

ORDINANCE 24-16

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA,
REZONING REAL PROPERTY; MAKING FINDINGS; ADOPTING
ORDINANCE RECITALS; AMENDING THE OFFICIAL ZONING
ATLAS AND REZONING THE PROPERTY LOCATED AT 531 S.
COLLIER BLVD. MARCO ISLAND, FLORIDA; PROVIDING THAT
APPROVAL DOES NOT CREATE A VESTED RIGHT; PROVIDING
FOR FAILURE TO COMPLY WITH THIS ORDINANCE; PROVIDING
FOR INTERPRETATION, AND SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Section 30-62 of the City of Marco Island Land Development Code (“LDC”) provides for review and approval of changes to the official zoning map; and

WHEREAS, the Salute Properties, LLC (Owner/developer), has submitted an application for rezoning of the property located at 531 S. Collier Blvd., and legally described as Marco Beach, Unit 7, Block 184, Lot 6, Property Identification Number 57648760001 (the "Subject Property"), consisting of .56 +/- acres from "C-1/C-1T Commercial to C-3 Commercial; and

WHEREAS, the rezoning application has been reviewed pursuant to the standards set forth at Section 30-62 of the LDC; and

WHEREAS, the proposed rezoning to C-3 Commercial will follow the Future Land Use Element and Map based on the following goals, objectives and policies.

GOAL 3 FUTURE LAND USE MAP

MAINTAIN AND IMPLEMENT A FUTURE LAND USE MAP THAT PLANS FOR A PREDICTABLE AND CONTEXT APPROPRIATE APPROACH TO THE PROPOSED DISTRIBUTION, LOCATION, AND EXTENT OF LAND USES, DENSITIES AND INTENSITIES IN THE CITY TO PROTECT NATURAL RESOURCES, ENCOURAGE, WHERE APPROPRIATE, HIGH LEVEL SERVICES AND INFRASTRUCTURE IN A COSTEFFECTIVE MANNER, AND MAINTAIN THE COMMUNITY CHARACTER AND SMALLTOWN CHARM.

Objective 3.2

To accommodate orderly and well-planned commercial and mixed-use development at appropriate locations to serve the residents, businesses, and those they serve.

Policy 3.2.4

The Community Commercial future land use category is intended to provide a range of commercial uses at arterial and collector intersections and nodes within the City outside of the Town Center/Mixed Use future land use category. These areas will be comprised of retail, office and

47 mixed use land uses. Standard densities are limited to 12 du/acre.
48 Hotel/motel densities are limited to 26 du/acre.
49

50 GOAL 4 GROWTH MANAGEMENT & REDEVELOPMENT
51 OUTLINE AN ECONOMICALLY FEASIBLE PLAN WHICH COORDINATES
52 THE LOCATION AND TIMING OF NEW DEVELOPMENT AND
53 REDEVELOPMENT WITH THE PROVISION OF INFRASTRUCTURE AND
54 SERVICES, WHILE PROTECTING THE CITY'S SMALL-TOWN CHARM,
55 ESTABLISHED RESIDENTIAL NEIGHBORHOODS, NATURAL
56 RESOURCES, AND PROPERTY VALUES.
57

58 Objective 4.1

59 Direct new growth and redevelopment to those areas of the City where
60 adequate public facilities exist, or are planned, and where compact and
61 contiguous development patterns can be created, and which are located
62 away from established low density residential neighborhoods.
63

64 Policy 4.1.1

65 Development will be permitted only where they are consistent with the
66 Future Land Use Map and the goals, objectives, policies, and standards
67 of this plan.
68

69 Policy 4.1.2

70 Rezonings, conditional use, site improvement plans, and other
71 development proposals will be evaluated as to the availability and
72 proximity of the road network; central sewer and water lines; community
73 facilities and services such as schools, EMS, fire and police protection,
74 and other public facilities; compatibility with surrounding land uses; and
75 any other relevant facts affecting the public health, safety, and welfare.
76

77 **WHEREAS**, the Future Land Use Map designates this lot as Community
78 Commercial, as well as the other C-3 Commercial zoned properties to the south.
79

80 **WHEREAS**, rezoning this property, an isolated district will be removed, and the
81 proposed zoning will be related to the C-3 Commercial districts to the south. C-1/C-
82 1T zoning is not found in this area and in a few other places on the whole island (along
83 Winterberry Dr., one lot on S. Barfield, the two lots north of NCH and the City Hall
84 Complex).
85

86 **WHEREAS**, it is hard to say how the district boundary was drawn, other than it
87 does not follow the with the existing C-3 zoning to the south and the fact that C-1/C-
88 1T is not found in this area.
89

90 **WHEREAS**, the property has been zoned C-1/C-1T for quite some time and has
91 remained vacant. Staff believes the evolving community and existing development
92 patterns along Collier Blvd. make this rezoning request appropriate.
93

93 **WHEREAS**, the site has been vacant for quite some time and any development,
94 whether under C-1/C-1T or proposed C-3 will influence the living conditions for the
95 single-family neighborhood across the alley from this property. The Land
96 Development Code has regulations in place to address the interface between
97 commercial and low density residential.

98
99 **WHEREAS**, the site access is off South Collier. However, the Wells Sawyer Way
100 alley abuts the property on the north and east side, thereby providing an avenue for
101 traffic from a potential business to increase using the alley.

102
103 **WHEREAS**, it does not appear the proposed rezoning will seriously change the
104 light or air for the properties to the east. Existing zoning allows for a 35-foot-high
105 structure and the proposed C-3 allows for a 50-foot structure, an additional 15 feet.
106 The proposed C-3 does not appear to have any change on light or air for the properties
107 to the north or south.

108
109 **WHEREAS**, the Staff are not property appraisers, the property values do not
110 appear to be adversely affected with C-3 zone district in the surrounding areas.

111
112 **WHEREAS**, the rezone will not be a deterrent to the development of adjacent
113 properties.

114
115 **WHEREAS**, the rezone will not grant a special privilege to this property as adjacent
116 properties to the south are already C-3 Commercial.

117
118 **WHEREAS**, the property has been vacant for some time. While the C-1/C-1T may
119 not be the reason, the uses are not consistent with development patterns seen along
120 Collier Blvd. in this area or other areas of Collier Blvd.

121
122 **WHEREAS**, the rezone is not out of scale with the needs of the neighborhood or
123 city.

124
125 **WHEREAS**, the property just south of this is zoned C-3 and the intent is to combine
126 them to provide a larger lot. There are not many vacant C-3 parcels along Collier
127 Blvd.

128
129 **WHEREAS**, the rezone will not require any higher degree of site alterations than
130 other sites to construct uses allowed in C-3.

131
132 **WHEREAS**, the rezone will have no negative impact on the level of service.

133
134 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
135 OF MARCO ISLAND, FLORIDA, AS FOLLOWS:**

136
137 **Section 1.** Recitals. Each and all of the foregoing recitals be and the same are
138 hereby incorporated into this Ordinance as if specifically set forth herein.

139
140 **Section 2. Approval of Rezoning of Subject Property.** Based on the above
141 findings, the City Council hereby approves the rezoning of the property located at located
142 at 531 S. Collier Blvd., and legally described as Marco Beach, Unit 7, Block 184, Lot 6,
143 Property Identification Number 57648760001 (the "Subject Property"), consisting of .56
144 +/- acres from "C-1/C-1T Commercial to C-3 Commercial. The City Manager, or said
145 Manager's designee, is hereby directed to amend the Official Zoning Atlas to reflect this
146 rezoning of the Subject Property.

147
148 **Section 3. Approval Does Not Create A Vested Right.** That issuance of this
149 approval by the City does not in any way create any right on the part of the
150 Owner/Developer to obtain a permit from a state or federal agency and does not create
151 any liability on the part of the City for issuance of the approval if the Owner/Developer fails
152 to obtain the requisite approvals or fulfill the obligations imposed by a state or federal
153 agency or undertakes actions that result in the violation of state or federal law. All
154 applicable state and federal permits must be obtained before commencement of the
155 Development. This condition is included pursuant to Section 166.033, Florida Statutes,
156 as amended.

157
158 **Section 4. Failure to Comply with Ordinance.** That failure to adhere to the
159 approval terms and conditions contained in this Ordinance shall be considered a violation
160 of this Ordinance and the City Code, and persons found violating this Ordinance shall be
161 subject to the penalties prescribed by the City Code, including but not limited to the
162 revocation of any of the approval(s) granted in this Ordinance and any other approvals
163 conditioned on this approval. The Owner/Developer understands and acknowledges that
164 it must comply with all other applicable requirements of the City Code before it may
165 commence construction or operation, and that the foregoing approval in this Ordinance
166 may be revoked by the City at any time upon a determination that the Owner/Developer is
167 in non-compliance with the City Code.

168
169 **Section 5. Effective Date.** This Ordinance shall be effective immediately upon
170 passage by the City Council on second reading.

171 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____ day of
172 _____ 2024.

173 **ATTEST:**

CITY OF MARCO ISLAND, FLORIDA

174
175 _____
176 Joan Taylor, City Clerk

By: _____
177 _____
178 Jared Grifoni, Chair

179
180 Approved as to form and legal sufficiency:

181
182 _____
183 Alan L. Gabriel, City Attorney