

RESOLUTION 21-13

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR MARCO ISLAND ACADEMY, ON REPLAT LOTS 9 & 10, BLOCK 427, MARCO BEACH UNIT 15, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF COLLIER COUNTY, LOCATED AT 2255 SAN MARCO ROAD, MARCO ISLAND FLORIDA 34145 (SDPA-20-000284); MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN AMENDMENT; REQUIRING THE 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 provides standards and regulations for the review and approval of site development plan amendments; and

WHEREAS, Marco Island Academy, a Florida not-for-profit Corporation, submitted a Site Development Plan Amendment for the Development of an institutional structure on a lot with an area of approximately 5.88-acres at 2255 San Marco Rd., Marco Island, Florida 34145; and

WHEREAS, pursuant to Section 30-673(1) of the LDC, the Planning Board has reviewed documentation, if any, to evidence ownership and control of the Subject Property and the Development, as well as information regarding easements and related encumbrances, to substantiate the use and permanent maintenance of any required common open space, common facilities, conservation/preservation areas, and other similar common lands in order to ensure the preservation of such lands and facilities; 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(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 City of Marco Island staff have reviewed and recommend approval of SDPA-20-000284; and

WHEREAS, the City's Planning Board reviewed and recommended approval of the Site Development Plan Amendment on February 5, 2021; and

WHEREAS, the City Council does hereby approve the Site Development Plan Amendment SDPA -20-000284, 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) "Land Development Code" or "LDC" means the Land Development Code which consists of Chapter 30, Code of Ordinances of the City of Marco Island.

(5) "Owner/Developer" means Marco Island Academy – a Private Charter High School, Inc., a Florida Not-for-Profit Corporation, its successors and assigns, as owners or developers of the Subject Property.

(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:

Lot 9 and 10, Block 427, a Replat of a portion of Marco Beach Unit 15, according to the plat thereof, as recorded in Plat Book 8, Page 45, Public Records of Collier County, Florida.

(Said Legal Description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., or David N. Tolces, Esq.)

(7) "Site Development Plan Amendment" means:

The 8-page document prepared by LDG Living Designs Group Florida Architects, Inc., 1005 Lake Avenue, Lake Worth FL 33460 , digitally signed by John W. Szerdi AR7991, dated 11/16/20 except for sheet SP-1, titled Architectural Site Plan and dated 11/16/20:

A 1-page document prepared by LDG Living Designs Group Florida Architects, Inc., 1005 Lake Avenue, Lake Worth FL 33460, titled Architectural Site Plan, SP-1 dated 02/02/2021

A 6-page document title Marco Island Academy prepared by LIS Engineering, 21430 Palm Beach Blvd., Alva, FL 33920, digitally signed on 2021.02.08

A 4-page document titled Marco Island Academy prepared by DMJA David M Jones Jr. and Associates, Landscape Architects and Planners, 2221 McGregor Blvd., Fort Myers, FL 33901, dated July 6, 2018 with revisions of 11/10/20, 1/2/21, and 2/2/21.

The foregoing approved documents are on filed in the City's Department of Growth Management.

SECTION 2. Adoption. The Owner/Developer's Site Development Plan Amendment (SDPA-20-000284) for the Subject Property is hereby approved. The Site Development Plan Amendment is approved subject to the conditions of approval set forth in Section 3., hereof.


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 22nd day of February 2021.

ATTEST:



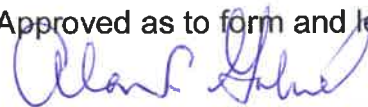
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney