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RESOLUTION 15-33

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO APPROVAL OF A SITE DEVELOPMENT PLAN; MAKING FINDINGS; PROVIDING FOR RECITALS AND DEFINITIONS; APPROVING A SITE DEVELOPMENT PLAN FOR STEPHEN J. GARSKE AND CHARLOTTE A. GARSKE, AS CO-TRUSTEES OF THE STEPHEN J. GARSKE REVOCABLE TRUST U/A/D NOVEMBER 21, 2002 AS AMENDED LOCATED AT LOTS 4 AND 5, BLOCK 83, MARCO BEACH UNIT FIVE, ACCORDING TO THE PLAT THEREOF, PLAT BOOK 6, PAGE 39-46, PUBLIC RECORDS OF COLLIER COUNTY, ALSO KNOWN AS 188 AND 198 SOUTH BARFIELD DRIVE AS PROVIDED FOR IN SECTIONS 30-673, 30-674, AND 30-675 OF THE MARCO ISLAND LAND DEVELOPMENT CODE, CITY OF MARCO ISLAND, FLORIDA; PROVIDING CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-673, 30-674, and 30-675 of the Marco Island Land Development Code provides standards and regulations for issuance of a Site Development Plan; and

WHEREAS, Stephen J. Garske and Charlotte A. Garske as Co-Trustees of the Stephen J. Garske Revocable Trust u/a/d November 21, 2002 as amended, is requesting approval of a Site Development Plan;

WHEREAS, pursuant to Section 30-673, Code of Ordinance of the City of Marco Island, Florida, the Planning Board has considered Site Development Plan 14-004367 pursuant to the following standards of review:

(1) Documentation shall be provided to evidence ownership and control of the property and the development, as well as information regarding easements and related encumbrances. Documents will substantiate the use and permanent maintenance of common open space, common facilities, conservation/preservation areas, and other similar common lands in order to ensure the preservation of such lands and facilities, so as not to create future liability unto the city.

(2) Development compliance with all appropriate zoning regulations and the comprehensive plan. Ingress and egress to the proposed development and its proposed improvements shall include provisions and designs for vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices, provision of private

47 and/or public utilities and refuse collection, and access in case of
48 fire, catastrophe or other emergency. Moreover, ingress and egress
49 to development projects and along city roadways shall be in
50 conformance with the current county or city access management
51 ordinance and practices and criteria promulgated by the state
52 department of transportation.

53 (3) The location and relationship of parking and loading
54 facilities shall complement and optimize traffic conditions on city
55 streets. Internal traffic patterns within the proposed development
56 shall include provisions for vehicular and pedestrian safety, traffic
57 flow and control, access in case of fire or catastrophe, screening
58 and landscaping.

59 (4) Adequacy of proposed or required recreational
60 facilities and open spaces considering the size, location, and
61 development of these areas with regard to effect on adjacent and
62 nearby properties as well as uses within the proposed
63 development, and the relationship to community-wide open spaces
64 and recreation facilities.

65 (5) Adequacy of proposed landscape screens and buffers
66 considering preservation of the development's internal land uses as
67 well as compatibility with adjacent land uses.

68 (6) Water management master plan or storm water
69 provisions and designs on the property, considering adverse
70 impacts on adjacent and nearby properties and the consequences
71 of such water management master plan or storm water discharges
72 on overall city drainage capacities within and external to private and
73 public drainage easements and alley and road right-of-way. Water
74 management areas shall be required to be maintained in perpetuity
75 by the property owner or assigned legal entity(ies) according to the
76 approved plans. Water management areas not maintained shall be
77 corrected according to approved plans within 30 days. The
78 engineer of record, prior to final acceptance of constructed
79 improvements by the city, shall provide documentation from the
80 storm water maintenance entity clearly evidencing that said entity
81 has been provided information on how the storm water system(s)
82 functions and indicating responsibility for maintenance of the
83 system(s).

84 (7) Signage proposed for the project shall be in
85 conformity with the sign code and a unified sign permit application
86 shall be included with the submittal packet for the site development
87 or site improvement plan.

88 (8) Architectural design of the building(s) for all
89 commercial and multi-family developments shall meet applicable
90 city codes and regulations.

91 (9) Such other standards as may be imposed by this
92 article, the comprehensive plan or other applicable regulations for
93 the particular use or activity proposed;

94
95 WHEREAS, the Planning Board has recommended approval of the Site
96 Development Plan subject to conditions set forth in this Resolution; and

97
98 WHEREAS, the City Council hereby approves the Site Improvement
99 Plan subject to the conditions of approval set forth in this Resolution.

100
101 NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF
102 THE CITY OF MARCO ISLAND, FLORIDA:

103
104 **SECTION 1. Recitals; Definitions.**

105
106 (a) Each and all of the aforementioned recitals is hereby declared to be
107 true and correct and is incorporated herein by this reference.

108
109 (b) As used herein, the following terms are defined as set forth below
110 unless the context affirmatively demonstrates differently.

111
112 (1) "Owner/Developer" shall refer to the Stephen J. Garske and
113 Charlotte A. Garske as Co-Trustees of the Stephen J. Garske Revocable Trust
114 u/a/d November 21, 2002, as amended, and its successors as owners or
115 developers of the property referenced herein.

116
117 (2) "Property" means and refers to 188 and 198 South Barfield
118 Drive, further described as Lots 4 and 5, Block 83, Marco Beach Unit Five,
119 according to the plat thereof, as recorded in Plat Book 6, Page 39-46, Public
120 Records of Collier County, Florida,

121
122 (3) "Site Development Plan" means in the case of the Site
123 Development Plan approved by this Resolution SIP-14-004367, on file in the City
124 of Marco Island Growth Management Department.

125
126 **SECTION 2. Adoption and Approval.** The Petition for approval
127 of Site Development Plan SIP-14-004367 filed by Stephen J. Garske and
128 Charlotte A. Garske as Co-Trustees of the Stephen J. Garske Revocable Trust
129 u/a/d November 21, 2002 as amended, with respect to the property be and the
130 same is hereby approved for the above described property pursuant to Sections
131 30-673, 30-674, sand 30-675 of the Marco Island Land Development Code.

132
133 **SECTION 3. Conditions of Approval.** This Resolution relating to
134 petition for approval of Site Development Plan 14-004367 is granted subject to
135 the following conditions of approval:

137 1. The approved Site Development Plan includes the forty-four (44)
138 page document on file in the office of the City of Marco Island Growth
139 Management Department. The Plans specifically include a thirteen (13) page
140 document entitled "Site Development Plans for Garske Office Building", prepared by
141 Gina R. Green, P.A., Civil Engineering, of Naples, Florida, under Project No. 14116,
142 dated September, 2014, with latest date of revision being February 4, 2015 for the
143 Title Page, with no revision for Sheets 1 and 4 of 5, and with latest date of revision
144 being February 2, 2015 for Sheets 2, 3, & 5 of 5; and with a five page architectural
145 drawings entitled "Steve Garske - Administration Building" prepared by Architectural
146 Edge, Inc., Temple, Texas, with no project no., dated February 16, 2015, with no
147 date of revision for the Cover Sheet and Sheets A-2, A-6, A-7, and A-10; and a n
148 architectural elevation façade picture; and with a two page landscape plan and
149 irrigation plan prepared by Jeff Moore of Naples, Florida, with no project no., dated
150 November, 2014, with the latest date of revision being Jan. 15, 2015 for Sheets L-1
151 and L-2.

152
153 2. The Owner/Developer is required to re-submit construction
154 documents to the City of Marco Island Building Department for review and
155 approval. The Owner/Developer shall include a copy of the Site Development
156 Plan shall be included as a part of the submittal.

157
158 3. Final approval of the building fit out/interior layout shall be reviewed
159 and approved by the City during the construction documents submittal phase.

160
161 4. Final approval of the on-site grading plan shall be reviewed and
162 approved by the City during the construction documents submittal phase.

163
164 5. As required by Section 42-76, City of Marco Island Code of
165 Ordinances, the project Owner/Developer is required to obtain Right-of-Way
166 permit prior to any off-site work within a public right-of-way, including but not
167 limited to construction access activities.

168
169 6. Prior to the issuance of a certificate of occupancy, the
170 Owner/Developer shall provide a dumpster as required by Section 30-1012 –
171 Solid Waste Disposal, Code of Ordinances of the City of Marco Island, Florida.
172 The final location shall be subject to City approval during the construction
173 documents submittal phase.

174
175 7. Only uses permitted in Section 30-222 – Commercial Intermediate
176 (C-3) zoning district – will be permitted to occupy the property.

177
178 8. Consistent with Section 166.033, Florida Statutes, prior to the
179 commencement of development on site, the Owner/Developer must obtain any
180 and all required approvals from the Florida Department of Environmental
181 Protection, Florida Fish and Wildlife Conservation Commission, and all other
182 applicable state or federal permits. Issuance of a development permit by the City
183 of Marco Island does not in any way create any right on the part of an applicant
184 to obtain a permit from a state or federal agency and does not create any liability
185 on the part of the City of Marco Island for issuance of the permit, if the applicant

186 fails to obtain requisite approvals or fulfill the obligations imposed by a state or
187 federal agency or undertakes actions that result in a violation of state or federal
188 law. As used in this condition, the term "development" and "development permit"
189 is as defined in Section 163.3164, Florida Statutes.
190

191 9. The Owner/Developer is responsible for any private deed
192 restriction approvals with Marco Island Civic Association.
193

194 **SECTION 4. Effective Date.** This Resolution shall become effective
195 upon adoption.
196

197 Done this 6th day of April 2015.
198

199
200 Attest:

CITY OF MARCO ISLAND, FLORIDA

201
202 
203
204 _____
205 Laura Litzan, City Clerk

By: 
206 _____
207 Larry Sacher, Chairman

208
209 Approved as to form and legal sufficiency:

210 
211 _____
212 Alan L. Gabriel, City Attorney
213

