

RESOLUTION 21-55

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN (SDP 21-000172) FOR THE PROPERTY LOCATED AT 40 SOUTH HEATHWOOD DRIVE, MARCO ISLAND, FLORIDA, CONSISTING OF TRACT B AND C OF THE SAN MARCO PUD, WHICH ARE LEGALLY DESCRIBED AS FOLLOWS: TRACT B - MARCO BEACH UNIT 6 TRACT L REPLAT TRACT A AS DESCRIBED IN OFFICAL RECORD BOOK 5947 PAGE 627 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, NOW KNOWN AS LOT 3; TRACT C IS LEGALLY DESCRIBED AS MARCO BEACH UNIT 6 TRACT L REPLAT TRACT A, AS DESCRIBED IN OFFICIAL RECORD BOOK 5947 PAGE 632 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, NOW KNOWN AS LOT 2; PROVIDING DEFINITIONS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING FOR CONDITIONS OF APPROVAL; 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 ("LDC") provides standards and regulations for the review and approval of site development plans; and

WHEREAS, Marco Island Senior Living LLC., a Florida Limited Liability Company and Marco Park Trust ("Owner/Developer") submitted a Site Development Plan for the Development of an Assisted Living Facility and Park at 40 South Heathwood Drive, Marco Island, Florida 34145 (the "Development"); and

WHEREAS, the City of Marco Island ("City") staff has reviewed and recommend approval of SDP-21-000172; and

WHEREAS, the City's Planning Board reviewed and approved Site Development Plan SDP-21-000172 with conditions on November 5, 2021, 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 Plans" which includes: 13 sheets dated July-2021;

Landscape Plans LS-01 and LS-02 dated 12/16/2021; and

MK-01 thru MK-09 of the Architectural Plans dated 6/30/2021; and

Consistent with the Park Agreement dated 7/13/2021.

- (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 as follows:

Tract B: MARCO BCH UNIT 6 TR L REPLAT TR A AS
DESC IN OR 5947 PG 627. NKA LOT 3

Property ID# Tract B: 57540040201

Tract C: MARCO BCH UNIT 6 TR L REPLAT TR A, AS
DESC IN OR 5947 PG 632. NKA LOT 2

Property ID# Tract C: 57540040104

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 conditions of approval:

1. Revise the landscape plans to meet the landscape size requirements pursuant to Sec. 30-435, of the City of Marco Island LDC. Some of the trees sizes are smaller than code requirements. Shrub heights are missing and must be shown they meet code.
2. Add three (3) additional shade trees within the park per the Park Agreement.

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 PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 5th day of November 2021.

ATTEST:



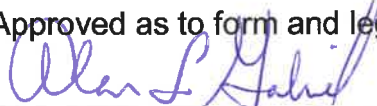
Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jason Bailey, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

