

RESOLUTION 21-08

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR MARCO ISLAND YACHT CLUB CONSISTING OF 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); 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, Marco Island Yacht Club was issued a certificate of occupancy in October of 1995, by Collier County, Florida; and

WHEREAS, a swimming pool, dockmaster's offices and transitory boater's lounge were added

WHEREAS, the Owner/Developer submitted a Site Development Plan Amendment for the amendment to a commercial structure on 1400 North Collier Blvd, Marco Island, Florida; and

WHEREAS, this Site Development Plan Amendment is an amendment to the site development plan approved in 2003 by Marco Island; and

WHEREAS, the Site Development Plan SDPA-20-000230 is consistent with the Comprehensive Plan; and

WHEREAS, the City of Marco Island staff have reviewed and recommend approval of SDPA-20-000230; and

WHEREAS, on December 4, 2020, the City's Planning Board reviewed the Site Development Plan on 1400 North Collier Blvd, Marco Island Florida 34145 and did not recommend approval of the Site Development Plan; and

WHEREAS, the City Council does hereby approve the Site Development Plan SDPA-20-000230.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals;

(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) “Site Development Plan Amendment” means the following documents submitted by the Owner/Developer: including:
 - (a) The SDP Site Development Plan Application consisting of five (5) pages, dated September 21, 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; and
 - (g) The Parking Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated October 28, 2020; and

- (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 Gougleman, 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 Site Development Plan Amendment (SDPA-20-000230) for the Subject Property is hereby approved with the following condition(s):

1. Approval of the Site Development Plan Amendment does not constitute approval of any signage.
2. Add one ADA-compliant parking space.
3. Approval of the Site Development Plan amendment be conditioned on approval of the Conditional Use Permit (CUP-20-000274) and the Boat Dock Extension (BD-20-000273)
4. Petitioner must obtain all relevant State, County and Federal permits prior to commencement of construction, including—but not limited to—dredging and manatee protection.
5. This project will not reduce the perviousness of the site or the number of parking spaces available prior to construction and any landscaping material that may be removed will be replaced in conformity with the City's Land Development Code regulations in the same number, size and manner as they existed prior to construction.
6. All conditions of the 2003 Site Development Plan, except as otherwise amended herein shall remain in full force and effect.

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.

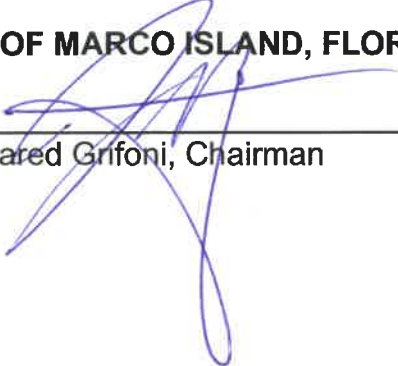
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 4th day of January 2021.

ATTEST:



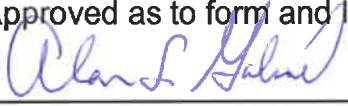
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney