



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, March 15, 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

MOTION by Board Member Bailey, seconded by Board Member Issler, to approve the Agenda. 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

(5) BOARD ABSENCES

All Board Members who were present indicated that they would be present for the next Planning Board Meeting on April 5, 2019.

(6) APPROVAL OF MINUTES

[ID 19-115](#) March 1, 2019 Planning Board Meeting Minutes

MOTION by Board Member Issler, seconded by Vice-Chair Babrowski, to approve the March 1, 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:

**Next Planning Board Meeting is April 5, 2019*

**If all materials received, the two (2) nautical garages will be on the April 5, 2019 meeting*

**Changes to language for guest houses/rooms discussion will be forthcoming*

(8) COMMUNITY FORUM/PUBLIC COMMENT - None

(9) OLD BUSINESS - None

(10) NEW BUSINESS

[ID 19-117](#) ORDINANCE - Section 30-222 of the Land Development Code - Zoning - Add Permitted Uses in C-3 Zoning Districts

(Editorial History: Staff-initiated change, allowing health related office uses (62121(DENTIST), 62131(CHIROPRACTOR), 62132 (OPTOMETRIST), 62133 (MENTAL HEALTH), 62134 (PHYSICAL/OCCUPATIONAL/SPEECH THERAPIST), 621111 (PHYSICIANS), 621112 (OSTEOPATHY), 621391(PODIATRIST), 621399 (MISC. HEALTH OFFICES)) as a right in Commercial Intermediate Districts (C-3). This amendment was discussed at previous Planning Board meetings. Discussion related to why medical/dental office use require a Conditional Use approval considering it's less intense than some of the other permitted uses in C-3 zoning. Currently language for Conditional Uses in C-3.)

Planning and Zoning Technician Sherry Hoyo read into the record by title only, an Ordinance - Section 30-222 of the Land Development Code (LDC) - Zoning - Add Permitted Uses in C-3 Zoning Districts.

Community Affairs Director Dan Smith provided background information on the proposed Ordinance and 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, an Ordinance - Section 30-222 of the Land Development Code (LDC) - Zoning - Add Permitted Uses in C-3 Zoning Districts.

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 19-118](#) ORDINANCE - 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.)

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

Community Affairs Director Dan Smith presented the proposed Ordinance and answered the Board Members questions and concerns.

Public Comment:

Mr. Marv Needles, 1230 Butterfly Court, provided a quick history of his dumpster enclosure citation and provided the Board Members an amendment he wrote to the existing ordinance that has a common sense approach. He suggested Code Enforcement cite for owners not maintaining their dumpsters and to leave PVC as an approved material to be used.

Mr. Eric Condee, 1210 Osprey Court, commented on the recycling container language regarding bulk container service and said there are other avenues such as self hauling. He suggested the following, adding an agreement between businesses that are close together to share a dumpster, allow unenclosed dumpsters in the rear for commercial buildings, allow condominiums to govern themselves. He expressed his disappointment that no one has contacted Waste Management.

Mr. Paul Tateo, 940 Montego Court, echoed what was already said and believes someone needs to talk to Waste Management before a final decision is made. It is his opinion, those who have dumpsters in commercial alleys should be exempt since those alleys were designed for deliveries, trash, parking and not designed for an aesthetic thoroughfare like Collier Boulevard.

Mr. Rich Meadows, 720 South Collier Boulevard, noted he was not aware that the City of Marco Island had a dumpster ordinance before this week. He said his interpretation of this says his high rise condominium is in violation and he thought they were good citizens. He explained their waste disposal process and is asking the Planning Board Members to consider reevaluating this proposed amendment.

MOTION by Vice-Chair Babrowski, seconded by Board Member Finkle, to approve commercial applications of rolling curbside containers for those businesses that use less than two (2) cubic yards without requiring screening and request that staff undertake in partnership with Jason Bailey on behalf of the Planning Board to study a more pragmatic set of revisions to the code for review at a future meeting.

NO VOTE TAKEN ON THIS MOTION

MOTION by Vice-Chair Babrowski, seconded by Board Member Finkle, to approve commercial applications of rolling curbside containers for those businesses that use less than two (2) cubic yards without requiring screening. 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

Public Comment:

Mr. Marv Needles, 1230 Butterfly Court, noted that Council was sympathetic to the documents and to use that as a guideline going forward.

MOTION by Board Member Issler, seconded by Board Member Bailey, to continue Ordinance - Section 30-1012 of the Land Development Code -Supplemental District Regulations - Solid Waste Disposal, to allow time for Planning Board Members to provide staff with suggested changes to the Ordinance that was proposed.

NO VOTE TAKEN ON THIS MOTION

MOTION by Board Member Issler, seconded by Board Member Bailey, to continue Ordinance - Section 30-1012 of the Land Development Code -Supplemental District Regulations - Solid Waste Disposal to the May 3, 2019 Planning Board Meeting. 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

- c. [ID 19-119](#) ORDINANCE - Section 30-62 of the Land Development Code - Zoning - Amendment procedures to require holding Neighborhood Information Meetings.

(Editorial History: Staff-initiated change, allowing the City Manager or designee to require, if needed, a Neighborhood Information Meeting (NIM) for changes to the Land Development Code (LDC) regarding rezoning of land. The change would also require the applicant to post and maintain a 32 square foot sign prior to any public hearing. Currently, code language for high impact projects within the Marco Island Community do not require a NIM. Staff authored amendment language that would allow the City Manger or designee the authority to require a NIM as part of the application for rezoning or land. Language was also added to require the posting of a 32 square foot sign, at the applicant's expense, prior to any public hearing. Previously, staff was responsible for a sign with no size requirements.)

Planning and Zoning Technician Sherry Hoyo read into the record by title only, an Ordinance - Section 30-62 of the Land Development Code (LDC) - Zoning - Amendment procedures.

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

Public Comment:

Mr. Erik Condee, 1210 Osprey Court, suggested the applicant hold a web meeting so residents who are up north can participate and he supports a neighborhood information meeting (NIM) for variance requirements.

MOTION by Board Member Issler, seconded by Chair Goldstein, to recommend approval to City Council, an Ordinance - Section 30-62 of the Land Development Code (LDC) - Zoning - Amendment procedures, with the revision on page 3, Item B-4 changing the word "may" to "will".

MOTION WITHDRAWN

MOTION by Board Member Issler, seconded by Chair Goldstein, to recommend approval to City Council, an Ordinance - Section 30-62 of the Land Development Code (LDC) - Zoning - Amendment procedures as written and making a finding of consistency with the Comprehensive Plan. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 5 - Board Member Issler, Board Member Vergo, Vice-Chair Babrowski, Board Member Finkle and Chair Goldstein

No: 2 - Board Member Rola and Board Member Bailey

- d. [ID 19-120](#) ORDINANCE - Section 30-673 of the Land Development Code - Site Development Plan and Site Improvement Plan Standards - Site Development Plan and Site Improvement Plan Submittal Requirements to require holding Neighborhood Information Meetings.

(Editorial History: Staff-initiated change, allowing the City Manager or designee to require, if needed, a Neighborhood Information Meeting (NIM) for site development, amendment, or improvement plan approval. Currently, code language for high impact projects within the Marco Island Community do not require a NIM. Staff authored amendment language that would allow the City Manager or designee the authority to require a NIM as part of the application of development or redevelopment.)

Community Affairs Director Dan Smith provided background information on the proposed Ordinance and answered the Board Member's questions and concerns. He suggested adding the definition of Neighborhood Information Meeting (NIM) into the Code.

Public Comment: None

MOTION by Board Member Bailey, seconded by Vice-Chair Babrowski, to recommend approval to City Council, an Ordinance - Section 30-673 of the Land Development Code - Site Development Plan and Site Improvement Plan Standards - Site Development Plan and Site Improvement Plan Submittal Requirements, amended that the Director would only be able to request a Neighborhood Information Meeting (NIM) in the event of projects coming forward with deviations or mixed used projects and to make a finding of consistency with the Comprehensive Plan.

NO VOTE TAKEN ON THIS MOTION

MOTION by Board Member Bailey, seconded by Vice-Chair Babrowski, to recommend approval to City Council, an Ordinance - Section 30-673 of the Land Development Code - Site Development Plan and Site Improvement Plan Standards - Site Development Plan and Site Improvement Plan Submittal Requirements, amended that the Director or his designee shall request a Neighborhood Information Meeting (NIM) in the event of projects coming forward for variances, deviations or mixed used projects and to make a finding of consistency with the Comprehensive Plan and to include the definition of a Neighborhood Information Meeting (NIM). MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Chair Goldstein

(11) BOARD COMMUNICATIONS

Board Member Issler inquired about the criteria for the size of plants that are shown in site plan submittals for landscaping. Community Affairs Director responded the renderings shows at maturity

(12) ADJOURN

There being no further business, the meeting adjourned at 11:23 A.M.

Ronald Goldstein, Planning Board Chair

PREPARED BY:

Lisa Smith, Recording Specialist