



## City Council, Staff Report

**Meeting Date: May 20, 2024**

**TO:** Marco Island City Council

**FROM:** Mary P. Holden, Planning Manager

**DATE:** May 9, 2024

**RE:** Rezoning, 23-000341, 415 Lily Court, From RSF-4 to Public Use – Planning Board Recommendation

First reading for this request was at the March 18, 2024 meeting. There was discussion about density associated with this tract. After discussion, the City Council voted 7-0 to approve first reading of the ordinance.

**PLANNING BOARD SUMMARY AND RECOMMENDATION:**

The Planning Board held a public hearing and considered this request at their February 2, 2024 meeting. There was discussion regarding issues raised at the neighborhood information meeting, drainage of the site, height of structures, and the number of people working at this location. After discussion, the Planning Board voted 6-1 to forward a recommendation of approval.

**PROJECT DESCRIPTION:**

Jeff Poteet, Marco Island Utilities Manager, has submitted a rezoning application to rezone 415 Lily Court from RSF-4 to Public Use. The City has operated the water treatment facility on the subject property since 1979, when it was deeded to Deltona Utilities, Inc. and subsequent companies. In November, 2003 the property was transferred to the City of Marco Island. The use of the property will NOT be changing. The City is only requesting a change to the zoning district designation.

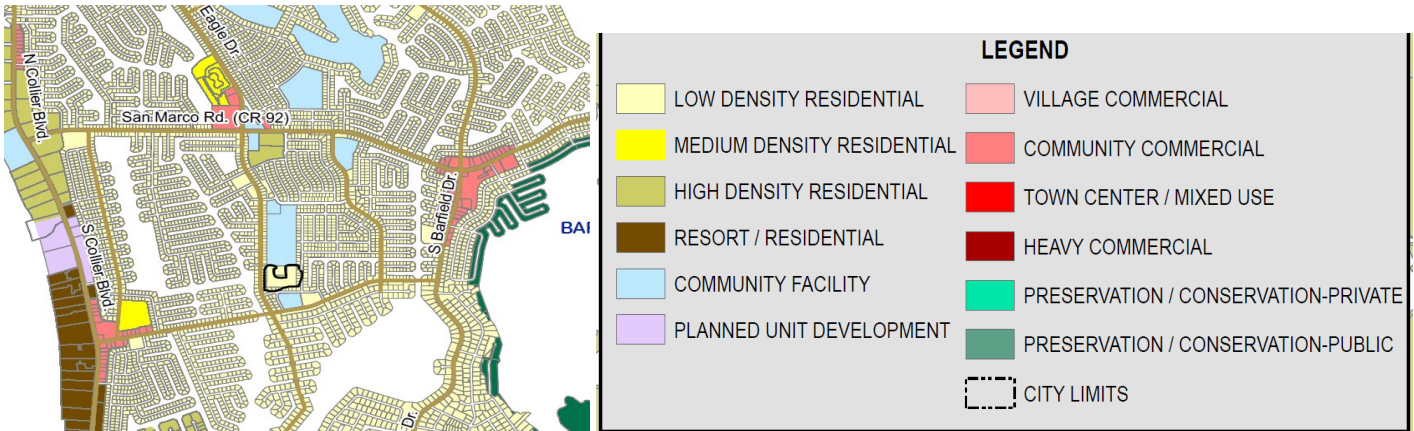
**OWNERS AND APPLICANTS:**

City of Marco Island  
50 Bald Eagle Dr.  
Marco Island, FL 34145

**PROPERTY INFORMATION:**

Street Address:	415 Lily Court
Legal Description:	Marco Beach, Unit 25, Tract G
Parcel #:	58970320008
Zoning:	RSF-4
Lot size:	7.64 acres

**FUTURE LAND USE**



**AERIAL OF SITE**



**STAFF ANALYSIS:**

Overall, Staff is supportive of the proposed zoning change as the proposed zoning district is found to the north (LCEC substation and Mackle Park) and just to the south (Winterberry fields). Since this property is currently zoned low density residential, it was indicated as low density residential on the Future Land Use Map, which was an oversight. In addition, this property (and LCEC substation) will not be used for low density residential in the future. Staff prepared an amendment to the City of Marco Island’s Comprehensive Plan Future Land Use Map to reflect this property as Community Facility and is accompanying this request through the process.

Section 30-62. (3). b. *Rezoning; nature of requirements of planning board report.* When pertaining to the rezoning of land, the report and recommendations of the planning board to City Council required below shall show that the Planning Board has studied and considered the proposed change in relation to the following, when applicable:

- 1. Whether the proposed change will be consistent with the goals, objectives, and policies, future land use map, and the elements of the comprehensive plan.**  
The proposed zoning change will be consistent with the City's Comprehensive Plan Future Land Use Plan upon approval of the amendment to the City of Marco Island's Future Land Use Plan.
- 2. The existing land use pattern.**  
The existing land use is not changing with this requested rezoning. The existing land use will remain a water treatment plant.
- 3. The possible creation of an isolated district unrelated to adjacent and nearby districts.**  
The rezoning will not create an isolated zoning district. The rezoning will result in an extension of the zoning district that directly abuts this property to the north.
- 4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the real property proposed for change.**  
The existing district boundaries appear to have stopped short of this area. Extending the district boundary makes sense and corrects an oversight.
- 5. Whether changed or changing conditions make the passage of the proposed amendment appropriate.**  
Even though conditions have changed over time, the use of this property as a water treatment facility has not changed except for an increased demand. The proposed zoning district is appropriate for this property.
- 6. Whether the proposed change will adversely influence living conditions in the neighborhood.**  
The proposed zoning change will have no adverse impact since the actual use is not changing.
- 7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak hour volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.**  
The proposed zoning change will have no adverse impact since the actual use is not changing.
- 8. Whether the proposed change will create a drainage problem.**  
The proposed zoning change will have no adverse impact since the actual use is not changing.
- 9. Whether the proposed change will seriously reduce light and air to adjacent areas.**  
The proposed zoning change will have no adverse impact since the actual use is not changing.
- 10. Whether the proposed change will adversely affect property values in the adjacent area.**  
The proposed zoning change will have no adverse impact since the actual use is not changing.
- 11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**  
The proposed zoning change will have no adverse impact since the actual use is not changing.
- 12. Whether the proposed change will constitute a grant of a special privilege to an individual real property owner as contrasted with the public welfare.**  
The proposed change will not grant a special privilege since the use is for public welfare.
- 13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

The property is zoned RSF-4 and the use is and has been a water treatment facility since the late 1970's. It will not be used for single-family homes.

**14. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

The use is not changing, just the zoning district. The use is not out of scale with the needs of the City.

**15. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.**

The site has and will remain to be used as a water treatment facility. To relocate elsewhere on the island would be costly.

**16. The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.**

There is no need for physical alterations since the use is not changing, just the zoning district classification.

**17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the city comprehensive plan and as defined and implemented through the city's adequate public facilities ordinance, as amended.**

This criterion is not applicable to this request since the existing use is and will remain a water treatment facility.

**18. Such other factors, standards, or criteria that the city council shall deem important in the protection of the public health, safety, aesthetics, and welfare.**

**STAFF RECOMMENDATION AND FINDINGS:**

Staff recommends Planning Board approve this request based on the following findings:

**FINDINGS:**

1. The proposed zoning change will be consistent with the City's Comprehensive Plan Future Land Use Plan upon approval of the amendment to the City of Marco Island's Future Land Use Plan.
2. The existing land use is not changing with this requested rezoning. The existing use will remain a water treatment plant.
3. The rezoning will not create an isolated zoning district. The rezoning will result in an extension of the zoning district that directly abuts this property to the north.
4. The existing district boundaries appear to have stopped short of this area. Extending the district boundary makes sense and corrects an oversight.
5. Even though conditions have changed over time, the use of this property as a water treatment facility has not changed except for an increased demand. The proposed zoning district is appropriate for this property.
6. The proposed zoning change will have no adverse impact on living conditions since the actual use is not changing.
7. The proposed zoning change will have no adverse impact with respect to traffic since the actual use is not changing.
8. The proposed zoning change will have no adverse impact with respect to drainage since the actual use is not changing.

9. The proposed zoning change will have no adverse impact with respect to the reduction of light and air quality in the area since the actual use is not changing.
10. The proposed zoning change will have no adverse impact on property values since the actual use is not changing.
11. The proposed zoning change will have no adverse impact with respect to the ability to develop adjacent property since the actual use is not changing.
12. The proposed change will not grant a special privilege since the use is for public welfare.
13. The property is zoned RSF-4 and the use is and has been a water treatment facility since the late 1970's. It will not be used for single-family homes.
14. The use is not changing, just the zoning district. The use is not out of scale with the needs of the City.
15. The site has and will remain to be used as a water treatment facility. To relocate elsewhere on the island would be costly.
16. There is no need for physical alterations since the use is not changing, just the zoning district classification.
17. This criterion is not applicable to this request since the existing use is and will remain a water treatment facility.