



City Council Staff Report

Meeting Date: July 22, 2024

TO: Marco Island City Council

FROM: Mary P. Holden, Planning Manager

DATE: June 28, 2024

RE: Planning Board Recommendation - Variance Petition VP-23-000403, 588 Bald Eagle Dr., Variance to Sec. 30-441. (g). landscape buffer width of the Marco Island Land Development Code

PROJECT DESCRIPTION:

The request is to provide a three (3') foot buffer instead of a fifteen (15') foot buffer along the south and west side of the property where it abuts the Marco Island Cemetery, which is zoned R-4 residential. Please find attached the application, a conceptual plan and a summary of the Neighborhood Information Meeting.

PLANNING BOARD SUMMARY AND RECOMMENDATION:

The Planning Board held a public hearing and considered this request at their June 7, 2024, meeting. The request was presented to the Planning Board. Discussion and questions from the Planning Board included the retaining wall, an archaeological study was completed with no unmarked graves, traffic in and out of the site, providing a bypass lane next to the drive thru lane for safety, drive thru location and light and noise next to the cemetery, the landscape provided in the buffer along the south and west side, cemetery improvements are encroaching onto this property, applicant willing to install additional landscape plant material on the cemetery, among a few other topics.

Extensive public comment included concern with the noise from the drive thru and maintaining the serenity, sanctity, and dignity of the cemetery, erosion, shift the site toward Elkcam and ask for a variance to that side, and the sentiment of not wanting additional landscaping on the cemetery property.

After public comment and follow up clarification discussion, the Planning Board voted 4-2 to forward a recommendation of approval based on the following findings and condition:

Findings:

1. This site is a corner lot abutting residentially zoned property on the south and west, requiring a 25-foot setback from all sides, which is being met. What makes the site unique is the residentially zoned property is a cemetery and not single-family structures. Further, the site sits well below the abutting property (cemetery).
2. The special conditions related to the land are not due to actions of the applicant.
3. If the variance is granted, it would be the minimum required to make the designed layout work. The required landscape plant material will follow the required number, just a narrower buffer.
4. Granting the variance will not confer special privilege.

5. Granting the variance will be in keeping with the intent and purpose of this section of our zoning code since they are meeting the required amount of landscape plant material specified, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. Granting this variance does not conflict with our Comprehensive Plan.

Conditions of Approval:

1. The approval of SDP 23-000398 is null and void if the City Council does not approve this variance request, 23-000403.

OWNER/APPLICANT:

VO Capital LLC
PO Box 703
Marco Island, FL 34146

Gary Van Cleef, Anthony J. Oliverio
152 South Beach Dr.
Marco Island, FL 35145

AGENT:

Andres Boral, PE, MBA
23150 Fashion Drive, Suite 230
Estero, FL 33928

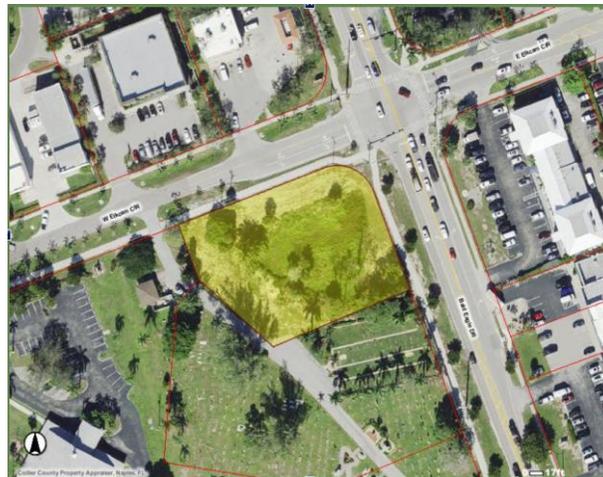
PROJECT ADDRESS:

Street Address:	588 Bald Eagle Drive Marco Island, FL 33950
Legal Description:	Marco Beach, Unit 6, that portion of Tract D as described OR 4137 PG 3415
Property ID#	57360200108
Zoning:	C-4

SUBJECT PARCEL ZONING MAP:



SUBJECT PARCEL AERIAL:



STAFF ANALYSIS

The notification requirements have been met and the transcript of the NIM meeting are included in this packet.

We note that a condition of approval is added that SDP 23-000398 be approved in conjunction with this variance request.

The following is the staff's analysis of the variance application as it relates to the provisions of 30-65(g)(3) of the City's LDC:

- (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.

Staff Comments: This site is a corner lot abutting residentially zoned property on the south and west, requiring a 25-foot setback from all sides, which is being met. What makes the site

unique is the residentially zoned property is a cemetery and not single-family structures. Further, the site sits well below the abutting property (cemetery).

(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.

Staff Comments: The special conditions related to the land are not due to actions of the applicant.

(c) That 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: Not taking into consideration monetary impacts, it would appear a literal interpretation would not work unnecessary or undue hardship being the structure could be smaller with less required parking.

(d) That the variance, if granted, 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.

Staff Comments: If the variance is granted, it would be the minimum required to make the designed layout work. The required landscape plant material will follow the required number, just a narrower buffer.

(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.

Staff Comments: Granting the variance will not confer special privilege.

(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.

Staff Comments: Granting the variance will be in keeping with the intent and purpose of this section of our zoning code since they are meeting the required amount of landscape plant material specified, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(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.

Staff Comments: There are no 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.

(h) That the granting of the variance will be consistent with the City of Marco Island's Comprehensive Plan.

Staff Comments: Granting this variance does not conflict with our Comprehensive Plan.