

City of Marathon Planning Commission
Monday September 16, 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**
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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 Huff and Rauner 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.

2. Consideration Of A Request By LPS Utilities Inc. 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 Four (4) Residential Units Located At 59740 Overseas Hwy; Section 20 Township 65 Range 34 Grassy Key Part Lot 5, Monroe County, Florida, Having Real Estate Number 00100130-000000. Nearest Mile Marker 60.
3. Consideration Of A Request For A Conditional Use Permit And Preliminary Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulation (LDRS) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Preliminary Plat Approval As Submitted By Key Vaca LLC And John And Phyliss Strittar For A Portion Of Land Which Is Described As Section 10, Township 66, Range 32, Key Vacas Bay Bottom & Fill Bay Bottom Adjacent To Part Of Lot 2 & All Of Lot 3 Of Thomoson Subdivision (A/K/A Parcel E & Bay Bottom Parcel B), And Thompson Subdivision & Adams Subdivision PB2-24, Key Vaca Part Of Lot 2 & Adjacent Bay Bottom And Thompson Subdivision & Adams PB2-24 Key Vaca Part Lots 2 & 3 (Parcel B & F) & Filled Bay Bottom & Canal Bay Bottom And Thompson Subdivision & Adams Subdivision PB2-24, Key Vaca Part Of Lot 3, Having Real Estate Numbers 00103280-000000, 00327120-001000, 00327130-000200, And 00327130-001000. Nearest Mile Marker 50.
4. Consideration Of A Request By Coco Plum 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 Boat Storage Facility Located At 2 Coco Plum Dr; Which Is Legally Described As Block 1 Lot 2 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00362810-000000. Nearest Mile Marker 54.
5. Consideration Of A Request By Gunnar Holdings 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 Commercial Warehouse with Eight (8) Rental Bays Including Elevated Loft Office Space And Bathroom Located at 420 69th Street Ocean; Block 2 Lots 1 & 2 First Addition To Seacrest Key Vaca, Monroe County, Florida, Having Real Estate Number 00339230-000000. Nearest Mile Marker 51.
6. An Ordinance Amending the City’s Land Development Regulations Relating to Chapter 107, Article 5, “Setbacks and Height”, Section 107.36 “Exception To Setback”; 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 Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

7. **PULLED.** Declaring The Intention Of The City To Consider Adoption Of An Ordinance Amending The City's Land Development Regulations Relating To Chapter 102, Article 13, "Conditional Use Permits", Section 102.74 "Application Process," Chapter 103, Article 3, Table 103.15.1, "Uses By Zoning District," Chapter 104, Article 1, Section 104.51.1 Titled "Single-Family Dwellings (7 Bedrooms Or More)," And Chapter 110, Article 3, "Defined Terms"; Extending the Zoning In Progress For A Period Of One Hundred And Eighty Days Or Until The Adoption Of An Ordinance, Whichever Shall Occur First; Directing The Planning Department To Study And Recommend Amendments To The City's Land Development Regulations Related To Large Single Family Home Residential Developments; Providing For Public Notice Of Zoning In Progress And Required Compliance; Providing That From The Date Of Adoption Of This Resolution And During The Pendency Of Consideration Of Such Ordinance By The City, The City Will Not Process Or Approve Development Applications Related To Large Single Family Home Residential Developments; Providing For Severability; And Providing For An Effective Date.
8. An Ordinance Of The City Of Marathon, Florida, Amending The City's Comprehensive Plan, Amending Objective 1-4.1 "Provide Workforce-Affordable Housing Building Permit Allocations"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To Florida Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By Florida Commerce.
9. An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 1 "Building Permit Allocation System" By Amending Section 107.04 "Establishment Of Allocation Pools" To Remove The Cumulative Limit; 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 Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.
10. **PULLED.** Consideration Of A Request By Grassy Key Resort Group 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 Conversion Of Four (4) Transient Hotel Units Into Four (4) Transient RV Sites On The Property Located At 57622 Overseas Highway, Which Is Legally Described As Crains Subdivision Of Grassy Key PB1-51 South Side Flagler To Ocean Part Between Blocks 53 & 58. Having Real Estate Number 00373875-000200. Nearest Mile Marker 58.



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

MINUTES

Royse 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: September 16, 2024
To: Honorable Chair and Planning Commissioners
From: Erin Dafoe, Planner

Consideration Of A Request By Huff and Rauner 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/Huff and Rauner 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

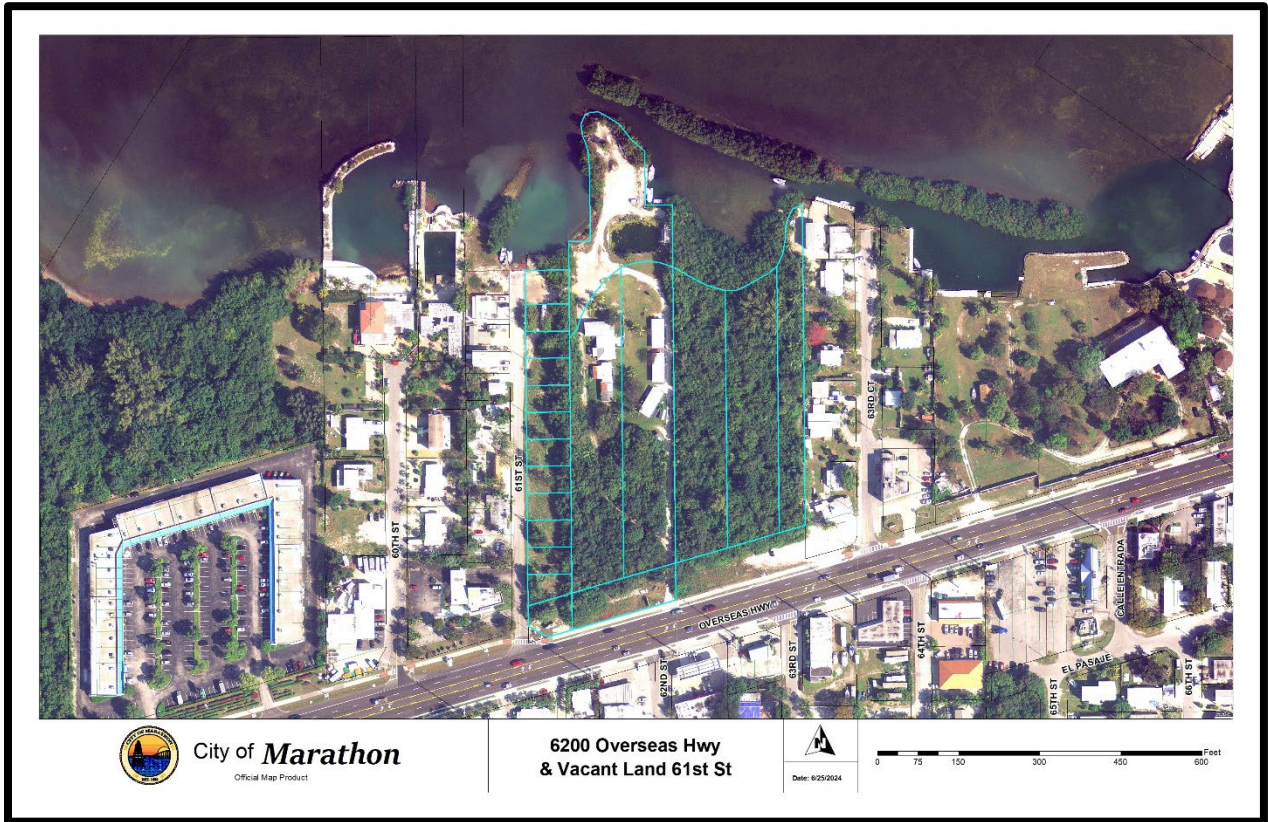
SURROUNDING ZONING AND USES:

	<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:

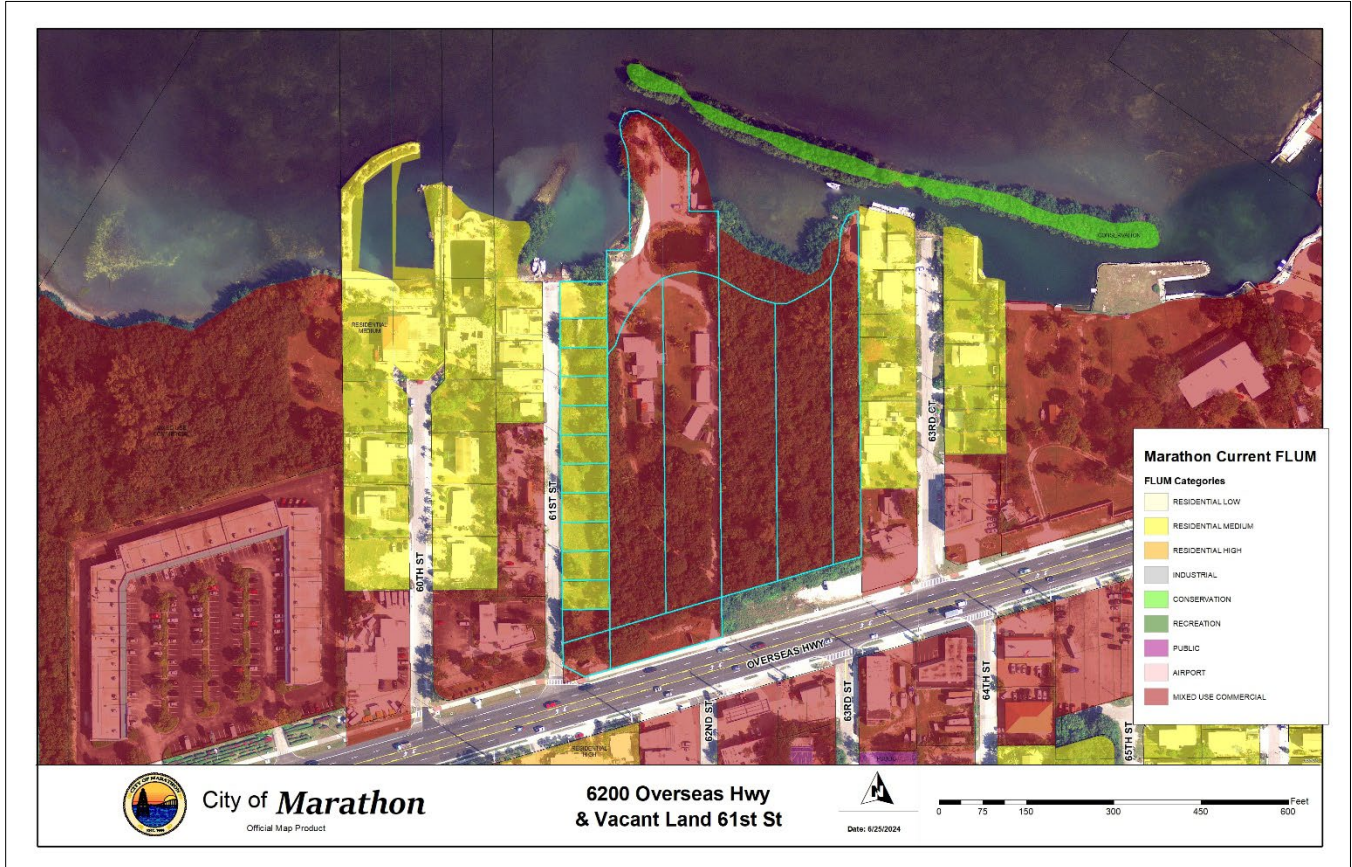
The project site consists of existing residential units and vacant land. It has been determined that nine (9) Market Rate Building Rights currently exist on the combined parcels. The existing FLUM is Mixed Use Commercial (MU-C) and Residential Medium (RM), and the Zoning is Mixed Use (MU) and Residential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

**Figure 1
Project Site**



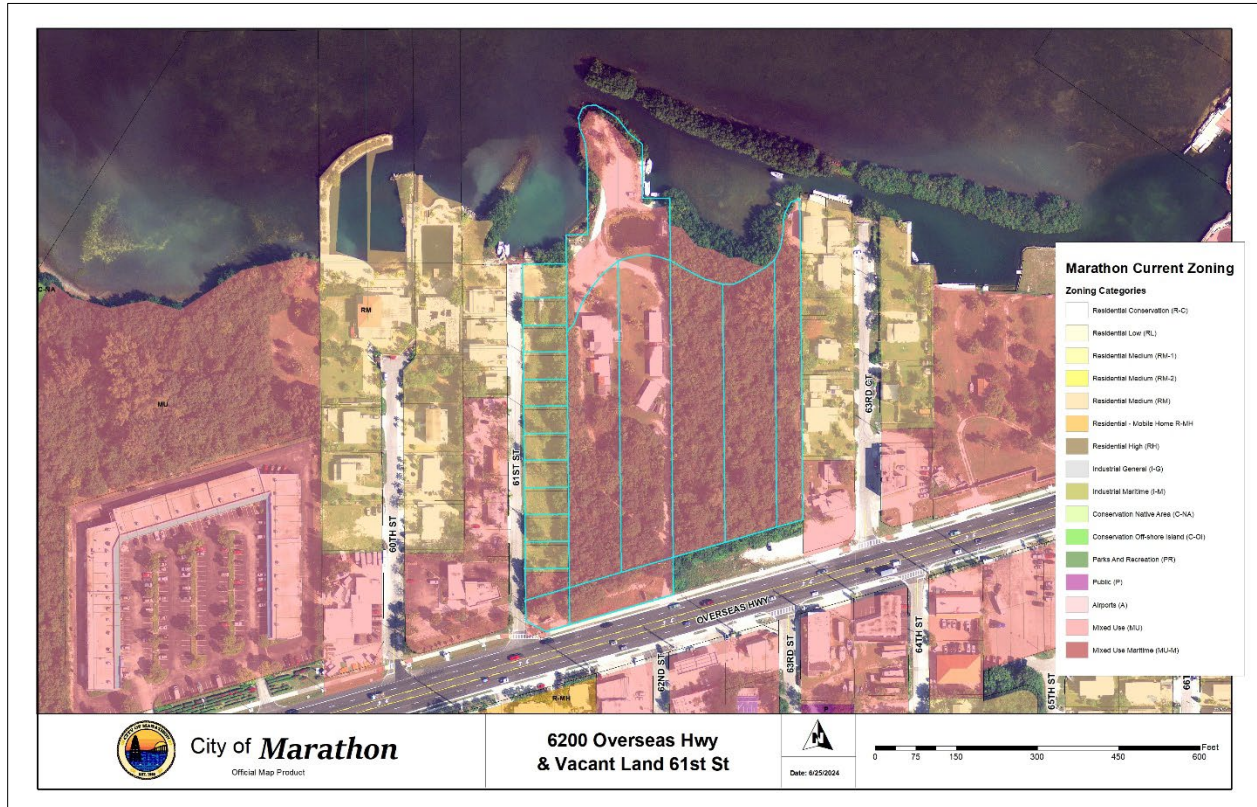
FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MU-C) and Residential Medium (RM). See Figure 2.

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 nine market rate 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.

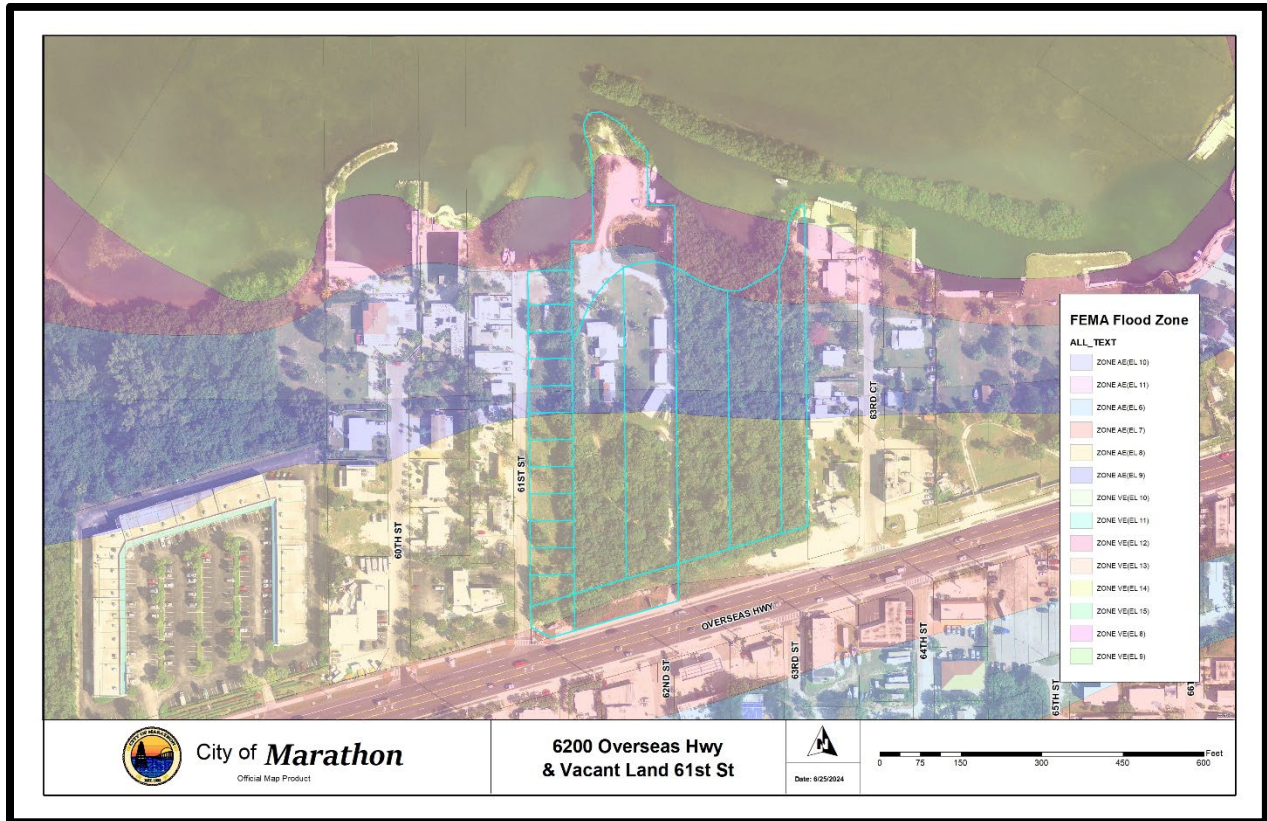
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

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

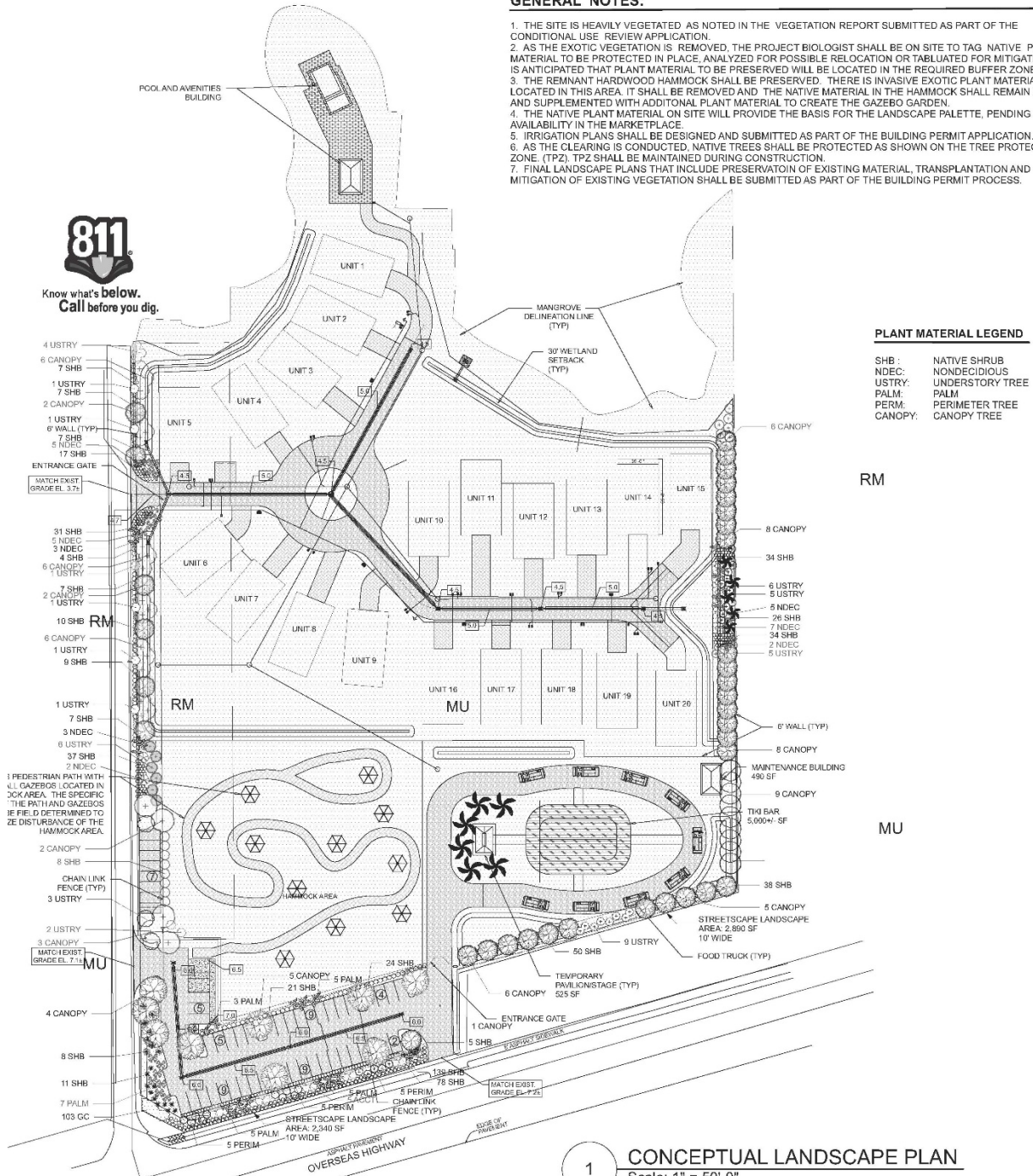
1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
2. Additional landscape canopy and buffering be placed per site plan.
3. A sewer flow estimate from an engineer will be required to reassess any additional impact.
4. The project exceeds 1 acre of development, 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.

LANDSCAPE PLAN

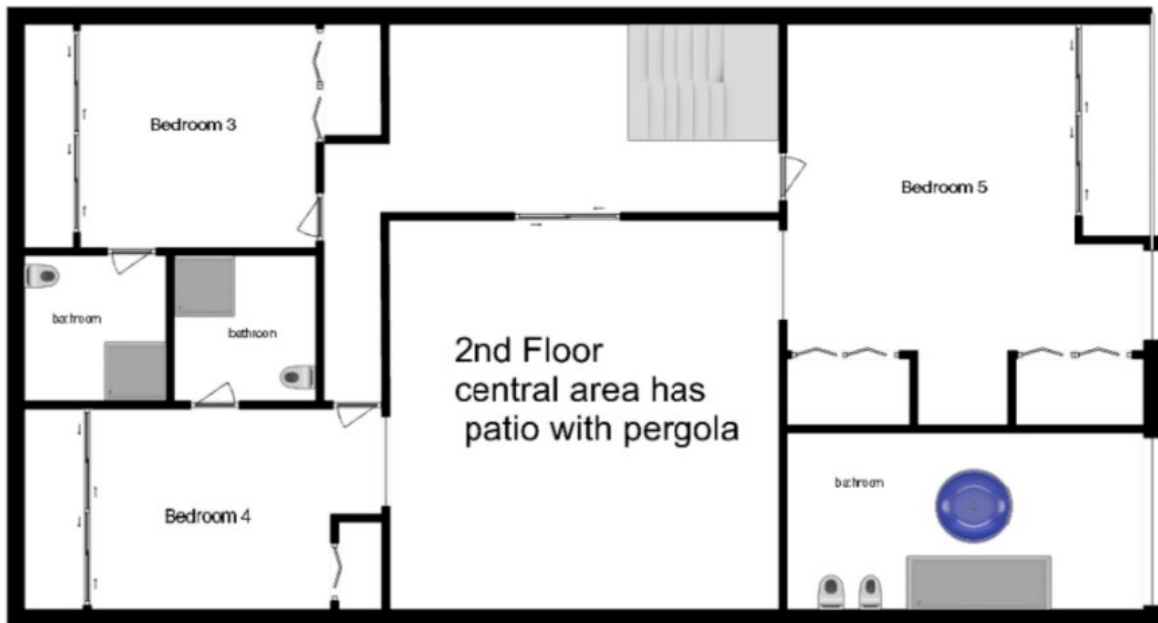
GENERAL NOTES:

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
 $1/4" = 1'-0"$



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: September 16, 2024
To: Honorable Chair and Planning Commissioners
From: Erin Dafoe, Associate Planner

Agenda Item: Consideration Of A Request By LPS Utilities Inc. 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 Four (4) Residential Units Located at 59740 Overseas Hwy; Section 20 Township 65 Range 34 Grassy Key Part Lot 5, Monroe County, Florida, Having Real Estate Number 00100130-000000. Nearest Mile Marker 60.

APPLICANT/ OWNER: LPS Utilities Inc

AGENT: Patrick Stevens

LOCATION: The project site is located at 59740 Overseas Hwy at nearest mile marker 60. See Figure 1.

REQUEST: A Conditional Use Permit approving the development of four (4) Single Family Residential Units.

LOT SIZE: Total acreage 1.24 acres or 53,846 square feet.

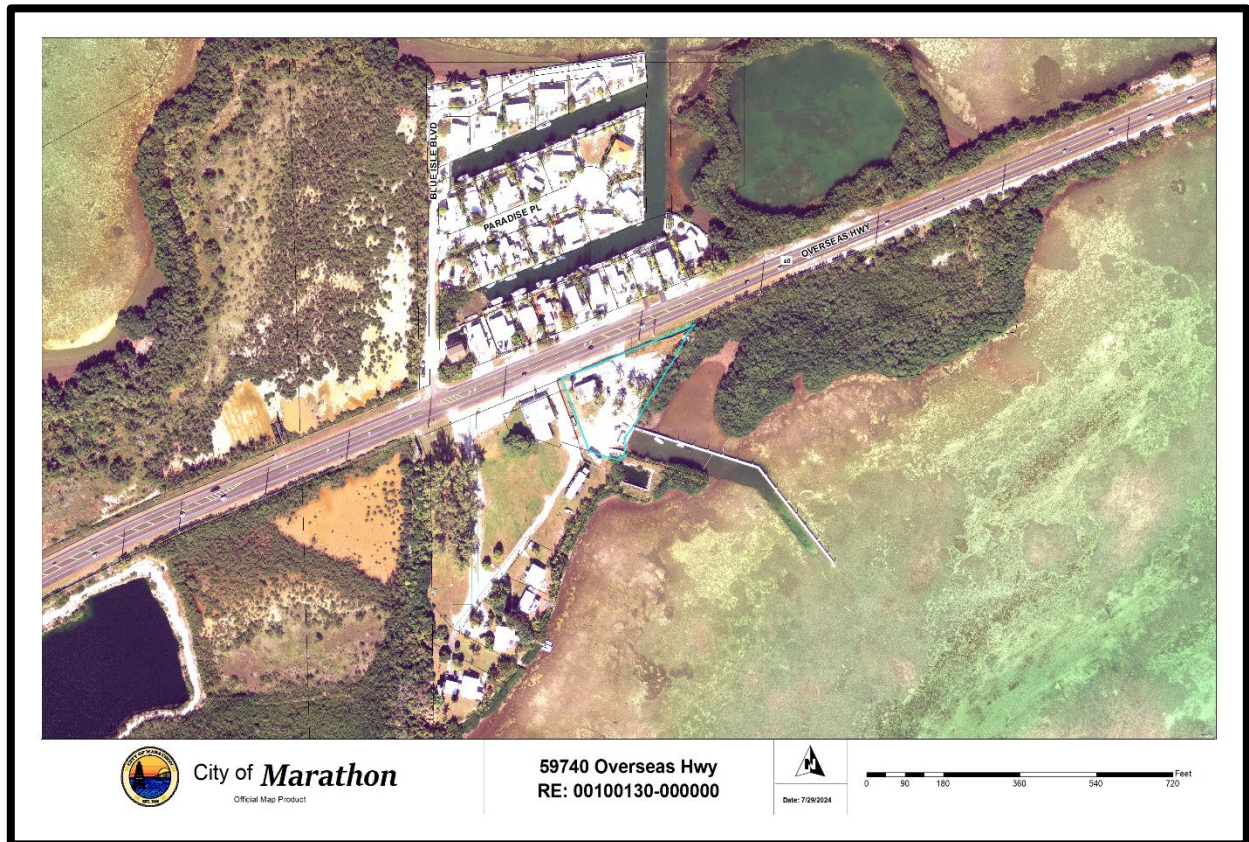
SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Residential Mobile Home (R-MH)	Residential Housing
West	Mixed Use (MU)	Seaglass Cove
East	N/A	Mangroves/Open Water
South	N/A	Open Water

EXISTING CONDITIONS:

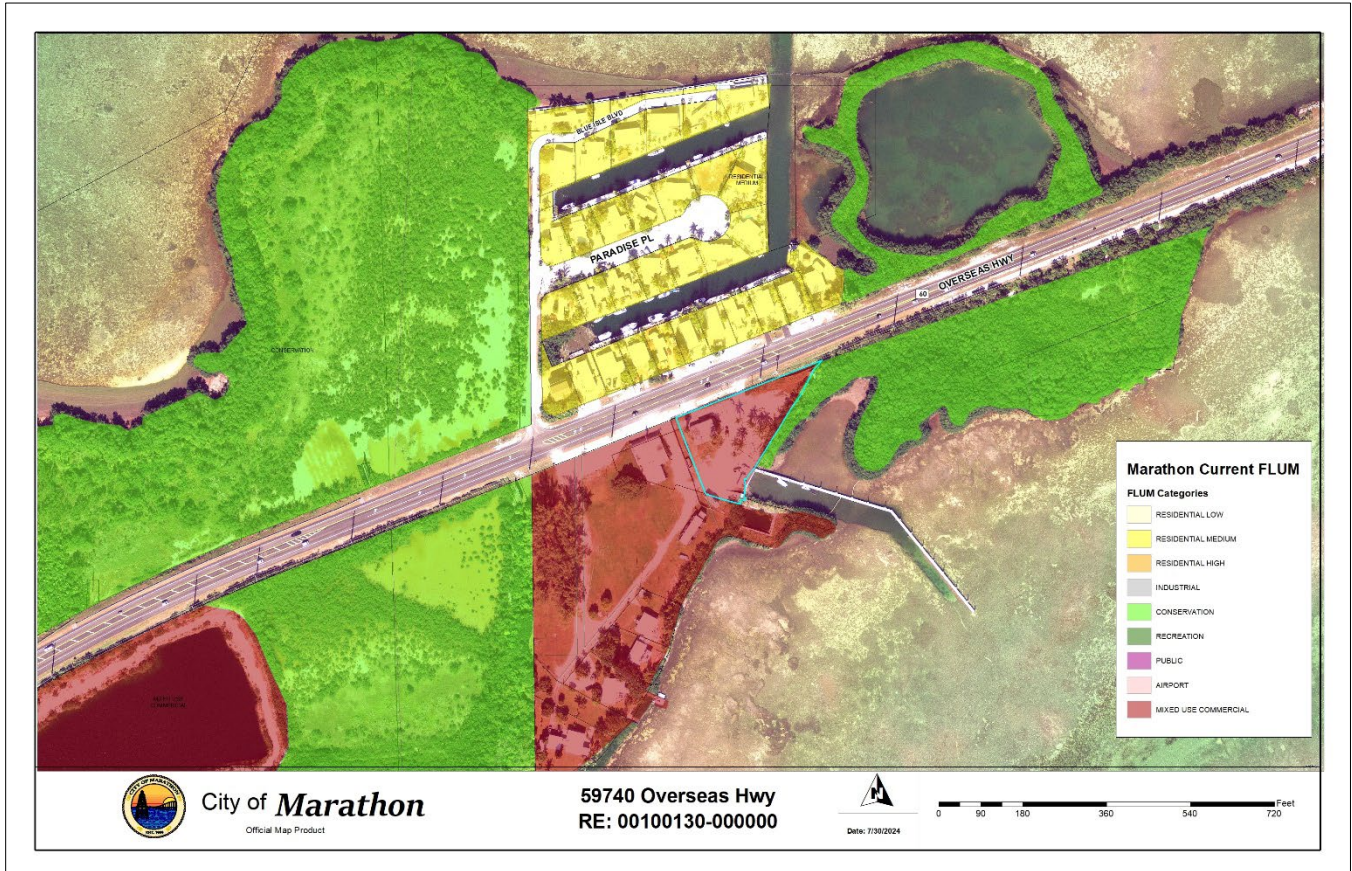
The project site consists of vacant land used for barge access. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

**Figure 1
Project Site**



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

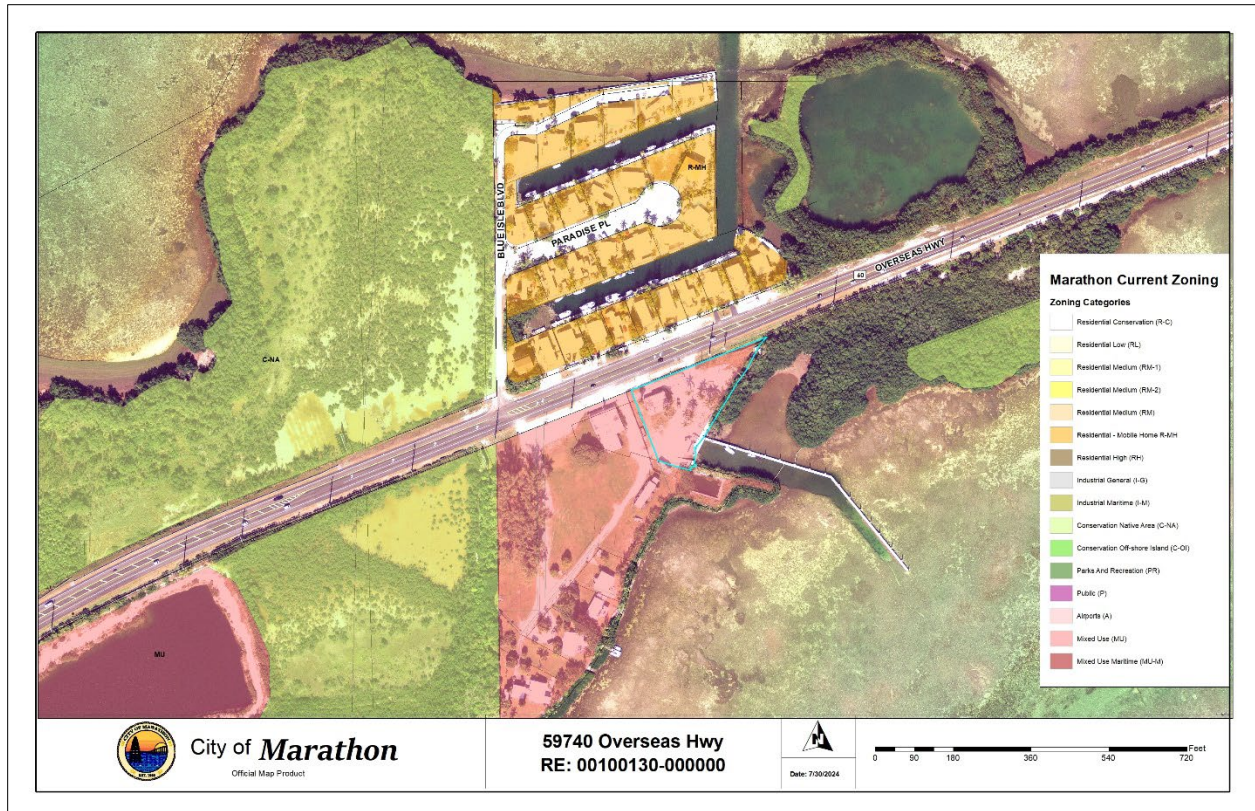
Figure 2
Future Land Use Map



ZONING MAP DESIGNATION:

Mixed Use (MU). See Figure 3.

**Figure 3
Zoning Map**



PROPOSED REDEVELOPMENT:

The Applicant requests a change of use to develop four (4) single family residential units.

BACKGROUND:

The proposed project seeks to redevelop property that was previously approved for a convenience store, fuel sales, and a marina. The total property size is 53,846 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 project is for 4 resident units, an allowed use as conditional 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 open water to the south and east. With a section of residential development to the north and commercial to the west.

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 1.24 acres, the proposed four residential units utilize 53% of the density allowed for this site.

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 west. 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 would need 4 market rate building rights which will need to be obtained.

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 residential units.

- 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.

LPS Utilities Inc	
Total 53,846	
Market Rate (4)	29,040
Maximum allowed	53,846 sq ft (7 units)
Total Proposed	29,040 sq ft (4 units)

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

- Section 107.47 Parking

Parking for the site and the project is met with the proposed required parking spaces. The development provides eight interior standard parking 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

Along US 1 corridor to the North the landscape planting will consist of a variety of native plant material varying in size and height as well as canopy trees. A mix of understory trees and shrubs will be planted in a variety of heights of maturity.

- 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. Therefore, the project is compliant with this requirement of the LDRs.

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.

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

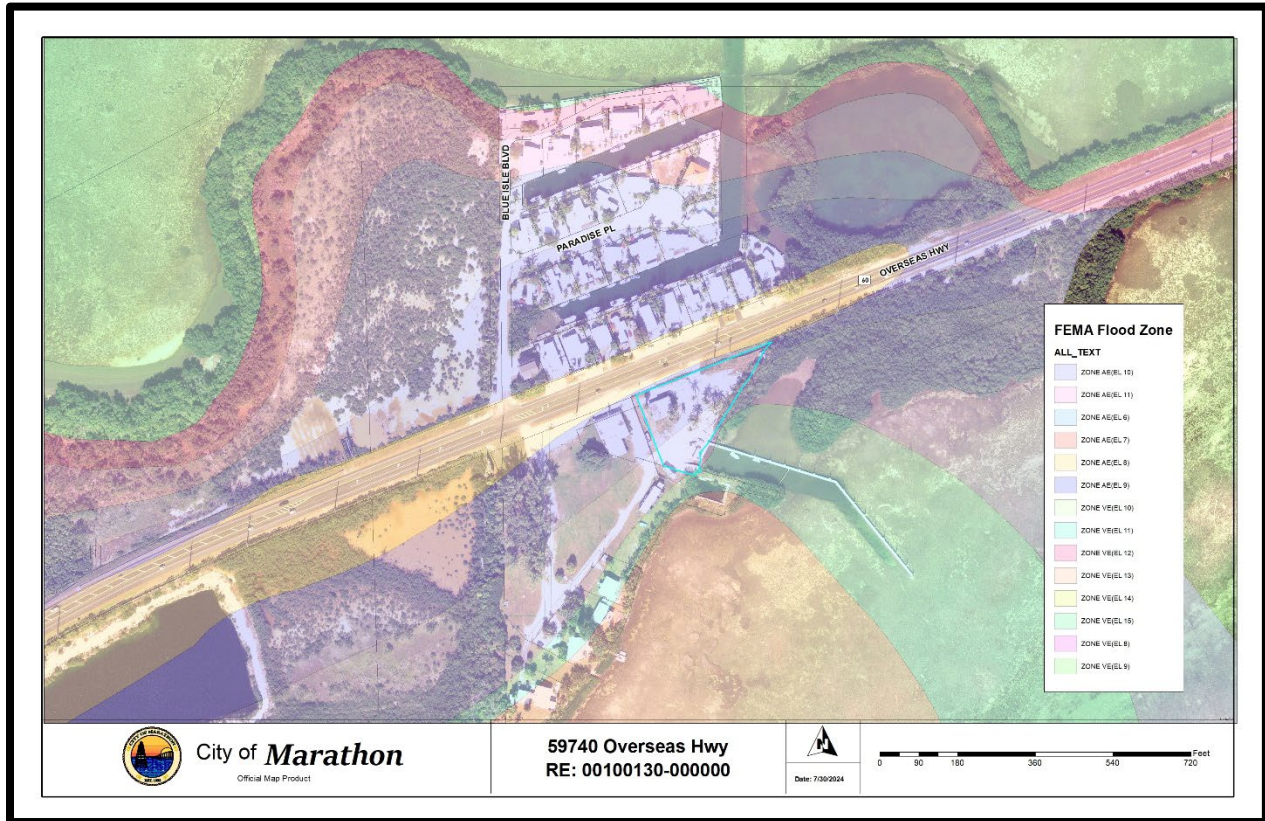
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed conditional use will enhance the community by providing residential housing. The project will not cause any negative impacts to the City's health, safety, and welfare.

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

Figure 4

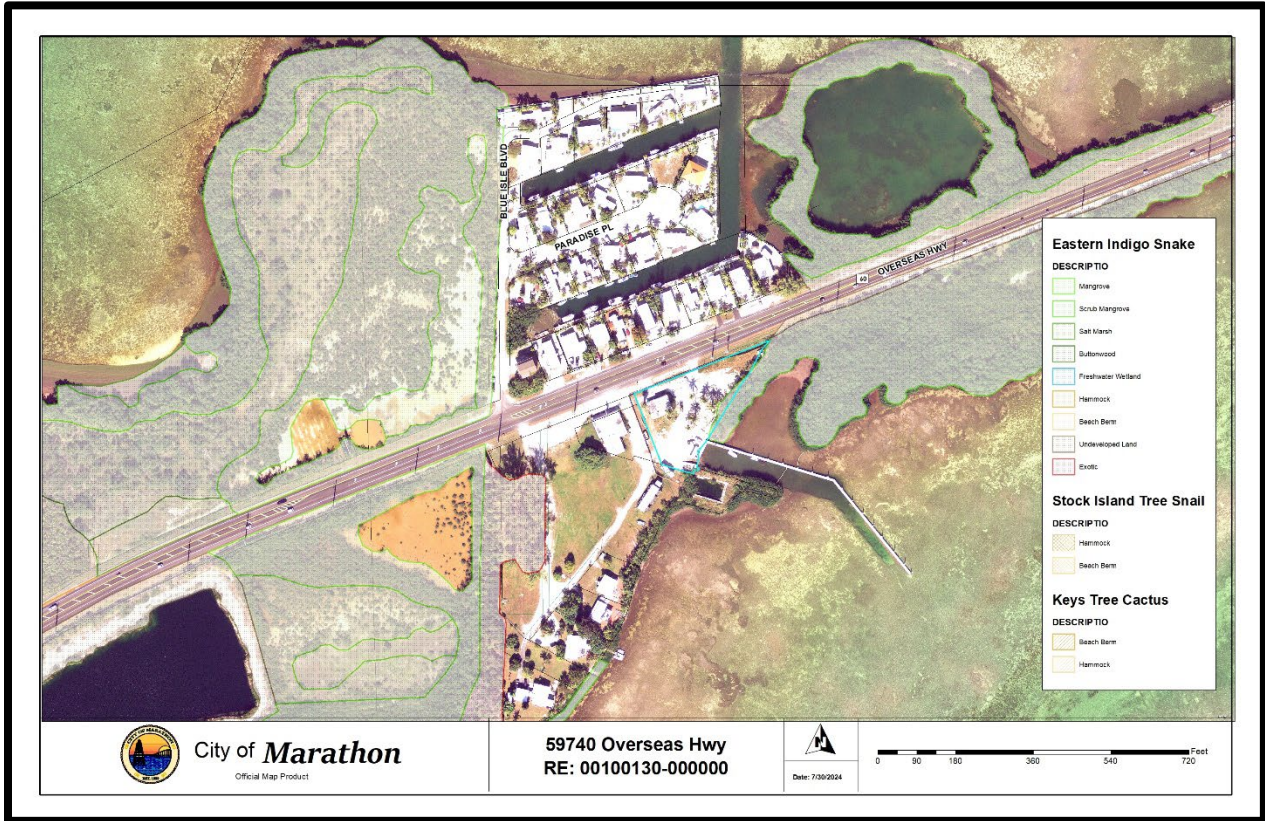
Flood Zones



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. As part of the permitting process any potential impacts will be reviewed for species based upon species assessment guides.

Figure 5
FEMA – FWS Species Focus Area Maps



All vegetation on site is a mix of non-invasive exotic plantings. A building permit issued in 2020 for invasive exotic removal was completed. Several canopy and understory trees will be planted per Conceptual Landscape Plan that was submitted. Streetscape treatment along US 1 will be installed including a mixture of shrubs and canopy trees. Native vegetation must be mitigated per Section 106.10.

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

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.
- An FDOT access permit and drainage permit/exemption is required for this project.
- 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;

The applicant has provided a traffic analysis for the proposed development. Parking will be provided to residents.

Table 2 12640 Overseas Highway Trip Generation Analysis Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed</i>								
Single-Family Housing	8 DU	74	2	4	6	5	3	8
Multifamily Housing	4 DU	24	0	2	2	1	1	2
Total		98	2	6	8	6	4	10

Compiled by: KBP Consulting, Inc. (October 2023).

The traffic will decrease 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.

Section 107.48 requires a minimum of twenty-five (25) percent of the required spaces be for bicycle parking. Based upon the proposed parking spaces calculated two (2) bicycle parking will be required on final site plan.

The applicant does not propose a change to the driveway for this project, therefore an FDOT access permit will not be required.

Section 107.43 requires site triangles where the access drive intersects with the street.

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

- Final site plan must show bicycle racks pursuant to Section 107.48.

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The project provides adequate parking spaces as required.

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	Two (2) spaces per dwelling unit	8
Total Required			8
Total Provided			8

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, 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.

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

- Final site plan must include dumpster pursuant to Section 107.39.

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: The applicant will provide wastewater and sewage collection and disposal through cooperation with the Utilities Department.
- 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: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: A traffic study was completed to analyze the impact on transportation facilities resulting in less of an impact from the previous use.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- Applicants must obtain all outside agency approvals.
- City approval of the connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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 parking lot and US 1 corridor for plantings.

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

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.

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 developed; therefore, a twenty percent open space requirement applies and the site complies with this minimum requirement.

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

9. General compatibility with surrounding properties; and

The proposed development is a residential development. 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 proposed development:

- Two (2) side yards are required for stacked duplexes.
- Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- 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.

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.

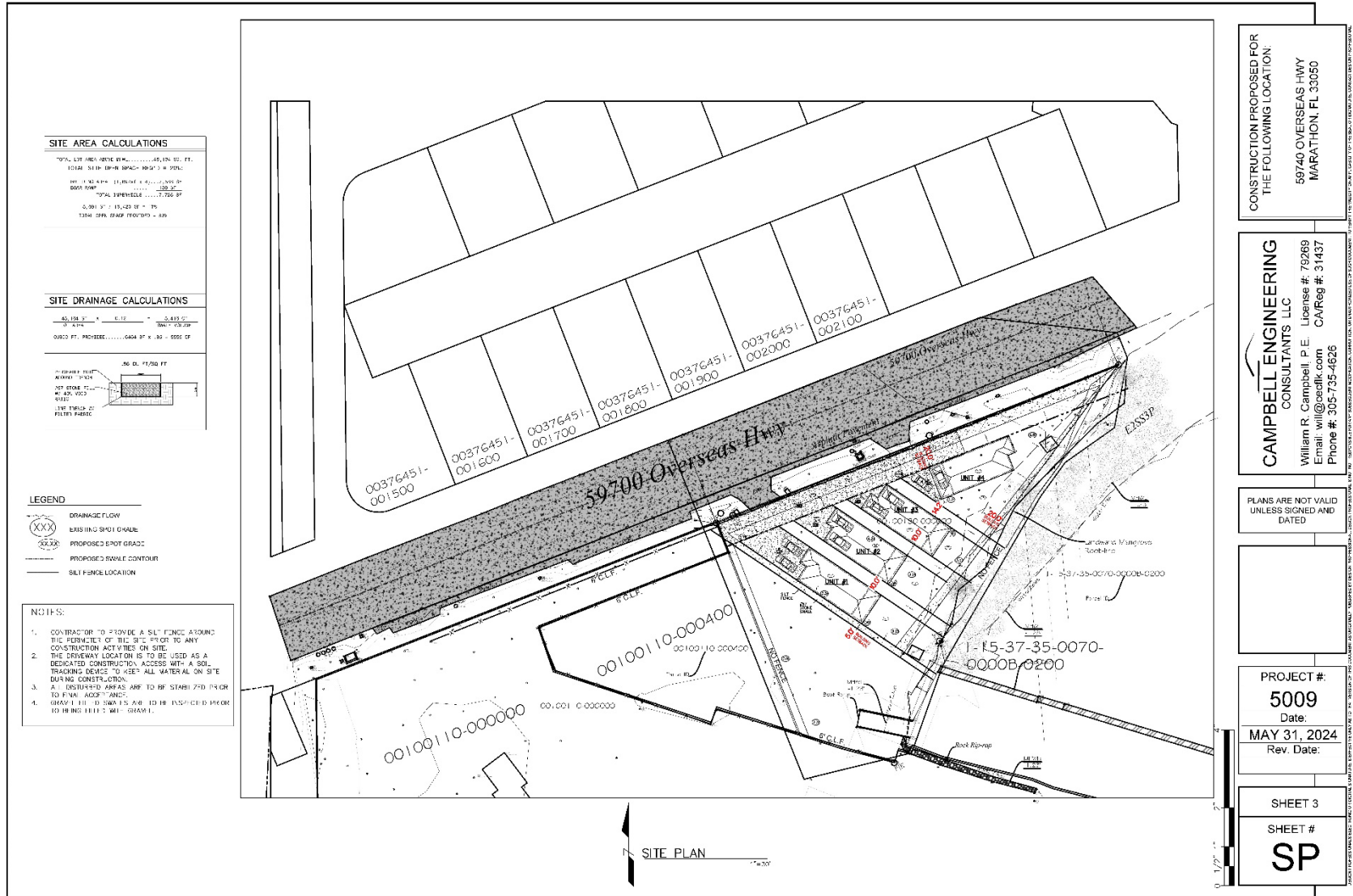
RECOMMENDATION:

Planning staff recommends approval of the proposed Conditional Use Permit allowing the development of four (4) residential units and accessory structures 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. As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
3. City approval is required for the stormwater management system prior to Building Permit Approval.
4. Applicants must obtain all outside agency approvals prior permit issuance and prior to project initiation.
5. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
6. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
7. A sewer flow estimate from an engineer will be required to reassess any additional impact.
8. City approval of the connection to the City Wastewater Utility will be required.
9. The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.
10. Any native vegetation removed must be mitigated per Section 106.10.
11. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
12. 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.
13. 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.
14. 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.
15. The Applicant must obtain and transfer four (4) 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.
16. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
17. Final site plan must show bicycle racks.
18. Final site plan must include screened dumpsters pursuant to Section 107.39.

SITE PLAN



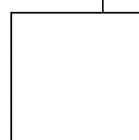
ELEVATION PLAN



CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 58740 OVERSEAS HWY
 MARATHON, FL 33050

CAMPBELL ENGINEERING
 CONSULTANTS LLC
 William R. Campbell, P.E. License #: 792689
 Email: will@ceeflk.com CA/Reg #: 317437
 Phone #: 305-735-4626

PLANS ARE NOT VALID UNLESS SIGNED AND DATED



PROJECT #
5009
 Date:
MAY 31, 2024
 Rev. Date:

SHEET 6
 SHEET #
A3



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: September 16, 2024
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: A Request For A Conditional Use Permit And A Preliminary Plat Approval As Submitted By Key Vaca LLC And John And Phyllis Strittar For A Portion Of Land Which Is Described As Section 10, Township 66, Range 32, Key Vacas Bay Bottom & Fill Bay Bottom Adjacent To Part Of Lot 2 & All Of Lot 3 Of Thompson Subdivision (A/K/A Parcel E & Bay Bottom Parcel B), And Thompson Subdivision & Adams Subdivision PB2-24 , Key Vaca Part Of Lot 2 & Adjacent Bay Bottom And Thompson Subdivision & Adams PB2-24 Key Vaca Part Of Lots 2 & 3 (Parcel B & Parcel F) & Filled Bay Bottom & Canal Bay Bottom And Thompson Subdivision & Adams Subdivision PB2-24, Key Vaca Part Of Lot 3, Having Real Estate Numbers 00103280-000000, 00327120-001000, 00327130-000200, And 00327130-001000. Nearest Mile Marker 50.

RECOMMENDATION:

The planning staff recommends conditional approval of the Hippocampus Estates preliminary plat proposing nine individual lots with shared vehicular access for the construction of eight new single-family residences in addition to the existing single-family house. The proposed conditions follow:

Conditions of Approval

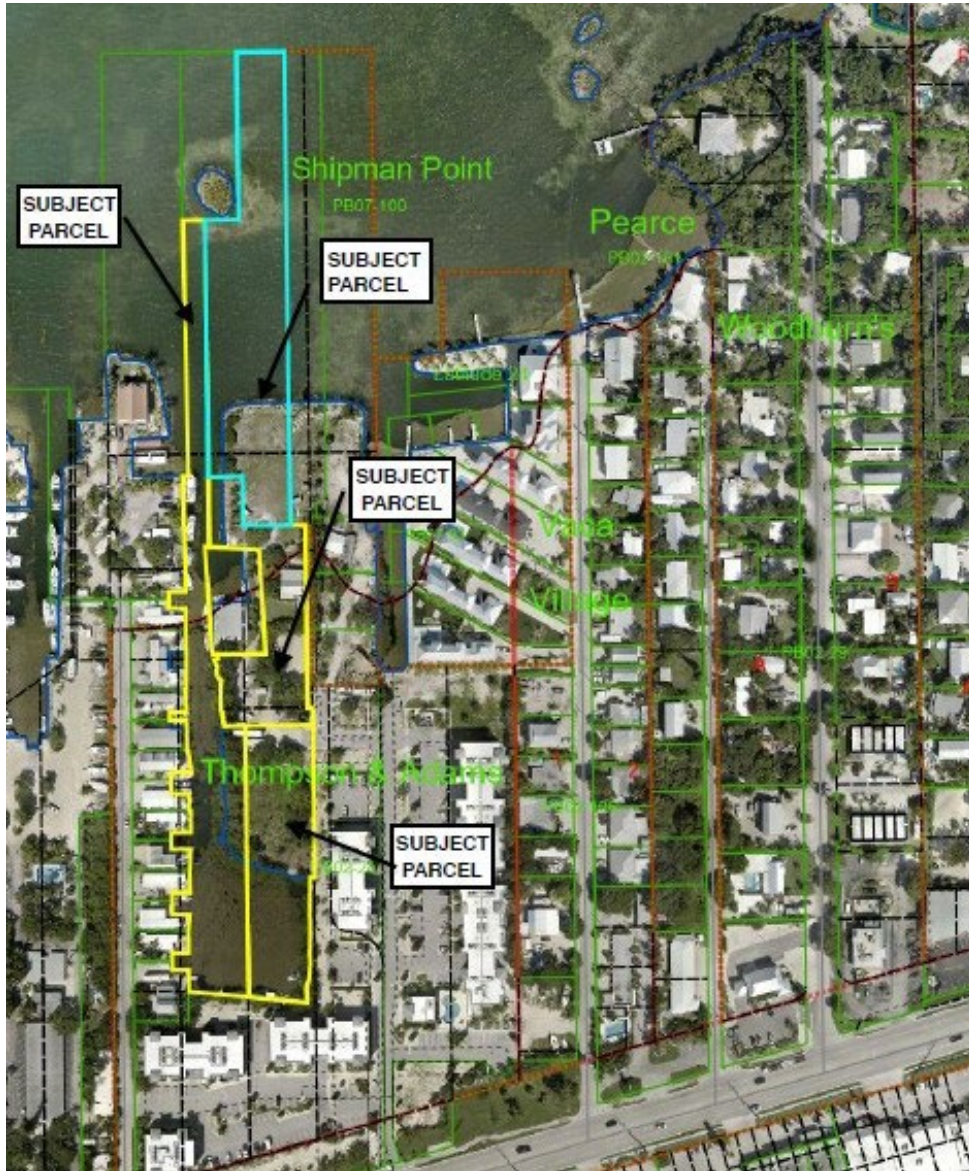
1. Acquisition of any additional development rights, as authorized through this development approval, is the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA 1 and NFPA 101 requirements.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by the Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs.
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

APPLICANT/ OWNER: Key Vaca LLC and John and Phyllis Strittar

AGENT: Barbara Mitchell

LOCATION: The project site is located at 4800 Overseas Highway and on vacant adjoining land. Nearest Mile Marker 50. See Figure 1.

Figure 1: Project Site



LOT SIZE: Total acreage 1.721 (Ac.) 74966.76 Square Feet (Sq. Ft.)

REQUEST: A Conditional Use Permit to authorize the preliminary plat of four parcels into nine lots for the construction of eight new single-family residences. One existing home is to remain.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS:

Mixed Use (MU) and Mixed-Use Commercial (MU-C) See **Figure 2 A. and B**

SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	Mixed Use	New replat Shipman Point of five single-family homes.
East	Mixed Use	Residential
South	Mixed Use	Crystal Cove Apartments
West	Mixed Use & Residential High	Residential & Marina

2.A FLUM Map



2.B Zoning Map



EXISTING CONDITIONS:

The site is classified as disturbed upland and scarified. Currently, the site has one single-family home constructed in the 1950s. This structure will remain. **Figure 3.**

PROPOSED REDEVELOPMENT:

The proposed development will contain eight new single-family homes on individually platted lots. One existing home will remain. See **Figure 4 for Site Plan layout.**

BACKGROUND:

The site contains four lots with one single-family home located on the proposed Lot 7. All other lots are vacant. The developer has already obtained eight building rights that will be used for the construction of the eight new residences. This application requests approval to replat the parcels into nine lots. North and west of this site is the recently replatted Shipmans Point.

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

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;

Consistent with the Comprehensive Plan

The proposed development project is 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 centers, 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 project consists of the proposed replat consisting of nine single-family lots that are within the Mixed-Use Zoning District.

a. Objective 1-1.1. Protect Community Character

The parcel proposed for subdivision is designated Mixed Use. It is located near the eastern end of the airport on the oceanside. The neighborhood is densely developed in a manner consistent with the community character of the City, meaning there are commercial businesses along the highway and residential uses towards the waterfront. In 1963 two single-family homes were constructed on this parcel. The proposed subdivision plat will not increase the density that is currently allowable. There is sufficient density to support eight new single-family market-rate homes. Neither a Comprehensive Plan nor Zoning change is needed or requested.

b. Policy 1-1.1.2 b. c. and e. Compatibility for Residential Use & Non-residential Review Criteria

This project proposes to redevelop a residential site. Currently, the site has one single-family home. The site is designated as “Developed” with some undeveloped land with mangrove fringe on some parcels on the city habitat maps.

The proposed replat allows for the development of homes consistent with the rest of the adjoining areas.

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

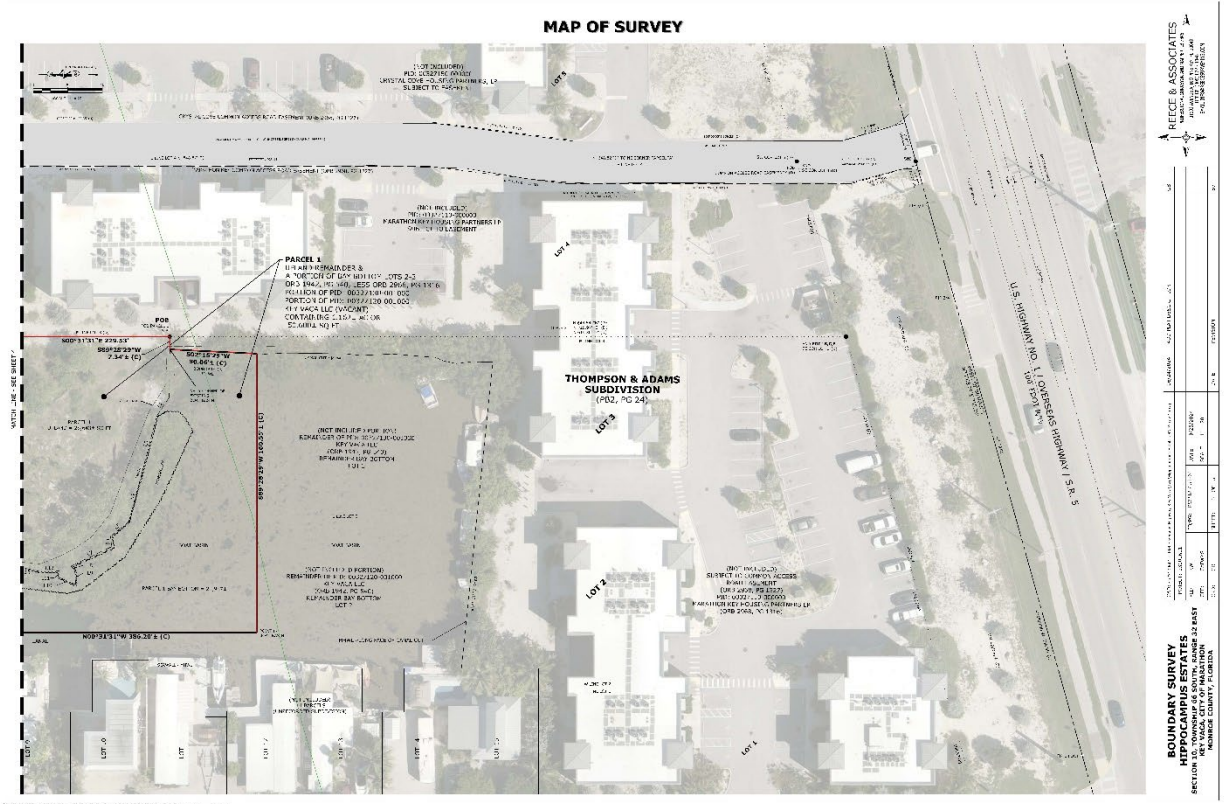
The new residential homes must meet all setback and landscape requirements. To the north and west is a similarly planned residential area. To the south is a multi-family development.

The proposed replatted lots are consistent with the character of the neighborhood.

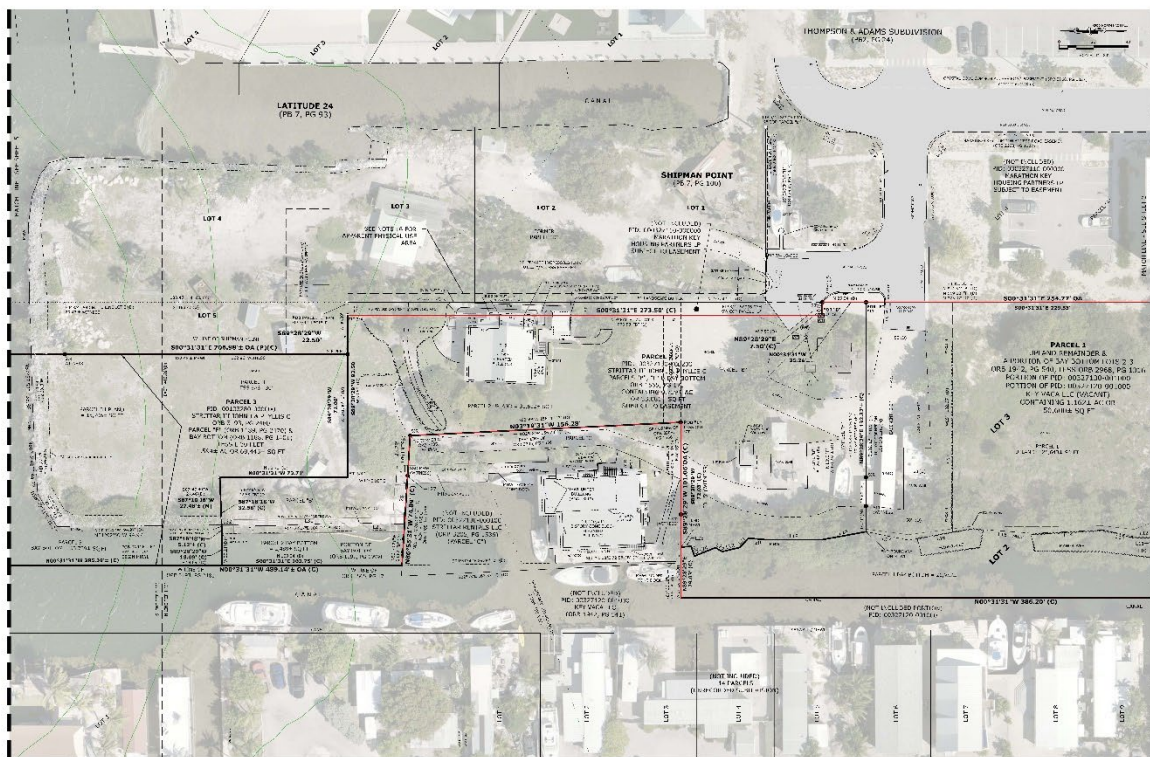
d. Policy 1-1.1.4 Transition Between Land Uses

The proposed replat consists of four lots and to be replatted into nine lots with a shared access easement. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot.

Figure 3: Property Survey



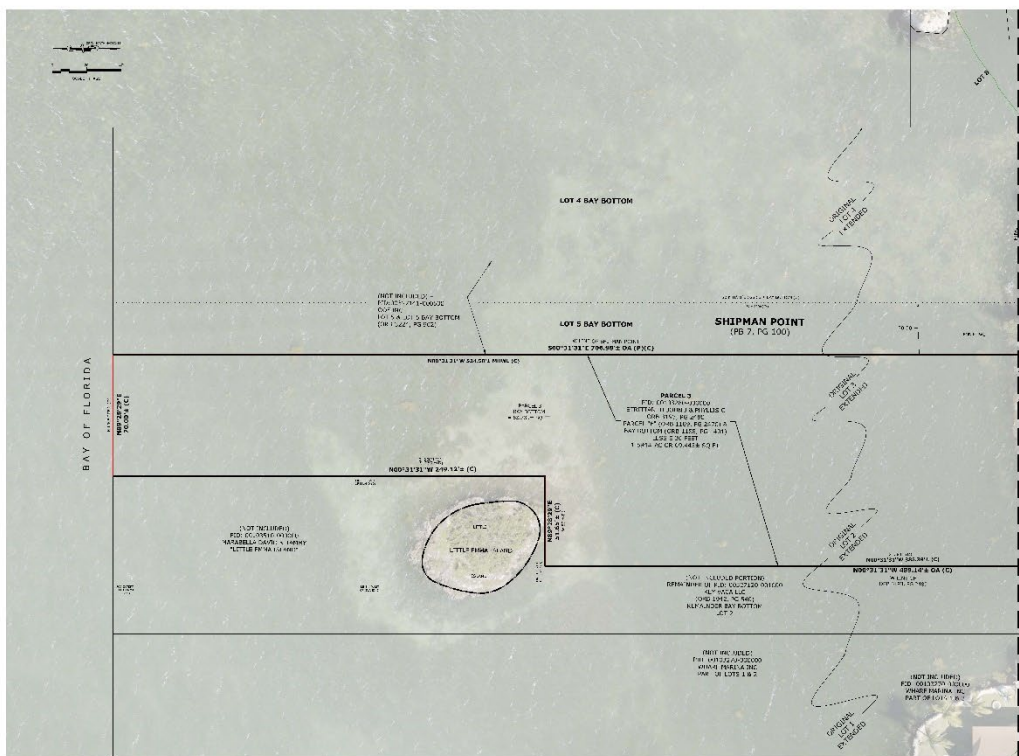
MAP OF SURVEY



REECE & ASSOCIATES
 10000 W. UNIVERSITY BLVD., SUITE 200
 BOCA RATON, FL 33433
 (561) 991-1100
 www.reeceandassociates.com

SECTION 10, TOWNSHIP 26 SOUTH, RANGE 22 EAST
 MONROE COUNTY, FLORIDA

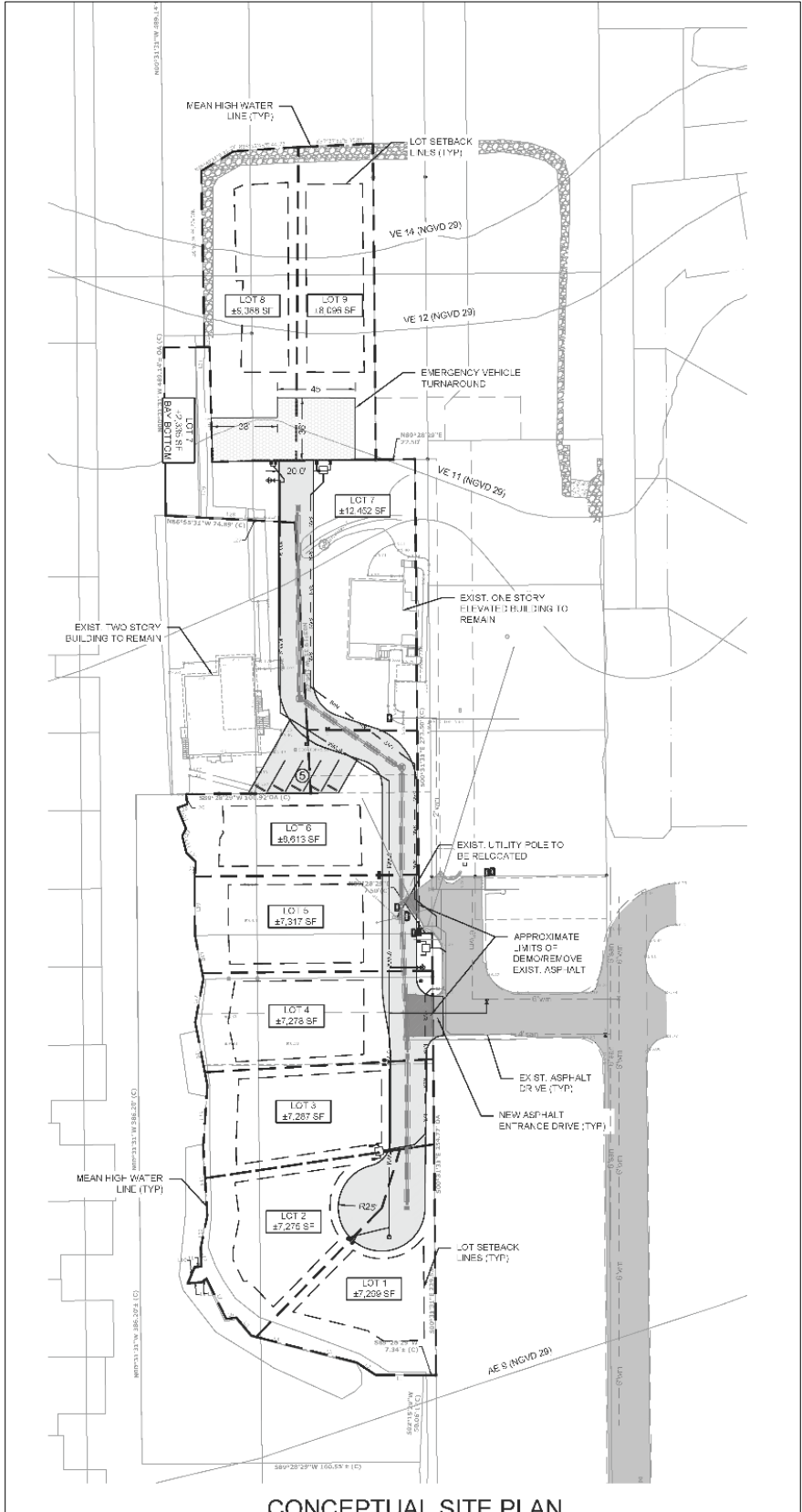
MAP OF SURVEY



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SECTION 10, TOWNSHIP 26 SOUTH, RANGE 22 EAST
 MONROE COUNTY, FLORIDA

Figure 4: Proposed Site Plan



CONCEPTUAL SITE PLAN

SITE DATA TABLE

ZONING DATA (MIXED USE_MU)		
TOTAL UPLAND SITE AREA: 1.721 ACRES		
MIXED USE (MU) ZONING:		
PARCEL 1 (00327130-0010000/00327120-0010000):	0.658 AC	28,643 S.F.
PARCEL 2 (00327130-000200):	0.702 AC	30,592 S.F.
PARCEL 3 (0010328-000000):	0.361 AC	15,706 S.F.
TOTAL MU:	1.721 AC	78,185 S.F.
DENSITY CALCULATIONS:		
MIXED USE:		
RESIDENTIAL DENSITY CALCULATION:		
1.721 ACRES X 6 UNITS PER ACRE = 10.326 UNITS MAXIMUM		
9 ÷ 10.326 = 87% OF SITE UTILITY		
LOT SIZE:		
MINIMUM: 7,269 SF		
MAXIMUM: 12,452 SF		
SETBACKS:		
FRONT:	0' TO 30'	
SIDE:	0' TO 10'	
REAR:	20' CANAL/30' ALTERED SHORE	
MANGROVE FRINGE:	30'	
OPEN SPACE:		
HABITAT:		
DISTURBED WITH EXOTICS:		20%
MANGROVE FRINGE SETBACK (15'):		100%
PARKING:		
2 SPACES PER RESIDENTIAL UNIT		

e. Objective 1-2.1 Levels of Service

The parcel is considered developed and is currently serviced by public infrastructure. There is electricity, water, and sanitary sewer to the proposed Lot 7. The FCAA, FKEC, and City utility and public works departments have been contacted as part of the application process, Letters of Coordination have been received with no objections to the proposed development.

f. 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 permitted in addition to residential uses including transient, permanent, affordable, and/or commercial apartments and single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

g. 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.

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

The residential density is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. This would allow a maximum of 10 units on the total acreage. The replat proposes nine units on this acreage.

i. Policy 1-3.3.1 a, d. General Redevelopment Criteria

The sites of this replat were previously developed. Proposed Lots 1-6 contain mangrove fringe areas. Any new development must meet current State and City requirements for mangrove protection.

j. Policy 1-3.3.2 Removal of Hazard Structures

There are no hazard structures on site. New construction must meet the current building code.

k. Policy 1-3.4.1 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities and Policy 1-3.5.16 Program for Transfer of Density and Building Rights

The redevelopment plan is for a total of nine lots. One of these rights is already associated with the one single-family home site. Eight additional rights have been identified and purchased and are pending transfer to the new lots upon approval of the final plat and the allocation of a new Property Real Estate Number(s).

l. Policy 4-1.3.6 Protect, Stabilize and Enhance Shoreline

At the time of building permit submission, the submitted plans must meet all shoreline protection requirements.

2. Consistent with City Land Development Regulations:

a. Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of uses and activities. Market Rate permanent residential housing is permitted.

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

This redevelopment is consistent with Table 103.15.1, uses by Zoning District. A Plat of Subdivision requires a Conditional Use Permit Application, as contained herein.

c. Table 103.15.2, Density, Intensity and Dimensions for Zoning Districts

The subject project site contains 34,687 square feet of upland. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district. For residential uses, the units per acre are (6) market rate, fifteen (15) affordable, and twenty-five (25) transient, and a commercial floor area of 60% with eligibility for a density bonus of up to 75%.

The proposed project is a subdivision of four parcels into nine lots. All lots exceed the minimum lot size of 7,260 square feet required for market-rate development. Based upon the use the proposed density is within Code requirements.

d. Section 107.00. Building Permit Allocation System (BPAS)

New BPAS allocation will not be required for this project. Existing transferable building rights have been acquired and the transfer is pending approval of the Final Replat and the allocation of the Real Estate Number.

e. Section 107.47 Parking

Two parking spaces are to be provided for each single-family home as required by City Code. Compliance shall be demonstrated as part of the Building Permit applications.

f. Section 107.40 Maximum Height

This application is for approval of a nine-lot subdivision for single-family homes. The plans for these homes have not been developed at this time.

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The landscape plans have been provided. Final landscape plans will be prepared and submitted with Building Permits.

h. Sections 107.73 – 107.81 Open Space

The required open space ratio for this site is 20%. Upon approval of the Replat, each lot will be required to provide 20% open space. The following Table provides a summary, numbers are in square feet:

Lot #	Total Lot Area	Upland Lot Area	Buildable Area +/-	Easements	Open Space Area. +/-	Open Space %
1	15,570	7,269	2,747	1,408	3,114	42.8%
2	13,159	7,275	3,459	908	2,908	40%
3	9,684	7,287	3,820	1,045	2,422	25%
4	9,353	7,278	3,401	1,246	2,631	36.1%
5	9,220	7,317	3,539	1,138	2,640	36%
6	9,983	8,613	2,791	2,729	3,093	35.9%
7	14,787	12,452	5,882	3,290	3,280	26.3%
8	40,539	9,332	3,122	1,352	4,858	52.1%
9	30,803	8,117	3,579	1,226	3,312	40.1%

The proposed open space ratios are ***in compliance*** with the requirements of these sections.

i. Sections 107.82 – 107.85 Fences and Screening

There are now additional screening requirements.

j. Sections 107.87 – 107.97 Stormwater Management

Complete stormwater plans have not been developed for each proposed replat. Conceptual drainage plans have been submitted with this application. Final plans will be reviewed for conformance with City requirements during the permitting stage.

- The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.

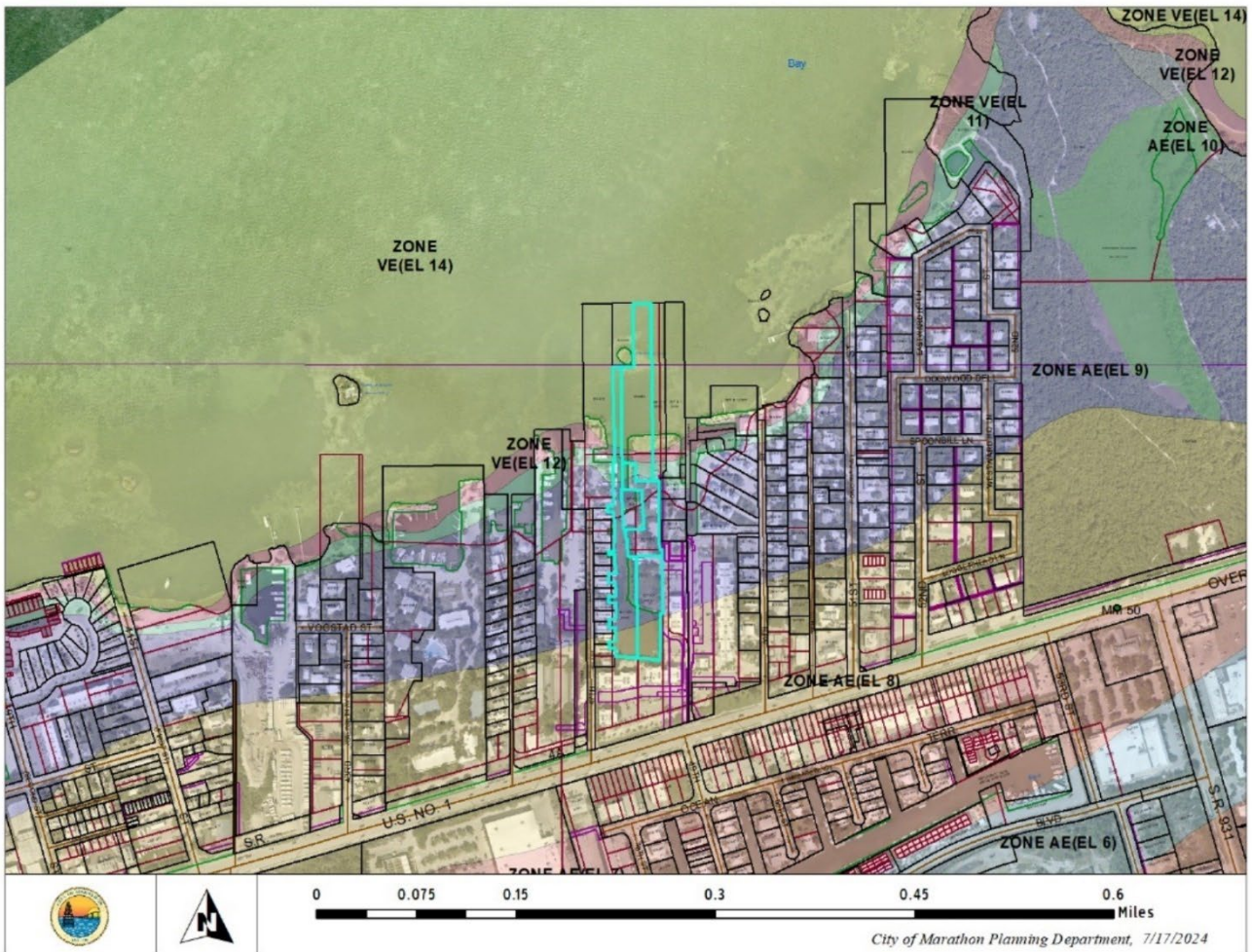
k. Sections 107.98 – 107.102.5 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE9 to VE14. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations. The project

as proposed meets the basic definition of development in the MU zoning district. See **Figure 5: Flood Zones**.

- The applicant will meet all floodplain-related requirements as part of the Building Permit process;

Figure 5: Flood Zones



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

The Future Land Use designation for this area is Mixed Use indicating a mixed pattern of residential and commercial development. This parcel has been developed with residential uses since the 1950's. The proposed per acre density is less than six units per acre and is consistent with the Land Development Code and the Comprehensive Plan.

The parcels surrounding parcels are in the process of being developed or are already developed for residential uses. Immediately to the south is a multi-family complex. The property to the north and west is being redeveloped into single-family homes. This project will minimize impacts to the surrounding properties. It is anticipated the Replat Subdivision will conform to the Comprehensive Plan.

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed-use development patterns within the City.” Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory, or conditional use permit. That table shows that Plats and subdivisions are permitted only when approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency-related resources such as road capacity, solid waste, sewer, and potable water availability.

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. The proposed uses fall within the allowed densities and intensities for the parcel.

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 redevelopment is for residential. The new buildings will be built in compliance with all applicable City Building Codes. No new adverse impacts are expected to arise with the development.

Plans submitted with the project are suitable for Conditional Use Approval as they relate to Chapter 107, Article 12, 100-Year Floodplain. The final review of floodplain compliance will occur as part of building permit issuance.

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

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:

The project has been designed to minimize environmental impacts per Chapter 106 Natural and Historic Resources Protection. In summary, the site is classified as Developed Land. This is an accurate designation as the property has been developed since the 1950’s, originally as a resort known as Ribble’s Cottages. A site visit indicates the property has been landscaped. The landscaping includes native and exotic trees, palms, shrubs, and understory plantings. Along the canal, a mangrove fringe has been maintained in accordance with DEP mangrove trimming and

maintenance regulations. As part of the site planning for the individual homes, any desirable native trees/plants shall be identified, located, and preserved if possible. If this is not possible, then all efforts will be made to transplant the item or mitigate as directed by the City Land Development Regulations. Under Article 2, Section 106.03 of the City Land Development Regulations, an Environmental Resource Assessment was not required at this time.

The proposed stormwater management system shall retain water generated from rain events on site thereby improving the quality of the nearshore waters by treating and maintaining the stormwater on site. The shoreline has been protected against erosion with the placement of riprap over the years. Future owners of the lots must obtain permit authorization for dock/seawall structures.

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

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;

The access to the site is via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City in 2018/2019 when the Residences at Crystal Cove were approved for permitting. The roadway is private and provides access from the site to US 1. The travel way is paved and utility easements have been revised and recorded in accordance with the site modifications. An easement will be granted to an out parcel not included in the plat for access and parking.

A Traffic Statement prepared by KBP Consulting Inc. is submitted with this application. As documented in this study, US 1 has the reserve capacity to accommodate the additional vehicular trips anticipated with this project. Based upon the analysis performed as part of the study, the project is not expected to adversely impact the operational characteristics of the US 1.

Table 1 Hippocampus Estates Trip Generation Summary Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Detached Housing	1 DU	9	0	1	1	1	0	1
<i>Proposed</i>								
Single-Family Detached Housing	9 DU	84	2	4	6	5	3	8
Difference (Proposed - Existing)		75	2	3	5	4	3	7

Compiled by: KBP Consulting, Inc. (June 2024).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition).

Provisions have been made as part of the subdivision layout to address fire access. On the north side, the proposed access road within the subdivision terminates in a T-turnaround. To the south the access road terminates in a cul-de-sac. A fire hydrant is existing near the entrance of the

subdivision. The Fire Chief has been contacted for coordination purposes as part of the Technical Review Committee review.

- The applicant shall comply with all NFPA1 and NFPA 101 requirements.

Therefore, with the conditions noted 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 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the commercial uses on the parcel:

- The applicant will provide the required number of parking spaces per the LDRs. Each single-family residential unit shall provide a minimum of two parking spaces as required by Code.

Therefore, with the conditions noted above, 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 to the health, safety, and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use.

Therefore, 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;

The Plat of Subdivision proposes an internal access road for collection of garbage, recycling, and other services.

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:

- Wastewater: The existing residential property is connected to public sewer system. The applicant must work with the Utility Department to determine the additional required infrastructure.

- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.
- Recreation and Open Space: This redevelopment already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

The site is currently served by all utilities. The access to the site is via a private access road from the public street. Please see the response to the requested Letters of Coordination included in the application. It is our understanding there is sufficient capacity for the proposed development.

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

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU. Adjacent properties are zoned the same; therefore, no district buffers are required. Each lot will install a street tree as required. Where possible, perimeter trees shall be maintained to provide screening from the new access road and the adjacent property to the east.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30’; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5’.

This plan shows a 20’ setback on the front yard, and 20’ rear yard setbacks. Side setbacks on all lots are 5’ to 15’. Water buffers are 20’.

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits.

Therefore, 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 signage program has not been developed at this time. Entrance and directional signs shall be proposed as needed.

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

8. Required yards and other open space;

The required setbacks in the MU district range from 0 to 30'. As illustrated on the Conceptual site plan, the proposed setbacks of this development are consistent with this standard. The open space ratio for the proposed lots exceeds the required 20%. The proposed open space ratios are compliant with City Code requirements.

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

9. General compatibility with surrounding properties; and

The proposed development is for a single-family residential community. The surrounding neighborhood is mixed with single-family and multi-family residential uses. The buildings will be elevated as required by City Code, providing consistency with parcels that are redeveloped. The scale and layout of the proposed lots are consistent with the City Code and the location of the building sites have been designed to maximize the open water views as is the case with most open water development within the City. A redevelopment is expected to be fully compatible with these uses. The scale and layout of the proposed lots 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.

The design of the residential dwelling units shall comply with Section 104.48 - Residential Dwelling Units. Specifically, with the provision of outdoor recreational area and the required patios and or balconies. Multi-family residential units, although permitted, are not contemplated.

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

CONCLUSION:

The Conditional Use Approval 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. The redevelopment 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.

RECOMMENDATION:

The Planning staff recommended conditional approval of the project known as Hippocampus Estates to the Planning Commission.

Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of any additional development rights, as authorized through this development approval, is the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA1 and NFPA 101 requirements.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by the Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs.
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

RECOMMENDATION:

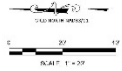
With the following conditions, the Planning staff recommends approval of the proposed preliminary re-plat.

Conditions:

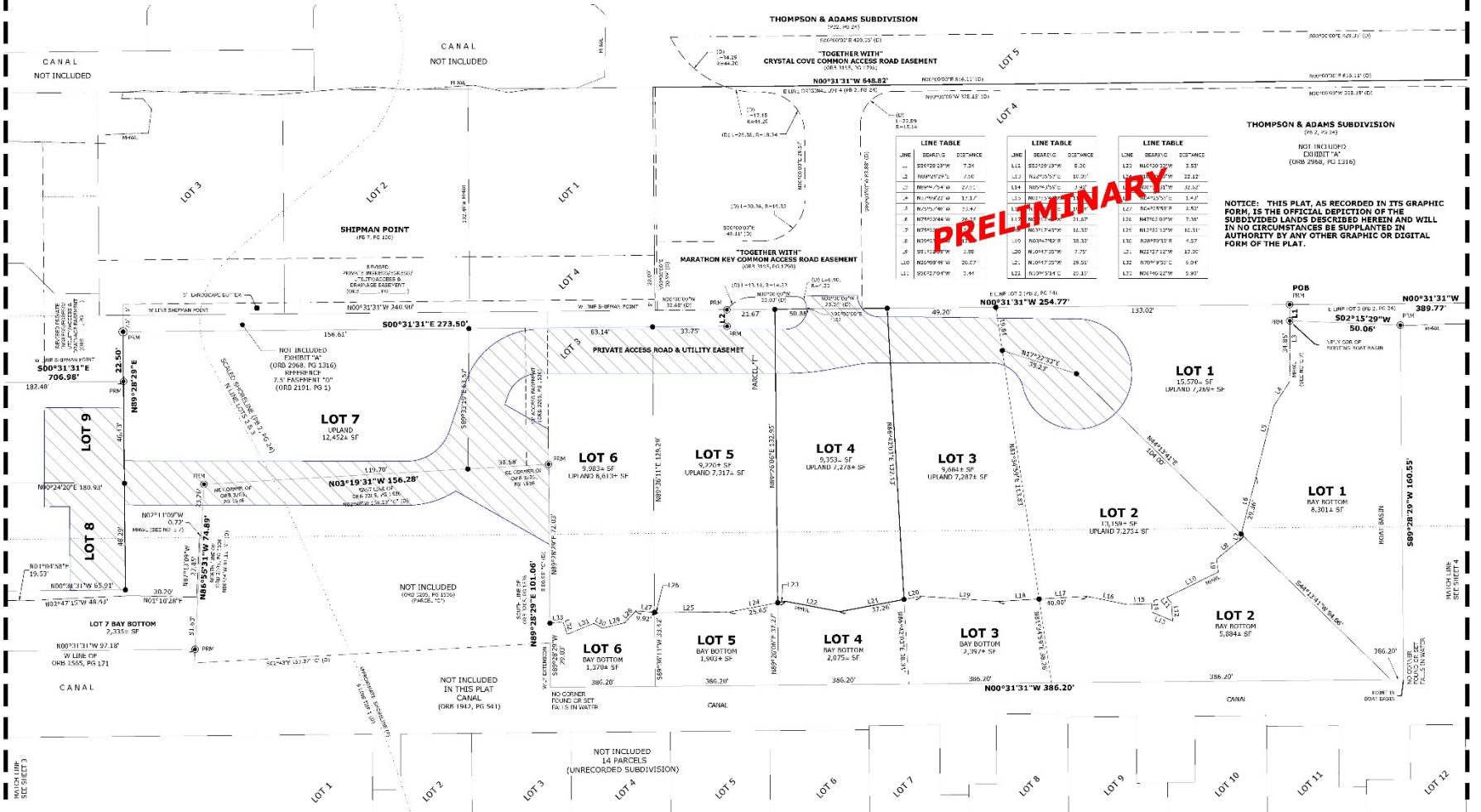
1. Final plat shall include language regarding owner-signed consent and acknowledgment for wastewater and stormwater assessment for future development of the properties.
2. All utility shall be obtained as part of the building permit process.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. All conditions of the Conditional Use must be met prior to building permit issuance.

HIPPOCAMPUS ESTATES

A PORTION OF LOTS 2 AND 3 THOMPSON & ADAMS SUBDIVISION, PLAT BOOK 2, PAGE 24 AND ADJACENT LAND AND BAY BOTTOM
 OFFICIAL RECORDS BOOK PAGE
 SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST
 KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA



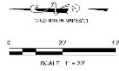
MATCH LINE
SEE SHEET 1 OF 2



SHEET 2 OF 4

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 EMAIL: INFO@REECEASSOCIATES.COM

PLAT BOOK PAGE

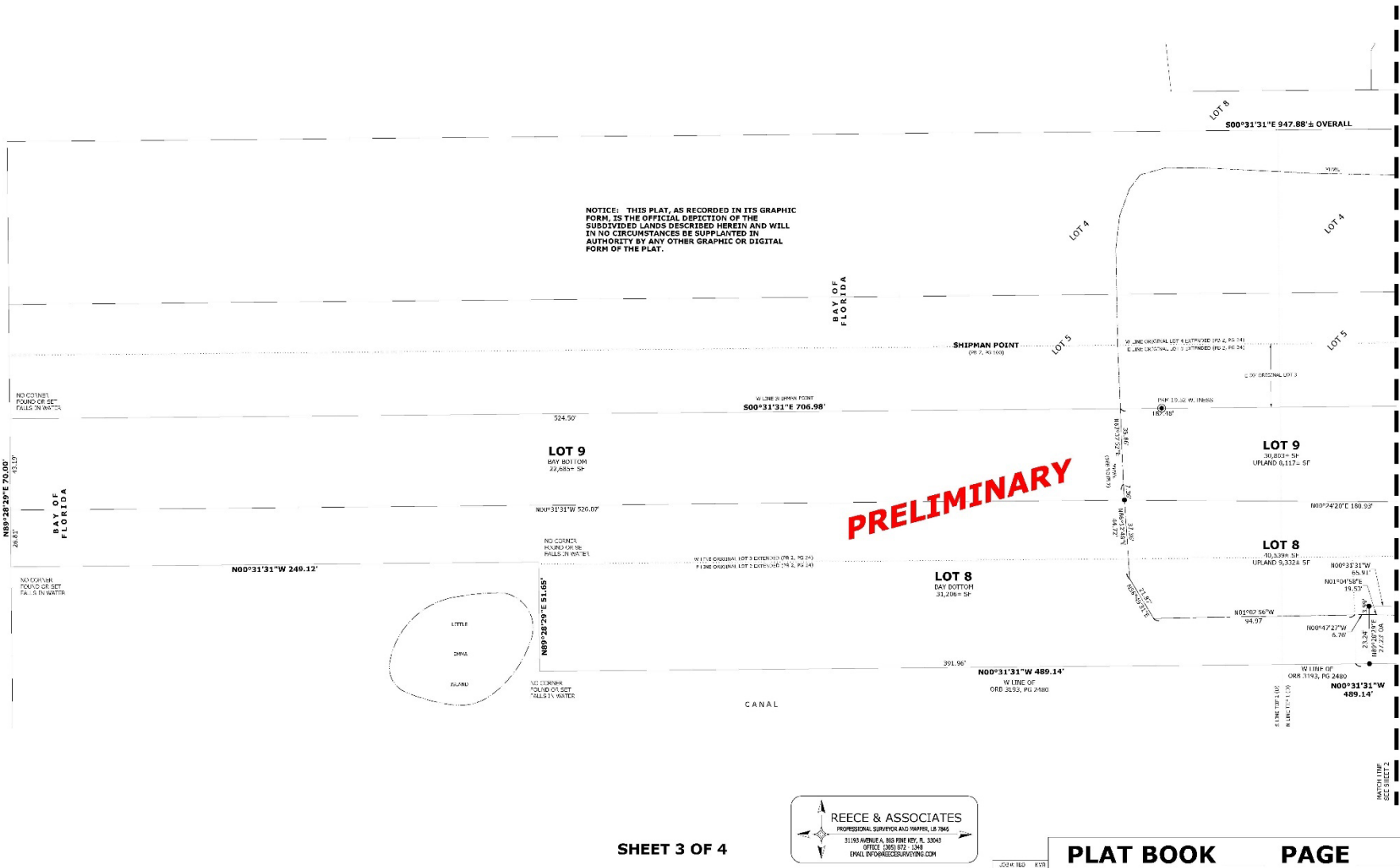


HIPPOCAMPUS ESTATES

A PORTION OF LOTS 2 AND 3 THOMPSON & ADAMS SUBDIVISION, PLAT BOOK 2, PAGE 24 AND ADJACENT LAND AND BAY BOTTOM
OFFICIAL RECORDS BOOK _____ PAGE _____
SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST
KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DESCRIPTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

PRELIMINARY



SHEET 3 OF 4



PLAT BOOK PAGE



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: September 16, 2024
To: Honorable Chair and Planning Commissioners
From: Erin Dafoe, Planner

Agenda Item: Consideration Of A Request By Coco Plum 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 Boat Storage Facility Located At 2 Coco Plum Dr; Which Is Legally Described As Block 1 Lot 2 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00362810-000000. Nearest Mile Marker 54.

APPLICANT/ OWNER: Coco Plum LLC
AGENT: Barbara Mitchell

LOCATION: The project site is located at 2 Coco Plum Drive at nearest mile marker 54. See Figure 1.

REQUEST: A Conditional Use Permit approving a change of use to a boat storage yard less than ten (10) units to be located on the subject vacant property; having the real estate number 00362810-000000.

LOT SIZE: Total acreage 0.14 acres or 6,000 square feet

SURROUNDING ZONING AND USES:

Table with 3 columns: Direction, Zoning, and Use. Rows include North (Mixed Use (MU), Wireless Tower), West (Mixed Use (MU), Gas station), East (Public (P), FKAA storage facility), and South (Mixed Use (MU), Commercial Building).

EXISTING CONDITIONS:

The project site consists of a vacant lot. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

Figure 1
Project Site



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

Figure 2
Future Land Use Map



ZONING MAP DESIGNATION:
Mixed Use (MU). See Figure 3.

Figure 3
Zoning Map



PROPOSED REDEVELOPMENT:

The Applicant requests a change of use to develop a boat storage yard less than 10 units.

BACKGROUND:

The proposed project seeks to utilize the vacant lot for outdoor boat storage. The total property size is 6,000 square feet. In general, staff sees no impact from the development of the project, except minimally, for traffic flow on Coco Plum Drive.

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 project is for an outdoor boat storage yard, 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.

- 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 residential uses including affordable and/or commercial apartments as well as single-family homes. 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 project area is a vacant lot. There are no future plans for new construction at this time.

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

The project does not exceed the commercial intensity and residential density limitations of the City’s Comprehensive Plan.

- 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 west, north, south, and east. A district boundary landscape buffer will be installed as required and shown on the submitted landscape plan.

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

The redevelopment plan includes installation of the required district boundary landscape buffer, stormwater swales and the installation of parking spaces for the site. No other development is

contemplated at this time. The site is currently fenced. The canal is available via an easement agreement to the existing wood dock.

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 boat storage yard.

- 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. The proposed uses fall within the allowed intensities for the site. As it is not anticipated that the project will create any additional impacts on services or in requirements for parking, the project then meets the criteria set out above for improving such sites to the maximum extent practicable with diminimus changes in existing or new uses.

- Section 107.47 Parking

Two parking spaces shall be provided for as required for dry boat storage at a rate of one parking space per 5 dry storage units.

- Section 107.40 Maximum Height

The project site is vacant land no new construction is proposed.

- Sections 107.63 – 107.72 Landscaping

A landscape plan has been submitted for the 15’ wide medium district boundary buffer to the east which is zoned Public.

- 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 site is currently fenced.

- 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 is vacant land.

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 north, south, and west.

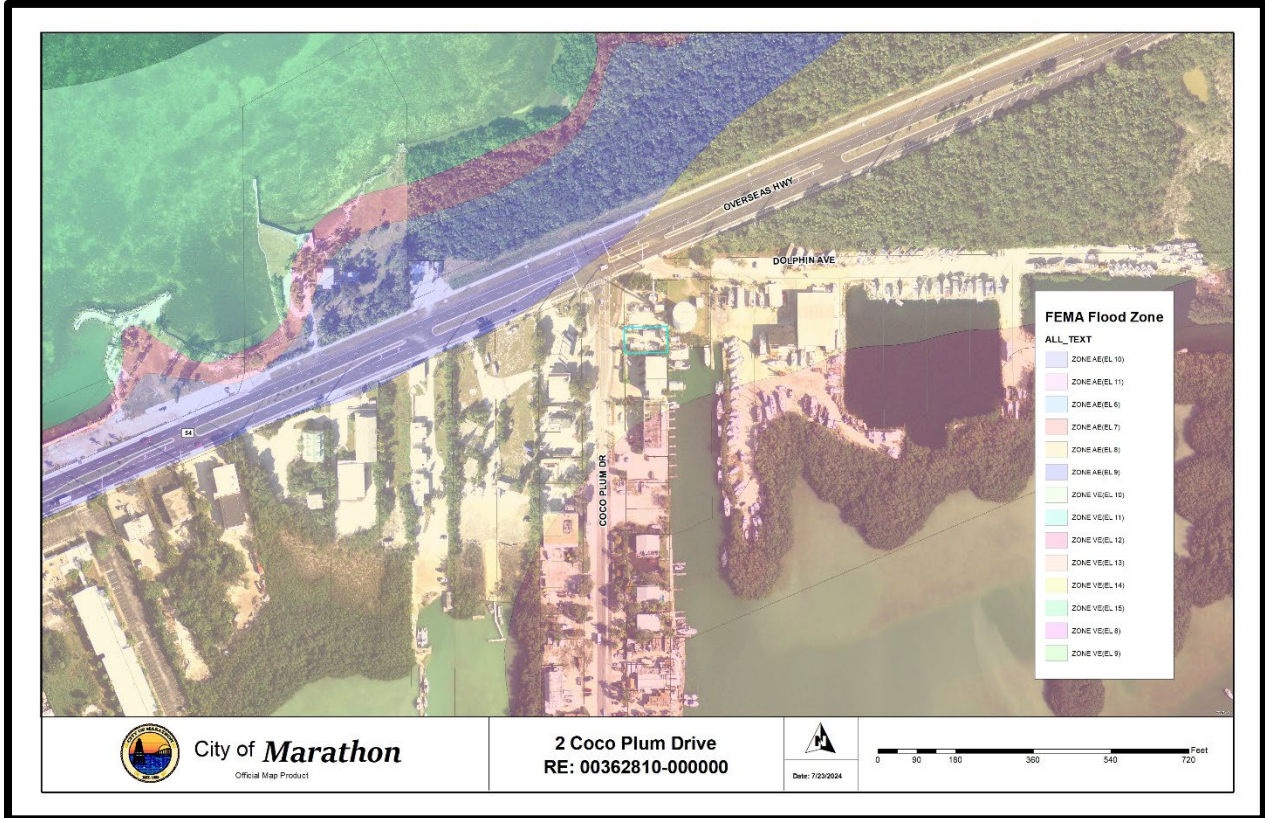
Therefore, the request is ***in compliance*** with the requirements of these sections.

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 an outdoor boat storage yard which is an enhancement to the City's capacity to provide great social service benefits. The project will not cause any negative impacts to the City's health, safety, and welfare.

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

**Figure 4
Flood Zones**

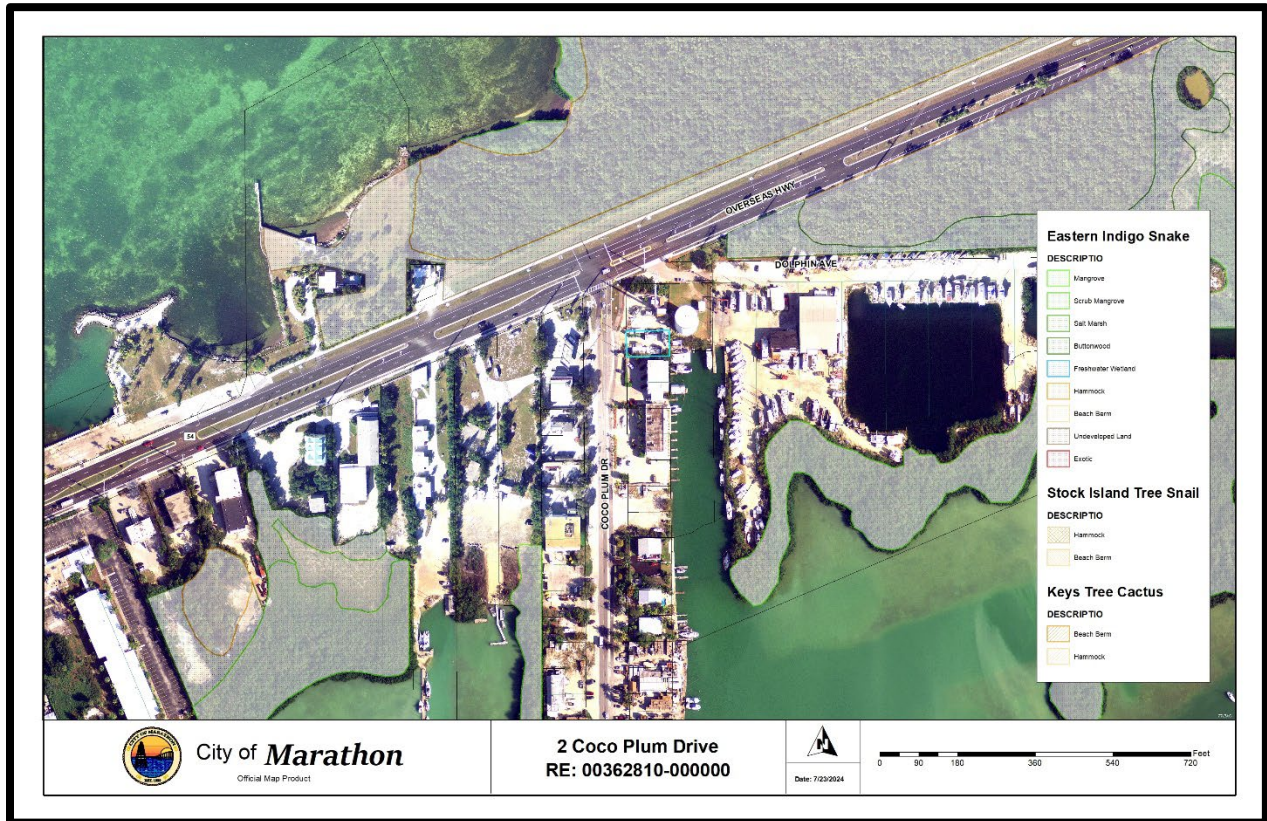


D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

There will be no negative impacts on habitat, environment, or water quality parameters. A map of the area indicates that surrounding properties are not within the FEMA-FWS Species Focus Area.

Figure 5

FEMA – FWS Species Focus Area Maps



A landscape plan has been submitted which will provide the required buffer along the east.

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

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. The subject parcel is to be utilized as a boat storage yard with a maximum of ten (10) boats. Vehicular access will be provided on Coco Plum Drive.

Table 1 Coco Plum Boat Storage Trip Generation Summary Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed</i> Boat Storage - Dry Slips	10 Berths	13	0	0	0	1	0	1

Compiled by: KBP Consulting, Inc. (July 2024).

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on final site plan.

Therefore, with the above condition, 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 107.47 (Mixed-Use Development Parking Requirements). The project will require limited parking as clients utilizing the yard will be storing the boats. Two parking spaces have been provided per code.

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 to the health, safety, and welfare of the public. While there is a fence and lighting in place per the landscape plan there will be additional plantings installed for the buffer along the east.

Therefore, 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. At this time, no dumpsters are needed on site.

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 thus have a de minimus impact.

- Wastewater: Sewer connection is on site.
- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service can provide service of solid waste disposal.
- Surface Water: Site plan and stormwater plan will be reviewed with submittal of permit set for issuance of building permit.
- Recreation and Open Space: This development will have no impact on recreational open space.
- Roadways: The applicant is redeveloping the site at a lower density and intensity than contained within the prior development, and therefore is assumed to have a de minimis impact on transportation facilities.

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

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

The proposed landscape meets the minimum requirements per Section 107.70 for project buffer requirements. A medium buffer is required along the east property line per Section 107.70.2. The City Biologist has reviewed the submitted landscape plan and has found it to be in compliance.

Therefore, 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, with conditions, 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 generally developed; therefore, a twenty percent open space requirement applies and the site complies with this minimum requirement.

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

9. General compatibility with surrounding properties; and

The proposed development is for a boat storage yard limited to ten (10) boats. The surrounding neighborhood is mixed with mostly marine, related, non-residential uses. The site has been used for storage in the past. The site will be improved with the installation of the required landscaping, dedicated parking area and stormwater management.

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.

The applicant proposes a new use, boat storage yard. Screening is required for outdoor storage and is addressed in Section E, 6. above.

The project will require a solid surface driveway in the right of way between the lot line and the bike path as well as the bike path and the roadway.

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 will be approved.

RECOMMENDATION:

Planning staff recommends approval of the proposed Conditional Use Permit allowing an outdoor boat storage yard with the following conditions:

Conditions of Approval

1. The applicant will show clear site triangles on final site plan.
2. The applicant must submit a final lighting plan prior to permit issuance.
3. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
4. The applicant will meet all floodplain related requirements as part of the Building Permit process;
5. The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
6. The applicant will obtain City approval of wastewater management through the City's Wastewater Utility;
7. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
8. The applicant will obtain sign permits for any signs erected on the property, as required under the code; and
9. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
10. The applicant will be required install a solid surface driveway in the right of way between the lot line and the bike path as well as the bike path and the roadway.

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: September 16, 2024
To: Planning Commission
From: Erin Dafoe, Associate Planner

Agenda Item: Consideration Of A Request By Gunnar Holdings 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 Commercial Warehouse with Eight (8) Rental Bays Including Elevated Loft Office Space And Bathroom Located at 420 69th Street Ocean; Block 2 Lots 1 & 2 First Addition To Seacrest Key Vaca, Monroe County, Florida, Having Real Estate Number 00339230-000000. Nearest Mile Marker 51.

APPLICANT/ OWNER: Gunnar Holdings

AGENT: Holli Harrington

LOCATION: The project site is located at 420 69th Street Ocean at nearest mile marker 51. See Figure 1.

REQUEST: A Conditional Use Permit approving the development of a Commercial Building with Eight (8) Individual Rental Bays with a loft office and bathroom.

LOT SIZE:
 Total acreage: Approx. 0.66 Acres or 28,781 square feet.

SURROUNDING ZONING AND USES:

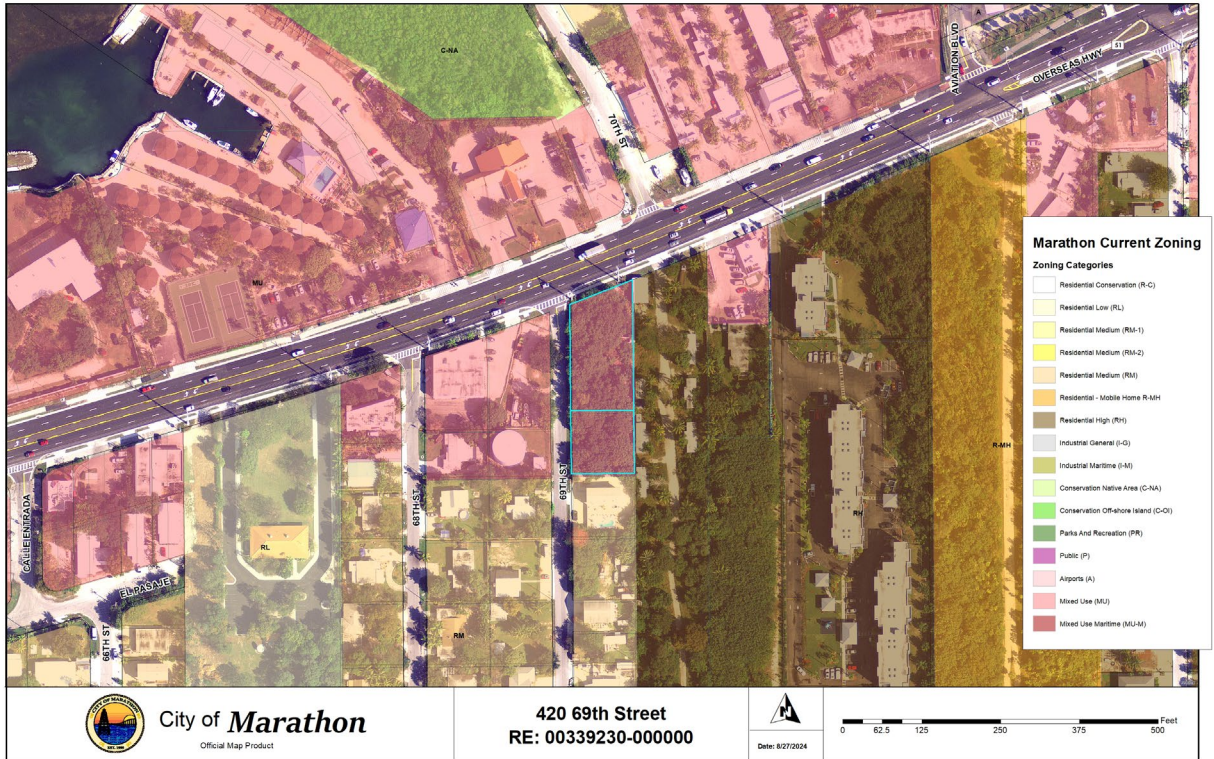
	<u>Zoning</u>	<u>Use</u>
North	Mixed Use	First State Bank, Brutus Seafood
East	Residential High	Tarpon Harbor
South	Residential Medium	Residential Housing
West	Mixed Use	Office Building & Storage Yard

EXISTING CONDITIONS:

The project site consists of vacant land. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

ZONING MAP DESIGNATION:
Mixed Use (MU). See Figure 3.

Figure 3
Zoning Map



PROPOSED REDEVELOPMENT:

The Applicant requests a change of use to develop plumbing, electrical and carpenter shops in a multi-tenant commercial retail building exceeding 10,000 sq ft. If it was less than 10,000 sq ft it would be permitted as of right however with the additional square footage requires conditional use.

BACKGROUND:

The proposed project seeks to develop a vacant lot. The total property size is 28,781 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 project is for a commercial warehouse, an allowed use as conditional 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 to the north and west. With a section of residential development to the south and east.

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 intensity is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. Based on the upland area of 0.66 acres, the proposed commercial building utilizes 95% of the intensity allowed for this site.

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 west. 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 would need commercial BPAS square footage which will need to be obtained.

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 residential units.

- 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.

Gunnar Holdings LLC	
Total 28,781 sq ft	
Commercial Square Footage	13,200
Retail (FAR .45)	10,000
Office (FAR .60)	3,200
Maximum allowed	17,269 sq ft
Total Proposed	13,200 sq ft

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

- Section 107.47 Parking

Parking for the site and the project is met with the proposed required parking spaces. The development provides sixteen interior standard parking 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 – 107.73 Landscaping

The landscape plan includes a list of native trees to provide shade and temperature reduction along the internal roadway. The parcels to the east and south are zoned Residential Medium and High, which require buffers. Along US 1 corridor to the north the landscape planting will consist of a variety of native plant material varying in size and height as well as canopy trees. A mix of understory trees and shrubs will be planted in a variety of heights of maturity. Along 69th Street will also require a streetscape buffer.

- 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. Therefore, the project is compliant with this requirement of the LDRs.

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 and north.

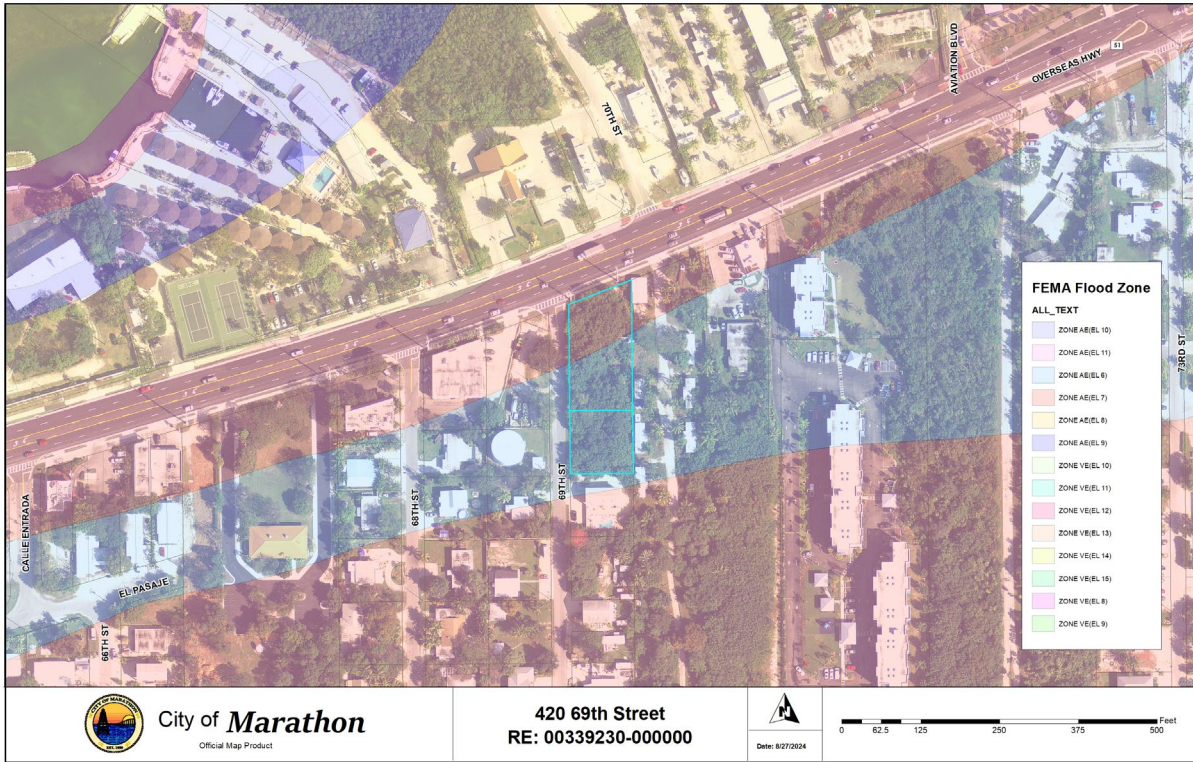
Therefore, the request is ***in compliance*** with the requirements of these sections.

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 commercial space. The project will not cause any negative impacts to the City's health, safety, and welfare.

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. 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. As part of the permitting process any potential impacts will be reviewed for species based upon species assessment guides.

Figure 5
FEMA – FWS Species Focus Area Maps



A building permit issued in 2021 for invasive exotic removal remains open. Several canopy and understory trees will be planted per Conceptual Landscape Plan that was submitted. Streetscape treatment along US 1 will be installed including a mixture of shrubs and canopy trees. Native vegetation must be mitigated per Section 106.10.

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

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

- 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;**

The applicant has provided a traffic analysis for the proposed development. Parking will be provided to renters.

Table 1 Commercial Building Trip Generation Analysis Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed Development</i> Specialty Trade Contractor	13,200 SF	130	16	6	22	8	17	25

Compiled by: KBP Consulting, Inc. (July 2024).

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 applicant does not propose a change to the driveway for this project, therefore a FDOT access permit will not be required. All access is being provided from 69th Street.

Section 107.43 requires site triangles where the access drive intersects with the street.

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 107.46.1 (Parking Schedule). The project provides adequate parking spaces as required. This is assessed using the parking table until specific tenants apply for occupational license review. The parking is done as a generalized use.

Use	Code Citation	Requirement	Spaces Required
Commercial Building	107.46.1	One (1) parking space per 1,000 square feet	14
Total Required			14
Total Provided			16

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, 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.

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

- Final site plan must include dumpster pursuant to Section 107.39.

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:

- Wastewater: The property is currently not connected to the City sewer system. The applicant will provide wastewater and sewage collection and disposal via connecting to City's wastewater system. Applicant must work with the Utilities department to calculate proposed flows and meet the connection requirements.
- 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: The applicant must submit a final stormwater plan before building permit issuance.
- Recreation and Open Space: This development will have no impact on recreational open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.70.1 & 107.70.2 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the west by properties zoned MU. There are no project boundary buffer requirements for portions of the project area adjacent to parcels zoned MU. The parcel is bordered to the east by Residential High, and the south by Residential Medium. The

final landscape plans must be approved by the City Biologist.

Table 107.70.2
Project Boundary Buffer Minimum Width and Planting Requirements

Buffer Type	Buffer Width	Large Tree Qty	Medium Tree Qty	Large Shrub Qty	Medium Shrub Qty	Small Shrub Qty	Ground Cover Qty	Large Palm Qty	Medium Palm Qty
L1	10'	0	5	4	8	26	48		
L2	10'	0	4	0	9	24	72		
L3	10'	3	4	0	6	18	60		
L4	10'	0	4	0	6	24	42		
M1	15'	2	2	6	6	25	92		
M2	15'	3	4	6	6	29	28		
M3	15'	3	4	0	12	18	80		
M4	15'	0	3	0	10	29	48		
M5	15'	0	0	6	17	28	30		9
H1	20'	3	0	0	12	42	74		
H2	20'	3	2	9	10	15	54		
H3	20'	2	2	0	6	36	108		
H4	20'	2	4	9	16	32	27		3
H5	20'	3	4	9	16	34	27		
H6	20'	0	3	10	12	24	50		

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. According to the Code, the landscape treatment area shall be planted within a ten-foot wide buffer predominantly with shrubs and native canopy trees of at least two (2) inches caliper at breast height, approximately 50 feet on center. Additionally all parking not located to the rear of buildings shall be screened from the streets, sidewalk, and open spaces by low walls, fences, or low berms in combination with plantings to achieve at least a three-foot high visual screen within two (2) years of planting.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30’; side yard 1, 0 – 10; interior side yard, 10.

This plan shows a 47’ setback on the front yard, 8’-8”setback on the eastern side yard, and 41’-4” setback on the western side and 34’ rear yard setback.

Setback	Required	Proposed	Compliant
Front	0-30	47	Yes
East Side	0-10	8	Yes
West Side	0-10	41	Yes
Rear	20	34	Yes

Parking area landscaping is required by Section 107.66 of the Code. A final landscape plan must show the required parking landscaping.

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

- A Final Landscape Plan must be submitted showing the selected proper treatments and buffers, including the appropriate treatment types and trees.

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. At this time no sign has been proposed.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted and shall be designed such that light levels and uniformity ratios are at least in compliance with the minimum standards proscribed by the Illumination Engineering Society of North America (IESNA).

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 proposed development is situated on the scarified portion of the property that previously was infested by invasive exotic species. Overall 20% open space is required.

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

9. General compatibility with surrounding properties; and

The project is the development of a commercial uses in an area of the City which is relatively the commercial center of Marathon. Adjacent uses include commercial establishments including a Storage Yard, First State Bank, Brutus Seafood, Wooden Spoon, Tarpon Harbor and Aqueduct property. A development of a commercial building is expected to be fully compatible with these uses. The proposed project will be suitably buffered from the nearby residential uses of Tarpon Harbor and residential houses on 69th Street.

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.

There are no special requirements set forth in the LDRs for a commercial establishment of this nature.

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

CONCLUSION:

The Conditional Use Approval 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 consists of the construction of another commercial structure within zoning that allows for commercial use. 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.

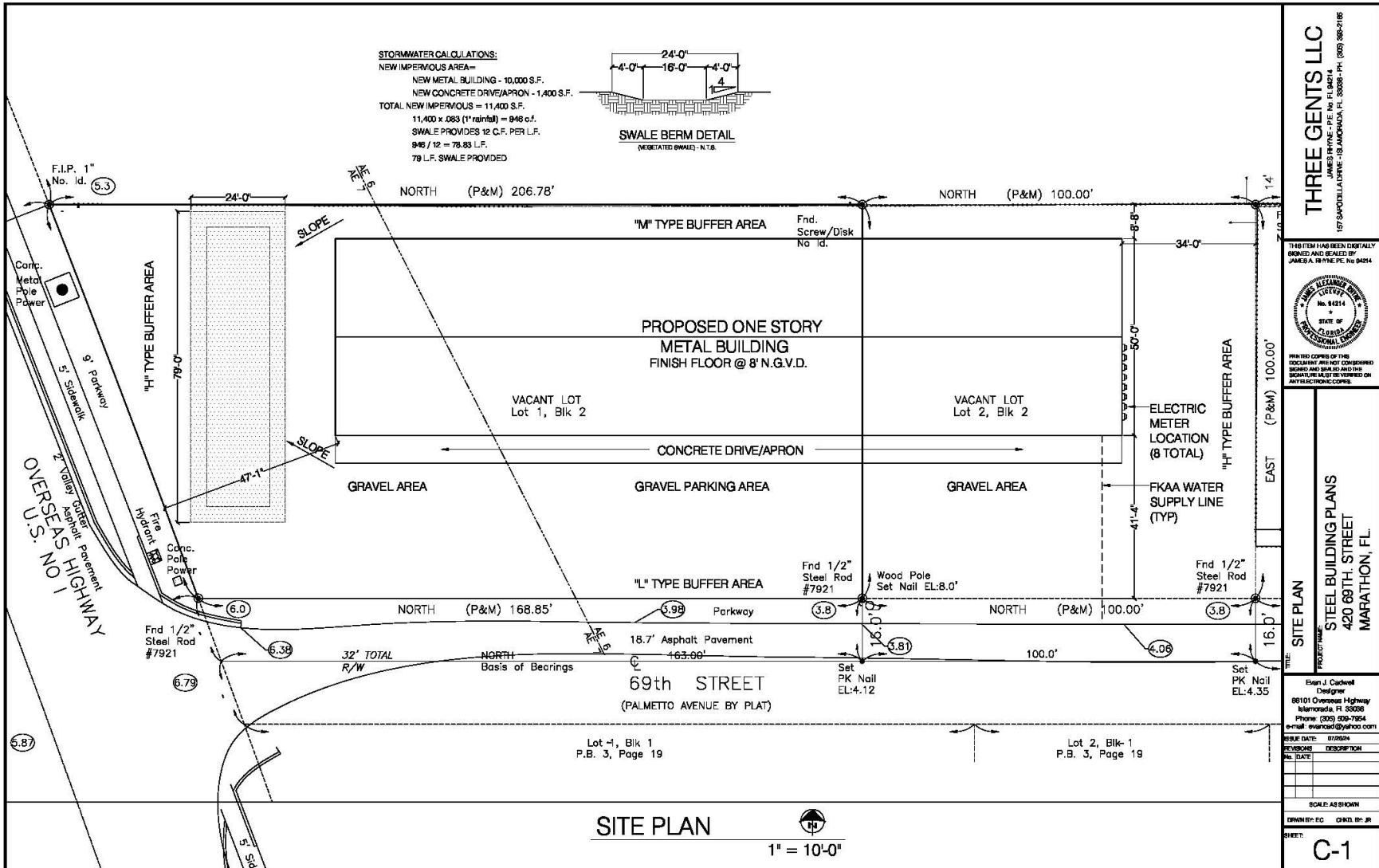
RECOMMENDATION:

Planning staff recommends that the Planning Commission forward a recommendation of conditional approval of the development of a Commercial Building with Eight (8) Individual Rental Bays with a loft office and bathroom.

Conditions of Approval

- 1) A Final Landscape Plan must be submitted showing the selected proper treatments and buffers, including the appropriate treatment types and trees.
- 2) The applicant will show clear site triangles on final site plan.
- 3) The applicant must submit a final lighting plan prior to permit issuance.
- 4) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 5) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 6) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 7) The applicant will obtain City approval of wastewater management through the City's Wastewater Utility;
- 8) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 9) The applicant will obtain sign permits for any signs erected on the property, as required under the code; and
- 10) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Proposed Site Plan



THREE GENTS LLC
 MEMBER STATE OF FLORIDA
 137 S.W. 11th Avenue, Ft. Lauderdale, FL 33305-1411 (954) 388-2165

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JAMES A. RYNE PE No. 84214

Professional Engineer Seal:
 No. 84214
 State of Florida
 Professional Engineer

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SITE PLAN
 PROJECT NAME: STEEL BUILDING PLANS
 420 69TH STREET
 MARATHON, FL.

Even J. Caldwell
 Designer
 86101 Overseas Highway
 Islamorada, FL 33036
 Phone: (305) 859-1954
 e-mail: even@overseas.com

REVISIONS	DESCRIPTION

SCALE AS SHOWN
 DRAWN BY: EC
 CHECK BY: JR

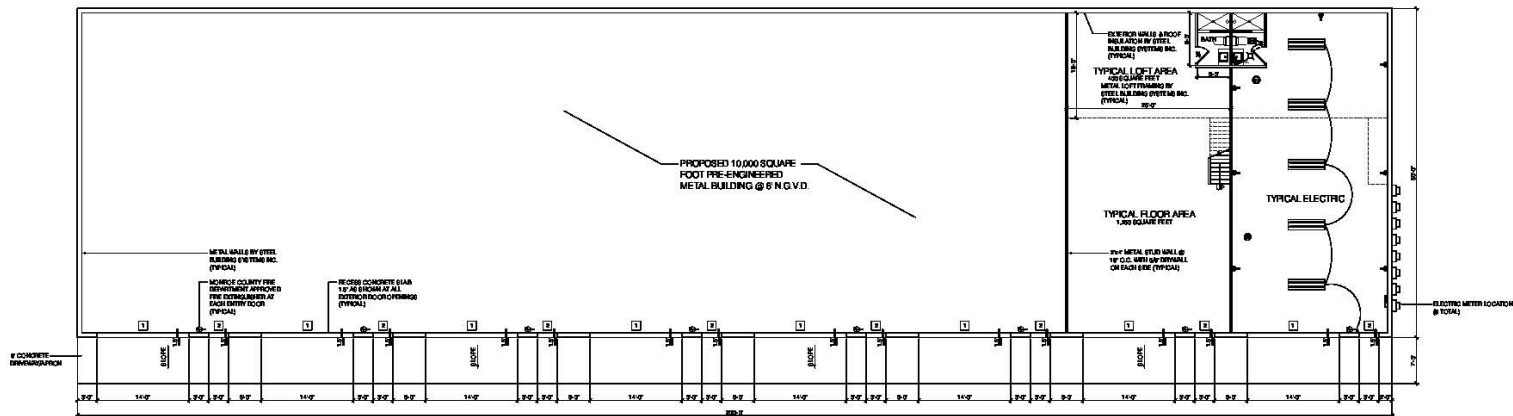
C-1

Floor Plan

DOOR SCHEDULE				
MARK	DOOR SIZE		MANUFACTURER	REMARKS
	WIDTH	HEIGHT		
1	14'-0"	11'-0"	ROLL UP DOOR	STEEL, STANDARD HARDWARE.
2	3'-0"	7'-0"	STEEL ENTRY DOOR	FULL VIEW, WARE ALUMINUM, STANDARD HARDWARE.

ELECTRICAL LEGEND					
⚡	LIGHT SWITCH	⏏	DUPLEX RECEPTACLE	⊕	JUNCTION BOX
⏏	WALL BRACKET EXIT LIGHT FIXTURE	G.F.I.	G.F.C.I. DUPLEX OUTLET	☼	SMOKE/CARBON MONOXIDE DETECTOR
⏏	4' LED LIGHT FIXTURE	⚡	240 V. SPECIAL PURPOSE OUTLET	⊗	CEILING MOUNTED LIGHT FIXTURE
⏏	MAIN CIRCUIT BREAKER PANEL	⏏	ELECTRIC METER CAN	⊗	EXHAUST FAN W/LIGHT FIXTURE

NOTE:
 PLUMBING FIXTURES &
 APPLIANCES TO BE VIEWED
 BY CHAMBERFIELD
 PLUMBING IS TO BE LOCATED
 AND CHANGE DEPENDENT ON
 APPLIANCE AND FUTURE
 DETECTION
 ELECTRICAL FIXTURES AND
 APPLIANCES TO BE VIEWED
 BY CHAMBERFIELD
 ELECTRICAL SPACING MAY
 VARY DEPENDING ON
 APPLIANCE AND FUTURE
 DETECTION
 VENTILATION DESIGN BY
 STEEL BUILDING SYSTEM INC.



FLOOR PLAN
 1/8" = 1'-0"

THREE GENTS LLC
 JAMES RYAN, P.E. No. 04214
 157 SACOULLA DRIVE - US 90
 TAMPA, FL 33606 - PH: (813) 988-2185

THIS ITEM HAS BEEN DIGITALLY
 SIGNED AND SEALED BY
 JAMES A. RYAN, P.E. No. 04214



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 AN ELECTRONIC COPY.

TITLE: FLOOR PLAN
 PROJECT NAME: STEEL BUILDING PLANS
 420 69TH STREET
 MARATHON, FL.

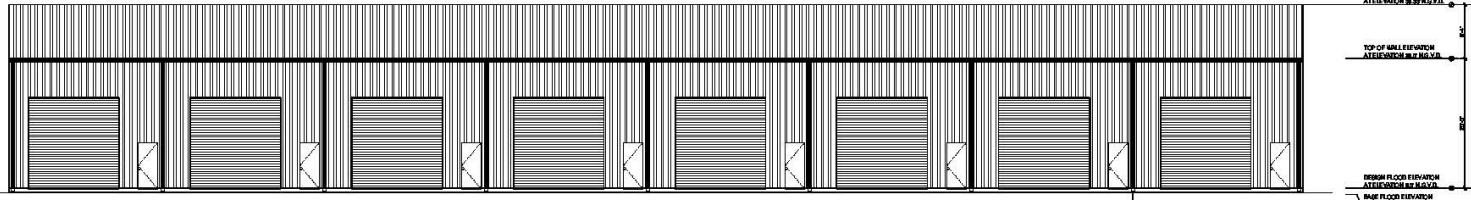
ESSEN J. CARROLL
 Designer
 88101 Overseas Highway
 Islamorada, FL 33036
 Phone: (305) 636-7554
 e-mail: essencor@pepro.com

REVISIONS	DESCRIPTION
No.	DATE

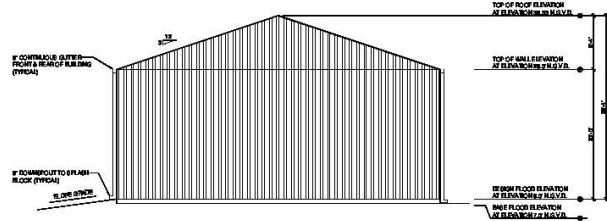
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 DRAWN BY: EC CHKD. BY: JR

Sheet: **A-1**

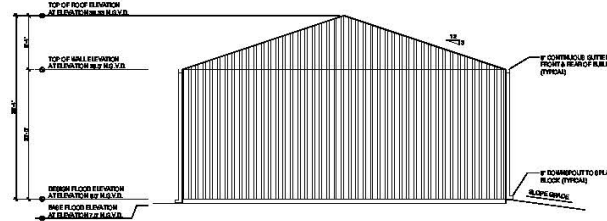
Elevations



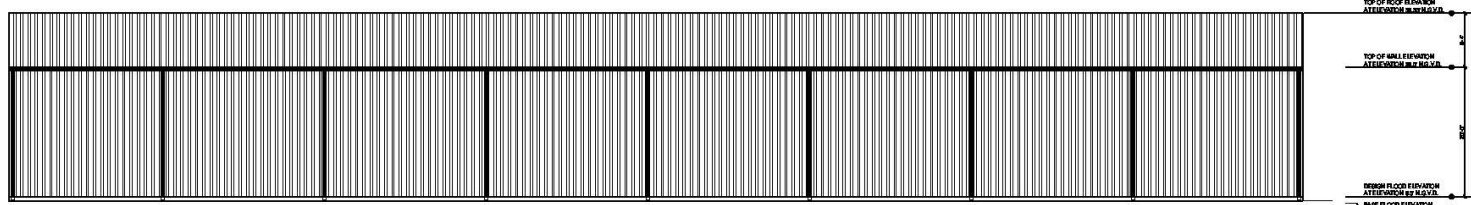
FRONT ELEVATION SOUTH
1/8"=1'-0"



RIGHT SIDE ELEVATION EAST
1/8"=1'-0"



LEFT SIDE ELEVATION WEST
1/8"=1'-0"



REAR ELEVATION NORTH
1/8"=1'-0"

THREE GENTS LLC
JAMES E. PENE - P.E. - FL 04214
167 SAPODILLA DRIVE - ISLAMORADA, FL 33038 - PH: (850) 368-2185

THIS SET OF PLANS HAS BEEN EXAMINED AND FOUND TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA PROFESSIONAL ENGINEERING ACT AND THE BOARD OF PROFESSIONAL ENGINEERS.



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BUILDING ELEVATIONS
PROJECT NAME: **STEEL BUILDING PLANS**
420 68TH STREET
MARATHON, FL

DESIGNER: **Evan J. Caldwell**
88101 Overseas Highway
Islamorada, FL 33038
Phone: (305) 658-7854
e-mail: evan@evanec.com

REVISIONS	DESCRIPTION
No. (DATE)	

SCALE: AS SHOWN
DRAWN BY: EC CHECKED BY: JR

SHEET: **A-2**

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: September 16, 2024
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: An Ordinance Amending the City’s Land Development Regulations Relating to Chapter 107, Article 5, “Setbacks and Height”, Section 107.36 “Exception To Setback”; 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 Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

RECOMMENDATION:

Staff recommends APPROVAL

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to create an exception to the side setback for the allowance of steps to access electric meters.

Purpose of Proposed Amendment:

The purpose of the amendment is to expand upon existing exceptions to setback, recognizing the importance of elevating electrical equipment above flood, while still providing access to the raised electrical.

AUTHORITY

Section 102.26. Planning Commission Recommendation.

- A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.
- B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:
 - 1. The need and justification for the change;
 - 2. The consistency of the proposed amendment with the Comprehensive Plan;
 and

3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

The City of Marathon has language requiring mechanical, electrical, and plumbing to be located above flood. The Florida Keys Electric Cooperative has specific requirements for access platforms for meters. These reference platform depth requirements with NEC 110.26(A)(1). In effort to ensure the equipment is located above flood but still accessible requires an exception to be included for the platforms.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

The proposed text amendment is consistent with the Comprehensive Plan and LDRs. This ordinance will aid in implementing Policy 4-1.3.3 entitled Surface Water Management and

Flood Damage Prevention. New development encroaching into the 100 year floodplain shall incorporate elevation and flood protection measures sufficient to protect against the 100 year flood. The City shall maintain consistency with program policies of the National Flood Insurance Program. The City shall monitor new cost effective programs for minimizing flood damage. Such programs may include modifications to construction setback requirements or other site design techniques, as well as upgraded building and construction techniques. Specifically, this addresses “modifications to construction setback requirements” to further allow for the elevation of equipment servicing the building.

C. Weather regulations change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed text amendments further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by code consistency. It also is consistent with the language of the other jurisdictions in the Florida Keys Electric Cooperative service area.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City’s Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: September 16, 2024
To: The City of Marathon Planning Commission
From: Brian Shea, Planning Director

Agenda Items: An Ordinance Of The City Of Marathon, Florida, Amending The City’s Comprehensive Plan, Amending Objective 1-4.1 “Provide Workforce-Affordable Housing Building Permit Allocations”; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To Florida Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By Florida Commerce.

An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 1 “Building Permit Allocation System” By Amending Section 107.04 “Establishment Of Allocation Pools” To Remove The Cumulative Limit; 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 Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date..

RECOMMENDATION:

The Planning staff recommends approval of both Ordinances modifying provisions Early Evacuation BPAS units.

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan and Land Development Regulations in order to recognize that the City of Marathon may allow any of the 1,300 early evacuation affordable units to be used within the City of Marathon, should any come available from other jurisdictions.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

The current Land Development Regulations provide only brief guidance concerning the review of a proposed Comprehensive Plan Amendment.

Section 102.19 simply states:

[Section 102.19. Standards for Review.](#)

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Fla. Stat. ch. 163.

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of “**compliance**” which is recited for review below:

163.3184 Process for adoption of comprehensive plan or plan amendment. --

(1) DEFINITIONS. --As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. [163.3177](#), when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable. Thus, leading through an exhaustive process, the State Land Planning Agency must find a Comprehensive Plan or Plan Amendment in compliance in accordance with the above definition. Process as further defined in the section leads from Local Government Transmittal through review by the State Land Planning Agency and other required local and state government bodies to a finding of “in compliance” by the State Land Planning Agency.

Review is contemplated and expected to be completed by such agencies as the South Florida Regional Planning Council, whose responsibility it is to review the proposal for consistency with the Strategic Regional Policy Plan. Such review is not, therefore, the responsibility of the local government to determine consistency in this regard and will not be addressed herein. Though referenced in the definition of compliance and elsewhere Chapters 163.3177, 163.3191, 163.3245, and 369 will not be reviewed as a compliance matter. Chapter 163.3177 defines required elements in a comprehensive plan. The City has an approved comprehensive plan which must be assumed to have all the required elements. Chapter 163.3191 refers to the required Evaluation and Appraisal Report (EAR); a review of an approved comprehensive plan required of the City every seven years. The City is not subject to an EAR at this juncture and therefore is not relevant as a criterion to the review herein. Finally, Chapter 163.3245 refers to the development of an optional sector plan. This optional element of an approved comprehensive plan was not adopted by the City and therefore will not be used as a criterion for review in this proposed amendment. Chapter 369 refers to invasive aquatic plant control and the Wekiva River area and similarly will not be the subject of compliance review herein.

Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency, and the principals for guiding development in the Florida Keys Area of Critical State Concern.

Compliance Discussion

Relevant criteria promulgated in Chapters 163 and 380 F.S. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

These bullet items should be utilized as the focus points for review of the proposed amendment and for future comprehensive plan amendments.

BACKGROUND

Staff is recommending changes to the below highlighted three sentences in the Comprehensive Plan. An analysis of properties that are over dense has noted that a majority of these sites were given the FLUM designation of RH. Based upon the current comprehensive plan, these over dense properties would only be able to transfer to other high-density properties, while still limited by the maximum density requirements of the LDRs. This does not meet the goals of infill development and reducing the potential for future takings cases. Under the existing LDRs, criteria are already in place stating that the receiving site must be zoned to meet the requested use, but also meet all other provisions of the Comp Plan and LDRs. This includes the requisite densities as set forth in Table 103.15.2. Additionally, even lots meeting the criteria as set forth in 108.13.A are eligible to

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change, as the original language regarding resource protection is not being touched.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

No Significant Impact would result from the proposed change.

Wastewater infrastructure

No Significant Impact would result from the proposed change.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

No Significant Impact would result from the proposed change.

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

No Significant Impact would result from the proposed change.

Affordable Housing

The proposed amendment will significantly enhance the City's continuing efforts to enhance affordable housing in the Keys.

Hazard Mitigation

No Significant Impact would result from the proposed change.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

Hurricane Evacuation

No Significant Impact would result from the proposed change. All Early Evacuation units (tenants) would be required to evacuate within the first 24 hours of a 48 hour evacuation window. The City's (and County) obligation is to be prepared to evacuate at 24 hours before the impacts of Tropical Storm Force Winds in the Keys.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change in regard to land acquisition.

Alternate Compliance Review Criteria

Since there are no internal Comprehensive Plan change review criteria available in Chapter 102, Article 6, those that would apply for an LDR text change request (Chapter 102, Article 7) are useful. The basis for the LDR text change criteria is the same as for a Comprehensive Plan change ultimately.

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

The City has already granted the 300 early evacuation affordable housing units. There are 1,300 units total. Key West, Islamorada, and Unincorporated Monroe County also received 300 units each. Should any jurisdiction not want to use the units within their area, the change allows the City to receive the units.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

Comprehensive Plan Policy 1-3.5.9, requires that the City “shall work with the State to obtain more residential allocations specifically for affordable housing.” The Administrative Commission’s Workforce-Affordable Housing Initiative is the result of the City’s efforts to obtain more affordable allocations. Additionally, Objective 5-1.1 entitled “Improve Intergovernmental Coordination” states:

The City shall continue to improve coordination among government agencies with planning and impact assessment duties affecting the City. The City shall maintain coordination mechanisms and interlocal agreements with other units of local government providing services but not having regulatory authority over the use of land, and with the Plans of adjacent municipalities, the county and adjacent counties.

C. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed text amendments do further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by providing expanding on the mechanism to obtain and implement the Workforce-Affordable Housing Initiative. The changes to the LDRs and Comprehensive Plan ensure consistency between the two documents. Additionally, by duplicating the same language that Key West adopted, we are ensuring consistency of language between jurisdictions.

The proposed regulations do further the basic goals and premises outlined in the introductory to the City's Comprehensive Plan as follows (highlighting for emphasis):

“With the knowledge that the City needs redevelopment and new development to provide the necessary improvements to guarantee the residents of the City a clean, healthy environment and a sound economy in which to live and enjoy their families, it is the desire and intent of the City through the Goals, Objectives and Policies of the adopted Comprehensive Plan and Land Development Regulations implementing the Plan to protect our character, environment and viability through:

- Protection of the small-town family feel of the community
- Continued utilization of the established mixed-use pattern of the community
- Protection of the heritage of the commercial fishing industry
- Acknowledgement and protection of a character that is unique to the Keys
- **Protection of existing and increased affordable housing opportunities**
- Implementation of effective surface water management strategies
- Systematic removal of failing and inadequate on-site wastewater disposal systems
- Maintenance and management of central wastewater and stormwater facilities
- Protection and enhancement of sensitive upland, wetland, and submerged land habitat
- Protection for the existing uses, densities, and intensities
- Providing new investment and reinvestment opportunities
- Ensuring new development and redevelopment protects the environment
- Ensuring new and redevelopment compliments and enhances community character
- Implementation of thoughtful, managed growth.”

CONCLUSION:

The proposed Amendments are consistent with and further the goals of the City of Marathon Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

The Planning staff recommends approval of both Ordinances modifying provisions Early Evacuation BPAS units.

For the purpose of administration of this article, Council hereby creates the following described allocation pools:

1. *Dwelling Units.*

1. *Market Rate.*

1. *Owner-occupied Pool.* For each respective allocation period in the market pool, one (1) allocation will be issued to each owner-occupier applicant, in order of their ranking and controlling date and time, if sufficient allocations are available.
2. *General Market Pool.* For each respective allocation period in the general market pool, allocations will be issued to each applicant, in order of their ranking and controlling date and time, if sufficient allocations are available. One (1) application per allocation period will receive the application score; however, in the case of subsequent applications, filed by the same applicant during the same allocation period, five (5) points shall be deducted from the total application score.

2. *Affordable.*

1. *General Affordable Pool.* For each respective allocation period in the general affordable pool, allocations will be issued to each applicant, in order of their ranking and controlling date and time, if sufficient allocations are available.
2. *Community Workforce Pool.* For each respective allocation period in the community workforce pool, allocations will be issued in order of their controlling date and time, if sufficient allocations are available.
3. *TBR Affordable Pool.* For each respective allocation period in the TBR affordable pool, allocations will be issued in order of their controlling date and time, if sufficient allocations are available.
4. *Early Evacuation Pool.* The City thereby, shall establish a new limited category to be known as the "Affordable - Early Evacuation Pool" which will provide ~~300~~ workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative. These allocations are in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the early evacuation affordable allocations. At any time, through a public hearing process prescribed in Chapter 102, Article 2 of the Land Development Regulations, the City may allocate early evacuation allocations ~~to the cumulative limit of 300 affordable allocations~~. The City of Marathon shall ensure adherence to these requirements through implementation of the policies of this objective.

3. *Transient Residential Units.*

1. For each respective allocation period in the transient residential unit pool, allocations will be issued to each applicant in order of their ranking and controlling date and time, if sufficient allocations are available. If the City chooses to allocate at TRUs from the Administrative Relief and/or Residential BPAS pools, such allocations may be awarded subject to

compliance with the applicable provisions of Sections 107.06, 107.07, and 107.10.

2. *Commercial Floor Area.*

1. For each respective allocation period in the commercial floor area pool, allocations will be issued in order of their ranking and controlling date and time, if sufficient allocations are available.
2. If the amount of floor area represented in the allocation applications is equal to or less than the available allocation, the Director may recommend to Council that all of the allocation applications be granted allocation awards.
3. If the total amount of floor area represented in the allocation applications is greater than the available floor area, the Director shall submit an evaluation report to the Council indicating the evaluation rankings and identifying those applications whose ranking puts them within the allocation, and those applications whose ranking puts them outside of the allocation.

3. *Administrative Relief Pool.*

1. The BPAS Administrative Relief Pool is hereby created. At the recommendation of the Planning Director and at the discretion of the City Council, a percentage not to exceed fifty (50) percent of the annual dwelling unit allocations described in Section 107.02 above may be distributed to the Administrative Relief Pool based upon the potential number of applicants for administrative relief in any given year.
2. *[Distribution of allocations.]* BPAS administrative relief allocations are distributed by the Council at their discretion following a request from an applicant, and subject to a finding through the administrative relief process that all of the following conditions for eligibility exist:

1. *Conditions for Eligibility.*

1. That the applicant has applied for an allocation, but has not received an allocation for residential development during four (4) consecutive years in the BPAS, during which the ownership has not changed and the application has not been withdrawn. The start of the first year is the closing date of the BPAS allocation period during which the BPAS application first became eligible for a BPAS allocation award;
2. That conditions described in Section 107.04 C.3. below have been met;
3. That the issuance of an allocation, pursuant to the recommendation of the Planning Director, is the most appropriate option for the use of the property and will not adversely affect the public interest or the purposes of the Plan;
4. That allocations are available in the BPAS administrative relief pool; and that the requested allocation and the resulting building permit would be proper and in accordance with all of the ordinances and regulations of the City of Marathon.

3. *Procedures for Provision of Administrative Relief Allocation.*

1. On a semi-annual basis, at the closing of each BPAS bi-annual allocation period, and approximately one (1) year prior to the four (4) year

anniversary of any uninterrupted BPAS application as described in Section 107.04 1.(a) above, City staff, in coordination with the City of Marathon Land Acquisition Advisory Committee, will make a determination for each application on the BPAS allocation waiting list as to whether:

1. It will be eligible to apply for administrative relief within approximately one (1) year, and
 2. The property in question is either environmentally sensitive, of interest to the City for some other public purpose, such as workforce housing, or of no current public interest.
2. City staff will confirm the environmental characteristics of all properties that will become eligible for administrative relief within one (1) year through a review of the BPAS application, available GIS aerial photography and map layers, and on-site visits.
1. Any property that:
 1. Has a KEPWEP score higher than 5.5;
 2. Is on the most current version of the USFWS Injunction list; and/or
 3. Is on the Florida Forever Acquisition list; and/or
 4. Exhibits habitats including mangroves, salt marsh and buttonwood, or hardwood hammock;

shall be put on a list of properties considered as environmentally sensitive and of potential interest for acquisition for conservation purposes.

1. The City shall provide the list of environmentally sensitive properties to the Florida Department of Environmental Protection, Division of State Lands (Florida Forever), the Monroe County Land Authority, and other land acquisition agencies deemed appropriate by the Planning Director, thereby giving those agencies an opportunity to initiate acquisition procedures if deemed appropriate; and
 2. Any properties that another acquisition agency declines an interest to purchase, will be placed on a list for suggested acquisition at the time that the property actually becomes eligible for Administrative Relief.
2. Any properties that are considered of potential value for another public purpose will be placed on a list for suggested acquisition at the time that it actually becomes eligible for administrative relief.
3. Any properties that are not deemed environmentally sensitive and which would not be recommended for purchase for some other public purpose will be put on a list of properties that would be recommended to receive a BPAS allocation from the

Administrative Relief Pool at the time that the property actually becomes eligible for Administrative Relief.

4. *Notification of eligibility.* Within 30 days of the finalization of evaluation rankings by the City Council, any applicant determined to be eligible for administrative relief pursuant to subsection (3)(a) of this section shall be notified of the applicant's eligibility for administrative relief by certified mail, return receipt requested.
5. *Application.* An application for administrative relief shall be made on a form prescribed by the Planning Director no earlier than the conclusion of the fourth year in BPAS allocation process and no later than 180 days following the close of the allocation period when deemed eligible.
6. *Public Hearing.* Upon receipt of an application for administrative relief, the City shall notice and hold a public hearing at which the applicant will be given an opportunity to be heard. The City Council may review the relevant application material, applicable evaluation ranking, hear testimony from the applicant, city staff and others as may be necessary in its deliberations.
7. *Actions by City Council.* In making a determination in review of an application for administrative relief, the City Council may:
 1. Offer to purchase the property at its fair market value as its preferred action if the property is considered environmentally sensitive; or
 2. Grant the applicant an allocation award for all or a number of dwelling units requested in the next succeeding allocation period or extended pro rata over several succeeding quarterly allocation periods as the preferred action for buildable properties not meeting any of the criteria in subsection (f)(1) of this section; or
 3. Suggest or provide such other relief as may be necessary and appropriate.
8. *Limit of Allocation under Administrative Relief.* The number of allocations that may be awarded under administrative relief in any allocation period shall be no more than the number available in the Administrative Relief Pool at the close of the BPAS allocation period.

Sponsored By: Garrett
Planning Commission Public Hearing Date: September 10, 2024
City Council Public Hearing Date: October 08, 2024
TBD
Enactment Date: **TBD**

**CITY OF MARATHON, FLORIDA
ORDINANCE 2024-XXX**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 107, ARTICLE 1 “BUILDING PERMIT ALLOCATION SYSTEM” BY AMENDING SECTION 107.04 “ESTABLISHMENT OF ALLOCATION POOLS” TO REMOVE THE CUMULATIVE LIMIT; 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 FLORIDA COMMERCE AFTER FINAL ADOPTION BY THE CITY COUNCIL; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

WHEREAS, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, in support the City of Marathon’s workforce by alleviating constraints on affordable housing the City participated in the Workforce-Affordable Housing Initiative, as approved during the June 13, 2018 meeting of the Administration Commission; and

WHEREAS, the Ordinance, thus introduced, provides for the allocation of the Early Evacuation affordable BPAS allocations that may be obtained from other jurisdictions; and

WHEREAS, the Planning Commission reviewed this Ordinance on September 16, 2024 providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on October 8, 2024 and again on **XXX, 2024** adopting the Ordinance in its second hearing and directing staff to transmit the Ordinance to the Florida Department of Commerce for final approval; and

WHEREAS, pursuant to the same legislative provision, the City Council accepted the ORC Report, considered the recommendation of the Planning Commission, accepted additional public input, and deliberated on the proposed amendment to the Land Development Regulations on **XXX, 2024** at a duly noticed public hearing, and directed that the amendment be transmitted to the Florida Department of Commerce as formally adopted by the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Chapter 107, Article 1, Section 107.04 entitled “Establishment Of Allocation Pools” is hereby amended as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Economic Opportunity for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS **XXTH DAY OF **XXX** 2024.**

THE CITY OF MARATHON, FLORIDA

XXX, Mayor

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steven Williams, City Attorney

Sponsored By: Garrett
Planning Commission Public Hearing Date: September 16 2024
City Council Public Hearing Date: October 08 2024
Enactment Date: **TBD**

**CITY OF MARATHON, FLORIDA
ORDINANCE 2024-XX**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN, AMENDING OBJECTIVE 1-4.1 “PROVIDE WORKFORCE-AFFORDABLE HOUSING BUILDING PERMIT ALLOCATIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO FLORIDA COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY FLORIDA COMMERCE.

WHEREAS, the City of Marathon (the “City”) has adopted a Comprehensive Plan which has been found to be in compliance by the State Land Planning Agency, “Florida Commerce” pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the Florida Keys Area of Critical State Concern (the “FKACSC”), as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend Chapter 1, “Future Land Use Element,” of the Comprehensive Plan; and

WHEREAS, amending the Objective furthers the goals, objectives and policies of the City Comprehensive Plan (the “Plan”); and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed text amendment on September 16, 2024 at a duly noticed public hearing, and has recommended approval of the proposed text amendment to the City Council; and

WHEREAS, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Policy amendment on October 8, 2024 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Commerce for review; and

WHEREAS, On October 08, 2024, the City Council on first hearing, reviewed and approved transmittal of this Ordinance to the Florida Department of Commerce and other required agency reviewers on October 08, 2024; and

WHEREAS, On ~~XXX~~, 2024, the City Council on adoption hearing, reviewed and approved this Ordinance based upon the Objections Recommendations, and Comments of the Florida Department of Commerce and other required agency reviewers on ~~XXX~~, 2024; and

WHEREAS, the City Council finds that approval of the proposed Policy amendments are in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council desires to approve the proposed amendments for transmittal to the Department of Commerce pursuant to Chapter 163.3184(3) F.S., in accordance with State law,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Comprehensive Plan, Chapter 1, Future Land Use Element, Objective 1-4.1:

Objective 1-4.1 Provide Workforce-Affordable Housing Building Permit
Allocations.

Pursuant to Policy 1-3.5.9, the City has worked with the State Department of ~~Economic Opportunity~~ **Commerce** to “obtain more residential allocations specifically for affordable housing.” The City thereby, shall establish a new limited category to be known as the “Affordable - Early Evacuation Pool” which will provide 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative, **as well as any additional allocations which may be authorized by the Florida Administration Commission, Florida Statute, or transferred to Marathon that are not accepted by other Florida Keys municipalities or Monroe County.** These allocations are in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of Marathon shall ensure adherence to these requirements through implementation of the

¹Additions to existing text are shown by underline; deletions are shown as ~~strikethrough~~

policies of this objective.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute a “Comprehensive Plan amendment” as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department of Commerce and other state agencies for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the state land planning agency (Florida Commerce) pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this XX day of _____, 2024.

THE CITY OF MARATHON, FLORIDA

XXX, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier
City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney