

## RESOLUTION 20-02

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR MARCO TOWN CENTER, LOCATED ON A PORTION OF TRACT G OF MARCO BEACH UNIT FOUR, PLAT BOOK 6, PAGES 32 THROUGH 37 INCLUSIVE, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LOCATED AT 1089 NORTH COLLIER BOULEVARD, MARCO ISLAND FLORIDA 34145 (SDPA-19-001017); MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN AMENDMENT; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO OBTAIN REQUIRED PERMITS; PROVIDING FOR FAILURE TO ADHERE TO CONDITIONS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a Site Development Plan Amendment for Marco Town Center was approved on June 4, 2018, by Resolution No. 18-41 by the City Council; and

**WHEREAS**, the Owner/Developer has submitted a further revision of the Site Development Plan as SDPA-19-001017; and

**WHEREAS**, Article IX. Site Development and Site Improvement Plan Standards of Chapter 30 the Marco Island LDC provides standards and regulations for the review and approval of site development plan amendments; and

**WHEREAS**, the Owner/Developer, submitted a Site Development Plan Amendment for the redevelopment of an existing 109,394 square foot shopping plaza at 1089 North Collier Boulevard., Marco Island, Florida 34145; and

**WHEREAS**, the City of Marco Island staff have reviewed and recommend approval of SDPA-19-001017; and

**WHEREAS**, the City's Planning Board reviewed and recommended approval of the Site Development Plan Amendment on December 6, 2019, and found that they satisfied the requirements for Site Development Plan Amendment in Section 30-671 *et seq.*; and

**WHEREAS**, the City Council does hereby approve the Site Development Plan Amendment SDPA-19-001017, subject to the provisions of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

### **SECTION 1. Recitals; Definitions.**

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

(b) That as used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

(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 Mariner Marco Town Center, LLC, a Delaware Limited Liability Company, and its agent, Brixmor Property Group, Inc., a Delaware Corporation.

(6) "Subject Property" means the following described parcel of land, located 1689 North Collier Boulevard, Marco Island, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit:

That certain parcel of land lying in and being a part of a portion of Tract G, Marco Beach Unit Four, according to the plat thereof, as recorded in Plat Book 6, Pages 32 through 37, Public Records of Collier County., and being more particularly described as follows:

Commencing at the centerline of the intersection of North Collier Boulevard and State Road 953, formerly known as S-951 thence run S.  $20^{\circ} 52' 10''$  E. along said centerline of SR 953 a distance of 215.00 feet; thence run N.  $69^{\circ} 07' 50''$  E. for a distance of 50 feet to a point on the Northeasterly right-of-way of said SR-953 to the point of beginning of the parcel hereinafter described; thence run N.  $68^{\circ} 56' 14''$  E. for a distance of 250.56 feet; thence N.  $21^{\circ} 03' 46''$  W. for a distance of 165.00 feet on the Southeasterly right-of-way line of North Collier Boulevard; thence N.  $68^{\circ} 56' 14''$  E. along said right-of-way line for a distance of 489.88 feet to a point of curvature of a circular curve to the right having a radius of 1950 feet; thence run Easterly along said right-of-way line and the arc of said curve with a central angle of  $00^{\circ} 57' 41''$  for a distance of 32.72 feet; thence leaving said right-of-way line S.  $21^{\circ} 03' 46''$  E. for a distance of 189.73 feet; thence run N.  $68^{\circ} 56' 14''$  E. for a distance of 160.00 feet to a point on the Westerly right-of-way line of Elkcam Circle, as shown on said plat of Marco Beach Unit Four; thence run S.  $11^{\circ} 37' 15''$  E. along said Westerly right-of-way line for a distance of 155.72 feet to the point of curvature of a circular curve to the right having a radius of 560 feet; thence run Southerly along said right-of-way line and the arc of said curve having a central angle of  $06^{\circ} 58' 29''$  for a distance of 68.17 feet; thence leaving said right-of-way line S.  $68^{\circ} 56' 14''$  W. for a distance of 474.21 feet; thence run S.  $21^{\circ} 03' 46''$  E. for a distance of 398.22 feet to a point on the Northerly right-of-way line of said Elkcam Circle, said point being on a curve having a radius of 560 feet; thence along said right-of-way curving to the right and

having a central angle of 06°54'46" for a distance of 67.57 feet to the end of the curve; thence continue along said right-of-way line S. 69°25'00" W. for a distance of 220.20 feet; thence leaving said right-of-way line N. 20° 52' 10" W. for a distance of 255.29 feet; thence S. 69°07'50" W. for a distance of 132.50 feet to a point of the Easterly right-of-way line of State Road 953; thence N. 20°52'10" W. along said right-of-way line for a distance of 389.00 feet to the point of beginning.

Collier County Property Appraiser's Parcel No. 56930960002.

(Said Legal Description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, PL., Alan Gabriel, Esq., or Paul R. Gougelman, Esq., but is extracted from the Site Development Plan)

(7) "Site Development Plan" means the plans for Marco Town Center, including the:

(A) Seven (7) page document, entitled Site Development Plan Amendment to SDP #88-40A MARCO TOWN CENTER, prepared by Hole Montes Engineers, Planners & Surveyors of Naples, FL, under Project No. 2015.084, dated July 2017, with last date of revision being 10/19 for Sheet 1 (Cover sheet), Sheet 3 (Master Site Plan), Sheet 4 (Paving, Grading and Drainage Plan (North)), Sheet 5 (Paving, Grading and Drainage Plan (South)), Sheet 6 (Paving, Grading, and Drainage Details – Page 1) being April, 2018; and Sheet 7 (Paving, Grading, and Drainage Details – Page 2); and for Sheet 2 (Existing Conditions and Demolition Plan) with a last date of revision being 9/19;

(B) Twenty-Six (26) page architectural elevations entitled Marco Town Center, prepared by Architectural Land Design Cuhaci & Peterson, Architects, Engineers, & Planners, Inc., of Orlando, FL, prepared under C&P Project No. 2161291 dated June 23, 2017, without revision;

(C) One (1) page boundary survey prepared by American Surveying & Mapping, Inc. of Orlando, FL, without project no., with final revision date of July 3, 2017 and signed sealed on July 6, 2017;

(D) Twenty-six (26) page landscape plans entitled Marco Town Center prepared by Architectural Land Design, Incorporated, of Naples, FL, under Project No. 17-063-0 dated 7/7/17, with final date of revision being 5/24/18 and signed and sealed by the Florida registered landscape architect on 5/25/18, as to Sheets O, 1, 2, 3, 4, 5, 6, 7, 8, and 9; with no date of preparation of revision as to the Cover Sheet; and dated 7/7/17, with final date of revision being 4/25/18 and signed and sealed by the Florida registered landscape architect on 4/27/18;

(E) Fifteen (15) page document entitled "Signage Program for Marco Island Town Center" dated June, 2019, with no preparer's name or project number; and

(F) The twenty-seven (27) page Marco Town Center Engineer's Report for Additional Drainage Information prepared by Hole Montes, Inc., of Naples, FL, dated March 2018.

**SECTION 2. Adoption.** The Owner/Developer's Site Development Plan for the Subject Property is hereby approved subject to the following conditions:

(a) At least every ninety (90) days, the Owner/Developer, its successors, and assigns, shall check the pervious paver/asphalt system to assess the amount of infiltration occurring to maintain a level of permeability substantially similar to that in existence at the time of initial installation of the paver system. The inspection will include visual inspection which will occur during a rain event.

(b) At least annually, or more often as needed to maintain substantially the same level of infiltration in existence at the time of initial installation of the pervious paver/asphalt system, the pervious pavement shall be cleaned using a vacuum truck, or other City approved methodology, to maintain a level of permeability substantially similar to that in existence at the time of initial installation of the paver system. At a minimum and notwithstanding the foregoing, the pervious pavers must be maintained pursuant to the manufactures specifications for the pavers to be counted toward the pervious surface.

(c) Results of all quarterly inspections shall be submitted in writing to the City Engineer annually.

(d) Signs on the canopy roof are not allowed, and signs on the canopy roof as shown in the document entitled Sign Program for Marco Island Town Center (Section 1.(b)(7)(E) of this Resolution, are not approved..

**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/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 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/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 5. Effective Date.** That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 6<sup>th</sup> day of January 2020.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Laura M. Litzan, City Clerk

By: \_\_\_\_\_  
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

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