

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-119**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, PROVIDING CONDITIONAL APPROVAL FOR THE ALLOCATION OF SEVENTEEN (17) AFFORDABLE RESIDENTIAL ALLOCATIONS IN CONSIDERATION OF REQUEST BY KEYS AFFORDABLE DEVELOPMENT, LLC PURSUANT TO CHAPTER 102, ARTICLE 4 AND CHAPTER 107, ARTICLE 1, SECTION 107.10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE LDRS”), “BORROWING AND BANKING OF ALLOCATIONS;” THE APPROVAL IS GRANTED AS PART OF THE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) IN CONJUNCTION WITH A REQUEST FOR A CONDITIONAL USE PERMIT AUTHORIZING THE DEVELOPMENT OF TWENTY-SIX (26) ONE, TWO AND THREE BEDROOM APARTMENTS ON PROPERTIES; LOCATED AT 575-771 73RD ST OCEAN; WHICH IS LEGALLY DESCRIBED AS PART OF LOTS 6-11 RIEMANN’S SUBDIVISION, SECTION 12, TOWNSHIP 66, RANGE 32, MARATHON, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00342070-000000, 00342080-000000, 00342090-000000, 00342100-000000, 00342110-000000, NEAREST MILE MARKER 51; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS; Keys Affordable Development, LLC (The “Applicant”) filed an Application on September 11th, 2015 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 develop twenty-six (26) one, two and three bedroom affordable apartments on 73rd Street; and

WHEREAS; the Applicant has entitlements on the project site for nine (9) market rate residential units existing on site; and

WHEREAS; the Applicant must obtain twenty-six (26) affordable residential units, 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 AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT; 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 8th day of October 2015, 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; on the 13th day of October, 2015 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, on the 13th day of October 2015 the City Council approved the Applicant's request for a Conditional Use Permit in Resolution 2015-118;

WHEREAS, the Applicant made a request for seventeen (17) affordable residential BPAS allocations Pursuant To Chapter 102, Article 4 And Chapter 107, Article 1, Section 107.10 Of The City Of Marathon Land Development Regulations ("the LDRs"), "Borrowing And Banking Of Allocations" As Part Of The Building Permit Allocation System (BPAS) In Conjunction With A Request For A Conditional Use Permit And Development Agreement; and

WHEREAS, the Applicant holds nine (9) Market Rate or Affordable Residential entitlements for residential units that they intend to demolish and re-develop as part of the project proposal; and

WHEREAS, on the 13th day of October, 2015 the City Council (the "Council") conducted a properly advertised public hearing (the "Public Hearing") regarding the request for BPAS allocations submitted by the Applicant; and

WHEREAS, based on competent and substantial testimony by the Applicant and staff, public input, and in accordance with requirements to afford due process, the Council agreed to allocate seventeen (17) affordable residential BPAS allocations to the Applicant with Conditions as outlined below.

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 has determined that it has adequate affordable residential BPAS allocation to accommodate the project in accordance with the provisions of Chapter 107, Article 2, Section 107.10, "Borrowing and Banking of Allocations."

Section 3. Based upon the information, evidence and testimony presented by City Staff and members of the public, the City Council approves the award BPAS allocations to the project known as Keys Affordable Development, LLC with conditions as follows:

1. The City Council agreed in a public hearing held on October 13, 2015 to allocate seventeen (17) affordable residential units through the BPAS process. The Applicant is encouraged through this approval to seek Affordable Housing Unit Allocations from Monroe County. If such is accomplished, then the City will allocate the difference between the number allocated by Monroe County and the seventeen (17) allocated by the City through this Resolution.
2. The Applicant will be required to acquire by separate means nine (9) affordable residential units either utilizing their existing nine (9) market rate or affordable residential entitlements or by transferring them by means established in Chapter 107, Article 2, "Transfer of Building Rights" in order to provide the compliment of residential allocations and or entitlements necessary to construct the approved project of thirty-eight (38) units.
3. The approval of a Conditional Use Permit (Resolutions 2015-118) do not convey or grant a vested right or entitlement to any future allocations by the city of any residential units not currently in possession by the applicant or otherwise approved by the City.
4. The Applicant shall be obligated to utilize the seventeen (17) affordable residential BPAS allocations awarded by the City in accordance with the phasing and timelines established in the project Conditional Use Permit, Resolution 2015-118.

Section 4. This Resolution shall become effective immediately upon approval by the State Department of Economic Opportunity.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13TH DAY OF OCTOBER, 2015.

THE CITY OF MARATHON, FLORIDA



Chris Bull, Mayor

AYES: Senmartin, Zieg, Keating, Kelly, Bull
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:**



David Migut, City Attorney