

ORDINANCE NO. 08-02

AN ORDINANCE AMENDING ORDINANCE NUMBER 01-14 WHICH AMENDED THE OFFICIAL ZONING ATLAS MAP BY CHANGING THE ZONING CLASSIFICATION OF THE THEREIN DESCRIBED REAL PROPERTY TO “PUD” PLANNED UNIT DEVELOPMENT KNOWN AS THE MARCO BEACH RESORT PUD BY AMENDING SECTION 4.1B THEREOF TO AUTHORIZE EMERGENCY GENERATORS, STAND-BY WATER CHILLERS, AND RELATED STRUCTURES AND EQUIPMENT AS ACCESSORY USES TO BE CONSTRUCTED AND LOCATED IN ACCORDANCE WITH THE DEVELOPMENT PLAN ATTACHED HERETO AS EXHIBIT A, FOR THE PROPERTY LOCATED AT 400 SOUTH COLLIER BOULEVARD, IN SECTIONS 17 AND 18, TOWNSHIP 52 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Whereas, Cornerstone Real Estate Advisers, LLC, as applicant and Donald A. Pickworth, P.A. as agent for Massachusetts Mutual Life Insurance Company, petitioned the Marco Island City Council to amend Ordinance 01-14, the Marco Beach Resort PUD; and

Whereas, Ordinance 01-14 was adopted by the City Council on September 5, 2001 and changed the zoning classification of the property described therein to “PUD” Planned Unit Development and approved a PUD for the property to be known as the “Marco Beach Resort PUD” (hereinafter the “PUD”); and

Whereas, the PUD authorizes certain accessory uses for the portion of the PUD that is the site of the Marriott Marco Beach Hotel; and

Whereas, the applicant desires to install emergency generators and stand-by water chillers to enhance the ability of the hotel to resume operations as soon as feasible after a hurricane or other disaster interrupts electrical power to the hotel, and especially to prevent mold damage that would occur to the hotel if power was unavailable for an extended period of time; and

Whereas, the City recognizes the adverse economic effects that would ensue if the hotel were to be shut down for an extended period to repair mold and other damage resulting from an extended electrical outage; and

Whereas, the City and the applicant desire to clarify that emergency generators and stand-by water chillers are authorized accessory uses to the hotel if located and constructed in substantial conformance to the terms of this ordinance; and

Whereas, the City, by the adoption of this ordinance, intends to amend the PUD only to the extent set forth in this ordinance and that the PUD shall otherwise remain in full force and effect;

Now, therefore be it ordained by the City Council of Marco Island, Florida:

Section One:

Ordinance 01-14 is amended by amending Section 4.1B of the Marco Beach Resort PUD to read as follows:

B. Accessory Uses

1. Uses and structures that are accessory and incidental to the uses permitted as of right on the Resort Hotel parcel, which shall include, but not be limited to: emergency generators, stand-by water chillers, and structures and facilities related thereto, but only when located and constructed substantially in accordance with the "Emergency Generator/Stand-By Water Chiller Development Plan" attached hereto as Exhibit A; Sheets 1 through 3; at grade parking and other existing facilities on the east side of Collier Boulevard, limited to the locations depicted on the PUD Master Plan; health spa; tennis facilities; swimming pools; parking facilities on the west side of Collier Boulevard; and other similar recreational facilities. Other than elevated tennis courts located on the northwest quadrant of the parking area on the east side of Collier Boulevard as depicted in the PUD Master Plan, no building or elevated structures, including but not limited to generators and elevated parking structures are permitted on the east side of Collier Boulevard.

Notwithstanding the foregoing, the existing cooling towers may be repaired or replaced, limited to the existing footprint as depicted on the Master Plan. The cooling towers may be relocated but shall not be moved any farther to the east (closer to the single-family development) of the existing location.

Retail shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, meeting rooms and auditoriums, and other amenities where such uses are an integral part of a hotel and are used wholly or partially by the patrons of the hotel.

Section Two:

This ordinance shall become effective upon adoption.

BE IT FURTHER RESOLVED that this Ordinance relating to Petition Number PDA-07-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

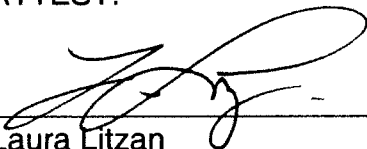
This Ordinance adopted after motion, second, and majority vote.

Done this 19th day of February, 2008.

MARCO ISLAND CITY COUNCIL
CITY OF MARCO ISLAND, FLORIDA

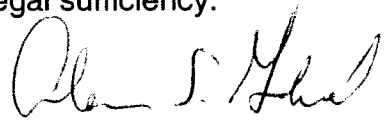
By: 
Michael F. Minozzi, Jr., Chairman

ATTEST:



Laura Litzan
City Clerk

Approved as to form and
Legal sufficiency:



Alan L. Gabriel, Esq.
City Attorney

ARCHITECT

HMS ARCHITECTS, INC., P.L. AA F090119
100 NORTH TAMPA STREET, SUITE 2450
TAMPA, FL 33602
(813) 221-0415

See Enlarged Plan
(page 2 of 3)

PROPERTY LINE
TYPICAL

PROPERTY LINE
TYPICAL

S. COLLIER BOULEVARD

GULF OF MEXICO

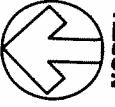
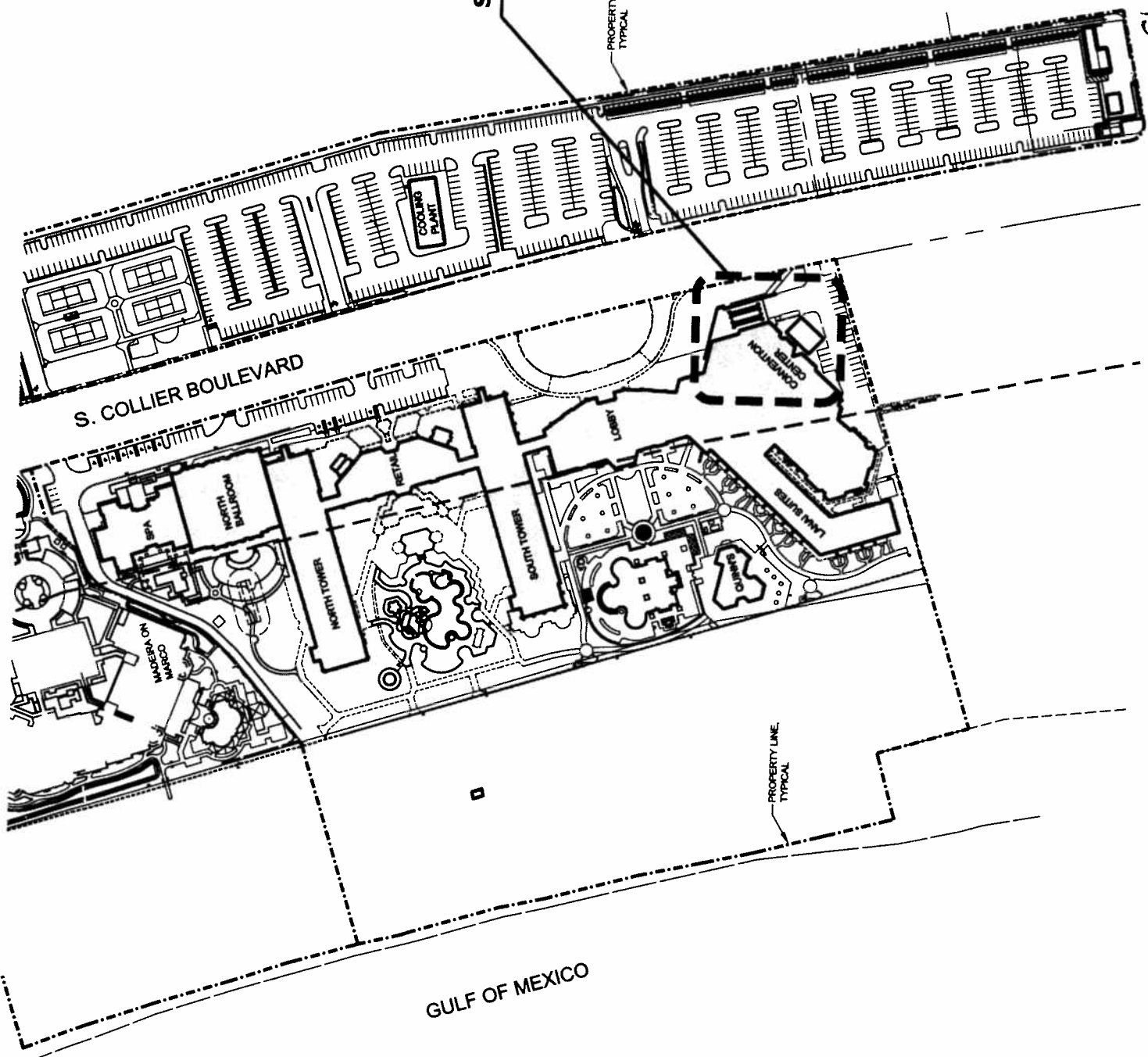


Exhibit A
Sheet 1 of 3

Emergency Generator/Stand-by Water Chiller Development Plan (not to scale) NORTH



MARCO ISLAND
FLORIDA RESORT & SPA



400 South Collier Boulevard
Marco Island, FL

ARCHITECT
HBS ARCHITECTS, INC. P.L.A. #000015
100 NORTH TAMPA STREET, SUITE 200
TAMPA, FL 33602
(813) 221-0415

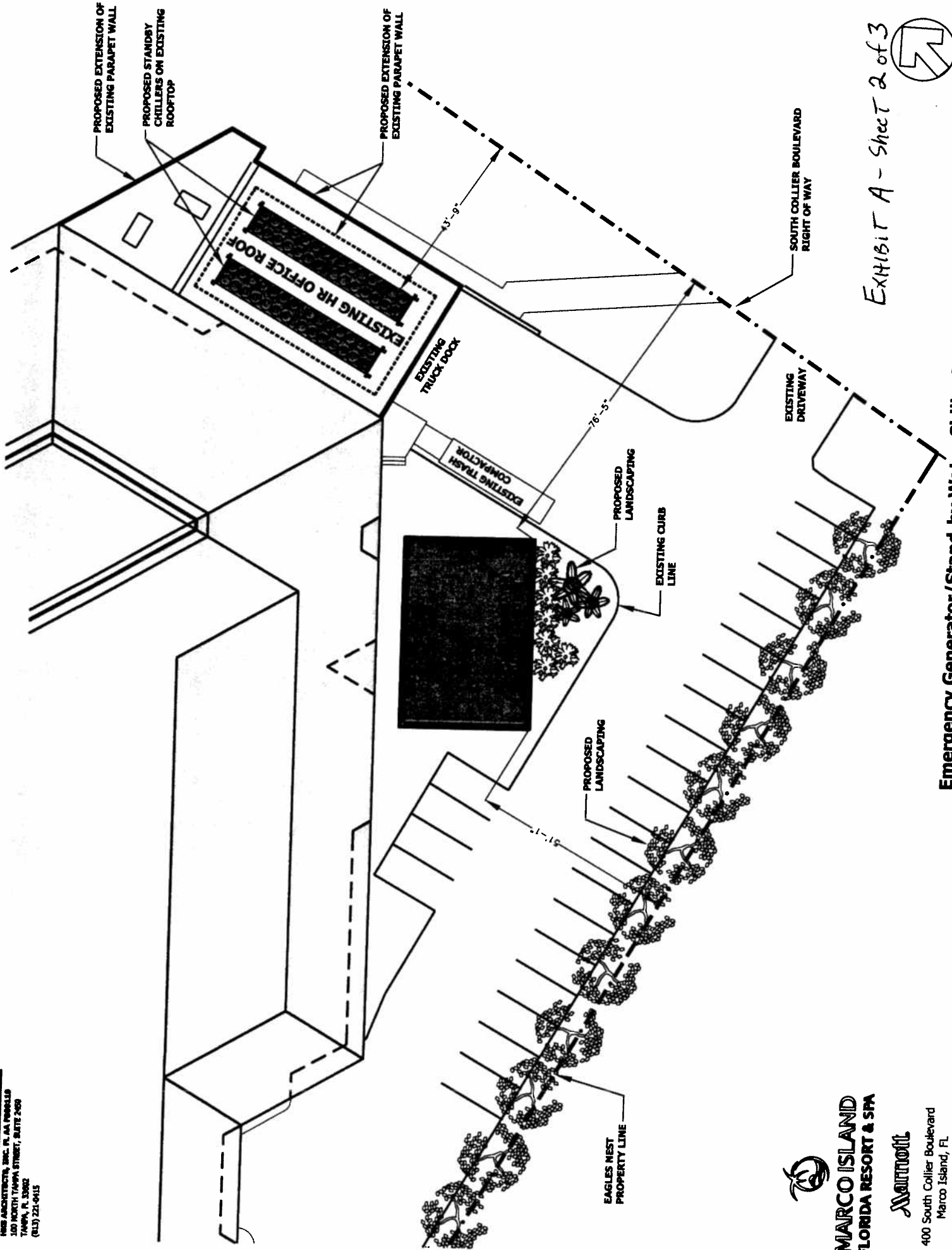


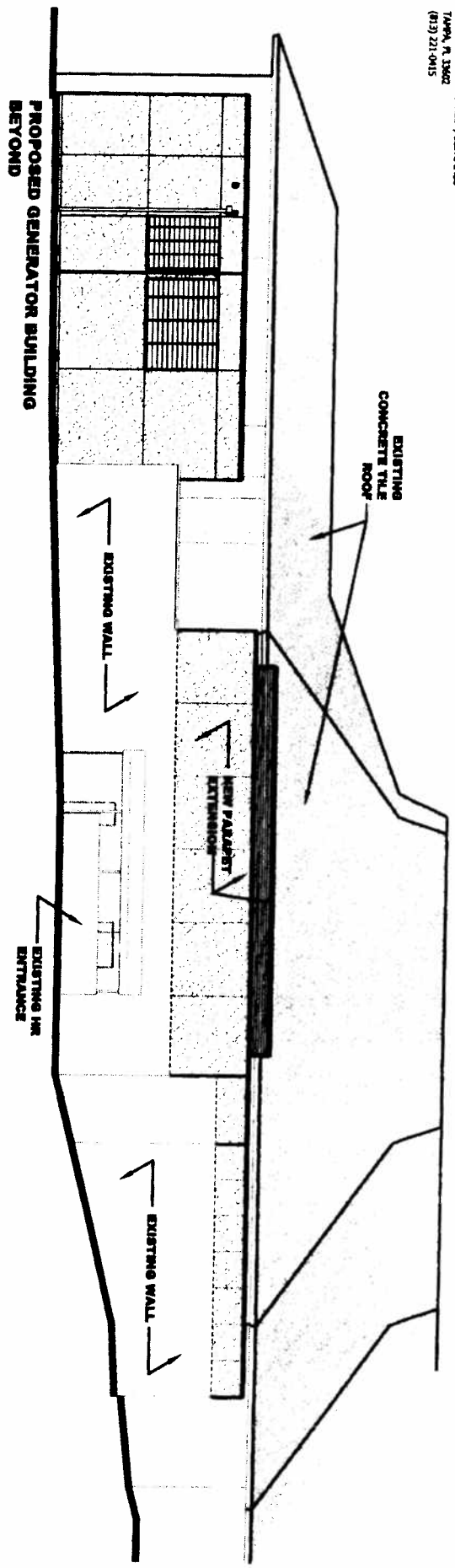
EXHIBIT A - Sheet 2 of 3



Emergency Generator / Stand-by Water Chiller Development Plan (not to scale) NORTH

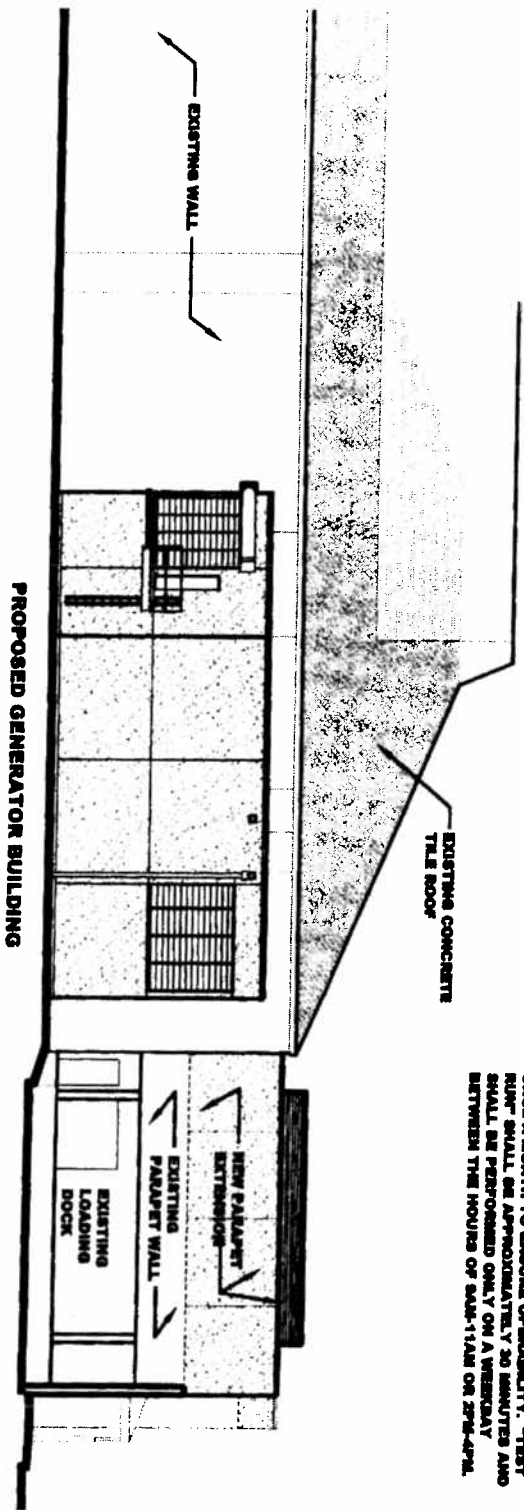

MARCO ISLAND
FLORIDA RESORT & SPA


400 South Collier Boulevard
Marco Island, FL



**EAST ELEVATION
 (FROM SOUTH COLLIER BOULEVARD)**

NOTE:
 GENERATORS & CHILLERS MAY BE "TEST RUN"
 ONCE A MONTH TO ENSURE OPERABILITY. "TEST
 RUN" SHALL BE APPROXIMATELY 30 MINUTES AND
 SHALL BE PERFORMED ONLY ON A WEDNESDAY
 BETWEEN THE HOURS OF 8AM-11AM OR 2PM-4PM.



**SOUTH ELEVATION
 (FROM EAGLE'S NEST PROPERTY)**

**MARCO ISLAND
 FLORIDA RESORT & SPA**



MARriott

400 South Collier Boulevard
 Marco Island, FL

**Exhibit A - sheet 3 of 3
 Emergency Generator/Stand-by Water Chiller Development Plan**

