



## MEMORANDUM

To: Jason Bailey, Chair, City of Marco Island Planning Board

Members of the City of Marco Island Planning Board

From: Alan L. Gabriel, City Attorney

David N. Tolces, Assistant City Attorney

CC: Daniel Smith, Director of Community Affairs

Re: Ordinance to Approve Plat for San Marco Planned Unit  
Development Property

Date: November 8, 2021

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At the November 5, 2021 City of Marco Island Planning Board Meeting, the Planning Board passed a motion to recommend approval of Agenda Item 10.b., "ORDINANCE – Request to subdivide one lot into three separate tracts for San Marco Health (SUB-21-000176) located at 40 S. Heathwood Drive, Marco Island, Florida," (the "San Marco PUD Platting Ordinance") subject to conditions. One condition of approval was to require the City Attorney's Office to issue a letter confirming that the approval of the San Marco PUD Platting Ordinance would not violate the provisions of "unified control" as provided in the City of Marco Island Land Development Code with respect to the prior approval of the San Marco Planned Unit Development pursuant to City of Marco Island Ordinance 21-06..

Pursuant to the Planning Board's motion, the City Attorney's Office confirms that the San Marco PUD Platting Ordinance will not violate the provisions of "unified control" as provided in Division 13, "Planned Unit Development (PUD) District" of the City of Marco Island Land Development Code. In addition, the San Marco PUD Platting Ordinance is consistent with the City Council's finding as contained in City

of Marco Island Ordinance 21-06 approving the San Marco PUD in which the City Council found that the necessary unified control of San Marco PUD has been established by the Ordinance, the PUD Documents, the PUD Master Plan, and the Declaration of Covenants, Conditions, Restrictions, and Easements for the San Marco PUD.

If you require any further information, please contact our office.