

RESOLUTION 21-07

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION FOR A MARINA USE ON YACHT CLUB OF MARCO ISLAND REPLAT TRACT B AND ALL PROPERTY SUBMERGED OR OTHERWISE DESCRIBED IN OFFICIAL RECORD BOOK 2882, PAGE 2082, PUBLIC RECORDS OF COLLIER COUNTY FLORIDA, LOCATED AT 1400 NORTH COLLIER BOULEVARD, MARCO ISLAND, FLORIDA 34145 (CUP-20-000274); MAKING FINDINGS; APPROVING THE SITE CONDITIONAL USE PERMIT; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article II, Conditional Uses in the Marco Island Land Development Code provides standards and regulations for the review and approval of conditional use applications; and

WHEREAS, Marco Island Yacht Club, Inc., submitted a Conditional Use Application for the addition of marina use at 1400 North Collier Blvd, Marco Island, Florida 34145; and

WHEREAS, the City's Planning Board reviewed and recommended approval of the Conditional Use Application on December 4, 2020 and;

WHEREAS, the City Council has reviewed the Conditional Use Application, and found the Conditional Use Application to be in compliance with the applicable provisions of the Section 30-64(c)(2) of the City's Code of Ordinances; and

WHEREAS, the City Council does hereby approve the Conditional Use Application CUP-20-000274, 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) "City" means the City of Marco Island, a Florida Municipal Corporation.

- (2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.
- (3) "Development Permit" is defined as set forth in Section 163.3164, Florida Statutes.
- (4) "Owner/Developer" means the Marco Island Yacht Club, Inc., and its successors and assigns, as owners or developers of the Subject Property.
- (5) "Conditional Use Application" means: the documents submitted by the Owner/Developer: including:
 - (a) The twelve (12) page Conditional Use Petition dated October 16, 2020; and
 - (b) The one page document entitled Location Page prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (c) The one page document entitled Existing Master Site Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (d) The one page document entitled MIYC Marina Site Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (e) The one page document entitled MIYC Marina Dredge Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (f) The one page document entitled MIMI Site Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020.
- (6) "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:

YACHT CLUB OF MARCO ISLAND REPLAT TRACT B AND ALL
PROPERTY SUBMERGED OR OTHER- WISE DESC IN OR 2882
PG 2082

(Said legal description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., Paul Gogleman, Esq. or David N. Tolces, Esq., but is extracted from the most recent deed of conveyance in Official Records Book 2882, Page 2082, Public Records of Collier County, Florida.)

SECTION 2. Adoption. The Owner/Developer's Conditional Use Application dated October 16, 2020 for the Subject Property is hereby approved. The Conditional Use permit is approved subject to the following condition of approval:

1. The proposed Conditional Use would not negatively affect the public interest or contravene the Comprehensive Plan or Future Land Use map.
2. The proposed Conditional Use would not negatively impact the traffic flows into, and off the site considering that the expansion of slips does not necessarily mean an increase in vehicle traffic.
3. The proposed Conditional Use is an expansion of an already existing use and will not change the character of the neighborhood or community as a whole.

SECTION 3. 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 4. 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 5. Effective Date. That this Resolution shall take effect immediately upon adoption.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 4th day of January 2021.

ATTEST:



Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

