

RESOLUTION 18-76

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN FOR BW SAN MARCO AND BARFIELD LLC, ON 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), TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS AND PARKING (SDP-18-002005); MAKING FINDINGS; PROVIDING DEFINITIONS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING CONDITIONS OF APPROVAL; 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, BW San Marco and Barfield LLC., a Florida Limited Liability Company, submitted a Site Development Plan for the Development of a commercial structure on a lot with an area of approximately 0.42 acres at 103 South Barfield Drive, Marco Island, Florida 34145; and

WHEREAS, the City of Marco Island staff has reviewed and recommend approval of SDP-18-002005; and

WHEREAS, the City's Planning Board reviewed and recommended approval of the Site Development Plan on September 7, 2018; and

WHEREAS, the City Council does hereby approve the Site Development Plan SDP-18-002005, 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:

(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 Development Plan" means: the 55-page document, including:

(a) The One page document entitled ALTA/NSPS Survey for the Plat of Parcel No. 3 prepared by StoutenKramer, a King Engineering Company of Jupiter, FL, Job No. 5368, digitally signed and dated November 7, 2017; and

(b) The 10-page document entitled Site Development Plan Amendment for SDP 96-025 Brightwork Chase Bank, prepared by Hole Montes Engineers Planners Surveyors of Naples, FL, project no. 2017.072, Drawing Nos. 4895-1 through 4895-10, dated March, 2018, revised August, 2018, with last date of revisions being 8/18 for Sheets 1 (Cover Sheet); dated February, 2018 without date of revision for Sheet 2 (Existing Conditions, Demolition and General Notes), Sheet 5 (Underground Storm Water Detention Details), Sheet 8 (Utility Details Sheet 1 of 2), Sheet 9 (Utility Details Sheet 2 of 2), and Sheet 10 Erosion Control Details; dated February, 2018, with last date of revision being August 18, 2018, for Sheet 6 (Paving, Grading and Drainage Details); dated January, 2018 with last date of revision being August 18, 2018, for Sheet 3 (Utilities, Signage, Stripping and Dimension Plan); dated January, 2018, with no last date of revision Sheet 7 (Miscellaneous Details); dated January, 2018, with last date of revision being August 17, 2018, for Sheet 4 (Paving, Grading and Drainage Plan); and

(c) The five-page architectural drawings prepared by bdg Architects of Tampa, FL, prepared under Job #174020, dated April, 2018 with no date of revision as to Sheets A1.1 (Entitlements – Floor Plan), A3.1 (Entitlements – Exterior Elevations North), A3.2 (Entitlements – Exterior Elevations West), No Sheet Number (North and West Elevation Color Drawing, and No Sheet Number South and East Elevation Color Drawing; and

(d) The four-page Site Landscape Drawings prepared by Environmental Design Studio Landscape Architects of Naples, FL, with no project no., digitally signed and dated March 24, 2018 with last date of revision being August 27, 2018,

as to Sheets L-1 (Site Landscape), L-2 (Site Landscape Details), L-3 (Landscape Specifications), and L-4 (Irrigation Specifications); and

(e) The four-page document entitled "Brightwork Chase Bank" prepared by Environmental Design Studio of Naples, FL, without project no., dated March 24, 2018, with last date of revision being August 27, 2018, as to Sheets L-1 (Site Landscape), L-2 (Site Landscape Details), L-3 (Landscape Specifications), and L-4 (Irrigation Specifications); and

(f) The four-page document entitled "Brightwork Marco Chase Bank - Parking Lot Lighting Plan" prepared by Trebilcock Consulting Solutions, P.A., of Naples, FL, without project no., dated February 26, 2018, without date of revision as to Sheets 1 (Cover Sheet), L-2 (Fixture Schedule and Notes), L-3 (Lighting Plan), and L-4 (Photometric Plan); and

(g) The two-page Brightwork Chase Bank Drainage Report prepared by Hole Montes, Inc., of Naples, FL dated March, 2018; and

(h) The 29-page Traffic Impact Analysis for Brightwork Marco Chase Bank Site Development Plan amendment (SDPA), prepared by Trebilcock Consulting Solutions, PA, of Naples, FL, dated February 12, 2018.

(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., together with those certain perpetual, nonexclusive easements for pedestrian and vehicular ingress and egress and parking, as set forth in that certain Cross-Parking and Easement Agreement, recorded in Official Records Book 1558, Page 1832, 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 extracted from the most recent deed of conveyance in Official Records Book 5484, Page 304, Public Records of Collier county, Florida.)

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

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

- (a) This Development Permit approval for the Site Development Plan Permit on the Subject Property is contingent upon approval of Variance Petition VP-18-000880 to provide for an 8-foot 0-inch wide landscape buffer strip along the South and East boundaries of the Subject Property as shown on 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, and a buffer of varying widths between 10 feet to 14 feet along the North-Northeast, North, and West boundaries of the Subject Property as shown on 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. Approval of the aforementioned variance and Variance Petition VP-18-000880 must be obtained prior to the commencement of Development on the Subject Property. Should the aforementioned variance and Variance Petition VP-18-000880 not be approved, this Development Permit for Site Development Plan approval is void.
- (b) Developer/ Owner must provide an updated Landscape plan which shows the minimum required building perimeter plantings which must be at least 5-feet wide. The addition of area bringing the planters into compliance must be submitted prior to issuance of permits.

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 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 1st day of October 2018.

ATTEST:



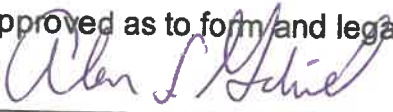
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

