



City Council Staff Report

Meeting Date: July 7, 2025

TO: Marco Island City Council
FROM: Mary P. Holden, Planning Manager
DATE: June 24, 2025
RE: Coastal Construction Setback Line Variance 25-000075, 400 S. Collier Blvd.

APPLICANT:

Justin Epps
111 South Wacker Drive
Suite 3100
Chicago, IL 60606

Miguel A. Medrano
Robau, a Bowman Company
2770 Horseshoe Dr. S., Ste 7
Naples, FL 34104

OWNERS:

Mass Mutual Life Insurance Company/Barings Real Estate Advisors LLC
111 South Wacker Drive
Suite 3100
Chicago, IL 60606

GEOGRAPHIC LOCATION:

Physical Address: 400 S. Collier Blvd.
Marco Island Florida 34145

Zoning District: PUD

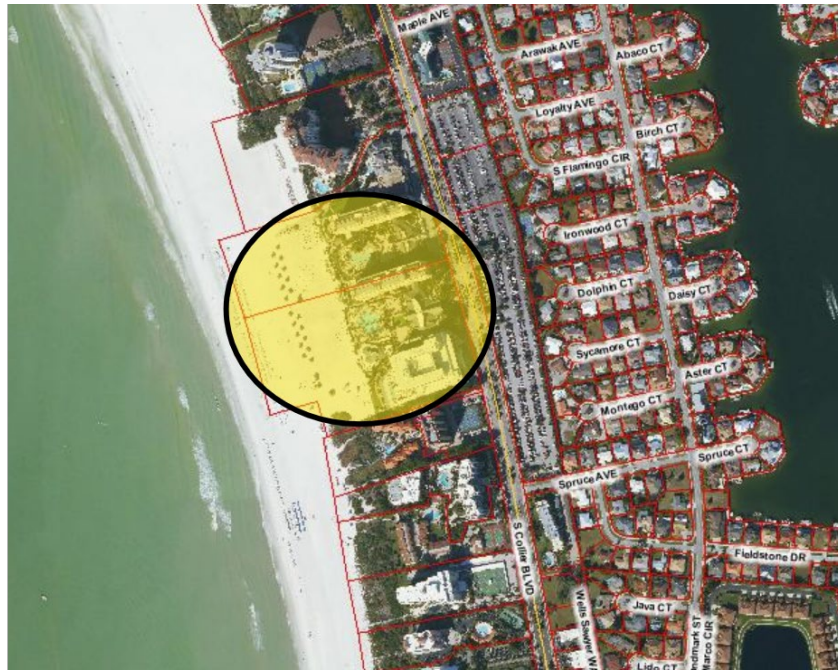
Lot Area: Approximately 10.73 and 13.3 acres

Parcel Id Number: 78567000724 and 78567000708

PROJECT DESCRIPTION:

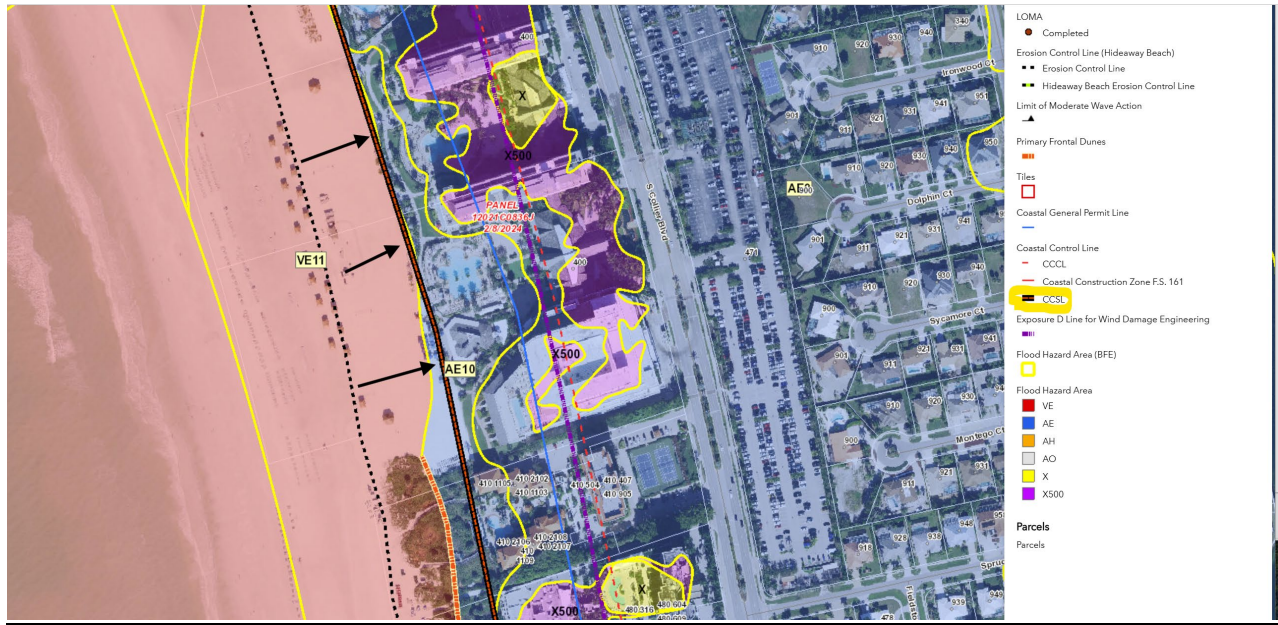
The applicant is requesting a Coastal Construction Setback Line variance to move around/grade the beach sand within the property boundary behind the resort. As stated in the Variance Petition, "No beach sand will be imported or exported." Please find attached the application, justification, grading plan, cover letter, and response letter to initial review comments.

1. Site Aerial



2. Zoning Map





STAFF ANALYSIS

Overall, Staff has no major concerns with the Variance Petition. The Owner has graded sand in this location in the past with no adverse impacts. The grading will not take place until the turtle patrol completes their sweep during turtle nesting season. The owners have applied to the Florida Department of Environmental Protection (FDEP) for a permit to authorize the grading, and the FDEP is waiting on approval of this Variance Petition by the City Council to approve and issue the permit.

In staff's opinion, the proposed work is minimal, as indicated on the plans. Below is the applicable section from the City's Code of Ordinances that governs the standards for granting a variance to the CCCL setback.

Sec. 30-755.-Variances.

Variances may be granted upon the finding of one of the following:

- (1) If in the immediate contiguous or adjacent area a "number of existing structures" have established a reasonably continuous and uniform construction line closer to the line of mean high water than the line as herein established, and if said existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line if such proposed structure is also approved by the board of zoning appeals.

This criterion is not applicable since structures are not involved.

- (2) Certain activities that may temporarily alter ground elevations such as artificial beach nourishment projects, excavation or maintenance dredging of inlet channels may be permitted seaward of the coastal construction setback line if said activity is in compliance with the city comprehensive plan, conservation and coastal management element, and also approved by the board of zoning appeals.

The City's Comprehensive Plan Conservation and Coastal Management Element addresses water quality, reuse water, air quality, environmentally sensitive areas, including the beach and dune systems. The below policy supports the CCSL request.

Conservation and Coastal Management Element, Policy 1.4.1:

The City will cooperate and coordinate with existing county, State, and Federal agencies, as well as non-governmental entities to ensure that established regulatory and enforcement efforts are followed in order to protect native vegetative habitats, marine habitats, and environmentally sensitive coastal areas.

- (3) In the event of conflict or uncertainty in the applicable location of the CCSL, the board of zoning appeals may grant a variance to resolve the conflict or uncertainty. However prior to rendering a decision the petitioner shall provide the board with a current, written opinion from the state department of environmental protection as to the advisability of granting the relief sought.

This criterion is not applicable since there is no conflict or uncertainty in the location of the CCSL line.

STAFF RECOMMENDATION AND FINDINGS:

Staff recommend the City Council approve the Coastal Construction Setback Line Variance Petition (CCSL) 25-000075, 400 S. Collier Blvd., based on the following findings and condition:

Findings:

- (1) The request complies with Policy 1.4.1 of the Conservation and Coastal Management Element of the Comprehensive Plan.

Conditions:

- (1) During turtle nesting season, grading may not take place until the turtle patrol has completed their sweep of the entire beach.
- (2) Provide a copy of the FDEP permit and any and all subsequent permits to the City Growth Management Department.
- (3) The approval of the CCCL variance does not constitute approval of any other deviations or constitute the issuance of any required building permits or other agency approvals.