

## RESOLUTION 16-09

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A SITE DEVELOPMENT PLAN TO ALLOW FOR A 2,400 SQUARE FOOT BUILDING FOR BURT NURSERY LOCATED AT 1860 SAN MARCO ROAD, MARCO ISLAND FLORIDA 34145; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article 1X, Site Development and Site Improvement Plan Standards of the Marco Island Land Development Code provides standards and regulations for the review and approval of site development plans; and

**WHEREAS**, Ocean Palm Enterprises ("Petitioner") submitted Site Development Plan (SDP 15-004126) for the construction of a new 2,400 square foot building at the Burt Nursery located at 1860 San Marco Road, Marco Island, Florida 34145; and

**WHEREAS**, the City of Marco Island staff have reviewed and recommend approval of SDP 15-004126; and

**WHEREAS**, the City's Planning Board reviewed and recommended approval of Site Development Plan SDP 15-004126 on December 4, 2015; and

**WHEREAS**, City Council does hereby approve Site Development Plan (SDP 15-004126), subject to the conditions of approval as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THAT:**

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct, and incorporated by this reference..

**SECTION 2. Adoption and Approval.** Site Development Plan (SDP 15-004126) with respect to the Burt Nursey, located at 1860 San Marco Road, Marco Island, Florida, 34145 is hereby approved, subject to the below conditions.

**SECTION 3. Conditions of Approval.** This Resolution relating to Site Development Plan (SDP 15-004126) is granted subject to the following conditions of approval:

1. The Site Development Plan includes the eight (8) page document on file in the office of the City of Marco Island Growth Management Department entitled "Burt Nursery 1860 San Marco Rd Marco Island, Florida." The document was prepared by Don Cahill, Architect, and Cronin Engineering.

2. Consistent with Section 166.033, Florida Statutes, prior to the commencement of development on site, the Owner/Developer/Petitioner must obtain any and all required approval from the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, and all other applicable state or federal permits. Issuance of a development permit by the City of Marco Island does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Marco Island for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency, or undertakes actions that result in a violation of state or federal law. As used in this condition, the term "development" and "development permit" is as defined in Section 163.3164, Florida Statutes.

3. The Petitioner is required to resubmit construction documents to the City of Marco Island Building Department for review and approval; a copy of the approved site improvement plan must be included as part of the submittal.

4. Final approval of the building fit out / interior layout to be reviewed and approved by the City of Marco Island Building Department during the construction document's submittal phase.

5. Final approval of the on-site grading to be reviewed and approved by the City of Marco Island Building Department during the construction document's submittal phase.

6. The Petitioner shall be required to submit a Right-of-Way permit application to the City of Marco Building Department prior to any off-site work within the right of way, including construction access activities.

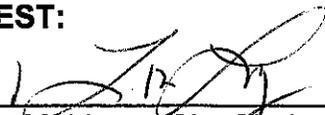
7. The Petitioner is responsible for any private deed restriction approvals with the Marco Island Civic Association.

**SECTION 3. Effective Date.**

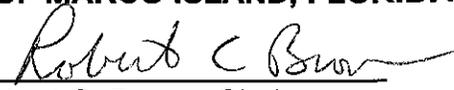
This Resolution shall be effective immediately upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA,  
this 1<sup>st</sup> day of February 2016.

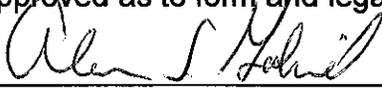
**ATTEST:**

  
\_\_\_\_\_  
Laura M. Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
\_\_\_\_\_  
Robert C. Brown, Chairman

Approved as to form and legal sufficiency:

  
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Alan L. Gabriel, City Attorney