



## Legislation Details (With Text)

**File #:** ID 24-3616    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Agenda Ready  
**File created:** 5/2/2024    **In control:** City Council  
**On agenda:** 5/20/2024    **Final action:**  
**Title:** Ordinance - Second Reading - Rezone Petition (REZN-23-000341) for the South Water Treatment Plant, to Change the Zoning District Designation from RS-4 to Public Use for Property Located at 415 Lily Court, Marco Island, FL 34145 - Mary P. Holden, Senior Planner, Community Affairs/Growth Management

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**Attachments:** 1. Ordinance 24-10, 2. Staff Report, 3. Application, 4. Application Comments, 5. Aerial, 6. Survey, 7. Neighborhood Information Meeting Comments, 8. Notice of Publication - Ordinance 24-10

Date	Ver.	Action By	Action	Result
5/20/2024	1	City Council	approved on second reading	Pass

Agenda Item: 10(a)	Prepared By: Mary P. Holden, Senior Planner
Business: Ordinance - Second Reading	Department: Community Affairs - Growth Management

### Subject:

Ordinance - Second Reading - Rezone Petition (REZN-23-000341) for the South Water Treatment Plant, to Change the Zoning District Designation from RS-4 to Public Use for Property Located at 415 Lily Court, Marco Island, FL 34145 - Mary P. Holden, Senior Planner, Community Affairs/Growth Management

## BACKGROUND

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.

## FIRST READING

The 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.

**FUNDING SOURCE / FISCAL IMPACT:** Applicant has paid \$5,190.00 in applicable fees.

**PUBLIC NOTICE REQUIREMENTS:** F.S. 166.041.1. 2 public hearings. Public notice is in the legal notice section of the newspaper, 10 days prior to the second public hearing.

**ADVERTISED DATE(S):** 5/8/2024

**STAFF RECOMMENDATION AND FINDINGS:**

Staff recommends City Council approval of Ordinance 24-10 on first reading 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.

**POTENTIAL MOTION:** Move to approve the Ordinance 24-10.