

MARCO ISLAND PLANNING BOARD RESOLUTION NO. 98-17

RELATING TO PETITION NUMBER 98-5 FOR AN  
EXTENSION OF A BOAT DOCK ON PROPERTY  
HEREINAFTER DESCRIBED IN COLLIER  
COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

WHEREAS, the City Charter provides that there shall be a planning commission advisory to the City Council; and

WHEREAS, the City Council adopted Ordinance No. 98-1, establishing and creating the Marco Island Planning Board; and

WHEREAS, pursuant to Ordinance No. 98-1, the Marco Island Planning Board is responsible for reviewing and finally approving private boat dock extensions; and

WHEREAS, Petition BD-98-5 is a request for a private boat dock extension as defined in Ordinance No. 98- ; and

WHEREAS, the City Charter provides that the Collier County Land Development Code in effect on August 28, 1997 ("Regulations") shall remain in effect as the City of Marco's transitional land development regulations; and

WHEREAS, the City of Marco Island and Collier County have entered into an interlocal agreement by which Collier County staff is authorized to review and present Petition BD-98-5 to the Marco Island Planning Board; and

WHEREAS, the Marco Island Planning Board, being the duly constituted Planning Board for the area hereby affected, has held a public hearing after proper notice as provided in said Regulations was made, and has considered the advisability of a 4-foot extension of a boat dock from the permitted 20 feet to allow for a 24-foot boat dock facility extending 24 feet into the waterway in an RSF-3 MIZO zone for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 2.6.21. of the Collier County Land Development Code; and

WHEREAS, all interested parties have been given the opportunity to be heard by this Commission in public meeting assembled, and the Commission having considered all matters presented;

NOW THEREFORE, BE IT RESOLVED BY the Marco Island Planning Board of the City of Marco Island, Florida, that:

The petition filed by Wayne Furfey of Custom Dock & Repair, Inc., representing C. Dan Wheeler, with respect to the property hereinafter described as:

Lot 13, Block 48, Marco Beach Unit 2, as recorded in Plat Book 6, Page 20, of the Public Records of Collier County, Florida.

be and the same is hereby approved for a 4-foot extension of a boat dock from the permitted 20 feet to allow for a 24-foot boat docking facility extending 24 feet into the waterway in the RSF-3 MIZO zoning district wherein said property is located, subject to the following conditions:

1. All docks, or mooring pilings, whichever protrudes the greater into the water, regardless of length shall have reflectors and house numbers four (4) inches minimum size installed at the outermost end on both sides.
2. ~~In order to address the protection of manatees, one (1)~~ "Manatee Alert" sign shall be permanently affixed to the pilings and shall be visible from the waterway.
3. Permits or letters of exemption from the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection shall be presented prior to issuance of a building permit.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD-98-5 be recorded in the minutes of this Board and filed with the City Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 2<sup>nd</sup> day of April, 1998.

MARCO ISLAND PLANNING BOARD  
MARCO ISLAND, FLORIDA

By: Richard Nelson  
Richard Nelson, Chairman

ATTEST:

Patricia L. Berry  
Patricia L. Berry  
Interim Assistant City Clerk

William A. Moss  
William A. Moss  
City Manager

Approved as to Form and legality:

Kenneth B. Cuyler  
Kenneth B. Cuyler  
Interim City Attorney



# THE CITY OF MARCO ISLAND

## CITY COUNCIL MEMBERS

HARRY COWIN,  
*Chairman*

DAVID E. BRANDT

ED. R. DAY

KJELL W. PETERSEN

RUTH J. SCHULER,  
*Vice Chairwoman*

JOHN SOLDENWAGNER

E. GLENN TUCKER

May 5, 1998

Mr. Dan Wheeler  
200 Meadowlark Court  
Marco Island, FL 34145

RE: Petition BD 98-5

Dear Mr. Wheeler:

On April 3, 1998, the Marco Island Planing Board heard and approved the above referenced petition number.

A copy of Marco Island Planning Board Resolution No. 98-17 is enclosed, approving this use.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Laura Litzan  
Deputy City Clerk

cc: Wayne Furfey, Custom Dock, via fax to 394-8162

*Original*

**MEMORANDUM**

ISLAND PLANNING BOARD

NITY DEVELOPMENT AND ENVIRONMENTAL SERVICES

**DATE:** 25 February 1998

**RE:** BD 98-5

**AGENT/APPLICANT:**

Agent: Wayne Furfey  
1757 San Marco Road  
Marco Island, FL 34145

Owner: C. Dan Wheeler  
200 Meadowlark Court  
Marco Island, FL 34145

**REQUESTED ACTION:**

The petitioner is requesting a 4-foot extension from the maximum permitted 20 feet for waterways more than 100 feet in width, which would allow for a boat docking facility protruding a total of 24 feet into the waterway.

**GEOGRAPHIC LOCATION:**

The subject property is located at 200 Meadowlark Court, further described as Marco Beach Unit 2, Block 48, Lot 13, Section 9, Township 52 South, Range 26 East.

**PURPOSE/DESCRIPTION OF PROJECT:**

The purpose of the project is to create a boat docking facility which would protrude a total of 24 feet into the waterway and consist of the addition of a boat lift to an existing 20-foot dock.

**SURROUNDING LAND USE AND ZONING:**

Existing: Single-family dwelling, zoned RSF-3-MIZO

Surrounding: North - Meadowlark Court  
South - Honduras Waterway  
East - Single-family dwelling, zoned RSF-3-MIZO  
West - Single-family dwelling, zoned RSF-3-MIZO



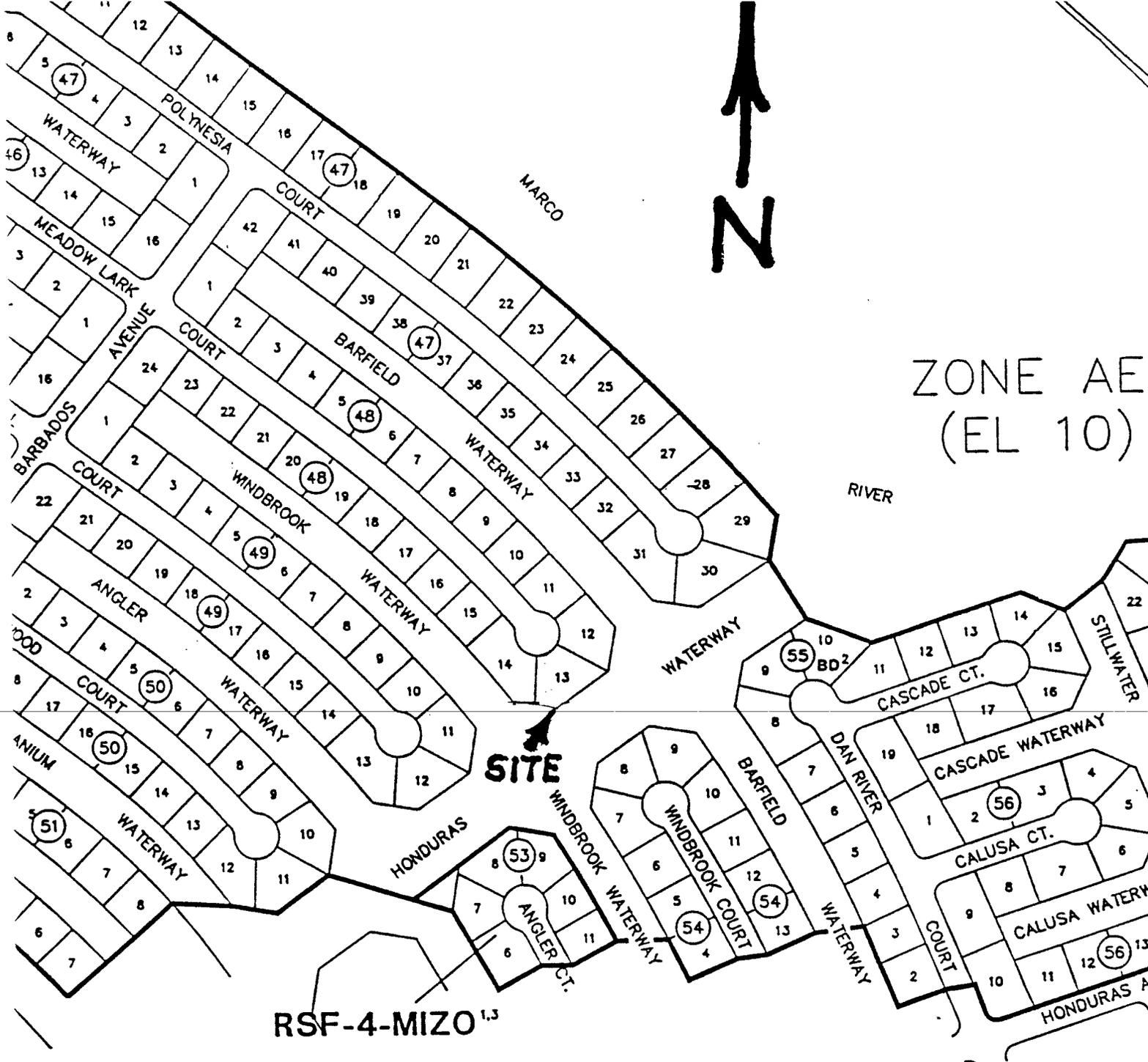
VIEW OF PROPERTY FROM ENE



VIEW ACROSS CANAL TO SE



ZONE AE  
(EL 10)



SUBDIVISION INDEX

Pg.	NO.	NAME	P.B.	Pg.
	11			
	12			
	13			
	14			
	15			
	16			
	17			
	18			
	19			

ZONING NOTES

- 1 5-18-94 RP 94-27
- 2 8-17-95 BO-95-10 95-29
- 3 6-4-97 MIZO 97-26
- 4
- 5
- 6
- 7
- 8
- 9

**EVALUATION FOR ENVIRONMENTAL, TRANSPORTATION AND INFRASTRUCTURE:**

The environmental staff of Planning Services has reviewed this petition and has no objection to the granting of this request. According to Section 3.2.4.1 of the Collier County Manatee Protection Ordinance, this boat docking facility will be considered a "Moderate Development Site", which allows up to 10 boat slips for every 100 feet of shore line. Therefore, the proposed boat docking facility is consistent with the Collier County Manatee Protection Ordinance.

**Staff Comments:**

Staff has reviewed this petition in accordance with Section 2.6.21 of the Collier County Land Development Code and finds the following:

- a. **Whether or not the proposed dock design and moored vessel protrude greater than 25 percent of the width of the navigable canal or greater than 20 feet for boathouses, and will a minimum of 50 percent of the canal width between dock structures/moored vessel(s) on the opposite side of the canal be maintained in order to ensure reasonable waterway width for navigability.**

According to the petitioner, Honduras Waterway is about 200 feet wide at the proposed location. The proposed dock and lift combination at 24 feet will protrude much less than 25 percent of the width of the waterway.

- b. **Whether or not there are special conditions related to the subject property or waterway which will justify the proposed dimension and location of the subject dock.**

The subject lot has an extensive amount of waterfrontage (188 feet) and is located at the broad intersection of three waterways.

- c. **Whether or not the proposed dock is 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 dock area.**

The proposed addition of a lift only to an existing dock otherwise conforming to the LDC requirements would not increase the actual dock area.

- d. Whether or not the proposed structure is of minimal dimensions to minimize the impact on the view of the waterway by surrounding property owners.

The addition of a lift to raise the 34-foot vessel already moored at the existing, conforming dock would not substantially affect the view of the property owner to the west, and would not be noticeable to the property owner to the northeast.

- e. Whether or not the moored vessel is in excess of 50 percent of the length of the waterfrontage such that the addition of a dock structure will increase the impact on, or negatively impact the view of, the property owners.

At present, the existing facility accommodates one 34-foot and one 20-foot vessel which, in combination, occupy about 35% of the total waterfrontage.

- f. Whether or not the proposed location and design of the dock/vessel combination is such that it may infringe upon the use of neighboring properties, including any dock structures.

The lots on either side of the subject property also have substantial waterfrontage, and the addition of a lift to the existing facility would not affect use of docks on these properties.

- g. Regarding benthic organisms in the vicinity of the proposed extension:

(A) Whether or not seagrasses are located within 200 feet of the proposed dock.

(B) Whether the proposed dock subject to the manatee protection requirements of this code (Sec. 2.6.22).

The environmental staff of Planning Services has reviewed this petition and has no objection to the granting of this request. No seagrasses are located within 200 feet of the proposed facility. At least one "Manatee Area" sign shall be posted during construction.

### Appeal of Boat Dock Extension to Board of Zoning Appeals

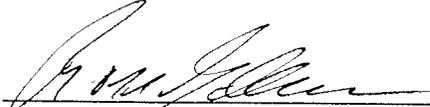
As to any boat dock extension petition upon which the Marco Island Planning Board takes action, an aggrieved petitioner or adversely affected property owner may appeal such final action to the Board of Zoning Appeals. Such appeal shall be filed with the

Community Development and Environmental Services Administrator within 14 days of the action by the Planning Board. In the event that the petition has been approved by the Planning Board, the applicant shall be advised that he/she proceeds with construction at his/her risk during this period.

**Staff Recommendation:**

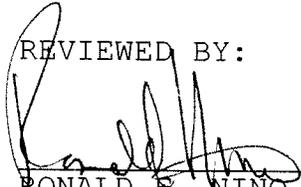
Based upon the above findings, staff recommends the Marco Island Planning Board approve Petition BD 98-5 subject to the stipulations listed in the resolution.

PREPARED BY:

  
\_\_\_\_\_  
ROSS GOCHENAUR  
PLANNER I

13 Mar 98  
DATE

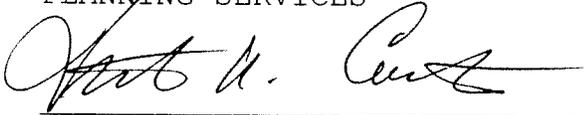
REVIEWED BY:

  
\_\_\_\_\_  
RONALD F. NINO, AICP, ACTING MANAGER  
CURRENT PLANNING SERVICES

3.16.98  
DATE

  
\_\_\_\_\_  
ROBERT J. MULHERE, AICP, DIRECTOR  
PLANNING SERVICES

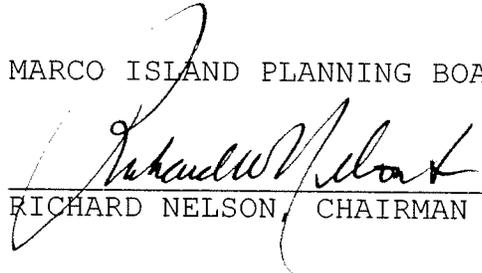
3-16-98  
DATE

  
\_\_\_\_\_  
VINCENT A. CAUNTERO, AICP, ADMINISTRATOR  
COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES

3-19-98  
DATE

Petition Number: BD 98-5  
Staff Report for 3 April 1998 for MIPB meeting.

MARCO ISLAND PLANNING BOARD:

  
\_\_\_\_\_  
RICHARD NELSON, CHAIRMAN