

**CITY OF MARATHON, FLORIDA
RESOLUTION 2020-56**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY KNIGHT'S KEY INVESTORS, LLC AND KNIGHT'S KEY ROAD, LLC FOR THE EXPANSION OF AN EXISTING CONDITIONAL USE PERMIT (RESOLUTION 2015-94) AND DEVELOPMENT AGREEMENT (RESOLUTION 2015-96), PURSUANT TO CHAPTER 102, ARTICLES 13 & 8 RESPECTIVELY OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS), SEEKING THE ADDITION OF NINETY-SIX (96) TRANSIENT RESIDENTIAL UNITS (HOTEL ROOMS), RESTAURANT SPACE, AND A WATER FEATURE ON AN EXISTING 199 ROOM RESORT FACILITY WITH RESTAURANTS, SPAS, RETAIL SPACE, AND POOLS; WITH EXISTING DENSITIES OF APPROXIMATELY 9.91 TRANSIENT RESIDENTIAL UNITS PER ACRE; LOCATED AT 1 KNIGHT'S KEY BLVD; WHICH IS LEGALLY DESCRIBED AS LOT 1 AND PART OF LOT 2 AND BAY BOTTOM EAST OF AND ADJACENT TO GOVERNMENT LOT 2, SECTION 8 AND 17, TOWNSHIP 66 SOUTH, RANGE 32 EAST, KNIGHTS KEY, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00101800-000000, NEAREST MILE MARKER 47; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Knight's Key Investors, LLC And Knight's Key Road, LLC, (The "Applicant") filed an Application on March 05, 2020 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/expand the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 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 July, 2020, 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 Development Agreement pursuant to Chapter 102, Article 8 of the LDRs; and

WHEREAS, and on the 11th day of August, 2020 and the 8th day of September, 2020, 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 2020-06, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Knight's Key Investors, LLC And Knight's Key Road, LLC for the redevelopment of the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 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 8TH DAY OF SEPTEMBER, 2020.

THE CITY OF MARATHON, FLORIDA



Steve Cook, Mayor

AYES: Gonzalez, Bartus, Senmartin, Zieg, 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:**



City Attorney



**CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2020-06**

A DEVELOPMENT ORDER APPROVING THE REQUEST BY KNIGHT'S KEY INVESTORS, LLC AND KNIGHT'S KEY ROAD, LLC FOR THE EXPANSION OF AN EXISTING CONDITIONAL USE PERMIT (RESOLUTION 2015-94) AND DEVELOPMENT AGREEMENT (RESOLUTION 2015-96), PURSUANT TO CHAPTER 102, ARTICLES 13 AND 8 RESPECTIVELY OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS), SEEKING THE ADDITION OF NINETY-SIX (96) TRANSIENT RESIDENTIAL UNITS (HOTEL ROOMS), RESTAURANT SPACE, AND A WATER FEATURE ON AN EXISTING 199 ROOM RESORT FACILITY WITH RESTAURANTS, SPAS, RETAIL SPACE, AND POOLS; WITH EXISTING DENSITIES OF APPROXIMATELY 9.91 TRANSIENT RESIDENTIAL UNITS PER ACRE; LOCATED AT 1 KNIGHT'S KEY BLVD; WHICH IS LEGALLY DESCRIBED AS LOT 1 AND PART OF LOT 2 AND BAY BOTTOM EAST OF AND ADJACENT TO GOVERNMENT LOT 2, SECTION 8 AND 17, TOWNSHIP 66 SOUTH, RANGE 32 EAST, KNIGHTS KEY, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00101800-000000, NEAREST MILE MARKER 47; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Knight's Key Investors, LLC And Knight's Key Road, LLC, (The "Applicant") filed an Application on June 31, 2020 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/expand the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 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 July, 2020, 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 Development Agreement pursuant to Chapter 102, Article 8 of the LDRs; and

WHEREAS, and on the 11th day of August, 2020 and the 8th day of September, 2020, 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 the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 square feet of commercial space.
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 Conditional Use Permit is subject to the following conditions:

1. Staff requires that upon planning review, 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.
2. Clear sight triangles must be shown on the site plan at time of building permit issuance.
3. Developer and City shall use commercially reasonable efforts to apply to FDOT for a FDOT right of way permit to install a left turn lane from Knight's Key Road on to US Highway 1. Developer shall be required to obtain approval or denial of the application for a ROW permit during the term of the development agreement. Should Developer obtain an approval of the ROW permit, it shall be required to complete the improvements prior to issuance of a CO for the new development contemplated under the amendment to the conditional use approval. Should the ROW permit be denied by FDOT, Developer shall have no further obligations under this condition.
4. A detailed lighting plan must be submitted before the project is permitted.
5. City approval is required for the stormwater management system prior to Building Permit Approval.
6. The City recommends a separate meter for irrigation, landscaping and pool.
7. Developer will have to participate in the expansion costs associated with wastewater in order to move this project forward.
8. The City will require civil plans for capacity requirements, anticipated flows, including pool and accessory structures, needs a restaurant seating plan, details including number of washers for laundry facility. The plans should show pipes and line sizes, method of transmission, and NPDES, notice of intent.
9. The plans have to be submitted to the City in order to be reviewed by our engineers, Wade Trim, for approval prior to sending to DEP.
10. Make sure that the landscaping does not interfere with the sewer pipes in the ROW.
11. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
12. The billboard is on private property, it can be taken off the DOT permitting, change it to a City permit and it can be refaced. The lighting needs to be adjusted as to not interfere with drivers coming off the bridge as it does now.
13. A final lighting plan must be submitted prior to building permit issuance.
14. A final landscaping plan must be submitted prior to building permit issuance.
15. As the City understands it, the Applicant will dedicate the area of Knight's Key Boulevard to the City. An agreement to transfer the property to the City satisfactory to the City Attorney will be required prior to final permitting. If Applicant conveys Knight's Key Boulevard to the City, subject to a landscape easement in favor of Applicant in which Applicant agrees to maintain the landscaping on both sides of Knight's Key Boulevard, City shall waive the Parks, Safety, and Conservation land impact fees.
16. There is no parking for boats/trailers on the property and it is not planned. Boating customers are sent to the Coral Lagoon property by agreement between the two entities.

17. Applicant has agreed to provide 30 workforce/employee housing units as depicted on the site plan dated August 12, 2015. The applicant also purchased and converted the units at 2401 Overseas Highway into additional workforce housing. The City finds the workforce/employee housing complies with the City's Comprehensive Plan and Land Development Regulations, as they exist and are currently being amended.
18. The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance.
19. The applicant will obtain any required permits from ACOE and DEP prior to building permit issuance.
20. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal.
21. The applicant will meet all floodplain related requirements as part of the Building Permit process.
22. 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.
23. 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 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.

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 September, 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 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 Barf Smith / 138 Simonton St.,
this 21 day of September, 2020. Key West, FL 33040

Diane Clavier

Diane Clavier City Clerk

ATTACHMENT A
Project Plans

