



Mr. Daniel Smith, Director of Community Affairs
50 Bals Eagle Dr.
Marco Island, FL 34145

August 19, 2025

**Re: Rose Marina Variance Petition
Restate and Response #3 VP 25-000096**

Mr. Smith,

This resubmittal is in response to the Corrections Report generated June 20, 2025, for Variance Petition VP25-000096, a companion variance to site plan amendment application SDP24-0000139.

In addition to the condition of approval agreed to herein, the SDPA has been modified to address the comments on the variance.

As confirmed (by Mr. Smith) in an email dated June 25, 2025, the only comment on the Corrections Report applicable to the variance requests was the planning review comment:

“Staff does not support the location of the restaurant dumpster location. Please relocate internally to the site.”

The 2 variances related to solid waste and recycling are variances 3 (Solid Waste Dumpster) and 4 (Recycling Location). Staff initially suggested an alternative location for the dumpster adjacent to the seawall and an additional exit for the restaurant parking with a reduced drive aisle of only 12 feet in response to variances 2 (ROW Buffer) and 3 (Solid Waste Dumpster). Staff did not address the location of the recycling facilities (variance 4 (Recycling Location)) and thus it is assumed that variance 4 has passed staff review. Additionally, no correction comments pertain to variance 1 (Perimeter Plantings), and thus it is assumed that variance has passed staff review.

Response:

As detailed herein, and as discussed with City staff in a meeting on August 14, 2025, with Dan Smith and Justin Martin present, the dumpster must remain in its proposed location for environmental and safety reasons (variance 3), a secondary exit is not feasible (variance 2), and all variances requested are, with the below agreed to modifications, the minimum necessary.

Proposed condition of approval: a 10-foot landscape easement on the property to the North is proposed as a condition of approval of variance 3 (Solid Waste Dumpster).

Proposed site modification: 4 parking spaces have been removed from the site plan and converted to an apron for the dumpster and a hammerhead for car turnaround to improve the ability to turn around in the parking lot.

1. Placing a dumpster on a seawall is not consistent with environmental best management practices and leads to unintended consequences

As part of the environmental permitting process, rule 62-330.302, Florida Administrative Code, requires assurance be provided that the proposed development will not significantly degrade outstanding Florida waters. While the water on the other side of the seawall is not classified as an outstanding Florida water, the ROOKERY BAY AQUATIC PRESERVE is an outstanding

Florida water and is connected to this waterway. The current dumpster location was approved by DEP in 2015. Adding a dumpster to a seawall may not be approved by DEP as it would involve an increased potential of trash and/or untreated runoff entering the waterway.

Further, in the opinion of the project engineer, Christopher Hagan, P.E., repeatedly loading and unloading the dumpster will place stress on the driveway and pad. This will in turn place unusual stress on the seawall and anchoring system and will negatively impact the structural integrity and life cycle of the seawall.

No engineering or environmental analysis has been provided by City staff as to the above environmental and engineering concerns. Instead, this comment appears to be a planning comment. The applicable goal from the City's comprehensive plan is goal 4 from the Infrastructure Element, which states:

GOAL 4: SOLID WASTE PROMOTE THE EFFICIENT AND ECONOMICAL BALANCE OF PUBLIC AND PRIVATE SOLID WASTE COLLECTION AND DISPOSAL SERVICES FOR THE CITY OF MARCO ISLAND THAT WILL MEET ESTABLISHED REQUIREMENTS IN A MANNER THAT WILL PROTECT THE PUBLIC HEALTH, SAFETY AND ENVIRONMENTAL RESOURCES OF THE COMMUNITY

It is submitted that locating a dumpster adjacent to a seawall does not "protect public health, safety and environmental resources of the community" and thus that City staff's suggested configuration is inconsistent with the City's comprehensive plan.

At the August 14, 2025, meeting the following modifications were discussed:

1. Because the Applicant owns the property to the North, the Applicant agrees to grant itself an easement to install a 10-foot landscape buffer on the property to the North as a condition of approval.

Locating the dumpster within the required 200 feet of the restaurant and not adjacent to the seawall thus requires the proposed configuration and all applied for variances. Adding a landscape easement on the property to the North will result in no actual reduction in landscape buffering.

2. Adding a secondary exit and reducing the width of the drive aisle leads to unintended consequences leading to a less safe site

Currently, there is a 24-foot drive aisle in front of the restaurant. Planning staff initially suggested adding an exit and reducing the drive aisle to 12 feet. City fire review has already approved the proposed configuration. Reducing the drive aisle width reduces the effectiveness of emergency access and may not be approved by City fire review.

Currently, there is no secondary exit on Bald Eagle proposed. Adding this access will add more side road friction. The proximity to Giralda Court is not desirable and if the second exit is a right-out only, then it will add trips on Magnolia Court, a residential street, in the form of u-turns. The project traffic engineer is of the opinion there is a benefit to reduce additional access points on Bald Eagle Drive.

No analysis has been provided by the City staff as to the above fire and traffic concerns.

At the August 14, 2025, meeting the following modifications were discussed:

1. Removal of 4 spaces to allow for the creation of an apron in front of the dumpster and a hammerhead for car turnround.

The current configuration as modified by the above is what is required to ensure maximum safety.

Conclusion:

Please confirm that all variances have cleared corrections comments and may be set for hearing when the rest of the related applications are ready to be set for hearing.

We believe that this letter and the attached documents fully address the review comments for the referenced application. Please review these and let us know if you have any additional comments or questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Hagan", with a long horizontal flourish extending to the right.

Chris Hagan, PE, Agent/EOR