



City of Marathon Planning Commission
Monday July 15, 2024
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

- 1. Call To Order**
 - 2. Pledge Of Allegiance**
 - 3. Roll Call**
 - 4. Approval Of Minutes**
 - 5. Quasi-Judicial Statement**
 - 6. Items For Public Hearing**
 - 7. Adjournment**
-

5. Please be advised that some items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item, please inform the Boards clerk by filling out an available sign-up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. Consideration Of A Request By Gulfside Estates LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Tiki Bar, Food Trucks, Entertainment Stage, Nature Walk And Twenty (20) Single Family Residential Units Consisting Of Twenty (20) Parcels Located At 6200 Overseas Hwy; Which Is Legally Described As Lots 3 Through 6 And The West Half Of Lot 7 Of Casa Manana Shores Subdivision As Recorded In Plat Book 2 Page 50, A Subdivision Of Part Of Government Lot 1 Section 11 & Vacas, Vacas Out Lot 1 & Filled Area; Section 11 Township 66 Range 32 Key Vaccas Part Lot 1 & Part Old State Road 4 A, Marathon Heights As Recorded In Plat Book 2 Page 83 Key Vaca Part Lot 1 (Old State Road 4-A) And Vacant Land 61st Street; Block 2 Lots 1 Through 12 Of Marathon Heights Subdivision As Recorded In Plat Book 2 Page 83, A Re-Subdivision Of Lots 1 & 2 Of Casa Manana Shores As Recorded In Plat Book 2 Page 50; Monroe County, Florida, Having Real Estate Numbers 00336210-000000, 00336200-000000, 00336190-000000, 00336180-000000, 00336170-000000, 00336160-000000, 00103590-000000, 00338560-000200, 00338560-000000, 00338570-000000, 00338580-000000, 00338590-000000, 00338600-000000, 00338610-000000, 00338620-000000, 00338630-

000000, 00338640-000000, 00338650-000000, 00338660-000000, And 00338670-000000 Nearest Mile Marker 50.



**City of Marathon Planning Commission
Monday February 26, 2024
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Sexton called the meeting of the Planning Commission to order on Monday February 26, 2024, at 5:30 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Planner Erin Dafoe, Admin Assistant Lorie Mullins, City Manager George Garrett, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mark Senmartin-present; Mary Ann Royse-present; Mike Cinque-absent; Andrew George-present; Matt Sexton-absent.

Royse called for an approval of the Minutes from the last meeting. Senmartin moved to approve. Royse seconded. The motion was approved 3-0.

The quasi-judicial statement was read into the record.

Item 1 was read into the record: Consideration Of A Request By Uphoff Investments LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of Twelve (12) Residential Units And Accessory Structures; Located At 12640 Overseas Highway Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lots 1-2, Monroe County, Florida, Having Real Estate Numbers 00100260-000000. Nearest Mile Marker 53.

Royse asked for exparte communications. Senmartin spoke with Mr. Hurley and said it would not affect his decision.

Erin Dafoe presented the item with the use of visual aids.

Steve Hurley presented the item on behalf of the applicant.

Royse asked about guest parking, which would be located at each unit and in the boat trailer parking area.

Senmartin moved to approve the item. George seconded. The roll was called. The item was approved 3-0.

Item 2 was read into the record: An Ordinance Of The City Of Marathon, Florida; Creating Chapter 107, Article 15, “Lighting”; Providing Criteria For Both Residential And Commercial Lighting Standards; Amending Chapter 110 Definitions; Providing For Severability; Providing For The Repeal Of Conflicting

Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Commerce After Final Adoption By The City Council; And Providing For An Effective Date.

Shea presented the item. The item started as a workshop; the use of the City of Sanibel's lighting ordinance was tweaked to fit the City of Marathon.

Senmartin started a discussion regarding a time limit for compliance, enforcement, cost of permits for retrofitting to comply, and first/second/third floor lighting.

After discussion Senmartin moved to approve the item with the additional recommendations of:

1. a 3-year time limit to comply.
2. Possible fee schedule for permits.
3. Adding functional equivalent for multiple stories.
4. Add excluding landscape lighting.

Royse seconded. The item was approved 3-0.

Item 3 was read into the record: An Ordinance Of The City Of Marathon, Florida, Amending Chapter 103 "Zoning Districts," Article 3 "Use And Intensity Tables", "Standards," 103.15 "Standards", And Chapter 110, "Definitions," Article 3, "Defined Terms;" Modifying Accessory Structures And Accessory Uses; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Shea presented the item.

Senmartin started the discussion regarding the justification for the change.

Senmartin moved to deny the item. Royse seconded. The roll was called. The item fails 2-1.

Item 4 was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 101, Article 3 ("Planning Commission") By Amending Section 101.04 Titled "General" To Delete A Portion Regarding A Mailing List; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item as a clean-up item.

Senmartin moved to approve the item. Royse seconded. The roll was called. The item passed 3-0.

Item 5 was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 104, Article 1 ("General Provisions") By Deleting A Portion Of Section 104.66 Titled "Wireless Services Facilities ("WSFS")"; Specifically, Subsection G Part 4 To Comport With Modern Constitutional Constraints; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item as a clean-up time.

Royse moved to approve. Senmartin seconded. The roll was called. The item was approved 3-0.

Item 6 was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 13 (“Concurrency Management”) By Amending Section 107.113 Titled “Enforcement” To Clarify The Penalties; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item as a clean-up item.

Royse moved to approve. Senmartin seconded. The roll was called. The item was approved 3-0.

Motion and second to adjourn at 6:17pm.

ATTEST:

MaryAnn Royse-Planning Commissioner Chair

ATTEST:

Lorie Mullins-Admin Assistant
Planning Department

Audio-Video is available upon request.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

(Please note that one or more Marathon City Council members may participate in the meeting.)



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: July 15, 2024
To: Honorable Chair and Planning Commissioners
From: Erin Dafoe, Planner

Consideration Of A Request By Gulfside Estates LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Tiki Bar With Food Trucks, Entertainment Stage, Nature Walk and Twenty (20) Single Family Residential Units Consisting Of Twenty (20) Parcels Located At 6200 Overseas Hwy; Which Is Legally Described As Lots 3 Through 6 And The West Half Of Lot 7 Of Casa Manana Shores Subdivision As Recorded In Plat Book 2 Page 50, A Subdivision Of Part Of Government Lot 1 Section 11 & Vacas, Vacas Out Lot 1 & Filled Area; Section 11 Township 66 Range 32 Key Vaccas Part Lot 1 & Part Old State Road 4 A, Marathon Heights As Recorded In Plat Book 2 Page 83 Key Vaca Part Lot 1 (Old State Road 4-A) And Vacant Land 61st Street; Block 2 Lots 1 Through 12 Of Marathon Heights Subdivision As Recorded In Plat Book 2 Page 83, A Resubdivision Of Lots 1 & 2 Of Casa Manana Shores As Recorded In Plat Book 2 Page 50; Monroe County, Florida, Having Real Estate Numbers 00336210-000000, 00336200-000000, 00336190-000000, 00336180-000000, 00336170-000000, 00336160-000000, 00103590-000000, 00338560-000200, 00338560-000000, 00338570-000000, 00338580-000000, 00338590-000000, 00338600-000000, 00338610-000000, 00338620-000000, 00338630-000000, 00338640-000000, 00338650-000000, 00338660-000000, And 00338670-000000 Nearest Mile Marker 50.

APPLICANT/ OWNER: Barbara Mitchell/Boaz Rosenblat/Gulfside Estates LLC

AGENT: Barbara Mitchell

LOCATION: The project site is located at Vacant Land Overseas Highway, 61st Gulf and 6200 Overseas Hwy at approximately mile marker 50. See Figure 1.

REQUEST: A Conditional Use Permit approving a change of use and redevelopment to tiki bar with food trucks, entertainment stage, nature walk and twenty (20) single family residential units; having the real estate numbers 00336210-000000, 00336200-000000, 00336190-000000, 00336180-000000, 00336170-000000, 00336160-000000, 00103590-000000, 00338560-000200, 00338560-000000, 00338570-000000, 00338580-000000, 00338590-000000, 00338600-000000, 00338610-000000, 00338620-000000, 00338630-000000, 00338640-000000, 00338650-000000, 00338660-000000, and 00338670-000000.

LOT SIZE: Total acreage 7.61 acres or 331,388 square feet

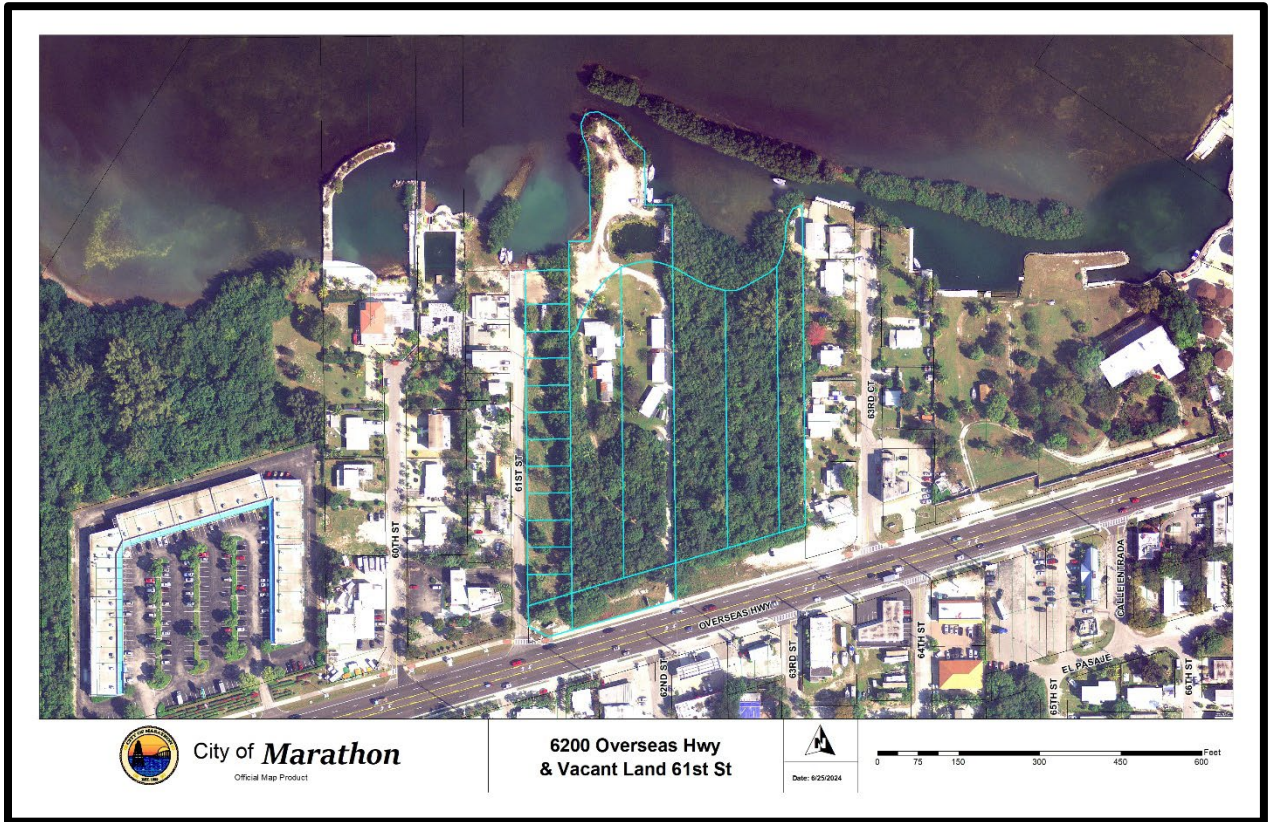
SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	N/A	Gulf of Mexico
West	Residential Medium (RM) & Mixed Use (MU)	Residential Homes, Tropical Cottages, and Truist Bank
East	Residential Medium (RM) & Mixed Use (MU)	Residential Homes and Herbies
South	Mixed Use (MU)	Circle K and Alex Landscaping

EXISTING CONDITIONS:

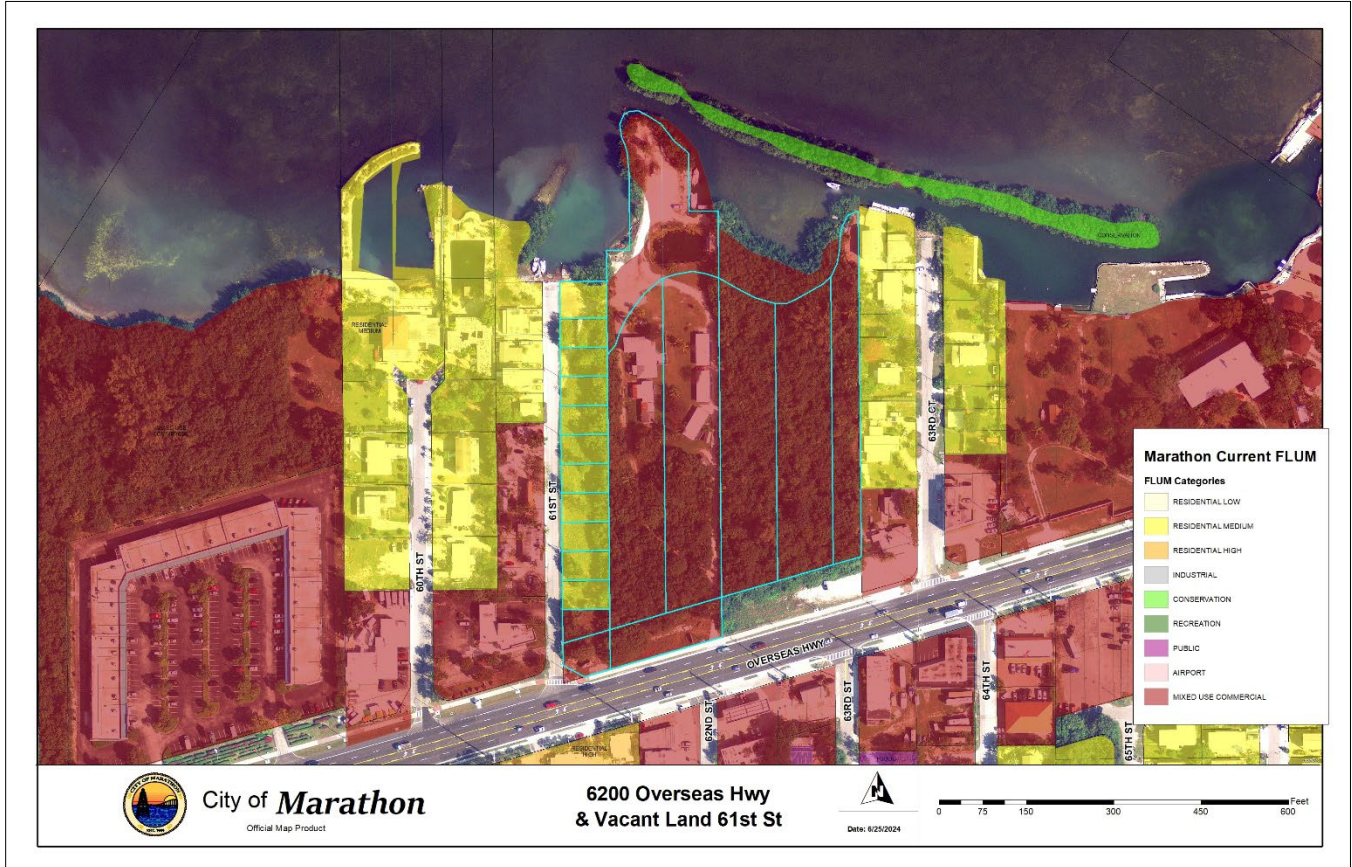
The project site consists of existing residential units, an old hotel with transient units and vacant land. It has been determined that nine (9) Market Rate Building Rights currently exist on the combined parcels. The existing FLUM is Mixed Use Commercial (MU-C) and Residential Medium (RM), and the Zoning is Mixed Use (MU) and Residential Medium (RM). See Figures 2 & 3.

**Figure 1
Project Site**



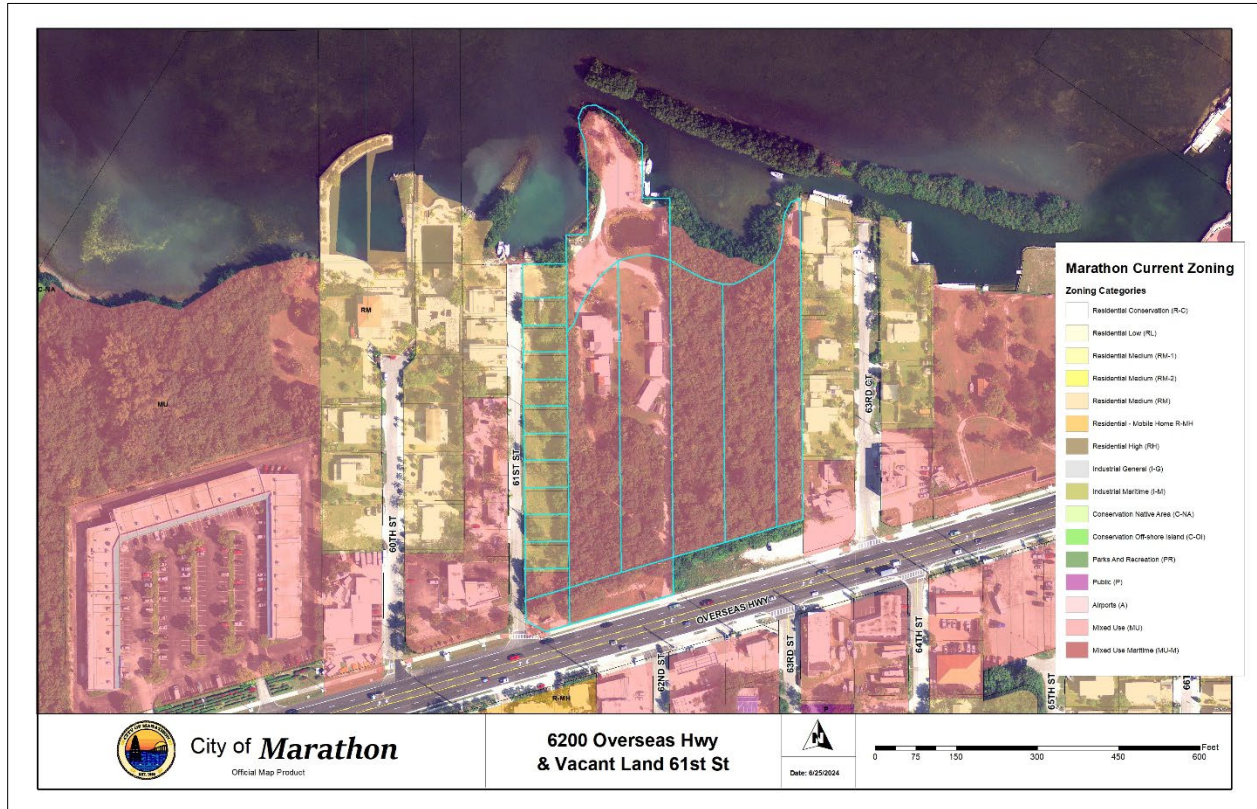
FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MU-C) and Residential Medium (RM). See Figure 2.

Figure 2
Future Land Use Map



ZONING MAP DESIGNATION:
Mixed Use (MU) and Residential Medium (RM). See Figure 3.

Figure 3
Zoning Map



PROPOSED REDEVELOPMENT:

The applicant requests the development of a Tiki Bar, Food Trucks, Entertainment Stage, Nature Walk and Residential Housing Units. The existing structures will be demolished. With the combined twenty parcels it has been determined that nine (9) market rate building rights exist.

- Residential Units: 20 Units
- Commercial: 5,000 square feet (Tiki Bar)
 525 square feet (Entertainment Stage)

BACKGROUND:

The proposed project seeks to redevelop property currently used as single-family residential homes that used to be an old hotel, to construct a new tiki bar with food trucks, entertainment stage, nature walk and demolish the existing residential units to build twenty (20) new single family residential units. The total property size is 331,388 square feet.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

A. The proposed use is consistent with the Comprehensive Plan and LDRs;

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed redevelopment project is located within the Residential Medium (RM) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed to “is intended to establish areas of low- to medium-density residential uses characterized principally by single-family detached and two-family dwellings, designated within the Residential Medium (RM) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the development of a tiki bar with food trucks, entertainment stage, nature walk and twenty (20) residential housing units, an allowed use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

City of Marathon Comprehensive Plan

- a. “Policy 1-1.1.2 Adopt Compatibility for Residential and Non-Residential Review Criteria,”
- b. “Policy 1-1.1.3 Protect Residential Neighborhood Character,” and
- c. “Policy 1-1.1.4 Transition between Land Uses

The project is surrounded by commercial development to the south with the exception of partially the property to the east and west which is residential and commercial.

- d. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation various commercial uses are permitting in addition to commercial, transient, and permanent residential uses as well as marinas and storage facilities. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary for this project.

e. Policy 1-3.2.5 Maximum Height

The maximum height of any new structure associated with the redevelopment of the property shall not exceed 42 feet, except as provided by the City Code, as amended. The conceptual elevation plans submitted demonstrate compliance with this requirement.

f. Policy 1-3.2.7 Restrict Density and Intensity of Development

The proposed density is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. Based on the upland area of 7.61 acres, the proposed residential units, entertainment stage and tiki bar utilize 51% of the density/intensity allowed for this site. The density for each of the proposed uses has been calculated independently.

g. Policy 1-3.3.1 b., e., and f. General Redevelopment Criteria

The proposed new business promotes the revitalization of the city's commercial area, with existing commercial to the east, west and south. The US 1 corridor will be enhanced with the proposed landscaping.

h. Policy 1-3.4.2 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The redevelopment plan includes using three existing transient building rights. The remaining will need to be obtained. The commercial floor area will be requested from the City's available pool.

City of Marathon Land Development Regulations

- Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including the proposed tiki bar with food trucks, entertainment stage and nature walk.

- Table 103.15.1 Uses By Zoning District – Mixed Use (MU)

This redevelopment is consistent with Table 103.15.1, uses by Zoning District, via a Conditional Use Permit Application, as contained herein.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Table 103.15.3 further qualifies the allowed range of intensities based on the use. The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided. As such, the following table reflects the proposed project density and intensity (shown as floor area (FA)) against the maximum intensity and floor area allowed under the constraints imposed on the development. The table also reflects the need for additional floor area that the applicant will have to acquire through the commercial building permit allocation system (CBPAS).

Marathon LLC	
Total 331,388 sq ft	
Market Rate (20)	145,200
Tiki Bar	5,000
Entertainment Stage	525
FAR (See Table 103.15.3)	0.60
Maximum allowed Square Footage	172,893 sq ft
Total Proposed	5,525 sq ft

The project as proposed meets the basic definition of development in the MU/RM zoning district and will not exceed any density constraints imposed on the type proposed.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

- **Section 107.47 Parking**
 Parking for the site and the project is met by exceeding the required ninety parking spaces. The development provides forty-eight exterior standard parking spaces for the tiki bar, two exterior handicap spaces and sixty parking spaces located at residential units for a total of one hundred ten spaces.
- **Section 107.40 Maximum Height**
 The project sites are below the forty-two (42) foot height limitation of the City’s LDRs.
- **Sections 107.63 – 107.72 Landscaping**
 The landscape plan includes a list of native trees to provide shade and temperature reduction along the internal roadway. The parcel to the west is zoned Residential Medium and Mixed-Use, parcel to the east is zoned Residential Medium and Mixed-Use and a 20’ wide buffer is required. Along US 1 corridor to the south the landscape planting will consist of a variety of native plant material varying in size and height to screen the tiki bar with food trucks. A mix of canopy, understory and shrubs will be installed throughout the property. The buffer will be waived, pursuant to alternative compliance section.
- **Sections 107.73 – 107.81 Open Space**
 The project site meets the minimum open space requirements of twenty (20) percent and therefore meets the minimum requirements of the LDRs.
- **Sections 107.82 – 107.85 Fences and Screening**
 The project meets City screening and landscaping requirements.
- **Sections 107.87 – 107.97 Stormwater Management**

The existing Stormwater Management Plan associated with this site demonstrates compliance with the requirements of the LDRs.

- Sections 107.98 – 107.102.5 Floodplain Management

The site building will be located above FEMA minimum flood elevations. The commercial building will be flood proofed or elevated as required. Therefore, the project is compliant with this requirement of the LDRs.

The project as proposed meets the basic definition of development in the MU zoning district. Therefore, with conditions, the request is **in compliance** with the requirements of these sections.

B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

The proposed project site is surrounded by other compatible commercial uses to the west, south and east as well as residential homes to the west and east.

Therefore, the request is **in compliance** with the requirements of these sections.

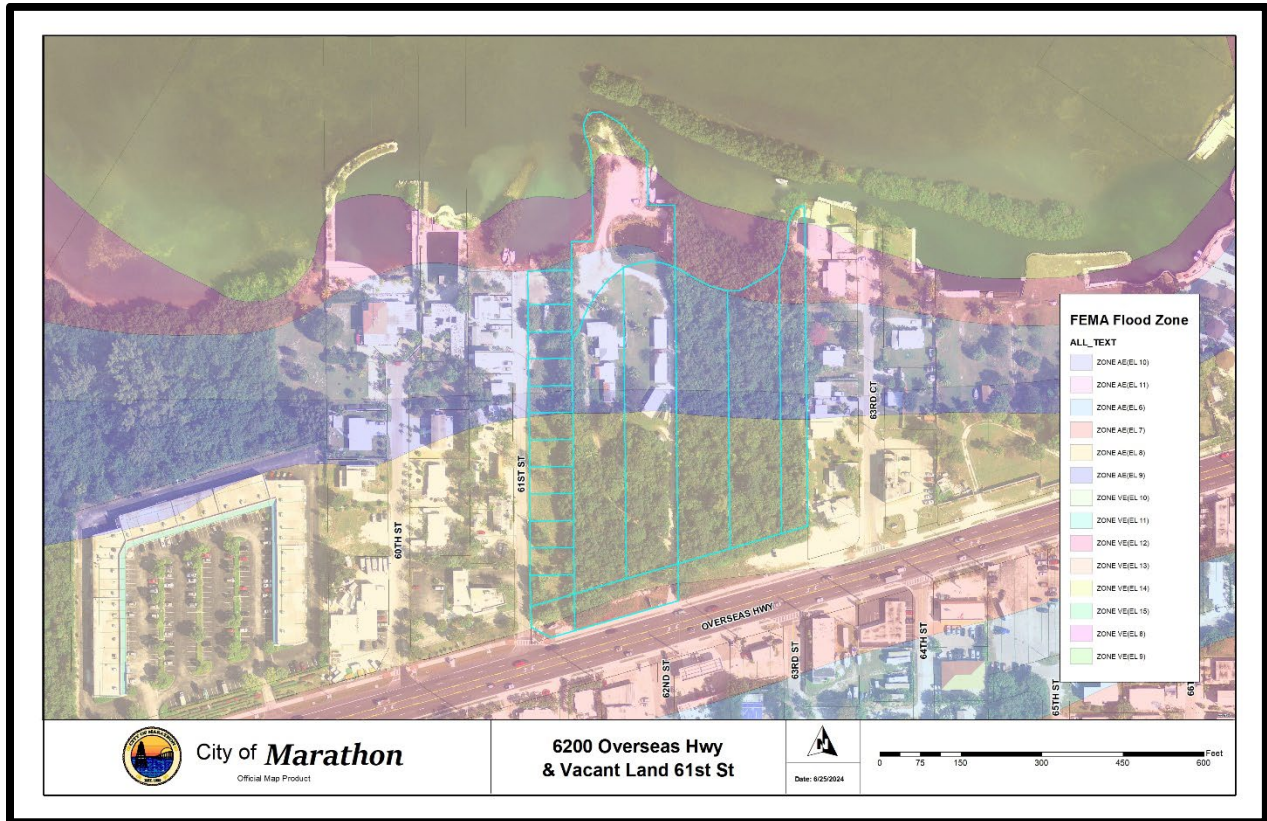
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed conditional use will enhance the community by providing a tiki bar with food trucks, entertainment stage and nature walk as well as new single-family homes. The project will not cause any negative impacts to the City's health, safety, and welfare.

The existing structures will be demolished and new units to be built above FEMA's minimum flood elevations (VE12, VE10, AE10, AE9 and AE8) as shown in Figure 4 and is therefore compliant. The commercial building will meet flood requirements either through elevation or flood proofing, as necessary.

Therefore, the request is **in compliance** with the requirements of these sections.

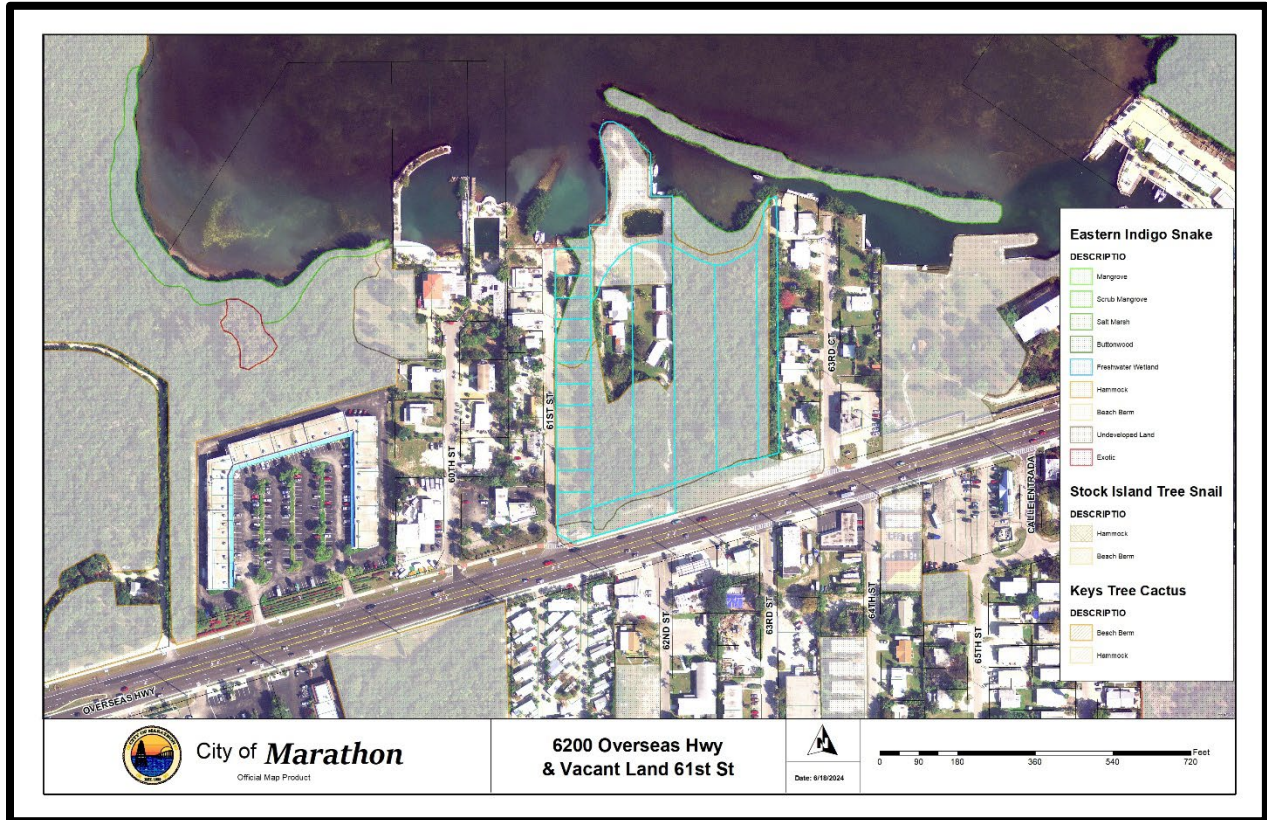
**Figure 4
Flood Zones**



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:

There will be no negative impacts on habitat, environment, or water quality parameters. The proposed stormwater management system shall retain water generated from rain events on site thereby improving the quality of the near shore waters by treating and maintaining the stormwater on site. The shoreline is developed. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council.

Figure 5
FEMA – FWS Species Focus Area Maps



All vegetation on site is a mix of non-invasive exotic plantings, however heavily dominated by invasive exotics. Several native palms and trees will be replanted or preserved per Conceptual Landscape Plan that was submitted. Buffers will be installed as well as streetscape treatment along US 1 as a mixture of shrubs and canopy trees. Native vegetation must be mitigated per Section 106.10. Hammock portion of the site will be preserved.

Project design requires containing all storm water on the property as required by Code.

- Filling of old tidal pool will require ACOE/DEP permits.

Therefore, with conditions, the request is ***in compliance*** with the requirements of these sections.

- The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.
- Per the LDR, the stormwater criteria require retention of the runoff from a 25yr-72hr storm event.

- All runoff from the site shall be routed to the proposed retention swales. A detailed grading plan shall be required for review of construction plans.
- Any native vegetation removed must be mitigated per Section 106.10.

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 cases of fire or catastrophe;

A traffic study was required.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Hotel	6 Rooms	46	2	1	3	2	2	4
Single Family Homes	3 DU	28	1	1	2	2	1	3
Sub-Total (Existing)		74	3	2	5	4	3	7
<i>Proposed</i>								
Single Family Homes	20 DU	186	4	10	14	12	7	19
Restaurant - Fine Dining	150 Seats	378	2	1	3	28	14	42
Sub-Total		564	6	11	17	40	21	61
<i>- Internalization (8.2% 5.2% 11.1%)</i>		<i>(46)</i>	<i>(1)</i>	<i>0</i>	<i>(1)</i>	<i>(3)</i>	<i>(3)</i>	<i>(6)</i>
Driveway Volumes		518	5	11	16	37	18	55
<i>- Pass-By Trips (Restaurant - 44%)</i>		<i>(153)</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>(12)</i>	<i>(5)</i>	<i>(17)</i>
Sub-Total (Proposed)		365	5	11	16	25	13	38
Difference (Proposed - Existing)		291	2	9	11	21	10	31

*Compiled by: KBP Consulting, Inc. (May 2024).
Source: ITE Trip Generation Manual (11th Edition).*

The traffic will increase from the previous use with the new redevelopment of the property. The project is not expected to adversely impact the operational characteristics of US1, nor will it inhibit the safe flow of traffic traveling through Marathon. The maneuverability on the site includes entrances from US1 as well as 61st Street. All residential units will have access from 61st Street through a single driveway reducing the potential total driveway on to this street.

Bicycle racks will be required to be provided as part of the permitted plan. With the change of use for this project an FDOT access permit will be required.

Therefore, with the conditions above, the request is **in compliance** with the requirements of these sections.

2. Off-street parking and loading areas where required, with particular attention to item 1 above;

Parking requirements are outlined in Section 107.46 (Parking Schedule). The project provides adequate parking spaces as required.

Use	Code Citation	Requirement	Spaces Required
Bar, cocktail lounge, tavern, and nightclub	107.46	10 per 1,000 sq ft GFA	50
Single and Two-Family, attached and detached	107.46	2 spaces per dwelling	40
Total Required			90
Total Provided			110

Therefore, the request is ***in compliance*** with the requirements of these sections.

3. The noise, glare, or odor effects of the conditional use on surrounding properties;

The proposed use has no known impact on the health, safety, and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use. Appropriate screening and buffering measures will be required per code and site plan.

Therefore, with the conditions above, the request is ***in compliance*** with the requirements of this section.

4. Refuse and service areas, with particular reference to locations, screening, and Items 1 and 2 above;

Section 107.39 requires that all dumpsters be fully enclosed and screened. A final site plan requires that all dumpsters be (hidden) screened.

Therefore, the request is ***in compliance*** with the requirements of this section.

5. Utilities, with reference to location and availability;

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows. The project will utilize existing space and will have no additional burden on City utilities or public services.

- Wastewater: Site will require infrastructure improvements as well as wastewater assessments based on proposed flows.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: Construction plans and calculations shall be reviewed in detail at the time of permitting. The commercial portion of the site shall be designed so that the PEAK RUNOFF RATE in the post developed condition does not exceed the pre-developed rate. All runoff from any improvement shall be diverted on-site with no direct off-site discharge. Additional existing topography will be required in the missing areas.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space. The nature trail increases access to recreation open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study is being required to analyze the impact on transportation facilities. Furthermore, final site layout and traffic flow will be dependent on FDOT, City of Marathon Public Works, and City Fire Marshal analysis.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

The Applicant has provided letters of coordination with all necessary utilities with the general determination that all required services may be provided and are adequate for the development of the new use at the project site.

Therefore, the request is **in compliance** with the requirements of these sections.

6. Screening and buffering with reference to type, dimensions, and character;

A landscape plan has been submitted for this application. The plan addresses the required buffers, parking lot and US 1 corridor for plantings.

Therefore, with conditions, the request is **in compliance** with the requirements of these sections.

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;

A review of sign requirements at this stage in development approval is not necessary; however, signs for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs.

Therefore, the request is **in compliance** with the requirements of these sections.

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is undeveloped; therefore, a twenty percent open space requirement applies and the site complies with this minimum requirement. Hammock will need conservation easement.

Therefore, the request is *in compliance* with the requirements of these sections.

9. General compatibility with surrounding properties; and

The proposed development is a Mixed-Use commercial development with residential. The scale and layout of the proposed building are consistent with the City Code.

Therefore, the request is *in compliance* with the requirements of these sections.

10. Any special requirements set forth in the LDRs for the particular use involved.

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

Section 104.06 Bars, Taverns And Night Clubs

Bars, taverns, and night clubs may be allowed pursuant to Table 103.15.1 and with approval by the Director; an alcoholic beverage license issued by the State of Florida is needed. See the Alcohol Beverages regulations within this section.

Sec 104.62 Mobile Vendor Food Units

The following regulations are established for non-motorized food vendor carts, which are small, lightweight, and often mounted on a single-axle (two-wheeled) chassis and mobile food units, which are vehicle mounted and are self-propelled, and designed to be movable from place to place. Sale of products other than food is prohibited.

Mobile vendor food units (MVFU) are permitted pursuant to Table 103.15.1 as of right on developed private property in all commercial and industrial districts with the written consent of the property owner, subject to the following requirements:

1. *MVFUs Utilizing Fixed Locations.*

1. *Location.* Mobile vendor food units shall be placed only on properties with a legally operating permanent business during that business's normal hours of operation and shall comply with the following location criteria:

1. The mobile vendor food units shall not be located within any required front or street side yard setback; and
2. The mobile vendor food units shall not interfere with vehicular and pedestrian movement or visibility, block required sight distances, or damage landscaped areas.
3. Shall be able to provide adequate additional parking spaces so parking spaces required for the host business location are not impacted.

2. *Limited Hours of Operation.* An MVFU may only remain at an approved private property location (set out in Subsection 104.62A.1.) for a period not to exceed eight (8) hours in a 24-hour period. A MVFU may be approved to operate at multiple locations during different time periods.

3. *Storage.* The food vendor shall remove the mobile vendor food unit from the point of sale or store the unit out of public view at the end of each business day.

4. *Trash Receptacles.* The food vendor shall provide receptacles for litter associated with the sales activity. The food vendor shall leave the site in a clean state at the end of each business day.

2. *MVFUs Utilizing Public Rights-Of-Way.*

1. The mobile vendor food units may operate within the City of Marathon rights-of-way so long as their activity does not disrupt the normal flow of vehicular traffic.

2. An MVFU shall not remain at an individual location on the City's rights-of-way for a period longer than 15 minutes.

3. MVFUs shall only be allowed to operate during daylight hours (dawn to dusk).

4. While stationery and conducting business, an MVFU shall turn off all music or other amplified noise.

3. *Exceptions.* No MVFUs may operate at Sombrero Beach or the right-of-way immediately adjacent to Sombrero Beach, more particularly described as the southbound end of Sombrero Beach Road including and between the intersection of Avenida Primiceria and the roundabout, as well as the connected roads Corte Del Brisas, Corte Del Sol, Corte Chica, and Corte De Luna.

4. *Additional Permits and licenses.* All MVFUs shall obtain all necessary permits, licenses, and inspections required by the Florida Department of Agriculture and Consumer Services, Florida Department of Health, and Florida Department of Business and Professional Regulation, prior to conducting any business approved under this section.

The proposed development meets all applicable criteria set forth in this section.

A unity of title for the parcels will be required.

Therefore, the request is **in compliance** with the requirements of these sections.

CONCLUSION:

The Conditional Use Approval process is intended 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. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community.

The proposed development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

All conditions of the Conditional Use approval will have to be met before any building permit can be approved.

RECOMMENDATION:

Planning staff recommends approval of the proposed Conditional Use Permit allowing a tiki bar, entertainment stage, nature walk and twenty (20) single family residential homes to be constructed with the following conditions:

Conditions of Approval

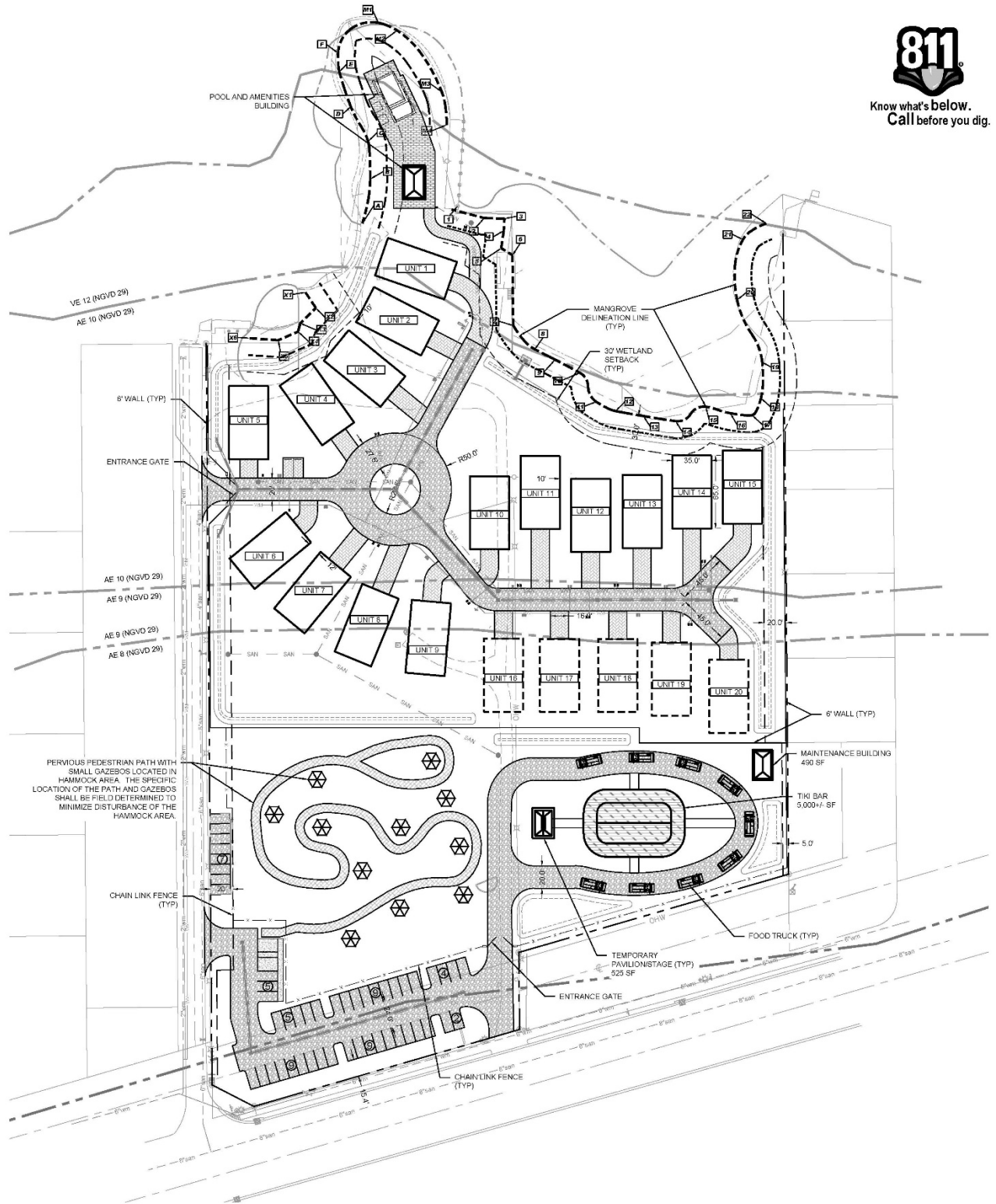
1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
2. Additional landscape canopy and buffering be placed per site plan.
3. A sewer flow estimate from an engineer will be required to reassess any additional impact.
4. The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.
5. Per the LDR, the stormwater criteria require retention of the runoff from a 25yr-72hr storm event.
6. All runoff from the site shall be routed to the proposed retention swales. A detailed grading plan shall be required for review of construction plans.
7. Any native vegetation removed must be mitigated per Section 106.10.
8. Conservation easement for hammock.
9. Filling of old tidal pool will require ACOE/DEP permits.
10. Must apply for ABV license approval.
11. All conditions of the Fire Marshal must be met prior to permit issuance.
12. All required parking spaces must be shown on the final site plan prior to permit issuance.
13. A final lighting plan must be submitted prior to permit issuance.

14. A final landscape plan must be submitted prior to permit issuance.
15. Dumpsters are to be screened per code.
16. Bicycle racks will be required to be provided as part of the permitted plan.
17. A unity of title is required for the properties.
18. 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.
19. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
20. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
21. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
22. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
23. The Applicant must obtain and transfer seventeen (11) market rate housing 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 AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.
24. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
25. All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the permit issuance, the City may deem the applicant to be in default pursuant to Section 102.52 D.

SITE PLAN



Know what's below.
Call before you dig.

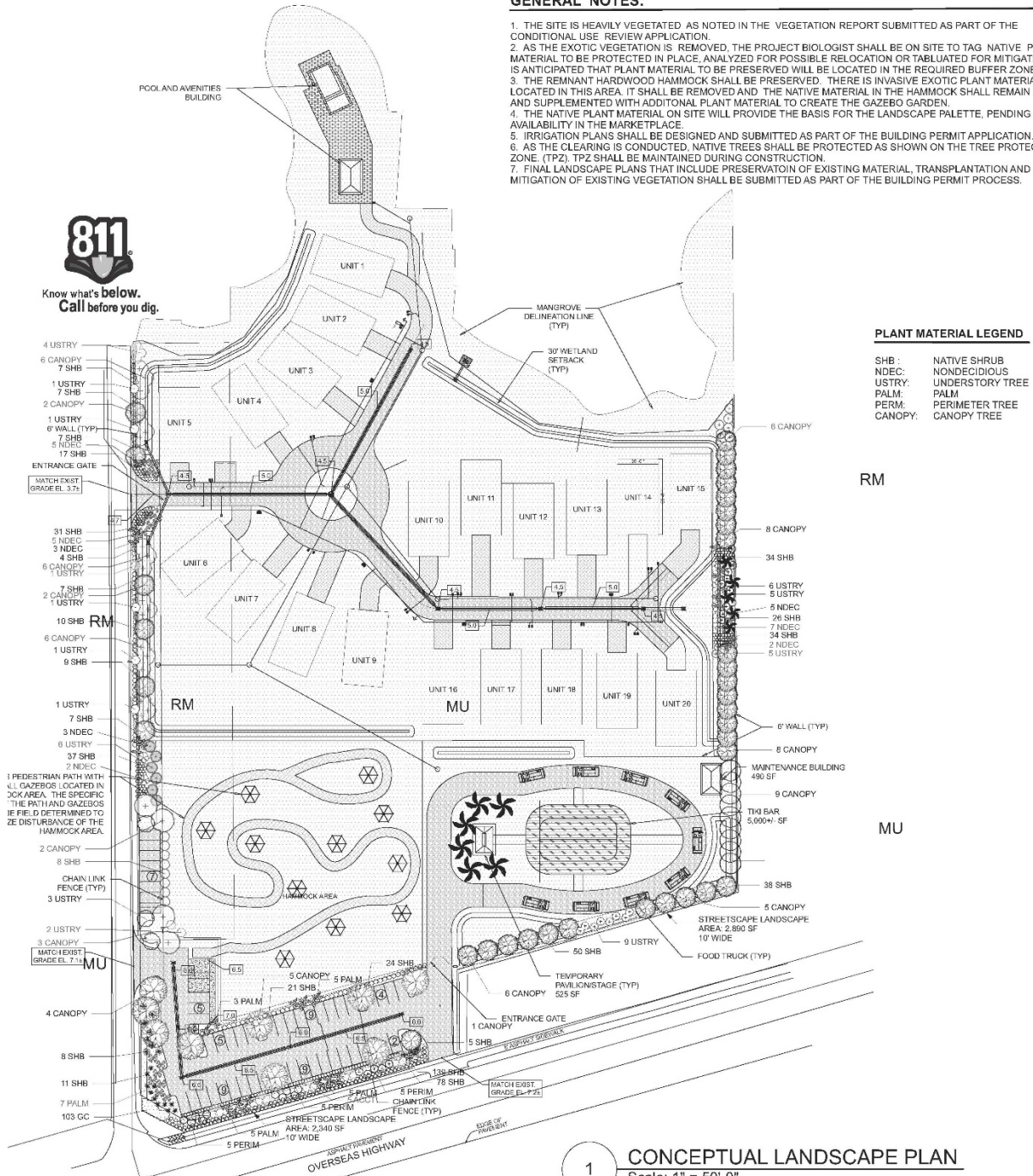


CONCEPTUAL SITE PLAN

LANDSCAPE PLAN

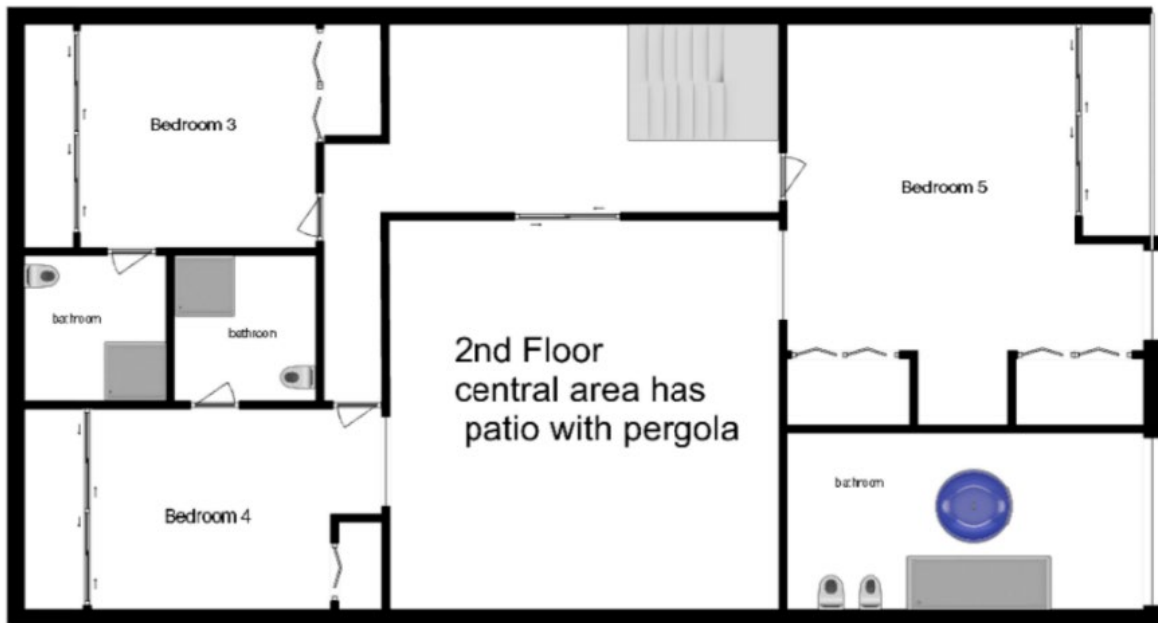
GENERAL NOTES:

1. THE SITE IS HEAVILY VEGETATED AS NOTED IN THE VEGETATION REPORT SUBMITTED AS PART OF THE CONDITIONAL USE REVIEW APPLICATION.
2. AS THE EXOTIC VEGETATION IS REMOVED, THE PROJECT BIOLOGIST SHALL BE ON SITE TO TAG NATIVE PLANT MATERIAL TO BE PROTECTED IN PLACE, ANALYZED FOR POSSIBLE RELOCATION OR TABULATED FOR MITIGATION. IT IS ANTICIPATED THAT PLANT MATERIAL TO BE PRESERVED WILL BE LOCATED IN THE REQUIRED BUFFER ZONES.
3. THE REMNANT HARDWOOD HAMMOCK SHALL BE PRESERVED. THERE IS INVASIVE EXOTIC PLANT MATERIAL LOCATED IN THIS AREA. IT SHALL BE REMOVED AND THE NATIVE MATERIAL IN THE HAMMOCK SHALL REMAIN INTACT AND SUPPLEMENTED WITH ADDITIONAL PLANT MATERIAL TO CREATE THE GAZEBO GARDEN.
4. THE NATIVE PLANT MATERIAL ON SITE WILL PROVIDE THE BASIS FOR THE LANDSCAPE PALETTE, PENDING AVAILABILITY IN THE MARKETPLACE.
5. IRRIGATION PLANS SHALL BE DESIGNED AND SUBMITTED AS PART OF THE BUILDING PERMIT APPLICATION.
6. AS THE CLEARING IS CONDUCTED, NATIVE TREES SHALL BE PROTECTED AS SHOWN ON THE TREE PROTECTION ZONE (TPZ). TPZ SHALL BE MAINTAINED DURING CONSTRUCTION.
7. FINAL LANDSCAPE PLANS THAT INCLUDE PRESERVATION OF EXISTING MATERIAL, TRANSPLANTATION AND MITIGATION OF EXISTING VEGETATION SHALL BE SUBMITTED AS PART OF THE BUILDING PERMIT PROCESS.





VISTA ATRIUM MODEL – FIRST FLOOR PLAN
 1/4"=1'-0"



VISTA ATRIUM MODEL – SECOND FLOOR PLAN
 1/4"=1'-0"



VISTA ATRIUM MODEL – FRONT ELEVATION
 $1/4" = 1'-0"$

Tiki Bar

