

RESOLUTION 23-10

A RESOLUTION OF THE CITY OF MARCO ISLAND PLANNING BOARD, CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN AMENDMENT SUBMITTED BY OLD MARCO VILLAGE, LLC, FOR THE PROPERTY LOCATED AT 1215 BALD EAGLE DRIVE, MARCO ISLAND, FLORIDA, CONSISTING OF DOXSEE PROPERTY, SECTION 5, TOWNSHIP 52, RANGE 26; 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 plan, site development plan amendment, and site improvement plan submittal requirements of the Marco Island Land Development Code provides standards and regulations for the review and approval of site development plan amendments; and

WHEREAS, Old Marco Village, LLC (the “Owner/Developer”) submitted a Site Development Plan Amendment for the development of the property located at 1215 Bald Eagle Drive, Marco Island, Florida (the “Subject Property”); and

WHEREAS, the City of Marco Island staff has reviewed the Site Development Plan Amendment, and recommends approval of SDPA-23-000019 with conditions; and

WHEREAS, the City’s Planning Board reviewed and approved the Site Development Plan Amendment at its public meeting held on February 17, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD 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 Old Marco Village, LLC, and their respective successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan" means the following:
 - A. One (1) page Property Survey prepared by Portella & Associates, LLC, of Naples, FL, date April 7, 2021; and
 - B. Two (2) page Civil Plans prepared American Engineering Consultants of Marco Island, Inc. entitled Site Development Plan Amendment for Snook Inn, the Cover Sheet and C-1, dated January 2023, with a revision date of 2/7/23; and
 - C. Four (4) page Landscape Plans entitled Snook Inn, prepared by Metis Design Landscape Improvement Plan., of Naples, FL, dated 12-29-22 with no last date of revision; Sheet CP, Sheet N-1, Sheet LP1 and Sheet PS1; and
- (7) "Subject Property" means the following described parcels of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit:

Doxsee Property, Section 5, Township 52, Range 26,
Property ID# 27030480000

(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.)

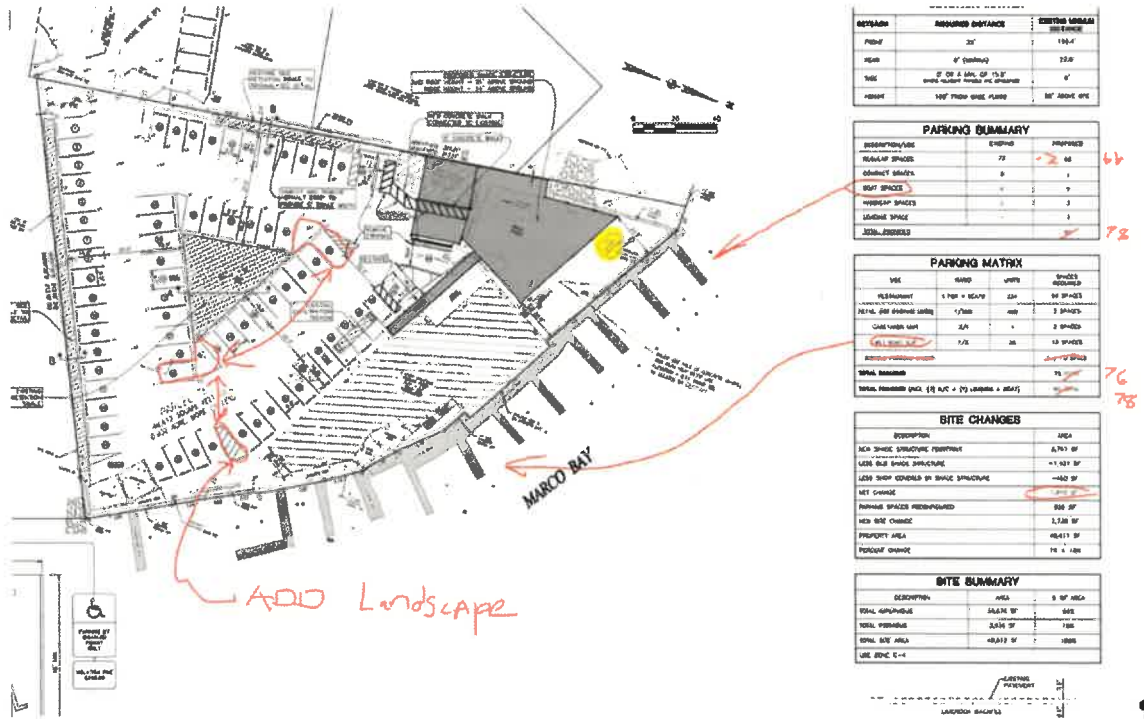
SECTION 2. Adoption. The Owner/Developer's Site Development Plan Amendment (SDPA-23-000019) for the Subject Property is hereby approved subject to the conditions set forth in Sections 2, 3, and 4 of this Resolution.

SECTION 3. Conditions of Approval. The City of Marco Island Planning Board finds that the Site Development Plan Amendment (SDPA-23-000019) meets the requirements and conditions of the City of Marco Island Land Development Code, and

hereby approves the Site Development Plan Amendment for the Subject Property subject to the following conditions:

1. The public boat slips for the restaurant must be clearly signed, and not included as part of the marina slips prior to a Certificate of Occupancy.
2. The following comments from the City's Director of Community Affairs shall be complied with prior to a Certificate of Occupancy (and related to the below marked up site plan):
 - The landscape areas (in red) which are in the parking lot must be reinstated..
 - The comments in the parking matrix summary must be addressed.
 - The Owner does not get a parking credit for a bike rack unless the Owner installs a "pedestrian bench, and the area adjacent to the bench shall be landscaped with either one minimum 14-foot shade tree and four three-gallon shrubs or three six-foot (gray wood) palm trees and four three-gallon shrubs..."
3. The site development plan must depict that the maximum height of a structure is limited to no more than forty (40) feet from base flood elevation, and not 100 feet from base flood elevation as the subject property is located in Overlay District 4. Correct the note on sheet C-1 of Page 1 of the revised Snook Inn Site Development Plan prior to a Certificate of Occupancy.
4. As the new proposed enclosure is double the foot print of the original enclosure, the new structure considered a new structure. Pursuant to NFPA 1-18.5.3 – a new fire hydrant is required within 400 feet of the structure prior to a Certificate of Occupancy.
5. The public boat slips and marina slips must be useable at all times and dredge the areas necessary.

The City's Director of Community Affairs' required changes as shown in the below site plan.



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. 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 17th day of February 2023.

ATTEST:




Michael J. Sheffield, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jason Bailey, Chairman

Approved as to form and legal sufficiency:



David N. Tolces, Assistant City Attorney

