

City of Marco Island Florida

*51 Bald Eagle Drive
Marco Island, Florida
cityofmarcoisland.com*



Meeting Minutes - Draft

Friday, October 2, 2020

9:00 AM

Community Room

Planning Board

Chair: Claire Babrowski

Vice-Chair: Jason Bailey

Board Members: Ron Goldstein, Ed Issler, Joseph Rola, Tom Swartz, David Vergo

Staff Liaison: Daniel Smith

Planning Board Attorney: Paul Gogleman

NOTE: ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS PERTAINING THERETO, AND THEREFORE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, NEITHER THE CITY OF MARCO ISLAND NOR THE PLANNING BOARD SHALL BE RESPONSIBLE FOR PROVIDING THE RECORD.

(1) CALL TO ORDER

(2) ROLL CALL

Present 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz, and Chair Babrowski

Not Present 1 - Board Member Goldstein

(3) PLEDGE OF ALLEGIANCE

(4) APPROVAL OF THE AGENDA

MOTION by Vice-Chair Bailey, seconded by Board Member Issler, that this Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

(5) COMMUNITY FORUM/PUBLIC COMMENT (TIME APPROXIMATELY 9:05 A.M.)

None.

(6) BOARD ABSENCES

All Board Members who were present indicated that they would be present for the next Planning Board Meeting on November 6, 2020 except Board Member Goldstein

(7) APPROVAL OF MINUTES

- a. [ID 20-1054](#) Approval of the Planning Board Meeting Minutes of August 7, 2020

MOTION by Board Member Issler, seconded by Vice-Chair Bailey, to Approve the August 7, 2020 Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

- b. [ID 20-1055](#) Approval of the Planning Board Meeting Minutes of September 4, 2020

MOTION by Vice-Chair Bailey, seconded by Board Member Vergo, to Approve the September 4, 2020 Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

(8) STAFF COMMUNICATIONS

Daniel Smith provided the Board Members with updates on the November 6th agenda items which will be a boat dock extension, 2 easement vacations and Chase bank that will be coming in for an amendment. LCEC is coming in for a Variance to allow barbed wire because the land development code does not allow it in commercial areas.

Member Issler questioned staff regarding ordinances and some projects that are ongoing in Marco island.

(9) OLD BUSINESS

a. [ID 20-1068](#) DISCUSSION - Comprehensive Plan Update

Mary Holden provided the Board members with updated information on the Comprehensive plan. She mentioned that the final report is out and phase I ended on September 30. Phase II will begin upon Council approval.

Member Issler recommended concentrating on the traffic element of the Comprehensive plan and believes it is essential that the City focus on the element.

Daniel Smith mentioned that there was a discussion with Mary Holden and the Consultant, and they believe that Transportation and Land use element, along with resiliency, are the top 3 important elements. They also talked about putting a timeline together to hit each element, instead of grouping them all together.

Chair Babrowski questioned staff about the start of phase II and if they were fully budgeted. She also questioned the City's capacity as the population keeps growing and at what point do they say there is no more room for.

b. [ID 20-1071](#) ORDINANCE - Continued from the August 7, 2020 meeting - Proposed changes to the City of Marco Island Code or Ordinances Chapter 38 - Planning, creating an application methodology and general review requirements for amendments to the Comprehensive Plan

Daniel Smith provided updated information on the proposed change. He mentioned that during the last discussion there was confusion regarding what a small scale amendment was and what the difference is between the statues and proposed amendment. He provided the Board members comparison information.

Vice Chair Bailey questioned Attorney Gougelman if an application is being made on behalf of a corporation should they need an executive officer's signature.

Attorney Gougelman mentioned that it is not necessary as long as the person signing has authority to act on behalf of the legal entity.

Member Rola wanted to know where the Board stands on requiring a super majority vote for a small-scale comprehensive change.

Member Issler mentioned that the small-scale amendment process not only deals with density, it can also involve a land use change. He believes both are major issues.

**MOTION by Vice-Chair Bailey, seconded by Board Member Issler, To Approve
Proposed changes to the City of Marco Island Code of Ordinances Chapter 38 by**

adding a super majority of City Council when increase of density or land use is proposed. MOTION CARRIED BY THE FOLLOWING VOTE :

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

c. NEW BUSINESS

- a. [ID 20-1064](#) RESOLUTION - A Site Development Plan Amendment (SDP-20-000158) for the Electric Light Properties, LLC., to an existing approved site plan for a restaurant located at 844 Bald Eagle Dr., Marco Island, FL 34145

Mary Holden presented to the board members a site development plan amendment to the old Arturo's. They are proposing to open a new restaurant with some general interior remodel changes. They will be rebuilding the outdoor covered patio area that was damaged by Hurricane Irma. They are also increasing seating, and updating the site. They will be keeping the same landscape plan that was approved back in 2001. After reviewing, City staff is recommending approval with the condition to follow the landscape plan approved in 2001.

Member Issler asked if they will be able to do this based on the fact that in 2017 City Council passed the revised parking requirements for restaurants and if they will be using the new parking requirement for their parking.

Member Rola questioned if the 2001 Site Development Plan had an outdoor bar. He also mentioned that he was confused about all the elevations and asked if the floor level will be elevated.

Martin Pinckney addressed member Rola's question regarding flood elevation, stating that FEMA maps give a base flood elevation of 8 but the City has a design flood elevation of 9. It is a City requirement. The finished floor is below 9 and it is the intention to make it flood proof for compliance.

MOTION by Vice-Chair Bailey, seconded by Board Member Swartz, To Approve Site Development Plan Amendment for the Electric Light Properties, LLC., to an existing approved site plan for a restaurant located at 844 Bald Eagle Dr., Marco Island, FL 34145. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

- b. [ID 20-1065](#) RESOLUTION - A Utility Easement Vacation request (LV-20-000196) to vacate the six-foot utility and drainage easements along the common lot line at 161 Channel Ct., Marco Island, FL 34145.

Mary Holden presented the Board members a request to vacate the utility easement along the common lot line at 161 Channel Ct.

Member Rola asked what size home can be built on a joined lot like this one.

Mary Holden mentioned that it was hard to calculate what the square footage will be, but if they can comply with the area requirements it is permitted.

MOTION by Board Member Rola, seconded by Board Member Issler, To Approve

to vacate the six-foot utility and drainage easements along the common lot line at 161 Channel Ct . **MOTION CARRIED BY THE FOLLOWING VOTE:**

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

- c. [ID 20-1066](#) RESOLUTION - Continued to November 6, 2020 per applicant's request - A Boat Dock Extension request (BD-20-000167) to extend a dock approximately 22-feet for a property located at 1071 Old Marco Lane, Marco Island, FL 34145

Planning Board Members continued this Agenda item for the November 6, meeting

MOTION by Board Member Issler, seconded by Board Member Swartz, that this Agenda item be continued on the November 6, meeting. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

- d. [ID 20-1067](#) RESOLUTION - A Site Development Plan Amendment (SDP-20-000228) to add mezzanines to all units of a commercial warehouse located at 921 Windward Drive, Marco Island, FL 34145

Daniel Smith presented an application for a site plan amendment to add mezzanines to all units of a commercial warehouse. City staff has reviewed it and is recommending approval.

Member Vergo questioned if the intended use will still be storage, because he finds that this type of set up can end up being a small commercial building where they are running service companies.

Vice Chair Bailey asked if staff is comfortable saying this will still be a storage use.

Daniel Smith answered that based on the changes that were made and by removing the shower and dish washer it makes it more like a garage.

Member Rola wanted to know how things will be stored in the mezzanines and if they have an internal stairwell in the building.

Member Swartz questioned if there was a way that this could become a small business.

Jennifer Tenney from Tenney Law representing the petitioner addressed some of the Board members concerns. She explained that the plans were amended and submitted to show that the shower and dishwasher were removed. It was reduced to a refrigerator and a sink. The Applicant is requesting a return of the fees for this Site Development Plan Amendment since this amount was already first paid for the Site Development Plan application. This Amendment is not asking for a Variance or a change in use and is just asking for an accessory use that is allowed under the code.

MOTION by Board Member Issler, seconded by Board Member Vergo, To Approve this Site Development Plan Amendment (SDP-20-000228) to add mezzanines to all units of a commercial warehouse with the following conditions and those outlined in the staff report. No overnight parking, and no residential use with the exception of the caretaker. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Board Member Issler, Board Member Vergo, Board Member Rola, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

Not Present: 1 - Board Member Goldstein

e. [ID 20-1070](#) DISCUSSION - Stormwater Ordinance discussing Article VIII-Stormwater Regulation, Section 18 -Adding stormwater construction standards

Jason Tomassetti provided the Board members with some proposed changes to the stormwater Ordinance by adding standards for single family homes.

Vice Chair Bailey mentioned that City Council decided that they were going to wait until Dr Harper's report came back and asked at what point that direction from Council changed.

Member Issler mentioned that water quality is a hott button in the City and believes that the Department of Public Works needs to prioritize some solutions that will take care of the water quality in the canals.

Member Rola questioned what the cost for a homeowner would be for this process.

Member Vergo mentioned that 2 years ago the same thing was proposed and the Board declined the proposal for the same reasons that were pointed out during the discussion and nothing was done and no ideas were ever shared.

Chair Babrowski said that the Planning Board does not support this ordinance change until they can take a broader look at this issue.

(11) BOARD COMMUNICATIONS

None.

(12) ADJOURN

There being no further business, the meeting adjourned at 11:35 A.M.

Daisy Martinez, Administrative Technician

NOTE: TWO OR MORE CITY COUNCILORS OR OTHER COMMITTEE MEMBERS MAY BE PRESENT