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RESOLUTION 20-23

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SITE DEVELOPMENT PLAN FOR COLLIER COUNTY, FLORIDA, LOCATED AT 909 COLLIER COURT, MARCO ISLAND (A PORTION OF TRACT "B", MARCO BEACH UNIT TEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGES 74-79, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA); MAKING FINDINGS; PROVIDING DEFINITIONS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

18 **WHEREAS**, Article IX, Site Development and Site Development Plan Standards
19 of the Marco Island Land Development Code provides standards and regulations for the
20 review and approval of site improvement plans; and
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22 **WHEREAS**, the Owner/Developer submitted a Site Development Plan for the
23 Development of the Caxambas Park Community Center at 909 Collier Court, Marco
24 Island, Florida; and
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26 **WHEREAS**, the City of Marco Island staff has reviewed and recommends approval
27 of SDP-20-000086; and
28

29 **WHEREAS**, pursuant to Section 30-673(2) of the LDC, the Planning Board has
30 reviewed the Site Development Plan for compliance with all appropriate zoning
31 regulations and the comprehensive plan, ingress and egress to the proposed
32 Development and its proposed improvements, provisions and designs for vehicular and
33 pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic
34 flow and control, traffic calming devices, provision of private and/or public utilities and
35 refuse collection, and access in case of fire, catastrophe or other emergency, and finds
36 that the Site Development Plan conforms to LDC requirements, except with regard to
37 the un-stabilized rock portion of the parking area; and
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39 **WHEREAS**, pursuant to Section 30-673(8) of the LDC, the Planning Board has
40 reviewed the architectural design of the building(s) for compliance with applicable LDC
41 requirements and finds the Site Development Plan in conformity with the LDC; and
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43

44 **WHEREAS**, the Planning Board has reviewed the Site Development Plan for
45 conformity with the City’s Comprehensive Plan and finds it in conformance with the
46 Comprehensive Plan
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48 **WHEREAS**, the City’s Planning Board reviewed and recommended approval of
49 the Site Development Plan as being in compliance with applicable LDC regulations on
50 June 5, 2020; and
51

52 **WHEREAS**, the City Council does hereby approve the Site Development Plan
53 SDP-20-000086, subject to the conditions of approval set forth in this resolution.
54

55 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
56 **OF MARCO ISLAND, FLORIDA:**
57

58 **SECTION 1. Recitals; Definitions.**
59

60 (a) That the foregoing “WHEREAS” clauses are ratified and confirmed
61 as being true and correct and are made a specific part of this Resolution.
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63 (b) That as used herein, unless the context hereof, or City Code of
64 Ordinances, requires to the contrary, the following terms will be defined as set forth below:
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66 (1) “Site Development Plan” means: the 9-page document,
67 including:

68 (a) The 6-page document entitled United States Coast
69 Guard Auxiliary Building Replacement prepared by Q. Grady Minor and Associates, P.A.
70 of Bonita Springs, FL, Project or Job Code WCCG, dated January, 2020 with last date of
71 revision being March, 2020 for Cover Sheet, Sheet 4 (Grading, Paving, Drainage and
72 Utilities Plan), and Sheet 5 (Typical Cross Sections and Details), and with no date of
73 revision Sheet 6 (Erosion Control Plan and Details), and revised Sheet 2 (Aerial, Existing
74 Conditions, and Demolition Plan), Sheet 3 (Overall Site Plan) dated June 2020; and
75

76 (b) The 3-page landscaping document entitled Caxambas
77 Park Community Center prepared by Wood Company of Miami Lakes, FL, Project or Job
78 No. 6788-18-3064, dated March 19, 2019 with last date of revision being April 17, 2020,
79 as to Sheet L-102 (Landscape Plan), Sheet L-102 (Landscape Plan), and Sheet L100
(Tree Disposition Plan).
80

81 (2) “Subject Property” means the following described parcel of
82 land, lying, situate and being in the State of Florida, County of Collier, City of Marco
83 Island, to-wit:
84

85 Part of Tract “B” of Marco Beach Unit Ten, according to the
86 plat thereof, as recorded in Plat Book 6, Page 74, Public
87 Records of Collier County, Florida, as more particularly
88 described as follows:

89 Begin at the Southwest corner of said Tract "B" for the POINT
90 OF BEGINNING of the parcel of land hereinafter described;
91 said point being on the Easterly right-of-way line of Collier
92 Court, as shown on said plat of Marco Beach Unit Ten; run
93 thence N. 17°38'34" E. along said Easterly right-of-way line
94 for a distance of 326.58 feet; thence leaving said Easterly
95 right-of-way line, S. 72°21'26" E. for a distance of 704.21 feet
96 to a point on the Easterly boundary of said Tract "B"; then S.
97 12°25'00" W. along said Easterly boundary for a distance of
98 102.58 feet to the Southeast corner thereof; thence run the
99 following courses along the Southerly boundary of said Tract
100 "B", West for 269.00 feet; thence S. 65°22'17" for a distance of
101 212.44 feet; thence N. 72°21'25" W. for a distance of 300.00
102 feet to the POINT OF BEGINNING, all as set forth in the
103 warranty deed recorded on November 1, 1983, in Official
104 Records Book 1049, Page 941, Public Records of Collier
105 County, Florida.

106
107 (Said Legal Description has neither been reviewed nor examined by the
108 City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., or
109 Paul R. Gougelman, Esq.)
110

111 **SECTION 2. Adoption.** The Owner/Developer's Site Development Plan for the
112 Subject Property is hereby approved. The Site Development Plan is approved subject to
113 the following conditions of approval set forth in Section 3. of this Resolution.
114

115 **SECTION 3. Failure to Obtain Other Permits.** That issuance of this approval by
116 the City does not in any way create any right on the part of the Owner/Developer to obtain
117 a permit from a state or federal agency and does not create any liability on the part of the
118 City for issuance of the approval if the Owner/Developer fails to obtain the requisite
119 approvals or fulfill the obligations imposed by a state or federal agency or undertakes
120 actions that result in the violation of state or federal law. All applicable state and federal
121 permits must be obtained before commencement of the Development on the Subject
122 Property. This condition is included pursuant to Section 166.033, Florida Statutes, as
123 amended.
124

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

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

135
136 **SECTION 5. Effective Date.** That this Resolution shall take effect immediately
137 upon adoption.

138
139 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 20th day
140 of July 2020.

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142

143 **ATTEST:**

CITY OF MARCO ISLAND, FLORIDA

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146 

Laura M. Litzan, City Clerk

By 

Erik Brechnitz, Chairman


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149 Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney