



Planning Board Staff Report

**Meeting Dates: October 2, 2020
and November 6, 2020**

TO: Marco Island Planning Board

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

DATE: September 17, 2020

RE: Boat Dock Extension: 20-000167 – Request to extend a dock to approximately 22-feet

PROJECT DESCRIPTION:

Dock protrusions are determined based on the width of the canal. Canals over one hundred feet (100') in width are allowed a twenty-five percent (25%) protrusion and on canals less than one hundred feet (100'), it is twenty percent (20%). This canal, Marco Cove, is sixty feet (60'), resulting in a dock protrusion not to exceed twelve feet (12'). The request is to protrude an additional five feet (5') beyond the allowed twelve feet (12') from the property line, for a total of seventeen feet (17') from the property line. Please be aware the property line extends five feet (5') into the water and the total dock protrusion from the seawall is proposed at twenty-two feet (22').

The agent's responses are incorporated into this report and attached along with the application and plans.

AGENT/APPLICANT:

Collier Seawall and Dock, LLC
919 N. Collier Blvd.
Marco Island, FL 34145

OWNERS:

Scott and Cynthia Shallop
24710 E. River Rd.
Grosse Ile, MI 48138

PROPERTY INFORMATION:

1071 Old Marco Lane
Marco Island, FL 34145
A Portion of Lots 2 and 3, Block 6, Old Marco Village, according to the plat thereof, as recorded in Plat Book 6, Page 3, Public Records of Collier County, Florida, described as follows:

From the Point of Beginning at the Northwest corner of said Lot 3, run N. 70°34'45" E. along the Northwest line of said Lot 3, for 135.00 feet; thence S. 19°25'15" E. along the Northeast line of said Lots 3 and 2, for 62.23 feet to a point of curvature; thence run 8.57 feet along the arc of a curve concave to the Northeast, having a radius of 30.00 feet and subtended by a chord having a length of 8.54 feet and bearing S. 27°36'11"

E.; thence S. 58°26'08" W. for 139.33 feet to a point on the Southwest line of Lot 3; thence run N. 19°25'15" W. along the Northwest line of Lot 3, for 100.00 feet to the Point of Beginning.

Parcel Id Number: 790200 6 37B05

Zoning: R-4

ZONING:



AERIAL OF SITE:



STAFF ANALYSIS:

The existing dock was permitted in 2002 and meets the current protrusion requirements of twenty percent (20%) for a 60-foot canal width, which is twelve feet (12'). The agent is requesting a protrusion of seventeen feet (17').

Zoning and Land Use

Property	Zoning	Land Use	Protrusion of Existing Dock Facility
Subject	RSF-3	VACANT RESIDENTIAL	18'
N	RSF-3	RESIDENTIAL	22.1'
S	RSF-3	RESIDENTIAL	30'
E	RSF-3	RESIDENTIAL	19'
W	RSF-3	RESIDENTIAL	44'

The following criteria, (pursuant to Ordinance 03-) shall be used as a guide by staff in determining its recommendation to The City of Marco Island Planning Board in its decision to approve or deny a particular dock extension request. Please provide a **narrative** response to the listed criteria and/or questions. Attach additional pages if necessary.

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

Yes the proposed boat docking facility meets or exceeds all other setback and height standards

- 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 proposed dock will allow sufficient water depth where the proposed slips are located.

The current configuration does not have sufficient water depth

- 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?**

Yes. Water depth less than adequate to moor vessel within 5' of seawall. At low tide a manatee

can not swim under dock or boat. The extension request is necessary to allow ingress/egress to the dock.

- 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?**

Yes. It protrudes 1.5" beyond. There are no other structures on teh other side of the waterway

- 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 proposed deck area has been kept to a minimum and allows access to the vessels for routine maintenance. The total area is 541 sq ft with access to the vessel on both sides. The extension will allow deeper water depth to moor boats properly.

- 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 proposed structure is of minimal dimentions and designed to minized the impact of the view
and will not impact the surrounding property owners.

- 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).**

No. The design of the dock does not allow for more then 50% of the linear ft of water frontage or
shoreline.

- 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?**

No. Proposed location will not infringe upon the use of neighboring properties and is designed to
minimize any impacts to the neighboring structures.

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

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

No. The proposed dock has a Department of Environmental Protection and Army Corps of

Engineer permits. They have determined no seagrass was present within 200' of proposed dock.
We also have physically inspected, no seagrass is present.

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

No. The manatee protection requirements are applicable to multi-slip boat docking facilities with

ten slips or more; multi-family developments; and all marina facilities. The proposed dock facility is not
subject to the manatee protection criteria because it is not a ten slip docking facility and does not meet the requirements of a marina. We do have to allow for the extension to allow the manatees to swim under moored vessels and/or while waiting to get on possible future boat lifts.

Below is Staff's response to 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 required setback is fifteen percent (15%) of the seawall length, which is approximately seventy-one feet (71') and that requires approximately a ten foot and 7-inch (10.6') side yard setback. Proposed setbacks are shown as eight feet (8'). The other dimensional requirements are not met.

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 the water depth at the existing location does not have sufficient water depth and that the proposed location will have sufficient depth.

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 applicant indicates the water depth within five feet (5') is not adequate to moor a vessel. The first five feet from the seawall is part of the property, and from the property line, the dock can extend out twelve feet (12'). This would appear to be adequate depth based on the information provided negating the need for the additional five-foot (5') extension.

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 waterway is sixty feet (60') and twenty-five percent (25%) is fifteen feet (15'), so yes, the proposed dock protrudes greater than twenty-five percent (25%). To the second part of the criteria, currently there is no dock on the opposite side of the waterway. Fifty percent (50%) of the waterway is thirty feet (30'). Should a dock be proposed, the maximum allowed (with an approved one foot (1') boat dock extension) would be thirteen feet (13').

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 applicant indicates the proposed dock is of the minimum dimensions necessary to adequately secure the moored vessel and provide reasonable access for routine maintenance. However, it is difficult for Staff to confirm or deny this statement as we are not versed in what this involved.

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?

It is difficult to say the proposed dock will not impact the view of the channel due to this being a narrow channel (60') and it is proposed to protrude an additional five feet (5') from the existing dock. The neighbor to the south is partially on the end of the channel and the proposed dock will be in their view corridor.

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?

There are two proposed moored vessels. One being twenty-six feet (26') and one being eighteen feet, five inches (18'-5"). They are angled and when viewed and measured collectively exceed fifty percent (50%) of the water frontage. It would be difficult to say the protrusion will not impact the adjacent neighbor to the south since the waterway is only sixty feet (60').

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?

This is difficult to say. As indicated in the above #4, there is no dock constructed across the waterway from this site. If and when one is constructed, it will be limited to a maximum of thirteen feet (13'), if a one foot (1') extension is approved in order to maintain fifty percent (50%) of the waterway open for navigation.

The additional protrusion could impact the neighbor to the south and their ability to get out due to the additional protrusion. However, their dock is not indicated on proposed dock plans. We can only review the aerial showing the existing dock and the neighbors.

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

The applicant indicates there are no seagrasses in the area, which is in keeping with other canals and waterways on the island.

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?

This petition is not subject to Sec. 54-117.

STAFF RECOMMENDATION AND FINDINGS:

Staff recommends Planning Board deny this request based on the following findings:

1. The other dimensional requirements are not met. The required setback is fifteen percent (15%) of the seawall length, which is approximately seventy-one feet (71') and that requires approximately a ten foot and 7-inch (10.6') side yard setback. The south proposed setbacks is shown as eight feet (8').
2. The applicant indicates the water depth within five feet (5') is not adequate to moor a vessel. The first five feet from the seawall is part of the property, and from the property line, the dock can extend out twelve feet (12'). This would appear to be adequate depth based on the information provided negating the need for the additional five-foot (5') extension.
3. The proposed dock protrudes greater than twenty-five percent (25%) of the channel width.

4. Currently there is no dock on the opposite side of the waterway. Fifty percent (50%) of the waterway needs to be open and navigable, which is thirty feet (30'). Should a dock be proposed, the maximum allowed (with an approved one foot (1') boat dock extension) would be thirteen feet (13').
5. It is difficult to say the proposed dock will not impact the view of the channel due to this being a narrow channel (60') and it is proposed to protrude an additional five feet (5') from the existing dock. The neighbor to the south is partially on the end of the channel and the proposed dock will be in their view corridor.
6. There are two proposed moored vessels. One being twenty-six feet (26') and one being eighteen feet, five inches (18'-5"). The slips are angled and when viewed and measured collectively exceed fifty percent (50%) of the water frontage.
7. The boat dock extension could negatively impact the property owner across the channel when and if they decide to construct a dock. If and when one is constructed, it will be limited to a maximum of thirteen feet (13'), if a one foot (1') extension is approved in order to maintain fifty percent (50%) of the waterway open for navigation.
8. The additional protrusion could impact the neighbor to the south and their ability to get out due to the additional protrusion.

Daniel J. Smith, AICP

Director of Community Affairs