



## Planning Board Staff Report

Meeting Date: June 7, 2024

**TO:** Marco Island Planning Board

**FROM:** Mary P. Holden, Planning Manager

**DATE:** May 30, 2024

**RE:** Variance Petition VP-24-000249, 750 Bald Eagle Drive, Variance to Sec. 30-441. (g). landscape buffer width of the Marco Island Land Development Code

### **PROJECT DESCRIPTION:**

United Church of Marco Island has submitted for approval of a variance to permit a front yard buffer of 10 feet, as opposed to the required 20-foot front yard buffer for the development on the property located at 750 Bald Eagle Drive, Marco Island. This request is running concurrently with SDP-24-000246. The public notice sent to adjacent property owners indicated this variance request, and a 10 foot variance request to the required 20-foot rear yard buffer. In examining the request and our codes, the rear yard buffer is not required pursuant to Sec. 30-441 (g) of the City's Land Development Code which provides as follows: "The town center mixed use district right-of-way buffer requirements shall not be applicable to roadways internal to the development or along alleys,...." Therefore, review and the requested action on the variance request is for the front yard buffer only.

Sec. 30-441. (g)Types of buffers. Within a required buffer area, the following alternative shall be used based on the matrix in Table 2.

"Alternative C: A landscape buffer shall be required adjacent to any road right-of-way external to the development project. Said landscape buffer shall be consistent with the provisions of the city master plan, which is incorporated by reference herein. The minimum width of the perimeter landscape buffer shall vary according to the ultimate width of the abutting right-of-way. Where the ultimate width of the right-of-way is zero to 99 feet, the corresponding landscape buffer shall measure at least ten feet in width. Where the ultimate width of the right-of-way is 100 or more feet, the corresponding landscape buffer shall measure at least 15 feet in width. **Developments within the town center mixed use district shall provide a perimeter buffer of at least 20 feet (requesting 10-foot width) in width, regardless of the width of the right-of-way. ...."**

The application, site plan, landscape plan and letters of concern are attached.

### **OWNER/APPLICANT:**

United Church of Marco Island  
320 N. Barfield Dr.  
Marco Island, FL 34145

### **AGENT:**

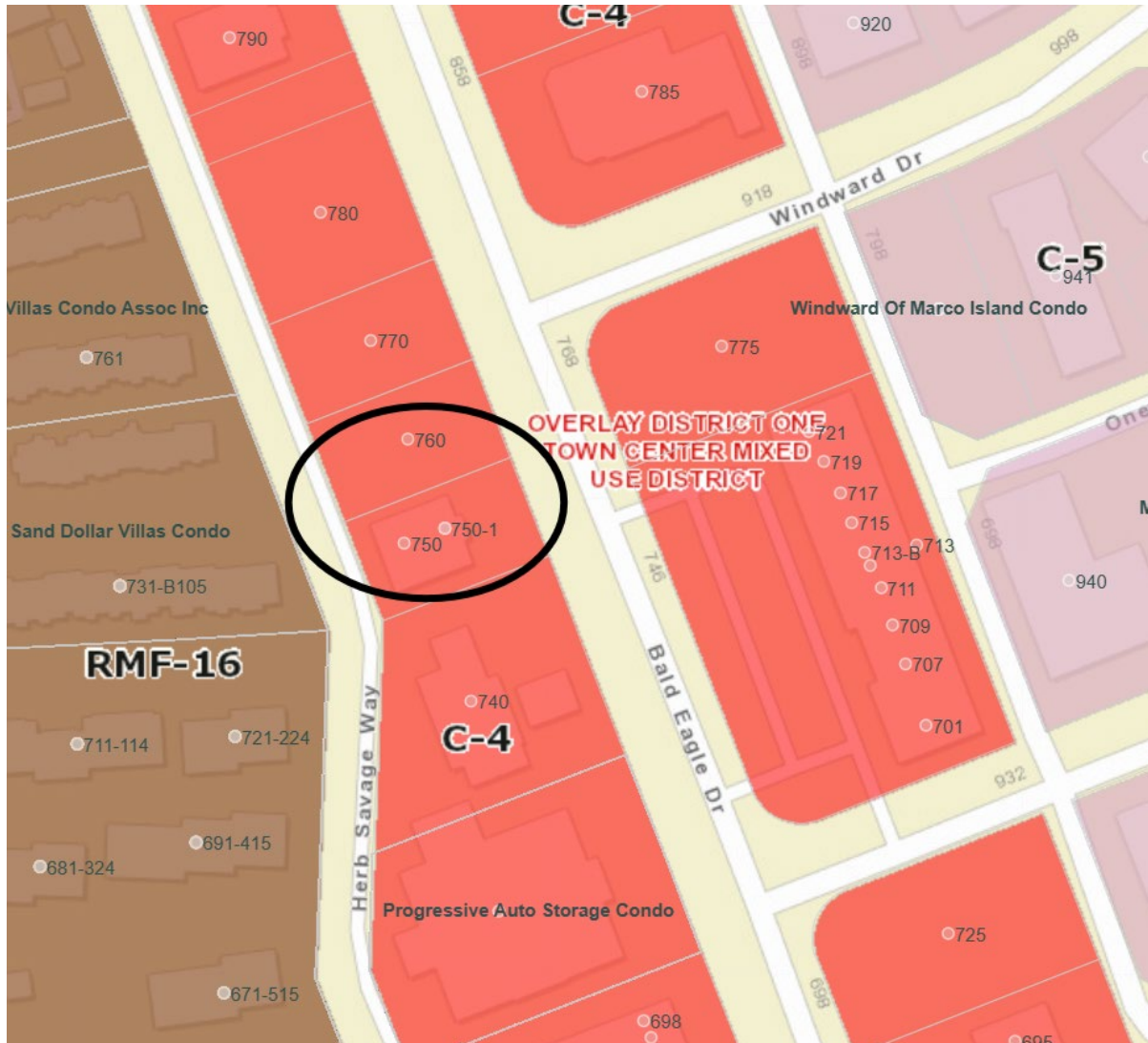
Michael J. Delate, P.E.  
RDA Consulting Engineer's

791 10<sup>th</sup> St. S, Suite 302  
Naples, FL 34102

**PROJECT ADDRESS:**

Street Addresses: 750 Bald Eagle Dr.  
Marco Island, FL 33950  
Legal Description: Marco Beach, Unit 11 Replat Block 782, Lots 22 and 23  
Property ID# 57991200001  
Zoning: C-4

**SUBJECT PARCEL ZONING MAP:**



### **SUBJECT PARCEL AERIAL:**



### **STAFF ANALYSIS**

We have received a few emails from residents expressing their concerns about the proposed zero landscape buffer. As stated above, the code does not require a landscape buffer adjacent to alleys when the property is located in the Town Center Mixed Use district. This development pattern is seen the entire length of the alley with few exceptions. While we appreciate and encourage public comment, the rear of the property is compliant with the City's Land Development Code regarding landscape buffers.

The requested variance to the front landscape buffer is the result of newer regulations in effect since the construction of the existing structure in 1998. These regulations are higher base flood elevations and ADA requirements, including a five-foot wide unobstructed pathway in front of the building. These regulations result in more grading for achievement of needed elevations. The same variance was requested and approved for the Ehlen project to the north of the subject property in 2023 citing the same reasoning.

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 Land Development Code ("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:** The new addition will be attached to and be part of the existing structure, which was construction in 1998. The application indicates that due to the new flood elevation requirements and ADA requirements, the site improvements need to be pushed out for grading purposes. Specifically, the ADA requires an unobstructed 5-foot-wide walkway along the front of the new addition.

- (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 circumstances, such as rules changing, are not a result 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:** The applicant indicates without the variances, the new addition would not be built.

- (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:** The requested variance is the minimum necessary to accommodate the proposed addition.

- (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 any special privilege. The property to the north received approval of similar variances.

- (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:** It does not appear granting the variance will be injurious to the neighborhood as similar variances granted to a nearby property have not resulted in injury to the neighborhood or public welfare. Granting the variance is in keeping with the surrounding development patterns.

- (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:** This is not applicable.

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

**Staff Comments:** The requested variance is consistent with the following:

Objective 4.1 of the Future Land Use Element: Direct new growth and redevelopment to those areas of the City where adequate public facilities exist, or are planned, and where compact and contiguous development patterns can be created, and which are located away from established low density residential neighborhoods.

Objective 4.2 of the Future Land Use Element: Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this Plan, and the where the desired community character will be upheld.

### **STAFF RECOMMENDATION**

Staff recommends the Planning Board forward a recommendation of approval of Variance Petition VP-23-000249, for 750 Bald Eagle Dr., based upon the findings and conditions contained herein, to the City Council:

### **Findings:**

1. The new addition will be attached to and be part of the existing structure, which was constructed in 1998. The application indicates that due to the new flood elevation requirements and ADA requirements, the site improvements need to be pushed out for grading purposes. Specifically, the ADA requires an unobstructed 5-foot-wide walkway along the front of the new addition.
2. The special circumstances, such as changes to the LDC, are not a result of the applicant.
3. The applicant indicates that without the variance, the new addition would not be built.
4. The requested variance is the minimum necessary to accommodate the proposed addition.
5. Granting the variance will not confer any special privilege. By way of reference only, the property to the north received approval of similar variances.
6. It does not appear that granting the variance will be injurious to the neighborhood as similar variances granted to a nearby property have not resulted in injury to the neighborhood or public welfare. Granting the variance is in keeping with the surrounding development patterns.
7. The requested variance is consistent with the following:

Objective 4.1 of the Future Land Use Element: Direct new growth and redevelopment to those areas of the City where adequate public facilities exist, or are planned, and where compact and contiguous development patterns can be created, and which are located away from established low density residential neighborhoods.

Objective 4.2 of the Future Land Use Element: Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this Plan, and the where the desired community character will be upheld

### **Conditions of Approval:**

1. The variance is approved subject to the approval of SDP 24-000246. If SDP 24-000246 is not approved, the variance requested in Variance Petition VP 24-000249 shall be null and void.