

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 26-_____

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND
6 PLANNING BOARD, APPROVING A SITE DEVELOPMENT
7 PLAN AMENDMENT (SDPA- SDP-000139), SUBMITTED
8 BY MARCO RIVER MARINA, INC., FOR THE PROPERTY
9 LOCATED AT 900, 950, AND 951 BALD EAGLE DRIVE,
10 MARCO ISLAND, FLORIDA, CONSISTING OF MARCO
11 BEACH UNIT 25, TRACT G, OR 792 PG 271, OR 1767 PG
12 931-935; MARCO BCH UNIT 11 TRACT B & MARCO BCH
13 UNIT 11 REPLAT BLK 783 LOT 1; MAKING FINDINGS;
14 APPROVING THE SITE DEVELOPMENT PLAN
15 AMENDMENT; PROVIDING CONDITIONS OF APPROVAL;
16 PROVIDING FOR FAILURE TO COMPLY WITH
17 APPROVAL; PROVIDING FOR FAILURE TO OBTAIN
18 OTHER PERMITS; AND PROVIDING AN EFFECTIVE
19 DATE.
20

21 WHEREAS, Article IX, "Site Development Plan, Site Development Plan
22 Amendment, and Site Improvement Plan Submittal Requirements," of the Marco Island
23 Land Development Code provide standards and regulations for the review and approval
24 of site development plan amendments; and
25

26 WHEREAS, Marco River Marina, Inc. submitted a Site Development Plan
27 Amendment for the development of the property located at 900, 950, & 951 Bald Eagle,
28 Marco Island, Florida (the "Subject Property"); and
29

30 WHEREAS, the City of Marco Island staff has reviewed the Site Development Plan
31 Amendment, and recommends approval of SDPA- SDP-000139 with conditions; and
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33 WHEREAS, on April, 23, 2026, the City's Planning Board reviewed and approved
34 the Site Development Plan Amendment, subject to conditions; and
35

36 WHEREAS, on July 23, 2026, following a motion to reconsider the Planning
37 Board's approval, the City's Planning Board reviewed and approved the Site
38 Development Plan, subject to conditions.
39

40 NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MARCO ISLAND,
41 FLORIDA PLANNING BOARD AS FOLLOWS:
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43 SECTION 1. Recitals; Definitions.
44

45 (a) That the foregoing "WHEREAS" clauses are ratified and confirmed
46 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/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. Thirty-one (31) pages of Civil Plans and parking study, including cover sheet prepared by Chris Hagan of Hagan Engineering, Inc, entitled Site Development Plans for Rose Marina, dated 7/3/26. Parking study dated 7/16/26.
 - B. Twenty-one (21) pages of Landscape Plans, including cover sheet, prepared by Christopher J. Anuszkiewicz of Placemaker Design Studio, LLC., entitled Rose Marina Restaurant, dated 7/8/2026.
- (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:

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

94 **SECTION 2. Adoption.** Pursuant to the testimony and evidence presented, the
95 Planning Board finds that the SDPA meets the requirements of the Marco Island Land
96 Development Code, and therefore, the Owner/Developer's Site Development Plan
97 Amendment (SDPA- SDP-000139) for the Subject Property is hereby approved subject
98 to the conditions set forth in Sections 3, 4, and 5 of this Resolution.
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100 **SECTION 3. Conditions of Approval.** The City of Marco Island Planning Board
101 finds that the Site Development Plan Amendment (SDPA-SDP-000139) meets the
102 requirements of the City of Marco Island Land Development Code and hereby approves
103 the Site Development Plan Amendment for the Subject Property with the following
104 conditions:
105

- 106 1. Variance VP-25-000096, Boat Dock Extension BD-25-000187, and
107 Conditional Use CUP 25-000097 be approved for this approval to be
108 valid;
- 109 2. Pursuant to Section 30-484 of the City's Code of Ordinances, the
110 Planning Board and City Council approve the off-street parking lot,
111 on the west side of Bald Eagle Drive, for use by this development
112 because the proposed parking lot is separated from the proposed
113 development by a collector road.
- 114 3. Right-of-way parking, abutting the Rose Marina Property along Bald
115 Eagle, is prohibited by the City.
- 116 4. Approval of this site plan does not approve any variances to the Land
117 Development Code, except for variances proposed and approved by
118 the City Council in VP-23-000096.
- 119 5. No more than two (2) commercial vessels over one hundred feet in
120 length, or more than 100 passengers may be moored within the
121 Factory Bay area (also known as the Submerged Land Lease (SLL)-
122 Resolution 03-13) area of the boat dock facility (Page 12 of the 7-16-
123 26 Parking Study).
- 124 6. No more than two (2) commercial vessels over one hundred feet in
125 length or more than 100 passengers may be moored within the
126 Magnolia Canal and Basin (Page 12 - 7-16-26 Parking Study)
- 127 7. Parking requirements are approved per findings in the 7-16-26
128 parking study. Per 30-488, a parking generation study may be
129 deemed to satisfy the parking requirements.
- 130 8. The Applicant/Contractor shall obtain a building permit before
131 commencement of any construction; and
- 132 9. The Owner/Developer/ Petitioner is responsible for any private deed
133 restriction approvals with the Marco Island Civic Association.

134
135 **SECTION 4. Failure to Obtain Other Permits.** That issuance of this approval by
136 the City does not in any way create any right on the part of the Owner/Developer to obtain
137 a permit from a state or federal agency and does not create any liability on the part of the
138 City for issuance of the approval if the Owner/Developer fails to obtain the requisite
139 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.

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

CITY OF MARCO ISLAND, FLORIDA
PLANNING BOARD

By: _____
Jason Bailey, Chairman

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
David N. Tolces
Assistant City Attorney