

CITY COUNCIL AGENDA STATEMENT



Meeting Date: October 8, 2024
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2024-98**, Consideration Of A Request By Gunnar Holdings LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Commercial Warehouse with Eight (8) Rental Bays Including Elevated Loft Office Space And Bathroom Located at 420 69th Street Ocean; Block 2 Lots 1 & 2 First Addition To Seacrest Key Vaca, Monroe County, Florida, Having Real Estate Number 00339230-000000. Nearest Mile Marker 51.

RECOMMENDATION:

Staff recommends approval of the project with the recognized conditions and limitations.

APPLICANT/ OWNER: Gunnar Holdings

AGENT: Holli Harrington

LOCATION: The project site is located at 420 69th Street Ocean at nearest mile marker 51. See Figure 1.

REQUEST: A Conditional Use Permit approving the development of a Commercial Building with Eight (8) Individual Rental Bays with a loft office and bathroom.

LOT SIZE:

Total acreage: Approx. 0.66 Acres or 28,781 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Mixed Use	First State Bank, Brutus Seafood
East	Residential High	Tarpon Harbor
South	Residential Medium	Residential Housing
West	Mixed Use	Office Building & Storage Yard

EXISTING CONDITIONS:

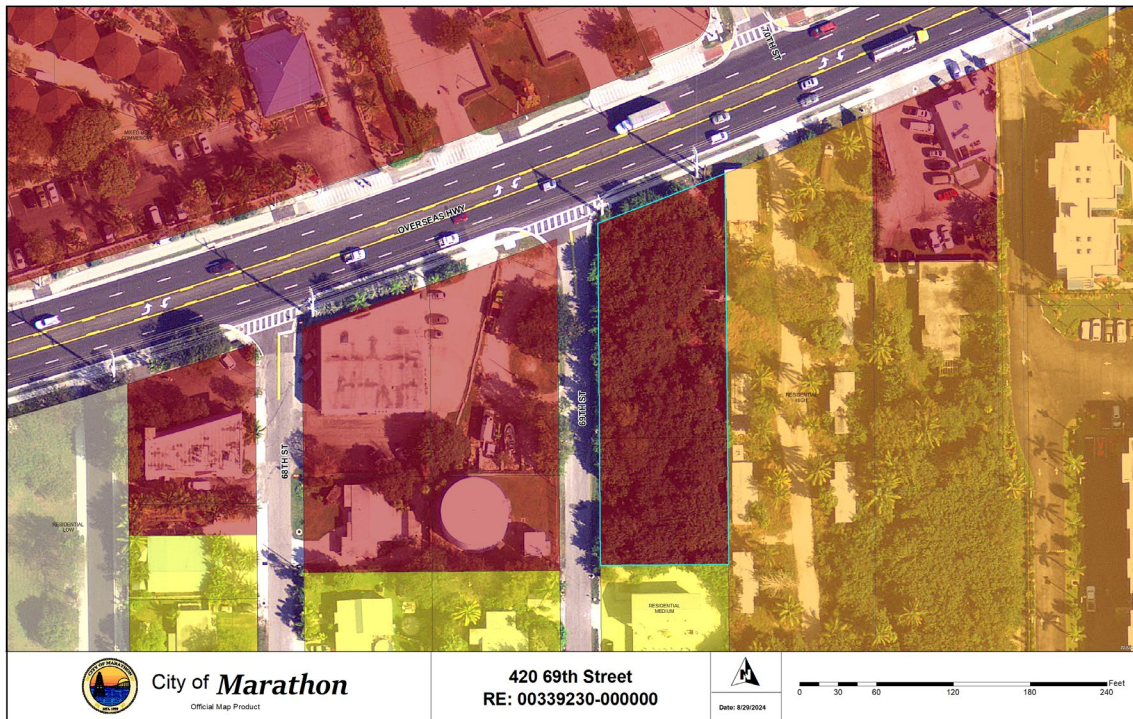
The project site consists of vacant land. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

Figure 1
Project Site



FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MU-C). See Figure 2.

Figure 2
Future Land Use Map



ZONING MAP DESIGNATION: Mixed Use (MU). See Figure 3.

**Figure 3
Zoning Map**



PROPOSED REDEVELOPMENT:

The Applicant requests a change of use to develop plumbing, electrical and carpenter shops in a multi-tenant commercial retail building exceeding 10,000 sq ft. If it was less than 10,000 sq ft it would be permitted as of right however with the additional square footage requires conditional use.

BACKGROUND:

The proposed project seeks to develop a vacant lot. The total property size is 28,781 square feet.

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;

The proposed development project is located 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 center, 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 is for a commercial warehouse, an allowed use as conditional use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

City of Marathon Comprehensive Plan

- a. “Policy 1-1.1.2 Adopt Compatibility for Residential and Non-Residential Review Criteria,”
- b. “Policy 1-1.1.3 Protect Residential Neighborhood Character,” and
- c. “Policy 1-1.1.4 Transition between Land Uses

The project is surrounded by commercial to the north and west. With a section of residential development to the south and east.

d. 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 permitting in addition to commercial, transient, and permanent residential uses as well as marinas and storage facilities. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary for this project.

e. 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. The conceptual elevation plans submitted demonstrate compliance with this requirement.

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

The proposed intensity is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. Based on the upland area of 0.66 acres, the proposed commercial building utilizes 95% of the intensity allowed for this site.

g. Policy 1-3.3.1 b., e., and f. General Redevelopment Criteria

The proposed new business promotes the revitalization of the city’s commercial area, with existing commercial to the west. The US 1 corridor will be enhanced with the proposed landscaping.

h. Policy 1-3.4.2 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The redevelopment plan would need commercial BPAS square footage which will need to be obtained.

City of Marathon Land Development Regulations

- Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including residential units.

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

This redevelopment is consistent with Table 103.15.1, uses by Zoning District, via a Conditional Use Permit Application, as contained herein.

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.

Gunnar Holdings LLC	
Total 28,781 sq ft	
Commercial Square Footage	13,200
Retail (FAR .45)	10,000
Office (FAR .60)	3,200
Maximum allowed	17,269 sq ft
Total Proposed	13,200 sq ft

The project as proposed meets the basic definition of development in the MU zoning district and will not exceed any density constraints imposed on the type proposed.

- Section 107.47 Parking

Parking for the site and the project is met with the proposed required parking spaces. The development provides sixteen interior standard parking spaces.

- Section 107.40 Maximum Height

The project sites are below the forty-two (42) foot height limitation of the City’s LDRs.

- Sections 107.63 – 107.73 Landscaping

The landscape plan includes a list of native trees to provide shade and temperature reduction along the internal roadway. The parcels to the east and south are zoned Residential Medium and High, which require buffers. Along US 1 corridor to the north the landscape planting will consist of a variety of native plant material varying in size and height as well as canopy trees. A mix of understory trees and shrubs will be planted in a variety of heights of maturity. Along 69th Street will also require a streetscape buffer.

- Sections 107.73 – 107.81 Open Space

The project site meets the minimum open space requirements of twenty (20) percent and therefore

meets the minimum requirements of the LDRs.

- Sections 107.82 – 107.85 Fences and Screening

The project meets City screening and landscaping requirements.

- Sections 107.87 – 107.97 Stormwater Management

The existing Stormwater Management Plan associated with this site demonstrates compliance with the requirements of the LDRs.

- Sections 107.98 – 107.102.5 Floodplain Management

The site building will be located above FEMA minimum flood elevations. Therefore, the project is compliant with this requirement of the LDRs.

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

The proposed project site is surrounded by other compatible commercial uses to the west and north.

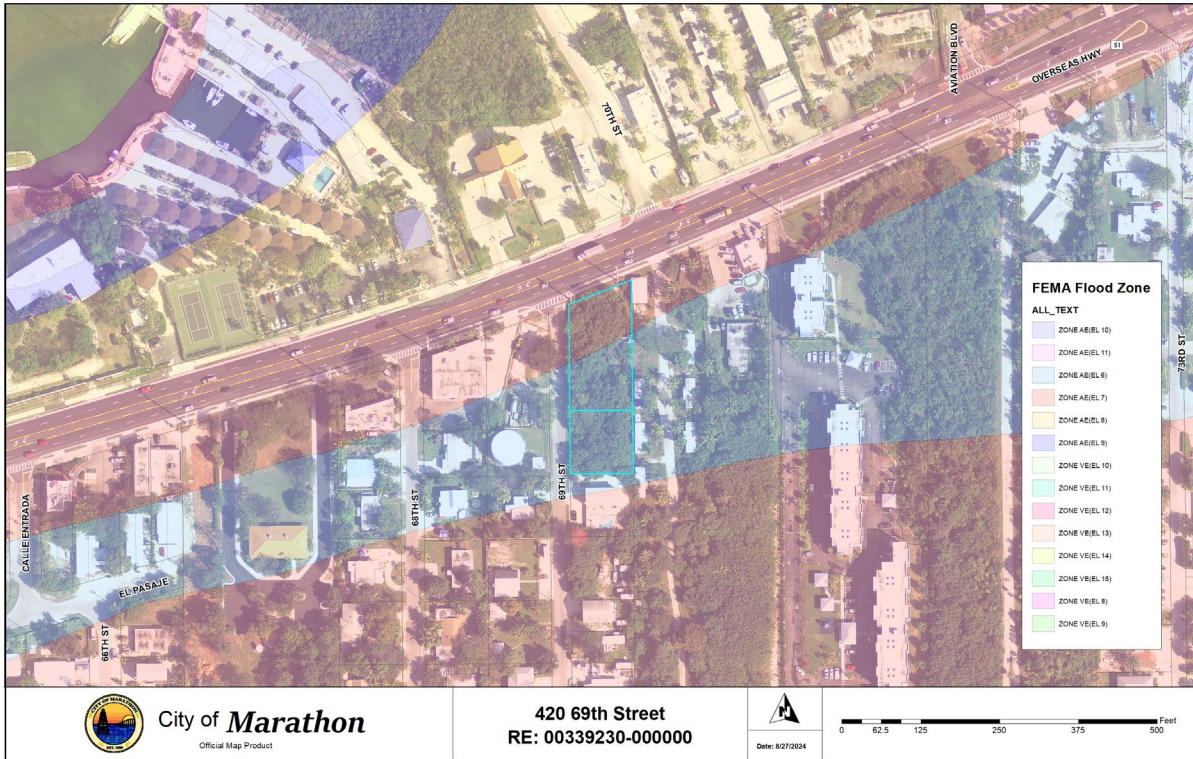
Therefore, the request is *in compliance* with the requirements of these sections.

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

The proposed conditional use will enhance the community by providing commercial space. The project will not cause any negative impacts to the City's health, safety, and welfare.

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

**Figure 4
Flood Zones**



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:

There will be no negative impacts on habitat, environment, or water quality parameters. The proposed stormwater management system shall retain water generated from rain events on site thereby improving the quality of the near shore waters by treating and maintaining the stormwater on site. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council. As part of the permitting process any potential impacts will be reviewed for species based upon species assessment guides.

Figure 5
FEMA – FWS Species Focus Area Maps



A building permit issued in 2021 for invasive exotic removal remains open. Several canopy and understory trees will be planted per Conceptual Landscape Plan that was submitted. Streetscape treatment along US 1 will be installed including a mixture of shrubs and canopy trees. Native vegetation must be mitigated per Section 106.10.

Project design requires containing all storm water on the property as required by Code.

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

- Any native vegetation removed must be mitigated per Section 106.10.

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 applicant has provided a traffic analysis for the proposed development. Parking will be provided to renters.

Table 1 Commercial Building Trip Generation Analysis Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed Development</i> Specialty Trade Contractor	13,200 SF	130	16	6	22	8	17	25

Compiled by: KBP Consulting, Inc. (July 2024).

The traffic will increase from the previous use with the new redevelopment of the property. The project is not expected to adversely impact the operational characteristics of US1, nor will it inhibit the safe flow of traffic traveling through Marathon.

The applicant does not propose a change to the driveway for this project, therefore a FDOT access permit will not be required. All access is being provided from 69th Street.

Section 107.43 requires site triangles where the access drive intersects with the street.

Therefore, with the conditions 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 107.46.1 (Parking Schedule). The project provides adequate parking spaces as required. This is assessed using the parking table until specific tenants apply for occupational license review. The parking is done as a generalized use.

Use	Code Citation	Requirement	Spaces Required
Commercial Building	107.46.1	One (1) parking space per 1,000 square feet	14
Total Required			14
Total Provided			16

Therefore, 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 on the health, safety, and welfare of the public. No

detrimental noise or glare is expected to be generated by the proposed use. Appropriate screening and buffering measures will be required per code and site plan.

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;

Section 107.39 requires that all dumpsters be fully enclosed and screened.

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

- Final site plan must include dumpster pursuant to Section 107.39.

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 property is currently not connected to the City sewer system. The applicant will provide wastewater and sewage collection and disposal via connecting to City's wastewater system. Applicant must work with the Utilities department to calculate proposed flows and meet the connection requirements.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant must submit a final stormwater plan before building permit issuance.
- Recreation and Open Space: This development will have no impact on recreational open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.70.1 & 107.70.2 establishes project boundary buffer standards applicable to the project.

The subject parcel is zoned MU and is bordered to the west by properties zoned MU. There are no project boundary buffer requirements for portions of the project area adjacent to parcels zoned MU. The parcel is bordered to the east by Residential High, and the south by Residential Medium. The final landscape plans must be approved by the City Biologist.

Table 107.70.2
Project Boundary Buffer Minimum Width and Planting Requirements

Buffer Type	Buffer Width	Large Tree Qty	Medium Tree Qty	Large Shrub Qty	Medium Shrub Qty	Small Shrub Qty	Ground Cover Qty	Large Palm Qty	Medium Palm Qty
L1	10'	0	5	4	8	26	48		
L2	10'	0	4	0	9	24	72		
L3	10'	3	4	0	6	18	60		
L4	10'	0	4	0	6	24	42		
M1	15'	2	2	6	6	25	92		
M2	15'	3	4	6	6	29	28		
M3	15'	3	4	0	12	18	80		
M4	15'	0	3	0	10	29	48		
M5	15'	0	0	6	17	28	30		9
H1	20'	3	0	0	12	42	74		
H2	20'	3	2	9	10	15	54		
H3	20'	2	2	0	6	36	108		
H4	20'	2	4	9	16	32	27		3
H5	20'	3	4	9	16	34	27		
H6	20'	0	3	10	12	24	50		

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. According to the Code, the landscape treatment area shall be planted within a ten-foot wide buffer predominantly with shrubs and native canopy trees of at least two (2) inches caliper at breast height, approximately 50 feet on center. Additionally all parking not located to the rear of buildings shall be screened from the streets, sidewalk, and open spaces by low walls, fences, or low berms in combination with plantings to achieve at least a three-foot high visual screen within two (2) years of planting.

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

This plan shows a 47’ setback on the front yard, 8’-8”setback on the eastern side yard, and 41’-4” setback on the western side and 34’ rear yard setback.

Setback	Required	Proposed	Compliant
Front	0-30	47	Yes
East Side	0-10	8	Yes
West Side	0-10	41	Yes
Rear	20	34	Yes

Parking area landscaping is required by Section 107.66 of the Code. A final landscape plan must show the required parking landscaping.

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

- A Final Landscape Plan must be submitted showing the selected proper treatments and buffers, including the appropriate treatment types and trees.

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

A review of sign requirements at this stage in development approval is not necessary; however, signs for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs. At this time no sign has been proposed.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted and shall be designed such that light levels and uniformity ratios are at least in compliance with the minimum standards proscribed by the Illumination Engineering Society of North America (IESNA).

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The proposed development is situated on the scarified portion of the property that previously was infested by invasive exotic species. Overall 20% open space is required.

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

9. General compatibility with surrounding properties; and

The project is the development of a commercial uses in an area of the City which is relatively the commercial center of Marathon. Adjacent uses include commercial establishments including a Storage Yard, First State Bank, Brutus Seafood, Wooden Spoon, Tarpon Harbor and Aqueduct property. A development of a commercial building is expected to be fully compatible with these uses. The proposed project will be suitably buffered from the nearby residential uses of Tarpon Harbor and residential houses on 69th Street.

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.

There are no special requirements set forth in the LDRs for a commercial establishment of this nature.

Therefore 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 consists of the construction of another commercial structure within zoning that allows for commercial use. As such the development, including the overall upgrading and improvement 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:

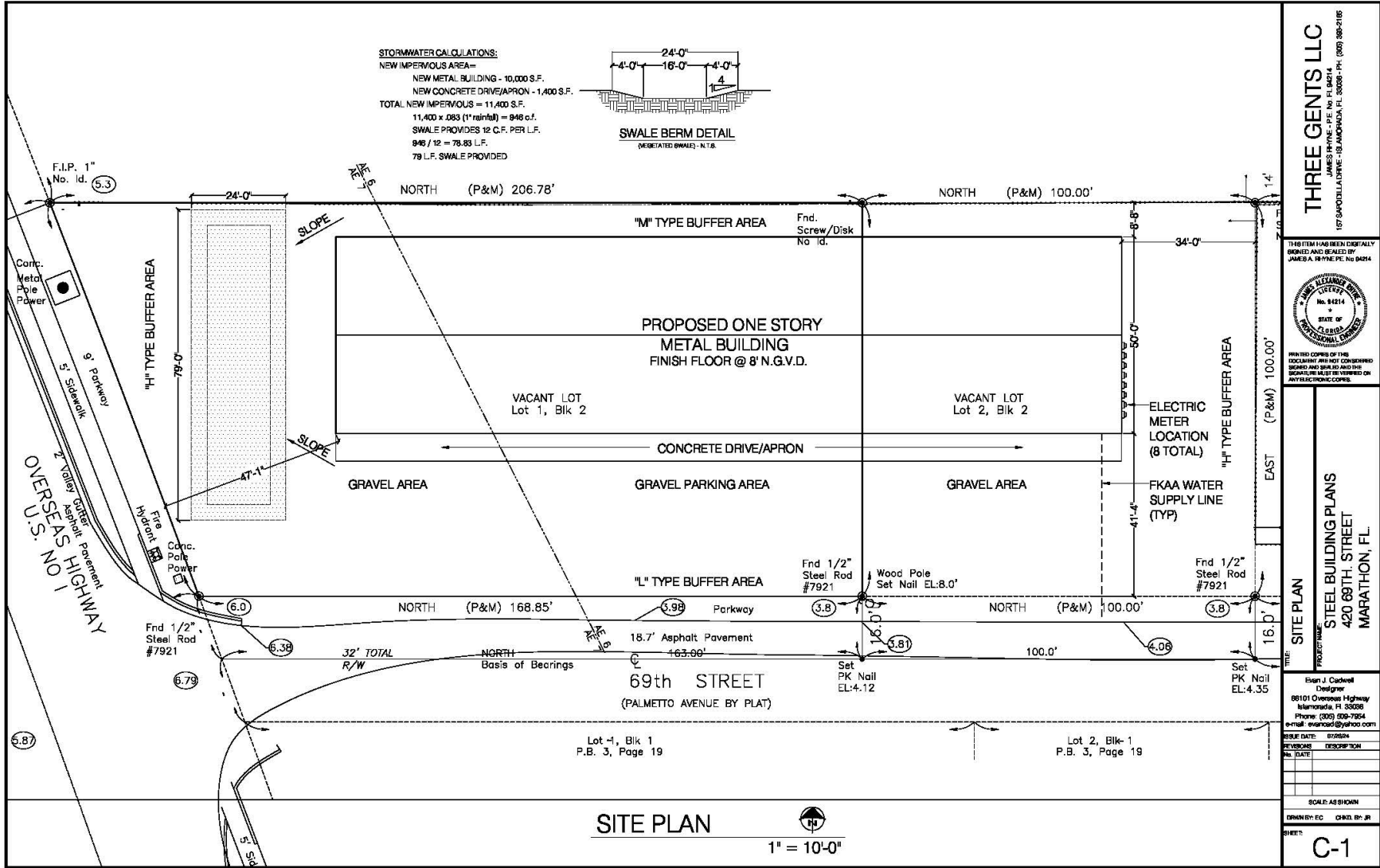
Planning staff recommended approval of the proposed Conditional Use Permit allowing the development of a Commercial Building with Eight (8) Individual Rental Bays with a loft office and bathroom, provided that **all conditions are met prior to permit issuance**. The proposed conditions of approval are listed below. Planning Commission recommends approval (5-0).

Conditions of Approval

- 1) A Final Landscape Plan must be submitted showing the selected proper treatments and buffers, including the appropriate treatment types and trees.
- 2) The applicant will show clear site triangles on final site plan.
- 3) The applicant must submit a final lighting plan prior to permit issuance.
- 4) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal.
- 5) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 6) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 7) The applicant will obtain City approval of wastewater management through the City's Wastewater Utility;
- 8) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 9) The applicant will obtain sign permits for any signs erected on the property, as required under the code; and

10) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Proposed Site Plan



THREE GENTS LLC
 107 SARDULA DRIVE - TAMPA, FL 33606-1411 (813) 986-2166

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JAMES A. RYNE PE No. 04214

JAMES A. RYNE, P.E.
 No. 04214
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

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SITE PLAN

PROJECT NAME:
 STEEL BUILDING PLANS
 420 69TH STREET
 MARATHON, FL.

Even J. Caldwell
 Designer
 86101 Overseas Highway
 Islamorada, FL 33036
 Phone: (305) 859-1954
 e-mail: even@jccaldwell.com

ISSUE DATE: 07/2024
 REVISIONS: DESCRIPTION
 NO. DATE

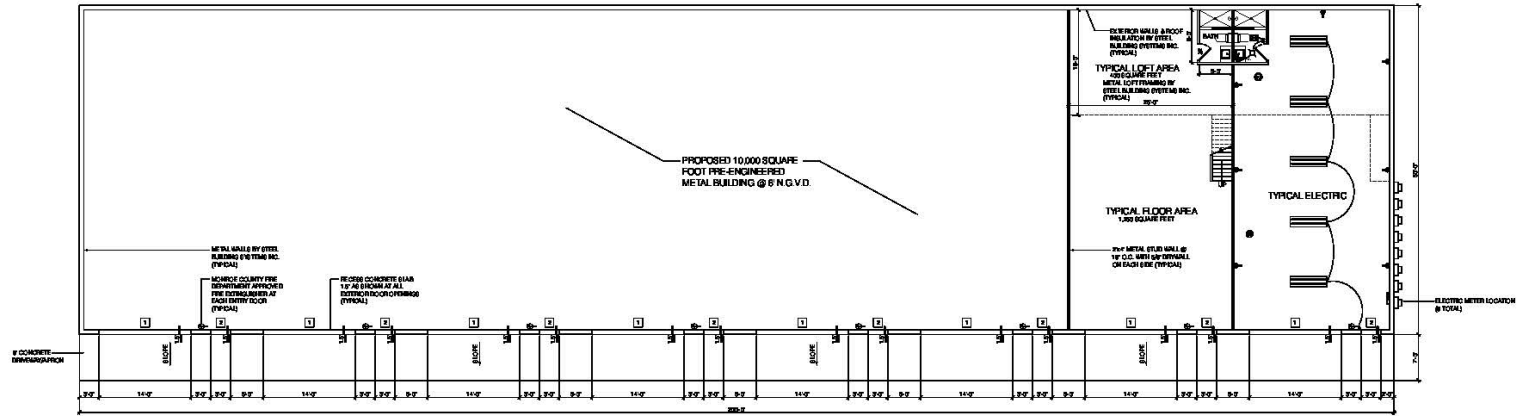
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Floor Plan

DOOR SCHEDULE				
MARK	DOOR SIZE		MANUFACTURER	REMARKS
	WIDTH	HEIGHT		
1	14'-0"	11'-0"	ROLL UP DOOR	STEEL, STANDARD HARDWARE.
2	3'-0"	7'-0"	STEEL ENTRY DOOR	FULL VIEW, WARE ALUMINUM, STANDARD HARDWARE.

ELECTRICAL LEGEND					
⚡	LIGHT SWITCH	⏏	DUPLEX RECEPTACLE	⊕	JUNCTION BOX
⌚	WALL BRACKET EXIT LIGHT FIXTURE	G.F.C.I.	G.F.C.I. DUPLEX OUTLET	☼	SMOKE/CARBON MONOXIDE DETECTOR
⌚	4' LED LIGHT FIXTURE	⚡	240 V. SPECIAL PURPOSE OUTLET	⊗	CEILING MOUNTED LIGHT FIXTURE
⏏	MAIN CIRCUIT BREAKER PANEL	⏏	ELECTRIC METER CAN	⊗	EXHAUST FAN W/LIGHT FIXTURE

NOTE:
 PLUMBING SYMBOLS AND APPLIANCES TO BE VIEWED BY CHAMBERLAIN FIELD.
 PLUMBING SYMBOLS AND APPLIANCES TO BE VIEWED BY CHAMBERLAIN FIELD.
 ELECTRICAL SYMBOLS AND APPLIANCES TO BE VIEWED BY CHAMBERLAIN FIELD.
 ELECTRICAL SYMBOLS AND APPLIANCES TO BE VIEWED BY CHAMBERLAIN FIELD.
 VERIFICATION DESIGN BY STEEL BUILDING SYSTEMS INC.



FLOOR PLAN
 1/8" = 1'-0"

THREE GENTS LLC
 JAMES RYAN, P.E. No. 04214
 157 SANDHILL DRIVE - US 30806 - PH. (905) 368-2165

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JAMES A. RYAN, P.E. No. 04214

PHOTOCOPIES OF THIS DOCUMENT ARE NOT CONSIDERED VALID UNLESS SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON AN ELECTRONIC COPIES.

TITLE: FLOOR PLAN
 PROJECT NAME: STEEL BUILDING PLANS
 420 69TH STREET
 MARATHON, FL.

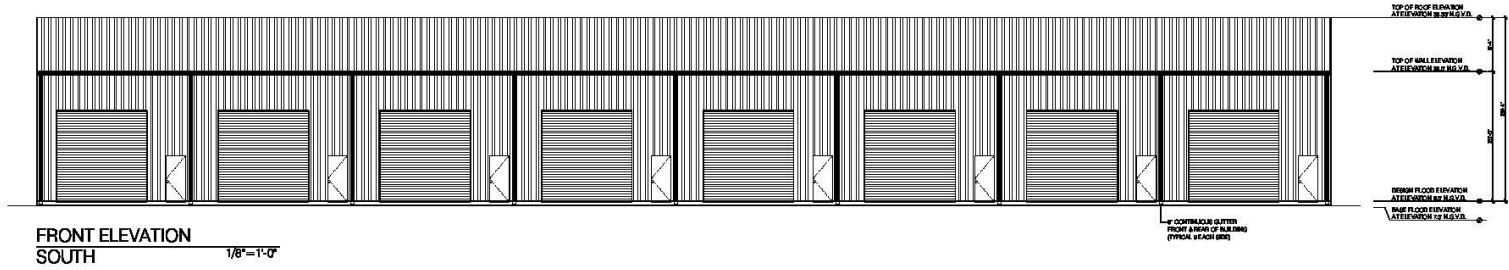
ESSEN J. CARROLL
 Designer
 88101 Overseas Highway
 Islamorada, FL 33036
 Phone: (305) 636-7564
 e-mail: essencor@esstec.com

DATE: 07/26/24

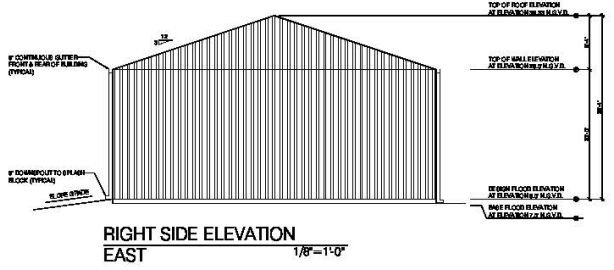
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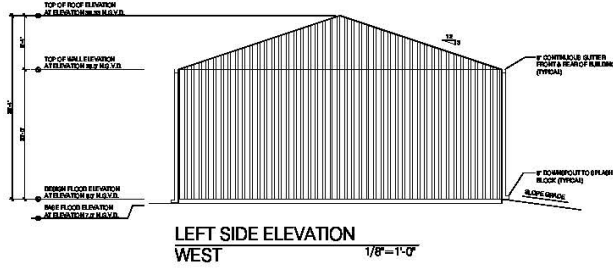
Elevations



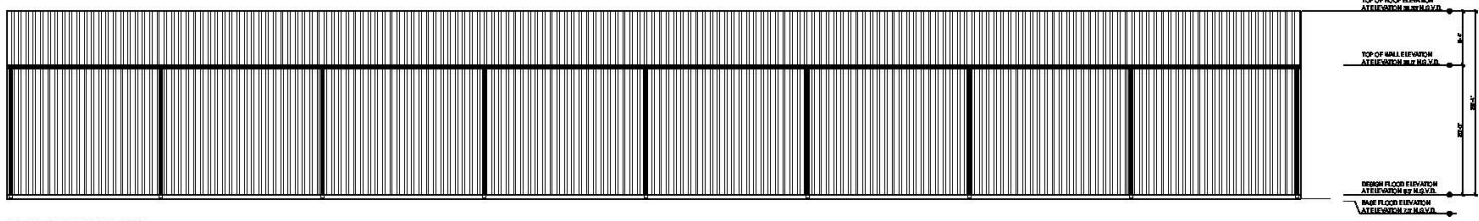
FRONT ELEVATION SOUTH
1/8"=1'-0"



RIGHT SIDE ELEVATION EAST
1/8"=1'-0"



LEFT SIDE ELEVATION WEST
1/8"=1'-0"



REAR ELEVATION NORTH
1/8"=1'-0"

THREE GENTS LLC
JAMES A. DE-YNE, P.E., FL 04214
157 SAPODILLA DRIVE - US AMCORADA, FL 33038 - PH: (305) 368-2185

THIS SET OF PLANS HAS BEEN EXAMINED AND FOUND TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA PROFESSIONAL ENGINEERING ACT AND THE BOARD OF PROFESSIONAL ENGINEERS OF THE STATE OF FLORIDA.



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BUILDING ELEVATIONS
PROJECT NAME: **STEEL BUILDING PLANS**
420 68TH STREET
MARATHON, FL

DESIGNER:
Evan J. Caldwell
88101 Overseas Highway
Islamorada, FL 33038
Phone: (305) 658-7854
E-mail: evan@evanec.com

NO.	DATE	DESCRIPTION

SCALE: AS SHOWN
DRAWN BY: EC CHECKED BY: JR
SHEET: **A-2**

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-98**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A REQUEST BY GUNNAR HOLDINGS LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF A COMMERCIAL WAREHOUSE WITH EIGHT (8) RENTAL BAYS INCLUDING ELEVATED LOFT OFFICE SPACE AND BATHROOM LOCATED AT 420 69TH STREET OCEAN; BLOCK 2 LOTS 1 & 2 FIRST ADDITION TO SEACREST KEY VACA, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00339230-000000. NEAREST MILE MARKER 51.

WHEREAS; Gunnar Holdings LLC (The “Applicant”) filed an Application on July 31, 2024 for a Conditional Use Permit pursuant to Chapter 102, Articles 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant has proposed to the development of a Commercial Building with eight (8) individual rental bays with a loft office and bathroom; 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 16th 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 8th day of October, 2024 the City Council (the “Council”) 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; 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 redevelopment in 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,

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 2024-07, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Gunnar Holdings, LLC 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 approval by the State Department of Economic Opportunity.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8TH 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

**EXHIBIT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER 24-07**

A DEVELOPMENT ORDER APPROVING A REQUEST BY GUNNAR HOLDINGS LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF A COMMERCIAL WAREHOUSE WITH EIGHT (8) RENTAL BAYS INCLUDING ELEVATED LOFT OFFICE SPACE AND BATHROOM LOCATED AT 420 69TH STREET OCEAN; BLOCK 2 LOTS 1 & 2 FIRST ADDITION TO SEACREST KEY VACA, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00339230-000000. NEAREST MILE MARKER 51.

WHEREAS; Gunnar Holdings LLC (The “Applicant”) filed an Application on July 31, 2024 for a Conditional Use Permit pursuant to Chapter 102, Articles 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant has proposed the development of a Commercial Building with eight (8) individual rental bays with a loft office and bathroom; 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 16th 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 8th day of October, 2024 the City Council (the “Council”) 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; 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 redevelopment in 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,

FINDINGS OF FACT:

1. The applicant will redevelop the project site as set out in the project site plan allowing the Applicant to develop a Commercial Building with eight (8) individual rental bays with a loft office and bathroom (See Approved Site Plan – Exhibit A” and all Plans otherwise provided and approved, or approved as revised, as part of the Applicant’s submittal):
2. In accordance with Section 102.77 of the 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
 - 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 case of fire or catastrophe;
 2. Off-street parking and loading areas where required, with particular attention to item 1 above;
 3. The noise, glare or odor effects of the conditional use on surrounding properties;
 4. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
 5. Utilities, with reference to location and availability;
 6. Screening and buffering with reference to type, dimensions and character;
 7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 8. Required yards and other open space;
 9. General compatibility with surrounding properties; and

CONDITIONS IMPOSED:

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

Conditions of Approval

- 1) A Final Landscape Plan must be submitted showing the selected proper treatments and buffers, including the appropriate treatment types and trees.
- 2) The applicant will show clear site triangles on final site plan.
- 3) The applicant must submit a final lighting plan prior to permit issuance.
- 4) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal.
- 5) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 6) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 7) The applicant will obtain City approval of wastewater management through the City's Wastewater Utility;
- 8) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 9) The applicant will obtain sign permits for any signs erected on the property, as required under the code; and
- 10) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

VIOLATION OF CONDITIONS:

The applicant understands and acknowledges that it must comply with all of 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 Department of 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, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Commerce. During that forty-five days, the Florida Department of 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 Gunnar Holdings LLC, PO Box 510266, Key Colony Beach, FL 33051 this ____ day of _____, 2024.

Diane Clavier City Clerk

EXHIBIT "A": Site Plan

