

RESOLUTION 16-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO EXTENSION OF A TEMPORARY USE PERMIT; MAKING FINDINGS; GRANTING A ONE-YEAR EXTENSION OF A TEMPORARY USE PERMIT FOR A MODEL HOME LOCATED AT 1034 SAN MARCO ROAD, MARCO ISLAND, FLORIDA; AS PROVIDED FOR IN SECTION 30-794 OF THE MARCO ISLAND LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-794 of the Marco Island Land Development Code provides standards and regulations for model homes and model sales center permits; and

WHEREAS, on July 24, 2013 the Marco Island Growth Management Department granted a two year temporary use permit for a model home located at 1034 San Marco Road, Marco Island, Florida, pursuant to Section 30-794(3) of the Marco Island Land Development Code; and

WHEREAS, Section 30-794(6) of the Marco Island Land Development Code provides that the Planning Board may grant an extension of a temporary use permit for a maximum of one year per extension, and a cumulative maximum of three (3) years; and

WHEREAS, Oakbrook Homes, Inc., a Florida Corporation, as the agent for property owner, 147-22 105 Avenue Property, LLC, a New York Limited Liability Company, is requesting a one year extension of a model home temporary use permit for a model home located at 1034 San Marco Road Drive, Marco Island, Florida, from July 25, 2016 to July 24, 2017; and

WHEREAS, pursuant to Section 30-794(6), Code of Ordinance of the City of Marco Island, Florida, the Planning Board has considered:

1. The number of existing model homes or model sales centers within the immediate area of the extension request.
2. The classification of the right(s)-of-way upon which the model home or model sales center fronts.
3. The character or makeup of the area surrounding the model home or model sales center.
4. The potential effect of the model home or model sales center on adjacent and surrounding properties.
5. The existence of complaints relating to the use of the model home or model sales center which is the subject to the extension request.
6. A demonstration of good cause from the applicant why the extension request is needed; and

WHEREAS, the City's Planning Board has recommended approval of the extension of the Temporary Use Permit TUE-16-001880 for a Model Home, 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; Definitions.

(a) The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated herein by this reference...

(b) As used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

(1) "Conceptual Plan" means the 3 page plan entitled Oakbrook Homes San Marco III and prepared by Thomas Killen of Naples, Florida, under Drawing/Job/Project No. SF-12-4164, dated September 19, 2011, with last date of revision being September 11, 2012.

(2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.

(3) "Owner/Developer" means 147-22 105 Avenue Property, LLC, a New York Limited Liability Company, its successors and assigns, as owner(s) in fee simple of the Subject Property, or as developer(s) to which Development rights have been assigned.

(4) "Subject Property" is real property situate and lying in the State of Florida, County of Collier, City of Marco Island, to-wit:

Lot 13, Block 224, Marco Beach Unit 6, according to the plat thereof, as recorded in Plat Book 6, Page 47, Public Records of Collier County, Florida, also known as 1034 San Marco Road, City of Marco Island, Florida.

SECTION 2. Adoption and Approval. The Petition TUE-16-001880 filed by Oakbrook Homes, Inc., a Florida Corporation, as agent for the Owner/Developer with regard to the Subject Property, is hereby approved, extending the Temporary Use Permit for the above described property from July 25, 2016 to July 24, 2017.

SECTION 3. Conditions of Approval. This Resolution relating to Petition for approval of Temporary Use Extension 16-001880 is granted subject to the terms and conditions of the July 24, 2013, two year temporary use permit (TUE #15-004564) and shall be subject to the Conceptual Plan on the Subject Property.

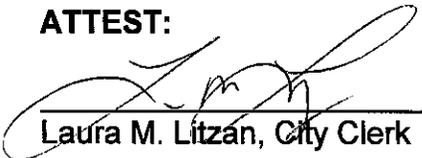
SECTION 4. Approval Does Not Create a Vested Right. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval, 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 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 further Development 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. This Resolution shall be effective immediately upon adoption by the City Council.

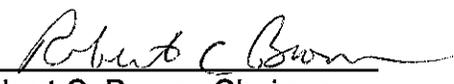
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 1st day of August 2016.

ATTEST:



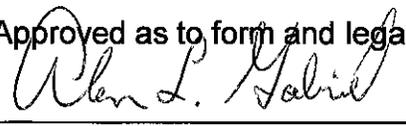
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Robert C. Brown, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

