

CITY OF MARCO ISLAND

RESOLUTION NO. 25-_____

A RESOLUTION OF THE CITY OF MARCO ISLAND PLANNING BOARD, APPROVING A SITE DEVELOPMENT PLAN AMENDMENT (SDP 24-000252) SUBMITTED DONNA DI PROMESSA, LLC, FOR 971 WINTERBERRY DRIVE, MARCO ISLAND, FLORIDA; MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN AMENDMENT; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER PERMITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IX, Site Development Plan, Site Development Plan Amendment, and Site Improvement Plan submittal requirements of the Marco Island Land Development Code provides standards and regulations for the review and approval of site development plan amendments; and

WHEREAS, Dominick J. Amico, P.E. of LJA Engineering. (the “Agent”), on behalf of Donna Di Promessa, LLC. (the “Owner”), submitted a Site Development Plan Amendment for the development of the property located at 971 Winterberry Drive, Marco Island, Florida (the “Subject Property”); and

WHEREAS, the City of Marco Island staff has reviewed the Site Development Plan Amendment, and recommends approval of SDPA-24-000252; and

WHEREAS, the City’s Planning Board reviewed the Site Development Plan Amendment 24-000252 at its public meeting held on January 10, 2025, finds that it meets the City’s Land Development Code requirements, and therefore approves the Site Development Plan Amendment, subject to conditions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD 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 hereof, 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" Donna Di Promessa, LLC., and their respective successors and assigns, as owners of the Subject Property.
- (6) "Agent" Dominick J. Amico, P.E., of LJA Engineering., as agent of the Subject Property.
- (6) "Site Development Plan" means: the following:

The six (6) page document titled "989 Winterberry Drive", prepared by LJA Engineering, dated 08/08/24 with a project number of 24-0009 and a revision date of 10/01/24.

The twenty (20) page document titled "989 Winterberry Dr", prepared by S. Ly architecture dated 4/15/24 with a project number 23-0101 and a revision date of 08/20/24.

The four (4) page document titled "989 Winterberry Drive, Marco Island, FL, Site Development Planting Plans" prepared by Goetz + Stropes Landscape Architects Inc. with no project number and a date of 06/17/24 and a revision date of 08/29/24.

The six (6) page document indicating lighting specifications LA-01, LB-01, System bollard summary – Round, G-LIGHT LC-01, G-LIGHT Product Specs, LD-01

The four (4) page document titled "989 Winterberry Drive, Marco Island, FL Irrigation Plans prepared by Goetz + Stropes Landscape Architects Inc. with no project number dated 06/17/24 with a revision date of 08/29/24.

- (7). "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:

971 Winterberry Drive
Marco Beach, Unit 10, Block 348, Lots 13, 14 and 15
Parcel ID #: 57872120006

(Said Legal Description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., or David N. Tolces, Esq.)

SECTION 2. Adoption. The City of Marco Island Planning Board finds that the Owner/Agent's Site Development Plan Amendment (SDAP-24-000252) for the Subject Property meets the requirements of the City's LDC, and is hereby approved subject to the conditions set forth herein:

1. When the Owner submits for a construction permit, the grease trap calculations and grease trap specifications must be included on the civil drawings, including the location of the grease trap.
2. A pre-construction inspection for listed species is required prior to site disturbance.

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 PLANNING BOARD OF THE CITY OF MARCO ISLAND, this ____ day of _____, 2025.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Jason Bailey, Chairman

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
David N. Tolces, Assistant City Attorney