



## Planning Board Staff Report

**Meeting Date: April 3, 2026**

**TO:** Marco Island City Council

**FROM:** Daniel J. Smith, AICP, Director of Community Affairs

**DATE:** March 26, 2026

**RE:** Variance Petition VP-25-000096– From Section 30-440(a)(4), Minimum Landscape Requirements, Section 30-441(g), Design Regulations, and Section 30-101(c)(2) and 30-1012(c)(3), Solid Waste Disposal & Recycling.

### **PROJECT DESCRIPTION:**

Marco River Marina, Inc. is requesting a variances from Section 30-440(a)(4) and Section 30-441(g), of the City of Marco Island Code of Ordinances to reduce the perimeter planting requirements, which require 100 square feet per 1,000 square feet of proposed building ground-level floor area, Section 30-101(c)(2) of the City of Marco Island Code of Ordinances, requiring a 20’ wide Type C Buffer to allow for a 10’ Type C Buffer, Section 30-101(c)(2), of the City of Marco Island Code of Ordinances, to allow a trash dumpster within the landscape buffer, and Section 30-1012(c)(3), of the City of Marco Island Code of Ordinances to allow a recycling enclosure to be further than 200’ from the building it serves.

### **AGENT/APPLICANT:**

Zachary W. Lombardo  
 606 Bald Eagle Dr., Ste. 500  
 Marco Island, FL 34145

### **OWNER:**

Marco River Marina, Inc.  
 951 Bald Eagle Drive  
 Marco Island, FL 34145

### **PROJECT ADDRESS:**

951 Bald Eagle Drive  
 Marco Island, FL 34145

### **PARCEL INFORMATION**

Zoning: C-5  
 Parcel #: 56930080005  
 Legal Description: MARCO BCH UNIT 4 BEG NW COR TRACT A, E 607.49FT, SE 100FT, SW 192.30FT, SE 100FT S 69 DEG W 514.14FT, N 20 DEG W 122.98FT NLY ALG CURVE 405.73FT TO POB OR 252 PG 876 OR 2034 PG

**ZONING MAP**



**AERIAL OF SITE**







- Variance 2: “ROW Buffer”, DC Section 30-441(g):** Reduce required 20-foot Type C buffer along arterial roadways to 10 feet. This variance is only applicable to the parking facility improvements proposed along the east side of Bald Eagle Drive and is intended to acknowledge existing conditions, previously approved by City Council in 2014, and to allow further improvements, as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

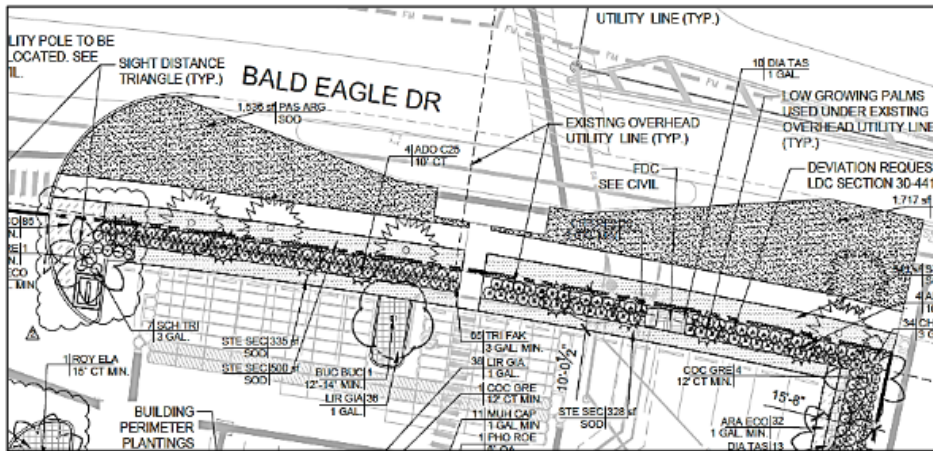


Figure 2 – Excerpt from landscape plan from SDPA Number SDP-24-000139

- Variance 3: “Solid Waste Dumpster”, LDC Sec. 30-1012(c)(1):** Permit the location of the solid waste bulk container in the Northern landscape buffer. This variance is intended to acknowledge existing conditions, previously approved by City Council in 2014, and, in this case, to reduce the amount of the variance, as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

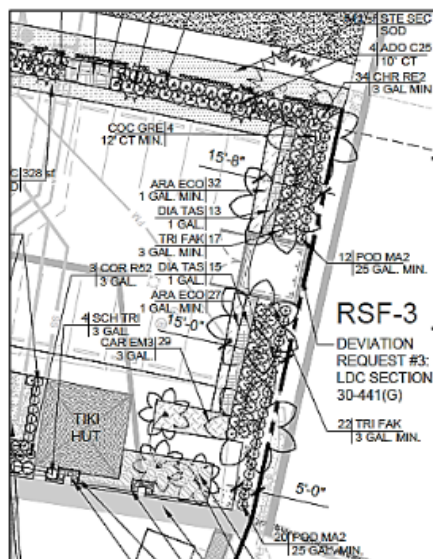


Figure 3 – Excerpt from landscape plan from SDPA Number SDP-24-000139

4. **Variance 4: “Recycling Location”, LDC Sec. 30-1012(c)(3):** Permit the location of the recycling bulk container more than 200’ from the proposed restaurant. This variance is intended to acknowledge existing conditions, previously approved by City Council in 2014, and, in this case, to reduce the amount of the variance, as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

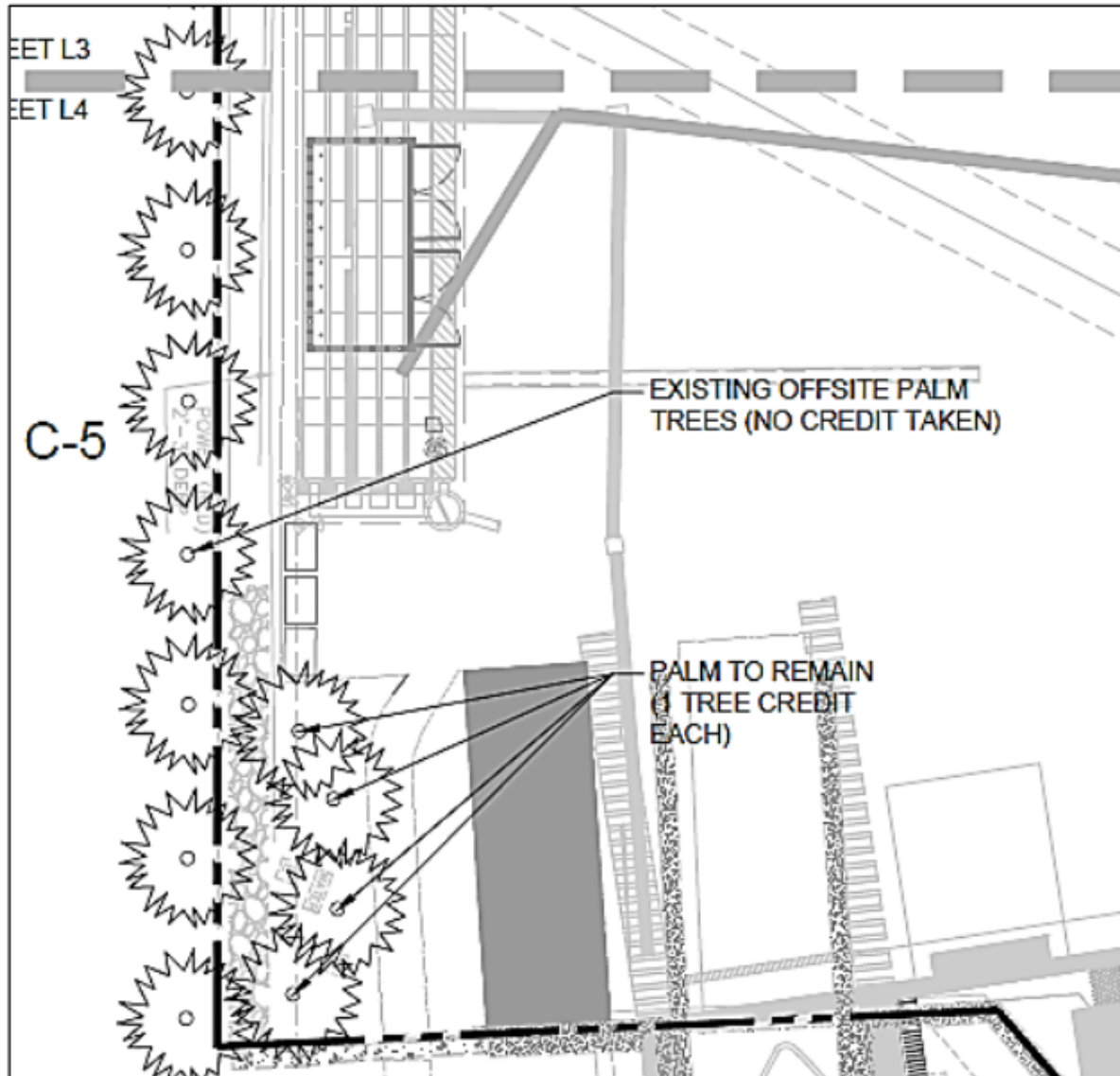


Figure 4 – Excerpt from landscape plan from SDPA Number SDP-24-000139

**Summary:**

This is an existing and iconic site on Marco Island, and the East side of the site (that portion situated East of Bald Eagle Drive) has been a marina since at least February 25, 1967. Austin J. Bell, Kaitlin Romey, & the Marco Island Historical Society, Images of Modern America Marco Island 72 (2018). All variances applied for herein are for the East side of the site and all are related to existing, approved conditions that if not carried forward would create undue hardships, or practical difficulties in the updating and redevelopment of the marina.

**Factors:**

**a. That there are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved;**

There are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved and cause the necessity for all 4 variances. Specifically, the East side of the marina contains submerged land which restricts the available area for parking, buffering, and waste/recycling management and the overall marina configuration itself has been in place for 58 years.

**b. That there are special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request;**

The above stated special conditions and circumstances do not result from the action of the applicant. Specifically, the current owner did not perform the dredging work to create the submerged lands on the East side of the marina or initially develop the marina.

**c. That a literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant;**

A literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant. Specifically, as to all four variances, due to the available land and the pre-existing marina configuration, installing the buffers and location of the waste/recycling facilities would restrict parking. This is unnecessary because the Applicant owns the lots to the North and all requested variances have been previously approved. Because the Applicant owns the lot to the North, there is an effective setback of over 270 feet to the next property line not owned by the applicant or City, to the North, and, as to recycling, recycling can be transported elsewhere on site by use of hand carts.

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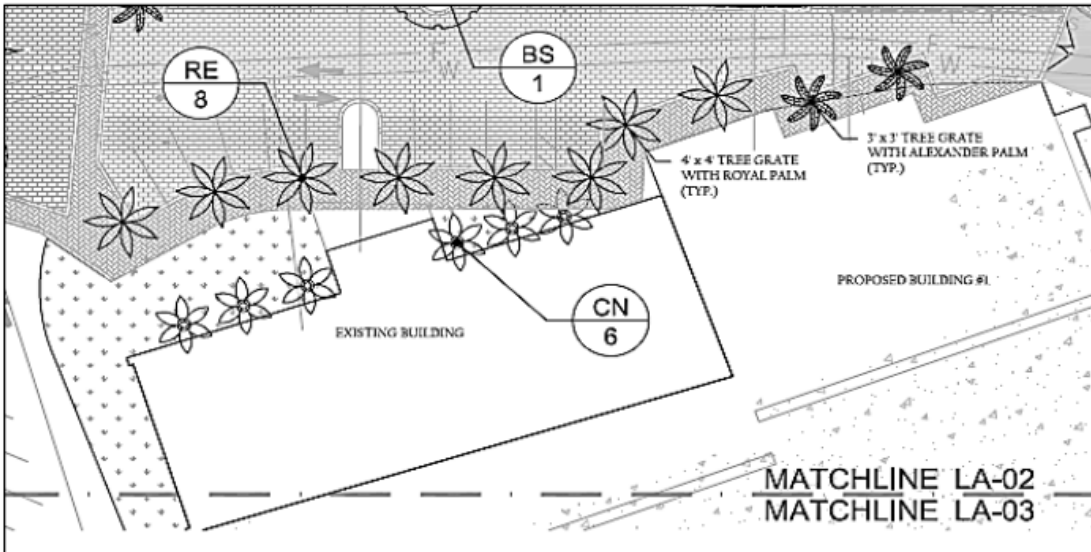
**d. That the variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare;**

The variances, if granted, will be the minimum variances that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare. Further, all requested variances are effectively in place now, and as to variances 1, 3 and 4, the proposed variances herein are less extensive that what is in place now.

Enclosed as **Exhibit A** is the currently approved landscape plan for the site, approved by City Council in 2014. The plan approves all 4 variances. It also shows that it was previously approved to only have a waste dumpster near to the restaurant.

Excerpts from the plan are here:

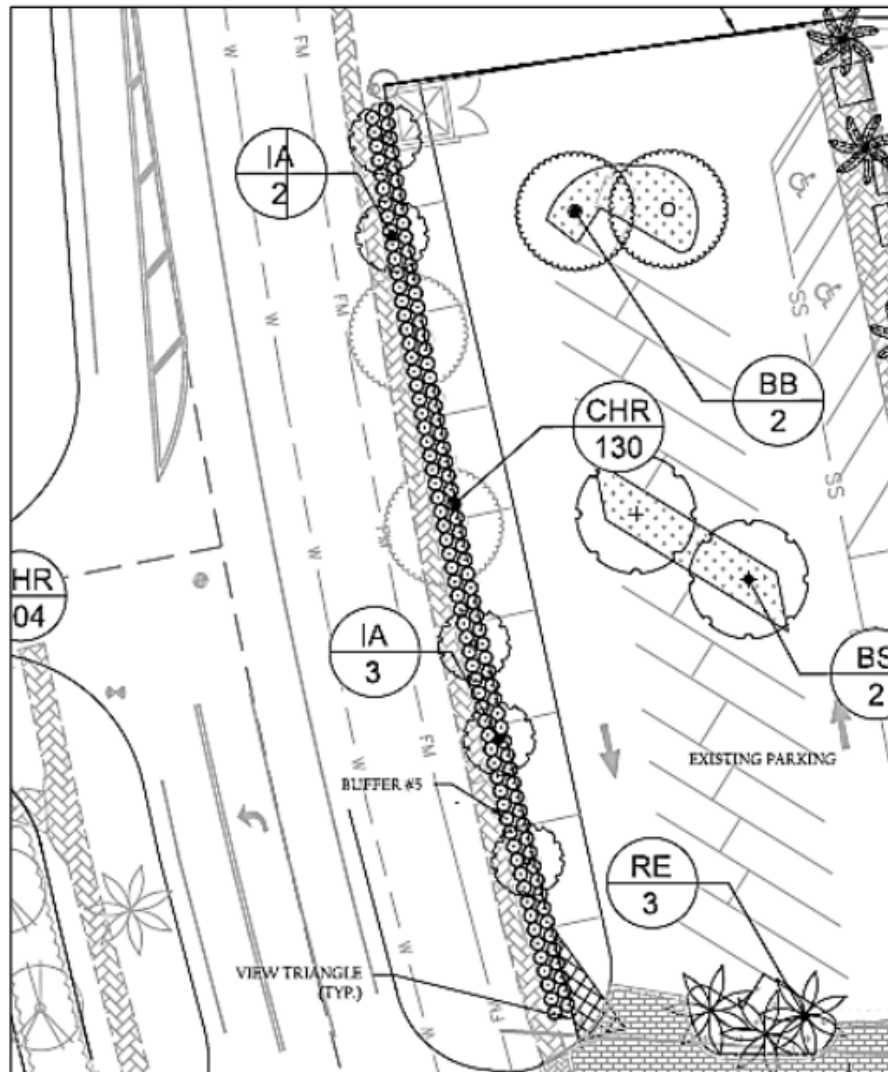
**Variance 1:**



*Figure 5 – Excerpt from 2014 Landscape Plan showing no perimeter plantings around existing building*

Note further as to variance 1 that the filed site plan includes a surplus of plantings at the restaurant, ship's store, and boat rental building.

**Variance 2:**



Buffer landscaping required; Buffer #5 (±446 linear feet)  
10' in width required.  
1 trees per 30 l.f. = 15 x 1 = 15 Trees required  
double hedge row = 141 x 2 = 283 Shrubs required  
13 TREES PROVIDED  
2 TREES EXISTING  
164 SHRUBS PROVIDED  
119 SHRUBS EXISTING

*Figure 6 – Excerpts from 2014 Landscape plan confirming Western landscape buffer of East side of Site at 10 feet*

**e. That granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;**

Granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district. Specifically, because all requirements relative to all variances requested have previously been approved by City Council in the 2014 Site Development Plan.

**f. That granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare;**

Granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The purpose and intent of the landscape code is to:

(1) Promote the health, safety, and welfare of residents of the city by establishing minimum uniform standards for the installation and maintenance of landscaping;

(2) Improve the aesthetic appearance of commercial, and residential developments through the requirement of minimum landscaping in ways that harmonize the natural and built environment; promote preservation and planting of native plants and plant communities;

(3) Improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate;

(4) Reduce heat gain in or on buildings or paved areas through the filtering capacity of trees and vegetation; and

(5) Promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation system through xeriscape.

(Ord. No. 02-22, § 2, 7-15-2002)

As a buffer will be provided, all of the above will be met.

**g. That there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, or similar circumstances; and**

Yes, there are submerged lands.

**h. That the granting of the variance will be consistent with the comprehensive plan.**

The granting of the variance will be consistent with the comprehensive plan. Several policies address landscaping and, as landscaping will be provided, all are met.

Specifically, Policy 2.2.1, 3.2.1, and 5.1.5 of the Future Land Use Element, are all met.

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**STANDARDS FOR APPROVAL OF A VARIANCE:**

Section 30-65 of the City of Marco Island Code of Ordinances sets forth standards that are used to guide the review of a variance request. For the Applicant's requested variance, we have provided those standards below along with staff's comments on each standard and any applicable comments made by the applicant on each standard. The Applicant has provided comments to each of the required findings. These are repeated below exactly as provided by the Applicant.

- (1) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved?

**Staff Comments: The location of the land and its characteristics are unique, bounded by water. The variance requests are reasonable to add additional parking and service the new restaurant proposed.**

- (2) Are there special conditions and circumstances which do not result from the action of the applicant, such as pre-existing conditions relative to the property which is the subject of the variance request?

**Staff Comments: Again, the property has the pre-existing condition of having site limitations due to a water body to the west. To redevelop the property, site variances may be needed to service the new uses.**

- (3) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant?

**Staff Comments: A literal interpretation of the zoning code does create practical difficulties for the property owner. The body of water and Bald Eagle Drive limit the flexibility to create parking needed for the site.**

- (4) Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building, or structure and which promotes standards of health, safety, or welfare?

**Staff Comments: Yes. It appears clear that health, safety, and welfare standards would be promoted by approval of this variance.**

- (5) Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

**Staff Comments: No. Variances have been requested and approved for similar developments.**

- (6) Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

**Staff Comments: There are no concerns that the granting of this variance is injurious to the neighborhood or public welfare. Granting this variance will allow for additional parking, which is needed.**

- (7) Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf courses, etc.?

**Staff Comments: Yes.**

- (8) Will granting the variance be consistent with the growth management plan?

**Staff Comments: Granting this variance will not violate the City's growth management plan as contained in the City's Comprehensive Plan. Objective 1.2 of the Future Land Use Element states;**

**The City will manage growth to enhance the community both fiscally and physically, protect property values, and encourage, where appropriate, housing, goods and services, community amenities, and local employment opportunities;**

**and Objective 5.1, which states the City will maintain and enforce a comprehensive set of land development regulations to guide development and redevelopment during the rezoning and site development process to implement this Plan.**

**STAFF ANALYSIS:**

Staff has no issue with approving these variances. The unusual site dimensions make the request reasonable. Some of the variances were also due to preconditions already approved by the City Council. The buffer reduction along Bald Eagle Drive improves traffic flow and adds parking. Similar reductions with buffer width have been requested and approved along Bald Eagle, allowing additional parking.

The reduction in perimeter planting around the storage building was pre-existing, and additional landscape has been added in other areas within the site.

Allowing the trash dumpster to be located within the landscape buffer is a better solution due to the limits of the site. The applicant has agreed to add 10' of landscaping on the residential lot they own, creating a buffer for the dumpster enclosure. The recycling enclosure location makes sense since it serves the whole property.

**Findings:**

The proposed use is consistent with the Comprehensive Plan—specifically, Objective 2.1 and 5.1 of the Future Land Use Element.

**STAFF RECOMMENDATION FOR VP-25-000096**

Staff recommends that the Planning Board forward a recommendation of approval to the City Council for Variance Petition VP-25-000096 for the property located at 951 Bald Eagle, Marco Island, with the following conditions:

1. That SDPA 24-000139 is approved by the City of Marco Island Planning Board;
2. The Applicant/Contractor shall obtain a building permit before commencement of any construction; and
3. The Owner/Developer/ Petitioner is responsible for any private deed restriction approvals with Marco Island Civic Association.