

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 21-_____

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA
6 APPROVING A SITE DEVELOPMENT PLAN FOR TOWER I AND
7 II, SOUTH SEAS WEST, SOUTH SEAS WEST CONDOMINIUM
8 APARTMENTS OF MARCO ISLAND TOWER I-102 AND SOUTH
9 SEAS WEST CONDOMINIUM APARTMENTS OF MARCO
10 ISLAND TOWER II-1808, LOCATED AT 260 AND 320 SEAVIEW
11 COURT, MARCO ISLAND FLORIDA 34145; MAKING FINDINGS;
12 APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING FOR
13 FAILURE TO COMPLY WITH APPROVAL; PROVIDING FOR
14 FAILURE TO OBTAIN OTHER PERMITS; AND PROVIDING AN
15 EFFECTIVE DATE.
16

17 WHEREAS, Article IX, Site Development and Site Development Plan Standards of the
18 Marco Island Land Development Code provides standards and regulations for the review and
19 approval of site improvement plans; and
20

21 WHEREAS, the Site Development Plan SDP-21-000131 is consistent with the
22 Comprehensive Plan; and
23

24 WHEREAS, the City of Marco Island staff have reviewed and recommend approval of
25 SDP-000131; and
26

27 WHEREAS, the City's Planning Board reviewed and recommended approval of the Site
28 Development Plan on July 2, 2021; and
29

30 WHEREAS, the City Council does hereby approve the Site Development Plan SDP -
31 000131.
32

33 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
34 MARCO ISLAND, FLORIDA:
35

36 SECTION 1. Recitals;

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38 (a) That the foregoing "WHEREAS" clauses are ratified and confirmed as being
39 true and correct and are made a specific part of this Resolution.
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41 (b) That as used herein, unless the context hereof, or City Code of Ordinances,
42 requires to the contrary, the following terms will be defined as set forth below:
43

- 44 (1) "City" means the City of Marco Island, a Florida Municipal
45 Corporation.

- 46
- 47 (2) "Development" is defined as set forth in Section 163.3164, Florida
- 48 Statutes.
- 49
- 50 (3) "Development Permit" is defined as set forth in Section 163.3164,
- 51 Florida Statutes.
- 52
- 53 (4) "Land Development Code" or "LDC" means the Land Development
- 54 Code which consists of Chapter 30, Code of Ordinances of the City
- 55 of Marco Island.
- 56
- 57 (5) "Owner/Developer" means South Seas West Condominium
- 58 Apartments of Marco Island, Inc.
- 59
- 60 (6) "Site Development Plan" means: the Site Development Plan
- 61 Application consisting of one page, entitled Overall Site Plan,
- 62 prepared by David Thomsen, and two sheets of Floor Plans with
- 63 legends.
- 64
- 65 (7) "Subject Property" means the following described parcel of land,
- 66 lying, situate and being in the State of Florida, County of Collier,
- 67 City of Marco Island, to-wit:
- 68

69 SOUTH SEAS WEST CONDOMINIUM APARTMENTS OF MARCO

70 ISLAND TOWER 1 AND TOWER 2

71

72 **SECTION 2. Adoption.** The Owner/Developer's Site Development Plan (SDP-000131) for

73 the Subject Property is hereby approved with the following condition(s):

74

- 75 1. Provide a permit from the State of Florida Department of Environmental Protection
- 76 ("DEP") permit, if required, for the proposed work since it is located seaward of the
- 77 CCCL. If a permit is not required, provide the letter of exemption from the DEP.
- 78 2. Full review by the Marco Island Utilities will be done during the building permit process.
- 79

80 **SECTION 3. Failure to Obtain Other Permits.** That issuance of this approval by the City

81 does not in any way create any right on the part of the Owner/Developer to obtain a permit from

82 a state or federal agency and does not create any liability on the part of the City for issuance of

83 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations

84 imposed by a state or federal agency or undertakes actions that result in the violation of state or

85 federal law. All applicable state and federal permits must be obtained before commencement

86 of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as

87 amended.

88

89 **SECTION 4. Failure to Adhere to Resolution.** That failure to adhere to the approval

90 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 5. 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 _____, 2021.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Jared Grifoni, Chair

ATTEST:

By: _____
Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:

By: _____
Alan L Gabriel, City Attorney