

CITY OF MARCO ISLAND
RESOLUTION 98-19

RELATING TO PETITION NUMBER CU-97-22 for
A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF
A CHILD CARE CENTER CONDITIONAL USE #4" IN THE
RSF-4-MIZO ZONING DISTRICT FOR PROPERTY LOCATED
IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 26
EAST, CITY OF MARCO ISLAND, COLLIER COUNTY,
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 City Charter provides that there shall be a Planning Commission advisory to the City Council; and

WHEREAS, the City Council adopted Ordinance No. 98-1, establishing and creating the Marco Island Planning Board; and

WHEREAS, pursuant to Ordinance No. 98-1, the Marco island Planning Board is responsible for reviewing and making recomenations with regards to conditional use petitions to the City Council; and

~~WHEREAS, the City Charter provides that the Collier County Land~~
Development Code in effect on August 28, 1997 ("Regulations") shall remain in effect as the City of Marco Island's transitional land development regulations; and

WHEREAS, the City of Marco Island and Collier County have entered into an interlocal agreement by which Collier County Staff is authorized to review and present Petition CU-97-22 to the Marco Island Planning Board; and

WHEREAS, the Marco Island Planning Board, being the duly appointed constituted board for the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of Conditional Use "4" of Section 2.2.4.3 in an RSF-4-MIZO zone for a child care center on the property hereinafter described, 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 Subsection 2.7.4.4 of the Land Development Code for the unincorporated area of Collier County and on an interim bases for the City of Marco Island; and

WHEREAS, the City Council, being the duly elected constituted board for the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered this Conditional Use request; and

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

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL of The City of Marco Island, Florida that:

The petition filed by Martin D. Pinckney, P.E. of American Engineering Consultants, Inc., representing Martin Frimberger and Amy Jerde with respect to the property hereinafter described as:

Lot 11, and 55' of Lot 12, Block 109, Marco Beach Unit 2, as recorded in Plat Book 23, Pages 1 & 2, of the Public Records of Collier County, Florida.

be and the same is hereby approved for Conditional Use "4" of Section 2.2.4.3 of the RSF-4-MIZO zoning district for a child care center in

accordance with the Conceptual Master Plan (Exhibit "B") and subject to the following conditions:

- a. No additional students will be permitted over the amount that was first approved with the original conditional use petition (CU-85-19C)
- b. An appropriate portion of native vegetation shall be retained on site as required in Section 3.9.5.5.4 of the Land Development Code.
- c. An exotic vegetation removal, monitoring and maintenance (exotic free) plan for the site shall be submitted to Current Planning environmental staff for review and approval prior to final site plan/ construction plan approval.
- d. The petitioner shall resolve all Code Enforcement violations prior to final site plan/construction plan approval.
- e. A Type "B" buffer shall be provided within the required buffer strip around parking lot. An additional 5 foot wide landscape area shall be provided around shed. This landscape screen shall be 80 percent opaque within one year from the time of planting.
- f. The proposed parking lot on Lot #10 shall be paved.
- g. The petitioner shall remove all commercial day care designs, emblems and/or painting from the front side of the day care facility facing San Marco Road.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number CU-97-22 be recorded in the minutes of this Council and filed with the City Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 11TH day of MARCH, 1998.

CITY COUNCIL
MARCO ISLAND, FLORIDA

BY: [Signature]
HARRY J. COWIN, Chairman

ATTEST:
Patricia L. Berry
Interim Assistant City Clerk

[Signature]

[Signature]
Charles McCool
Interim City Manager

Approved as to Form and Legality:

[Signature]
Kenneth B. Cuyler
Interim City Attorney

f/CU-97-22 RESOLUTION

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR
CU-97-22

The following facts are found:

1. Section 2.2.4.3.4 of the Land Development Code authorized 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 and 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 or catastrophe:

Adequate ingress & egress

Yes No

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

No affect or Affect mitigated by landscape Buffer
 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: Jan 13, 1978

CHAIRMAN: *Richard W. Nelson*

EXHIBIT "A"

Petition CU-97-22
Conceptual Site Plan for Frimberger & Jerde Child Care Center

SAN MARCO ROAD (A.K.A. STATE ROAD 92 PER PLAT)
(100' R/W)

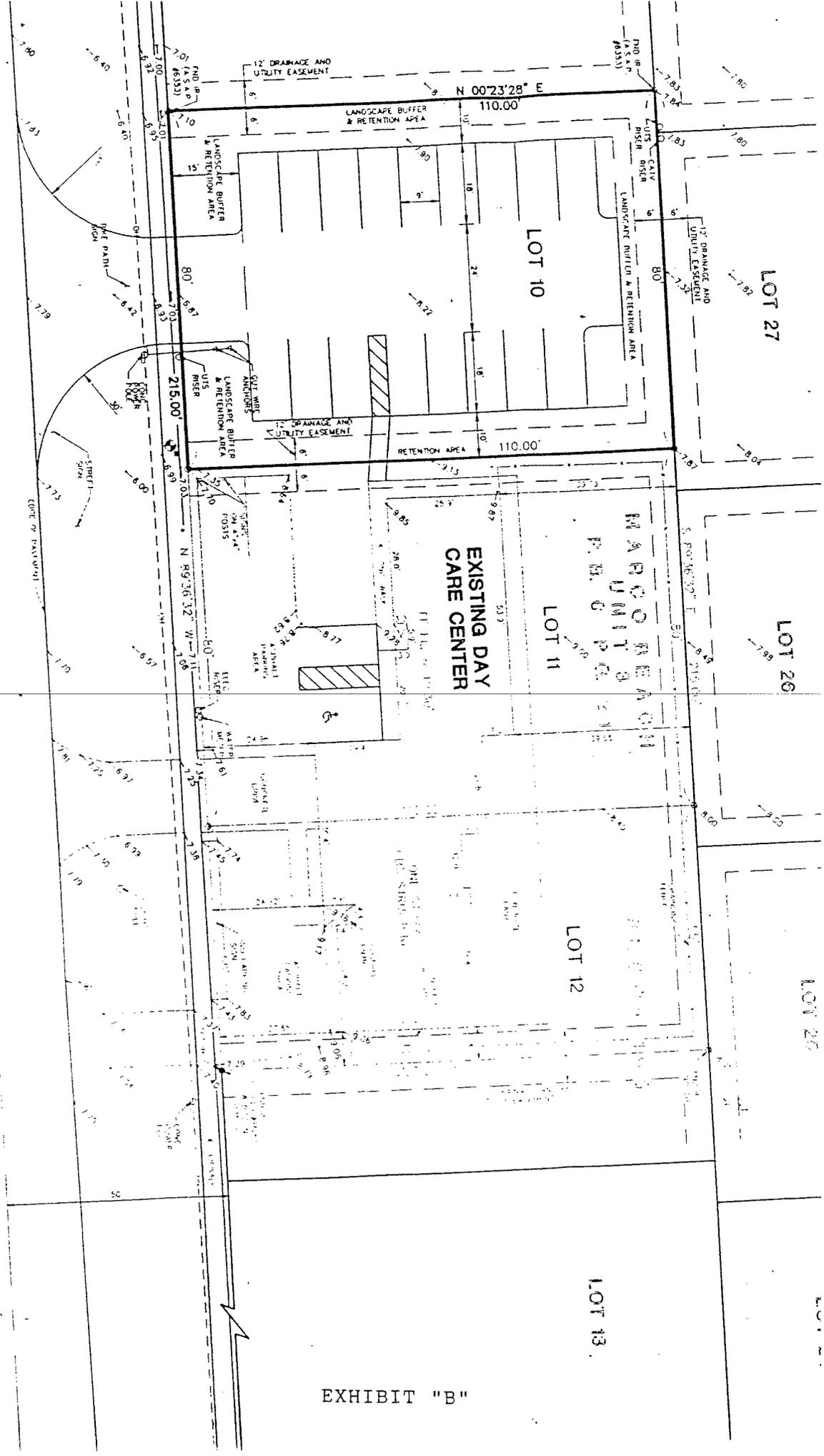


EXHIBIT "B"

ORIGINAL

EXECUTIVE SUMMARY

PETITION NO. CU-97-22, MARTIN D. PINCKNEY REPRESENTING MARTIN FRIMBERGER AND AMY JERDE, REQUESTING CONDITIONAL USE "4" OF THE RSF-4-MIZO ZONING DISTRICT TO ALLOW FOR THE EXPANSION OF AN EXISTING AN EXISTING CHILD CARE FACILITY FOR PROPERTY LOCATED ON THE NORTH SIDE OF SAN MARCO ROAD AND 500 FEET EAST OF BALD EAGLE DRIVE, IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 26 EAST, MARCO ISLAND, FLORIDA, CONSISTING OF .20 ACRES, MORE OR LESS.

OBJECTIVE:

This petitioner seeks a conditional use in order to expand off-street parking for an existing child care facility, and to enhance the safety of the vehicular and pedestrian users of the facility.

CONSIDERATIONS:

The subject lot is .20 acres in area and has 80 feet of frontage on San Marco Road. The lot is also located adjacent to an existing child care facility (KidCare) that received provisional use approval (PU-85-19C) in 1985. The owner is proposing to construct a parking lot to provide better parking, traffic circulation and safer child drop-off/pick-up areas for the existing child care facility. The petitioner is not requesting to add additional students over the amount that are currently permitted at the existing facility (65 students). The property is located within the low density residential district as designated on the Marco Island Future Land Use Map (FLUE). Non-residential uses permitted within this district are limited to those uses that are compatible and/or support the residential character of the area. These allowed uses include churches, libraries, cemeteries, schools, and day care centers. Therefore, this petition is consistent with the Future Land Use Element of the Marco Island Master Plan. In addition, the property to the west is designated Community Commercial on the Marco Island Future Land Use Map. The purpose of this district is to provide centers of activity that serve the needs of the surrounding community. It also permits non-commercial uses such as family and group care facilities day care centers, libraries, offices and medical offices.

The ITE Trip Generation Manual is a tool used to estimate the number of vehicular trips likely to be generated by a particular land use. This manual indicates that this petition will not generate any additional trip ends since the existing student population will remain the same. As a result, the proposed conditional use will not lower the level of service (LOS) below the adopted LOS "D" standard for any segment of San Marco Road. This is the minimum level of service the road is allowed to operate without providing road improvements. Therefore, this petition is consistent with Policy 5.1 and 5.2 of the Traffic Circulation Element (TCE) of the Collier County Growth Management Plan. The TCE classifies this segment of San Marco Road as a 2 lane collector road fronting the project. The traffic count for this segment is 8,803 which results in LOS "C" operation. Therefore, this petition is consistent with minimum level of service "D" standard as listed in Policy 1.3 of the TCE.

Conditional uses require a finding based on certain criteria contained in Section 2.7.4.4 of the Land Development Code. Each of the potential impacts or considerations identified under each of the criteria are categorized as either pro or con as the case may be. A summary of the pro/cons is as listed:

PRO

CON

- ◆ A development order approved that is consistent with applicable elements of the Marco Island Master Plan and provisions of the LDC, must be considered on the positive side of conditional use evaluative criteria.
- ◆ The proposed ingress/egress should operate with an adequate level of safety. The on-site traffic and pedestrian circulation has been designed to minimize conflict.
- ◆ No additional site generated traffic will result from the approval of this conditional use request.
- ◆ Intensifying the traffic condition on this segment of San Marco Boulevard may at times give rise to inconveniencing neighborhood residents.
- ◆ Temporary noise and glare may result to neighboring properties during the construction phase.

The Marco Island Planning Board reviewed this petition during their public hearing of January 9, 1998. The Planning Board unanimously recommended by a 7 to 0 vote to forward petition CU-97-22 to the Marco Island City Council with a recommendation of approval. No one spoke for or against this petition during the public hearing, however, staff has received three letters in opposition to this petition.

FISCAL IMPACT:

None.

GROWTH MANAGEMENT IMPACT:

Expanding the existing conditional use for a day care facility on property that is zoned RSF-4-MIZO (Marco Island Zoning Overlay) does nothing to change the relationship of this property to the Future Land Use Element (FLUE) to the Growth Management Plan (GMP). The subject property is located within the Low Density Residential District as designated in the Marco Island Master Plan. This district authorizes any of the uses allowed in the RSF-4-MIZO zoning district including child care facilities. In all other respects this petition is consistent with the GMP.

MARCO ISLAND PLANNING BOARD RECOMMENDATION:

That the Marco Island City Council approve petition CU-97-18 subject to the conditions described in the Resolution of Adoption and Exhibits made a part of this executive summary

PREPARED BY

Ray Bellows
RAY BELLOWS, PRINCIPAL PLANNER
CURRENT PLANNING

1/23/98
DATE

REVIEWED BY:

Robert J. Mulhere
ROBERT J. MULHERE, AICP, MANAGER
CURRENT PLANNING

1/23/98
DATE

Donald W. Arnold
DONALD W. ARNOLD, AICP, DIRECTOR
PLANNING SERVICES DEPARTMENT

1/23/98
DATE

Vincent A. Causero
VINCENT A. CAUSERO, AICP, ADMINISTRATOR
COMMUNITY DEV. AND ENVIRONMENTAL SVCS.

1-27-98
DATE