



## City Council Staff Report

**Meeting Date: September 7, 2021**

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**TO:** Marco Island City Council  
**FROM:** Daniel J. Smith, AICP – Director of Community Affairs  
**DATE:** August 23, 2021  
**RE:** Rezoning, 21-000111, 1354 San Marco Road, from C-1 to RFS-4, Second Reading

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### **PROJECT DESCRIPTION:**

The petition is to rezone 1354 San Marco Road from C-1 to RSF-4. Attached is the application, the applicant's written responses supporting their petition, and a copy of the 2009 Future Land Use map.

### **CITY COUNCIL SUMMARY**

The proposed rezoning request was on the August 16, 2021, City Council for a first reading. There was discussion about density. After discussion, the Council voted 7-0 to pass first reading as presented. This is the same request as presented at the August 16, 2021, meeting.

### **PLANNING BOARD SUMMARY AND RECOMMENDATION**

The Planning Board held a public hearing and considered this request at their August 6, 2021, meeting. There was minimal discussion and no public comments. The Planning Board voted 7-0 to forward a recommendation of approval to the City Council.

### **OWNERS AND APPLICANTS:**

Shawn C. Joyce  
Katherine E. Muenzler  
961 Maple Court  
Marco Island, FL 34145

### **PROPERTY INFORMATION:**

Street Address: 1354 San Marco Road  
Legal Description: Marco Beach, Unit 3, Block 109, Lot 8  
Parcel #: 56878640002  
Zoning: C-1  
Lot size: .21 acres

**FUTURE LAND USE, 2009 AND PROPOSED**



**AERIAL OF SITE**



**STAFF ANALYSIS:**

The property was rezoned from RSF-4 to C-1 in March of 1998 by City Council, Ordinance 98-3, for a medical building. Over all Staff has no concerns with this request. It follows our 2009 and draft 2040 Comprehensive Plan and Future Land Use map.

The applicant held a NIM meeting on July 7, 2021, one neighbor attended, and they were in support of the request.

During the review, our Utilities Operations identified the sewer service for these lots being in the rear of the properties and placed a condition that the utility easements cannot be vacated.

Below are the criteria to consider when reviewing a rezoning request.

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 rezoning to RSF-4 will bring the property into compliance with the Future Land Use map. Ord. 18-01 (online Comprehensive Plan not revised to reflect Ord. 18-01) revised the following objective and policy of the future Land Use Element that this request is consistent with:

**Objective 1.1:** New, revised, or redeveloped uses of land shall be consistent with the designations shown on the Future Land Use Map (FLUM) presented in Map 2A. The Future Land Use Map series, including Map 1, Map 2, and Map 2A and companion Future Land Use designations are hereby adopted as amended (2008) and revised (2017) and shall be binding on all development orders approved by the City of Marco Island. The Future Land Use Map series, including Maps 1, Map 2, and Map 2A is a visual representation of land use designations that are planned to reasonably occur within the prescribed short and long-range planning periods, between 2008 and 2013, and between 2013 and 2018, respectively, and in the case of Map 2A for the current and future periods.

**Policy 1.1.1:** The Marco Island Future Land Use Map (FLUM) series, including Maps 1, 2, and 2A, attached to this plan, incorporates the following Land Use designations, residential densities, and density incentive programs as allocated on Table 2.1. The current future land use designations are designated in Map 2A.

**2. The existing land use pattern.**

The FLUM designates this lot as low density residential.

**3. The possible creation of an isolated district unrelated to adjacent and nearby districts.**

This does not create an isolated district since the subject property abuts property zoned RSF-4.

**4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the real property proposed for change.**

The district boundaries are not illogically drawn in relation to existing conditions on the real property of the proposed rezone.

**5. Whether changed or changing conditions make the passage of the proposed amendment appropriate.**

The rezone is appropriate since this property was originally zoned RSF-4.

**6. Whether the proposed change will adversely influence living conditions in the neighborhood.**

The rezone will not adversely affect the neighborhood conditions since the neighborhood is primarily zoned RSF-4.

**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.**

Changing from C-1 to RSF-4 will reduce potential traffic trips.

**8. Whether the proposed change will create a drainage problem.**

Not applicable.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

The rezone will not reduce light and air to adjacent areas since it will be single family, limited by the dimensional standards in our Land Development Code.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

The rezone will not adversely affect the adjacent property values as it will be the same zoning as most of the adjacent properties.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

The rezone will not be a deterrent to the development of adjacent properties.

**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 rezone will not grant a special privilege to this property.

**13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

The property has sat vacant since it was rezoned to C-1 in 1998.

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

The rezone is not out of scale with the needs of the neighborhood or city.

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

This is not applicable as this property was originally intended to be single-family zoning.

**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.**

The rezone will not require any higher degree of site alterations than other sites to construct a single-family house.

**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.**

The rezone will have no negative impact on the level of service.

**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:

1. The proposed rezoning to RSF-4 will bring the property into compliance with the Future Land Use map. Ord. 18-01 (online Comprehensive Plan not revised to reflect Ord. 18-01) revised the following objective and policy of the future Land Use Element that this request is consistent with:

**Objective 1.1:** New, revised, or redeveloped uses of land shall be consistent with the designations shown on the Future Land Use Map (FLUM) presented in Map 2A. The Future Land Use Map series, including Map 1, Map 2, and Map 2A and companion Future Land Use designations are hereby adopted as amended (2008) and revised (2017) and shall be binding on all development orders approved by the City of Marco Island. The Future Land Use Map series, including Maps 1, Map 2, and Map 2A is a visual representation of land use designations that are planned to reasonably occur within the prescribed short and long-range planning periods, between 2008 and 2013, and between 2013 and 2018, respectively, and in the case of Map 2A for the current and future periods.

**Policy 1.1.1:** The Marco Island Future Land Use Map (FLUM) series, including Maps 1, 2, and 2A, attached to this plan, incorporates the following Land Use designations, residential densities, and density incentive programs as allocated on Table 2.1. The current future land use designations are designated in Map 2A.

2. The FLUM designates this lot as low density residential.
3. This does not create an isolated district since the subject property abuts property currently zoned RSF-4.

4. The district boundaries are not illogically drawn in relation to existing conditions on the real property of the proposed rezone.
5. The rezone is appropriate since this property was originally zoned RSF-4.
6. The rezone will not adversely affect the neighborhood conditions since the neighborhood is primarily zoned RSF-4.
7. Changing from C-1 to RSF-4 will reduce potential traffic trips.
8. The rezone will not reduce light and air to adjacent areas since it will be single family, limited by the dimensional standards in our Land Development Code.
9. The rezone will not adversely affect the adjacent property values as it will be the same zoning as most of the adjacent properties.
10. The rezone will not be a deterrent to the development of adjacent properties.
11. The rezone will not grant a special privilege to this property.
12. The rezone is not out of scale with the needs of the neighborhood or city.
13. The rezone will not require any higher degree of site alterations then other sites to construct a single-family house.
14. The rezone will have no negative impact on the level of service.

**CONDITIONS OF APPROVAL:**

1. The sewer service is in the rear of this property. Utility easements will not be vacated.

Daniel J. Smith, AICP  
Director of Community Affairs