

RESOLUTION 16-83

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA; MAKING FINDINGS; APPROVING A SITE DEVELOPMENT PLAN FOR THE PROPERTIES AT 257, 267 AND 277 NORTH COLLIER BOULEVARD, MARCO ISLAND, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IX, 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, Joey's Pizza Inc., a Florida Corporation, on its own behalf and that of Doreeno LLC, a Florida Limited Liability Company, and Fratelli Properties, LLC, a Florida Limited Liability Company, submitted a Site Development Plan for the construction of a new 980 square foot covered seating area located at 267 North Collier Boulevard, Marco Island, Florida 34145; and the interconnection of the parking lots for 257, 267 and 277 North Collier Boulevard, Marco Island, Florida 34145, all on the Subject Property;

WHEREAS, the City of Marco Island staff has reviewed and recommended approval of the Site Development Plan; and

WHEREAS, the City's Planning Board reviewed and recommended approval of the Site Development Plan on September 2, 2016; and

WHEREAS, City Council does hereby approve the Site Development Plan, 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:

SECTION 1. Recitals; Definitions.

- (a) The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this Resolution.
- (b) As used herein, the following terms are defined as set forth below, unless the context of usage in this Resolution affirmatively demonstrates to the contrary:

(1) "City" means the City of Marco Island, a Florida Municipal Corporation.

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

(3) "Owner/Developer means Joey's Pizza, Inc., a Florida Corporation; Fratelli Properties, LLC, a Florida Limited Liability Company, and Doreeno LLC, a Florida Limited Liability Company, their successors and assigns.

(4) "Site Development Plan" means the nine (9) page set of documents, including the six (6) page document on file in the City's Growth Management Department entitled Site Improvement Plan for Doreen's Cup of Joe and Alleyway Improvements, prepared by Robau & Associates, of Naples, FL, under Project number 016-00-004 dated June, 2016, with no date of revision for the Cover Sheet and Sheets 2, 3, and 5; and, as to Sheets 4 and 6 with no last date of revision, but with a notation as to a revision with regard to Collier County comments; and the three (3) page architectural plans entitled Doreen's Cup of Joe, prepared by Thomas E. Killen, Architectural Design & Planner, of Naples, FL, without project number, as to Sheet R1 dated 7/16/16 with last date of revision being 8/22/16; as to Sheets A1 and A2 being dated 12/8/15 with last date of revision being 8/9/16.

(5) "Subject Property" means Lots 4 and 6, Block 224, Marco Beach Unit 6, according to the plat thereof, as recorded in Plat Book 6, pages 47-54, Public Records of Collier County, Florida and Units A-H, Collier Building of Marco, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 944, Page 841, Public Records of Collier County, Florida (257, 267, and 277 North Collier Boulevard), Collier County Property Appraiser's Parcel ID Nos. 57361440006, 57361360005, 2698004009, 2698012000, 26980160002, 2698020001, 26980240003, 26980280005, and 2698028004). (The Legal Description has neither been examined nor approved by Alan Gabriel, Esq., Paul Gougelman, Esq., Weiss Serota Helfman Cole & Bierman, P.L., or the City of Marco Island, Florida.)

SECTION 2. Adoption. The Owner/Developer's Site Development Plan for the Subject Property is hereby approved, subject to the conditions set forth in Section 3 of this Resolution. This Resolution shall not be interpreted to be an approval of any alleyway improvements or of the project as to Durnford Way.

SECTION 3. Conditions of Approval. This Resolution relating to the Site Development Plan on the Subject Property is granted subject to the following conditions of approval:

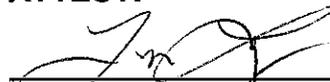
- (a) Drafting, review and approval by the City Attorney of a cross-parking easement on the Subject Property at the expense of the Owner/Developer. In drafting, reviewing, and approving the cross-parking easement agreement, the Owner/Developer recognizes that the City Attorney is representing the City and not the Owner/Developer. The easement must be joined in and consented to by any mortgagees or holders of security interests in any part of the Subject Property. The easement agreement cannot be terminated or amended without the approval of the City. The cost of recordation of the cross-parking easement agreement will be at the cost of the Owner/Developer. The easement agreement will be required prior to commencing development on the project on the Subject Property;

- (b) The Owner/Developer is required to re-submit construction documents to the City's Building Department for review and approval prior to the commencement of development;
- (c) Final approval of the building fit out/interior layout to be reviewed and approved during the construction documents submittal phase by the City. No building permit shall be issued until after approval of the construction documents and building fit out/interior layout;
- (d) Final approval of the on-site grading to be reviewed and approved by the City during the construction documents submittal phase. No building permit shall be issued until after approval of the construction documents and on-site grading by the City;
- (e) The Owner/Developer is required to submit a Right-of-Way permit application prior to any off-site work within any right-of-way, including construction access activities;
- (f) The Owner/Developer is responsible for any private deed restriction approvals with the Marco Island Civic Association; and
- (g) The Owner/Developer must obtain any and all approvals from the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission prior to the commencement of Development.

SECTION 4. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

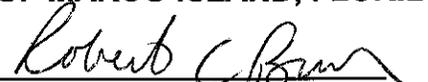
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 19th day of September 2016.

ATTEST:



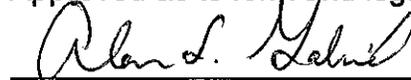
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Robert C. Brown, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

