

City of Marco Island Florida

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



Meeting Minutes - Final

Friday, August 7, 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

Chair Babrowski called the meeting to order at 9:00 a.m.

(2) ROLL CALL

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

(3) PLEDGE OF ALLEGIANCE

(4) APPROVAL OF THE AGENDA

Member Issler requested a change on the agenda by moving Board Communication between Staff Communications and Old Business.

There was no motion made for this Agenda Approval.

(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 September 4, 2020.

(7) APPROVAL OF MINUTES

Approval of the Planning Board Meeting Minutes of July 10, 2020

MOTION by Member Goldstein, seconded by Member Issler, to Approve the July 10, 2020 Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:

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

(8) STAFF COMMUNICATIONS

Daniel Smith informed the Planning Board members about a site plan that was approved 2 years ago regarding Chase Bank. They are now coming in with an amendment to that site plan possibly for the next Planning Board meeting. He also mentioned the Comprehensive Plan Amendment to the Planning Board. Should they wish to move forward, they will need to have a public hearing and will probably have it on the next meeting agenda for September.

(9) OLD BUSINESS

[ID 20-952](#)

DISCUSSION - Comprehensive Plan Update

Mary Holden gave the Planning Board members an update on the Comprehensive Plan and shared a memo sent from the Consultant team that mentioned where they are with various tasks.

Member Rola asked staff if there were any minutes for the City Council one-on-one meetings that were held.

Daniel Smith mentioned that there were no minutes. These were only a one on one meetings so they can understand the Comprehensive Plan and the difference between a Comprehensive plan and a Strategic Plan.

(10) NEW BUSINESS

- a. [ID 20-947](#) RESOLUTION - A Boat Dock Extension request (BD-20-000154) to Chapter 54, Article IV, Division 2, to allow for an additional 67-feet for a total of 97-feet for a property located at 899 Caxambas Ct., Marco Island, FL 34145.

Jason Smalley presented to the Planning Board members a Variance request for a boat dock extension extending 97-feet into the waterway, which is 67 feet longer than what is in the current code.

Member Rola questioned Jason Smalley regarding the width and the mean low water of the navigation waterways.

Nick Pearson, Project Manager at Turrell, Hall & Associates Inc, answered Member Rola's question by stating that the proposed protrusion of the dock is being reduced by 1-foot from the existing dock on this property. The cover lift option actually pertains to the decking that is going to be placed over the boat dock. There is no covering being proposed.

Member Issler questioned the contractor on what motivated the owner to propose this project if the owner already has a walkway and a boat lift.

Nick Pearson, Project Manager at Turrell, Hall & Associates Inc, stated that the reason for this proposal was mainly to change the orientation of the lift for easier ingress and egress.

MOTION by Vice-Chair Bailey, seconded by Board Member Rola, to allow for an additional 67-feet for a total of 97-feet for this property to be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 20-956](#) RESOLUTION - A Boat Dock Extension request (BD-20-000013) to allow for an additional 16-feet for a total of 46-feet for property located at 1272 Orange Ct., Marco Island, FL 34145.

Jason Smalley presented to the Planning Board members a Boat Dock extension request to allow an additional 16-feet to the 30-feet maximum protrusion. This dock is proposed on an open water way larger than 20-feet, that would allow the maximum protrusion for a boat dock.

Vice Chair Bailey asked for clarification that an approval for this does not grant special privileges and does not set precedent because there were a couple of places in the application that mentioned precedent had been previously set.

City Attorney Alan Gabriel clarified that is not the case and mentioned that each case stands alone.

MOTION by Board Member Rola, seconded by Vice-Chair Bailey, To Approve an additional 16-feet for a total of 46-feet for property located at 1272 Orange Ct., Marco Island, FL 34145 MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Board Member Issler

- c. [ID 20-949](#) **RESOLUTION - A Utility Easement Vacation request (LV-20-000176) to vacate the six-foot utility easements along the common lot line of the property located at 690 & 700 S. Barfield Dr., Marco Island, FL 34145**

Mary Holden presented to the Planning Board members a request to vacate the Utility Easement along the lot line between 690 & 700 S. Barfield Dr. They will also be doing a Unity of Title. City staff has reviewed the request and recommended approval.

Member Goldstein mentioned that the last time the Planning Board brought up Unity of Title it was met by drama at the City Council as they did not understand or agree with the process. He questioned if it has been worked out already.

Mary Holden mentioned that it has been worked out with the City Attorney. Alan Gabriel, provided clear direction that in order to do this, they need to get a unity of title, whether people want to build on the lot or not.

Member Issler questioned if the lots are zoned RSF-3 Residential Single Family, 3 units per acre and if that means that on a 1-acre parcel someone can build a triplex or 3 homes.

Mary Holden explained that the permitted land use for an RSF-3 zone is a single family so anything else would be a conditional use permit and have to come to the Planning Board for consideration

Todd Schneider with APM Custom Homes informed the Planning Board members that the proposed plan for the two lots being combined is a single-family home with 4 bedrooms 4 baths.

MOTION by Board Member Issler, seconded by Member Goldstein. To Approve A Utility Easement Vacation request to vacate the six-foot utility easements along the common lot line of the property located at 690 & 700 S. Barfield Dr., Marco Island, FL 34145 MOTION CARRIED BY THE FOLLOWING VOTE:

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

- d. [ID 20-950](#) **RESOLUTION - A Variance Petition request (VP-20-000102) for a zero setback for a dock located at 1148 Edington Place, Marco Island, FL 34145.**

Mary Holden presented to the Planning Board members a Variance Petition request for a zero setback encroachment into a dock riparian setback on the north end of the property. City Staff has recommended denial based on the findings that there are no special conditions.

Vice Chair Bailey requested further information before making a decision regarding this Variance Petition. He also questioned if there have been some historic cases in Marco Island because he came across a similar dock almost like the one being proposed.

Mary Holden stated that this is a very different from the Variance petition. She also mentioned that the dock Vice Chair Bailey is referring to, is a joint effort by a couple of property owners that received

permission from the State and the City.

Andy Copp, property owner at 1148 Edington Place, explained to the Planning Board members the reason for this request. He also indicated that they have calculated the water mass, fast current and boat traffic for the area and there is over 25 million square feet of surface water which creates extreme currents.

MOTION by Board Member Issler, seconded by Board Member Goldstein To Approve the Denial of this Variance Petition request for a zero setback for a dock located at 1148 Edington Place, Marco Island, FL 34145. MOTION FAILED BY THE FOLLOWING VOTE:

Yes: 3 - Board Member Issler, Board Member Rola and Board Member Goldstein

No: 4 - Board Member Vergo, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

MOTION by Board Member Swartz, seconded by Board Member Vergo, to Approve the request from the applicant with Staff conditions. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 4 - Board Member Vergo, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

No: 3 - Board Member Issler, Board Member Rola and Board Member Goldstein

- e. [ID 20-951](#) RESOLUTION - A Variance Petition request (VP-20-000103) for a zero setback for a dock at 1152 Edington Place, Marco Island, FL 34145.

A Variance Petition requested for a zero setback for a dock at 1152 Edington Place, Marco Island, FL 34145.

Andy Copp property owner at 1148 Edington Place mentioned that the boat size are in the conditions and in the drawings are the boat sizes. It shows a 20-foot boat, and they have a 24-foot boat. The limitations are being proposed on the resolution.

MOTION by Board Member Issler, seconded by Board Member Goldstein To Approve the Denial of this Variance Petition request for a zero setback for a dock located at 1152 Edington Place, Marco Island, FL 34145. MOTION DID NOT CARRY BY THE FOLLOWING VOTE:

Yes: 3 - Board Member Issler, Board Member Rola and Board Member Goldstein

No: 4 - Board Member Vergo, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

MOTION by Vice Chair Bailey, seconded by Board Member Swartz, to Approve the request from the applicant with Staff conditions. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 4 - Board Member Vergo, Vice-Chair Bailey, Board Member Swartz and Chair Babrowski

No: 3 - Board Member Issler, Board Member Rola and Board Member Goldstein

- f. [ID 20-954](#) DISCUSSION - Proposed changed to the City of Marco Island Code of Ordinances Chapter 38 - Planning, creating an application methodology and general review requirements for amendments to the Comprehensive Plan.

Daniel Smith discussed with the Planning Board members a draft of the procedure for the Comprehensive plan amendment, both a regular and a small-scale amendment.

Bob Mulhere, president at Hole Montes Consulting, supported the establishment of this process. He thought that there is adequate criteria and supports the recommendations staff has proposed.

Member Issler questioned Daniel Smith if they are working with the existing future land use elements until they get a new one.

Planning Board members decided that this discussion will be the primary subject on the agenda for the Planning Board meeting in September.

Daniel Smith thanked the Planning Board members for all their consideration and debate.

(11) BOARD COMMUNICATIONS

Member Issler addressed his concerns regarding all political signs that are not following code compliance around Marco Island and requested consideration on coming up with an increased violation fee for all violators.

Member Rola mentioned that Captain Bear is already enforcing the political aspects of the sign ordinance.

Member Goldstein mentioned that City Council should overturn what they have ruled and immediately ban signs in the right of way as it has become a problem and will get much worse.

(12) ADJOURN

There being no further business, the meeting adjourned at 12:45 P.M

Daisy Martinez, Administrative Technician

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