

RESOLUTION 21-10

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A CONDITIONAL USE TO ALLOW AN ADDITION 3.5 FEET OF BUILDING HEIGHT FOR THE NEW FIRE STATION AT 1280 SAN MARCO ROAD, MARCO ISLAND, FL; MAKING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 30-64 of the Land Development Code, the City of Marco Island, Department of Community Services staff has reviewed and recommended approval of a conditional use for Marco Island Fire Station pursuant to Section 30-184.(9) of the LDC, for an additional 3.5 feet; and

WHEREAS, the Owner/Developer submitted a Conditional Use Petition (CUP 20-000245) for the Development of the Subject Property; and

WHEREAS, the City of Marco Island staff has reviewed and recommend approval of CUP-20-000245; and

WHEREAS, pursuant to Section 30-64(c)2.a., of the LDC, the Planning Board finds that the public interest will not be adversely affected if the conditional use permit is granted. The public interest would be adversely impacted if not granted due to compliance with the proposed base flood elevation; and

WHEREAS, pursuant to Section 30-64(c)2.b., of the LDC, the Planning Board finds that the granting of the conditional use is consistent with the comprehensive plan and in particular Objective 1.1 and Future Land Use Element; and

WHEREAS, pursuant to Section 30-64(c)2.c., of the LDC, the Planning Board finds the site has multiple avenues of ingress and egress and there has not been an issue with traffic flow, access, etc. with the use of the fire station at this location; and

WHEREAS, pursuant to Section 30-64(c)2.d., of the LDC, the Planning Board finds that the proposed conditional use is compatible with adjacent properties and other property in the district and will not alter the character of the community and neighborhood or be contrary to emerging development trends in the community and the neighborhood; and

WHEREAS, pursuant to Section 30-64(c)2.d., of the LDC, the Planning Board finds that building(s) on the Subject Property are oriented so as to enhance the appearance of the streetscape, and mass, bulk and scale of all structures shall be compatible with other structures and uses in the neighborhood; and.

WHEREAS, the City's Planning Board has reviewed and recommended approval of the Conditional Use 20-000245; and

WHEREAS, the City Council finds that the Conditional Use petition meets the requirements of the City of Marco Island Code of Ordinances and should be approved, 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 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) "LDC" means the City's Land Development Code as set forth in Chapter 30, Code of Ordinances of the City of Marco Island, Florida.
- (5) "Owner/Developer" means the City of Marco Island, a Florida municipal corporation.
- (6) "Conditional Use Application" means: the documents submitted by the Owner/Developer: including:
 - (a) The twelve (12) page Conditional Use Petition submitted by American Engineering Consultant of Marco Island, Inc.; and
 - (b) The one page document entitled Elevations, Sheet No. A2.01 prepared by BSSW Architects, Inc. of Naples, FL, Project or Job No. 1905.01, dated September 3, 2020; and
 - (c) The one page document entitled Design Development, Sheet No. C1.01, prepared by BSSW Architects, Inc. of

Naples, FL, Project or Job No. 1905.01, dated October 8, 2020.

- (7) "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:

MARCO BEACH UNIT 6, S. PORT. OF TR. M, DESC. AS: COMM. INTERS. OF SR 92 & HEATHWOOD DR, N 0 DEG 23'32" E ALG. C/L OF HEATHWOOD 227.22 FT, S 89 DEG 36' 28" W 50 FT TO A PT ON E R/W LI HEATH- WOOD & THE POB, S 89 DEG E 112 .43 FT, N 75 DEG E 81.26 FT , N 60 DEG E 84.49 FT TO PT ON WLY R/W SR 951(BALD EAGLE DR), S 29 DEG E ALG. W R/W 234.81 FT, TH ALG. CURVE 52.38 FT, N 89 DEG W 334.95 FT, ALG. CURVE 39.27 FT, N 152.22 FT TO POB 1.36 AC M/L OR 1680 PG 2281, AND THAT PORTION OF BALD EAGLE DR R/W VACATED BY OR 4033 PG 2148

(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 and Approval. The Conditional Use (CUP 20-000245) for the Marco Island Fire Station on the Subject Property as depicted in the Conditional Use Petition for the Subject Property is hereby approved, subject to the conditions in Section 3. of this Resolution.

SECTION 3. Conditions of Approval. Approval of the Conditional Use Petition (CUP 20-000245) is granted subject to the following conditions of approval:

- (a) The Conditional Use approval is valid for two years from the time of this adoption of this Resolution.
- (b) Approval of the conditional use is based on the approval of Site Development Plan Application SDPA 20-000241.
- (c) The Owner/Developer is required to resubmit construction documents to the City of Marco Island Building Department for review and approval. Plans must address all staff review comments.

SECTION 4. Development Permit does not grant a vested right. 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 Comply With Resolution. That failure to adhere to the Conditional Use approval and 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. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before they 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. This Resolution shall be effective immediately upon adoption.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 22nd day of February 2021.

ATTEST:



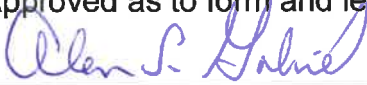
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney