

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**RESOLUTION 18-92**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN FOR PUBLIX SUPER MARKETS, INC., ON PORTIONS OF TRACT "A", MARCO BEACH UNIT FIVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 39-46, PUBLIC RECORDS OF COLLIER COUNTY, LOCATED AT 175 S. BARFIELD DRIVE, MARCO ISLAND FLORIDA 34145 (SDP-17-003269); 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**, Publix Super Market, Inc, a Florida Corporation, submitted a Site Development Plan for the development of a new store on a lot with an area of approximately 11.67 acres at 175 South Barfield Drive, Marco Island, Florida 34145; and

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

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

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

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

51  
52           **WHEREAS**, pursuant to Section 30-673(5) of the LDC, the Planning Board has  
53 reviewed the adequacy of proposed landscape screens and buffers considering  
54 preservation of the development's internal land uses as well as compatibility with  
55 adjacent land uses; and

56  
57           **WHEREAS**, pursuant to Section 30-673(6) of the LDC, the Planning Board has  
58 reviewed the water management master plan or stormwater provisions and designs on  
59 the property, considering adverse impacts on adjacent and nearby properties and the  
60 consequences of such water management master plan or stormwater discharges on  
61 overall city drainage capacities within and external to private and public drainage  
62 easements and alley and road right-of-way; and

63  
64           **WHEREAS**, pursuant to Section 30-673(8) of the LDC, the Planning Board has  
65 reviewed the architectural design of the building(s) for compliance with applicable LDC  
66 requirements; and

67  
68           **WHEREAS**, the City of Marco Island staff have reviewed and recommend approval  
69 of SDP-17-003269; and

70  
71           **WHEREAS**, the City's Planning Board reviewed and recommended approval of  
72 the Site Development Plan on November 2, 2018; and

73  
74           **WHEREAS**, the City Council does hereby approve the Site Development Plan  
75 SDP -17-003269.

76  
77           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**  
78 **OF MARCO ISLAND, FLORIDA:**

79  
80           **SECTION 1.     Recitals; Definitions.**

81  
82           (a)     That the foregoing "WHEREAS" clauses are ratified and confirmed  
83 as being true and correct and are made a specific part of this Resolution.

84  
85           (b)     That as used herein, unless the context hereof, or City Code of  
86 Ordinances, requires to the contrary, the following terms will be defined as set forth below:

87  
88                     (1)     "City" means the City of Marco Island, a Florida Municipal  
89 Corporation.

90  
91 (2) "Development" is defined as set forth in Section 163.3164,  
92 Florida Statutes.

93  
94 (3) "Development Permit" is defined as set forth in Section  
95 163.3164, Florida Statutes.

96  
97 (4) "Land Development Code" or "LDC" means the Land  
98 Development Code which consists of Chapter 30, Code of Ordinances of the City of  
99 Marco Island.

100  
101 (5) "Owner/Developer" means Publix Super Markets, Inc., a  
102 Florida Corporation, and its successors and assigns.

103  
104 (6) "Subject Property" means the following described parcel of  
105 land, lying, situate and being in the State of Florida, County of Collier, City of Marco  
106 Island, to-wit:

107  
108 Being a part of Tract A, Marco Beach Unit 5, Section 16,  
109 Township 52 South, Range 26 East, as recorded in Plat Book  
110 6, Pages 39-46, Public Records of Collier County, Florida, and  
111 being more particularly described as follows:

112  
113 Commencing at the Southwest corner of Tract A, Marco  
114 Beach Unit 5, on the East side of South Barfield Drive and the  
115 Northwest corner of Lot 22, Block 146; thence along the South  
116 Boundary of Tract A South 73°53'00" East 106.42 feet; thence  
117 North 16°07'00" East 23.00 feet to the Southwest corner of  
118 the parcel herein being described and the Point of Beginning;  
119 thence North 02°48'10" East 186.60 feet; thence North  
120 87°11'50" West 10.00 feet; thence North 02°48'10" East  
121 44.00 feet; thence South 87°11'50" East 229.67 feet; thence  
122 South 02°48'10" West 93.50 feet; thence South 87°11'50"  
123 East 15.00 feet; thence South 02°48'10" West 192.63 feet;  
124 thence North 73°53'00" West 241.15 feet to the Point of  
125 Beginning of the parcel herein described; containing 59,667  
126 +/- square feet of land; and

127  
128 Being a part of Tract A, Marco Beach Unit 5, Section 16,  
129 Township 52 South, Range 26 East, as recorded in Plat Book  
130 6, Pages 39-46, Public Records of Collier County, Florida, and  
131 being more particularly described as follows:

132  
133 Commencing at the Southwest corner of Tract A, Marco  
134 Beach Unit 5, on the East side of South Barfield Drive and the

135 Northwest corner of Lot 22, Block 146; thence along the South  
136 Boundary of Tract A South 73°53'00" East 106.42 feet; thence  
137 North 16°07'00" East 23.00 feet; thence North 02°48'10" East  
138 186.60 feet; thence North 87°11'50" West 10.00 feet; thence  
139 North 02°48'10" East 44.00 feet; thence South 87°11'50" East  
140 259.67 feet; thence North 02°48'10" East 505.50 feet; thence  
141 North 34°18'10" East 100.67 feet; thence North 65°48'10"  
142 East 60.00 feet; thence South 24°11'50" East 5.00 feet to the  
143 Point of Beginning of the parcel herein described; thence  
144 North 65°48'10" East 260.00 feet; thence South 24°11'50"  
145 East 65.00 feet; thence South 65°48'10" West 260.00 feet;  
146 thence North 24°11'50" West 65.00 feet to the Point of  
147 Beginning of the parcel herein described; containing 16,900  
148 +/- square feet of land; and

149  
150 All of Tract "A", Marco Beach Unit 5, Section 16, Township 52  
151 South, Range 26 East, as recorded in Plat Book 6, Pages 39-  
152 46, Public Records of Collier County, Florida, Less and Except  
153 the following described parcels:

154  
155 All of the plat of Parcel No. 3 according to the plat thereof, as  
156 recorded in Plat Book 26, Page 53, Public Records of Collier  
157 County, Florida, and the lift station parcel described in Official  
158 Records book 2655, Page 2899 at 2905, Public Records of  
159 Collier County, Florida.

160  
161 (Said Legal Description has neither been reviewed nor  
162 examined by the City, Weiss Serota Helfman Cole & Bierman,  
163 P.L., Alan Gabriel, Esq., or Paul R. Gougelman, Esq.;  
164 extracted from deed recorded on September 13, 1984 in  
165 Official Records Book 1100, Page 1514, and Official Records  
166 Book 2655, Page 2899, Public Records of Collier County,  
167 Florida.)

168  
169 (7) "Site Development Plan" means the 36-page document,  
170 including:

171  
172 (A) The 23-page document entitled Site Construction Plan  
173 for Marco Island Publix (Store #0275) prepared by Campo Engineering, Inc., of Tampa,  
174 FL, under Project No. 16-042 dated May 20, 2017 with last date of revision being October  
175 10, 2018 as to the Cover Sheet, Sheets 3.3 (Existing Conditions, Demo & Erosion Control  
176 Plan), 4.1 (Overall Site Plan), 5.1 (Paving, Grading & Drainage Plan), 5.3, 5.4 (Paving,  
177 Grading & Drainage Plan), 5.7 (Cross Sections & Details); with no date of revision as to  
178 Sheets 2.1 (General Notes), 3.4 (Existing Conditions, Demo & Erosion Control Details),  
179 4.5 Pedestrian-ADA Access Route Plan) ,5.6 (Paving, Grading & Drainage Details), 6.4

180 (Utility Details), and 6.5 (Lift Station Details); with last date of revision as to Sheet 3.1  
181 (Existing Conditions, Demo & Erosion Control Plan), being October 9, 2018; with last date  
182 of revision as to Sheets 3.2 (Existing Conditions, Demo & Erosion Control Plan), 5.5  
183 (Paving, Grading & Drainage Details), 6.1 (Utility Plan), being August 3, 2018; Sheets  
184 4.2, 4.3, and 4.4 (Site Plan), 5.2 (Paving, Grading & Drainage Plan) with last date of  
185 revision being October 8, 2018; Sheets 6.2 and 6.3 (Utility Plan), with last date of revision  
186 being July 16, 2018; and

187 (B) The 13-page landscape plan entitled "Marco Island  
188 Publix" prepared by Campo Engineering, Inc., of Tampa, FL, under Project No. 16-042  
189 dated May 20, 2017, with last date of revision as to Sheets L-01 (Landscape Notes), L-  
190 02, L-03, L-04, and L-05 (Landscape Plan), L-06 (Detail Landscape Plans), Sheets IR-2,  
191 IR-3, and IR-4 (Irrigation Plan), being October 10, 2018; Sheet L-07 (Detail Landscape  
192 Plan) being July 14, 2018; Sheet L-08 (Planting Specifications) being February 23, 2018;  
193 Sheet IR-1 (Overall Irrigation Plan), Sheet IR-5 (Irrigation Notes & Details) without a date  
194 of revision; and

195 (C) The two-page architectural elevations prepared by  
196 Fisher and Associates, LLC, of Clearwater, FL, prepared without a project number and  
197 dated June 23, 2017 for the sheet showing the Publix front, back, left side and right side  
198 elevation; and the Retail Elevations.

199  
200 The foregoing approved documents are on filed in the City's Department of Growth  
201 Management.

202  
203 **SECTION 2. Adoption.** The Owner/Developer's Site Development Plan (SDP-17-  
204 003269) for the Subject Property is hereby approved. Approval of the Site Development  
205 Plan does not constitute approval of any signage.

206  
207 **SECTION 3. Failure to Obtain Other Permits.** That issuance of this approval by  
208 the City does not in any way create any right on the part of the Owner/Developer to obtain  
209 a permit from a state or federal agency and does not create any liability on the part of the  
210 City for issuance of the approval if the Owner/Developer fails to obtain the requisite  
211 approvals or fulfill the obligations imposed by a state or federal agency or undertakes  
212 actions that result in the violation of state or federal law. All applicable state and federal  
213 permits must be obtained before commencement of the Development. This condition is  
214 included pursuant to Section 166.033, Florida Statutes, as amended.

215  
216 **SECTION 4. Failure to Adhere to Resolution.** That failure to adhere to the  
217 approval terms and conditions contained in this Resolution shall be considered a violation  
218 of this Resolution and the City Code, and persons found violating this Resolution shall be  
219 subject to the penalties prescribed by the City Code, including but not limited to the  
220 revocation of any of the approval(s) granted in this Resolution and any other approvals  
221 conditioned on this approval. The Owner/Developer understands and acknowledges that  
222 it must comply with all other applicable requirements of the City Code before it may  
223 commence construction or operation, and that the foregoing approval in this Resolution

224 may be revoked by the City at any time upon a determination that the Owner/Developer  
225 is in non-compliance with the City Code.

226  
227 **SECTION 5. Effective Date.** That this Resolution shall take effect immediately  
228 upon adoption.

229  
230 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 10<sup>th</sup> day  
231 of December 2018.

232  
233

234 **ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

235  
236  
237

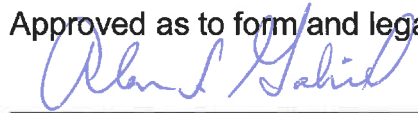
  
\_\_\_\_\_  
238 Laura M. Litzan, City Clerk

By:   
\_\_\_\_\_  
Erik Brechnitz, Chairman

239  
240

241 Approved as to form and legal sufficiency:

242  
243

  
\_\_\_\_\_  
244 Alan L. Gabriel, City Attorney

245