

## RESOLUTION 21-11

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SITE DEVELOPMENT PLAN FOR MARCO ISLAND FIRE DEPARTMENT LOCATED AT 1280 SAN MARCO RD., MARCO ISLAND; MAKING FINDINGS; PROVIDING DEFINITIONS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; 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 improvement plans; and

**WHEREAS**, the Owner/Developer submitted a Site Development Plan Application for the Development of Marco Island Fire Station #50 at 1280 San Marco Rd., Marco Island, Florida (SDP 20-000241); and

**WHEREAS**, the City of Marco Island staff has reviewed and recommend approval of SDP 20-000241; and

**WHEREAS**, , the Planning Board has reviewed the documentation, and found SDP 20-000241 to be in compliance pursuant to Section 30-673(1-8) of the LDC; and

**WHEREAS**, on January 15, 2021, the City's Planning Board reviewed and recommended approval of the Site Development Plan, finding the Site Development Plan to be in compliance with applicable LDC regulations and to be consistent with the City's Comprehensive Plan; and

**WHEREAS**, the City Council does hereby approve the Site Development Plan SDP 20-000241 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 the City of Marco Island, and its successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan" means: the Site Development Plan Application consisting of 4 pages, and the following documents,, including:
  - (7)
    - (a) 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
    - (b) 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.
    - (c) The Boundary and Topographic Map prepared by American Engineering Consultants, of Marco Island, FL, consisting of 3 pages, dated April 29, 2020.
    - (d) The Revised Landscape and Irrigation Plan prepared by Isaacson Landscape Architecture Group, of Naples, FL, Project or Job No. LA# 0001512, dated November 18, 2020
- (8) "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 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 Site Development Plan for the Subject Property is hereby approved. The Site Development Plan is approved subject to the following conditions of approval set forth in Section 3 of this Resolution.

**SECTION 3. Conditions of Approval.** The Site Development Plan is approved subject to the following condition of approval:

- (a) Flood proofing issues are resolved before a building permit application is submitted.
- (b) Marco Island Utility corrections prior to issuance of a permit.
  - 1. Core into MH needs to be made as close to the floor as possible.
  - 2. Pipe penetration will be done with link seal.
  - 3. Existing hydrant must be replaced with Clow Medallion, old hydrant is worn out.
  - 4. Fire backflow must have a detector meter made by Neptune with T-10 R 9001iV5 Pit Gallon Register with 6'Antenna Kit.
  - 5. Mount for antenna on fire backflow will require EOR to design amount that will attach to backflow and allow for mounting of Neptune T-10-meter antenna mount.
  - 6. Clean out is required near exist of building for oil separator.
  - 7. Grease trap sizing calculations are needed. When submitting for construction permit all current requirements must be changed.
- (c) The indicated brackets under the eave of the roof may be removed from the elevations.

**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 on the Subject Property. 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, this 22<sup>nd</sup> day of February 2021.

**ATTEST:**

  
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Laura M. Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
\_\_\_\_\_  
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

  
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Alan L. Gabriel, City Attorney