

CITY OF MARCO ISLAND

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR ISLAND COUNTRY CLUB, INC. CONSISTING OF TRACT A, MARCO BEACH UNIT 3, PLAT BOOK 6, PAGES 17-24, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA (LOCATED AT 500 NASSAU COURT, MARCO ISLAND FLORIDA); MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER PERMITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Island Country Club was issued a certificate of occupancy in June of 1965, by Collier County, Florida; and

WHEREAS, a swimming pool was added in 1971; and

WHEREAS, in 1994, a fire occurred, and the Island Country Club was thereafter rebuilt; and

WHEREAS, the tennis court was added in 2011; and

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

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

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

WHEREAS, pursuant to Section 30-673(2) of the LDC, the Planning Board reviewed the Site Development Plan Amendment for a change to the floor plans for compliance with all appropriate zoning regulations and the comprehensive plan, ingress and egress to the proposed Development and its proposed improvements, provisions and designs for vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices,

provision of private and/or public utilities and refuse collection, and access in case of fire, catastrophe or other emergency; and

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

WHEREAS, the City of Marco Island staff has reviewed and recommended approval of SDPA-20-000237 and the Site Development Plan Amendment subject to certain conditions of approval; and

WHEREAS, Section 30-491 of the LDC provides:

All types of site development plans that have been formally submitted or approved before the effective date of this article, will be exempt, at the election of the applicant, from the new parking requirements of this article as long as commencement of construction occurs on the project within one year of adoption of this article. Furthermore, amendments to previously submitted site development plans may also be exempted, at the election of the applicant, from strict compliance with this article, if the amendment(s) are considered an insubstantial change per this article. For this subsection, "commencement of construction" means the physical act of constructing or installing on or in the property substantial infrastructure as approved in the final approval of the site development plan. Where this paragraph conflicts with any portion of this article, this paragraph shall prevail; and

WHEREAS, the Owner/Developer has asked that it be accorded rights available pursuant to Section 30-491 of the LDC, and this approval is based upon compliance with Section 30-491 of the LDC; and

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

WHEREAS, the City Council does hereby approve the Site Development Plan Amendment SDPA -20-000237, subject to the conditions of approval set forth in this Resolution.

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 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 Island Country Club, Inc., a Florida Not-for-Profit Corporation.

(6) "Site Development Plan Amendment" means:

(A) The 4-page document entitled "Site Development Plan Amendment for Island Country Club Tennis Pro Shop Expansion" prepared by American Engineering Consultants of Marco Island, Inc., of Marco Island, FL, Project No. 06091-048-01 dated September, 2020, including the: Cover Sheet with no last date of revision; Sheet C-1 of 3 (Site Plan) with last date of revision being 10-16-2020; Sheet C-2 of 3 (Maintenance Building Site Plan) with no last date of revision; and Sheet C-3 of 3 (Floor Plans and Areas) with no last date of revision;

(B) The 2-page architectural elevations entitled "Island Country Club" prepared by Peacock + Lewis Architects and Planners, of Naples, FL, Project No. 18-049 dated September 17, 2019 with not date of revision as to Sheets A-101 (Floor Plans) and A-201 (Floor Plans); and

(C) The 13-page landscape inventory prepared by Island Environmental and Marine Services of Marco Island, FL, without a project or job no., dated May 14, 2020 with no last of revision;

(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:

Tract "A", Marco Beach Unit Three, according to a plat thereof, as recorded in Plat Book 6, Pages 17 through 24, Public Records of Collier County, Florida.

SECTION 2. Adoption. The Owner/Developer's Site Development Plan Amendment (SDPA-20-000237) 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) The landscape plan will be reviewed for compliance with the LDC in conjunction with the forthcoming proposed major renovation of the clubhouse; and

(b) Prior to issuance of a certificate of occupancy for the improvements set forth in the Site Development Plan Amendment, the Owner/Developer shall at its sole expense, test and repair all potable water backflow devices for compliance with applicable regulations and standards. Testing must be tested and repaired by a State of Florida certified plumber or a person that has been certified by Florida Water Pollution and Control Operators Association Incorporated (FWPCOA) or by the University of Florida Office of Professional and Workforce Development Training, Research and Education for Environmental Occupations (UF-Treeo). Passing test results, list of repairs, and a copy of valid license must be certified to and for reliance by the City. Said information shall be sent to the City bbradshaw@cityofmarcoisland.com; and

(c) Prior to issuance of a certificate of occupancy for the improvements set forth in the Site Development Plan Amendment, the Owner/Developer shall at its sole expense obtain an individual permit for the Subject Property and provide a copy of the District minor modification/letter modification to the City's Stormwater Engineer (currently Jason Tomassetti, P.E., jtomassetti@cityofmarcoisland.com).

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