

## **RESOLUTION 21-29**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN FOR TOWER I AND II, SOUTH SEAS WEST, SOUTH SEAS WEST CONDOMINIUM APARTMENTS OF MARCO ISLAND TOWER I-102 AND SOUTH SEAS WEST CONDOMINIUM APARTMENTS OF MARCO ISLAND TOWER II-1808, LOCATED AT 260 AND 320 SEAVIEW COURT, MARCO ISLAND FLORIDA 34145; MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER PERMITS; 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 Site Development Plan SDP-21-000131 is consistent with the Comprehensive Plan; and

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

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

**WHEREAS**, the City Council does hereby approve the Site Development Plan SDP -000131.

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

### **SECTION 1. Recitals;**

(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:

- (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 South Seas West Condominium Apartments of Marco Island, Inc.
- (6) "Site Development Plan" means: the Site Development Plan Application consisting of one page, entitled Overall Site Plan, prepared by David Thomsen, and two sheets of Floor Plans with legends.
- (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:

SOUTH SEAS WEST CONDOMINIUM APARTMENTS OF MARCO  
ISLAND TOWER 1 AND TOWER 2

**SECTION 2. Adoption.** The Owner/Developer's Site Development Plan (SDP-000131) for the Subject Property is hereby approved with the following condition(s):

- 1. Full review by the Marco Island Utilities will be done during the building permit process.

**SECTION 3. 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 4. 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 5. Effective Date.** That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 19<sup>th</sup> day of July 2021.

**ATTEST:**

**CITY OF MARCO ISLAND FLORIDA**

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Laura M. Litzan, City Clerk

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Jared Grifoni, Chairman

Reviewed for legal sufficiency:

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Alan L. Gabriel, City Attorney