

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 08-16

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 TEMPORARILY RELOCATE (TWO YEARS) THE UTILITY COLLECTION AND DISTRIBUTION DEPARTMENT (C/D) FROM THE NORTH WATER TREATMENT PLANT (NWTP) TO THE SOUTH WATER TREATMENT PLANT (SWTP), AND TO PROVIDE A STORAGE AREA ON-SITE TO STORE THE CURRENT INVENTORY OF PARTS AND (C/D) VEHICLES FROM THE NWTP, 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 February 22, 2008 after notice, and voted 5 to 1 to recommend that the Marco Island City Council deny the requested Conditional Use pursuant to paragraph (2) of Section 30-1008 of the City's Land Development Code (LDC) of the "RSF-4" zoning district to temporarily relocate the Utility Collection and Distribution Department (C/D) from the North Water Treatment Plant (NWTP) to the South Water Treatment Plant (SWTP), and to provide a storage area on-site to store the current inventory of parts and (C/D) vehicles from the NWTP for a period of 2 years, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement 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 temporarily relocating the Utility Collection and Distribution Department (C/D) from the North Water Treatment Plant (NWTP) to the South Water Treatment Plant (SWTP), and to provide a storage area on-site to store the current inventory of parts and (C/D) vehicles from the NWTP for a period of 2 years 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 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:

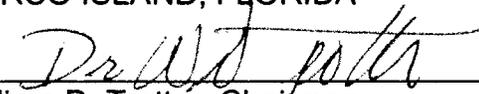
The Petition CU-08-02 filed by the City of Marco Island, with respect to property located at 415 Lily Court, City of Marco Island, is hereby granted Conditional Use approval for temporarily relocating the Utility Collection and Distribution Department (C/D) from the North Water Treatment Plant (NWTP) to the South Water Treatment Plant (SWTP), and to provide a storage area on-site to store the current inventory of parts and (C/D) vehicles from the NWTP for a period of 2 years, in accordance with the terms and conditions of paragraph (2) of Section 30-1008 and Exhibit "B".

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-08-02 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

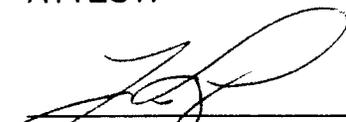
This Resolution adopted after motion, second and majority vote.

Done this 7th day of April 2008.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

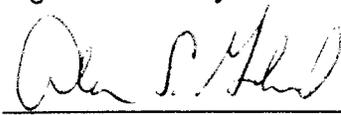
By: 
William D. Trotter, Chairman

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-08-02**

The following facts are found:

1. Section 30-1008(2) of City Code authorizes the 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: _____

CHAIRMAN: _____

MEMBER: _____

EXHIBIT "A"

Proposed Screening
(Landscape Buffer)

Has been removed

Proposed Storage Trailers
40'x 8'

Existing Storage Containers

24'

Existing Employee Break Room

40'

Proposed Parking Area

24'

Existing Storage Bldg

40'

Proposed Pipe/Fittings Storage Area

Existing Storage Trailer

120'

190'

EXHIBIT B

City of Marco Island South Utility Plant Proposed Storage and Employee Facilities