



Planning Board Staff Report

Meeting Date: August 7, 2020

TO: Marco Island Planning Board

FROM: Daniel J. Smith, AICP – Director of Community Affairs

DATE: July 29, 2020

RE: Boat Dock Extension: 20-000154 – Request to extend a dock to approximately 97-feet

APPLICANT:

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

OWNERS:

Gregory W. and Lori M. Havemeier
899 Caxambas Dr.
Marco Island, FL 34145

PROJECT ADDRESS:

899 Caxambas Dr.
Marco Island, FL 34145

LEGAL DESCRIPTION:

Lot 26, Block 403, Marco Beach Unit 13, according to the plat thereof, as recorded in Plat Book 6, Pages 92-99, Public Records of Collier County, Florida

Parcel Id Number: 58106440008

PROJECT DESCRIPTION:

The Petitioner is proposing a boat dock extension which will be a total of 97-feet past the platted property line into the waterway, which is 67-feet further than allowed in the Chapter 54, Article IV, Division 2. The applicant has stated that the low water depths in the area make operating and mooring a vessel safely, difficult.

The property in question is approximately a 0.74-acre residential lot located in zoning district RSF-3. The lot is currently developed with a primary structure. The contractor states that the additional protrusion into the waterway is necessary to accommodate the mooring of vessels with sufficient mean-low water depths, and to allow for a reasonable ingress and egress from the owner's property. There is an existing walkway and boat dock with two lifts constructed in 2001 (City permit# 003666), and there is no indication that the dock has caused conflict with the neighbors. The new dock will be in the same general footprint of the existing dock, in fact one foot less in length, with slight changes to the pathway around the proposed finger additions.

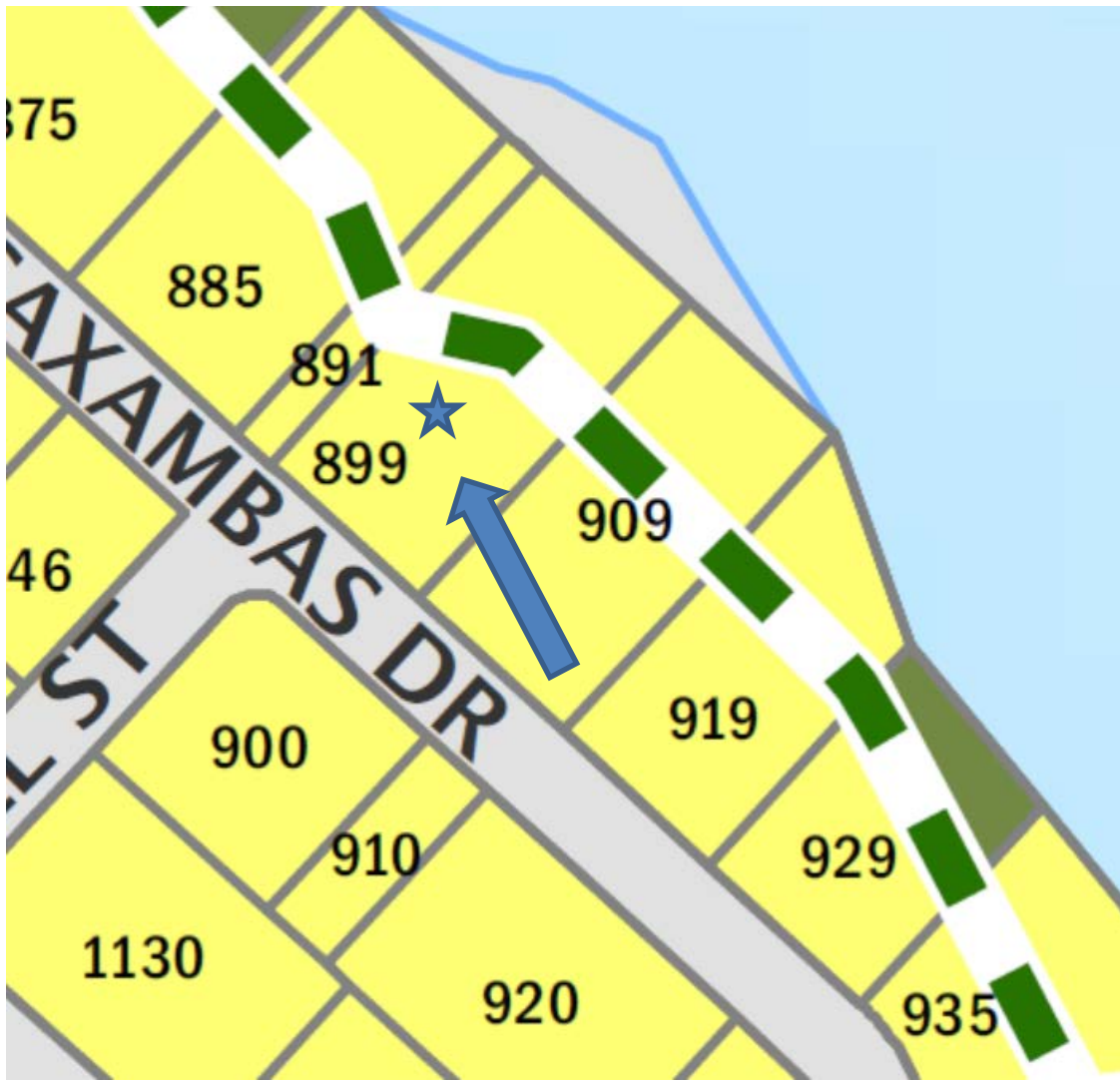
LAND USE AND ZONING:

Neighboring Conditions:

| | | |
|--------|----------------------------------|--------------|
| North: | 885 Caxmabas Dr Developed lot | RSF-3 Zoning |
| South: | 909 Caxambas Dr Developed lot | RSF-3 Zoning |
| East: | Barfield Bay Open Water | N/A |
| West: | 900 Caxmabas Dr Developed Lot | RSF-3 Zoning |



1. Site Aerial



2. Zoning Map

DEVIATIONS TO CODE:

The proposed dock will require a Boat Dock Extension as laid-out in the City's Waterways and Beaches provisions, Sec. 54-115 of The City of Marco Island Code of Ordinances.

STAFF ANALYSIS:

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?**
 - Yes, the proposed dock would meet all other City requirements, including side-yard riparian setbacks and the inclusion of required warning reflectors for boating safety.
2. **Is there sufficient water depth where the proposed vessel(s) is to be located (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?**
 - According to the contractor's profile of the bay bottom, this area experiences the minimum mean-low water depth of 4-feet at approximately 80-feet into the waterway. The 4-foot depth is considered the minimum necessary to moor a vessel for safe ingress and egress from the dock.

1. Does the proposed boat docking facility meet the other standards (setbacks, height, etc.) set forth in Ordinance 03-?

Yes, the dock will be 30' in height and will have at least 25' setbacks on either side.

2. Is there sufficient water depth where the proposed vessel(s) is to be located (as a general guide, -4 feet mean low water is deemed to be sufficient) to allow for safe mooring of the vessel?

Yes, the depth at the proposed location as outlined in this application is the reason for needing a BDE.

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?

- The contractor indicates that the mangrove fringe combined with the shallow depths at the subject property creates a need to exceed the normal thirty-foot protrusion. This area does contain special conditions in that the property has mangroves, is on open water and the area closest to the property is shallow, as seen on the aerials provided.

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 associated vessels will not protrude more than 25% of the total width of the waterway and will leave more than 50% of the waterway width open for safe navigation, considering that the proposed location sits on an open body of water.

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

The mangrove fringe combined with the shallow depths at the subject property creates a need to exceed the normal 30' protrusion limitation.

4. Does the proposed boat docking facility and moored vessel protrude greater than 25% of the width of the navigable waterway and is a minimum of 50% of the waterway width between dock structures/moored vessel(s) on the opposite side of the waterway maintained in order to ensure reasonable waterway width for navigability?

The proposed dock does not protrude more than 25% the width of waterway, and more than 50% of the waterway will be left for navigability.

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?
- o The proposed dock fingers are stated to be no more than 5' wide at their maximum with two lifts. The total area of the dock over water is proposed to be 1570 sq. ft. Staff believes that this proposed dock area will be the minimum necessary to provide safe access to the lifts and accommodate larger vessels as typically seen in our area.

5. Is the proposed dock of minimal 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?

Yes, the access walkway will be 4' in width, the landward finger piers will be 3' in width, and the water-ward terminal platform will be only 5' in width.

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?
 - o Based on aerial photos of the area the proposed dock will have a minimal impact on views down the shoreline, particularly for neighbors to the North of the subject property considering that the adjacent neighbors currently have docks which protrude a similar length into the waterway and at least one boat house constructed over their dock.
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?
 - o The proposed docking system and vessels collectively will not exceed 50% of the total length of the lot's water frontage.
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?
 - o The proposed dock will not protrude into any adjoining riparian setbacks and will not infringe upon the ingress or egress of neighbors' vessels.

6. Is the proposed structure of minimal dimensions and located (designed) to minimize the impact of view to the channel by surrounding property owners?

Yes, the views of neighbors will not be affected by the proposed structure.

7. Is the moored vessel in excess of 50% of the length of the waterfrontage such that the addition of a dock structure will increase the impact on or negatively impact the view to the waterway by surrounding property owners? (In the case of multi-family developments and public marinas, the 50 percent provision may be exceeded).

Both vessels combined do not exceed 50% of the water frontage of the subject property.

8. Will the proposed location and design of the boat docking facility and moored vessel(s) be such that it may infringe upon the use of neighboring properties, including any existing dock structures?

The proposed dock will not affect the navigability to or from neighboring docking facilities.

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

- The contractor has asserted in official documents that there are no seagrass beds on the site or within 200 ft. of the proposed dock.

10. Regarding existing benthic organisms in the vicinity of the proposed extension:

a. Are seagrasses located within 200 feet of the proposed dock?

No.

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

- The contractor has stated that the Manatee Protection areas are not relevant to this site because of the nature of the proposed dock and it being constructed on a single-family lot which is not addressed in this section.

b. Is the proposed dock subject to the manatee protection requirements in Sec 10 of Ordinance 00-04?

No, the proposed dock is for a single-family docking facility and is therefore not subject to the requirements of Section 10 of ordinance 00-04.

STAFF RECOMMENDATION AND FINDINGS:

Staff recommends Planning Board approval of BD-20-000154 with the below findings and conditions:

Findings:

1. The proposed dock would meet all other City requirements, including side-yard riparian setbacks and the inclusion of required warning reflectors for boating safety.
2. According to the contractor's profile of the bay bottom, this area experiences the minimum mean-low water depth of 4-feet at approximately 80-feet into the waterway. The 4-foot depth is considered the minimum necessary to moor a vessel for safe ingress and egress from the dock.
3. The contractor claims that a normal vessel cannot reasonably be moored any closer than approximately 90-feet from the property line due to the low water depths and existing mangrove fringe, which necessitates this variance.
4. The dock and associated vessels will not protrude more than 25% of the total width of the waterway and will leave more than 50% of the waterway width open for safe navigation, considering that the proposed location sits on an open body of water.
5. The proposed docking system and vessels collectively will not exceed 50% of the total length of the lot's water frontage.
6. The proposed dock will not protrude into any adjoining riparian setbacks and will not infringe upon the ingress or egress of neighbors' vessels.
7. The contractor has provided documentation that the proposed dock does not sit within a seagrass or regulated manatee zone.

Conditions:

1. BD-20-000154 includes a 6 page document the 6-page document entitled Havemeier Dock, prepared by Turrell, Hall, & Associates, Inc., a Florida Corporation, of Naples, Florida, under Job Number 19059, dated May 17, 2020, including Sheets 1 (Location Sheet), 2 (Existing Aerial), and 5 (Section AA), inclusive (with no date of revision); and Sheets 3 (Proposed Aerial), 4 (Proposed Line), and 6 (Section BB), all with a last date of revision being April 30, 2020).
2. The maximum protrusion allowed for this dock extension is 97' into the waterway and must be inclusive of the dock, vessels and outboards. No temporary or permanent fixtures may be placed on the dock which would extend the docking system further than the 97' maximum protrusion.
3. Failure to Obtain Other Permits. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.
4. Failure to Adhere to Resolution of Resolution of Approval. That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

Daniel J. Smith, AICP

Director of Community Affairs