

CITY COUNCIL AGENDA STATEMENT



Meeting Date: December 11, 2018
To: Honorable Mayor and Council Members
From: George Garrett, Planning Director
Through: Chuck Lindsey, City Manager

Agenda Item: Consideration of A Request By Holiday Inn Express & Suites For A Time Extension For Approvals Granted Pursuant To Resolutions 2014-105 And 2015-37 Pertaining To The Granting Of Twenty-Five (25) Transient Residential Units (TRUs) For A Project Approved By The City To Expand The Holiday Inn Express & Suites By A Total Of Twenty-Seven (27) Hotel Units Approved Pursuant To Resolutions 2014-61 And 2014-62 For A Conditional Use Permit And A Development Agreement Respectively; Providing That Said Conditional Use Permit And Development Agreement Were Approved For Time Extensions Pursuant To Resolutions 2017-47 And 2018-65; Providing That The Approval Of This Resolution Makes The Approved Time Frames For The Conditional Use Permit, Development Agreement And The Allocation Of Transient Residential Units (TRUs) Contemporaneous; Providing That Said Extension Request Is Issued For Property Which Is Legally Described As Part Of Government Lot 2, Fat Deer Key, Monroe County, Florida, Having Real Estate Numbers 00100260-000100 And 00100260-000102; And Providing For An Effective Date. Nearest Mile Marker 54.

BACKGROUND:

It is the intent to rescind Resolution 2018-65 in favor of this Resolution in order to extend the HIE Development Agreement, make the term of the Conditional Use Permit contemporaneous with the Development Agreement, and to confirm that it is the intent to extend the term of Resolution 2014-105 to be contemporaneous with the term of the Development Agreement. The following conditions apply as originally established and clarified herein:

1. Rescind Resolution 2018-65
2. The development time line for the Conditional Use Permit originally memorialized in City of Marathon Resolution 2014-061 is hereby made contemporaneous with that of the Agreement memorialized in Resolution 2014-62 and does not “sunset” until the “sunset” date for that Agreement.
3. The duration and time line for the Agreement originally memorialized in Resolution 2014-62 is now established as follows:
 - a. All building permits must be obtained by July 10, 2019.
 - b. Certificates of Occupancy for all buildings permitted under the Development Agreement must be obtained by July 10, 2021.
4. So long as the Conditional Use Permit memorialized originally in Resolution 2014-61 and the Agreement memorialized originally in Resolution 2014-62 remain valid and in good standing with the City, then the twenty-five (25) Transient Residential Unit Allocations originally allocated and memorialized in Resolution 2014-105 remain associated with the Holiday Inn Express and Suites project approval, whether in original ownership or another owner.

The new Resolution is presented to satisfy the concerns of the new buyer for the project

CONSISTENCY CHECKLIST:

Yes

No

- 1. Comprehensive Plan
- 2. Other –Sewer Mandate

 X

 X

FISCAL NOTE:

NA

APPROVED BY FINANCE DIRECTOR:

NA

RECOMMENDATION:

Approval

**CITY OF MARATHON, FLORIDA
RESOLUTION 2018-02**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING A REQUEST BY HOLIDAY INN EXPRESS & SUITES FOR A TIME EXTENSION FOR APPROVALS GRANTED PURSUANT TO RESOLUTIONS 2014-105 AND 2015-37 PERTAINING TO THE GRANTING OF TWENTY-FIVE (25) TRANSIENT RESIDENTIAL UNITS (TRUS) FOR A PROJECT APPROVED BY THE CITY TO EXPAND THE HOLIDAY INN EXPRESS & SUITES BY A TOTAL OF TWENTY-SEVEN (27) HOTEL UNITS APPROVED PURSUANT TO RESOLUTIONS 2014-61 AND 2014-62 FOR A CONDITIONAL USE PERMIT AND A DEVELOPMENT AGREEMENT RESPECTIVELY; PROVIDING THAT SAID CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT WERE APPROVED FOR TIME EXTENSIONS PURSUANT TO RESOLUTIONS 2017-47 AND 2018-65; PROVIDING THAT THE APPROVAL OF THIS RESOLUTION MAKES THE APPROVED TIME FRAMES FOR THE CONDITIONAL USE PERMIT, DEVELOPMENT AGREEMENT AND THE ALLOCATION OF TRANSIENT RESIDENTIAL UNITS (TRUS) CONTEMPORANEOUS; PROVIDING THAT SAID EXTENSION REQUEST IS ISSUED FOR PROPERTY WHICH IS LEGALLY DESCRIBED AS PART OF GOVERNMENT LOT 2, FAT DEER KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00100260-000100 AND 00100260-000102.

WHEREAS, pursuant to Resolutions 2014-61 and 2014-62, the City Council of the City of Marathon, Florida (the "City") approved a Conditional Use Permit and a Development Agreement (the "Agreement") for Holiday Inn Express & Suites ("Applicant"), copies of which are attached as Exhibits "A1" and "A2", and

WHEREAS, pursuant to Resolutions 2017-47 (Exhibit B) and 2018-65, the City has approved time extensions to the Conditional Use Permit and Agreement for the Applicant, copies of which are attached as Exhibits "B," and

WHEREAS, by Resolution 2014-105, the City Council of the City of Marathon, Florida (the "City") granted the Applicant Transient Residential Units (TRUs), a copy of which is attached as Exhibit "C", and

WHEREAS, By Resolution 2015-37, the use of the TRUs allocated pursuant to Resolution 2014-105, was extended for a period of six (6) months, a copy of which is attached as Exhibit "D"; and

WHEREAS, Resolution 2018-65 did not make it explicitly clear that, by its approval, the term of the use of TRUs had been extended as well; and

WHEREAS, the Applicant is requesting assurance that the time frame for the use of the TRUs authorized pursuant to Resolutions 2014-105 and 2015-37 run contemporaneous with the City's agreement to extend the terms of the Conditional Use Permit and Development Agreement,

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

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

Section 2. The following represent the direction of the City Council:

1. Rescind Resolution 2018-65
2. The development time line for the Conditional Use Permit originally memorialized in City of Marathon Resolution 2014-061 is hereby made contemporaneous with that of the Agreement memorialized in Resolution 2014-62 and does not “sunset” until the “sunset” date for that Agreement.
3. The duration and time line for the Agreement originally memorialized in Resolution 2014-62 is now established as follows:
 - a. All building permits must be obtained by July 10, 2019.
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4. So long as the Conditional Use Permit memorialized originally in Resolution 2014-61 and the Agreement memorialized originally in Resolution 2014-62 remain valid and in good standing with the City, then the twenty-five (25) Transient Residential Unit Allocations originally allocated and memorialized in Resolution 2014-105 remain associated with the Holiday Inn Express and Suites project approval, whether in original ownership or another owner.

Section 3. This Resolution shall take effect immediately upon execution.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8th DAY OF JANUARY, 2019

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

David Migut, City Attorney

EXHIBIT A1 & A2

RESOLUTIONS 2014-61 & 62
DEVELOPMENT AGREEMENT FOR HOLIDAY INN EXPRESS
(SH MARATHON LTD)
Incorporated by reference here

EXHIBIT B

RESOLUTION 2017-47
Incorporated by reference here

EXHIBIT C

RESOLUTION 2014-105
Incorporated by reference here

EXHIBIT D

RESOLUTION 2015-37
Incorporated by reference here