RESOLUTION NO. 10-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA GRANTING CONDITIONAL USE APPROVAL FOR EXPANSION OF CHURCH AND CEMETERY USES AS PROVIDED IN SECTION 30-84 (1) OF THE CITY'S LAND DEVELOPMENT CODE, FOR PROPERTY DESCRIBED AS 489 ELKCAM CIRCLE WEST, FURTHER DESCRIBED AS MARCO BEACH UNIT 6, PART OF TRACT "D", PLAT BOOK 6, PAGE 47, CITY OF MARCO ISLAND, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

WHEREAS, the City of Marco Island Planning Board ("Planning Board"), being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing on August 13, 2010 after notice, and voted 6-0 to recommend that the Marco Island City Council ("City Council") approve the requested Conditional Use pursuant to paragraph (1) of Section 30-84 of the City's Land Development Code (LDC), for property located within the "RSF-4" zoning district, to permit church and church-related uses, and arrangements have been made concerning all applicable matters required by said regulations and in accordance with paragraph (1) of Section 30-84 of the Marco Island LDC; and

WHEREAS, the City Council, acting as the Board of Zoning Appeals, has held a public hearing after proper notice, and has considered the request for establishment of the existing church as an approved conditional use, and for the expansion of the cemetery and the expansion of the church as approved conditional uses on residential RSF-4 zoned property and has found that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulation; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board of Zoning Appeals in a public meeting assembled, and the Board having considered all matters presented:

NOW, THEREFORE BE IT RESOLVED, BY THE CITY OF MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:

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

SECTION 2. Approval. The Petition CU-10-02 filed by the New Life Community Church of God, with respect to property located at 489 Elkcam Circle, City of Marco Island, hereby grants Conditional Use approval for church and church-related uses for property described in Exhibit "A" as follows:

1. Phase I: The uses currently existing on two (2) parcels as described in Exhibit "A", particularly a cemetery with 1040 burial plots and a church containing 11,375 square feet and 276 seats in the main sanctuary are recognized as an approved conditional use;
2. Phase II: The expansion of the cemetery with an additional 1,133 burial plots and the creation of a mausoleum approximately 55 feet by 42 feet in size as depicted on the attached Master Plan (SK-4), subject to stipulations made below; and

3. Phase III: The expansion of the church to add approximately 10,000 additional square feet of enclosed space and to add up to 274 additional sanctuary seats as depicted on the attached master Plan (SK-4), subject to stipulations made below.

SECTION 3. <u>Conditions:</u> Approval of Phase II and Phase III as conditional uses shall be subject to the following conditions:

1. The petitioner shall provide and maintain a 15 foot wide landscape buffer, opaque to 6 feet in height, along the area adjacent to all single family parcels bordering on the south and southwest property lines;
2. The petitioner shall provide and maintain an average 15-foot wide landscape buffer along the western boundary of the property adjacent to Joy Circle.
3. The petitioner shall enter into a joint parking agreement with the City within 90 days of approval of this Conditional use for the mutual benefit of the Church and the City; prior to final approval of a site development plan for Phase III, the parties will review the existing joint parking agreement and determine by mutual consent any appropriate changes to be made at that time.
4. The Petitioner shall coordinate its site improvements to compliment the visual components of Veteran's Park to the extent that the Veteran's Park design components are completed for the eastern section of the park before the petitioner submits its Site Development Plan.
5. Phase II, cemetery and mausoleum uses, are deemed to have "commenced" within the meaning of Section 30-64 (4) and will not expire.
6. Phase III, expansion of church uses, shall be deemed to have "commenced", within the meaning of Section 30-64 (4) but shall nonetheless expire by August 31, 2020 unless Site Development Plan approval has been obtained and building permits issued for the expansion.
7. The Elements depicted in the Master Plan will limit the scope and intensity of the conditional uses, but exact locations may be altered with staff approval to accommodate site-related conditions that could not be anticipated.
8. No mausoleum shall be constructed in the absence of state law authorizing its use. The location depicted for the mausoleum in Exhibit A shall not preclude its location in another area otherwise indicating gravesites on the site development plan submission.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted this 7th day of September 2010.

Attest:

Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: _____

Frank Recker, Chairman

Approved as to Form and legal sufficiency:

Alan L. Gabriel, Esquire, City Attorney

New Life Community Church of God

Project Information:	Located at the corner of West Elkcam Circle and Bald Eagle Drive in Marco Island, Florida. The property is divided into (3) separate parcels. Parcel A = 7.33 acres, Parcel B = 1.5 acres, Parcel C = .95 acres
Zoning:	Parcel A = RSF-4-MUD, Parcel B = RSF-4-MUD, Parcel C = C-4
Permitted Uses:	RSF-4 = As defined under RSF District. The church is a conditional use. C-4 = As defined under C-4.
Residential Single Family 4 District (RSF-4-MUD)	
Maximum Density:	4 units per acre
Minimum Lot Area:	7,500 square feet
Minimum Lot Width:	75 ft.
Minimum yard requirements:	
Front:	25 feet
Sides:	10 feet
Rear:	25 feet
Maximum height:	35 feet from FEMA to the mean roof height Height limitations do not apply to spires, belfries or cupolas.
C-4 Commercial District	
Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 ft.
Minimum yard requirements:	
Front:	25 feet
Sides:	15 feet or 25 feet abutting a residential zoned property
Rear:	10 feet
Maximum height:	75 feet from FEMA to the mean roof height
Maximum Lot Coverage:	76 % of land area
New Parking Calculation:	3 spaces for each 7 seats in chapel or assembly area, other uses are not counted except for residential uses which is 2 spaces per unit. New Sanctuary (550 seats) = 235 parking required (1) Single family residence = 2 parking required Total parking required = 237 parking required Parking provided: Church parking spaces = 235 parking spaces Residential Single Family = 3 parking spaces Cemetery existing = 9 parking spaces Total spaces provided = 246 parking provided
Existing Site Easements:	Southwest boundary = 6 ft. Drainage Easement / Utility Easement Southeast boundary = 10 ft. Drainage & Utility Easement
Flood information:	Flood Zone AE (8.10), Existing Sanctuary floor elevation = 11 feet

Cemetery Expansion:

Existing Cemetery Plots = Plot 1 through plot 1040
Proposed Cemetery Plots = Plot 1041 through plot 2173

Note: There are an additional 1,133 plots proposed

New Mausoleum Standards

Mausoleum Dimensions = 57 x 42 pad (2,394 square feet)
Crypt Layout = 10 rows / 5 high (each side) 100 total Crypts
Columbarium Layout = 12 rows / 9 high (one side) 108 total columbarium niches

New Building Area Calculations:

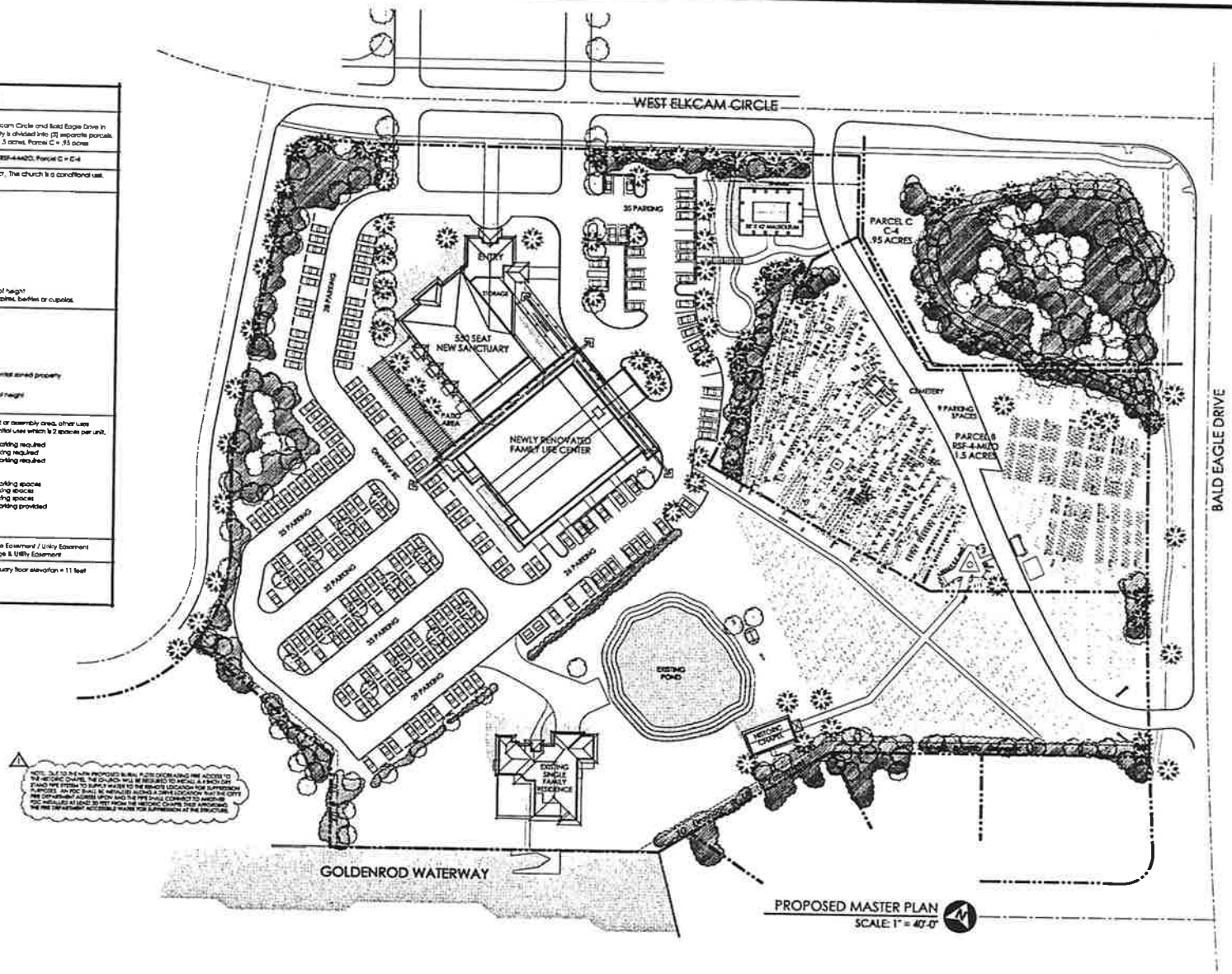
Sanctuary Space	=	9,200 square feet (550 seats) (400 main floor / 150 mezzanine)
Entry Area	=	500 square feet
Storage / Mechanical	=	300 square feet
Total New Building	=	10,000 square feet

Renovated New Family Life Center

The renovated New Family Life Center will include a renovation to the existing sanctuary building of 11,374 square feet and will include the following program of spaces:

1. Large Kitchen and adjacent Cafe space
2. Adequate storage areas
3. Indoor multi-purpose room / gymnasium space
4. Educational Classroom spaces
5. Administrative service areas and office spaces

Total New Building	=	10,000 square feet
New Family Life Center	=	11,374 square feet
New Area Total	=	21,374 square feet



NOTE: DUE TO THE NEW PROPOSED BUILDING PLACEMENT, DEPENDING FIRE ACCESS TO THE HISTORIC CHURCH, THE CHURCH WILL BE REQUIRED TO INSTALL A 4 INCH DRY STAND PIPE SYSTEM TO SUPPLY WATER TO THE REMOTE LOCATION FOR SUPPRESSION PURPOSES. AN FDC SHALL BE INSTALLED ALONG A DRIVE LOCATION SUCH THE CITY FIRE DEPARTMENT AGREES UPON AND THE PIPE SHALL CONNECT TO ANOTHER FDC INSTALLED AT LEAST 30 FEET FROM THE HISTORIC CHURCH TO ENSURE THE FIRE DEPARTMENT ACCESSIBLE WATER FOR SUPPRESSION OF THE STRUCTURE.

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NEW LIFE COMMUNITY CHURCH OF GOD MASTER PLAN

489 WEST ELKCAM CIRCLE, MARCO, ISLAND, FLORIDA 34145

SK4

JULY 28, 2010