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RESOLUTION 21-16

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SITE DEVELOPMENT PLAN FOR THE CITY OF MARCO ISLAND'S VETERANS COMMUNITY PARK LOCATED AT 901 PARK AVENUE, MARCO ISLAND; MAKING FINDINGS; PROVIDING DEFINITIONS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IX, Site Development and Site Development Plan Standards of the Marco Island Land Development Code provides standards and regulations for the review and approval of site improvement plans; and

WHEREAS, the Owner/Developer submitted a Site Development Plan Application for the Development of Veterans Community Park at 901 Park Avenue, Marco Island, Florida (SDP 21-000040); and

WHEREAS, the City of Marco Island staff has reviewed and recommend approval of SDP 21-000040, subject to conditions as contained herein; and

WHEREAS, the Planning Board has reviewed the documentation, and found SDP 21-000040 to be in compliance pursuant to Section 30-673(1-8) of the LDC; and

WHEREAS, on March 5, 2021, the City's Planning Board reviewed and recommended approval of the Site Development Plan, finding the Site Development Plan to be in compliance with applicable LDC regulations and to be consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council does hereby approve the Site Development Plan SDP 21-000040 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 hereof, or City Code of Ordinances, requires to the contrary, the following terms will be defined as set forth below:

- 47 (1) "City" means the City of Marco Island, a Florida Municipal
48 Corporation.
49
50 (2) "Development" is defined as set forth in Section 163.3164,
51 Florida Statutes.
52
53 (3) "Development Permit" is defined as set forth in Section
54 163.3164, Florida Statutes.
55
56 (4) "Land Development Code" or "LDC" means the Land
57 Development Code which consists of Chapter 30, Code of
58 Ordinances of the City of Marco Island.
59
60 (5) "Owner/Developer" means the City of Marco Island, and its
61 successors and assigns, as owners or developers of the
62 Subject Property.
63
64 (6) "Site Development Plan" means: the Site Development Plan
65 Application consisting of one page, entitled Overall Site Plan,
66 prepared by Kimley Horn, Sheet Number C-04, dated
67 February, 2021, and the following documents, including:
68 **Other plans and documents revised showing conditions**
69 **of approval.**
70
71 (7) "Subject Property" means the following described parcel of
72 land, lying, situate and being in the State of Florida, County
73 of Collier, City of Marco Island, to-wit:
74

75 MARCO BCH UNIT 6 TR A REP BLK 798 LOTS 1-5, LOTS 9-11,
76 AND VACATED ALLEY ADJ TO LOTS AS DESC OR 2871 PG 2380,
77 AND THAT PORTION OF WEST ELKCAM CIR R/W VACATED BY
78 CITY MARCO ISLAND RESOL #09-29 AS DESC IN OR 4551 PG
79 3327, AND LOTS 1-4 BLK 796 MARCO BCH UNIT 6 2ND REPLAT
80

81 (Said legal description has neither been reviewed nor examined by the City,
82 Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., Paul
83 Gogleman, Esq. or David N. Tolces, Esq., but is extracted from the most
84 recent deed of conveyance in Official Records Book 3532, Page 3143,
85 Public Records of Collier County, Florida.)
86

87 **SECTION 2. Adoption.** The Owner/Developer's Site Development Plan for the
88 Subject Property is hereby approved. The Site Development Plan is approved subject to
89 the following conditions of approval set forth in Section 3 of this Resolution.
90

91 **SECTION 3. Conditions of Approval.** The Site Development Plan is approved
92 subject to the following condition of approval:

- 93
94 (1) The restroom facilities and Band Shell shall have a Fire sprinkler
95 system.
96 (2) Separate water meters shall be installed for irrigation and for
97 drinking/bathroom uses. Drinking/bathroom meters will be for
98 water/sewer billing charges. Irrigation meter will be only for irrigation,
99 and no sewer billing charges. All meters will be Neptune T-10
100 W/R900i V5 Pit Gallon Registers & 6' Pit Antenna Kit.
101 (3) All backflows must be tested by a certified Florida State tester.
102 (4) Must provide South Florida Water Management District Permit.
103 (5) General Correction – Zoning Requirements
104 The listed maximum height in the plans needs to be corrected to
105 thirty five feet (35').
106 (6) Band shell
107 (a) Height measurements should be made from the Base-Flood
108 Elevation and not Finished Floor elevations.
109 (b) Metal – Metal exterior cannot be corrugated metal.
110 (c) Provide setbacks from the band shell to the rear property line/
111 seawall.
112 (7) Bathrooms - Add the setbacks to the relevant property lines of the
113 proposed bathroom structure
114 (8) Parking
115 (a) Dimension the parking lot landscape islands. Add the internal
116 width and length and total area of the parking islands.
117 (b) Detail the grass parking in order to clarify parking surface (sod or
118 turf block).
119 (9) Synthetic Turf. - Synthetic turf is being used in the climbing/family
120 eating areas. Need to provide manufacturer's specifications to insure
121 whether synthetic turf meets the minimum standards set-forth in City
122 Resolution 15-23.
123 (10) Lighting – Provide for specifications for shielding light poles and
124 lighting from the residents along Joy Circle.
125 (11) Landscaping - Show all required buffers with dimensions.
126 (a) A 10' C Buffer is required between the parking lot and road.
127 (b) A 15' B Buffer is also required between the parking lot and
128 commercially zoned property.
129 (12) The vacating of any Right-of-way needed for park development.
130 (13) Include turn-around movement for vehicles at Elkcam Circle and
131 Joy Circle.
132

133 **SECTION 4. Failure to Obtain Other Permits.** That issuance of this approval by
134 the City does not in any way create any right on the part of the Owner/Developer to obtain
135 a permit from a state or federal agency and does not create any liability on the part of the
136 City for issuance of the approval if the Owner/Developer fails to obtain the requisite
137 approvals or fulfill the obligations imposed by a state or federal agency or undertakes
138 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 on the Subject Property. 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 19th day of April 2021.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Laura M. Litzan, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney