

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-46**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING A REQUEST BY GRASSY KEY RESORT GROUP, LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLES 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED "CONDITIONAL USE PERMIT" SEEKING AUTHORIZATION FOR THE REDEVELOPMENT OF AN EXISTING HOTEL RESORT AND COMMERCIAL USES ON PROPERTY LOCATED AT 58070 AND 58182 OVERSEAS HIGHWAY, WHICH IS LEGALLY DESCRIBED AS TOWNSHIP 65, SECTION 24, RANGE 33; BK 36 LTS 1-2-3-4, PT LTS 5-6 (PARCEL A) AND WLY 15FT UNNAMED ST ADJ LOT 1 RES B-C-C 8/11/61 AND ADJ PORTION OF FLAGLER STREET AND GRASSY KEY BAY BOTTOM ADJ LTS 1-2-3, LOT 12 AND PT LOT 13 IN THE CRAINS SUBDIVISION, GRASSY KEY, MARATHON, FLORIDA: HAVING REAL ESTATE NUMBERS 00370940-000000 AND 00371060. NEAREST MILE MARKER 58.5.

WHEREAS, Grassy Key Resort Group, LLC (The "Applicant") filed an Application on February 14th, 2019 for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the applicant has proposed the redevelopment of thirty three (38) transient units (two properties, one motel complex of thirty-three (33) units and five (5) RV sites) and 11,550 square feet of commercial space, including a hotel/motel/resort lodging, retail store, bar, accessory building and accessory uses, clubs, and two swimming pools; and

WHEREAS, the 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, said Grassy Key Resort Group, LLC property located at 58070 Overseas Hwy (RE No. 00371060-000000) consists of 15 transient hotel/motel unit entitlements and commercial space, , and retail store; and

WHEREAS, Applicant desires to transfer 10 transient residential units from property located at 58070 Overseas Hwy (RE No. 00371060-000000) to the redevelopment of property located at 58182 Overseas Hwy (RE No. 00370940-000000) leaving 5 transient residential units at 58070 Overseas Hwy (RE No. 00371060-000000) to be developed as recreational vehicle pads (RV); and

WHEREAS, the property located at 58182 Overseas Highway (RE No. oo370940-000000) will be redeveloped to include ten (10) new hotel units in accordance with the plans attached.; and

WHEREAS, on the 15th day April, 2019, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) 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, is consistent with its policy to encourage the development of residential properties in 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 2019-07, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Grassy Key Resort Group, 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 execution.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 28th DAY OF MAY, 2019.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Zieg, Cook, Senmartin, Gonzalez, Bartus
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

EXHIBIT "A"
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2019-07

A DEVELOPMENT ORDER APPROVING A REQUEST BY GRASSY KEY RESORT GROUP, LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLES 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED "CONDITIONAL USE PERMIT" SEEKING AUTHORIZATION FOR THE REDEVELOPMENT OF AN EXISTING HOTEL RESORT AND COMMERCIAL USES ON PROPERTY LOCATED AT 58070 AND 58182 OVERSEAS HIGHWAY, WHICH IS LEGALLY DESCRIBED AS TOWNSHIP 65, SECTION 24, RANGE 33; BK 36 LTS 1-2-3-4, PT LTS 5-6 (PARCEL A) AND WLY 15FT UNNAMED ST ADJ LOT 1 RES B-C-C 8/11/61 AND ADJ PORTION OF FLAGLER STREET AND GRASSY KEY BAY BOTTOM ADJ LTS 1-2-3, LOT 12 AND PT LOT 13 IN THE CRAINS SUBDIVISION, GRASSY KEY, MARATHON, FLORIDA: HAVING REAL ESTATE NUMBERS 00370940-000000 AND 00371060. NEAREST MILE MARKER 58.5.

WHEREAS, Grassy Key Resort Group, LLC (The "Applicant") filed an Application on February 14th, 2019 for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the applicant has proposed the redevelopment of thirty three (38) transient units (two properties, one motel complex of thirty-three (33) units and five (5) RV sites) and 11,550 square feet of commercial space, including a hotel/motel/resort lodging, retail store, bar, accessory building and accessory uses, clubs, and two swimming pools; and

WHEREAS, the 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, said Grassy Key Resort Group, LLC property located at 58070 Overseas Hwy (RE No. 00371060-000000) consists of 15 transient hotel/motel unit entitlements and commercial space, , and retail store; and

WHEREAS, Applicant desires to transfer 10 transient residential units from property located at 58070 Overseas Hwy (RE No. 00371060-000000) to the redevelopment of property located at 58182 Overseas Hwy (RE No. 00370940-000000) leaving 5 transient residential units at 58070 Overseas Hwy (RE No. 00371060-000000) to be developed as recreational vehicle pads (RV); and

WHEREAS, the property located at 58182 Overseas Highway (RE No. 00370940-000000) will be redeveloped to include ten (10) new hotel units in accordance with the plans attached.; and

WHEREAS, on the 15th day April, 2019, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearing") 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, is consistent with its policy to encourage the development of residential properties in Marathon, and will further the health, safety and welfare of the residents of Marathon; and

FINDINGS OF FACT:

1. the applicant has proposed the redevelopment of thirty three (38) transient units (two properties, one motel complex and five (5) RV sites) and 11,550 square feet of commercial space, including a hotel/motel/resort lodging, retail store, bar, accessory building and accessory uses, clubs, and two swimming pools; and
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) Redevelopment area not in turtle nesting beach. Area within the turtle nesting beach shall comply with setbacks established in P2018-0251, (Site Work), P2019-0017 (Exterior remodel), P2019-0325 (dock repair).
- 2) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 3) A detailed lighting plan must be submitted before permit issuance, including requirements for turtle nesting beach lighting;
- 4) City approval is required for the stormwater management system prior to Building Permit Approval.
- 5) City approval of the modified connection to the City Wastewater Utility will be required;
- 6) All signs and turtle lighting will be reviewed and approved for compliance with the City of Marathon LDR's;
- 7) A final landscaping plan must be submitted prior to building issuance;
- 8) Clear sight triangles must be shown on the site plan at time of building permit issuance.
- 9) All hotel or motels shall provide on- or off-site employee housing living space in an amount equal to a minimum of 20 percent (as may be adjusted from time to time by Council policy to reflect economic conditions) of the approved floor area in guest units;
- 10) The applicant will obtain any required permits from ACOE and DEP prior to building permit issuance;
- 11) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshall;
- 12) 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.
- 13) 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 permit 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.

6/12/2019
Date

George Garrett
George Garrett
Director of Planning

This Development Order was filed in the Office of the City Clerk of this 12 day of June, 2019.

Diane Clavier
Diane Clavier, City Clerk

NOTICE

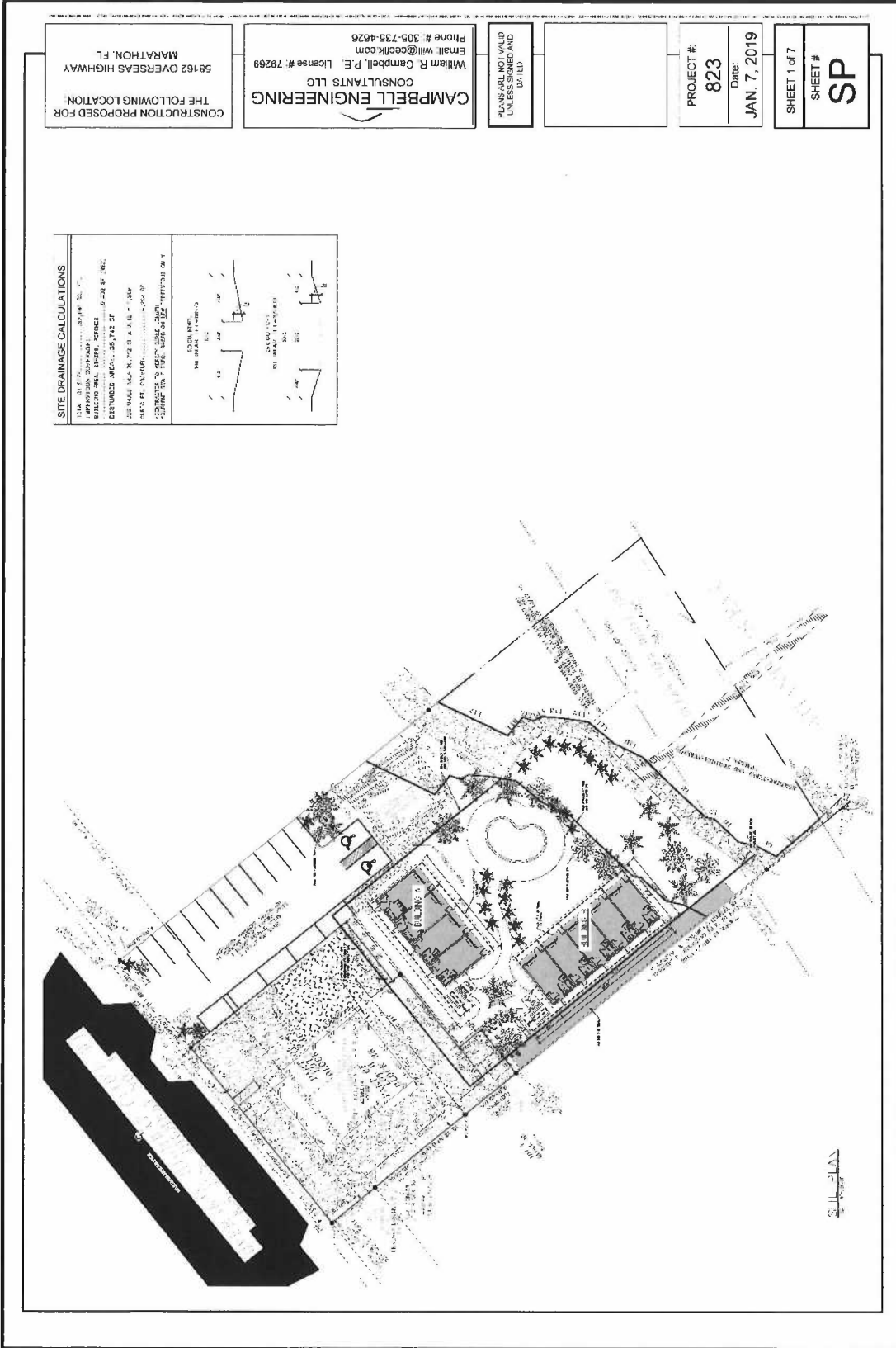
Under the authority of Section 102.79(c) of the City of Marathon Land Development Regulations, this development order shall become null and void with no further notice required by the City, unless a business license has been issued for the use or a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within one (1) 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 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 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

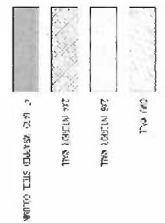
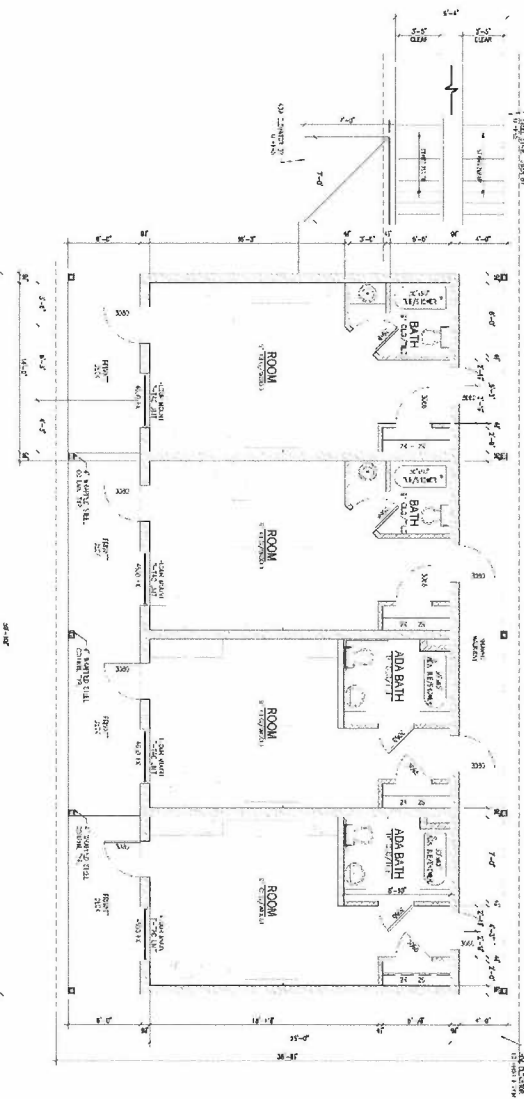
A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to Lesley Rhyne – 2975 Overseas Highway, Marathon, FL 33050 this 13 day of June 2019.

Diane Clavier
Diane Clavier, City Clerk

Attachment: Proposed Site Plan A



RESTROOM PLAN



PROJECT #
823

Date:
JAN. 7, 2019

SHEET #
A-1

SHEET 2 of 7

PLANS ARE NOT VALID
UNLESS SIGNED AND
DATED

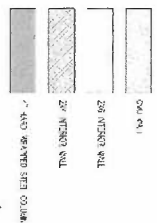
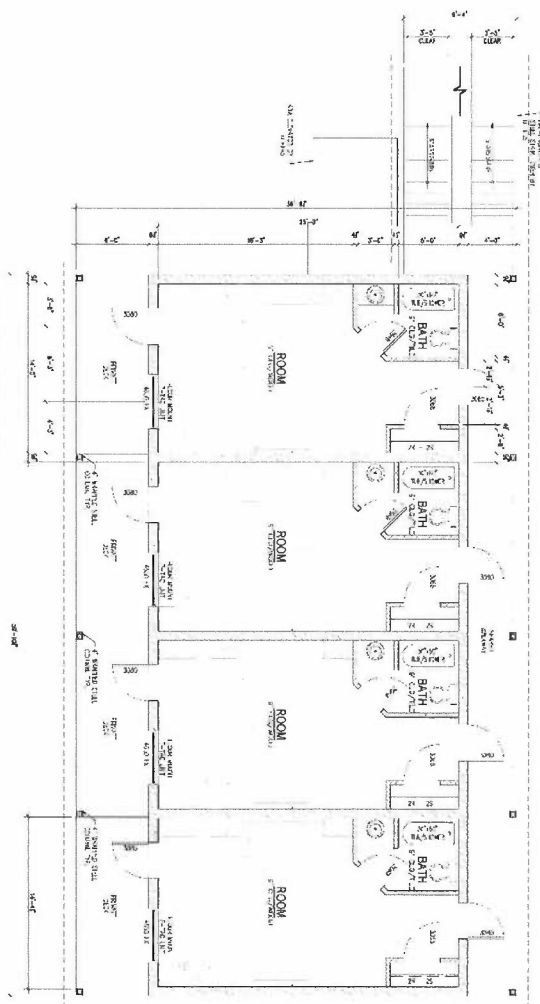
CAMPBELL ENGINEERING
CONSULTANTS LLC

William R. Campbell, P.E. License #: 79269
Email: will@cecflk.com
Phone #: 305-735-4626

CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:

58162 OVERSEAS HIGHWAY
MARATHON, FL

SECOND FLOOR PLAN



SHEET #
A-2

SHEET 3 of 7
PROJECT #
823
Date
JAN. 7, 2019

PLANS ARE NOT VALID
UNLESS SIGNED AND
DATED BY THE
DESIGNER

CAMPBELL ENGINEERING
CONSULTANTS LLC
William R. Campbell, P.E. License #: 79269
Email wil@cecflk.com
Phone #: 305-735-4626

CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:
**58162 OVERSEAS HIGHWAY
MARATHON, FL**

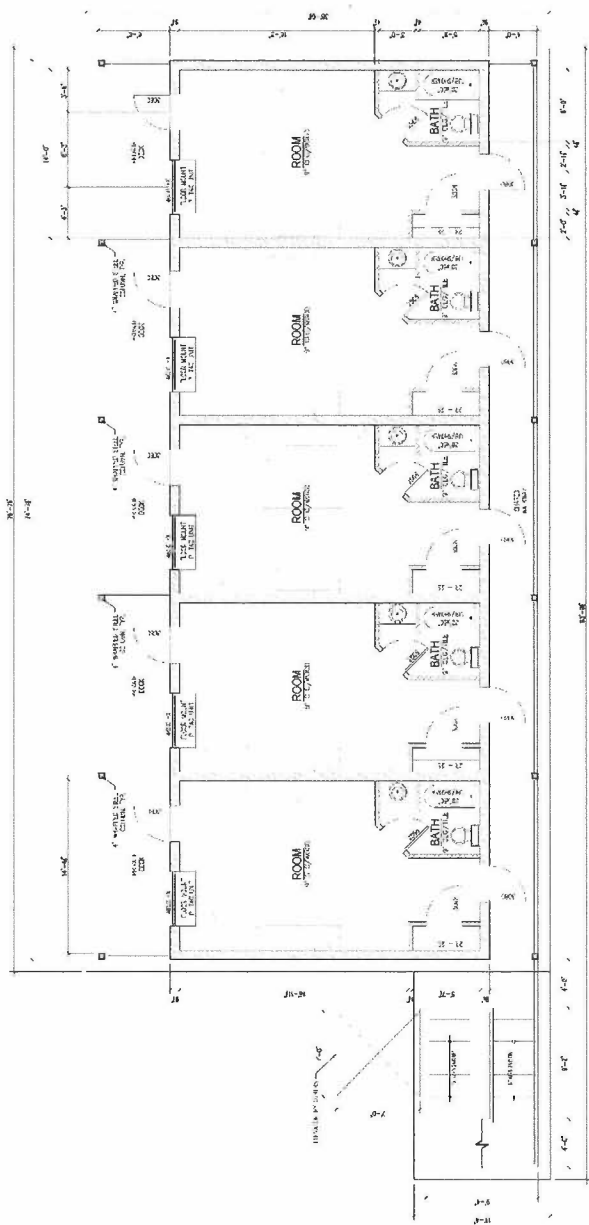
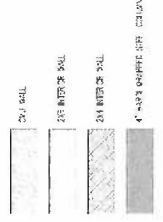
CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 58192 OVERSEAS HIGHWAY
 MARATHON, FL

CAMPBELL ENGINEERING
 CONSULTANTS LLC
 William R. Campbell, P.E. License #: 79269
 Email: will@cecik.com
 Phone #: 305-735-4626

PLANS ARE NOT VALID
 UNLESS SIGNED AND
 DATED

PROJECT #
823
 Date:
JAN. 7, 2019

SHEET 4 of 7
 SHEET #
A-3



BUILDING B FLOOR PLAN

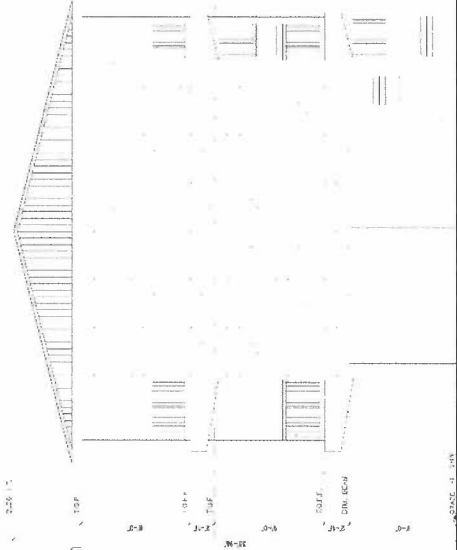
CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 58162 OVERSEAS HIGHWAY
 MARATHON, FL

CAMPBELL ENGINEERING
 CONSULTANTS LLC
 William R. Campbell, P.E. License #: 79269
 Email: will@cectk.com
 Phone #: 305-735-4626

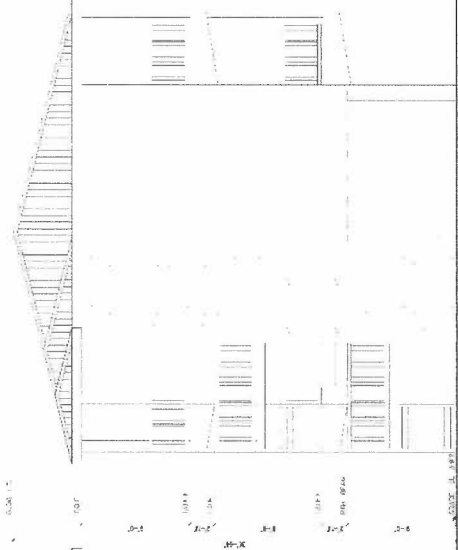
PLANS ARE NOT VALID UNLESS SIGNED AND DATED

PROJECT #
823
 Date:
JAN. 7, 2019

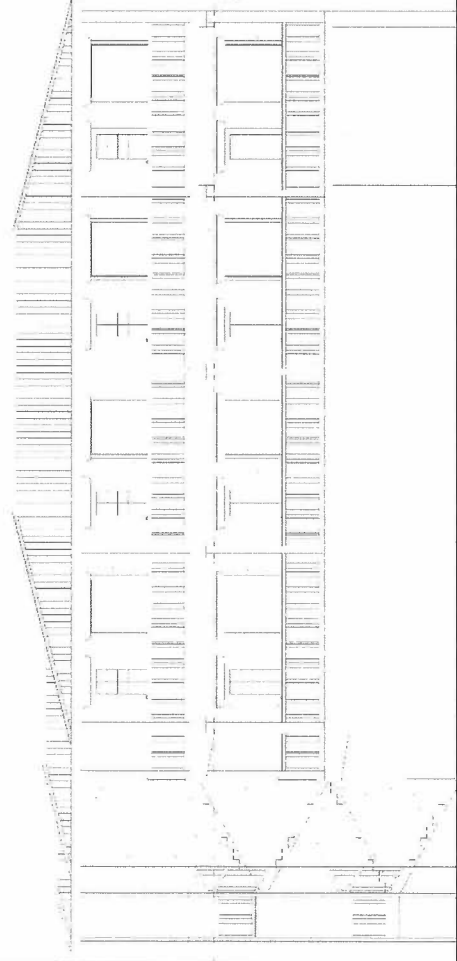
SHEET 5 of 7
 SHEET #
A-4



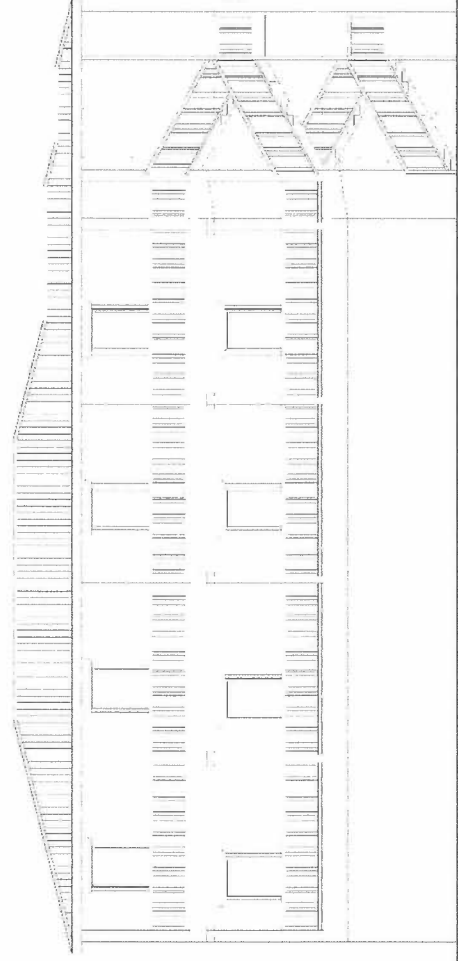
ELEVATION - BUILDING A



ELEVATION - BUILDING A



ELEVATION - BUILDING A



ELEVATION - BUILDING A

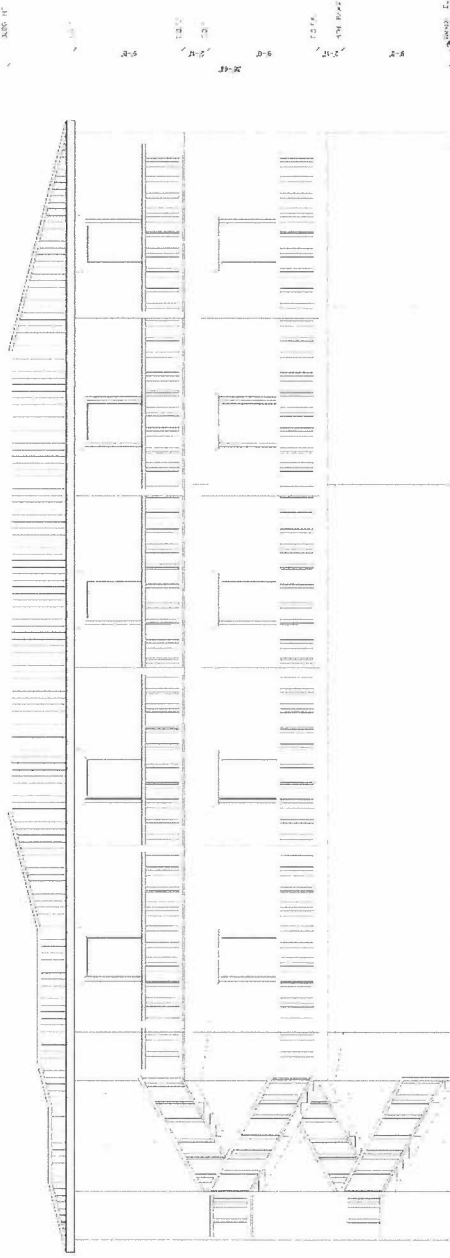
CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:
58162 OVERSEAS HIGHWAY
MARATHON, FL

CAMPBELL ENGINEERING
CONSULTANTS LLC
William R. Campbell, P.E. License # 79269
Email will@ceetk.com
Phone # 305-735-4626

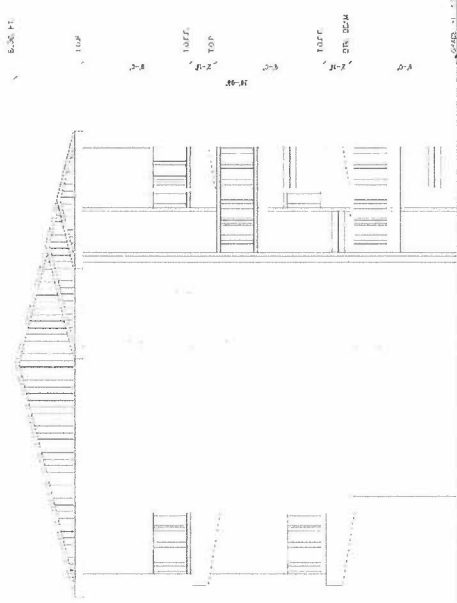
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PROJECT #
823
Date:
JAN. 7, 2019

SHEET 6 of 7
SHEET #
A-5



ELEVATION - BUILDING B



ELEVATION - BUILDING C

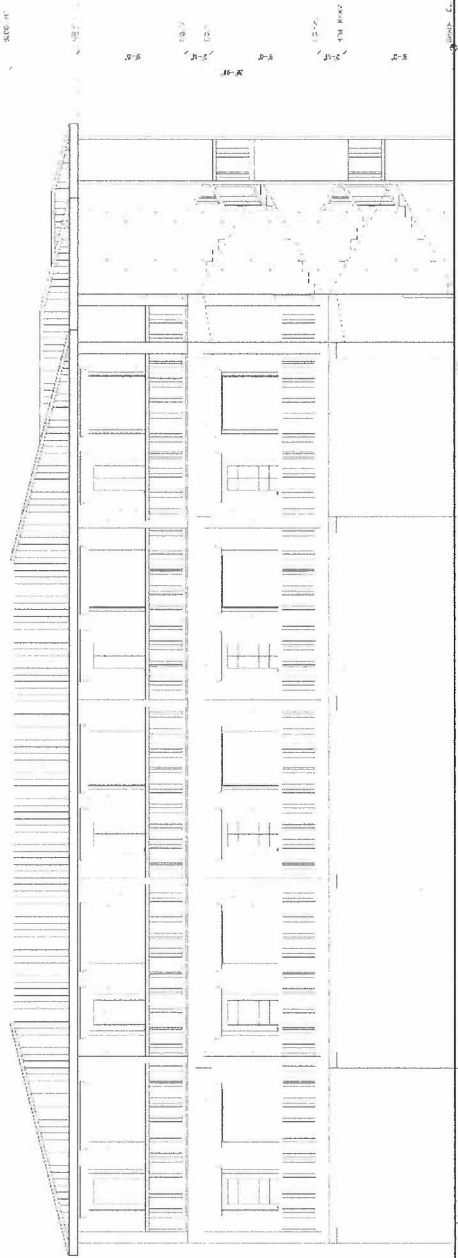
CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:
58162 OVERSEAS HIGHWAY
MARATHON, FL

CAMPBELL ENGINEERING
CONSULTANTS LLC
William R. Campbell, P.E. License #: 79269
Email: will@cecilk.com
Phone #: 305-735-4626

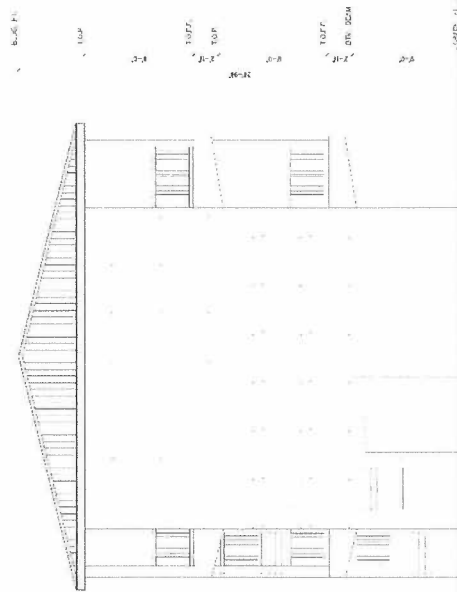
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PROJECT #
823
Date:
JAN. 7, 2019

SHEET 7 of 7
SHEET #
A-6

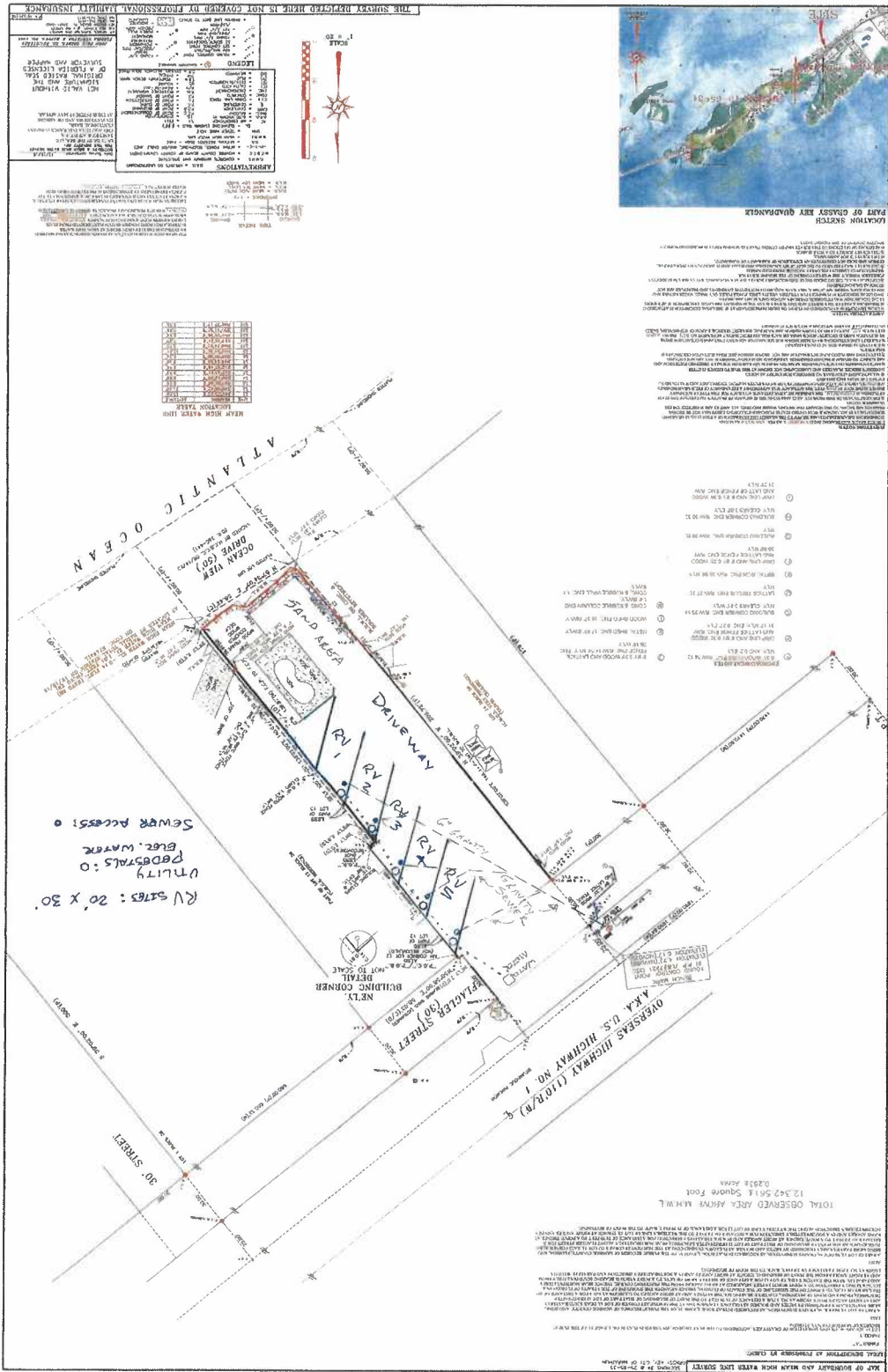


BUILDING B



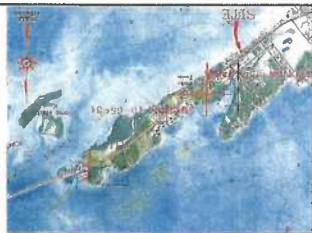
BUILDING B

Proposed Site Plan Bonfish



LEGEND

1" = 10'	Scale
North Arrow	Orientation
Property Line	---
Setback Line	- - - -
Driveway	--->
RV Site	RV 1-5
Building Footprint	--->
Other Features	--->



TABLE

Item	Description	Value
1	Area	12,342.51
2	Perimeter	1,234.56
3	Volume	567.89
4	Weight	123.45
5	Length	67.89
6	Width	34.56
7	Height	12.34
8	Depth	5.67
9	Radius	2.34
10	Diameter	4.68

NOTES

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. THE TOTAL OBSERVED AREA IS 12,342.51 SQUARE FEET.
3. THE PERIMETER OF THE SITE IS 1,234.56 FEET.
4. THE VOLUME OF THE SITE IS 567.89 CUBIC FEET.
5. THE WEIGHT OF THE SITE IS 123.45 TONS.
6. THE LENGTH OF THE SITE IS 67.89 FEET.
7. THE WIDTH OF THE SITE IS 34.56 FEET.
8. THE HEIGHT OF THE SITE IS 12.34 FEET.
9. THE DEPTH OF THE SITE IS 5.67 FEET.
10. THE RADIUS OF THE SITE IS 2.34 FEET.
11. THE DIAMETER OF THE SITE IS 4.68 FEET.

RV SITES : 20' X 30'
UTILITY
PODS/STALS : 0
SEWER ACCESS : 0
ELEC. WORK

TOTAL OBSERVED AREA SQUARE FEET
12,342.51 ACRES

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