

**CITY OF MARATHON, FLORIDA
RESOLUTION 2014-128**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A REQUEST BY MARATHON LAND HOLDINGS 3 LLC (SERENITY COVE) FOR A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 102, ARTICLES 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “CONDITIONAL USE PERMITS”, SEEKING THE DEVELOPMENT OF FOUR UNDEVELOPED LOTS THROUGH THE PROPOSED DEVELOPMENT OF TOWNHOMES AND COMMERCIAL USES ON PROPERTY LOCATED AT 12550 OVERSEAS HIGHWAY, WHICH IS LEGALLY DESCRIBED AS TOWNSHIP 66, SECTION 5, RANGE 33; FAT DEER KEY, MARATHON, FLORIDA; HAVING REAL ESTATE NUMBER 00100620-000000. NEAREST MILE MARKER 54.5.

WHEREAS, Marathon Land Holdings 3, LLC (Serenity Cove) (The “Applicant”) filed an Application on April 16th, 2014 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 13 and 8 respectively of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant has proposed to develop seventeen (17) townhomes and 4,116 square feet of low intensity commercial space (60% FAR) on a site previously known as Longhorn Lodge Resort into residential units market rate units); and

WHEREAS, City staff reviewed the Applicant’s request for a Conditional Use 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 7th day of October 2014, 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 respectively of the LDRs; and

WHEREAS, and on the 14th day of October, 2014 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 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 2014-03, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Marathon Land Holdings 3, 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 28th day of October 2014.

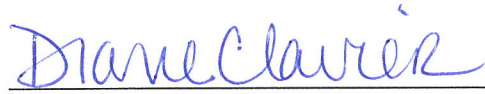
THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Senmartin, Bartus, Bull, Keating, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None

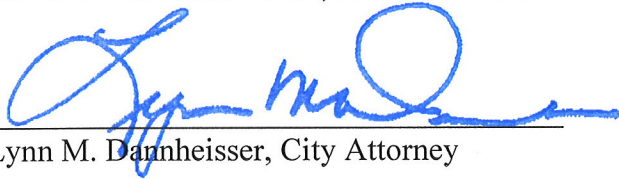
ATTEST:



Diane Clavier
City Clerk

(City Seal)

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



Lynn M. Darnheisser, City Attorney



**CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2014-07**

A DEVELOPMENT ORDER OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A REQUEST BY MARATHON LAND HOLDINGS 3 LLC (SERENITY COVE) FOR DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 102, ARTICLES 8 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “DEVELOPMENT AGREEMENT”, SEEKING THE DEVELOPMENT OF FOUR UNDEVELOPED LOTS THROUGH THE PROPOSED DEVELOPMENT OF TOWNHOMES AND COMMERCIAL USES ON PROPERTY LOCATED AT 12550 OVERSEAS HIGHWAY, WHICH IS LEGALLY DESCRIBED AS TOWNSHIP 66, SECTION 5, RANGE 33; FAT DEER KEY, MARATHON, FLORIDA; HAVING REAL ESTATE NUMBER 00100620-000000. NEAREST MILE MARKER 54.5.

WHEREAS, Marathon Land Holdings 3, LLC (Serenity Cove) (The “Applicant”) filed an Application on April 16th, 2014 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 13 and 8 respectively of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant has proposed to develop seventeen (17) townhomes and 4,100 square feet of low intensity commercial space (60% FAR) on a site previously known as Longhorn Lodge Resort into residential units market rate units); and

WHEREAS, the Applicant has entitlements on the project site for seven (7) market rate residential units and 27,724 square feet of commercial space the result of a transfer from the Marriott Courtyard (RE No. 00102810-000000) site and previous demolition of market rate units there; and

WHEREAS, the Applicant has not yet but shall comply with Chapter 107, Article 2, Section 18. C. at of before the time of project permitting; and

WHEREAS, the Applicant must obtain and transfer ten (10) market rate units in excess of what the City has recognized as legally established on the property, to be transferred via the Transfer of Building Rights (TBR’s), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY MARKET RATE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use 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 7th day of October 2014, 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 respectively of the LDRs; and

WHEREAS, and on the 14th day of October, 2014 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 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 develop the project site subject to the site plan attached to construct seventeen (17) market rate units, to include 4,100 square feet of commercial at sixty percent floor area ratio, a clubhouse and pool, repair of an existing marina and boat ramp (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. Reduce the number of units to 17 MR units and approximately 4,100 square feet of commercial space. A final revised site plan must be submitted which eliminates the "Phase 2 Affordable Unit."
2. The clubhouse shall remain on the second floor due to the VE12 Flood zone. Inside areas below the Base Flood Elevation (BFE) shall not be improved areas, shall not include electrical or mechanical equipment and shall only be used for storage, garage areas, or access to areas above BFE. In the alternative, as non-residential structure areas below BFE may be "flood proofed", designed and certified by a qualified engineer or architect.
3. A Hydrographic Engineering Analysis must be submitted as the swimming pool is located and elevated in the VE zone and is shown as elevated above grade.
4. If the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site plan.
5. The applicant will obtain approval of final landscaping showing the proper treatments and buffers, including the appropriate treatment types and trees in coordination with the City Biologist before project is permitted;
6. A detailed lighting plan must be submitted before permit issuance;
7. All "Regulated Trees" as defined in Chapter 106, Article 2, Section 106.12 that are allowed to be removed as part of the construction of the project shall be replaced on site

- in accordance with Section 106.11.
8. Clear sight triangles must be shown on the site plan at time of building permit issuance.
 9. Bicycle racks must be shown on site plan
 10. Handicapped spaces must be the proper dimensions
 11. All signs will be reviewed and approved for compliance with the City of Marathon LDRs.
 12. A Final Site Plan must be submitted showing the buildings meeting the required setbacks;
 13. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
 14. The applicant will meet all floodplain related requirements as part of the Building Permit process;
 15. The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
 16. The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
 17. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
 18. The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance;
 19. The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
 20. Prior to the issuance of a certificate of occupancy for the six (6) market rate residential units transferred from the Marriott Resort (Marathon Hospitality, LLC) site to the Serenity Cove site in accordance with Chapter 107, Article 2, Section 107.18 (Affordable Housing Requirement) C. ("Affordable Housing Program Fund"), the applicant shall be required to pay the incurred transfer fees in the amount of \$20,000 per market rate residential unit. The total transfer fees owed the City is \$120,000.
 21. The Applicant must obtain and transfer ten (10) market rate units in excess of what the City has recognized as legally established on the property, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY MARKET RATE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.
 22. The Conditional Use Development Order will constitute the Certificate of Concurrence 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 thirty (30) 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.

11-14-14
Date

George Garfett
George Garfett
Director of Planning

This Development Order was filed in the Office of the City Clerk of this 14 day of November 2014.

Diane Clavier
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

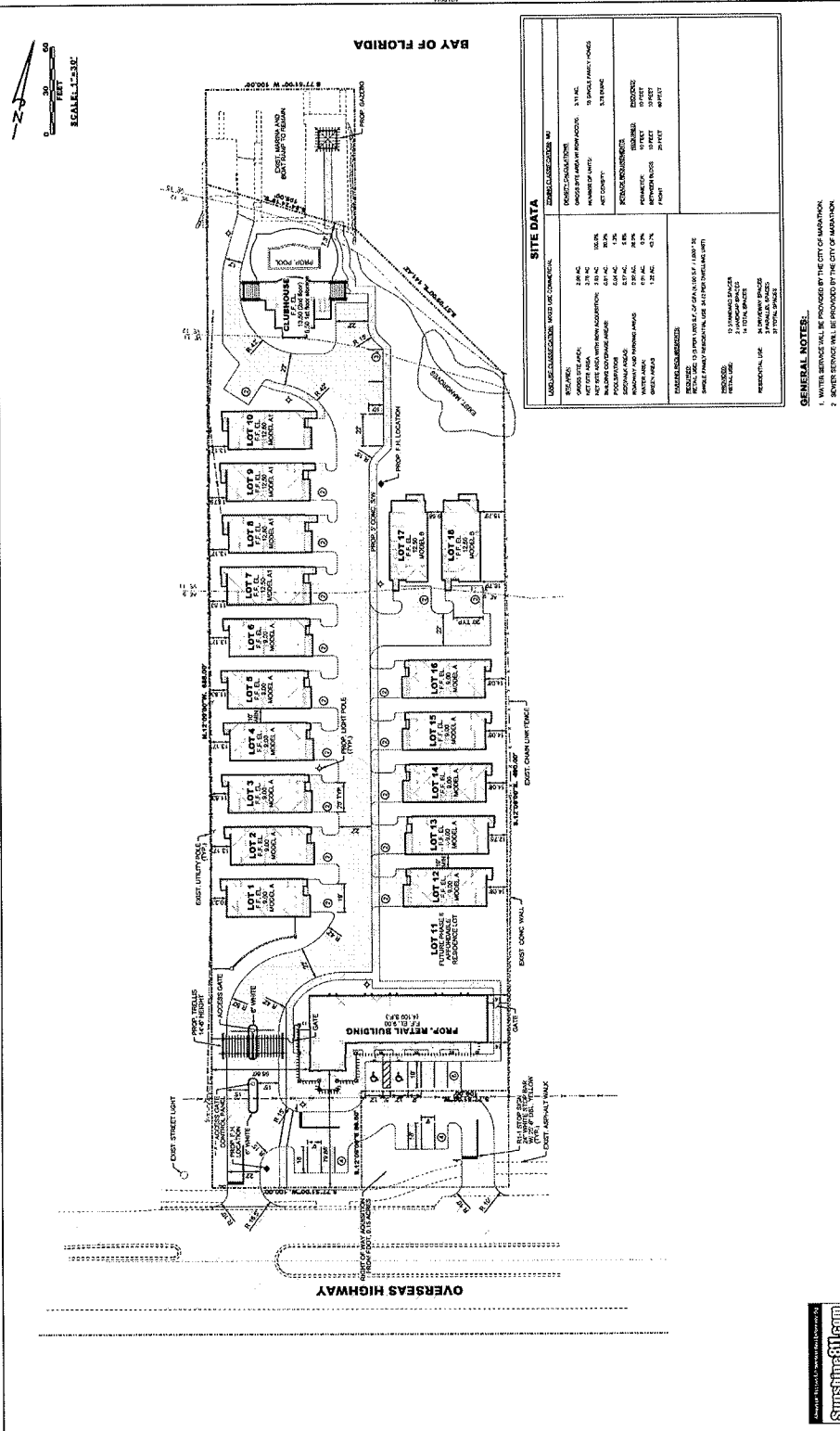
application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within two (2) year from the date of conditional use approval, or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured with five (5) years of the date of this development order is approved by the City Council.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Economic Opportunity 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 Larry Abbo
this 14th day of November, 2014.

4651 Sheridan St #480
Hollywood, FL 33021



DATE	BY	REVISION
DESIGNED BY: JPK Date: 12/14/11 CHECKED BY: RW Date: 01/14/12 DRAWN BY: JPK Date: 01/14/12 CONSULTANT:		
APPROVED BY: JAY FRICKER Date: 12/15/11 REGISTERED CIVIL ENGINEER No. 12562 Board Expires: 12/31/2015 City of Pinellas		

SUNSHINE FLORIDA

HSQ GROUP, INC.
 Engineers - Planners - Surveyors
 2500 Bay Blvd., Suite 400
 Clearwater, FL 34615
 Phone: 727-360-0211
 Fax: 727-360-0212
 Website: www.hsqq.com

PROJECT NUMBER 1403-20
SHEET NUMBER SP-1

SERENITY COVE
SITE PLAN

GENERAL NOTES:

1. WITHIN SERVICES SHALL BE PROVIDED BY THE CITY OF MANASSAS.
2. CENTER POINT SHALL BE PROVIDED BY THE CITY OF MANASSAS.

SITE DATA	
GENERAL NOTES:	PERMITS/REGULATIONS:
TOTAL DEVELOPABLE AREA: 2.80 AC NET SITE AREA: 2.78 AC MAXIMUM BUILDING COVERAGE: 45.4% MAXIMUM LOT COVERAGE: 20.0% MAXIMUM FLOOR AREA: 134,520 SF MINIMUM FLOOR AREA: 134,520 SF MINIMUM PAVEMENT WIDTH: 20.0 FT MINIMUM FRONT SETBACK: 15.0 FT MINIMUM SIDE SETBACK: 15.0 FT MINIMUM REAR SETBACK: 15.0 FT	MUNICIPAL ZONING: R-10 STATE ZONING: R-10 COUNTY ZONING: R-10 CITY ZONING: R-10 FEDERAL ZONING: R-10 LOCAL ZONING: R-10 OTHER ZONING: R-10 OTHER ZONING: R-10 OTHER ZONING: R-10