

Sponsored By: Lindsey

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-54**

**APPROVAL BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA OF A REQUEST OF BY GRASSY KEY RESORT GROUP, LLC FOR A MODIFICATION TO THEIR CONDITIONAL USE PERMIT (RESOLUTION 2019-46) PURSUANT TO CHAPTER 102, ARTICLES 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS); SEEKING A MODIFICATION TO THEIR SITE PLAN 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 W'LY 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 CRAIN'S 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 July 1, 2020 for a modification to their Conditional Use Permit (Resolution 2019-46) and Development Agreement (Resolution 2019-47) pursuant to Chapter 102, Article 8 of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, pursuant to the Resolutions noted above, the applicant has been approved for 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 Applicant is proposing a modification on to their approvals to revise their project approved site plan allowing them to move transient allocations (originally approved as RV sites) to the Grassy Flats principal project site; and

**WHEREAS**, the transient units thus approved and moved will become additional transient hotel units, thus expanding the number of transient units on the Grassy Flats site while eliminating all units on the secondary Bonefish Resort site; and

**WHEREAS**, the Applicant is not proposing ANY additional transient units to the overall project approval; and

**WHEREAS**, the City staff reviewed the Applicant's request for a revision to the their 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**, pursuant to Chapter 102, Articles 8 and 13, the City Council reviewed the requested modification as two public hearings held on August 11, 2020 and September 8, 2020 taking input from staff, the Applicant, and the public present for the hearing; and

**WHEREAS**, the City Council made a determination that the Applicant's request for a modification to their Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, are in Compliance with the City's Comprehensive Plan and LDRs, is consistent with its policy to encourage the development of mixed commercial development 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:**

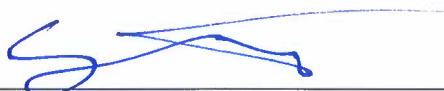
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby approves a revised Development Order to Grassy Key Resort Group, LLC, a copy of which is attached hereto as Exhibit "A," 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 8<sup>TH</sup> DAY OF SEPTEMBER 2020.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Steve Cook, Mayor**

AYES: Gonzalez, Zieg, Senmartin, Bartus, Cook  
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:



\_\_\_\_\_  
Dirk Smits, City Attorney

**EXHIBIT "A"**  
**CITY OF MARATHON, FLORIDA**  
**CONDITIONAL USE PERMIT**  
**DEVELOPMENT ORDER 2020-07**

**A DEVELOPMENT ORDER APPROVING A REQUEST BY GRASSY KEY RESORT GROUP, LLC FOR A MODIFICATION TO THEIR CONDITIONAL USE PERMIT (RESOLUTION 2019-46) PURSUANT TO CHAPTER 102, ARTICLES 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS); SEEKING A MODIFICATION TO THEIR SITE PLAN 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 W'LY 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 CRAIN'S 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 July 1, 2020 for a modification to their Conditional Use Permit (Resolution 2019-46) and Development Agreement (Resolution 2019-47) pursuant to Chapter 102, Article 8 of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, pursuant to the Resolutions noted above, the applicant has been approved for 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 Applicant is proposing a modification on to their approvals to revise their project approved site plan allowing them to move transient allocations (originally approved as RV sites) to the Grassy Flats principal project site; and

**WHEREAS**, the transient units thus approved and moved will become additional transient hotel units, thus expanding the number of transient units on the Grassy Flats site while eliminating all units on the secondary Bonfish Resort site; and

**WHEREAS**, the Applicant is not proposing ANY additional transient units to the overall project approval; and

**WHEREAS**, the City staff reviewed the Applicant's request for a revision to the their 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**, pursuant to Chapter 102, Articles 8 and 13, the City Council reviewed the requested modification as two public hearings held on August 11, 2020 and September 8, 2020 taking input from staff, the Applicant, and the public present for the hearing; and

**WHEREAS**, the City Council made a determination that the Applicant's request for a modification to their Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, are in Compliance with the City's Comprehensive Plan and LDRs, is consistent with its policy to encourage the development of mixed commercial development in Marathon, and will further the health, safety and welfare of the residents of Marathon; and

**FINDINGS OF FACT:**

1. The applicant has proposed, and is approved herein, for the redevelopment of thirty-eight (38) transient units 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 as follows:

- a. Transference of five (5) lawfully established transient residential building rights from the Applicant's property bearing Monroe County Parcel ID No. 00371060-000000 (Parcel B) to Applicant's property bearing Monroe County Parcel ID No. 00370940-000000 (Parcel A);
- b. Transference of one lawfully established residential building right onto Parcel B;
- c. The development (redevelopment) of Parcel A to add up to twenty-four (24) hotel/motel resort lodging (transient residential units) and ancillary structures for a total of thirty-eight (38) hotel/motel units.

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

**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.

9/21/2020  
Date

George Garrett  
George Garrett  
Director of Planning

This Development Order was filed in the Office of the City Clerk of this 21 day of Sept, 2020.

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**

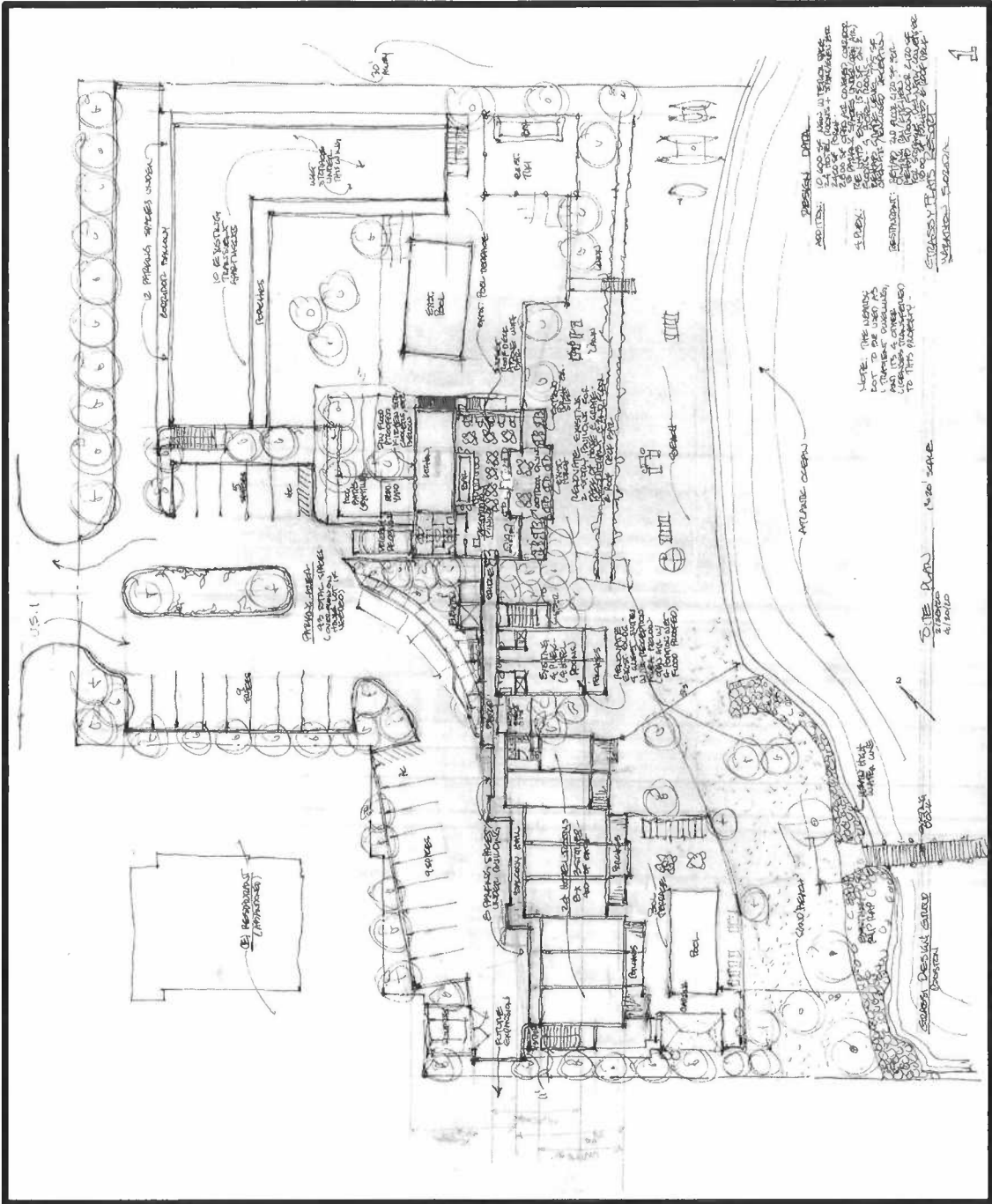
A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail,

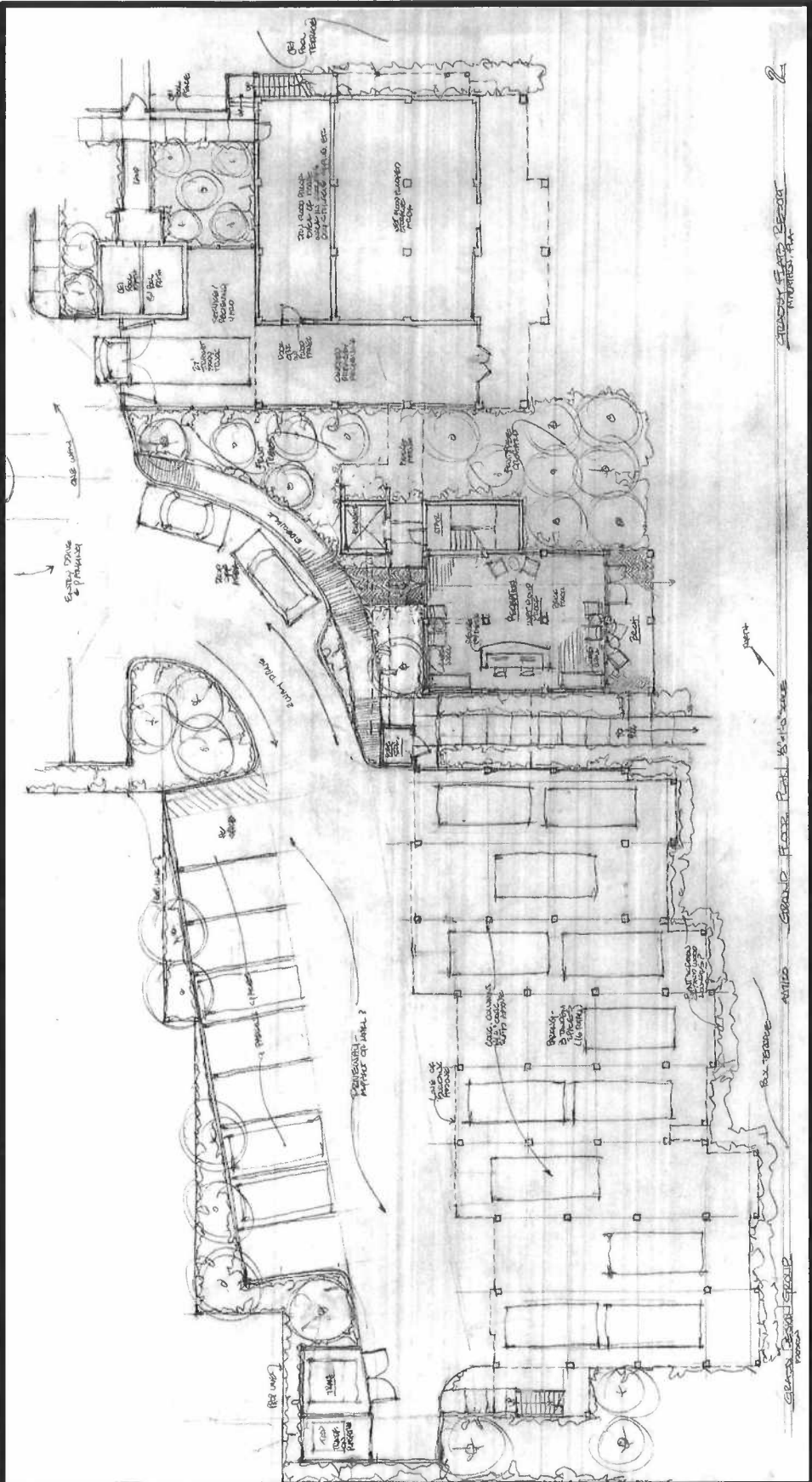
return receipt requested, addressed to Bart Smith 138 simonson St.  
this 21 day of sept., 2020. Key West, FL 33040

Diane Clavier  
Diane Clavier City Clerk



# ATTACHMENTS:



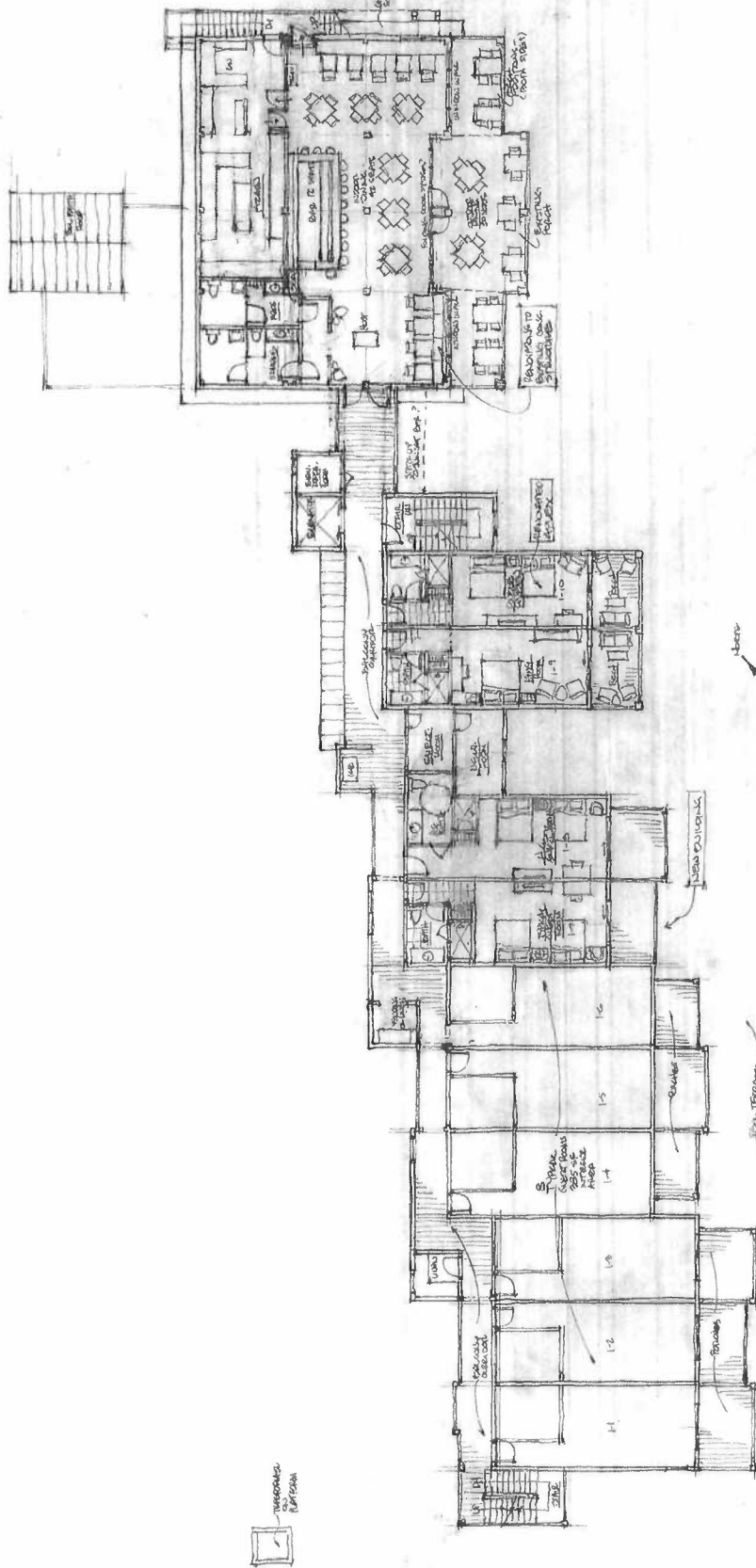


GRAND CANYON RESORT  
MUNICIPALITY

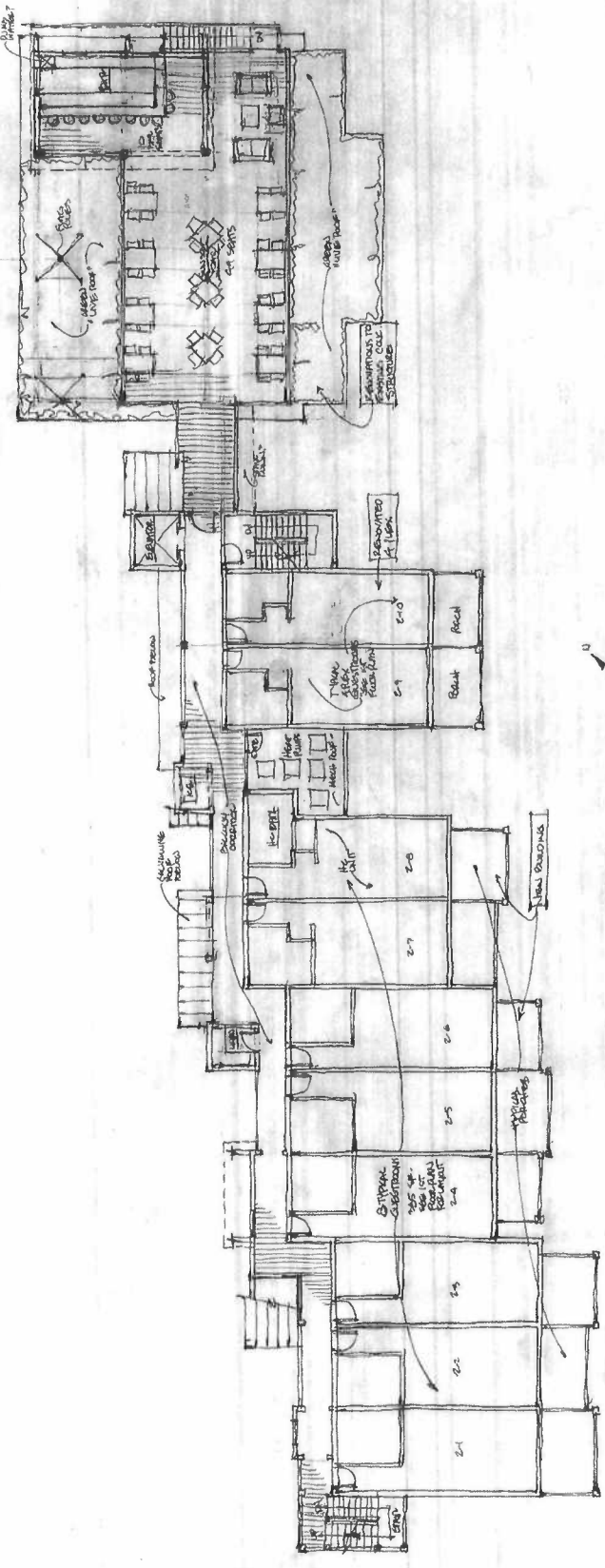
ANTICO GRAND FLOOR REST ROOM

GRAND STAIRS

2



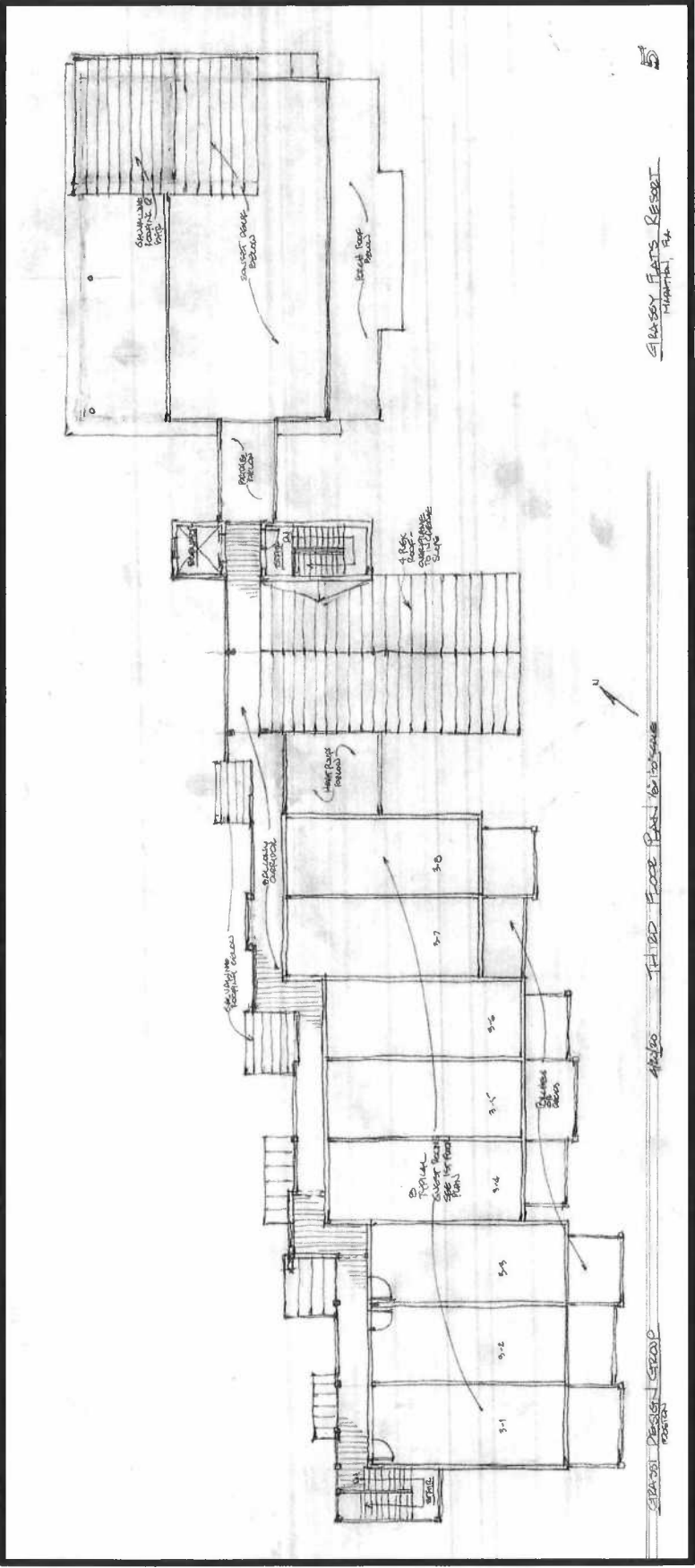
RECEPTION AREA



STACY CAS PEREZ  
 ARCHITECTS P.A.

11/11/12 SECOND FLOOR PLAN - 16/15/12/12

STACY CAS PEREZ  
 ARCHITECTS P.A.

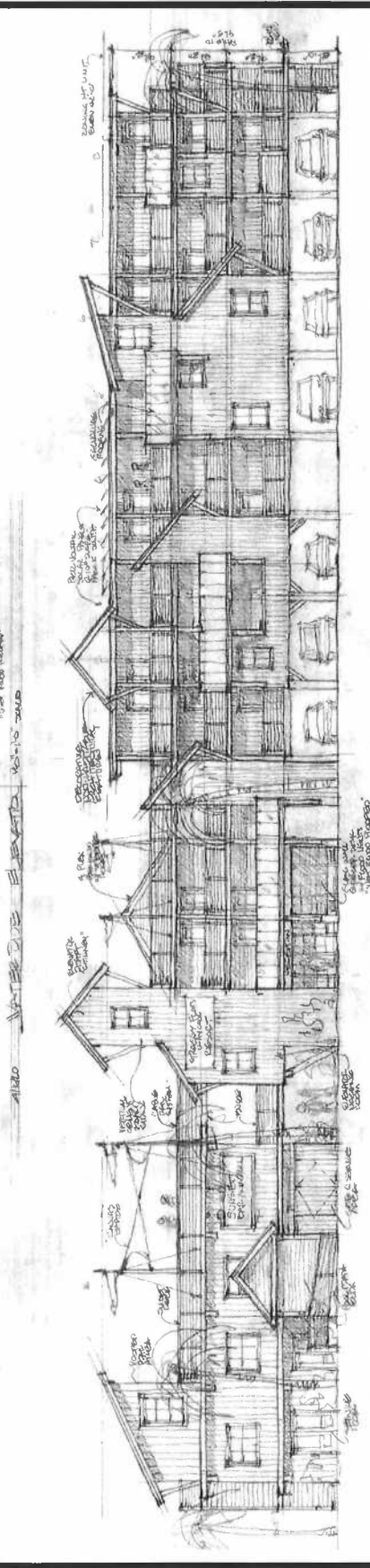
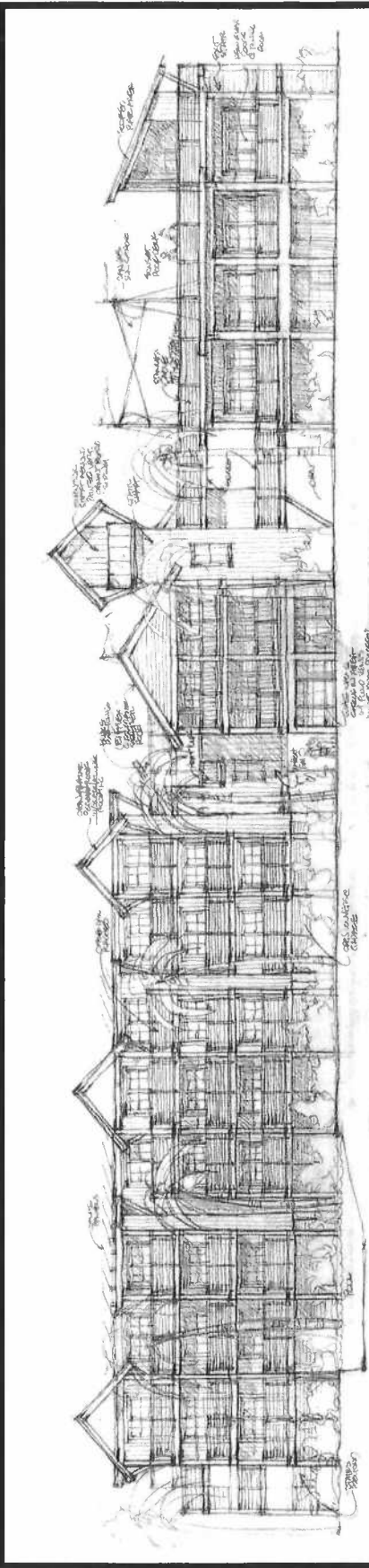


5

ALAMY FLATS RESORT  
MANHATTAN, NY

14260 THIRD FLOOR PLAN (see 1st floor)

LABORER DESIGN OFFICE



6  
 SKETCHY FLOOR PLAN  
 1/4" = 1'-0"