

**RESOLUTION 21-22**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SITE DEVELOPMENT PLAN AMENDMENT REVISING THE LANDSCAPE AND PARKING PLAN FOR PUBLIX SUPERMARKETS, INC., ON PORTIONS OF TRACT "A" MARCO BEACH UNIT FIVE, ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 6, PAGES 39-46, PUBLIC RECORDS OF COLLIER COUNTY, LOCATED AT 175 SOUTH BARFIELD DRIVE, MARCO ISLAND, FLORIDA 34145 (SDPA-21-000085); MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN AMENDMENT; PROVIDING CONDITIONS OF APPROVAL; 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 ("LDC") provides standards and regulations for the review and approval of site improvement plan amendments; and

**WHEREAS**, Publix Super Markets, Inc., a Florida Corporation, ("Owner/Developer") submitted a Site Development Plan Amendment 175 South Barfield Drive, Marco Island, Florida 34145 (the "Development"); and

**WHEREAS**, pursuant to Section 30-673(5) of the LDC, the City of Marco Island ("City") 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**, the City of Marco Island staff have reviewed and recommend approval of SDPA-21-000085; and

**WHEREAS**, the City's Planning Board reviewed and recommended approval of the Site Development Plan Amendment on May 7, 2021; and

**WHEREAS**, the City Council does hereby approve the Site Development Plan Amendment SDPA-21-000085, 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) "Site Development Plan Amendment" means the following documents:
  - (A) 10-page document titled Marco Island Publix, by Campo Engineering, Inc, 1725 East 5<sup>th</sup> Avenue, Tampa, FL 33605, project number 16-042, with a revision #16, dated 04/21/21 and containing sheets L-01 through L-09.
  - (B) 23-page document titled Marco Island Publix, by Campo Engineering, Inc, 1725 East 5<sup>th</sup> Avenue, Tampa, FL 33605, project number 16-042 with a revision #16, dated 04/21/21 and specifically sheets 4.1, 4.3 and 5.2

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

- (2) "Subject- Property" means those parcels of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, as described in the most recent deeds of conveyance recorded on March 27, 2000, in Official Record Book 2655, Page 2899-2908; and on September 13, 1984 in Official Record Book 1100, Page 1514 of the Public Records of Collier County, Florida. The Subject Property is further identified as Parcel Nos. 57190040004 and 57190080006 by the Collier County Property Appraiser.

**SECTION 2. Adoption.** The Owner/Developer's Site Development Plan Amendment (SDPA-21-000085) for the Subject Property is hereby approved.

**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 17<sup>th</sup> day of May 2021.

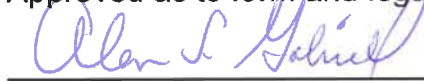
**ATTEST:**

  
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Laura 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

