

RESOLUTION 18-75

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO VARIANCE APPROVALS FOR BW SAN MARCO AND BARFIELD LLC; MAKING FINDINGS; APPROVING A VARIANCE REDUCING THE REQUIRED TEN (10) FOOT LANDSCAPE BUFFER TO 8.0 FEET ALONG THE SOUTH AND EAST PROPERTY LINES, AND REDUCING THE REQUIRED WIDTH OF PORTIONS OF THE LANDSCAPE BUFFER ALONG THE NORTH-NORTHEAST, NORTH AND WEST PROPERTY LINES AS DEPICTED ON ATTACHMENT "A" TO THE SITE PLAN FOR ALL OF THE PLAT OF PARCEL NO. 3, PLAT BOOK 26, PAGES 53-54, PUBLIC RECORDS OF COLLIER COUNTY (103 SOUTH BARFIELD DRIVE, MARCO ISLAND) (V18-001880); PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-65, of the Marco Island Land Development Code provides standards and regulations for the review and approval of variance procedures; and

WHEREAS, BW San Marco and Barfield LLC, a Florida Limited Liability company (Owner/Developer), submitted Variance Petition V18-000880 for the Subject Property located at 103 S. Barfield Drive, Marco Island, Florida 34145; and

WHEREAS, landscape buffers are required as set forth in Section 30-441(g);, and

WHEREAS, the Owner/Developer is requesting a variance to Section 30-441(g), Alternative A, Code of Ordinances of the City of Marco Island, Florida, providing for a reduction of the landscape buffer width from 10 feet to 8.0 feet along the South and East property lines on the Subject Property; and

WHEREAS, the Owner/Developer is requesting a variance to Section 30-441(g), providing for a landscape buffer of varying widths between 10 feet and 14 feet along the North-Northeast, North, and West property lines on the Subject Property; and

WHEREAS, the City's Planning Board reviewed and recommended approval of Variance Petition V18-000880 on September 7, 2018; and

WHEREAS, City Council does hereby approve Variance Petition V18-000880, subject to the conditions of approval as 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:

(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 BW San Marco and Barfield LLC, a Florida Limited Liability Company, its successors and assigns, as owners or developers of the Subject Property.

(6) "Site Plan Attachment 'A'" means the one page drawing entitled Chase Bank Attachment "A" Site Plan prepared by Hole Montes Engineers Planners Surveyors of Naples, FL, Project No. 2017.072, Drawing No. 17072SK01, dated August, 2018, with no date 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:

All of Plat of Parcel No.3, according to the plat thereof, as recorded in Plat Book 26, Page 53-54, Public Records of Collier County, Florida.

(Said Legal Description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., or Paul R. Gougelman, Esq., but is excerpted from the most recent deed of conveyance in Official Records Book 5484, Page 304, Public Records of Collier county, Florida.)

SECTION 2. Adoption. The following variance for the Subject Property is hereby approved: Permit the reduction of the landscape buffer width required by Section 30-441(g) Alternative A of the LDC from 10 feet to 8 feet along the East and South property lines of the Subject Property, and permit to a variance of Section 30-441(g) of the LDC of

varying widths between 10 feet and 14 feet along the North-Northeast, North, and West property lines of the Subject Property as shown on the Site Plan Attachment "A". The variance is approved subject to the conditions of approval set forth in Section 3. of this Resolution.

SECTION 3. Conditions of Approval. The variance set forth in Section 2. of this Resolution are approved subject to the following conditions of approval:

(a) The Owner/Developer/Petitioner is required to re-submit construction documents to the City's Building Department for review and approval prior to the commencement of development.

(b) The Owner/Developer/Petitioner is responsible for any private deed restriction approvals with Marco Island Civic Association.

(c) That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer/Petitioner 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/Petitioner fails to obtain the required 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.

(d) Approval of the variance is contingent upon approval of the Site Development Plan SDP-18-002005 for the Subject Property. Approval of the aforementioned Site Development Plan must be obtained prior to the commencement of Development on the Subject Property. Should the aforementioned Site Development Plan be denied, this Development Permit for variance approval is void.

SECTION 4. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 1st day of October 2018.

ATTEST:



Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

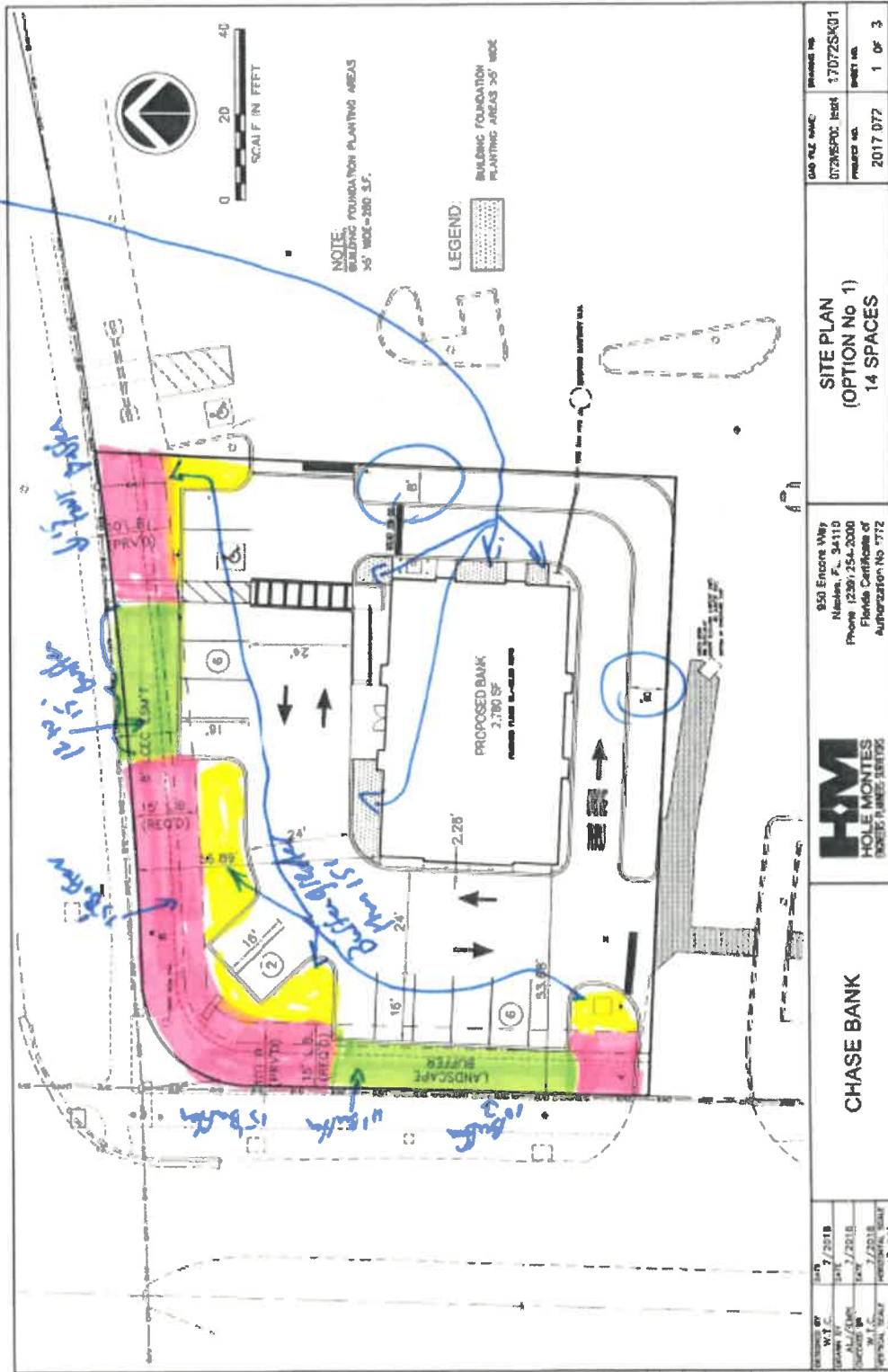
Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

ATTACHMENT "A" SITE PLAN

*278' Building Perimeter Landscaping (5' wide)
14 Parking Spaces*



DATE: 7/2018	PROJECT NO:	SITE PLAN (OPTION No 1) 14 SPACES
W.T.C.	DTW/SP/PC ISS#:	
DATE: 7/2018	PROJECT NO:	
DATE: 7/2018	2017 072	
DATE: 7/2018	1 OF 3	
930 Europa Way Miami, FL 33110 Phone: (239) 454-2000 Florida Certificate of Authorization No. 1712		
CHASE BANK		