

RESOLUTION 23-08

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN AMENDMENT FOR CITY OF MARCO ISLAND, MARCO ISLAND UTILITES (807 E. ELKCAM CIRCLE, MARCO ISLAND); APPROVING THE SITE DEVELOPMENT PLAN AMENDMENT; PROVIDING 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 provides standards and regulations for the review and approval of site development plans; and

WHEREAS, the City of Marco Island, Marco Island Utilities, submitted a Site Development Plan Amendment for the construction of a 6,524 square foot collection and distribution building and covered open storage at 807 E. Elkcaml Circle, Marco Island, Florida 34145; and

WHEREAS, the City of Marco Island staff has reviewed and recommend approval of SDPA-22-000203 with conditions; and

WHEREAS, the Planning Board does hereby approve the Site Development Plan Amendment SDPA-22-000203, 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. Adoption. The Owner/Developer's Site Development Plan Amendment for the Subject Property is hereby approved. The Site Development Plan Amendment is approved subject to the following condition of approval set forth in Section 2 of this Resolution.

SECTION 2. Conditions of Approval. The Site Development Plan Amendment is approved subject to the following condition of approval:

1. Approval of Variance 22-000204 is required for the this SDPA to become effective. Denial of the variance will make this SDPA null and void.
2. The landscape must be brought up to current standards to the greatest extent possible.

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 on the Subject Property. 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 PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 6th day of January 2023.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA


Michael J. Sheffield, City Clerk

By: 
Jason Bailey, Chairman

Approved as to form and legal sufficiency:


David N. Tolces, City Attorney