

RESOLUTION 23-36

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING SITE DEVELOPMENT PLAN 22-000289, FOR THE DEVELOPMENT KNOWN AS "EHLEN FLOOR COVERING EXPANSION" LOCATED AT 800 BALD EAGLE DRIVE, MARCO ISLAND, FLORIDA; MAKING FINDINGS; 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 City of Marco Island Land Development Code ("LDC") provides standards and regulations for the review and approval of site improvement plans; and

WHEREAS, Bald Eagle Prop Trust of 1997, the Owner/Developer of the property located at 800 Bald Eagle Drive, Marco Island, Florida, submitted a Site Development Plan Application for the development of the project known as "Ehlen Floor Covering Expansion," (SDP 22-000289); and

WHEREAS, as provided herein, and pursuant to the City's LDC, the City of Marco Island staff has reviewed and recommends conditional approval of SDP 22-000289; and

WHEREAS, the Planning Board has reviewed the documentation presented, relevant evidence, and testimony, and found that SDP 22-000289 conditionally meets the requirements of Section 30-673(1-8) of the LDC; and

WHEREAS, on August 4, 2023, the City's Planning Board reviewed and recommended approval of the Site Development Plan, finding the Site Development Plan to be conditionally in compliance with applicable LDC regulations and to be consistent with the City's Comprehensive Plan, subject to conditions of approval; and

WHEREAS, the Planning Board does hereby approve the Site Development Plan SDP 22-000289 subject to the conditions of approval set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Adoption. The Owner/Developer's Site Development Plan as provided in SDP 22-000289, as further listed below, for the Subject Property is hereby approved. The Site Development Plan is approved subject to the following conditions of approval set forth in Section 2 of this Resolution.

The following documents associated with SDP 22-000289, are hereby approved:

- A 9-page set of plans titled "Ehlen Floor Covering Expansion" prepared by Hole Montes, 950 Encore Way, Naples, FL 34110, dated December, 2022 and last revision date of July 17, 2023 with a project number of 2022.105;
- A 10-page set of plans titled "Ehlen Floor Covering Addition" prepared by JFK & Associates, Inc., dated June 7, 2023 with a job number of 2022-182; and
- A 10-page document titled "Ehlen Floor Coverings" Code Landscape Plan prepared by Hole Montes, 950 Encore Way, Naples, FL 34110, dated December 12, 2022 and last revision date of June 15, 2023 with a project number of 2022105;

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

1. Approval of VP-23-000181 is required. If VP-23-000181 is not approved, the SDP 22-000289 is null and void.
2. Provide a copy of the recorded unity of title combining 790 and 800 Bald Eagle Drive, subject to the review and approval by the City Attorney.
3. A listed species pre-inspection by our Environmental Planner is required before any site disturbance.
4. Any work in the public right-of-way will require a separate right-of-way permit.
5. Other allowed C-4 uses may require additional parking and if additional parking is not possible, the uses not allowed.
6. Revise the landscape plan to reflect the appropriate size, quantity, and mix of landscape species required by the Land Development Code (LDC).
7. Revise landscape plan to show parking credits per Sec. 30-488 of the LDC.
8. Connect/extend sidewalk in front of building to pedestrian walk in adjacent Pedestrian Way easement.

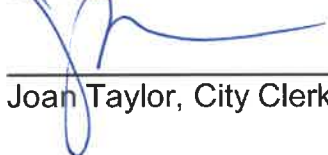
SECTION 3. Failure to Obtain Other Permits. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the 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 4th day of August 2023.

ATTEST:



Joan Taylor, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jason Bailey, Chairman

Approved as to form and legal sufficiency:



David N. Tolces, Assistant City Attorney

