CITY OF MARATHON, FLORIDA RESOLUTION 2015-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY BLUE WATER RESORT HOSPITALITY LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED "CONDITIONAL USE PERMITS", AUTHORIZING THE REDEVELOPMENT OF TWENTY-ONE (21) HOTEL/MOTEL RESORT UNITS AND 3,000 SQUARE FEET OF COMMERCIAL SPACE AT THE PROPERTIES LOCATED AT 2222 OVERSEAS HIGHWAY, GULF, WHICH IS LEGALLY DESCRIBED AS PART OF LOT 2, AND BAY BOTTOM ADJACENT TO LOT 2, KEY VACCAS, MARATHON, FLORIDA, HAVING REAL ESTATE NUMBER 00102730-000000; NEAREST MILE MARKER 48; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Blue Water Resort Hospitality LLC, (The "Applicant") filed an Application on February 18, 2015 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 proposes to redevelop twenty-one (21) existing hotel/motel units adding 3,000 square feet of commercial space; and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and Development Agreement 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 20th day of April, 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 of the LDRs; and

WHEREAS, and on the 12th day of May, 2015 and the 9th day of June, 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 the redevelopment of hotels and motels 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 2015-02, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Blue Water Resort Hospitality LLC for the redevelopment of twenty-one (21) hotel/motel rooms and 3,000 square feet of commercial space. 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9th DAY OF JUNE, 2015.

THE CITY OF MARATHON, FLORIDA

Chris Bull, Mayor

AYES:

Zieg, Keating, Kelly, Senmartin, 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:

City Attorney



CITY OF MARATHON, FLORIDA AMENDMENT TO AN APPROVED CONDITIONAL USE DEVELOPMENT ORDER # 2015-02

A DEVELOPMENT ORDER APPROVING THE REQUEST BY BLUE WATER RESORT HOSPITALITY LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED "CONDITIONAL USE PERMITS", AUTHORIZING THE REDEVELOPMENT OF TWENTY-ONE (21) HOTEL/MOTEL RESORT UNITS AND 3,000 SQUARE FEET OF COMMERCIAL SPACE AT THE PROPERTIES LOCATED AT 2222 OVERSEAS HIGHWAY, GULF, WHICH IS LEGALLY DESCRIBED AS PART OF LOT 2, AND BAY BOTTOM ADJACENT TO LOT 2, KEY VACCAS, MARATHON, FLORIDA, HAVING REAL ESTATE NUMBER 00102730-000000; NEAREST MILE MARKER 48; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Blue Water Resort Hospitality LLC, (The "Applicant") filed an Application on February 18, 2015 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 proposes to redevelop twenty-one (21) existing hotel/motel units adding 3,000 square feet of commercial space; and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and Development Agreement 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 20th day of April, 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 of the LDRs; and

WHEREAS, and on the 12th day of May, 2015 and the 9th day of June, 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 the redevelopment of hotels and motels 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 OWNER is proposing to redevelop twenty-one (21) existing hotel/motel units, construct 3,000 square feet of new Commercial and to provide employee housing in compliance with Chapter 104.25 A. 4. (a).
- 2. In accordance with Section 102.77 of the LDRs, the Commission and Council considered and determined that the OWNER 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
 - 10. The allocation and transfer of transient residential units (TRUs).
 - 11. Obligations to provide adequate workforce housing.
 - 12. Any special requirements set forth in the LDRs for the Proposed Use involved.

CONDITIONS IMPOSED:

Granting approval of the Amendment to the CUP is subject to the following conditions:

- 1) As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
- 2) The applicant shall provide a complete list of all tangible property, employees, access, etc. that will be shared with the Marriott Property.
- 3) The applicant will record any and all easements/agreements needed for the sharing of items on said above list.
- 4) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 5) The applicant will submit and obtain approval of fire protection plans in accordance with fire protection requirements established by the City Fire Marshal prior to building permit issuance;
- Approval of parking is conditioned on shared access easements and abandonment of DOT ROW;
- 7) Clear sight triangles must be shown on the site plan at time of building permit issuance.
- As the Blue Water project and Marriott Courtyard project will share common elements, they should collectively reduce their access points onto U.S. 1 based on forthcoming permitting considerations with FDOT
- 9) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 10) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 11) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 12) The applicant will connect to the City wastewater utility system prior to the issuance of a Certificate of Occupancy (CO).
- 13) The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance;
- 14) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 15) All areas or features which project above 37 feet shall be non-habitable space.
- The roof-top deck of the hotel/motel structure shall not be utilized for any hotel/motel function involving hotel/motel guests, but may be utilized by employees or contractors performing routine work or maintenance on the building.
- 17) The Applicant is required to obtain 2,700 square feet of Commercial BPAS space by any legal means available.
- As a condition of approving a Certificate of Occupancy (C.O.) for the project, the Applicant is required to provide employee housing units in general compliance with Chapter 104.25 A. 4. (a) of the LDRs.
- 19) 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 OWNER 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 City Code and LDRs, the Council may revoke this approval upon a determination that the OWNER or its successor or designee is in non-compliance with this Resolution, City Code, or LDRs. Failure to adhere to the terms and conditions of approval contained herein is a violation of the City 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 LDRs, 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 CUP Amendment 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 CUP Amendment granted herein shall be subject to appeal as provided in the LDRs. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

George Garrett
Director of Planning

This Development Order was filed in the Office of the City Clerk of this _____ day of ______ day of ______

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 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 Economic Opportunity 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 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 Economic Opportunity. 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 this day of the day of the sheridan street #480 to the sheridan street #480

Diane Clavier City Clerk

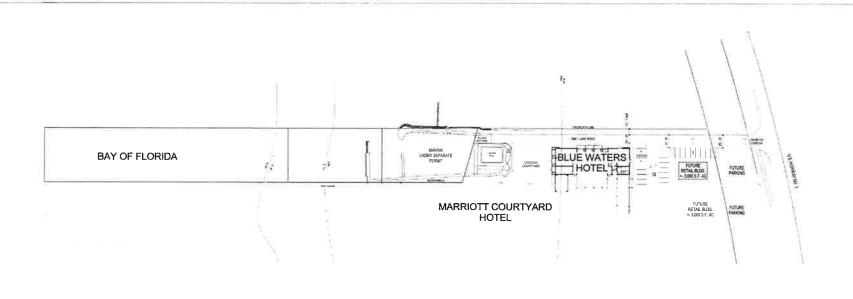
ATTACHMENT A Project Plans



Blue Waters Hotel

2222 Overseas Highway City of Marathon Florida 33050







PRESIDENT AND COLUMN TOWN GROUND FLOOR AC NET AREA APP

LANAI FLOOR AREA APP COVERED BREEZEWAY AREA APP.

= 6,802 S.F.

SECOND FLOOR AC NET AREA APP. BALCONY FLOOR AREA APP. " 7,138 S.F. = 280 S.F. THIRD FLOOR AC NET AREA APP BALCONY FLOOR AREA APP.

= 7,418 S.F.

TOTAL AC SET HOTEL APER APP = 20,678 S.F TOTAL GROSS HOTEL AREA WAY. = 23.746 S F.

AA 26002234

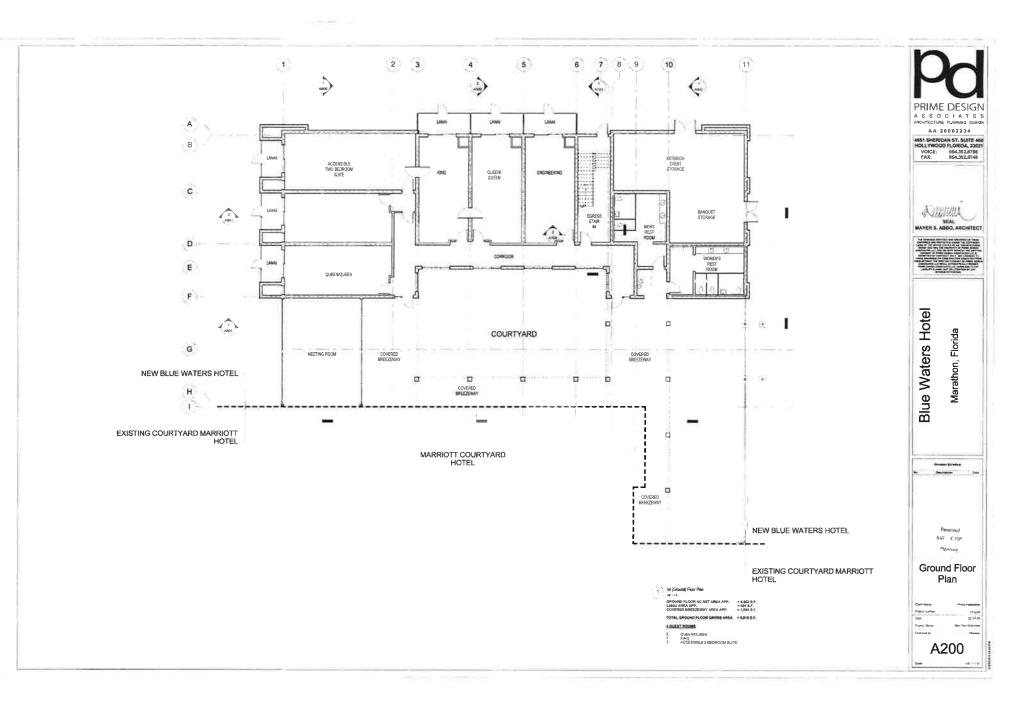
4651 SHERIDAN ST. SUITE 469 HOLLYWOOD FLORIDA, 33021 VOICE: 954.392.8768 FAX: 954.392.8748

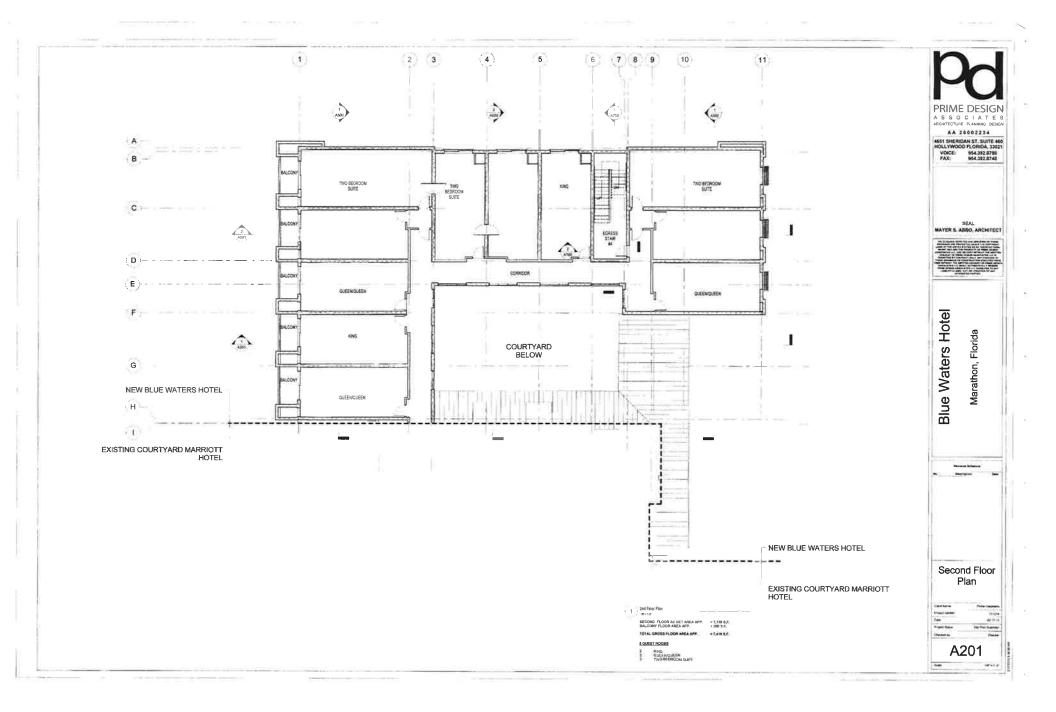
Blue Waters Hotel Marathon, Florida

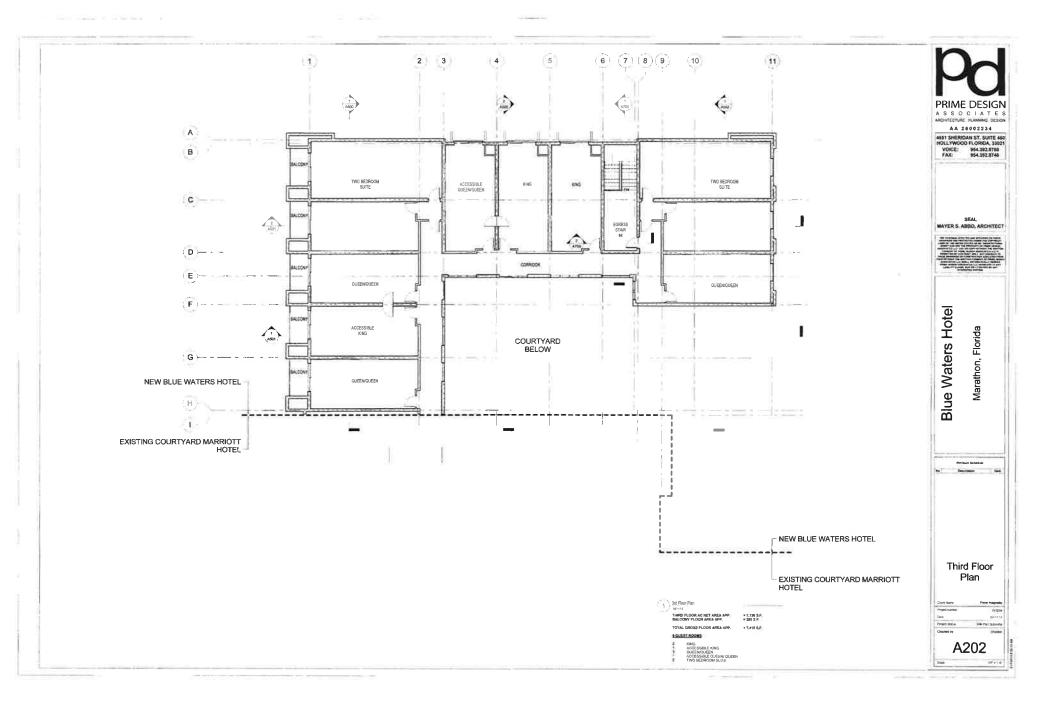
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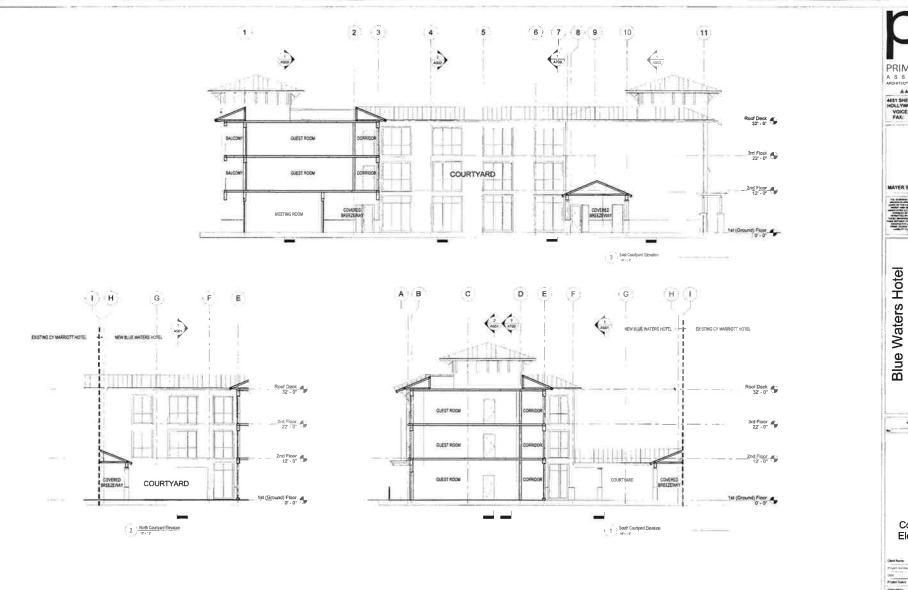
Site Plan

A005

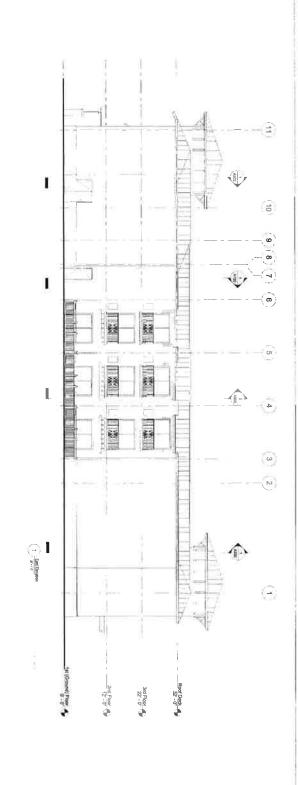








A S S O C I A T E S ARCHITECTURE PLANNING DESIGN AA 24002234 4651 SHERIDAN 5T. SUITE 460. HOLLYWOOD FLORIDA, 33021 VOICE: 954.392,8728 FAX: 954.392,8748 SEAL MAYER S. ABBO, ARCHITECT Blue Waters Hotel Marathon, Florida Courtyard Elevations



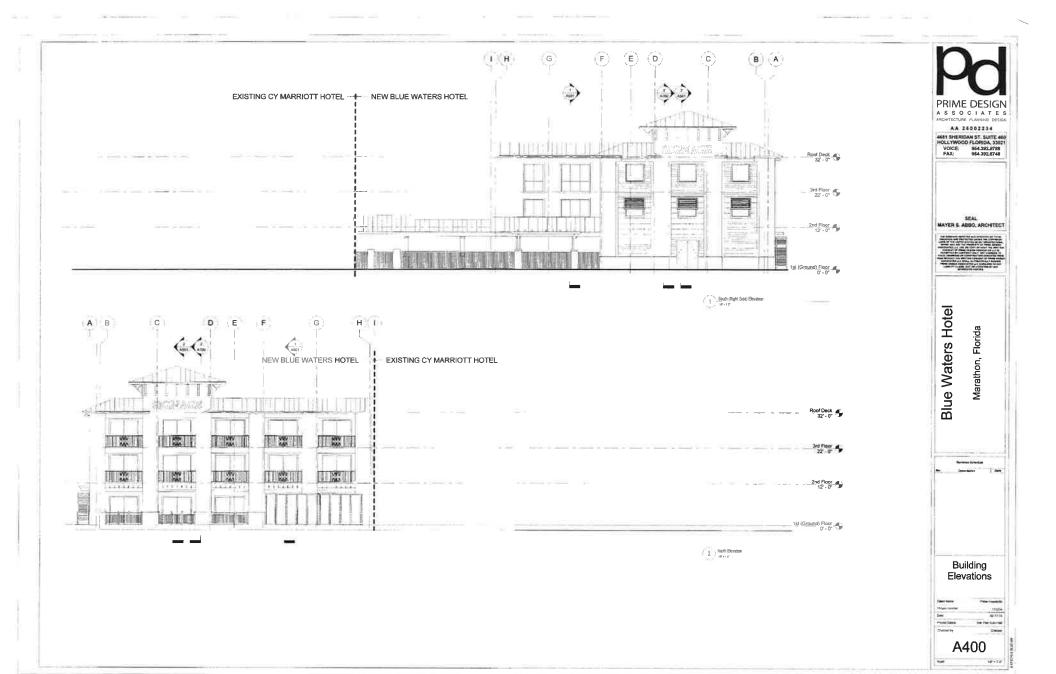
Blue Waters Hotel

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(3) (11) AA 26002234 #651 SHERIDAN ST. BUITE #60 HOLLYWOOD FLORIDA 33021 VOICE: 954.392.8788 FAX: 954.392.8748 (B (c) SEAL MAYER S. ABBO, ARCHITECT (D)-/ E }- $\langle \mathbf{F} \rangle$ Blue Waters Hotel COURTYARD BELOW Marathon, Florida G ---ROOF AREA BELOW NEW BLUE WATERS HOTEL ROOF AREA BELOW (H == EXISTING COURTYARD MARRIOTT HOTEL NEW BLUE WATERS HOTEL Roof Plan - EXISTING COURTYARD MARRIOTT HOTEL (1) Roof Plan

