



City of Marco Island Florida

51 Bald Eagle Drive
Marco Island, Florida
cityofmarcoisland.com

Meeting Minutes - Final

Planning Board

Chair: Ron Goldstein

Vice-Chair: Claire Babrowski

Board Members: Jason Bailey, Michael Finkle, Ed Issler,

Joseph Rola, David Vergo

Staff Liaison: Daniel Smith, Mary Holden and Jason Smalley

Planning Board Attorney: Paul Gougelman

Friday, May 3, 2019

9:00 AM

Community Room

(1) CALL TO ORDER

Chair Goldstein called the meeting to order at 9:00 A.M.

(2) ROLL CALL

Present 7 - Board Member Issler, Board Member Vergo, Vice-Chair Babrowski, Board Member Rola, Board Member Finkle, Board Member Bailey, and Chair Goldstein

(3) PLEDGE OF ALLEGIANCE - Led by Chair Goldstein

(4) ADDENDA TO THE AGENDA

Chair Goldstein suggested moving Item 10-a (New Business - Site Improvement Plan - Hideaway Beach Clubhouse Renovation at 250 South Beach Drive, Marco Island, Florida 34145 (SDP-19-000889) as the first item of business heard and the Board Members concurred.

This item was approved by tacit agreement.

(IT IS NOTED FOR THE RECORD, THE ITEMS ON THE AGENDA APPEAR IN NUMERICAL ORDER IN THE MINUTES.)

(5) BOARD ABSENCES

All Board Members who were present indicated that they would be present for the next Planning Board Meeting on June 7, 2019.

Community Affairs Director Dan Smith advised he will not be present for the June 7, 2019 meeting. He will be attending the Florida Planning Conference. It is noted, Senior Planner Mary Holden will be present in his absence.

Chair Goldstein noted he will not be at the July 5, 2019 meeting.

(6) APPROVAL OF MINUTES

[ID 19-254](#) Planning Board Meeting Minutes of April 5, 2019

MOTION by Board Member Issler, seconded by Vice-Chair Babrowski, to approve the April 5, 2019 Planning Board Meeting Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Board Member Issler, Board Member Vergo, Vice-Chair Babrowski, Board Member Rola, Board Member Finkle, Board Member Bailey and Chair Goldstein

(7) STAFF COMMUNICATIONS

Community Affairs Director Dan Smith provided the Board Members with the following updates:

**At this point, there are no agenda items scheduled for the June 7, 2019 meeting*

Planning Board Attorney Paul Gougelman commented on House Bill 7103 and will keep the Board Members updated on the legislative process once it has been finalized.

(8) COMMUNITY FORUM/PUBLIC COMMENT (time approximate 10:00)

Mr. Erik Brechnitz, 5000 Royal Marco Way, City Council Chairman, said that after City Council has formalized the strategic plan, they will be asking the Planning Board Members to review the Comprehensive Plan. His second comment pertains to the timeline for hiring a City Manager and encouraged everyone to attend the meet and greet for the City Manager candidate finalist.

(9) OLD BUSINESS

- a. [ID 19-252](#) ORDINANCE - Continued from 3/15/19 - Section 30-1012 of the Land Development Code - Supplemental District Regulations - Solid Waste Disposal - Requiring Dumpster Enclosures.

(Editorial History: Staff-initiated change, allowing collection for establishments generating less than two cubic yards of solid waste per week; requiring maintenance and screening of enclosures and receptacles. This amendment was driven from citizen input and discussions at Planning Board and City Council regarding the requirement of dumpster enclosures at existing and new buildings, not generating the trash volume for a typical dumpster enclosure. Some businesses would like to use hand roll out receptacles for trash and recycling with individual curb side service.)

It is noted for the record, Board Member Issler left the meeting at 10:39 A.M. and returned at 10:42 A.M.

Planning and Zoning Technician Sherry Hoyo read into the record by title only, an Ordinance - Section 30-1012 of the Land Development Code - Supplemental District Regulations - Solid Waste Disposal - Requiring Dumpster Enclosures.

Community Affairs Director Dan Smith provided background information and answered the Board Member's questions and concerns.

Public Comment:

Mr. Erik Condee, 1210 Osprey Court, supports the ability of business owners to share containers and believes more ideas to promote recycling should be included.

Following lengthy discussion, the following amendments were determined by consensus:

- *change the term "receptacle" to "container" throughout the document*
- *page 2 (b) - reference containers other than roll out containers will be buffering*
- *page 3 - delete paragraph one (1) - keep Curbside collection (individual waste) and insert a statement that "no screening is required for curbside containers"*
- *page 3 (b) (1) - change "similar color of the primary structure" to "compatible color"*
- *page 3 (b) (2) - change "chain link is prohibited" to "chain link is prohibited except for gates with vinyl slates-visual blocking"*
- *insert a provision for bulk collection "anything over 96 gallons" "additional materials wood/plastic/metal"*
- *page 3 (b) height requirements - change to "containers are of the size where they can not be seen from the first floor of any building"*
- *insert sub section for roll out containers not to be larger than 96 gallons*
- *page 3 (c) (3) insert language for situations being permitted after July 1, 2019*
- *page 4 (d) (2) strike the word "screened" in the fourth line "suitable screened location"*
- *page 4 (d) (2) strike "engineered site plan" and insert "accurate scaled site plan"*

Planning Board Paul Gougelman will provide the revised draft version and the red line version for the next meeting.

Board Member Finkle left the meeting at 12:06 P.M.

Community Affairs Director Dan Smith left the meeting at 12:10 P.M.

(10) NEW BUSINESS

- a. [ID 19-250](#) SITE IMPROVEMENT PLAN - Hideaway Beach Clubhouse Renovation at 250 South Beach Dr., Marco Island, FL 34145 (SDP-19-000889)

(Editorial History: The Petitioner is proposing an expansion of the Hideaway Beach Clubhouse area by 1006 square feet. The proposed new structure will contain approximately 24,836 square feet. The new area will include expanded terrace space in the ballroom as well as new enclosed second floor deck area. The plans also call for raising the pool deck, removing existing retaining walls, planters, stairs and the construction of a new set of stairs to access the second-floor ballroom. The property in question is approximately 4.53 acres and is zoned as PUD with a use of "Beach Club" within the Hideaway Beach PUD ordinance. The proposed new area will extend over an existing pool deck which will not increase the site's impervious groundcover calculation, which according to the contractor will continue to be 55%. There are no indications that listed/ protected species exist on-site, but the owner and developer must submit an approved assessment of the lot which will inform staff's determination as to whether species are present prior to issuance of building permits.)

Planning and Zoning Technician Sherry Hoyo read into the record a summary of the project.

Planning Board Attorney Paul Gougelman swore in all witnesses and the Board Members provided their ex-parte communications.

It is noted for the record, Member Finkle and Vice-Chair Babrowski reside in Hideaway Beach and both sit on the Board of Directors for the Hideaway Beach Association. Planning Board Attorney Paul Gougelman advised those two (2) Board Members did not have a conflict of interest and therefore; under Florida law, they are required to vote on this item.

He cited on authority for the record, Florida Commission on Ethics Opinion 79-66.

Planner II Jason Smalley presented the project and answered the Board Member's questions.

Mr. Martin Pinckney with American Engineering, 537 Bald Eagle Drive, Marco Island, Florida, 34145 answered the Board Member's questions and concerns.

Public Comment: None

MOTION by Board Member Issler, seconded by Board Member Rola, to recommend approval to City Council, SDP-19-000889, Hideaway Beach Clubhouse Renovation at 250 South Beach Drive, Marco Island, Florida, 34145. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Board Member Issler, Board Member Vergo, Vice-Chair Babrowski, Board Member Rola, Board Member Finkle, Board Member Bailey and Chair Goldstein

b. [ID 19-251](#) LAND DEVELOPMENT CODE AMENDMENT - LDCA-18-005882
Proposed Land Development Code Amendment to Conditionally Allow for Cut-ins on certain lots.

(Editorial History: Mr. Craig Woodward, on behalf of Mr. Judd and Ms. Cienkus, has submitted an application to change the Land Development Code to conditionally allow for cut-ins in seawalls for certain lots at the end of a canal. Below, we have copied a portion of the application (the entire application package is attached to this report) addressing the Comprehensive Plan and proposed language to be added.

3. All Comprehensive Plan policies which may be affected:

No Comprehensive Plan policies are affected. This change is similar in nature to Ordinance 17-02 which allowed for Nautical Garages, where the Planning Board found "....that the need and justification for this Ordinance is to permit improved boat docking opportunities for certain waterfront single-family residential dwellings." That Ordinance was found to be consistent with the Comprehensive Plan Objectives 1.7 and 1.8, and Policies 1.8.3.1, 1.8.3.2, 2.1.4 and 2.2.1.

4. Proposed Language for LDC text changes: Section 30-10 Definitions

Lot, Corner Waterfront means a lot located on the water which is a corner lot located typically at the end of a canal, with one (1) of its side lot lines partially abutting an adjacent lot and abutting a canal. A waterfront corner lot is distinguished from a shoulder lot in that it, unlike a shoulder lot, does not have a strip of land which is under water and which is used for the docking of a boat.

Section 30-84 Conditional Uses

(7) A seawall cut-in created in a waterfront corner lot meets the following requirements:

- a. The cut-in in the seawall does not extend into the side yard setbacks established for residential single-family waterfront homes pursuant to Section 30-85(a) of this code.*
- b. The cut-in extends no more than a twelve (12) foot depth into the lot, which depth includes the construction of the cut-in's rear seawall.*
- c. The cut-in complies with all federal and state requirements and permits, including but not limited to the requirements and permits of the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers; provided that required federal and state permits need not be obtained prior to issuance of the conditional use but must be obtained before commencement of construction of the cut-in slip, as required by Florida law.*
- d. The cut-in to comply with Section 30-64(3). Section 30-64(3) b. to also include navigable ingress and egress from adjacent waterway(s) and Section 30-64(3) d. to include proximity to and location of the proposed cut-in to other docking facilities.)*

Planning and Zoning Technician Sherry Hoyo read into the record by title only, Land Development Code Amendment LDCA-18-005882, to Conditionally Allow for Cut-ins on certain lots.

Senior Planner Mary Holden presented the project and answered the Board Member's questions and concerns and noted staff is recommending denial.

Mr. Craig Woodward with Woodward, Piers and Lombardo, 606 Bald Eagle Drive, Suite 500, Marco Island, Florida 34145, Attorney for the applicant, and answered the Board Member's questions and concerns.

Ms. Bernice Clerk with Imperial Marine Construction, 601 East Elcam Circle, Unit B2, Marco Island, Florida 34145, answered the Board Member's questions and concerns regarding the seawall and permitting process.

Mr. Roy Lansdown Owner of Panorama Home Services, Inc., 1108 North Collier Boulevard, Marco Island, Florida 34145, answered the Board Member's questions and concerns.

Following discussions, it was determined the applicant will withdraw the Land Development Change Amendment application and will move forward with a Variance Request application. Planning Board Attorney Paul Gougelman verified this is a viable option for the applicant.

(11) BOARD COMMUNICATIONS - None

(12) ADJOURN

There being no further business, the meeting adjourned at 12:11 P.M.

Ronald Goldstein, Planning Board Chair

PREPARED BY:

Lisa Smith, Recording Specialist