

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 04-07

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR A CHILDCARE CENTER AT THE MARCO CHURCH OF GOD PURSUANT TO SECTION 30-84(4) OF THE MARCO ISLAND LAND DEVELOPMENT CODE, LOCATED AT 590 ELKCAM CIRCLE, 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 20, 2004 after notice, and has considered the advisability of Conditional Use "4" of Section 30-84 of the "RSF-4" zoning district for a childcare center at the Marco Church of God, 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 Section 30-84(4) of the Marco Island Land Development Code for the Marco Island Planning Board; 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 advisability of granting Conditional Use approval for a childcare center at the Marco Church of God on a residential single family (RSF-4) zoned property pursuant to Section 30-84(4) of City Code, on property herein described, and has found that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with the Land Development Code for the City of Marco Island: and

WHEREAS, all interested parties have been given opportunity to be heard by this Board 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-04-04 filed by Pastor Clayton Watson, Senior Pastor of the Marco Church of God, with respect to the property hereinafter described as:

590 Elkcarn Circle, legally described as Tract "D", Marco Beach Unit 6, as recorded in Plat Book 6, Pages 47 through 54 of the public records of Collier County Florida, Section 6, Township 52 South, Range 26 East, City of Marco Island, Florida.

Is hereby granted Conditional Use approval for a childcare center on the above-described property in accordance with Exhibit's "B" and "C" subject to the following conditions:

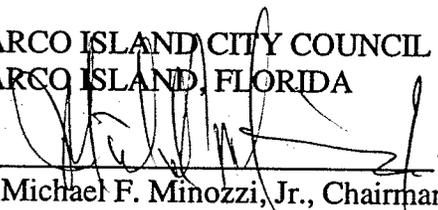
1. In accordance with Marco Island Land Development Code and Exhibit "C", the petitioner shall plant a landscape buffer around the existing chain link fence encompassing the playground. The landscape buffer shall include native canopy trees and hedge. At the time of planting, the canopy trees shall be a minimum of 8-feet in height and spaced 25 feet on center, and the hedge shall be a minimum of 24 inches in height, three gallon, and spaced a minimum of three feet on center. The hedge shall be maintained at six feet in height.
2. Outdoor loud speakers of any sort shall be prohibited on the playground and/or church property other than as may be appropriate for special functions.

BE IT FURTHER RESOLVED that this Resolution relating to petition Number CU-04-04 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

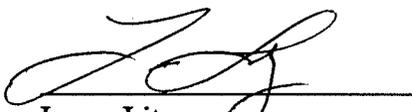
This Resolution adopted after motion, second and majority vote.

Done this 1st day of March, 2004.

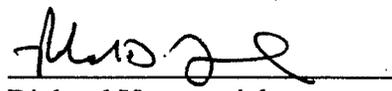
MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 
Michael F. Minozzi, Jr., Chairman

ATTEST:


Laura Litzan
City Clerk

Approved as to Form and legality:


Richard Yovanovich
City Attorney

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

The following facts are found:

1. Section 30-84(4) of City Code authorizes the conditional use.
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 After mitigated by
Affect cannot be mitigated
 - d. Compatibility and adjacent properties and other property in the district:
Compatible use within the district
Yes No

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

Date: 2 _____

CHAIRMAN: _____

MEMBER: _____

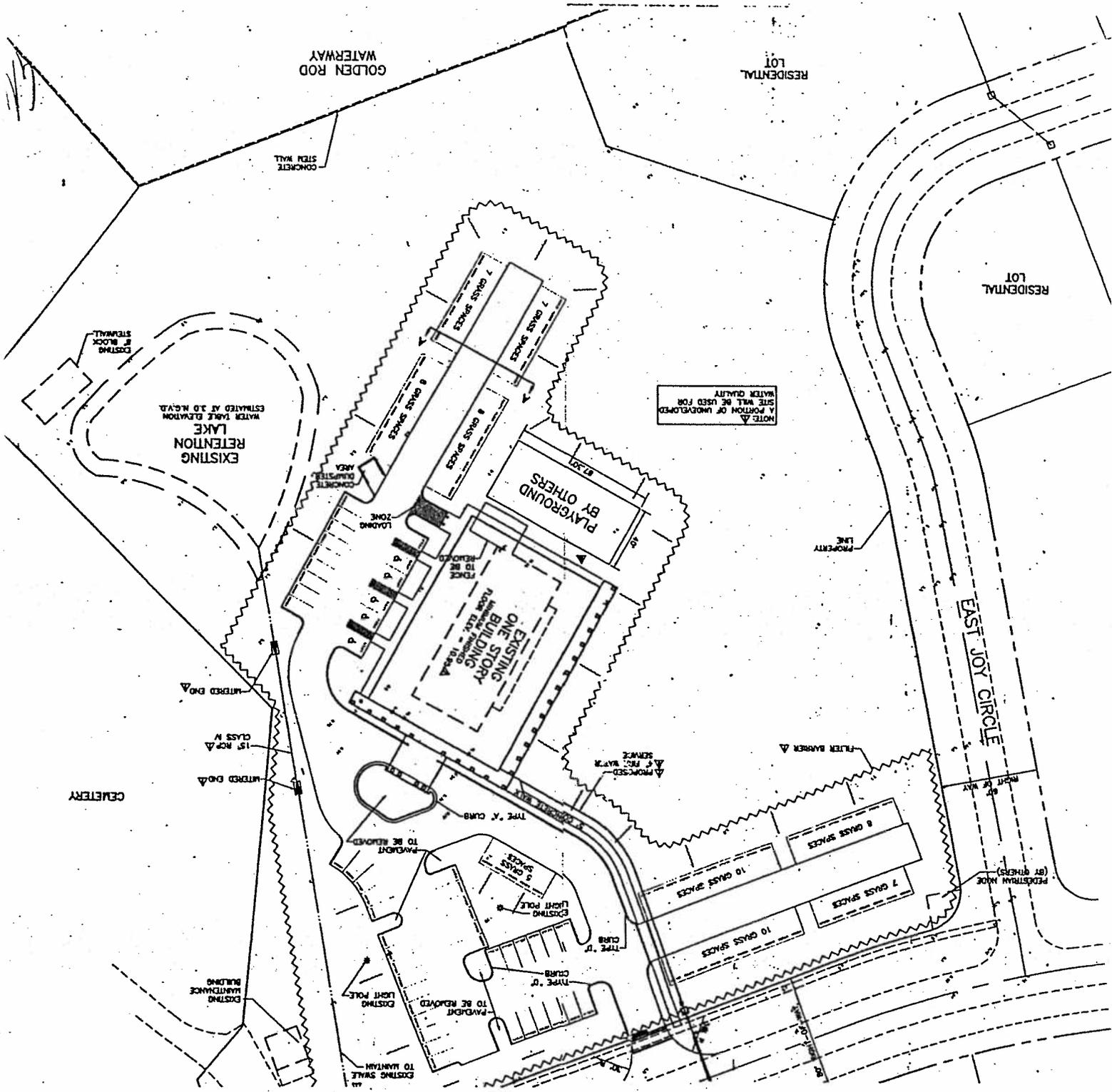
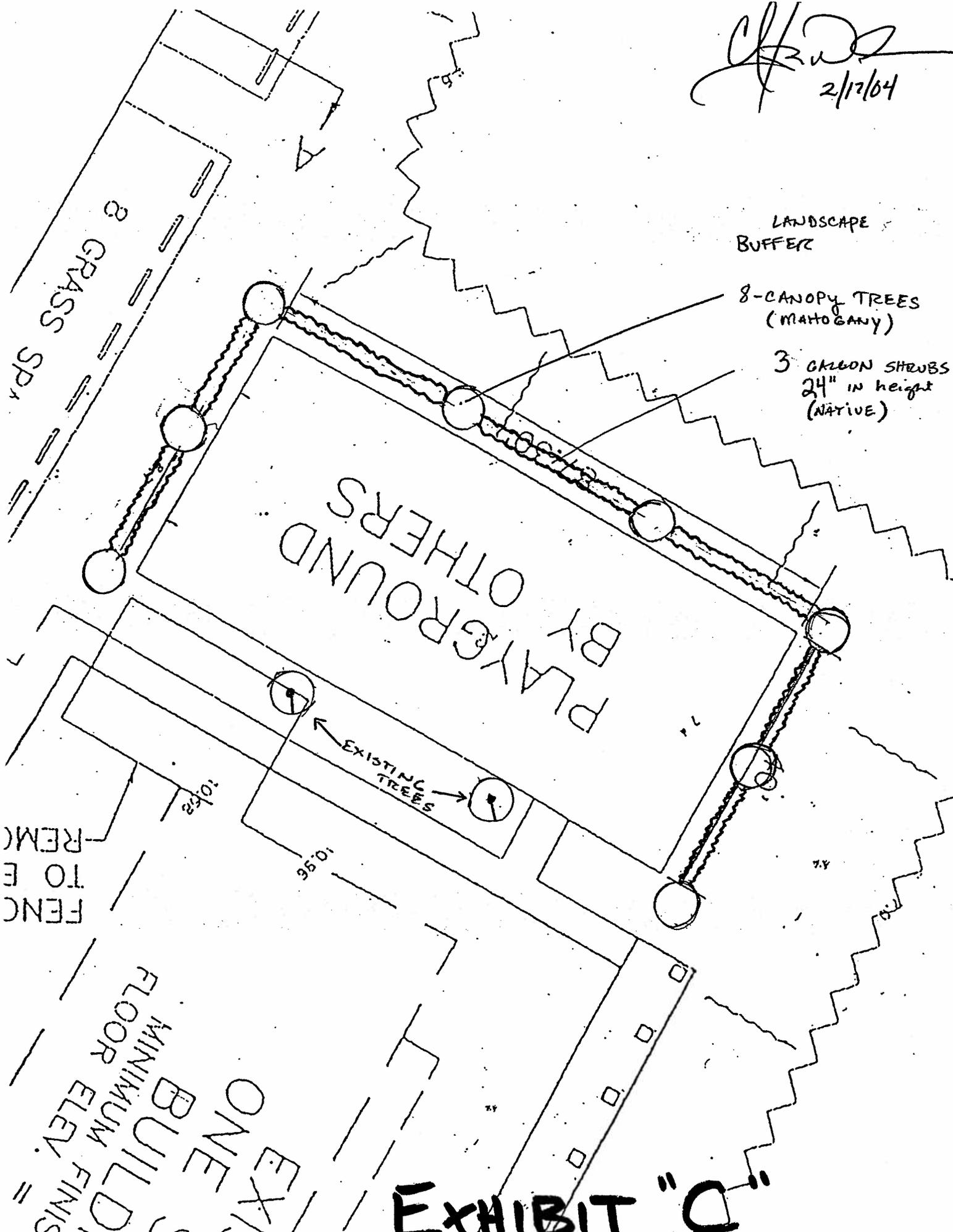


EXHIBIT "B"

CFW
2/17/04



8 GRASS SP.

LANDSCAPE BUFFER

8-CANOPY TREES (MAHOGANY)

3 GAZON SHRUBS, 24" IN HEIGHT (NATIVE)

PLAYGROUND BY OTHERS

FENC TO E (REM)

EXISTING TREES

ONE EXISTING BUILDING
MINIMUM FLOOR FINISH ELEV. =

EXHIBIT "D"