

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 26-_____

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5 A RESOLUTION OF THE CITY OF MARCO ISLAND
6 PLANNING BOARD, APPROVING A SITE DEVELOPMENT
7 PLAN AMENDMENT SUBMITTED BY MARCO RIVER
8 MARINA, INC., FOR THE PROPERTY LOCATED AT 900,
9 950, AND 951 BALD EAGLE DRIVE, MARCO ISLAND,
10 FLORIDA, CONSISTING OF MARCO BEACH UNIT 25,
11 TRACT G, OR 792 PG 271, OR 1767 PG 931-935; MARCO
12 BCH UNIT 11 TRACT B & MARCO BCH UNIT 11 REPLAT
13 BLK 783 LOT 1; MAKING FINDINGS; APPROVING THE
14 SITE DEVELOPMENT PLAN AMENDMENT; PROVIDING
15 CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE
16 TO COMPLY WITH APPROVAL; PROVIDING FOR
17 FAILURE TO OBTAIN OTHER PERMITS; AND PROVIDING
18 AN EFFECTIVE DATE.

19
20 **WHEREAS**, Article IX, "Site Development Plan, Site Development Plan
21 Amendment, and Site Improvement Plan Submittal Requirements," of the Marco Island
22 Land Development Code provide standards and regulations for the review and approval
23 of site development plan amendments; and

24
25 **WHEREAS**, Marco River Marina, Inc. submitted a Site Development Plan
26 Amendment for the development of the property located at 900, 950, & 951 Bald Eagle,
27 Marco Island, Florida (the "Subject Property"); and

28
29 **WHEREAS**, the City of Marco Island staff has reviewed the Site Development Plan
30 Amendment, and recommends approval of SDPA- SDP-000139 with conditions; and

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32 **WHEREAS**, on April, 3, 2026, the City's Planning Board reviewed and approved
33 the Site Development Plan Amendment, subject to conditions.

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35 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MARCO ISLAND,**
36 **FLORIDA PLANNING BOARD AS FOLLOWS:**

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38 **SECTION 1. Recitals; Definitions.**

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40 (a) That the foregoing "WHEREAS" clauses are ratified and confirmed
41 as being true and correct and are made a specific part of this Resolution.

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43 (b) That as used herein, unless the context hereof, or City Code of
44 Ordinances, requires to the contrary, the following terms will be defined as set forth below:
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- (1) "City" means the City of Marco Island, a Florida Municipal Corporation.
- (2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.
- (3) "Development Permit" is defined as set forth in Section 163.3164, Florida Statutes.
- (4) "Land Development Code" or "LDC" means the Land Development Code, which consists of Chapter 30, Code of Ordinances of the City of Marco Island.
- (5) "Owner/Developer" means Marco River Marina, Inc., and their respective successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan Amendment" means the following:
- A. 31 pages of Civil Plans, including cover sheet prepared by Chris Hagan of Hagan Engineering, Inc, entitled Site Development Plans for Rose Marina, dated 3/9/26.
 - B. 21 pages of Landscape Plans, including cover sheet, prepared by Christopher J. Anuszkiewicz of Placemaker Design Studio, LLC., entitled Rose Marina Restaurant, dated 3/9/2026.
- (6) "Subject Property" means the following described parcels of land, lying, situate, and being in the State of Florida, County of Collier, City of Marco Island, to-wit:
- (7)
- Parcel #: 56930080005
Legal Description: MARCO BCH UNIT 4 BEG NW COR TRACT A, E 607.49FT, SE 100FT, SW192.30FT, SE 100FT S 69 DEG W 514.14FT, N 20 DEG W 122.98FT NLY ALG CURVE 405.73FT TO POB OR 252 PG 876 OR 2034 PG
 - Parcel #: 57920080001 & 57991760004
Legal Description: MARCO BCH UNIT 11 TRACT B & MARCO BCH UNIT 11 REPLAT BLK 783 LOT 1

SECTION 2. Adoption. Pursuant to the testimony and evidence presented, the Planning Board finds that the SDPA meets the requirements of the Marco Island Land Development Code, and therefore, the Owner/Developer's Site Development Plan Amendment (SDPA- SDP-000139) for the Subject Property is hereby approved subject to the conditions set forth in Sections 3, 4, and 5 of this Resolution.

SECTION 3. Conditions of Approval. The City of Marco Island Planning Board finds that the Site Development Plan Amendment (SDPA- SDP-000139) meets the requirements of the City of Marco Island Land Development Code and hereby approves the Site Development Plan Amendment for the Subject Property with the following conditions:

1. Variance VP-25-000096, Boat Dock Extension BD-25-000017, and Conditional Use CUP 25-000097 shall be approved for the Subject Property;
2. The Planning Board and City Council shall approve the off-street parking lot, on the west-side of Bald Eagle Drive, because the proposed parking lot is separated from the proposed development by a collector road;
3. The applicant shall revise the parking matrix to remove the transient slip credit, and Revise the parking requirements to show that 333 parking spaces are required, with a surplus of 8 spaces;
4. The Applicant/Contractor shall obtain a building permit before commencement of any construction;
5. The Owner/Developer/ Petitioner is responsible for any private deed restriction approvals with the Marco Island Civic Association.

SECTION 4. 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/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. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 5. 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/Developer 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/Developer is in non-compliance with the City Code.

SECTION 6. Effective Date. That this Resolution shall take effect immediately upon adoption.

138 ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this
139 ____ day of _____, 2026.

141 CITY OF MARCO ISLAND, FLORIDA
142 PLANNING BOARD

144 By: _____
145 Jason Bailey, Chairman

146 ATTEST:

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148 By: _____
149 Joan Taylor, City Clerk

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151 Reviewed for legal sufficiency:

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153
154 By: _____
155 David N. Tolces
156 Assistant City Attorney