



## *Planning Board Staff Report*

**Meeting Date: July 12, 2024**

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**TO:** Marco Island Planning Board  
**FROM:** Joshua G. Ooyman, Planner II  
**DATE:** May 22, 2024  
**RE:** Boat Dock Extension 24-000054, 860 Panama Ct., Vantage Point Condominium

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**APPLICANT:**

Jeff Rogers  
Turrell, Hall & Associates, Inc.  
3584 Exchange Ave.  
Naples, FL 34104

**OWNERS:**

Vantage Point Condominium Association, Inc.  
860 Panama Court  
Marco Island, FL 34145

**PROJECT ADDRESS:**

860 Panama Court  
Marco Island, FL 34145  
Zoning: RMF-16

**LEGAL DESCRIPTION:**

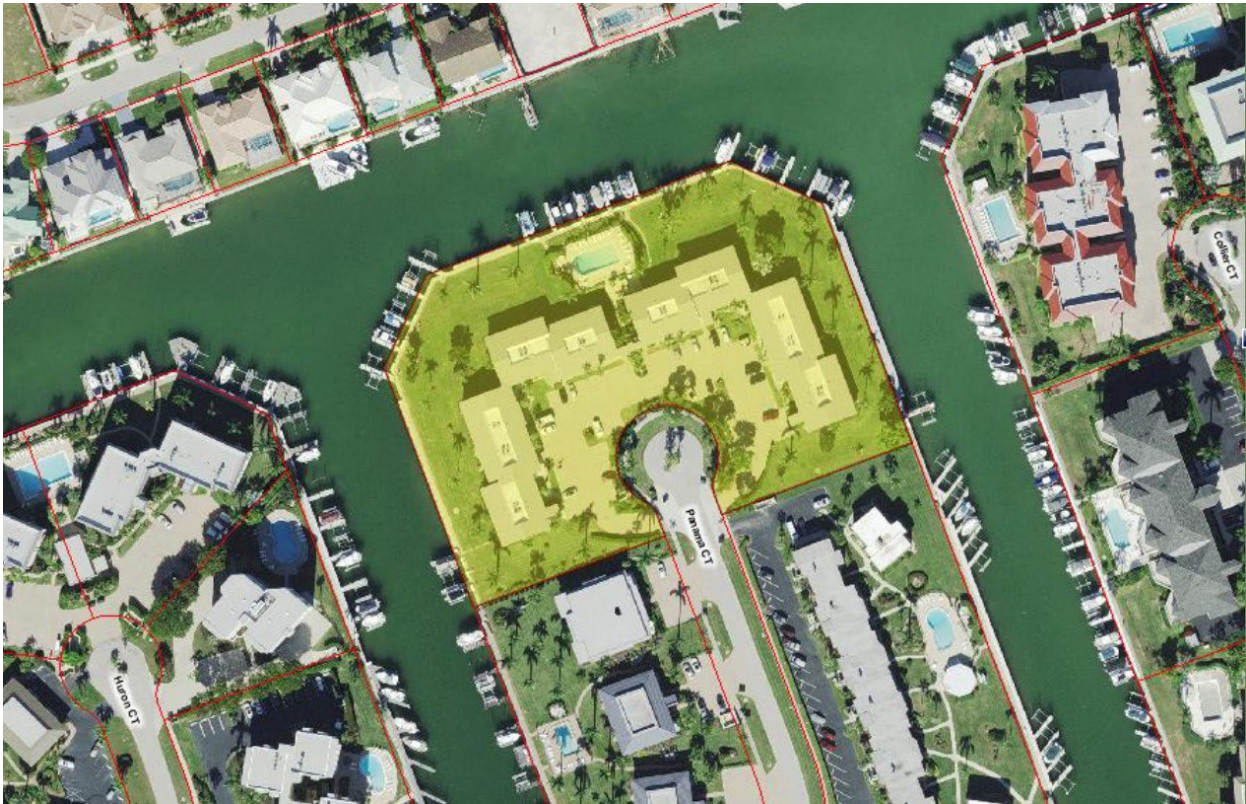
Vantage Point Condominium, Official Records Book 793, Page 1633  
Marco Beach Unit 10, Block 337, Lots 21 & 22; and Block 338, Lots 1 & 2

**PROJECT DESCRIPTION:**

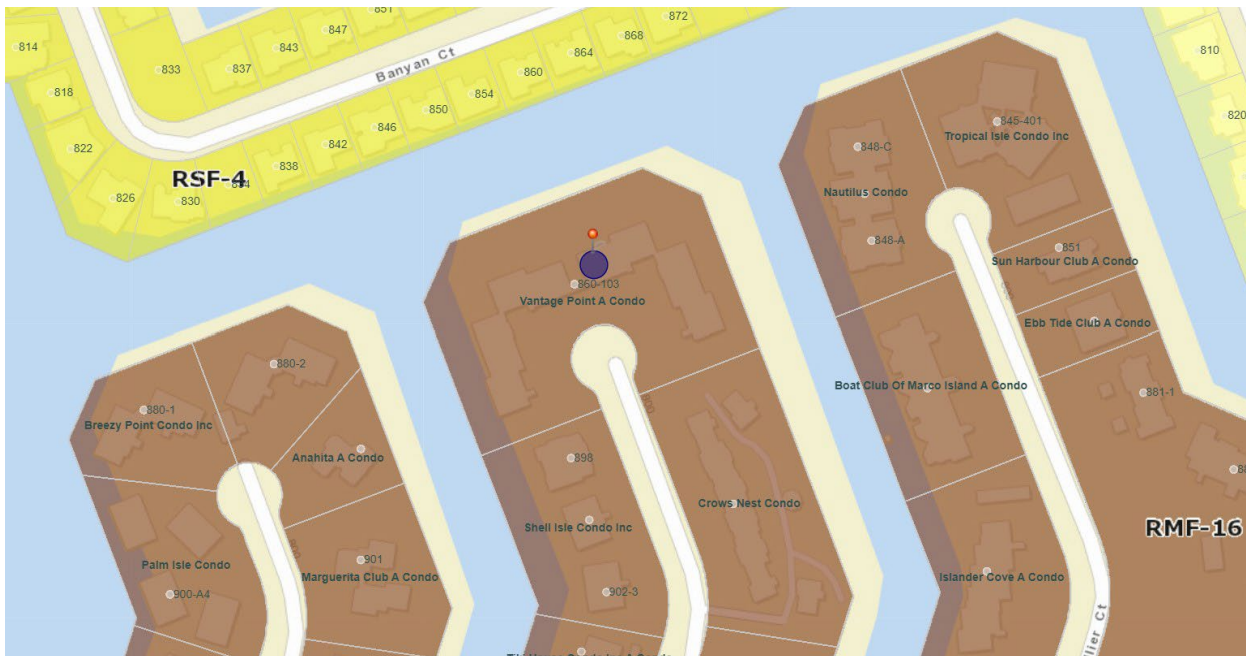
The existing docking facility at the subject location needs to be removed to gain access to the seawall – to install a new seawall in front of the existing seawall along the entire shoreline. The existing 4,333 square foot docking facility was approved by Marco Island City Council in 2001 and protrudes 30 feet into the waterway. The proposed docking facility will feature 2,185 square feet over water and protrude 31.50 feet into the waterway. As indicated in the application request, the additional protrusion beyond the existing is due to the additional 18 inches required for the new seawall installation.

Attached are the application, cover letter, plans, history on the prior approvals, and submerged survey information. Please note, the Florida Department of Environmental Protection has provided their approval for the proposed dock configuration, and has advised that the proposed construction is exempt from any submerged land lease and permitting requirements.

Aerial of the Site:

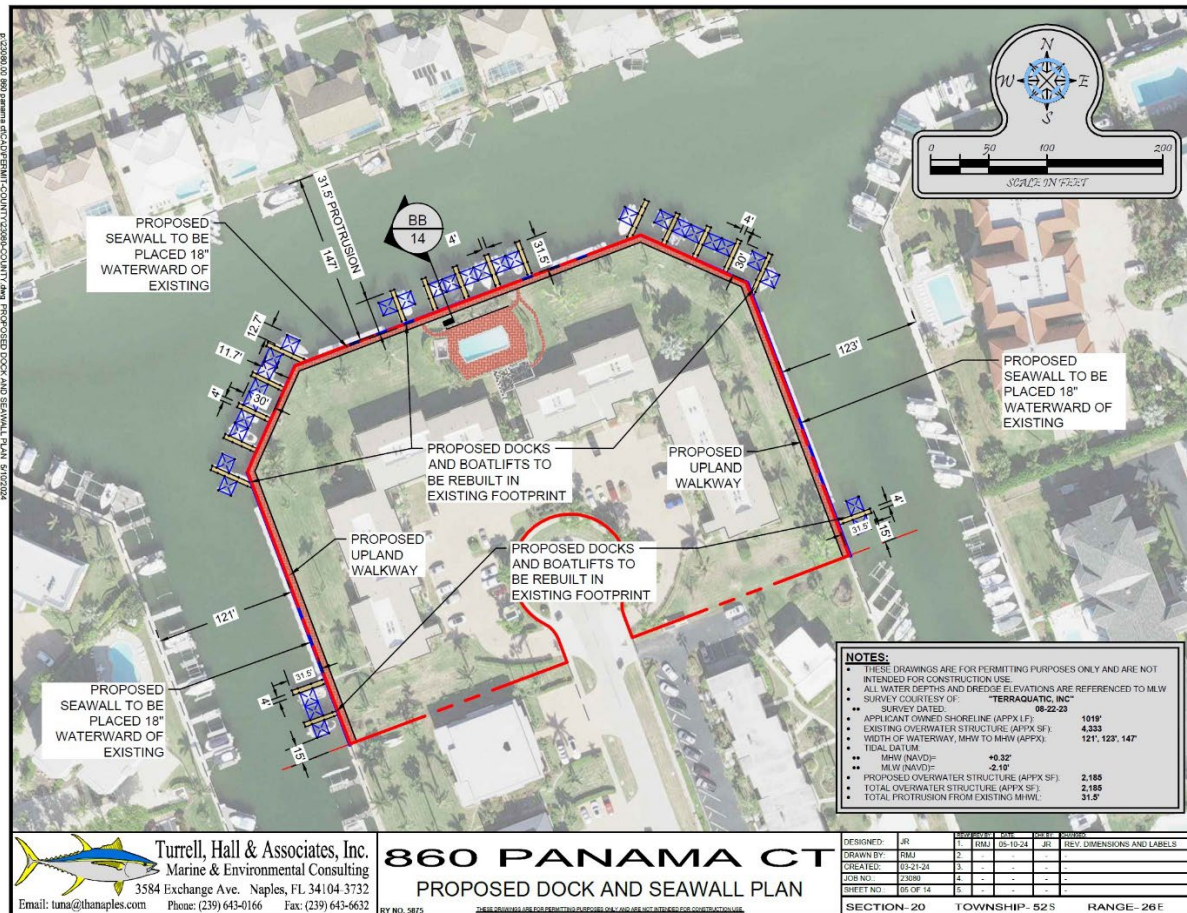


Zoning of the Site:





Proposed Plan:



**STAFF ANALYSIS:**

As stated earlier in the report, the existing facility received boat dock extension approval in 2001, for a total protrusion of 30 feet (20 feet was the maximum protrusion at the time). Due to the new seawall construction, Planning Board and City Council approval is required as the proposed protrusion is 1.50 feet beyond the 30-foot maximum allowed. The docks and boat lifts are existing, and are just being rebuilt after the seawall construction. The new construction will not extend beyond the existing dock footprint.

Below is the criteria, Sec. 54-115.(f). 1-10, used to review for a boat dock protrusion:

- 1. Does the proposed docking facility meet the other standards set forth in the City's Land Development Code?**

The dock will meet the other requirements and boat facility standards in the Land Development Code.

2. Is the water depth where the proposed vessel(s) is to be located sufficient (as a general guide, four feet mean low water is deemed to be sufficient) to allow for safe mooring of the vessel, thereby necessitating the extension requested?

The applicant indicates there is sufficient water depth at the proposed location.

3. Are there special conditions related to the subject property or waterway which justify the proposed dimensions and location of the proposed boat docking facility?

There are three sections of the subject waterway, on the north, east and west sides of the property. The western and eastern canals are over 120 feet wide, while the northern waterway is 147 feet wide. These dimensions are much wider than most of the typical canals within Marco Island.

- 4. Does the proposed boat docking facility and moored vessel(s) protrude greater than 25 percent of the width of the navigable waterway, and whether or not a minimum of 50 percent of the waterway width between boat docking facilities and moored vessel(s) on the opposite side of the waterway is maintained in order to ensure reasonable waterway width for navigation?**

The dock and moored vessels do not protrude greater than 25 percent of the width of the platted navigable waterway and more than 50 percent of the waterway width is maintained.

- 5. Is the proposed boat docking facility of the minimum dimensions necessary in order to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance without the use of excessive deck area?**

The proposed docking facility is being reduced by 2,148 square feet and this size is the minimum dimension necessary to adequately secure the moored vessels while providing reasonable access to the vessels for routine maintenance. There are four existing marginal docks that will not be reconstructed.

- 6. Is the proposed boat docking facility of minimal dimensions and located to minimize the impact of view to the channel by surrounding property owners?**

The height, dimensions, and location remain essentially the same with respect to the dock that has been in place since 2001 without impact of the view to the channel.

- 7. Are the proposed vessel(s) in excess of 50 percent of the length of the water frontage on the subject property such that the extension of the boat docking facility may adversely impact the view to the channel by surrounding property owners?**

The total water frontage at Vantage Point is approximately 1,019 feet. The length of the vessels proposed to be moored at the proposed location will not exceed 50% of the seawall frontage. The proposed dock will not adversely affect the view to the channel by surrounding property owners.

- 8. Is the proposed location and design of the boat docking facility and moored vessel(s) in combination such that it may infringe upon the use of neighboring properties, including any existing boat docking facilities?**

The location of the existing and proposed dock facility does not appear to infringe upon the use of neighboring properties, nor any existing boat docking facilities since the current location of the proposed dock has been in the approximate location since 2001.

- 9. Are there seagrasses located within 200 feet of the proposed boat docking facility?**

The applicant indicates no seagrasses are located within the vicinity.

- 10. Is the proposed dock subject to the manatee protection requirements set forth in section 54-117 of the City's Boat Docking Facilities Code?**

The proposal is subject to the Manatee protection requirements. The applicant indicated that the proposal will not increase the previously approval number of vessels, remaining at 35 total slips.

### **STAFF RECOMMENDATION AND FINDINGS:**

Staff recommends the Planning Board forward a recommendation of approval of the requested protrusion to the City Council with the following conditions and finding:

#### **Findings:**

1. The dock will meet the other requirements and boat facility standards in the Land Development Code.
2. The applicant indicates there is sufficient water depth at the proposed location.
3. There are three sections of the subject waterway, on the north, east and west sides of the property. The western and eastern canals are over 120 feet wide, while the northern waterway is 147 feet wide. These dimensions are much wider than most of the typical canals within Marco Island.
4. The dock and moored vessels do not protrude greater than 25 percent of the width of the navigable waterway, and more than 50 percent of the waterway width is maintained.
5. The proposed docking facility is being reduced by 2,148 square feet and this size is the minimum dimension necessary to adequately secure the moored vessels while providing reasonable access to the vessels for routine maintenance. There are four existing marginal docks that will not be reconstructed.
6. The height, dimensions, and location remain essentially the same with respect to the dock that has been in place since 2001 without impact of the view to the channel.
7. The total water frontage at Vantage Point is approximately 1,019 feet. The length of the vessels proposed to be moored at the proposed location will not exceed 50% of the seawall frontage. The proposed dock will not adversely affect the view to the channel by surrounding property owners.
8. The location of the existing and proposed dock facility does not appear to infringe upon the use of neighboring properties, nor any existing boat docking facilities since the current location of the proposed dock has been in the approximate location since 2001.
9. The applicant indicates no seagrasses are located within the vicinity.

#### **Condition:**

1. The proposal is subject to the Manatee protection requirements. Should the proposal qualify for an exemption to these requirements, Staff is requesting a letter from Collier County indicating a review is not necessary. The letter shall be submitted as part of the building permit application.
2. Any future construction to the docking facility, including any reconstruction, repair, and or modification of the docking facility, and/or any individual components of the docking facility shall require the consent and approval of the Vantage Point Condominium Association, Inc., its successors and assigns.
3. Any City of Marco Island permit applications for any construction, repair, or modification of the docking facility and/or any individual components of the docking facility shall require that the Vantage Point Condominium Association, Inc., its successors and assigns, execute any permit applications.