

RESOLUTION 20-42

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR ELECTRIC LIGHT PROPERTIES, LLC, ON LOTS 31 AND 32, BLOCK 782, REPLAT OF A PORTION OF MARCO BEACH UNIT 11, PLAT BOOK 12, PAGES 24-26, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LOCATED AT 844 BALD EAGLE DRIVE, MARCO ISLAND FLORIDA 34145 (SDP-20-000158); MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN; REQUIRING AND OBTAINING OF ALL FEDERAL AND STATE PERMITS BEFORE COMMENCING DEVELOPMENT; 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 (Chapter 30, City Code of Ordinances of the City of Marco Island, FL) provides standards and regulations for the review and approval of site improvement plans; and

WHEREAS, the American Engineering Consultants of Marco Island, Inc., on behalf of Electric Light Properties, LLC, a Florida Limited Liability Company, lessee of the Subject Property submitted a Site Development Plan Amendment for the Development of a commercial structure on 844 Bald Eagle Drive, Marco Island, Florida 34145; and

WHEREAS, pursuant to Section 30-673(2) of the LDC, the Planning Board has reviewed the Site Development Plan Amendment 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

WHEREAS, pursuant to Section 30-673(4) of the LDC, the Planning Board has reviewed the adequacy of open spaces considering the size, location, and development of these areas with regard to effect on adjacent and nearby properties as

well as uses within the proposed Development, and the relationship to community-wide open spaces and recreation facilities; and

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

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

WHEREAS, the Site Development Plan Amendment meets all legal requirements set forth in Article IX, Site Development and Site Development Plan Standards of the Marco Island Land Development Code (Chapter 30, City Code of Ordinances of the City of Marco Island, FL); and

WHEREAS, the City of Marco Island staff have reviewed and recommended approval of SDPA-20-000158; and

WHEREAS, the City's Planning Board reviewed and recommended approval of the Site Development Plan Amendment on October 2, 2020; and

WHEREAS, the City Council does hereby approve the Site Development Plan Amendment SDPA-20-000158, 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) "Owner/Developer" means 844 Bald Eagle Drive, LLC, a Florida Limited Liability Company, Electric Light Properties, LLC, a Florida Limited Liability Company, and their respective successors and assigns.

(2) "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:

Lots 31 and 32, Block 782, a Replat of a Portion of Marco Beach Unit 11, according to the plat thereof, as recorded in Plat Book 12, Pages 24-26, Public Records of Collier County, Florida; Collier County Property Appraiser's Tax Parcel 57991560000.

(3) "Site Development Plan Amendment" means the following documents:

(A) The five page document entitled Site Development Plan for 844 Bald Eagle Drive, prepared by American Engineering Consultants of Marco Island, Inc., Marco Island, FL, under Job No. 1D978-001-01, dated May 2020, for Sheets 1 (Cover Page) and C-2 (Demolition Plan), all with no date of revision; Sheets C-1 (Index, Notes, and Legend), C-3 (Site Plan), and C-4 (Details), all with last date of revised August 7, 2020; and

(B) The one-page landscape plan and one-page irrigation plan entitled Arturo's Restaurant Landscape Plan Parking Lot Addition and Irrigation Plan Parking Lot Addition prepared by Paul Klens Landscape Architecture of Naples, FL, without a project no., dated August 8, 2001, and revised September 12, 2001; and

(C) The three page architectural plan entitled 844 Building, prepared by DPA David Poorman Architect, LLC, of Naples, FL, with no project no., dated June 12, 2020, with no date of revision, for Sheet A200 (First Floor Plan), A021 (2nd Floor Plan), and A300 (Front Elevation).

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

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

SECTION 3. Conditions of Approval. The Site Development Plan Amendment is approved subject to the following condition of approval: The approved landscape and irrigation plan from 2001 is followed and any plant material missing from the site must be added pursuant to the Site Development Plan Amendment.

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. 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, FLORIDA, this 19th day of October 2020.

ATTEST:




Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney