

CITY COUNCIL AGENDA STATEMENT



**Meeting Date:** October 8, 2024  
**To:** Honorable Mayor and City Council  
**From:** Brian Shea, Planning Director  
**Through:** George Garrett, City Manager

**Agenda Item:** **Resolution 2024-96**, A Request For A Conditional Use Permit And A Preliminary Plat Approval As Submitted By Key Vaca LLC And John And Phyllis Strittar For A Portion Of Land Which Is Described As Section 10, Township 66, Range 32, Key Vacas Bay Bottom & Fill Bay Bottom Adjacent To Part Of Lot 2 & All Of Lot 3 Of Thompson Subdivision (A/K/A Parcel E & Bay Bottom Parcel B), And Thompson Subdivision & Adams Subdivision PB2-24 , Key Vaca Part Of Lot 2 & Adjacent Bay Bottom And Thompson Subdivision & Adams PB2-24 Key Vaca Part Of Lots 2 & 3 (Parcel B & Parcel F) & Filled Bay Bottom & Canal Bay Bottom And Thompson Subdivision & Adams Subdivision PB2-24, Key Vaca Part Of Lot 3, Having Real Estate Numbers 00103280-000000, 00327120-001000, 00327130-000200, And 00327130-001000. Nearest Mile Marker 50.

**RECOMMENDATION:**

The planning staff recommends conditional approval of the Hippocampus Estates preliminary plat proposing nine individual lots with shared vehicular access for the construction of eight new single-family residences in addition to the existing single-family house. The proposed conditions follow:

Conditions of Approval

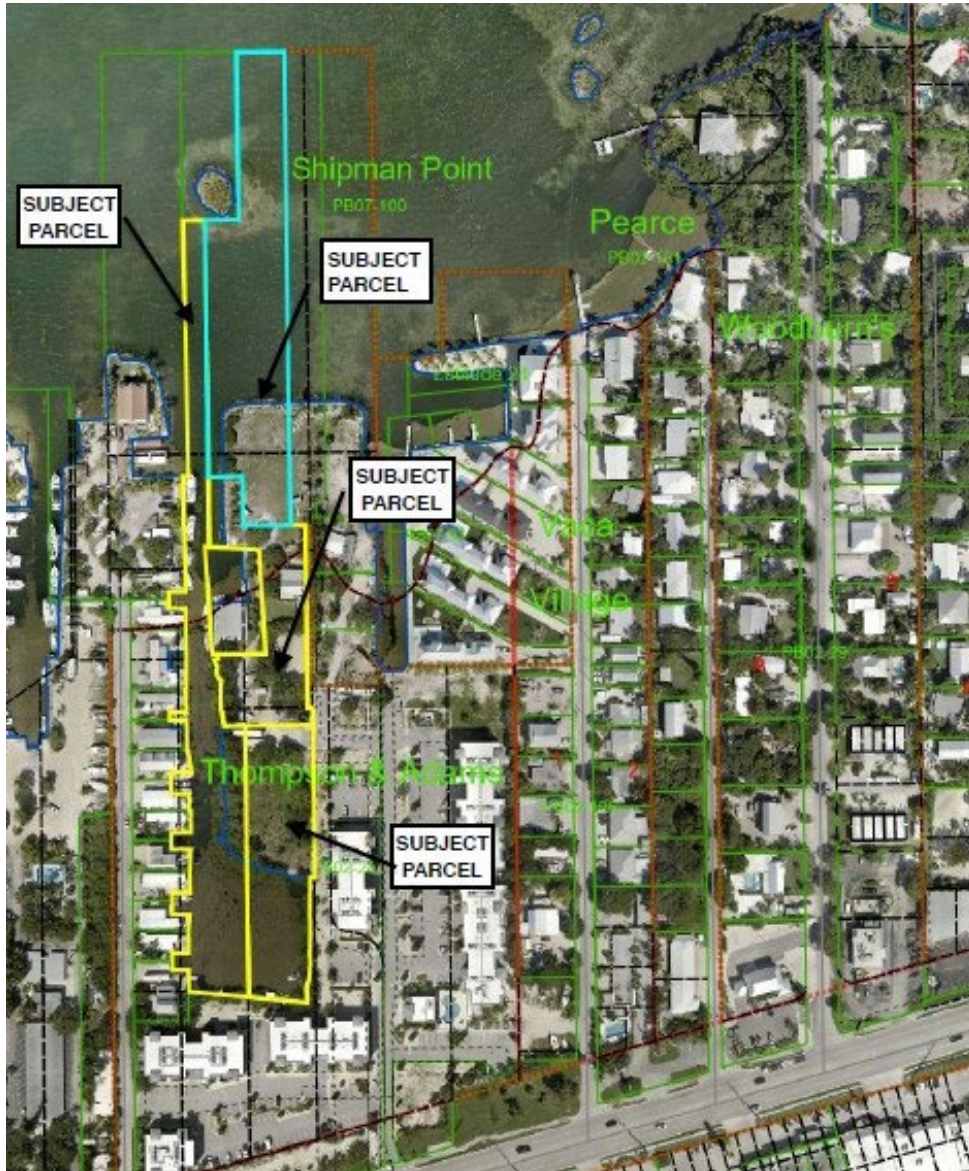
1. Acquisition of any additional development rights, as authorized through this development approval, is the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA 1 and NFPA 101 requirements.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by the Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs.
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

**APPLICANT/ OWNER:** Key Vaca LLC and John and Phyllis Strittar

**AGENT:** Barbara Mitchell

**LOCATION:** The project site is located at 4800 Overseas Highway and on vacant adjoining land. Nearest Mile Marker 50. See Figure 1.

**Figure 1: Project Site**



**LOT SIZE:** Total acreage 1.721 (Ac.) 74966.76 Square Feet (Sq. Ft.)

**REQUEST:** A Conditional Use Permit to authorize the preliminary plat of four parcels into nine lots for the construction of eight new single-family residences. One existing home is to remain.

**FUTURE LAND USE AND ZONING MAP DESIGNATIONS:**

Mixed Use (MU) and Mixed-Use Commercial (MU-C) See **Figure 2 A. and B**

**SURROUNDING ZONING AND USES:**

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
<b>North</b>	Mixed Use	New replat Shipman Point of five single-family homes.
<b>East</b>	Mixed Use	Residential
<b>South</b>	Mixed Use	Crystal Cove Apartments
<b>West</b>	Mixed Use & Residential High	Residential & Marina

**2.A FLUM Map**



**2.B Zoning Map**



**EXISTING CONDITIONS:**

The site is classified as disturbed upland and scarified. Currently, the site has one single-family home constructed in the 1950s. This structure will remain. **Figure 3.**

**PROPOSED REDEVELOPMENT:**

The proposed development will contain eight new single-family homes on individually platted lots. One existing home will remain. See **Figure 4 for Site Plan layout.**

**BACKGROUND:**

The site contains four lots with one single-family home located on the proposed Lot 7. All other lots are vacant. The developer has already obtained eight building rights that will be used for the construction of the eight new residences. This application requests approval to replat the parcels into nine lots. North and west of this site is the recently replatted Shipmans Point.

**All conditions of the Conditional Use approval will have to be met before any building permits are approved.**

**EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:**

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

**CRITERIA**

**A. The proposed use is consistent with the Comprehensive Plan and LDRs;**

Consistent with the Comprehensive Plan

The proposed development project is within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping centers, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed project consists of the proposed replat consisting of nine single-family lots that are within the Mixed-Use Zoning District.

a. Objective 1-1.1. Protect Community Character

The parcel proposed for subdivision is designated Mixed Use. It is located near the eastern end of the airport on the oceanside. The neighborhood is densely developed in a manner consistent with the community character of the City, meaning there are commercial businesses along the highway and residential uses towards the waterfront. In 1963 two single-family homes were constructed on this parcel. The proposed subdivision plat will not increase the density that is currently allowable. There is sufficient density to support eight new single-family market-rate homes. Neither a Comprehensive Plan nor Zoning change is needed or requested.

b. Policy 1-1.1.2 b. c. and e. Compatibility for Residential Use & Non-residential Review Criteria

This project proposes to redevelop a residential site. Currently, the site has one single-family home. The site is designated as “Developed” with some undeveloped land with mangrove fringe on some parcels on the city habitat maps.

The proposed replat allows for the development of homes consistent with the rest of the adjoining areas.

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

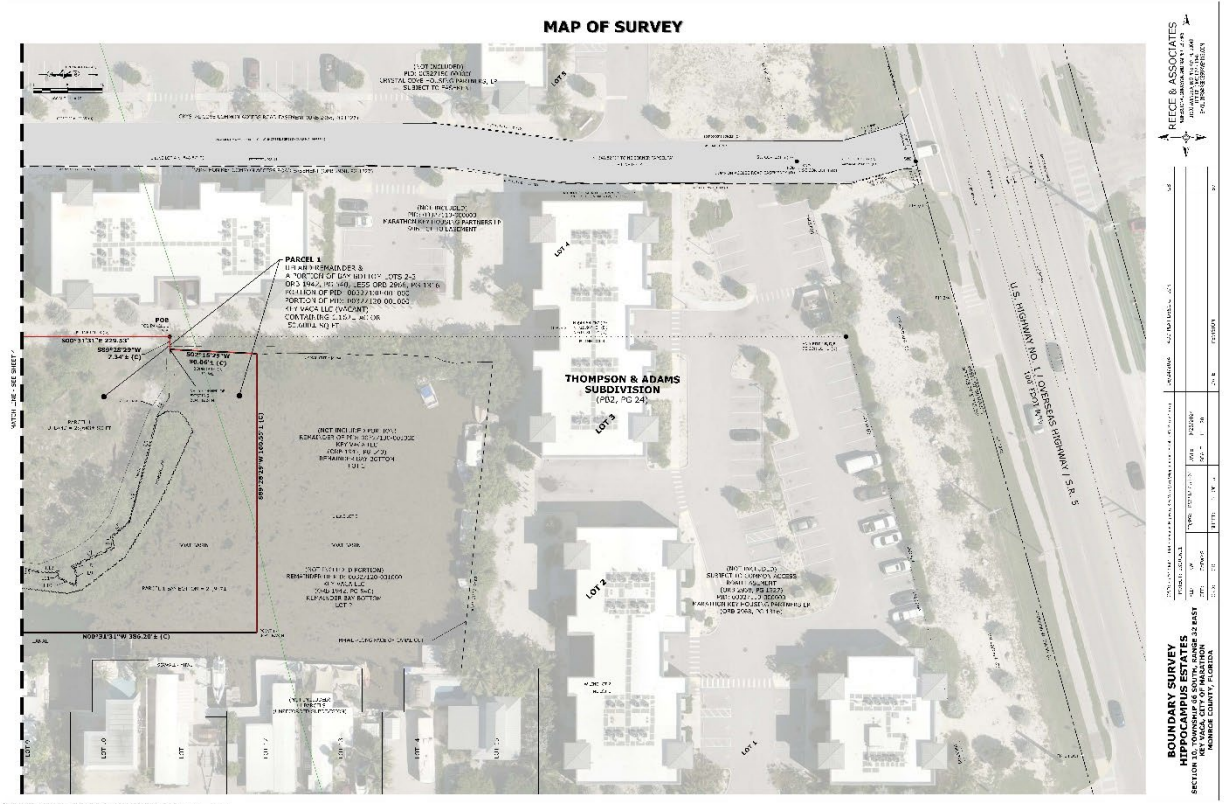
The new residential homes must meet all setback and landscape requirements. To the north and west is a similarly planned residential area. To the south is a multi-family development.

The proposed replatted lots are consistent with the character of the neighborhood.

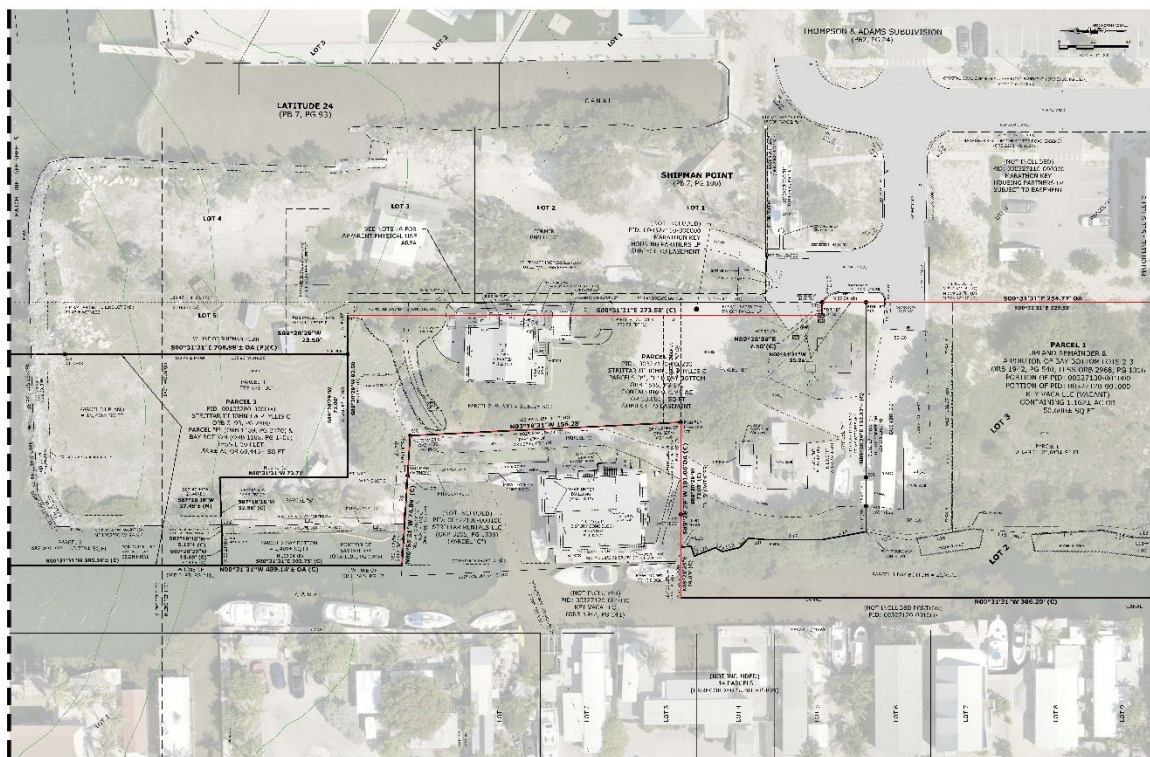
d. Policy 1-1.1.4 Transition Between Land Uses

The proposed replat consists of four lots and to be replatted into nine lots with a shared access easement. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot.

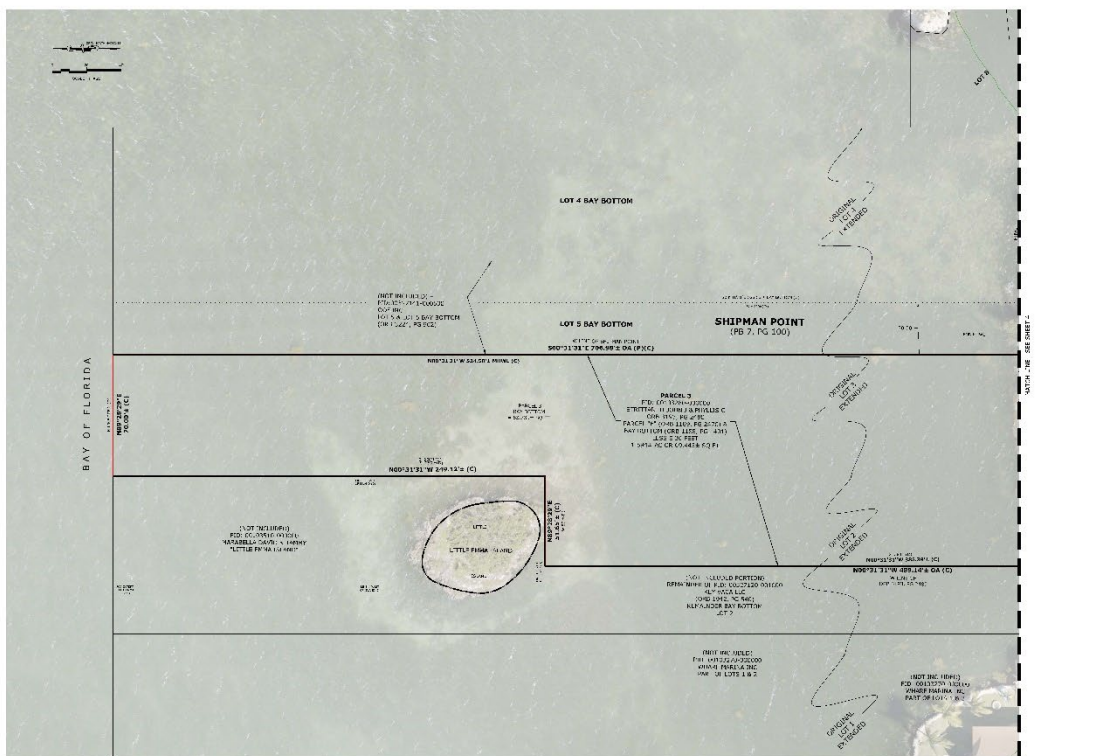
**Figure 3: Property Survey**



MAP OF SURVEY

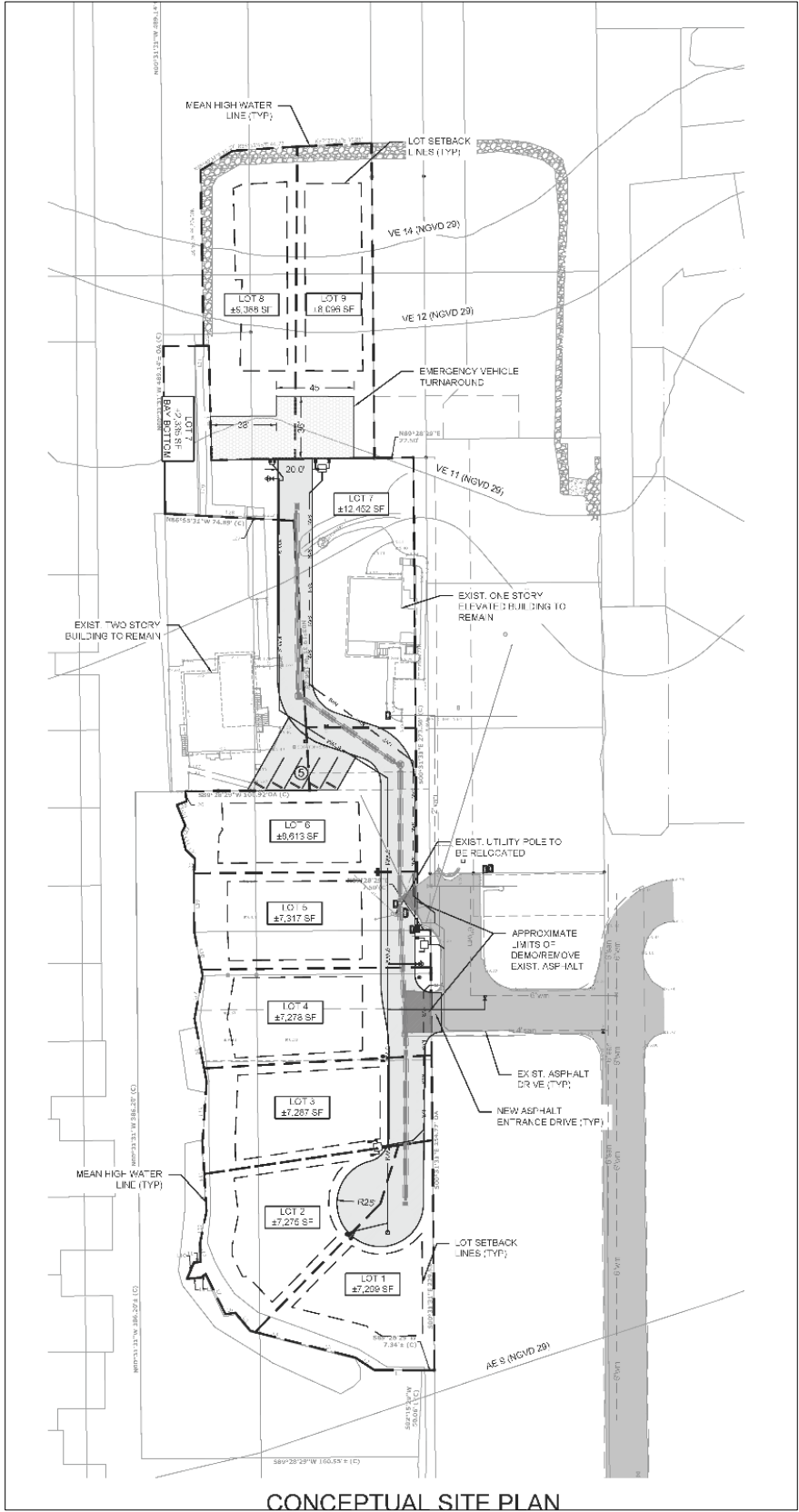


MAP OF SURVEY





**Figure 4: Proposed Site Plan**



**CONCEPTUAL SITE PLAN**

**SITE DATA TABLE**

ZONING DATA (MIXED USE_MU)		
<b>TOTAL UPLAND SITE AREA: 1.721 ACRES</b>		
<b>MIXED USE (MU) ZONING:</b>		
PARCEL 1 (00327130-0010000/00327120-0010000):	0.658 AC	28,643 S.F.
PARCEL 2 (00327130-000200):	0.702 AC	30,592 S.F.
PARCEL 3 (0010328-000000):	0.361 AC	15,706 S.F.
<b>TOTAL MU:</b>	<b>1.721 AC</b>	<b>78,185 S.F.</b>
DENSITY CALCULATIONS:		
<b>MIXED USE:</b>		
<b>RESIDENTIAL DENSITY CALCULATION:</b>		
1.721 ACRES X 6 UNITS PER ACRE = 10.326 UNITS MAXIMUM		
9 ÷ 10.326 = 87% OF SITE UTILITY		
LOT SIZE:		
MINIMUM:	7,269 SF	
MAXIMUM:	12,452 SF	
SETBACKS:		
FRONT:	0' TO 30'	
SIDE:	0' TO 10'	
REAR:	20' CANAL/30' ALTERED SHORE	
MANGROVE FRINGE:	30'	
OPEN SPACE:		
HABITAT:		
DISTURBED WITH EXOTICS:	20%	
MANGROVE FRINGE SETBACK (15'):	100%	
PARKING:		
2 SPACES PER RESIDENTIAL UNIT		

e. Objective 1-2.1 Levels of Service

The parcel is considered developed and is currently serviced by public infrastructure. There is electricity, water, and sanitary sewer to the proposed Lot 7. The FCAA, FKEC, and City utility and public works departments have been contacted as part of the application process, Letters of Coordination have been received with no objections to the proposed development.

f. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation, various commercial uses are permitted in addition to residential uses including transient, permanent, affordable, and/or commercial apartments and single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

g. Policy 1-3.2.5 Maximum Height

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by the City Code, as amended.

h. Policy 1-3.2.7 Restrict Density and Intensity of Development

The residential density is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. This would allow a maximum of 10 units on the total acreage. The replat proposes nine units on this acreage.

i. Policy 1-3.3.1 a, d. General Redevelopment Criteria

The sites of this replat were previously developed. Proposed Lots 1-6 contain mangrove fringe areas. Any new development must meet current State and City requirements for mangrove protection.

j. Policy 1-3.3.2 Removal of Hazard Structures

There are no hazard structures on site. New construction must meet the current building code.

k. Policy 1-3.4.1 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities and Policy 1-3.5.16 Program for Transfer of Density and Building Rights

The redevelopment plan is for a total of nine lots. One of these rights is already associated with the one single-family home site. Eight additional rights have been identified and purchased and are pending transfer to the new lots upon approval of the final plat and the allocation of a new Property Real Estate Number(s).

l. Policy 4-1.3.6 Protect, Stabilize and Enhance Shoreline

At the time of building permit submission, the submitted plans must meet all shoreline protection requirements.

**2. Consistent with City Land Development Regulations:**

a. Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of uses and activities. Market Rate permanent residential housing is permitted.

b. Table 103.15.1 Uses By Zoning District – Mixed Use (MU)

This redevelopment is consistent with Table 103.15.1, uses by Zoning District. A Plat of Subdivision requires a Conditional Use Permit Application, as contained herein.

c. Table 103.15.2, Density, Intensity and Dimensions for Zoning Districts

The subject project site contains 34,687 square feet of upland. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district. For residential uses, the units per acre are (6) market rate, fifteen (15) affordable, and twenty-five (25) transient, and a commercial floor area of 60% with eligibility for a density bonus of up to 75%.

The proposed project is a subdivision of four parcels into nine lots. All lots exceed the minimum lot size of 7,260 square feet required for market-rate development. Based upon the use the proposed density is within Code requirements.

d. Section 107.00. Building Permit Allocation System (BPAS)

New BPAS allocation will not be required for this project. Existing transferable building rights have been acquired and the transfer is pending approval of the Final Replat and the allocation of the Real Estate Number.

e. Section 107.47 Parking

Two parking spaces are to be provided for each single-family home as required by City Code. Compliance shall be demonstrated as part of the Building Permit applications.

f. Section 107.40 Maximum Height

This application is for approval of a nine-lot subdivision for single-family homes. The plans for these homes have not been developed at this time.

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The landscape plans have been provided. Final landscape plans will be prepared and submitted with Building Permits.

h. Sections 107.73 – 107.81 Open Space

The required open space ratio for this site is 20%. Upon approval of the Replat, each lot will be required to provide 20% open space. The following Table provides a summary, numbers are in square feet:

Lot #	Total Lot Area	Upland Lot Area	Buildable Area +/-	Easements	Open Space Area. +/-	Open Space %
1	15,570	7,269	2,747	1,408	3,114	42.8%
2	13,159	7,275	3,459	908	2,908	40%
3	9,684	7,287	3,820	1,045	2,422	25%
4	9,353	7,278	3,401	1,246	2,631	36.1%
5	9,220	7,317	3,539	1,138	2,640	36%
6	9,983	8,613	2,791	2,729	3,093	35.9%
7	14,787	12,452	5,882	3,290	3,280	26.3%
8	40,539	9,332	3,122	1,352	4,858	52.1%
9	30,803	8,117	3,579	1,226	3,312	40.1%

The proposed open space ratios are ***in compliance*** with the requirements of these sections.

i. Sections 107.82 – 107.85 Fences and Screening

There are now additional screening requirements.

j. Sections 107.87 – 107.97 Stormwater Management

Complete stormwater plans have not been developed for each proposed replat. Conceptual drainage plans have been submitted with this application. Final plans will be reviewed for conformance with City requirements during the permitting stage.

- The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.

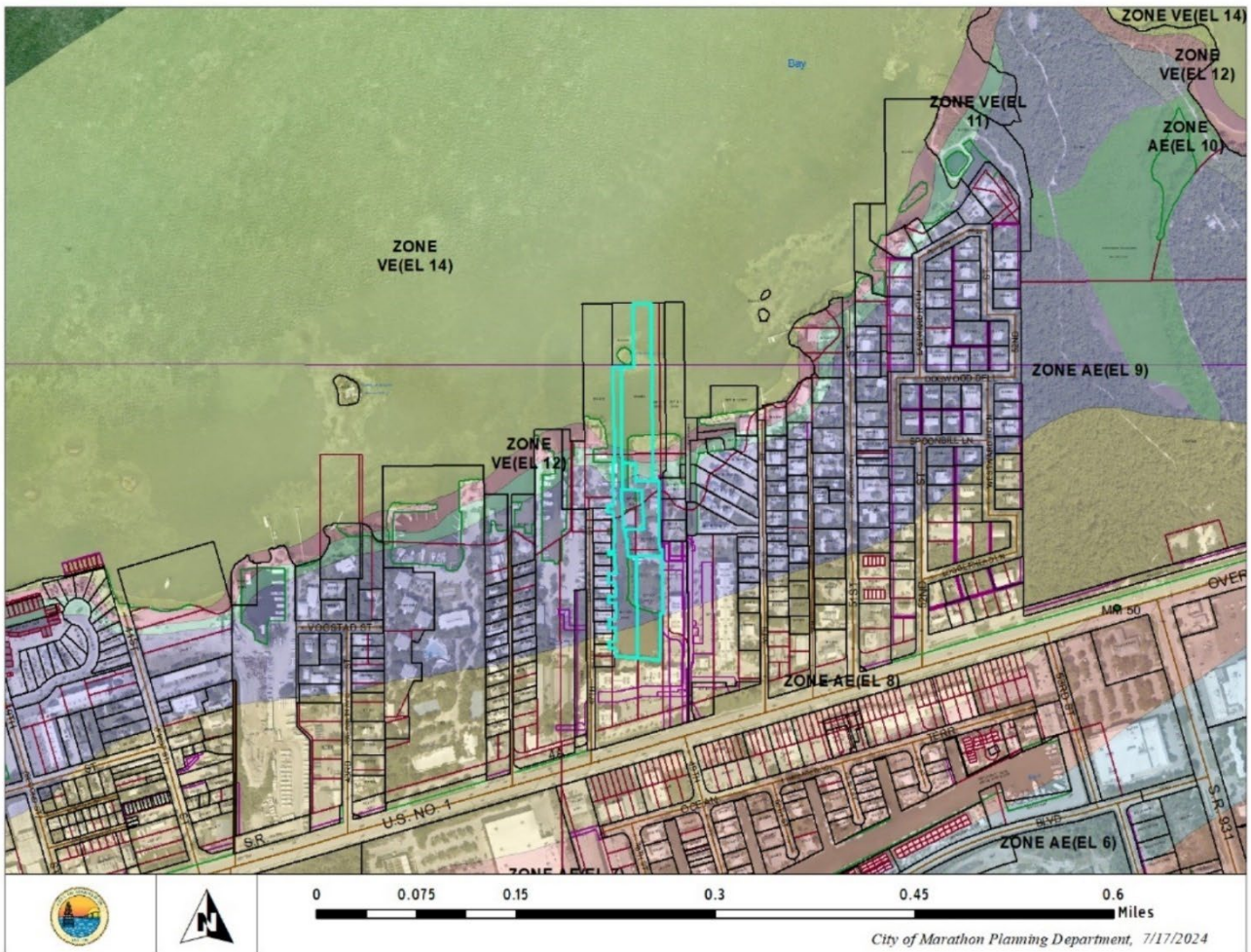
k. Sections 107.98 – 107.102.5 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE9 to VE14. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations. The project

as proposed meets the basic definition of development in the MU zoning district. See **Figure 5: Flood Zones**.

- The applicant will meet all floodplain-related requirements as part of the Building Permit process;

**Figure 5: Flood Zones**



**B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;**

The Future Land Use designation for this area is Mixed Use indicating a mixed pattern of residential and commercial development. This parcel has been developed with residential uses since the 1950's. The proposed per acre density is less than six units per acre and is consistent with the Land Development Code and the Comprehensive Plan.

The parcels surrounding parcels are in the process of being developed or are already developed for residential uses. Immediately to the south is a multi-family complex. The property to the north and west is being redeveloped into single-family homes. This project will minimize impacts to the surrounding properties. It is anticipated the Replat Subdivision will conform to the Comprehensive Plan.

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed-use development patterns within the City.” Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory, or conditional use permit. That table shows that Plats and subdivisions are permitted only when approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency-related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. The proposed uses fall within the allowed densities and intensities for the parcel.

Therefore, the request is **in compliance** with the requirements of these sections.

**C. The proposed use shall not adversely affect the health, safety, and welfare of the public;**

The proposed redevelopment is for residential. The new buildings will be built in compliance with all applicable City Building Codes. No new adverse impacts are expected to arise with the development.

Plans submitted with the project are suitable for Conditional Use Approval as they relate to Chapter 107, Article 12, 100-Year Floodplain. The final review of floodplain compliance will occur as part of building permit issuance.

Therefore, the request is **in compliance** with the requirements of these sections.

**D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:**

The project has been designed to minimize environmental impacts per Chapter 106 Natural and Historic Resources Protection. In summary, the site is classified as Developed Land. This is an accurate designation as the property has been developed since the 1950’s, originally as a resort known as Ribble’s Cottages. A site visit indicates the property has been landscaped. The landscaping includes native and exotic trees, palms, shrubs, and understory plantings. Along the canal, a mangrove fringe has been maintained in accordance with DEP mangrove trimming and

maintenance regulations. As part of the site planning for the individual homes, any desirable native trees/plants shall be identified, located, and preserved if possible. If this is not possible, then all efforts will be made to transplant the item or mitigate as directed by the City Land Development Regulations. Under Article 2, Section 106.03 of the City Land Development Regulations, an Environmental Resource Assessment was not required at this time.

The proposed stormwater management system shall retain water generated from rain events on site thereby improving the quality of the nearshore waters by treating and maintaining the stormwater on site. The shoreline has been protected against erosion with the placement of riprap over the years. Future owners of the lots must obtain permit authorization for dock/seawall structures.

Therefore, the request is ***in compliance*** with the requirements of these sections.

**E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:**

**1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;**

The access to the site is via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City in 2018/2019 when the Residences at Crystal Cove were approved for permitting. The roadway is private and provides access from the site to US 1. The travel way is paved and utility easements have been revised and recorded in accordance with the site modifications. An easement will be granted to an out parcel not included in the plat for access and parking.

A Traffic Statement prepared by KBP Consulting Inc. is submitted with this application. As documented in this study, US 1 has the reserve capacity to accommodate the additional vehicular trips anticipated with this project. Based upon the analysis performed as part of the study, the project is not expected to adversely impact the operational characteristics of the US 1.

Table 1 Hippocampus Estates Trip Generation Summary Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Detached Housing	1 DU	9	0	1	1	1	0	1
<i>Proposed</i>								
Single-Family Detached Housing	9 DU	84	2	4	6	5	3	8
<b>Difference (Proposed - Existing)</b>		<b>75</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>7</b>

*Compiled by: KBP Consulting, Inc. (June 2024).*

*Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition).*

Provisions have been made as part of the subdivision layout to address fire access. On the north side, the proposed access road within the subdivision terminates in a T-turnaround. To the south the access road terminates in a cul-de-sac. A fire hydrant is existing near the entrance of the

subdivision. The Fire Chief has been contacted for coordination purposes as part of the Technical Review Committee review.

- The applicant shall comply with all NFPA1 and NFPA 101 requirements.

Therefore, with the conditions noted above, the request is ***in compliance*** with the requirements of these sections.

**2. Off-street parking and loading areas where required, with particular attention to item 1 above;**

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the commercial uses on the parcel:

- The applicant will provide the required number of parking spaces per the LDRs. Each single-family residential unit shall provide a minimum of two parking spaces as required by Code.

Therefore, with the conditions noted above, the request is ***in compliance*** with the requirements of these sections.

**3. The noise, glare, or odor effects of the conditional use on surrounding properties;**

The proposed use has no known impact to the health, safety, and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use.

Therefore, the request is ***in compliance*** with the requirements of this section.

**4. Refuse and service areas, with particular reference to locations, screening, and Items 1 and 2 above;**

The Plat of Subdivision proposes an internal access road for collection of garbage, recycling, and other services.

Therefore, the request is ***in compliance*** with the requirements of this section.

**5. Utilities, with reference to location and availability;**

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows:

- Wastewater: The existing residential property is connected to public sewer system. The applicant must work with the Utility Department to determine the additional required infrastructure.



- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.
- Recreation and Open Space: This redevelopment already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

The site is currently served by all utilities. The access to the site is via a private access road from the public street. Please see the response to the requested Letters of Coordination included in the application. It is our understanding there is sufficient capacity for the proposed development.

Therefore, the request is ***in compliance*** with the requirements of these sections.

#### **6. Screening and buffering with reference to type, dimensions, and character;**

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU. Adjacent properties are zoned the same; therefore, no district buffers are required. Each lot will install a street tree as required. Where possible, perimeter trees shall be maintained to provide screening from the new access road and the adjacent property to the east.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30’; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5’.

This plan shows a 20’ setback on the front yard, and 20’ rear yard setbacks. Side setbacks on all lots are 5’ to 15’. Water buffers are 20’.

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits.

Therefore, the request is ***in compliance*** with the requirements of these sections.

#### **7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;**

A signage program has not been developed at this time. Entrance and directional signs shall be proposed as needed.

Therefore, the request is ***in compliance*** with the requirements of these sections.

#### **8. Required yards and other open space;**

The required setbacks in the MU district range from 0 to 30'. As illustrated on the Conceptual site plan, the proposed setbacks of this development are consistent with this standard. The open space ratio for the proposed lots exceeds the required 20%. The proposed open space ratios are compliant with City Code requirements.

Therefore, the request is **in compliance** with the requirements of these sections.

**9. General compatibility with surrounding properties; and**

The proposed development is for a single-family residential community. The surrounding neighborhood is mixed with single-family and multi-family residential uses. The buildings will be elevated as required by City Code, providing consistency with parcels that are redeveloped. The scale and layout of the proposed lots are consistent with the City Code and the location of the building sites have been designed to maximize the open water views as is the case with most open water development within the City. A redevelopment is expected to be fully compatible with these uses. The scale and layout of the proposed lots are consistent with the City Code.

Therefore, the request is **in compliance** with the requirements of these sections.

**10. Any special requirements set forth in the LDRs for the particular use involved.**

The design of the residential dwelling units shall comply with Section 104.48 - Residential Dwelling Units. Specifically, with the provision of outdoor recreational area and the required patios and or balconies. Multi-family residential units, although permitted, are not contemplated.

The request is **in compliance** with the requirements of this section.

**CONCLUSION:**

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community.

The proposed development is consistent with the existing land use patterns. The redevelopment of the site furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses and is not expected to create a nuisance, traffic congestion, or threat to public, health, safety, or welfare.

**RECOMMENDATION:**

With the following conditions, the staff recommended approval of the conditional use permit. The Planning Commission voted (5-0) to recommend that the City Council approve with the below conditions.

## Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of any additional development rights, as authorized through this development approval, is the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA1 and NFPA 101 requirements.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by the Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs.
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

## **ANALYSIS OF PLAT APPROVAL REQUEST:**

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

## **RECOMMENDATION:**

With the following conditions, the staff recommended approval of the proposed plat. Planning Commission voted (5-0) to recommend that the City Council approve of the preliminary plat.

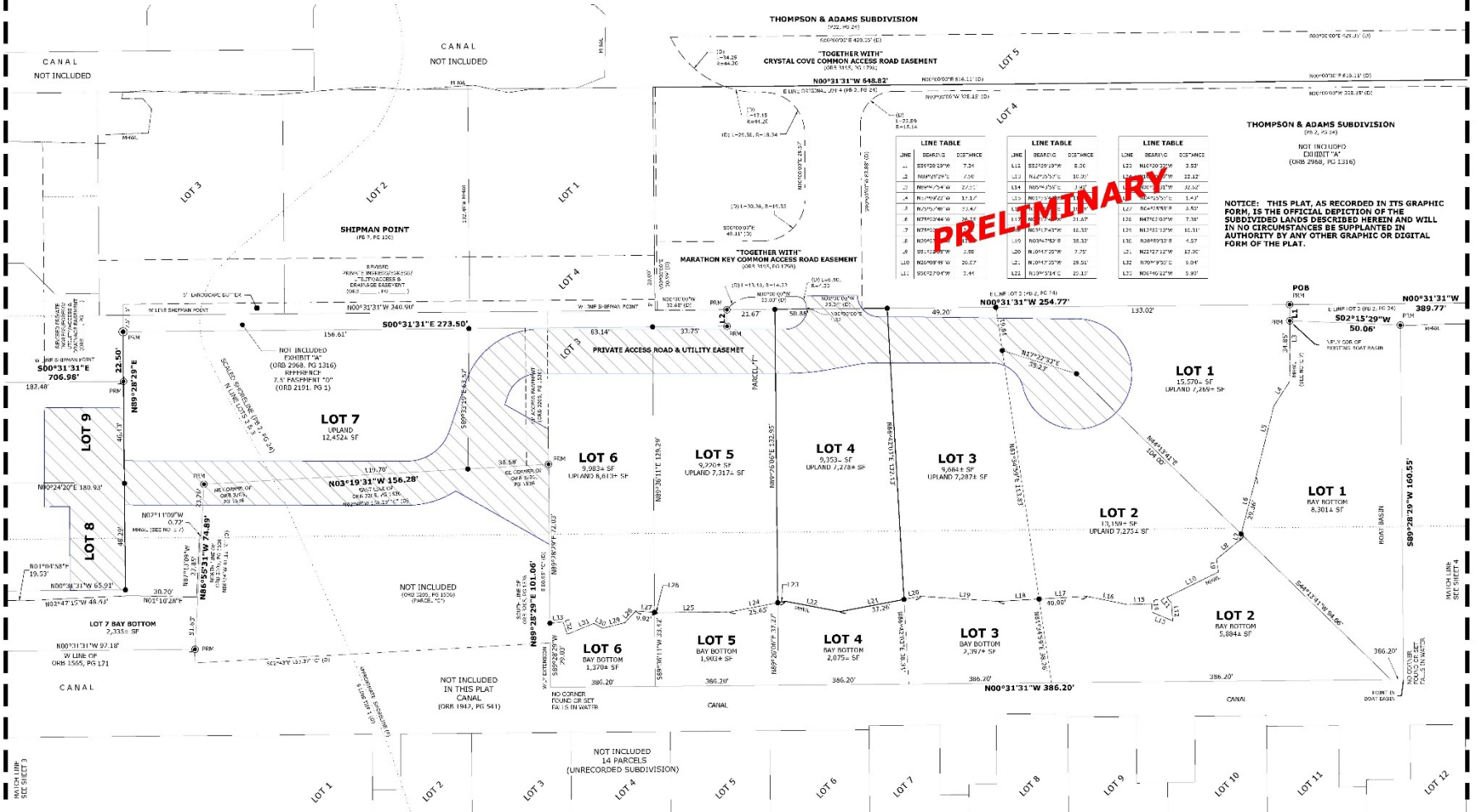
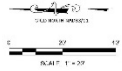
Conditions:

1. Final plat shall include language regarding owner-signed consent and acknowledgment for wastewater and stormwater assessment for future development of the properties.
2. All utility shall be obtained as part of the building permit process.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. All conditions of the Conditional Use must be met prior to building permit issuance.



# HIPPOCAMPUS ESTATES

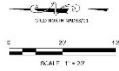
A PORTION OF LOTS 2 AND 3 THOMPSON & ADAMS SUBDIVISION, PLAT BOOK 2, PAGE 24 AND ADJACENT LAND AND BAY BOTTOM  
 OFFICIAL RECORDS BOOK PAGE  
 SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST  
 KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA



SHEET 2 OF 4

**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYING AND MAPPING  
 31105 AVENUE A, BIG PINE KEY, FL 33543  
 OFFICE (850) 872-1348  
 EMAIL: INFO@REECEASSOCIATES.COM

PLAT BOOK PAGE

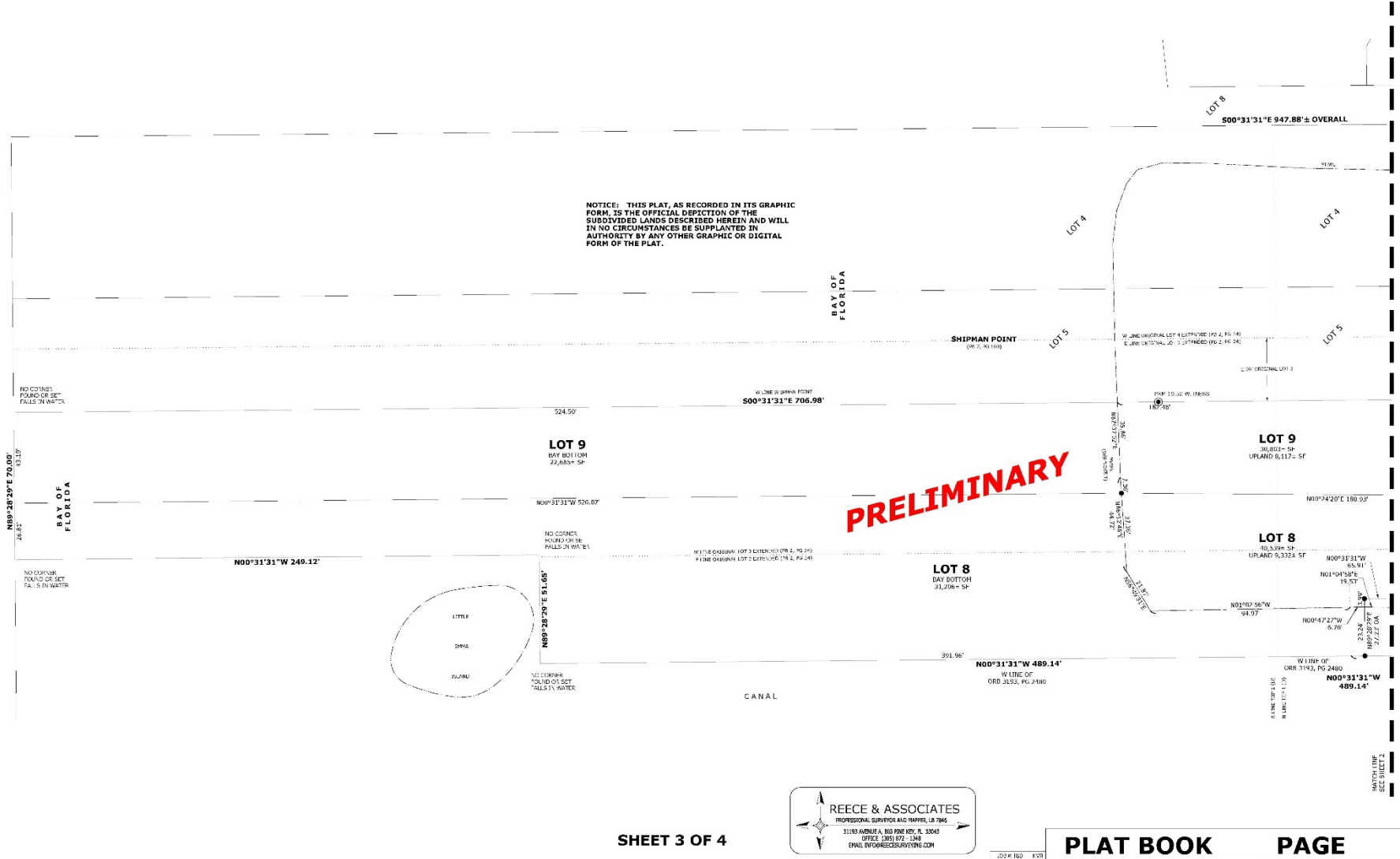


# HIPPOCAMPUS ESTATES

A PORTION OF LOTS 2 AND 3 THOMPSON & ADAMS SUBDIVISION, PLAT BOOK 2, PAGE 24 AND ADJACENT LAND AND BAY BOTTOM  
 OFFICIAL RECORDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST  
 KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA

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**PRELIMINARY**



SHEET 3 OF 4



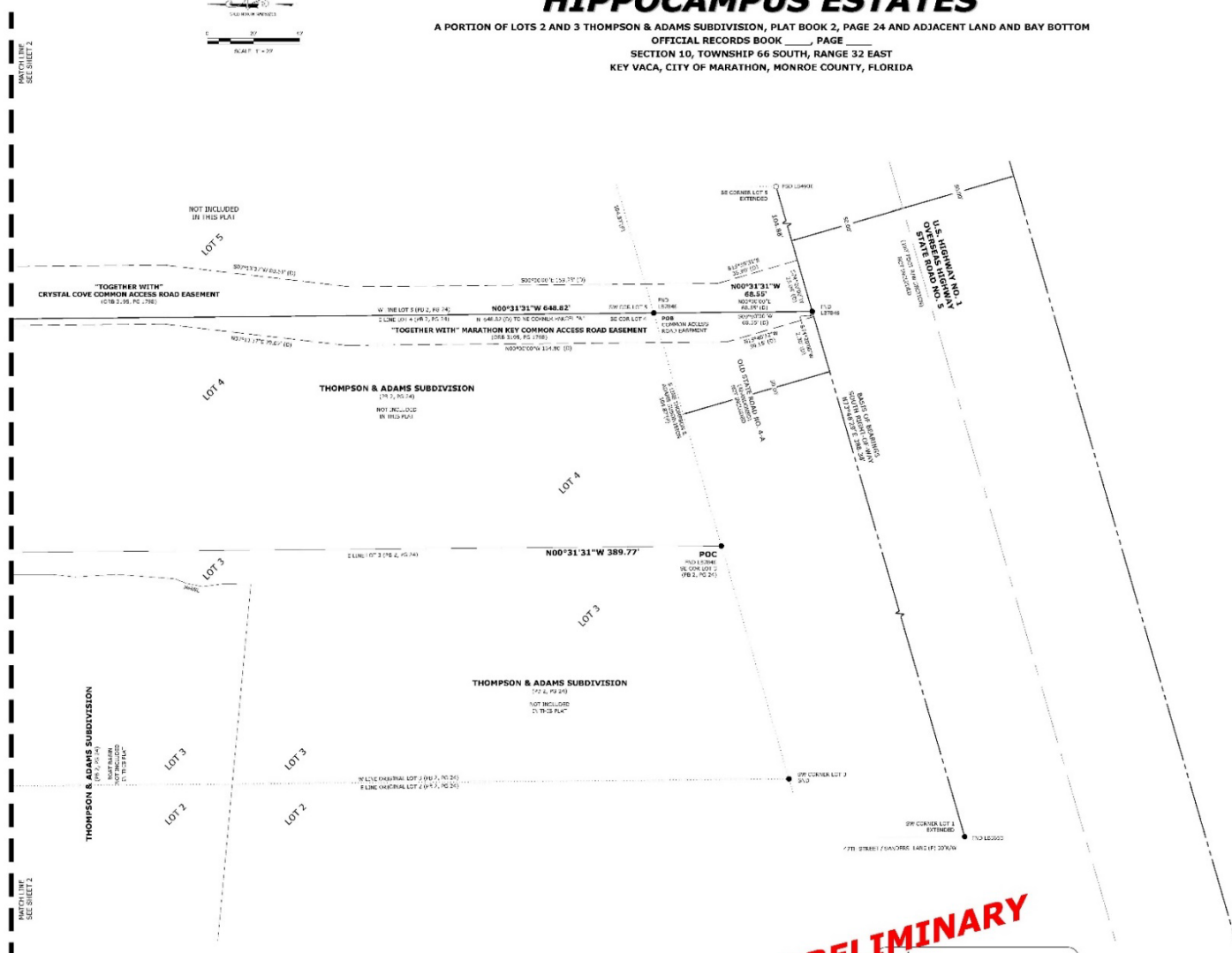
PLAT BOOK

PAGE

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- SYMBOLS & ABBREVIATIONS:**
- ☐ CENTERLINE
  - ⊕ PNEUMATIC OBSERVATION
  - ⊖ ELECTRIC DETERMINATION OF TRANSPORTATION
  - ⊙ POINT MARK OF THE
  - ⊙ FOUND BOUND BLOCK
  - ⊙ FOUND PROPERTY CORNER
  - ⊙ FOUND SECTION CORNER
  - ⊙ ARC LENGTH
  - ⊙ LINE TAIL-MARKER
  - ⊙ LICENSED SURVEYOR
  - ⊙ CONTROL
  - ⊙ EFFECTIVE SURVEYING RECORD
  - ⊙ PER PLAT
  - ⊙ PLAT BOOK
  - ⊙ PAGE
  - ⊙ POINT OF BEGINNING
  - ⊙ POINT OF COMMENCEMENT
  - ⊙ PERMANENT PERMANENT IMPROVEMENT
  - ⊙ SET LINE CORNER TO A CORNER MARKED FROM 27544'
  - ⊙ RADIUS
  - ⊙ SECTION MARK
  - ⊙ BAR SET 1/2" TYPICAL TO A CAP 180246
  - ⊙ END SET 1/4" & 20% 180246



**PRELIMINARY**

**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYOR AND MAPPER, FL 7845  
 31193 AVENUE A, BOG FORT KEY, FL 33043  
 OFFICE (888) 872-1348  
 EMAIL: INFO@REECEANDASSOCIATES.COM

SHEET 4 OF 4

PLAT BOOK PAGE

Sponsor: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2024-96**

**A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A CONDITIONAL USE PERMIT AND PLAT APPROVAL PURSUANT TO CHAPTER 102 ARTICLE 10 AND ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” AND “CONDITIONAL USE PERMITS” RESPECTIVELY, FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY KEY VACA LLC AND JOHN AND PHYLLIS STRITTAR FOR A PORTION OF LAND WHICH IS DESCRIBED AS SECTION 10, TOWNSHIP 66, RANGE 32, KEY VACAS BAY BOTTOM & FILL BAY BOTTOM ADJACENT TO PART OF LOT 2 & ALL OF LOT 3 OF THOMPSON SUBDIVISION (A/K/A PARCEL E & BAY BOTTOM PARCEL B), AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 2 & ADJACENT BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS PB2-24 KEY VACA PART OF LOTS 2& 3 (PARCEL B & PARCEL F) & FILLED BAY BOTTOM & CANAL BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 3, HAVING REAL ESTATE NUMBERS 00103280-000000, 00327120-001000, 00327130-000200, AND 00327130-001000. NEAREST MILE MARKER 50**

**WHEREAS**, Key Vaca LLC and John and Phyllis Strittar (Applicant) filed an Application on July 1, 2024 for a Conditional Use Permit for approval of a preliminary plat and site plan for the property into nine (9) single-family residential lots pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, City staff reviewed the Applicant's request for a Conditional Use Permit and determined that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

**WHEREAS**, the Council duly considered the Applicant's request and made a determination that the request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

**WHEREAS**, the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with



surrounding land uses and on the basis of all zoning, subdivision, and other ordinances applicable to the proposed location and zoning district; and

**WHEREAS**, on the 16<sup>th</sup> day of September 2024, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, and on the 8<sup>th</sup> day of October 2024, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, the City Council made a determination that the Applicant’s request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City’s Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The City Council hereby approves Development Order 2024-04 a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Key Vaca LLC and John and Phyllis Strittar, subject to the Conditions imposed. The Director of Planning is authorized to sign the development order on behalf of the City.

**Section 3.** This resolution shall take effect immediately upon its adoption by the City of Marathon and after review and approval by Florida Commerce pursuant to Chapters 163 and 380, *Florida Statutes*.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8<sup>TH</sup> DAY OF OCTOBER 2024.**

**THE CITY OF MARATHON, FLORIDA**

---

**Robyn Still, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

---

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE  
CITY OF MARATHON, FLORIDA ONLY:**

---

Steve Williams, City Attorney

**ATTACHMENT “A”  
CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER # 2024-04**

**APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT AND PRELIMINARY PLAT APPROVAL AS SUBMITTED BY KEY VACA LLC AND JOHN AND PHYLLIS STRITTAR FOR A REPLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATION (LDRS) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” FOR A PORTION OF LAND WHICH IS DESCRIBED AS SECTION 10, TOWNSHIP 66, RANGE 32, KEY VACAS BAY BOTTOM & FILL BAY BOTTOM ADJACENT TO PART OF LOT 2 & ALL OF LOT 3 OF THOMPSON SUBDIVISION (A/K/A PARCEL E & BAY BOTTOM PARCEL B), AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24 , KEY VACA PART OF LOT 2 & ADJACENT BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS PB2-24 KEY VACA PART OF LOTS 2& 3 (PARCEL B & PARCEL F) & FILLED BAY BOTTOM & CANAL BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 3, HAVING REAL ESTATE NUMBERS 00103280-000000, 00327120-001000, 00327130-000200, AND 00327130-001000. NEAREST MILE MARKER 50**

**WHEREAS**, Key Vaca LLC and John and Phyllis Strittar filed an Application on October 21, 2022 for a Conditional Use Permit and Plat pursuant to Chapter 102, Articles 10 and 13 of the Code of Ordinances for the City of Marathon (“City Code”); and

**WHEREAS**, City staff reviewed the Applicant's request for a Conditional Use Permit and determined that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

**WHEREAS**, the Council duly considered the Applicant’s request and made a determination that the request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

**WHEREAS**, the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision, and other ordinances applicable to the proposed location and zoning district; and

**WHEREAS**, City staff reviewed the Applicant’s request for a Conditional Use Permit determining that the Applicant’s project proposal was in compliance with the City’s Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City’s Level of Service (LOS); and

**WHEREAS**, on the 16<sup>th</sup> day of September 2024, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, and on the 8<sup>th</sup> day of October 2024, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**; the City Council made a determination that the Applicant’s request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City’s Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

**FINDINGS OF FACT:**

1. The applicant will develop and subdivide the parcels through the platting process into single-family residential lots with the following determinations:
2. In accordance with Section 102.77 of the City Code, the Commission and Council considered and determined the Applicant met the following criteria:
  - a. The proposed use is consistent with the Comprehensive Plan and LDRs;
  - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
  - c. The proposed use shall not adversely affect the health, safety, and welfare of the public; and
  - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
3. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
4. Off-street parking and loading areas where required, with particular attention to item 1 above;
5. The noise, glare, or odor effects of the conditional use on surrounding properties;
6. Refuse and service areas, with particular reference to location, screening, and Items 1 and 2 above;
7. Utilities, with reference to location and availability;
8. Screening and buffering with reference to type, dimensions, and character;

9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
10. Required yards and other open space;
11. General compatibility with surrounding properties; and

**CONDITIONS IMPOSED:**

Granting approval of the Application is subject to the following conditions:

**Conditions of Approval**

1. Acquisition of any additional development rights, as authorized through this development approval is the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA 1 and NFPA 101 requirements.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by the Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

**VIOLATION OF CONDITIONS:**

The applicant understands and acknowledges that it must comply with all the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicant or its successor or designee is in non-compliance with this Resolution or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

**CONCLUSIONS OF LAW:**

Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the City Code, and will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
  - (a) Accorded procedural due process;
  - (b) Observed the essential requirements of the law;
  - (c) Supported its decision by substantial competent evidence of record; and

3. The Application for a conditional use is hereby GRANTED subject to the conditions specified herein.

**EFFECTIVE DATE:**

This development order shall not take effect for five (5) days following the date it is filed with the City Clerk, and during that time, the conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian Shea  
Director of Planning

This Development Order was filed in the Office of the City Clerk of this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diane Clavier, City Clerk

**NOTICE**

Under the authority of Section 102.79(c) of the City of Marathon Land Development Regulations, this development order shall become null and void with no further notice required by the City, unless a business license has been issued for the use or a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within one (1) year from the date of conditional use approval, or the date when the Florida Commerce waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the City Council.

In addition, please be advised that, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Commerce. During those forty-five days, Florida Commerce may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

**CERTIFICATE OF SERVICE**

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to \_\_\_\_\_,  
this \_\_\_ day of \_\_\_\_\_, 2024.

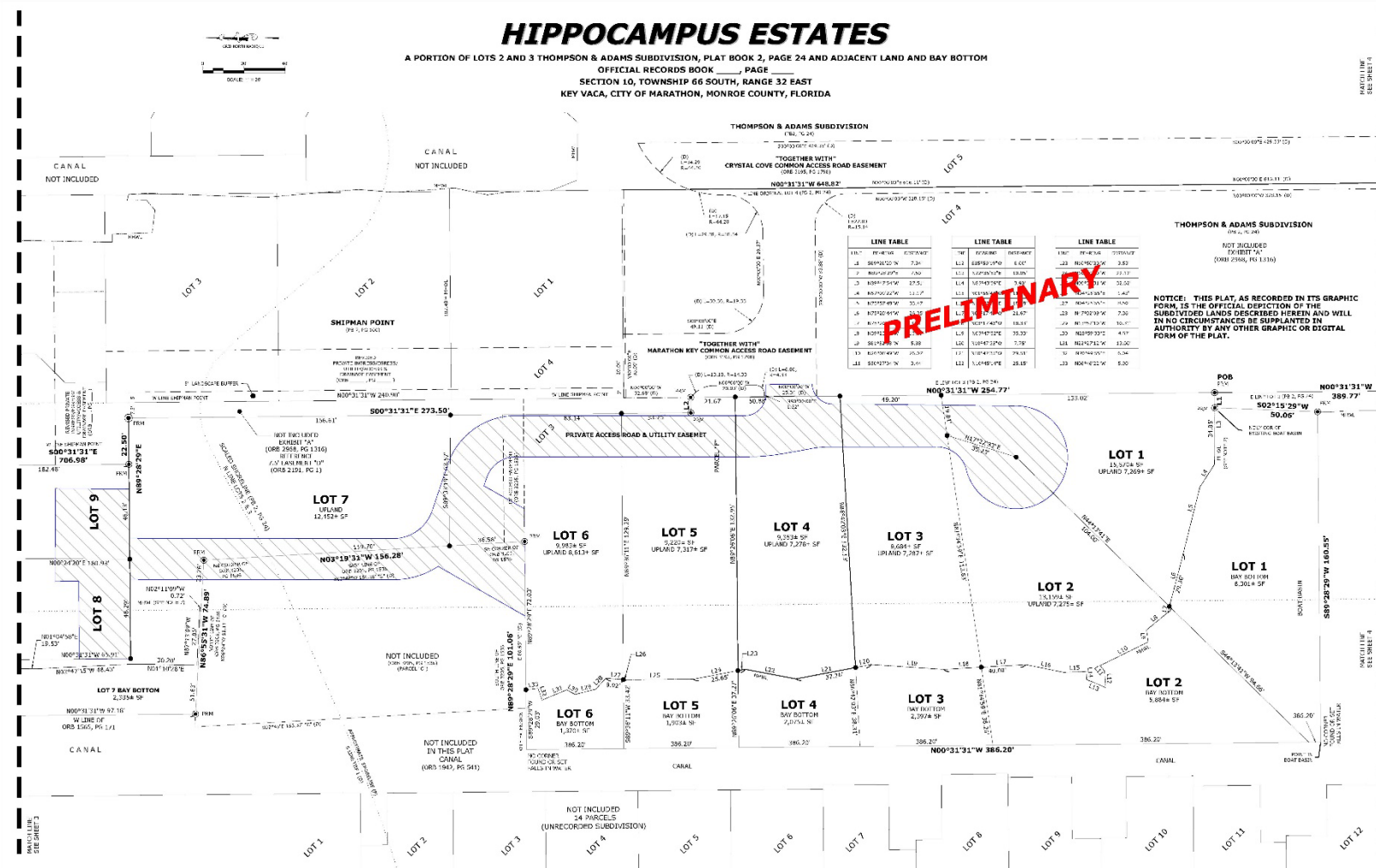
\_\_\_\_\_  
Diane Clavier City Cler





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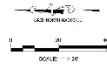
**PRELIMINARY**

LINE TABLE		LINE TABLE		LINE TABLE	
LINE	BEARING	LINE	BEARING	LINE	BEARING
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2	S89°42'22"W	2	S89°42'22"W	2	S89°42'22"W
3	S89°42'22"W	3	S89°42'22"W	3	S89°42'22"W
4	S89°42'22"W	4	S89°42'22"W	4	S89°42'22"W
5	S89°42'22"W	5	S89°42'22"W	5	S89°42'22"W
6	S89°42'22"W	6	S89°42'22"W	6	S89°42'22"W
7	S89°42'22"W	7	S89°42'22"W	7	S89°42'22"W
8	S89°42'22"W	8	S89°42'22"W	8	S89°42'22"W
9	S89°42'22"W	9	S89°42'22"W	9	S89°42'22"W
10	S89°42'22"W	10	S89°42'22"W	10	S89°42'22"W
11	S89°42'22"W	11	S89°42'22"W	11	S89°42'22"W
12	S89°42'22"W	12	S89°42'22"W	12	S89°42'22"W

THOMPSON & ADAMS SUBDIVISION  
 NOT INCLUDED  
 (ORD 2568, PG 1316)

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REECE & ASSOCIATES  
 PROFESSIONAL SURVEYOR AND MAPPER, FL 1845  
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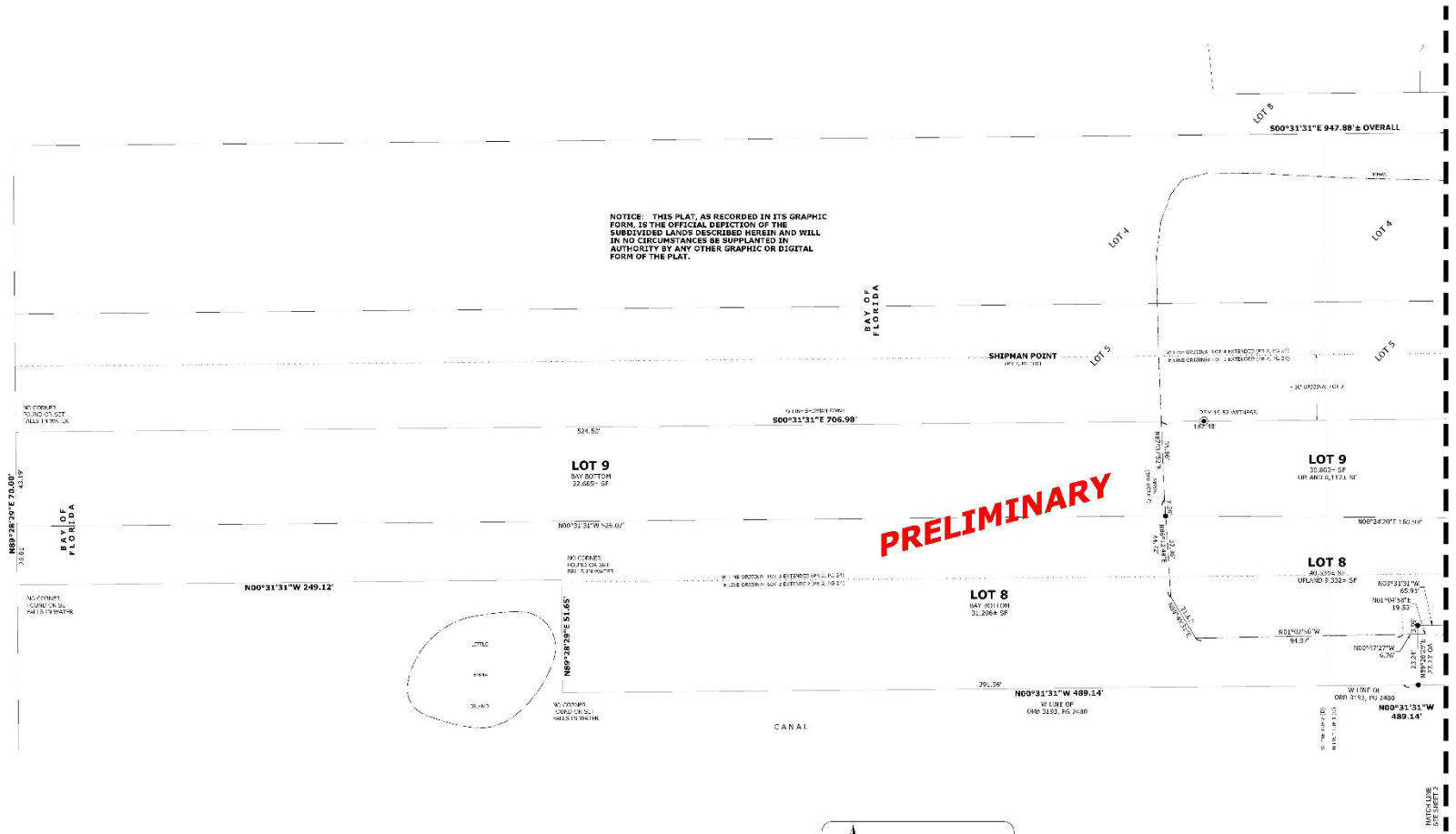
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