATED IN THE C-3 "COMMERCIAL INTERMEDIATE" ZONING DISTRICT, FOR PROPERTY DESCRIBED AS 167 SOUTH BARFIELD DRIVE, FURTHER DESCRIBED AS MARCO BEACH UNIT FIVE, TRACT A, COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA**

**WHEREAS**, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

**WHEREAS**, the Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, held a public hearing on September 7, 2012 after notice, and voted (4-0) to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to Section 30-224(3) of the City's Land Development Code (LDC), for property located within the "C-3" zoning district, to permit a physical fitness center, and arrangements have been made concerning all applicable matters required by said regulations and in accordance with the Marco Island LDC; and

**WHEREAS**, City Council, acting as the Board of Zoning Appeals, will hold a public hearing after proper notice, and will consider the request for a physical fitness center as an approved conditional use on "Commercial Intermediate C-3" zoned property and has found that satisfactory provisions and arrangements have been made concerning all applicable matters required by the Marco Island Land Development Code; and

**WHEREAS**, all interested parties have been given opportunity to be heard by this Board of Zoning Appeals in a public hearing, and the Board has considered all matters presented.

**NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:**

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.

**SECTION 2.** The Petition CU-12-2 filed by Publix Super Market, Inc., with respect to property located at 167 South Barfield Drive, City of Marco Island, hereby grants Conditional Use approval for a physical fitness center for property further described as follows: **MARCO BEACH UNIT FIVE, TRACT A, COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA.**

**Stipulations/Conditions:** Approval of CU-12-2 is subject to the following stipulations/conditions:

- 1) *This conditional use shall expire one year from the date of approval, if by that date the use for which the conditional use was granted has not been commenced.*

**SECTION 3. Effective Date.** This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 1<sup>st</sup> day of October, 2012.

ATTEST:

  
\_\_\_\_\_  
Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By:   
\_\_\_\_\_  
Larry Magel, Chairman

Approved as to Form and  
legal sufficiency:

  
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Burt L. Saunders, City Attorney