

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 09-02

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR AN ESSENTIAL SERVICE AS PROVIDED FOR IN PARAGRAPH (2) OF SECTION 30-1008 OF THE CITY'S LAND DEVELOPMENT CODE TO PERMIT A NEW 3.5 MILLION GALLON FINISH WATER STORAGE TANK, FOR PROPERTY LOCATED AT 415 LILY COURT, CITY OF MARCO ISLAND, FLORIDA

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 January 16, 2009 after notice, and voted 6 to 0 to recommend that the Marco Island City Council approve the requested Conditional Use pursuant to paragraph (2) of Section 30-1008 of the City's Land Development Code (LDC), for property located within the "RSF-4" zoning district, to permit construction of a new 3.5 million gallon finish water storage tank, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement have/have not been made concerning all applicable matters required by said regulations and in accordance with paragraph (2) of Section 30-1008 of the Marco Island LDC; and

WHEREAS, City Council, acting as the Board of Zoning Appeals, has held a public hearing after proper notice, and has considered the request for construction of a new 3.5 million gallon finish water storage tank on residential RSF-4 zoned property 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-08-04 filed by the City of Marco Island, with respect to property located at 415 Lily Court, City of Marco Island, is hereby granted Conditional Use approval for construction of a new 3.5 million gallon finish water storage tank, in accordance with the terms and conditions of paragraph (2) of Section 30-1008 and Exhibit "B", subject to the following condition:

- 1) The existing internal access road will be realigned to the east as depicted in the attached Exhibit "B" labeled "Option 1".

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-08-04 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 17th day of February, 2009.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

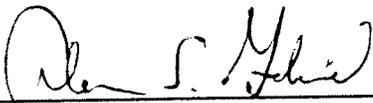
By: 
William D. Trotter, Chairman

ATTEST:



Laura Litzan
City Clerk

Approved as to Form and
legal sufficiency:



Alan L. Gabriel, Esq.
City Attorney

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-08-04**

The following facts are found:

1. Section 30-1008(2) of the City's Code of Ordinances authorizes conditional uses.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:

a. Consistency with the Land Development Code & Growth Management Plan:

Yes No

b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:

Adequate ingress & egress
Yes No

c. Affects neighboring properties in relation to noise, glare, economic or odor effects:

No affect Affect mitigated by
Affect cannot be mitigated

d. Compatibility with adjacent properties and other property in the district:

Compatible use within district
Yes No ?

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval _____.

Date: 1-17-09.

CHAIRMAN: _____

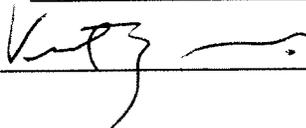
MEMBER: 

EXHIBIT "A"

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-08-04**

The following facts are found:

1. Section 30-1008(2) of the City's Code of Ordinances authorizes conditional uses.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:
 - a. Consistency with the Land Development Code & Growth Management Plan:
Yes No
 - b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:
Adequate ingress & egress
Yes No
 - c. Affects neighboring properties in relation to noise, glare, economic or odor effects:
No affect Affect mitigated by
Affect cannot be mitigated
 - d. Compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes No

Based on the above findings, this conditional use should, with stipulations, (copy attached) ~~(should not)~~ be recommended for approval .

Date: 16 JAN 09

CHAIRMAN: _____
MEMBER: *[Signature]*

EXHIBIT "A"

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-08-04**

The following facts are found:

1. Section 30-1008(2) of the City's Code of Ordinances authorizes conditional uses.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:

a. Consistency with the Land Development Code & Growth Management Plan:

Yes No

b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:

Adequate ingress & egress
Yes No

c. Affects neighboring properties in relation to noise, glare, economic or odor effects:

No affect Affect mitigated by BEAM, FENCE
Affect cannot be mitigated

d. Compatibility with adjacent properties and other property in the district:

Compatible use within district
Yes No

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval _____.

Date: 16 JANUARY 2009

CHAIRMAN: _____

MEMBER: Wynne L...

EXHIBIT "A"

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-08-04**

The following facts are found:

1. Section 30-1008(2) of the City's Code of Ordinances authorizes conditional uses.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:

a. Consistency with the Land Development Code & Growth Management Plan:
Yes No

b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:
Adequate ingress & egress
Yes No

c. Affects neighboring properties in relation to noise, glare, economic or odor effects:
No affect Affect mitigated by
Affect cannot be mitigated

d. Compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes No

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval _____.

Date: 1/16/09

CHAIRMAN: [Signature]
MEMBER: _____

EXHIBIT "A"

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-08-04**

The following facts are found:

1. Section 30-1008(2) of the City's Code of Ordinances authorizes conditional uses.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:
 - a. Consistency with the Land Development Code & Growth Management Plan:
Yes No
 - b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:
Adequate ingress & egress
Yes No
 - c. Affects neighboring properties in relation to noise, glare, economic or odor effects:
No affect Affect mitigated by
Affect cannot be mitigated
 - d. Compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes No

Based on the above findings, this conditional use (should) with stipulations, (copy attached) (should not) be recommended for approval _____.

Date: 01-16-09

CHAIRMAN: Needles

MEMBER: William Sneddon

EXHIBIT "A"

**FINDING OF FACT BY
MARCO ISLAND PLANNING BOARD
FOR
A CONDITIONAL USE PETITION FOR
CU-08-04**

The following facts are found:

1. Section 30-1008(2) of the City's Code of Ordinances authorizes conditional uses.
2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:

a. Consistency with the Land Development Code & Growth Management Plan:
Yes No

b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire catastrophe:
Adequate ingress & egress
Yes No

c. Affects neighboring properties in relation to noise, glare, economic or odor effects:
No affect Affect mitigated by
Affect cannot be mitigated

d. Compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes No

Based on the above findings, this conditional use should with stipulations, (copy attached) (should not) be recommended for approval _____.

Date: 04/16/09

CHAIRMAN: Needles

MEMBER: Riviere

EXHIBIT "A"

EXHIBIT B

Option 1 – One 3.5 million gallon tank - \$1,780,000

