

RESOLUTION 25-53

A RESOLUTION OF THE CITY OF MARCO ISLAND CITY COUNCIL, APPROVING A SITE DEVELOPMENT PLAN AMENDMENT SUBMITTED BY THE CITY OF MARCO ISLAND, FOR THE PROPERTY LOCATED AT 901 PARK AVENUE, MARCO ISLAND, FLORIDA, CONSISTING OF MARCO BCH UNIT 6 TR A REP BLK 798 LOTS 1-5, LOTS 9-11, AND VACATED ALLEY ADJ TO LOTS AS DESC OR 2871 PG 2380, AND THAT PORTION OF WEST ELKCAM CIR R/W VACATED BY CITY MARCO ISLAND RESOL #09-29 AS DESC IN OR 4551 PG 3327, AND LOTS 1-4 BLK 796 MARCO BCH UNIT 6 2ND REPLAT, TOWNSHIP 52, RANGE 26; 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 provide standards and regulations for the review and approval of site development plan amendments; and

WHEREAS, the City of Marco Island submitted a Site Development Plan Amendment for the development of the property located at 901 Park Avenue, 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-25-000172 with conditions; and

WHEREAS, on October 3, 2025, the City's Planning Board reviewed and recommended that the City Council approve the Site Development Plan Amendment.

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 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 The City of Marco Island, and their respective successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan Amendment" means the following:
 - A. One (1) page Property Survey prepared by RWA Engineering, of Naples, FL, dated June 4, 2018; and
 - B. Five (5) page Civil Plans, including cover sheet prepared by Blair A. Foley P.E., LLC, entitled Site Development Plan Minor Amendment for Vietnam Sculptures, dated August 2025.
- (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:

MARCO BCH UNIT 6 TR A REP BLK 798 LOTS 1-5, LOTS 9-11, AND VACATED ALLEY ADJ TO LOTS AS DESC OR 2871 PG 2380, AND THAT PORTION OF WEST ELKCAM CIR R/W VACATED BY CITY MARCO ISLAND RESOL #09-29 AS DESC IN OR 4551 PG 3327, AND LOTS 1-4 BLK 796 MARCO BCH UNIT 6 2ND REPLAT.

Property ID# 57490720008

SECTION 2. Adoption. The Owner/Developer's Site Development Plan Amendment (SDPA-25-000172) for the Subject Property is hereby approved subject to the conditions set forth in Sections 2, 3, and 4 of this Resolution.

SECTION 3. Conditions of Approval. The City of Marco Island City Council finds that the Site Development Plan Amendment SDPA-25-000172 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. Revise the SDPA to require City of Marco Island building permits instead of City of Naples building permits.
2. Proposed light poles to stay a minimum of 6 feet from any play structure.
3. All trees proposed to be 12-14 feet, six-foot spread, three-inch caliper, 65-gallon minimum.

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.

ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 20th day of October 2025.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney