

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 20-_____

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA
6 APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR
7 WALKER TRANSPORTATION BUILDING, LOT 2, BLOCK 776, A
8 REPLAT OF A PORTION OF MARCO BEACH UNIT 4, PLAT
9 BOOK 12, PAGES 19 THROUGH 21, PUBLIC RECORDS OF
10 COLLIER COUNTY, FLORIDA (1000 N BARFIELD DRIVE,
11 MARCO ISLAND, FLORIDA); MAKING FINDINGS; APPROVING
12 THE SITE DEVELOPMENT PLAN AMENDMENT; SETTING
13 FORTH CONDITIONS OF APPROVAL; PROVIDING FOR
14 FAILURE TO COMPLY WITH APPROVAL; PROVIDING FOR
15 FAILURE TO OBTAIN OTHER PERMITS; AND PROVIDING AN
16 EFFECTIVE DATE.
17

18 WHEREAS, a fee simple property owner previous to the Owner/Developer received
19 approval of the original site development plan in 1978 from Collier County, Florida; and
20

21 WHEREAS, the Owner/Developer submitted a Site Development Plan Amendment for
22 the Development of an amendment to a commercial structure on 1000 North Barfield Drive,
23 Marco Island, Florida; and
24

25 WHEREAS, this Site Development Plan Amendment is an amendment to the site
26 development plan approved in 1978 by Collier County; and
27

28 WHEREAS, Article IX, Site Development and Site Development Plan Standards of the
29 Marco Island Land Development Code (Sections 30-671 through 30-680, Code of Ordinances
30 of the City of Marco Island, Florida) provides standards and regulations for the review and
31 approval of site improvement plans; and
32

33 WHEREAS, pursuant to Section 30-673(2) of the LDC, the Planning Board reviewed
34 the Site Development Plan Amendment for a change to the floor plans for compliance with all
35 appropriate zoning regulations and the comprehensive plan, ingress and egress to the
36 proposed Development and its proposed improvements, provisions and designs for vehicular
37 and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic
38 flow and control, traffic calming devices, provision of private and/or public utilities and refuse
39 collection, and access in case of fire, catastrophe or other emergency; and
40

41 WHEREAS, pursuant to Section 30-673(3) of the LDC, the Planning Board was review
42 the Site Development Plan Amendment for the location and relationship of parking and
43 loading facilities with a goal to complement and optimize traffic conditions on city streets and
44 internal traffic patterns within the proposed Development for vehicular and pedestrian safety,
45 traffic flow and control, access in case of fire or catastrophe, screening and landscaping; and

46
47 **WHEREAS**, the City of Marco Island staff has reviewed and recommended approval of
48 SDPA-19-001051 and the Site Development Plan Amendment subject to certain conditions of
49 approval; and
50

51 **WHEREAS**, the City's Planning Board has reviewed and recommended approval of the
52 Site Development Plan Amendment on November 6, 2020; and
53

54 **WHEREAS**, the City Council does hereby approve the Site Development Plan
55 Amendment SDPA -19-001051, subject to the conditions of approval set forth in this resolution.
56

57 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
58 **MARCO ISLAND, FLORIDA:**
59

60 **SECTION 1. Recitals; Definitions.**
61

62 (a) That the foregoing "WHEREAS" clauses are ratified and confirmed as being
63 true and correct and are made a specific part of this Resolution.
64

65 (b) That as used herein, unless the context or City Code of Ordinances requires
66 to the contrary, the following terms will be defined as set forth below:
67

68 (1) "City" means the City of Marco Island, a Florida Municipal
69 Corporation.
70

71 (2) "Development" is defined as set forth in Section 163.3164, Florida
72 Statutes.
73

74 (3) "Development Permit" is defined as set forth in Section 163.3164,
75 Florida Statutes.
76

77 (4) "Land Development Code" or "LDC" means the Land Development
78 Code which consists of Chapter 30, Code of Ordinances of the City of Marco Island.
79

80 (5) "Owner/Developer" means Maritime Acquisitions, LLC, a Florida
81 Limited Liability Company.
82

83 (6) "Site Development Plan Amendment" means:
84

85 (A) The 5-page document entitled "Site Development Plan for
86 Walker Transportation Building" prepared by Gina R. Green, P.A. of Naples, FL, Project No. 19-
87 140 dated October, 2019 with the: cover sheet (Title Page) with last date of revision being 10-
88 5-20; Sheet 1 of 4 (Aerial Map/Ex. Conditions/Demolition Plan) with last date of revision being
89 9-1-2020; Sheet 2 of 4 (Site Layout Plan) with last date of revision being 10-5-2020; Sheet 3 of

4 (Utility, Drainage & Erosion Control Plan) with last date of revision being 9-1-2020; and Sheet 4 of 4 (Cross Section) with last date of revision being 9-1-2020;

(B) The 1-page architectural elevations entitled "Walker Transport Facility" prepared by C. Matt Joyner, P.A., of Naples, FL, Job No. Walker dated May 20, 2019; and

(C) The 1-page document entitled "SDP Landscape/Irrigation Plan Walker Transportation Building prepared by Isaacson Landscape Architecture Group, of Naples, FL, Sheet L-1, dated 6-23-2019 with last of revision being 9-30-2020.

(7) "Subject Property" means the following described parcel of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit:

Lot 2, Block 776, a Replat of a portion of Marco Beach Unit Four, according to a plat thereof, as recorded in Plat Book 12, Pages 19 through 21, Public Records of Collier County, Florida.

SECTION 2. Adoption. The Owner/Developer's Site Development Plan Amendment (SDPA-19-001051) for the Subject Property is hereby approved subject to the conditions set forth in Sections 3., 4., and 5. of this Resolution.

SECTION 3. Conditions of Approval. The Site Development Plan Amendment is approved subject to the following conditions:

(a) Remove the proposed fence from the required landscape buffer adjacent to the rights-of-way. The fence is shown on Sheets 2 (Site Layout Plan) and 3 (Utility, Drainage & Erosion Control Plan) of 4 on the portion of the Site Development Plan Amendment entitled "Site Development Plan for Walker Transportation Building" (see Section 1.(b)(6)(A) of this Resolution); and

(b) Remove the Deviation Requests from the Site Layout Plan, on Sheet 2 of 4 of the the document entitled Site Development Plan for Walker Transportation Building; and

(c) Show the required parking on Sheet L-1 of the landscape plans (see Section 1.(b)(7)(C) of this Resolution) so that the landscape plan is consistent with the document entitled Site Development Plan for Walker Transportation Building (see Section 1.(b)(7)(A) of this Resolution).

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 CITY COUNCIL OF THE CITY OF MARCO ISLAND, this ____ day of _____, 2020.

CITY OF MARCO ISLAND, FLORIDA

By: _____
_____, Chairman

ATTEST:

By: _____
Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:

By: _____
Alan L Gabriel, City Attorney