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RESOLUTION 18-90

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN FOR FLORIDA TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, ON PARCEL 1, MARCO BEACH UNIT 20, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6-A, PAGES 16-A THROUGH 18-A, INCLUSIVE, PUBLIC RECORDS OF COLLIER COUNTY, LESS THAT OF PORTION OF GOODLAND MARINA DEVELOPMENT AREA AS FURTHER DESCRIBED IN OFFICIAL RECORDS BOOK 1125, PAGES 1237, AT 1266, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; LOCATED AT 2561 SAN MARCO ROAD, MARCO ISLAND FLORIDA 34145 (SDP-18-005453); MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN; REQUIRING THE OBTAINING OF ALL FEDERAL AND STATE PERMITS BEFORE COMMENCING DEVELOPMENT; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

23 **WHEREAS**, Article IX, Site Development and Site Development Plan Standards
24 of the Marco Island Land Development Code provides standards and regulations for the
25 review and approval of site improvement plans; and
26

27 **WHEREAS**, the Florida Department of Environmental Protection, on behalf of the
28 Trustees of the Internal Improvement Fund of the State of Florida, submitted a Site
29 Development Plan for the Development of an institutional structure on a lot with an area
30 of approximately 66-acres at 2561 San Marco Road, Marco Island, Florida 34145; and
31

32 **WHEREAS**, pursuant to Section 30-673(1) of the LDC, the Planning Board has
33 reviewed documentation, if any, to evidence ownership and control of the Subject
34 Property and the Development, as well as information regarding easements and related
35 encumbrances, to substantiate the use and permanent maintenance of any required
36 common open space, common facilities, conservation/preservation areas, and other
37 similar common lands in order to ensure the preservation of such lands and facilities; and
38

39 **WHEREAS**, pursuant to Section 30-673(2) of the LDC, the Planning Board has
40 reviewed the Site Development Plan for compliance with all appropriate zoning
41 regulations and the comprehensive plan, ingress and egress to the proposed
42 Development and its proposed improvements, provisions and designs for vehicular and
43 pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic
44 flow and control, traffic calming devices, provision of private and/or public utilities and
45 refuse collection, and access in case of fire, catastrophe or other emergency; and

46 **WHEREAS**, pursuant to Section 30-673(3) of the LDC, the Planning Board has
47 reviewed the location and relationship of parking and loading facilities with a goal to
48 complement and optimize traffic conditions on city streets and internal traffic patterns
49 within the proposed Development for vehicular and pedestrian safety, traffic flow and
50 control, access in case of fire or catastrophe, screening and landscaping; and
51

52 **WHEREAS**, pursuant to Section 30-673(4) of the LDC, the Planning Board has
53 reviewed the adequacy of open spaces considering the size, location, and
54 development of these areas with regard to effect on adjacent and nearby properties as
55 well as uses within the proposed Development, and the relationship to community-wide
56 open spaces and recreation facilities; and
57

58 **WHEREAS**, pursuant to Section 30-673(5) of the LDC, the Planning Board has
59 reviewed the adequacy of proposed landscape screens and buffers considering
60 preservation of the development's internal land uses as well as compatibility with
61 adjacent land uses; and
62

63 **WHEREAS**, pursuant to Section 30-673(6) of the LDC, the Planning Board has
64 reviewed the water management master plan or stormwater provisions and designs on
65 the property, considering adverse impacts on adjacent and nearby properties and the
66 consequences of such water management master plan or stormwater discharges on
67 overall city drainage capacities within and external to private and public drainage
68 easements and alley and road right-of-way; and
69

70 **WHEREAS**, pursuant to Section 30-673(8) of the LDC, the Planning Board has
71 reviewed the architectural design of the building(s) for compliance with applicable LDC
72 requirements; and
73

74 **WHEREAS**, the structure shown on the Site Development Plan is located in
75 zone AE with a base flood elevation (BFE) of 9' NAVD, and any area below BFE+1
76 (10' NAVD), must be constructed of flood resistant material; and
77

78 **WHEREAS**, pursuant to the floodplain review, this structure is considered a
79 mixed-use, which allows dry flood proofing to portions of the structure that is not part
80 of the residential area; and
81

82 **WHEREAS**, since there are bathrooms above, the shower and bathroom will
83 not be considered part of the residential area; and
84

85 **WHEREAS**, in order to approve the structure shown on the Site Development
86 Plan, as is, with the proposed bathroom and shower below the elevation of 10' NAVD,
87 that portion of the structure must be dry flood-proofed, and if dry flood-proofing cannot
88 be met, any area below 10' NAVD can only be used for storage, access and parking
89 and must be wet flood-proofed; and

90 **WHEREAS**, the City of Marco Island staff have reviewed and recommend approval
91 of SDP-18-005453; and

92
93 **WHEREAS**, the City's Planning Board reviewed and recommended approval of
94 the Site Development Plan on November 2, 2018; and

95
96 **WHEREAS**, the City Council does hereby approve the Site Development Plan
97 SDP -18-005453, subject to the conditions of approval set forth in this resolution.

98
99 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
100 **OF MARCO ISLAND, FLORIDA:**

101
102 **SECTION 1. Recitals; Definitions.**

103
104 (a) That the foregoing "WHEREAS" clauses are ratified and confirmed
105 as being true and correct and are made a specific part of this Resolution.

106
107 (b) That as used herein, unless the context hereof, or City Code of
108 Ordinances, requires to the contrary, the following terms will be defined as set forth below:

109
110 (1) "City" means the City of Marco Island, a Florida Municipal
111 Corporation.

112
113 (2) "Development" is defined as set forth in Section 163.3164,
114 Florida Statutes.

115
116 (3) "Development Permit" is defined as set forth in Section
117 163.3164, Florida Statutes.

118
119 (4) "Land Development Code" or "LDC" means the Land
120 Development Code which consists of Chapter 30, Code of Ordinances of the City of
121 Marco Island.

122
123 (5) "Owner/Developer" means Trustees of the Internal
124 Improvement Fund of the State of Florida, their successors and assigns, as owners or
125 developers of the Subject Property.

126
127 (6) "Subject Property" means the following described parcel of
128 land, lying, situate and being in the State of Florida, County of Collier, City of Marco
129 Island, to-wit:

130
131 All of Parcel 1, Marco Beach Unit 20, according to the plat
132 thereof, as recorded in Plat Book 6-A, Pages 16-A through
133 18-A, inclusive, Public Records of Collier County, Florida,
134 less that portion of the Goodland Marina Development Area

135 further described in Official Records Book 1125, Page 1237,
136 at 1266, Public Records of Collier County, Florida.

137
138 (7) "Site Development Plan" means the 33-page document,
139 including:

140
141 (A) the one-page document entitled "Site Plan – Rookery
142 Bay- Goodland Field Station" prepared by TKW Consulting Engineers of Ft. Myers, FL,
143 State Project No. 316001.00 dated August 31, 2018 with no revisions being made to
144 Sheet C100;

145 (B) the one-page Topographic Survey prepared by E.F.
146 Gaines Surveying Service, Inc. of Ft. Myers, FL, dated August 1, 2018 under Project No.
147 0755 with no date of revision for Sheet No. 1; and

148
149 (C) the 8-page civil drawings entitled Rookery Bay National
150 Estuarine Research Reserve prepared by TKW Consulting Engineers of Ft. Myers, FL,
151 Project No. TKW 16702.00, Cover Sheet dated August 31, 2018 without revisions; dated
152 June 13, 2018 without dated of revision as to Sheets C100 (Site Plan), G101 (General
153 Notes & Legend); C101 (Force Main & Lift Station Plan & Profile); C102 (Life Safety Plan);
154 C501 (Lift Station Notes & Detail); C502 (Utilities Detail); C503 and C 504 (Utilities Detail);
155 and

156 (D) the 23-page architectural drawings entitled Rookery
157 Bay National Estuarine Research Reserve prepared by Lyman Davidson Dooley, Inc. of
158 Tampa, FL, Project No. CN1065, Cover Sheet dated August 11, 2018 without revisions
159 Sheets G102 (Life Safety Plan), A001 (Site Plan), A100 (Ground Floor Plan), A101
160 (Dimensional floor Plan); A102 (Floor Plan); A103 (Finish Plan); A404 (Reflected Ceiling
161 Plan); A105 (Roof Plan); A201, A202 (Exterior Elevations), A301, A302 (Building
162 Sections), A303 (Walls Sections); A501 Exterior Details); A502 (Interior Details); A601
163 (Enlarged Stair Plans & Sections), A603 (Stair Details); A604, A605, and A606 (Interior
164 Enlarged Plans & Elevations), A701 (Door/Windows Schedule & Details); and
165 A801(Perspective).

166
167 The foregoing approved document is on file in the City's Department of Growth
168 Management.

169
170 **SECTION 2. Adoption.** The Owner/Developer's Site Development Plan for the
171 Subject Property is hereby approved.

172
173 **SECTION 3. Conditions of Approval.** The Site Development Plan is approved
174 subject to the following condition of approval:

175
176 (a) This Development Permit approval for the Site Development Plan
177 Permit on the Subject Property is contingent upon approval of Variance Petition VP-18-
178 004268 to decrease required side and rear-yard setbacks. Approval of the Variance
179 Petition VP-18-004268 must be obtained prior to the commencement of Development on

180 the Subject Property. Should the Variance Petition VP-18-004268 not be approved, this
181 Development Permit for Site Development Plan approval is void.


182
183 (b) In order to approve the structure as is, with the proposed bathroom
184 and shower below the elevation of 10' NAVD, that portion of the structure must be dry
185 flood-proofed. If dry flood-proofing cannot be met, any area below 10' NAVD can only be
186 storage, access and parking and must be wet flood-proofed.

187
188 **SECTION 4. Failure to Obtain Other Permits.** That issuance of this approval by
189 the City does not in any way create any right on the part of the Owner/Developer to obtain
190 a permit from a state or federal agency and does not create any liability on the part of the
191 City for issuance of the approval if the Owner/Developer fails to obtain the requisite
192 approvals or fulfill the obligations imposed by a state or federal agency or undertakes
193 actions that result in the violation of state or federal law. All applicable state and federal
194 permits must be obtained before commencement of the Development. This condition is
195 included pursuant to Section 166.033, Florida Statutes, as amended.

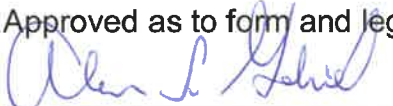
196
197 **SECTION 5. Failure to Adhere to Resolution.** That failure to adhere to the
198 approval terms and conditions contained in this Resolution shall be considered a violation
199 of this Resolution and the City Code, and persons found violating this Resolution shall be
200 subject to the penalties prescribed by the City Code, including but not limited to the
201 revocation of any of the approval(s) granted in this Resolution and any other approvals
202 conditioned on this approval. The Owner/Developer understands and acknowledges that
203 it must comply with all other applicable requirements of the City Code before it may
204 commence construction or operation, and that the foregoing approval in this Resolution
205 may be revoked by the City at any time upon a determination that the Owner/Developer
206 is in non-compliance with the City Code.

207
208 **SECTION 6. Effective Date.** That this Resolution shall take effect immediately
209 upon adoption.

210
211 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 10th day
212 of December 2018.

213
214 **ATTEST:**
215 
216 _____
217 Laura M. Litzan, City Clerk

218
219 **CITY OF MARCO ISLAND, FLORIDA**
220 By: 
221 _____
222 Erik Brechnitz, Chairman

223
224 Approved as to form and legal sufficiency:
225 
226 _____
227 Alan L. Gabriel, City Attorney

