

**MARCO ISLAND CITY COUNCIL RESOLUTION NO. 09-06**

**A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR A NURSING AND RESIDENTIAL CARE FACILITY AS PROVIDED IN SECTION 30-224 (14) OF THE MARCO ISLAND LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 218 SOUTH BARFIELD DRIVE, LOT 2, BLOCK 83, MARCO BEACH UNIT 5 SUBDIVISION, CITY OF MARCO ISLAND, FLORIDA; AND PROVIDING 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 Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing on February 27, 2009 after notice, and voted 6 to 0 to recommend that the Marco Island City Council approve the requested Conditional Use "14" of Section 30-224 of the City's Land Development Code (LDC), for property located within the "C-3 Commercial zoning district, to permit a Nursing and Residential Care Facility to include the conversion of the second floor of the existing Adult Day Care facility to accommodate ten (10) dependent care units and the reduction of adult day care clients from 67 to 50, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with paragraph (2) of Section 30-224 (14) of the Marco Island Land Development Code; and

**WHEREAS**, City Council, acting as the Board of Zoning Appeals, has held a public hearing after proper notice as provided in said regulations was made, and has considered the request for a Conditional Use Permit for establishment of a Nursing and Residential Care Facility for property located at 218 South Barfield Drive on C-3 Commercial zoned property pursuant to Section 30-224 (14) of the Marco Land Development Code, and has found that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations; 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 MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:**

The Petition CU-09-01 filed by Robert Mulhere, AICP, as Agent on behalf of Richard Robinson, President/CEO and Managing Member of Triad Healthcare Systems, LLC (dba Sanitasole at Barfield; with respect to property located at 218

South Barfield Drive, City of Marco Island, Florida, and described as Lot 2, Block 83, Marco Beach Unit 5 Subdivision; is hereby granted Conditional Use approval for a Nursing and Residential Care Facility to include the conversion of the second floor of the existing Adult Day Care facility to accommodate ten (10) dependent care units and the reduction of adult day care clients from 67 to 50, in accordance with the terms and conditions of Section 30-224 (14) of the Marco Land Development Code and Exhibit "B", subject to the following conditions:

1. Reduction in the number of adult day care clients from 67 to 50.
2. Licensure by the State of Florida prior to the issuance of a certificate of occupancy.

**BE IT FURTHER RESOLVED** that this Resolution relating to petition Number CU-09-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 6<sup>th</sup> day of April, 2009.

MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By:   
Robert J. Popoff, Chairman

ATTEST:

  
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Laura Litzan  
City Clerk

Approved as to Form and  
legal sufficiency:

  
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Alan L. Gabriel, Esq.  
City Attorney