

CITY OF MARCO ISLAND

RESOLUTION NO. 24-_____

A RESOLUTION OF THE CITY OF MARCO ISLAND PLANNING BOARD, CITY OF MARCO ISLAND, FLORIDA APPROVING SITE DEVELOPMENT PLAN 24-000003 SUBMITTED BY HIDEAWAY BEACH ASSOCIATION, INC., FOR THE PROPERTY LOCATED AT 333 HIDEAWAY CIRCLE NORTH, MARCO ISLAND, FLORIDA, CONSISTING OF THE HIDEAWAY BEACH GOLF COURSE ADD GOLF COURSE PLUS RECREATIONAL TRACT, SECTION 7, TOWNSHIP 52 SOUTH, RANGE 26 EAST; MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT; 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, Hideaway Beach Association, Inc (the “Owner/Developer”) submitted a Site Development Plan for the development of the property located at 333 Hideaway Circle North, Marco Island, Florida (the “Subject Property”); and

WHEREAS, the City of Marco Island staff has reviewed the Site Development Plan, and recommends approval of SDP-24-000003; and

WHEREAS, the City’s Planning Board reviewed and approved the Site Development Plan 24-000003 at its public meeting held on May 3, 2024.

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/Developer" Hideaway Beach Association, Inc., and their respective successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan" means: the following:

The nine (9) page document titled "Hideaway Beach Sports Center", prepared by Grady Minor and Associates, P.A., 3800 Via Del Rey, Bonita Springs, FL 34134, dated December 2023, Job Code HBSCDP and a revision date of February 2024.

Fire Department approval: The nine (9) page document titled "Hideaway Beach Sports Center", prepared by Grady Minor and Associates, P.A., 3800 Via Del Rey, Bonita Springs, FL 34134, dated December 2023, Job Code HBSCDP and a revision date of March 2024.

The three-page document titled "Landscape Plans for Hideaway Beach Sports Center, prepared by Grady Minor and Associations, Richard P Chalupa, RLA, dated December 2023 with a revision date of February 9, 2024.

A six-page document titled "Arch Exhibits-elevation with revised sheets" drawn by AM Design Group LLC, 2223 Trade Center Way, Naples, FL 34109, Project number 23-045.

- (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:

Hideaway Beach Golf Course Add Golf Course and
Recreational Tract, Section 7, Township 52 South, Range 26
East

(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 Owner/Developer's Site Development Plan (SDP-24-000003) for the Subject Property is hereby approved subject to the conditions set forth in Sections 3. and 4. of this Resolution.

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 _____, 2024.

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