



City Council Staff Report

Meeting Date: June 3, 2019

TO: Marco Island City Council
FROM: Daniel J. Smith, AICP – Director of Community Affairs
DATE: April 18, 2019
RE: Conditional Use: 18-006283 – Nautical Garage

PLANNING BOARD APRIL 5, 2019 SUMMARY AND RECOMMENDATION:

The Planning Board discussed concerns about the proximity of the cut-in to neighboring properties, structures and possible run-off from stormwater and fertilizers, applied to lawns, into the canal.

The Planning Board agreed that flushing is not an issue because of Orange Court's proximity to open water.

Some members believed that the size of the homes with nautical garages are not conducive to the "small, resort island-feel" of the community, particularly the Orange Court neighborhood.

Some members of the Planning Board felt that the discussion veered into designing the home, and that concerns over the aesthetics or size of the proposed structure were not viable reasons to deny the petition for the nautical garages.

Outcome: Conditional Use petition for 1216 Orange Ct. was voted down 3-2 (2 members were not present for the meeting) based on the finding that it is not compatible with the City of Marco Island Comprehensive Plan.

****BELOW IS THE ORIGINAL STAFF REPORT PROVIDED TO THE PLANNING BOARD****

APPLICANT:

Mr. Todd Schneider
Prime Contractors & Assoc., INC.
939 Chalmers Drive Suite #2
Marco Island, Florida 34146

OWNERS:

Cape Trafalgar II LLC
P.O Box 6070
Grand Rapids, Michigan 49516-6070

PROJECT DESCRIPTION:

The Petitioner is requesting a Conditional Use to construct a nautical garage, including constructing a seawall cut in to be located underneath a new two-story single-family residence proposed for 1216 Orange Court.

The property in question is an approximately 100' wide x 110' deep residential lot located in zoning district RSF-3 with a lot area of approximately 10,890. The lot is currently vacant. A proposed dwelling unit that consist of seven bedrooms and is approximately 5,796-square feet under roof. The new dwelling unit will span over the seawall cut in to create a boat lift/nautical garage, the nautical garage is an integrated element of the structure.

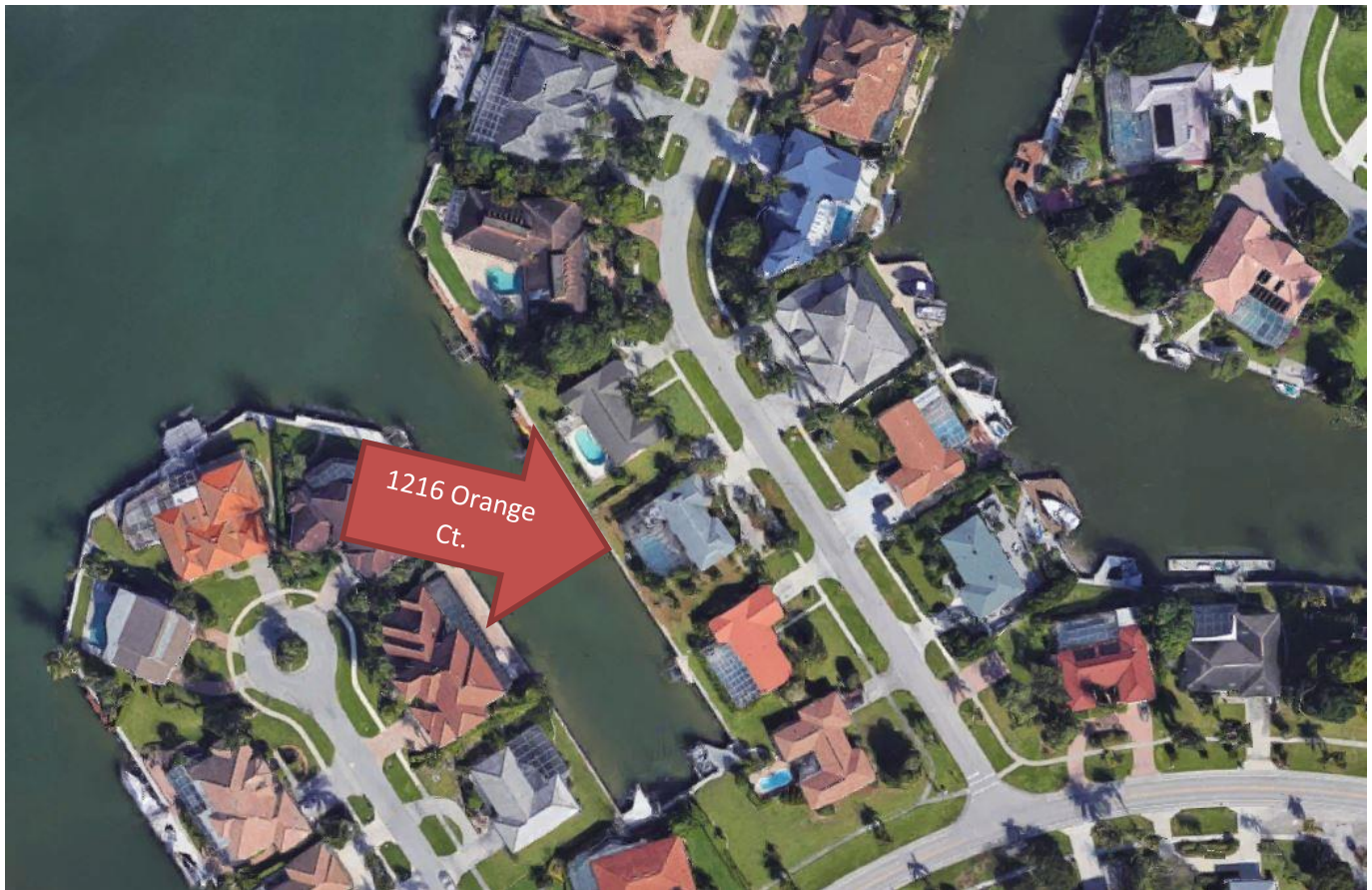
PROJECT LOCATION:

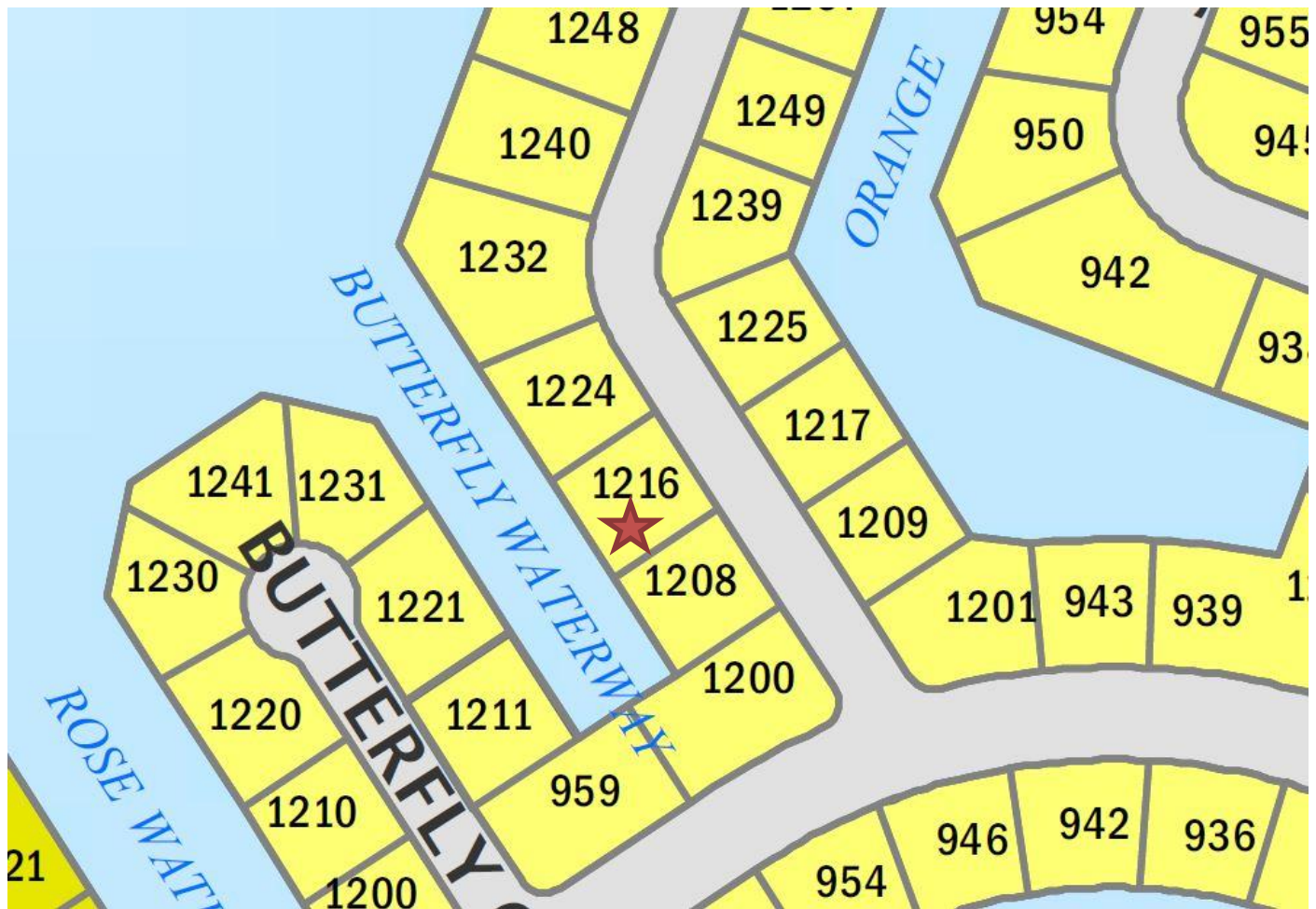
1216 Orange Court
Marco Island Florida 34145
Legal description: Marco Beach Unit 4, Block 128, Lot 3
Zoning District: RSF-3
Calculated Acreage: .25
Parcel Id Number: 56942840000

LAND USE AND ZONING:

Neighboring Conditions:

North:	1224 Orange Court Developed lot	RSF-3 Zoning
South:	1208 Orange Court. Developed lot (Nautical Garage)	RSF-3 Zoning
East:	1217-1225 Orange Court Developed lot(s)	RSF-3 Zoning
West:	Canal Waterway	N/A





STAFF ANALYSIS:

The Land Development Code conditionally allows for nautical garages if they meet criteria outlined in Section 30-84. Below is the criteria and discussion points.

1. **Does the nautical garage contain a single cut-in boat slip?**
 - Yes, this project proposes a 75' (L) x 28' (W) cut-in slip
2. **Does the nautical garage and/ or cut-in slip extend into the side or front-yard setback, or are there any deadmen and tiebacks proposed below grade or within the six-foot platted utility easement?**
 - The contractor has made note that there will be no deadmen or tie-backs in the front/ side-yard setbacks.
3. **Is any part of the proposed nautical garage located within the required single-family home rear-yard setbacks?**
 - No, while the slip is allowed to extend into the required 25' rear-yard setback, the nautical garage structure will be within the single-family buildable envelope.
4. **Does the proposed nautical garage and cut-in slip comply with all State and Federal permitting requirements, and has the contractor/ owner applied for any such permits?**
 - N/A, the contractor/ owner must obtain all relevant State and Federal permits prior to the commencement of any construction.
5. **Has a flushing analysis been prepared for this site, including the use of hydrodynamic models, to assess compliance with Local, State and Federal requirements, including the Clean Water Act?**
 - A flushing report was done by Humiston-Moore Engineering, using a hydrodynamic model (RMA2) and will be submitted as part of the package to Florida DEP and Corps of Engineers.

6. **Has an analysis been done as to whether this proposed nautical garage meets the requirements of a Conditional Use (sec. 30-64(c)(2) and its standards for approval? (normal criteria for general Conditional Use approval)**
- **Will the proposed project adversely affect the public interest and have the requirements of a nautical garage Conditional Use (sec. 30-84(6)(a-g incl.) been met by the petitioner?**
 - It does not appear that nautical garages, when conditionally allowed, will adversely affect the public interest. In the future, Staff may want to assess the cumulative impact numerous nautical garages could have on possible wave run-up, potential changes in flood mapping, etc. The applicant has provided staff with the required flushing report.
 - **Is the granting of the Conditional Use consistent with the Comprehensive Plan**
 - A goal of the Comprehensive Plan states:
“TO ENHANCE MARCO ISLAND’S QUALITY OF LIFE, ENVIRONMENTAL QUALITY, AND TROPICAL SMALL TOWN AND RESORT CHARACTER BY MANAGING GROWTH AND ASSURING A STABLE RESIDENTIAL COMMUNITY WITH SUFFICIENT BUSINESSES TO SERVE THE NEEDS OF RESIDENTS AND VISITORS.”
 - There will be a reduction of dock area within the waterway and will serve to reduce neighbors’ visual obstructions up and down the canal.
 - A potential unintended consequence of nautical garages (which need to be assessed based on the whole) is the impact it could have on reduction of pervious area for storm water percolation.
 - **Is there proper ingress and egress from the property and the proposed structures?**
 - Yes, the site plan includes demonstration that parking has been provided and that the site is accessible by the fire department.
 - **Is the proposed Conditional Use compatible with adjacent properties in the district and will not alter the character of nearby uses, development, structures and neighborhoods and will not be contrary to emerging development trends in the community or neighborhood?**
 - Yes, the proposed Conditional Use is being planned on a street where the other permitted nautical garage is located that is on a canal which provides direct access to open water. The design will also decrease the bulk of a standard dock system increasing views down the canal.
 - **Is the proposed building oriented to enhance the appearance of the streetscape and will the massing/bulk of the structure be compatible with other structures in the neighborhood?**
 - Yes, the building is oriented much the same way as most of the other single-family homes in the neighborhood—which don’t have nautical garages—with the front of the structure situated parallel to the front property line and roadway. Staff will ensure that the proposed residence and nautical garage will meet all architectural and aesthetic codes, including architectural detailing used to avoid the appearance of massing.
7. **Has the contractor/ owner been notified that the construction of a nautical garage would prohibit the permitting of additional docks or lifts other than a “marginal dock” as defined in sec. 54-101 and that a moored vessel must be completely within the nautical garage?**
- Yes, the contractor was notified during the pre-application meeting that the construction of the nautical garage would not allow for further dock systems, other than a marginal dock. Prohibitions regarding the mooring of a vessel outside of the nautical garage were also discussed with the contractor.

RECOMMENDATION:

Staff recommends the following conditions should the Planning Board approve the requested conditional use:

1. This approval is specific to 1216 Orange Court, Legal description: Marco Beach Unit 4, Block 128, Lot 3. Marco Island Florida 34145.
2. This application and request are specific to the USE only. All applicable City of Marco Island building, and zoning codes will apply to the construction of the residence and seawall.
3. Other Permits. Prior to the commencement of any actual construction, demolition or repair work as may be authorized or permitted by the City, the Petitioner/ Owner must obtain any and all approvals from federal and state governmental agencies, including but not limited to the Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission, if applicable. The approval from the Florida Department of Environmental Protection will require the petitioner monitor the levels of turbidity in the proposed project area and monitoring reports submitted to the Florida Department of Environmental Protection. Those same reports must be submitted to Tonia Selmeski, City of Marco Island Environmental Specialist. The City reserves the right to review and re-evaluate its approval or set additional conditions after review of both DEP and FWC project reports.
4. The Conditional Use shall expire one year from the date of approval, if by that date the use for which the Conditional Use was granted has not been commenced.

Daniel J. Smith, AICP

Director of Community Affairs