

COUNCIL AGENDA STATEMENT



Meeting Date: August 11, 2020

To: Honorable Mayor and Council Members

From: George Garrett, Planning Director

Through: Chuck Lindsey, City Manager

Agenda Item: **Resolution 2020-44**, Consideration Of A Request For A Conditional Use Permit For Guillermo Torres, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" For The Development Of A Property Into Multifamily Housing, Office And Retail; Located At 10155 Overseas Hwy; Which Is Legally Described As Part Of Government Lot 2 And Bay Bottom South Of And Adjacent Part Government Lot 2, Key Vaca, Having Real Estate Number 00104460-000000, Nearest Mile Marker 52.5.

APPLICANT/ OWNER: La Palma 101 Inc. / Guillermo Torres

AGENT: Bart Smith Esq. / L. Seven Hurley, DDAI / Dr. Philip Frank, TerraMar

LOCATION: The project is located at 10155 Overseas Highway at approximately mile marker 52.5.

Figure 1 – Location Map



REQUEST: A Conditional Use Approval for redevelopment of the subject property. **MIXED USE (MU) ONLY UNDER CONSIDERATION FOR DEVELOPMENT**

FUTURE LAND USE MAP DESIGNATION:

Mixed Use Commercial (MUC) & Residential Low (RL)

ZONING MAP DESIGNATION:

Mixed Use (MU) and Residential Low (RL) See Figure 2a & 2b

LOT SIZE:

Total acreage: 291,416 square feet or 6.69 acres consisting of 2.26 acres of Mixed Use (Scarified), 3.73 acres of Residential Low (Mangroves) and approximately 0.66 acres of submerged land (Water). See Figure 1.

FLUM & ZONING

Figure 2a

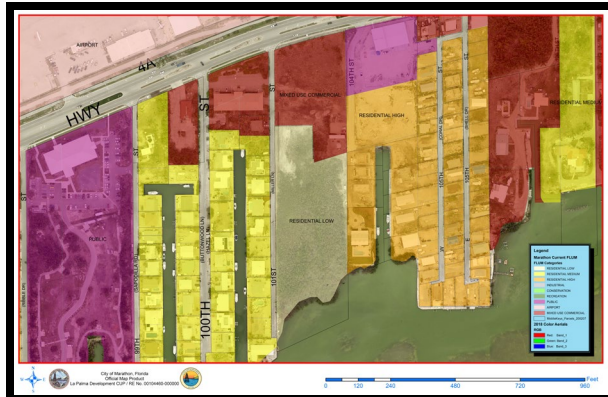


Figure 2b



SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Airport	Airport / General Aviation
East	Public / Residential High	City Utilities Building
South	Residential Low	Mangroves / Ocean
West	Mixed Use / Residential Medium	Commercial Building / Residence

EXISTING CONDITIONS:

The total area of the property in question is 291,416 square feet or 6.69 acres consisting of 2.26 acres of Mixed Use (Scarified), 3.77 acres of Residential Low (Mangroves) and approximately 0.66 acres of submerged land (Water). The property was recently granted a FLUM and Zoning change allowing approximately 2.26 acres of the northerly (adjacent to U.S. 1) portion of the property re-FLUM and rezoned as Mixed Use (MU) in late 2018.

The impacts of Hurricane Irma largely destroyed the remaining hardwood forest on the MU portion of the property. The owner cleaned up marine debris that was storm-deposited on the property and removed dead vegetation. The front portion of the site is scarified, filled, and contains several remaining hardwood hammock trees. These shall be preserved as landscape material. The remaining approximately 4.43 acres of property is comprised of mangroves or water/submerged land and shall be conserved and remain intact. This portion of the property is not under consideration as par to the current proposal for development.

PROPOSED REDEVELOPMENT:

The applicant proposes to develop the following in phases:

Market Rate Residential Units	4 units (4 SFRs)
Affordable Residential Units	8 Units (2 Quad-plex units)
Commercial Floor Area	32,369 square feet including retail and offices

BACKGROUND:

The proposed project involves the development of a previously undeveloped site. Though there was a significant amount of exotic vegetation in the upland portion of the site, the property was vegetated by hardwood forest and mangroves prior to the impact of Hurricane Irma. Mangroves and open water made up the remaining roughly two thirds of the site.

In late 2018, the applicant requested a FLUM and Zoning change for approximately 2.26 acres of the property. The request was granted by the City and approved by the Department of Economic Opportunity in May of 2019.

The Applicant’s intent with regard to the FLUM / Zoning change has been to make the proposal before you today, a mixed-use development of commercial floor area and residential units. See Figure 2 (See also Attachment 1, Figures 2a through 2e).

At its meeting of November 18, 2019, the Planning Commission three member were present. Mike Leonard was absent. Pam Dobson resigned officially prior to the meeting on November 12, 2019. The Commission listened to the staff and applicant presentations, took public input and deliberated concerning the project with respect to its net benefits and negative impacts in light of the Goals , Objectives, and Policies (GOPs) of the City’s Comprehensive Plan and its Land Development Regulations.

In all respects, the City Staff indicated that the project met the requirements of the GOPS in the Comprehensive Plan, as indicated further in the analysis below.

On the other hand, four individuals spoke in opposition to the project as follows:

- Armand Messina spoke against the item indicating that the project would generate increased traffic.
- Dave Daniels spoke against the item indicating that the proposed densities and intensities were too high and that the project impinged on homeowner rights.
- Dan Schick spoke against the item indicating that he believed that the project would become add to the current negative impact of vacation rentals on the street.
- Bill Shaw spoke against the item regarding improper signage, the traffic study, piecemeal zoning, and illegal fill in wetland areas.

Through discussion of the information presented and the testimony provided, the Planning Commission voted 2 to 1 to recommend denial of the project to the City Council.

It is a rare case, but City Staff continues to support the project and believes that the vote of the Planning Commission is not supported by the information provided by the applicant and the analysis made by City Staff. Staff will support this assertion in the revised analysis below. The Applicant has also addressed several of the concerns raised by the project's antagonists. Particularly, the Applicant has reduced the number of residential buildings (not the number of residential units) to accommodate additional parking for all proposed uses. The Applicant has reduced the effective area of the roof top portion of the project. Further, the Applicant has added an additional point of ingress and egress from the roof top located at approximately the center of the south side of the building. Again, see Figure 3.

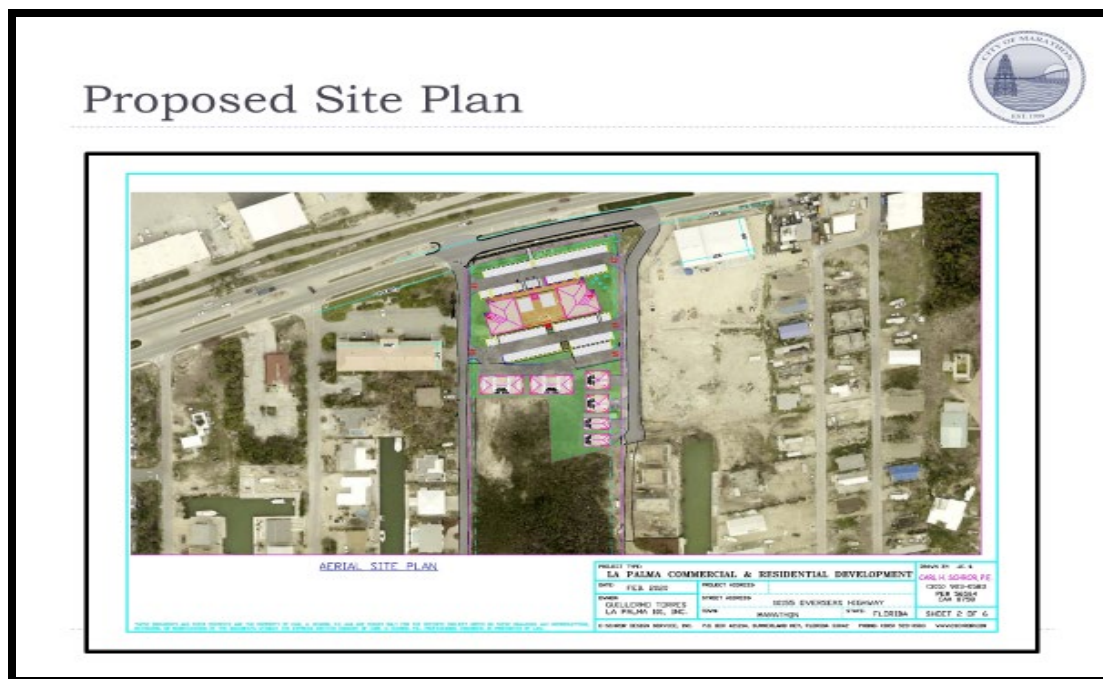


Figure 3 -

La Palma 101 Inc. Site Plan

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 project is located in the Mixed-Use Commercial Future Land Use District portion of his property. The remaining piece, mangroves and zoned Residential Low, will be conserved, perhaps adding a boardwalk to the water's edge in the future.

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."

The 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"... Specifically, this district provides for land uses that have a strong pedestrian-oriented character, with a mixture and concentration of specialty shopping, transient lodging, retail, personal service, restaurant, cultural, fishing industry, affordable housing and entertainment in the Old Town Area." The proposed project consists of the development of market rate, affordable residential and commercial uses and is consistent with the Mixed Use Zoning District. Section 103.15 determines whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that commercial space more than 10,000 square feet in area and residential units in excess of three, must be presented to the Planning Commission and City Council for review and ultimate approval (or modification or denial).

Table 103.15.2 in the Land Development Regulations provides information on density and intensity allowed in the MU district. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of the specific commercial use. The following table shows the proposed density and intensity for the subject parcels.

La Palma 101 Inc Calculation of Density and Intensity of Proposed Uses					
Use	Gross Floor Area (Proposed)	Zoning	Intensity	FAR	Required Square Footage
Commercial Uses (Retail, Restaurant Marina)	32,369 sf	MU	Medium	0.75*	43,159
Sub Total Allocated Square Footage					43,159
	Units (Proposed)	Zoning	Density		Required Square Footage
Market Rate Residential	4	MU	6 / acre		29,040
Workforce Residential	8	MU	15 / acre		23,232
Sub Total Allocated Square Footage					52,272
Total Allocated Square Footage					95,576
Total Available Site Square Footage					98,575
Remaining Unallocated Square Footage					2,870

* As denoted by Table 103.15.3 of the Land Development Regulations, the FAR for mixed use developments may be increased to .75 if mitigated by the development of affordable/workforce housing. This redevelopment includes a provision for affordable/workforce housing, and is therefore eligible for the increased FAR.

Therefore, it is staff’s opinion that the request is *in compliance* with the requirements of these sections so long as the applicant obtains a Development Agreement.

B. The proposed use is compatible with the existing land use pattern and future uses designated by 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.” The proposed project involves the development the development of multi-purpose commercial, professional offices, and twelve residential units, a true mixed use project

The existing land use pattern in the project vicinity consists of the Marathon Airport (zoned Airport (A)), including the General Aviation facility to the north, protected wetlands to the south (zoned Residential Low (RL)); commercial offices & uses to the west; and the City's utility building to the east.

The development of the site will result in new commercial and residential development and a "fresh" look to the area. There is some residential development on both 101st and 104th Street to the south, but the developer has lined his residential components up with those to ensure compatibility with those neighborhoods. In fact, two of the residences on 104th Street are owned by Mr. Torres and his brother, so the proposed development is doubly intended to ensure a compatible transition of commercial to residential uses.

Part of the discussion of the Planning Commission raised a concern that the project did not meet the City's community character along the U. S. 1 corridor. In particular, they raised a concern that the total square footage of the commercial building was much greater than similar commercial building along the corridor.

Several things occur to Staff. First, most of the properties along the corridor are shallow – front to back and therefore could not accommodate larger commercial floor areas. This project site runs from U.S. 1 to the ocean, approximately 970 feet. The commercially zoned area is approximately 98,445 square feet and from 280 to 460 feet in depth.

Second, the footprint area of a number of commercially zoned properties are at least the equivalent in area, notably the Key Vaca Center and City Utilities / Public Works buildings, both in excess of 10,000 square feet in footprint. The Key Vaca Center building is also a three story (including parking). The first building lies between 100th and 100st Streets just to the west and the Utilities / Public Works building lies between 104th and 105th Streets immediately to the east. These are relatively young and recently approved buildings. The majority of commercial buildings lying a bit further east of the proposed project ALL are larger in foot print than the proposed commercial structure – notably, the J J's / Specialty Hardware / Discount Divers , Walgreens, Beal's, and Driftwood, City Hall, and Olde Towne Centre buildings. Finally, and recently, the Planning Commission and City Council approved the development of Royal Furniture which is as large in footprint and as tall as propose in this project. That project was approved unanimous by both bodies

The project does not exceed either allowed densities or intensities. Further, the proposed project is similar in character dimension and height to commercial buildings in the nearby commercial corridor.

These improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon.

Therefore, it is staff's opinion that 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 use is a development of new uses which will have no impact on the health, safety and welfare of the public. No new impacts are expected to arise with the redevelopment.

- The City Fire Marshal reviewed the proposed site plan and has found it adequate for the purpose of conditional use approval.
- Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Full and final review of floodplain compliance will occur as part of building permit issuance. The Applicant has been advised about the adoption of the new FEMA flood maps and the potential impacts of the changes in flood maps on their project.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Full and final review of floodplain compliance will occur as part of building permit issuance. See Figure 3.

Figure 3
Current FEMA FIRM Maps (2005)



Therefore, it is staff’s opinion that the request is ***in compliance*** with the requirements of these sections, so long as the applicant complies with requirements of the City Fire Marshal.

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 impacts of Hurricane Irma largely destroyed the remaining hardwood forest on the MU portion of the property. The owner cleaned up marine debris that was storm-deposited on the property and removed dead vegetation. The front portion of the site is scarified, filled, and contains several remaining hardwood hammock trees. These will be preserved as landscape material. The remaining approximately 3.73 acres of the property is comprised of mangroves and remains intact. Approximately 0.66 acres is considered submerged land or open water. See Figure 4

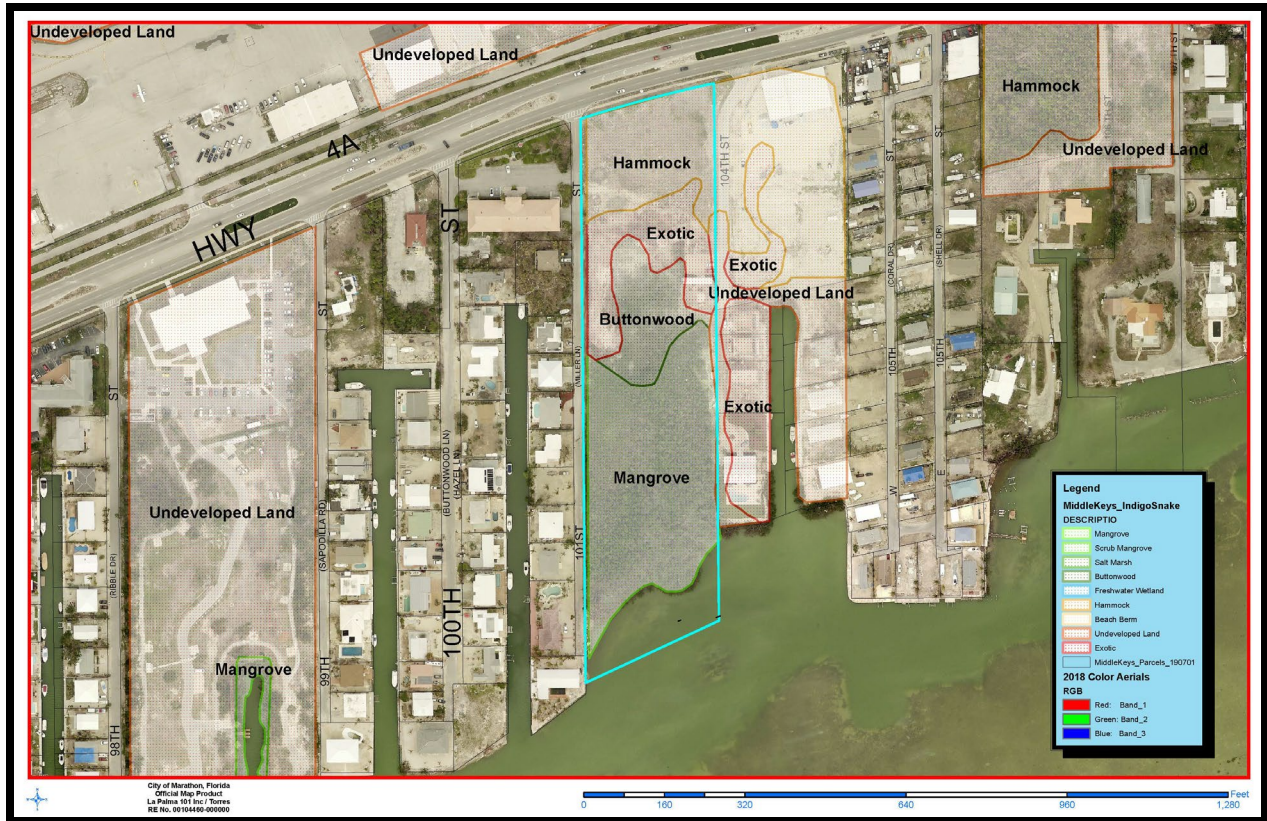
Figure 4
Habitat – Post Hurricane Irma



In the overall history of the property, the front portion has had a hardwood hammock with some exotic infiltration. This is exhibited in the FEMA-FWS maps of the site pre-Hurricane Irma. Identification of this property on the FEMA-FWS requires additional habitat protection as prescribed under the resolution of the FEMA-FWS lawsuit and as recognized in the requirements of the City’s Floodplain Management Ordinance. As the hammock, aside from remaining hammock species, as

noted were killed by the impacts of Hurricane Irma. At this juncture protection of the mangroves which lie in the portion of the property designated as Residential Low (RL) is appropriate. A protective covenant will be required for this portion of the project site. See Figure 5.

Figure 5
FEMA-FWS Species Focus Area (SFA) Maps Pre Hurricane Irma



The City expects positive impacts on water quality resulting from required stormwater improvements to the site, which are expected to provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

The project will be required to connect to the City’s wastewater treatment system so that potential wastewater impacts will be eliminated.

Finally, site landscaping will consist of 75% native species, per Chapter 107, Article 8. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

Therefore, it is staff’s opinion that the request is ***in compliance*** with the requirements of these sections so long as the development is conditioned on provision of:

- Conservation easement for the site mangrove area, subject to City approval;
- Final stormwater plans subject to City approval;

- Final wastewater plans, including engineering and projected wastewater flows, subject to City approval; and
- Final landscaping and mitigation plans subject to approval of the City Biologist.

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 proposed development will not alter the entrance to the site from U.S. Highway 1. Access will occur exclusively from 101st and 104th Streets.

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on the site plan at time of building permit issuance.

In addition, the City is requiring and the Applicant has agreed to a five (5) foot easement on the 101st Street side to allow additional street width for vehicles entering 101st Street and entering U. S. Highway 1.

As required, a Level 3 traffic study was submitted and reviewed by the City for consistency with the Code. The pre and post development uses are accurately represented. The report shows a daily addition of a total of 330 weekday trips with 45 AM trips and 40 PM trips expected. The level of service availability far exceeds the additional trip load created by the potential development of this project as shown in the following excerpts from the Applicant’s Traffic survey:

“Project Traffic Distribution

The subject property will have four (4) entry/exit points onto 104th Street Ocean and one (1) entry/exit point onto 101st Street Ocean (Reference Exhibits 2 & 3). Directional splits onto adjacent roadway are based on the property's geographic location and anticipated vehicle movements. It is assumed that the distribution of traffic will be 95% of vehicle trips entering from and exiting to the north and 5% of vehicle trips entering from and exiting to the south.

Abutting Roadway Information

Road	Ownership	Access Classification	Posted Speed	AADT
101 st Street	Public	Local	25 MPH	Unknown
104 th Street	Public	Local	25 MPH	Unknown

Trip Generation

Vehicular trip ends generated by the proposed project were calculated by OTISS software

based on methodology provided by Trip Generation Manual of the Institute of Transportation engineers (10th edition, 2018).

Proposed OTISS Input – Average Vehicle Trips									
ITE Land Use Code	Description	Variable Input	Weekday	AM Total	AM Entry Trips	AM Exist Trip	PM Total	PM Entry Trips	PM Exist Trips
210	SFR Detached housing	2 Units	28	7	2	5	2	1	1
220	Multifamily Housing (Low-Rise)	10 Units	34	5	1	4	8	5	3
710	General Office Building	24.28 – 1,000 sf GFA	268	49	42	7	30	5	25

Print outs of the trip generation by OTISS for this use are attached

There have some modifications to the proposal since the traffic report was completed. The roof top area has been added. That area will not be in use when the other commercial office spaces are in use. Thus, the effective building area has not changed since the traffic report was produced. However, at this juncture the building square footage has been divided by use (ie. Retail, Recreation/Spa, Office Space) which provides a better understanding of the types of uses that are likely, but it will not substantially change the number of trips generated to and from the site. This information was presented to the Planning Commission.

In addition, the City Fire Marshal has reviewed the proposed development plans and proposal for internal traffic circulation and has deemed it acceptable.

Therefore, it is staff’s opinion that 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 following table shows the parking requirement for both the transient hotel units and commercial uses on the parcel:

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 51 required spaces, two handicapped spaces are required. Two are provided. Parking space sizes are 9’ x 18’ for 90 degree parking, and handicapped spaces are 12’ x 21’ as required by Code.

The Code also requires bicycle parking to be provided for educational facilities, multifamily

dwellings, commercial, institutional and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The developer has provided two bike racks for the project; one that is at the entrance to the development accessible via a connection to the City bike path and one near the residential area.

Use	Code Citation	Requirement	Spaces Required
Market Rate	Table 107.46.1	2 per Residence	8
Affordable	Table 107.46.1	2 per Residence	16
Total Residential			24
Café – Inside	Table 107.46.1	1 per 3 Seats +	17
Café – Outside	Table 107.46.1	1 per 3 Seats +	7
Café – Employees	Table 107.46.1	1 per 2	4
Fitness Center	Table 107.46.1	3 per 1,000 GFA	8
Retail & Office	Table 107.46.1	1 per 500 sf	44 (Day)
Retail & Office – Employees	Table 107.46.1		15 (Day)
Roof Deck	Table 107.46.1	1 per 4 Person	60 (Night)
Commercial ADA		1 per 25 Spaces	4
Total Commercial			95 (Day) 96 (Night)
Total Required			119 (Day) 120 (Night)
Total Provided			123

Therefore, it is staff’s opinion that 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 project consists of the development of mixed commercial and residential uses that are compatible with surrounding uses. Projects and Street Landscape Buffers are required. The applicant has already established buffers that exceed the Code requirements on section of both 101st and 104th Streets. Additional buffering will be required both internal to the project site and at its periphery. No detrimental noise, glare or odors are expected to be generated by any of the uses as a result.

Therefore, it is staff’s opinion that 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 and recycling bins be fully enclosed and screened. This

item will be addressed at the time of building permit issuance. As proposed, such enclosures will be provided within the commercial portion of the property or on 104th Street for the single family residences. Thus, they will exist away from the residential area on 101st Street.

Therefore, it is staff's opinion that 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 applicant will provide wastewater and sewage collection and disposal via the City's sewer system.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility. There is a 12" water main in front of the property on US 1 that the FCAA believes is adequate to service the project.
- 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: Onsite recreation facilities will be provided for guests and residents of the proposed development.
- Roadways: The applicant has submitted an appropriate Level 3 Traffic Study. The proposed development is within the reserve capacity of US 1.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

Therefore, it is staff's opinion that the request is **in compliance** with the requirements of these sections, if the following conditions are associated with the project:

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval is required for the wastewater collection and transmission system connecting to the City's sewer prior to Building Permit Approval.
- 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 107.66 establishes project boundary buffer standards applicable to the project. The project is zoned MU. The property is bordered to the north by U.S. Highway 1 and across the highway by the airport; to the west by a parcel that is similarly zoned as MU; to the east by a parcel zoned Public (P) and Residential High (RH). To the south, the proposed development site is bordered by mangroves in an area zoned Residential Low (RL). Accordingly, U.S. Highway 1, District Boundary Buffers and parking landscape buffers are required and have been sufficiently met in the current Site Plan

The proposed project consists of the development of mixed commercial and residential uses that are compatible with surrounding uses. Projects and Street Landscape Buffers are required. The applicant has already established buffers that exceed the Code requirements on section of both 101st and 104th Streets. Additional buffering will be required both internal to the project site and at its periphery.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections, if a condition is placed on the approval requiring:

- Final landscape plans to be submitted to the City and approved by the City Biologist prior to building permit issuance.

7. 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.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. The applicant has submitted a lighting plan that appears to be consistent with the requirements, and which provides lighting which is appropriate for the proposed development. Final lighting plans will be submitted along with final landscaping plans, and will include verification from the landscape architect that all provisions of the article are met.

All signage and security type lighting will be located on the commercial portion of the project site.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections if sign permits and lighting plan approvals are obtained prior to building permit issuance.

- All signage and security type lighting will be located on the commercial portion of the project site.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is proposed for development is scarified; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant, the site plan exceeds the required open space, most particularly in the required landscape areas and the mangrove area to the south.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections.

9. General compatibility with surrounding properties; and

The existing land use pattern in the project vicinity consists of the Marathon Airport (zoned Airport

(A)), including the General Aviation facility to the north, protected wetlands to the south (zoned Residential Low (RL)); commercial offices & uses to the west; and the City's utility building to the east.

The development of the site will result in new commercial and residential development and a "fresh" look to the area. There is some residential development on both 101st and 104th Street to the south, but the developer has lined his residential components up with those to ensure compatibility with those neighborhoods. In fact, two of the residences on 104th Street are owned by Mr. Torres and his brother, so the proposed development is doubly intended to ensure a compatible transition of commercial to residential uses.

Part of the discussion of the Planning Commission raised a concern that the project did not meet the City's community character along the U. S. 1 corridor. In particular, they raised a concern that the total square footage of the commercial building was much greater than similar commercial building along the corridor.

Several things occur to Staff. First, most of the properties along the corridor are shallow – front to back and therefore could not accommodate larger commercial floor areas. This project site runs from U.S. 1 to the ocean, approximately 970 feet. The commercially zoned area is approximately 98,445 square feet and from 280 to 460 feet in depth.

Second, the footprint area of a number of commercially zoned properties are at least the equivalent in area, notably the Key Vaca Center and City Utilities / Public Works buildings, both in excess of 10,000 square feet in footprint. The Key Vaca Center building is also a three story (including parking). The first building lies between 100th and 100st Streets just to the west and the Utilities / Public Works building lies between 104th and 105th Streets immediately to the east. These are relatively young and recently approved buildings. The majority of commercial buildings lying a bit further east of the proposed project ALL are larger in foot print than the proposed commercial structure – notably, the J J's / Specialty Hardware / Discount Divers , Walgreens, Beal's, and Driftwood, City Hall, and Olde Towne Centre buildings. Finally, and recently, the Planning Commission and City Council approved the development of Royal Furniture which is as large in footprint and as tall as propose in this project. That project was approved unanimous by both bodies

The project does not exceed either allowed densities or intensities. Further, the proposed project is similar in character dimension and height to commercial buildings in the nearby commercial corridor.

The project will be buffered both from residential properties on 101st and 104th Streets.

Therefore, it is staff's opinion that 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.

Therefore, it is staff's opinion that 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 project consists of the redevelopment of parcels that have been historically used for both transient and commercial purposes. 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:

At its meeting of November 18, 2019, the Planning Commission three member were present. Mike Leonard was absent. Pam Dobson resigned officially prior to the meeting on November 12, 2019. The Commission listened to the staff and applicant presentations, took public input and deliberated concerning the project with respect to its net benefits and negative impacts in light of the Goals , Objectives, and Policies (GOPs) of the City's Comprehensive Plan and its Land Development Regulations.

In all respects, the City Staff indicated that the project met the requirements of the GOPS in the Comprehensive Plan, as indicated further in the analysis above.

On the other hand, four individuals spoke in opposition to the project as follows:

- Armand Messina spoke against the item indicating that the project would generate increased traffic.
- Dave Daniels spoke against the item indicating that the proposed densities and intensities were too high and that the project impinged on homeowner rights.
- Dan Schick spoke against the item indicating that he believed that the project would become add to the current negative impact of vacation rentals on the street.
- Bill Shaw spoke against the item regarding improper signage, the traffic study, piecemeal zoning, and illegal fill in wetland areas.

Through discussion of the information presented and the testimony provided, the Planning Commission voted 2 to 1 to recommend denial of the project to the City Council.

It is a rare case, but City Staff continues to support the project and believes that the vote of the Planning Commission is not supported by the information provided by the applicant and the analysis made by City Staff. Staff indicates that the analysis continues to support this documented assertion. The Applicant has also addressed several of the concerns raised by the project's antagonists.

Particularly, the Applicant has reduced the number of residential buildings (not the number of residential units) to accommodate additional parking for all proposed uses. The Applicant has reduced the effective area of the roof top portion of the project. Further, the Applicant has added an additional point of ingress and egress from the roof top located at approximately the center of the south side of the building. Finally, the Applicant has agreed to an easement on 101st Street to allow widening of that street from the point of project entrances to U. S. 1.

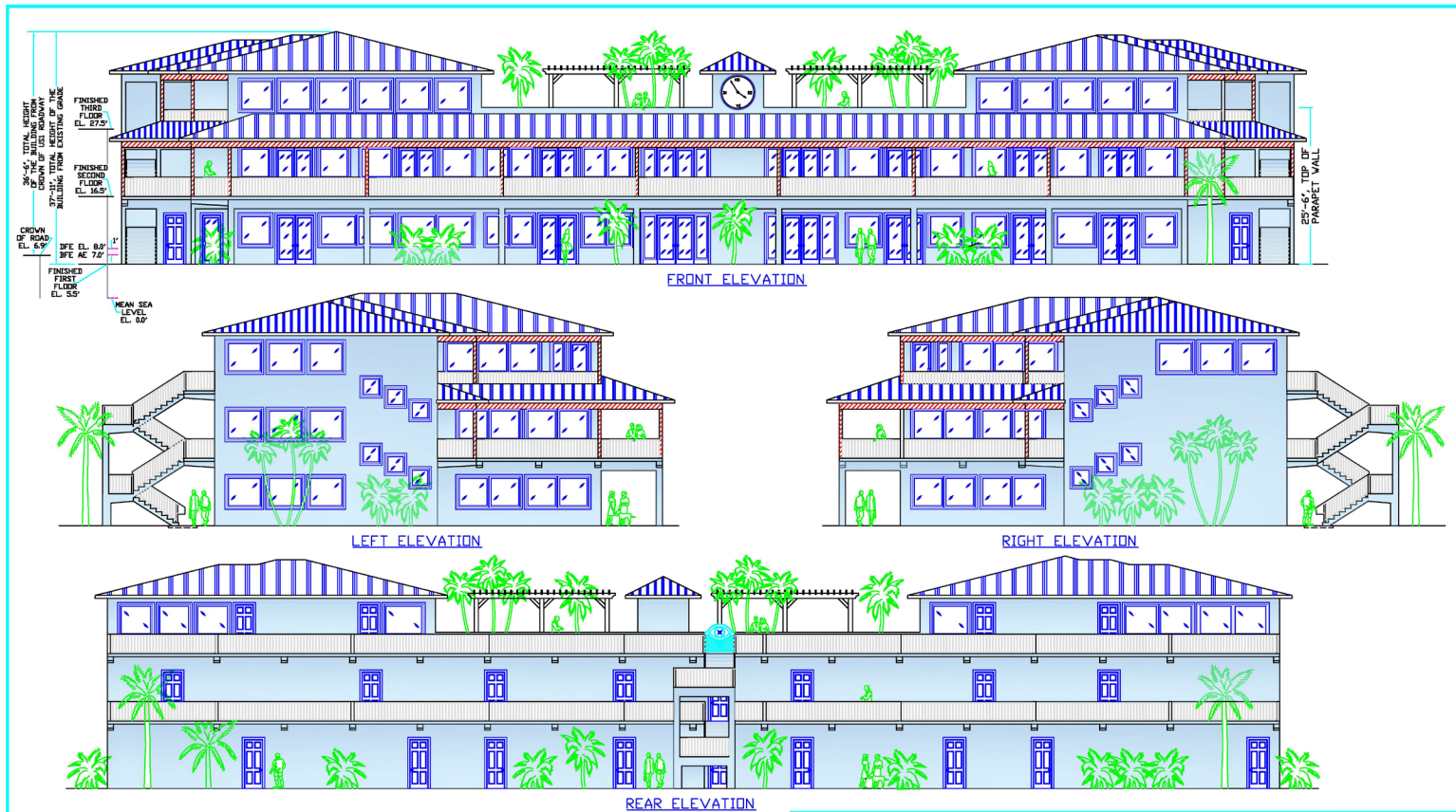
Staff disagrees with the Planning Commission voted recommendation and recommends approval with conditions

Conditions of Approval

- 1) The applicant will obtain approval of final landscaping, bufferyard, parking landscaping, and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 3) Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Full and final review of floodplain compliance will occur as part of building permit issuance. The Applicant has been advised about the adoption of the new FEMA flood maps and the potential impacts of the changes in flood maps on their project.
- 4) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 5) The applicant will provide on-site plans for the collection and disposal of wastewater via a connection to the City's sewer system. All engineering and wastewater flow calculations must be approved by the City Utility Department prior to final permitting and all wastewater fees must be paid prior to the issuance of construction permits.
- 6) The applicant will provide fully enclosed and screened dumpster areas for both the residential and commercial components of the project pursuant to Section 107.39;
- 7) The applicant will obtain any required permits from SFWMD, FDOT, ACOE, and DEP prior to building permit issuance;
- 8) The applicant will obtain sign permits for any signs erected on the property, as required under the Code;
- 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 provide an approximately 5' X 220' easement adjacent to the 101st Street Right-Of-Way (or the southernmost point of ingress/egress from the property) in order to assist in traffic flow in and out of the property on that street. The developer will be responsible for paving this area with engineering and design approvals from the City.
- 11) A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- 12) The Applicant will provide at a minimum 123 parking spaces, inclusive of commercial and residential uses. City approval is required for all general parking and ADA compliant parking spaces prior to Building Permit Approval.
- 13) Bike racks must be shown on the final site plan and approved prior to Building Permit

- Approval.
- 14) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.
 - 15) A Transplantation / Mitigation plan must be approved for any native trees destroyed as part of proposed construction. This Plan must be provided and approved prior to the initiation of site development.
 - 16) Conservation easement for the site mangrove area, subject to City approval;
 - 17) If the development is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
 - 18) Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
 - 19) The Applicant must obtain a minimum of six (6) market rate and sixty (60) affordable residential allocations 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 AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.
 - 20) The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

Attachment 1
Figure 2a
Elevation Views



PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHROR, P.E.
DATE: FEB. 2020	PROJECT ADDRESS:	(305) 923-0583
OWNER: GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS: 10155 OVERSEAS HIGHWAY	PE# 56564 CA# 8758
	TOWN: MARATHON	STATE: FLORIDA
C-SCHROR DESIGN SERVICE, INC. P.O. BOX 421214, SUMMERLAND KEY, FLORIDA 33042 PHONE: (305) 923-0583 WWW.CSCHROR.COM		SHEET 6 OF 6

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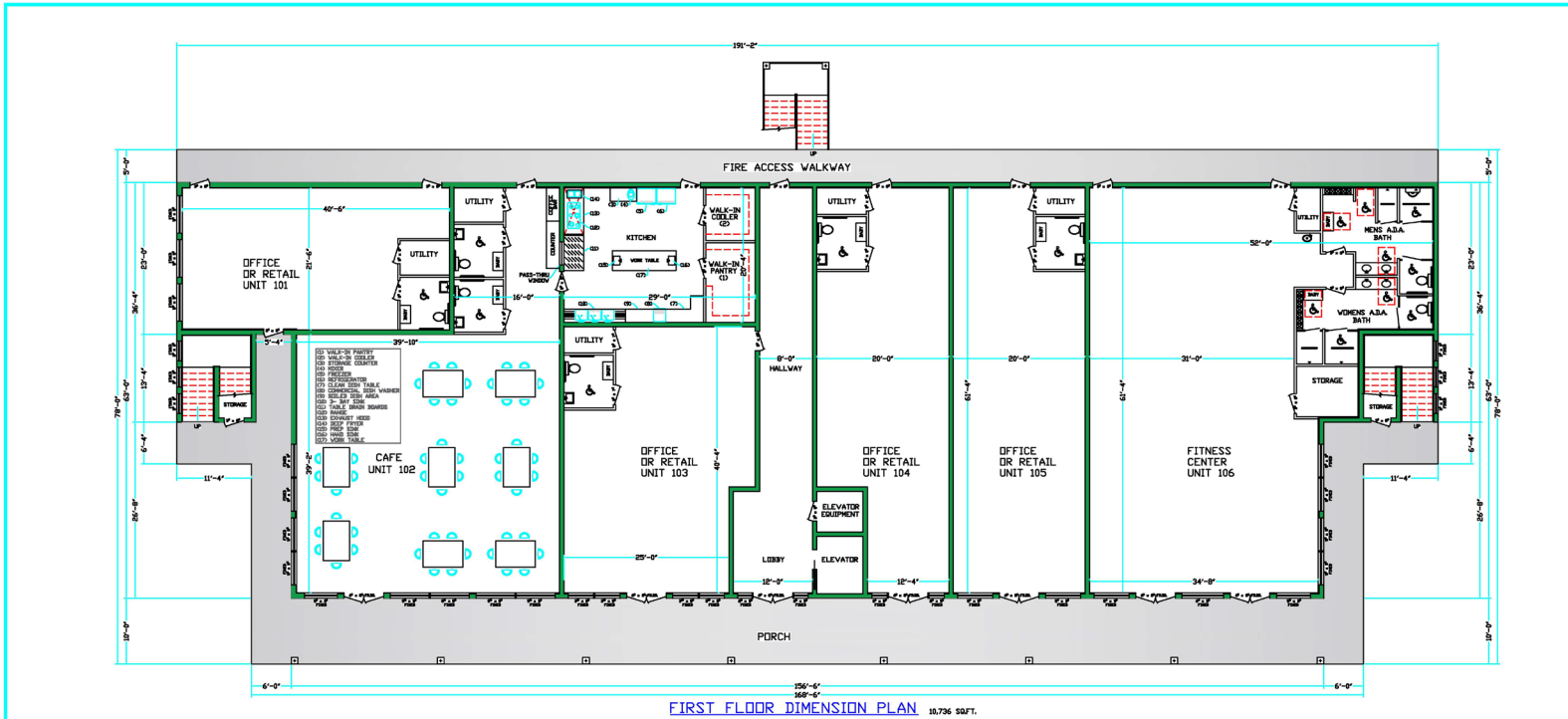
Figure 2b
Site Plan / Plan View



AERIAL SITE PLAN

PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHROR, P.E.	
DATE: FEB. 2020	PROJECT ADDRESS:	(305) 923-0583	
OWNER: GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS: 10155 OVERSEAS HIGHWAY	PE# 56564 CA# 8758	
	TOWN: MARATHON	STATE: FLORIDA	SHEET 2 OF 6
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Figure 2c
Floor Plan / 1st Floor



FIRST FLOOR DIMENSION PLAN 10,796 SQ.FT.

SITE DATA	
RE. NUMBER:	00104460-000000
FUTURE LAND USE:	MIXED USE COMMERCIAL
ZONING DISTRICT:	MIXED USE (MU)
PROPOSED USE:	MULTI/SINGLE FAMILY, COMMERCIAL SPACE & ENVIRONMENTALLY SENSITIVE AREA.
DENSITY:	6 UNITS PER ACRE - MARKET RATE 15 UNITS PER ACRE - AFFORDABLE
DENSITY USED:	8 AFFORDABLE, 4 MARKET
F.A.R.:	0.15-0.61

BUILDING TYPE #1	
3 STORY MULTI USE COMMERCIAL SPACE,	
FIRST FLOOR	= 10,736 SQ.FT.
SECOND FLOOR	= 10,816 SQ.FT.
THIRD FLOOR	= 5,840 SQ.FT.
TOTAL COMMERCIAL	= 27,392 SQ.FT.
ROOF ASSEMBLY AREA	= 4,977 SQ.FT.
TOTAL USABLE AREA	= 32,369 SQ.FT.
BUILDING TYPE #2	
2 STORY OVER PARKING QUADPLEX UNITS	
GROUND FLOOR PARKING	
BUILDING TYPE #3	
2 STORY AND 1 STORY OVER PARKING SINGLE FAMILY UNITS	
GROUND FLOOR PARKING	

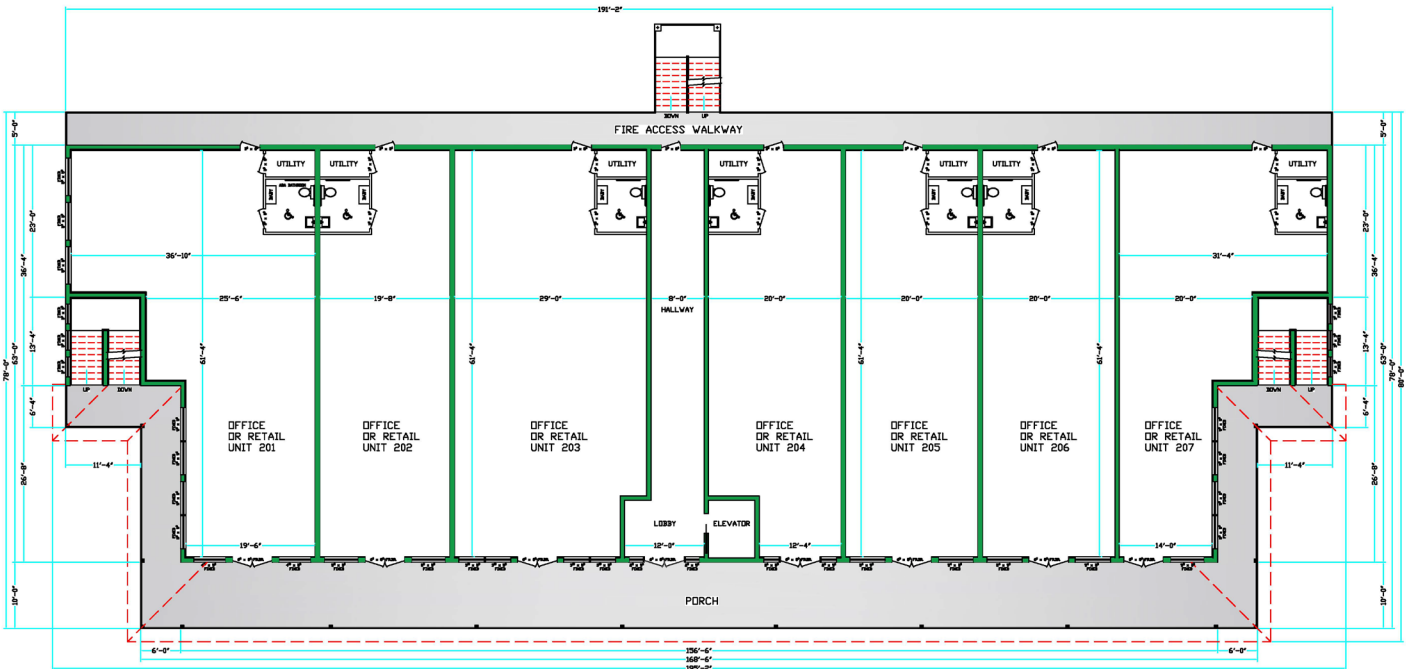
PROPOSED LAND USE	
8 MULTIFAMILY UNITS IN (2) QUADPLEX	
4 SINGLE FAMILY UNITS	
1 COMMERCIAL BUILDING WITH CAFE & COMMERCIAL SPACE	
MIN. OPEN SPACE	= 20%
TOTAL SITE	= 290,064 SQ.FT.
PROPOSED PROJECT AREA	= 90,578 SQ.FT.
COSES NOT INCLUDE ENVIRONMENTAL AREA	
COMMERCIAL LAND AREA	= 60,303 SQ.FT.
RESIDENTIAL LAND AREA	= 30,272 SQ.FT.
SETBACKS # MINIMUM REQUIRED:	
FRONT	= 15 FEET
SIDE (STREET)	= 10 FEET
WETLAND	= 15 FEET
MAX. BUILDING HEIGHT	= 37 FEET

PROJECT TYPE:			
LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT			
DATE:	FEB. 2020	PROJECT ADDRESS:	
OWNER:	GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS:	10155 OVERSEAS HIGHWAY
		TOWN:	MARATHON
		STATE:	FLORIDA
DRAWN BY: J.E. & CARL H. SCHROR, P.E.			(305) 923-0583
			PE# 56564 CA# 8758
			SHEET 3 OF 6

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Figure 2d
 Floor Plan / 2nd Floor

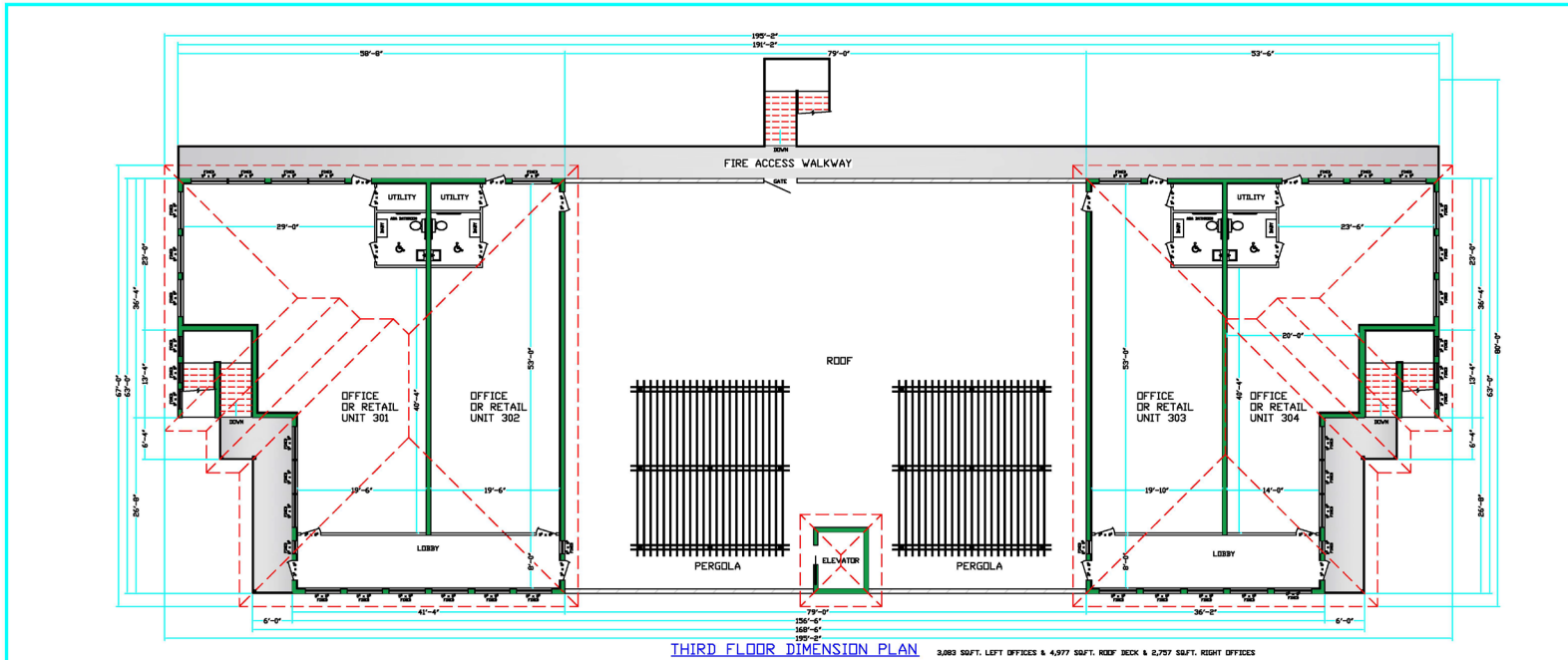


SECOND FLOOR DIMENSION PLAN 10,816 SQFT.

PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHROR, P.E.	
DATE: FEB. 2020	PROJECT ADDRESS:	(305) 923-0583	
OWNER: GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS: 10155 OVERSEAS HIGHWAY	PE# 56564 CA# 8758	
	TOWN: MARATHON	STATE: FLORIDA	SHEET 4 OF 6
C-SCHROR DESIGN SERVICE, INC. P.O. BOX 421214, SUMMERLAND KEY, FLORIDA 33042 PHONE: (305) 923-0583 WWW.CSCHROR.COM			

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Figure 2e
Floor Plan / Roof Top



Specific Use Category	Parking Daytime		Required Spaces	Total Spaces Provided	
	Minimum Required Number of Parking Spaces	Size			
Café, Inside	1 per 3 seats	2,669 Sq.Ft.	50 Seats Inside	16.7	
Café, Outside	1 per 3 seats		20 Seats Outside	6.7	General Spaces
Café Employees	1 per 2 employees		8 Employees	4.0	
Fitness Center	3 per 1000 Sq.Ft. GFA	2,736 Sq.Ft.		8.2	Provided 96
Retail or Office Space	2 per 1000 Sq.Ft.	21,987 Sq.Ft.		44.0	
Retail or Office Employees	1 per Employee		15 Units, 1 Employee each	15.0	Handicap Spaces 3
Roof Deck Assembly	Closed	4,977 Sq.Ft.	240 Max. People Restricted		
Total		32,369 Sq.Ft.		94.5 99.0	

Specific Use Category	Parking Nighttime		Required Spaces	Total Spaces Provided	
	Minimum Required Number of Parking Spaces	Size			
Café, Inside	1 per 3 seats	2,669 Sq.Ft.	50 Seats Inside	16.7	
Café, Outside	1 per 3 seats		20 Seats Outside	6.7	General Spaces
Café Employees	1 per 2 employees		8 Employees	4.0	
Fitness Center	3 per 1000 Sq.Ft. GFA	2,736 Sq.Ft.		8.2	Provided 96
Retail or Office Space	Closed	21,987 Sq.Ft.			
Retail or Office Employees	Closed		15 Units, 1 Employee each	15.0	Handicap Spaces 3
Roof Deck Assembly	1 per 4 people	4,977 Sq.Ft.	240 Max. People Restricted	60.0	
Total		32,369 Sq.Ft.		95.5 99.0	

Building Codes	
Restaurant	1 per 3 seats, plus required stacking spaces, plus 1 per every 2 employees on the largest shift
Spa, gym or fitness center	3 per 1,000 sq ft GFA
Retail Sales and Service	3 per 1,000 sq ft of GFA, plus 1 per employee at the largest shift

PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHROR, P.E.	
DATE: FEB. 2020	PROJECT ADDRESS:		(305) 923-0583
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	TOWN: MARATHON	STATE: FLORIDA	CA# 8758
		SHEET 5 OF 6	

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**CITY OF MARATHON, FLORIDA
RESOLUTION 2020-44**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT FOR GUILLERMO TORRES, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” FOR THE DEVELOPMENT OF A PROPERTY INTO MULTIFAMILY HOUSING, OFFICE AND RETAIL; LOCATED AT 10155 OVERSEAS HWY; WHICH IS LEGALLY DESCRIBED AS PART OF GOVERNMENT LOT 2 AND BAY BOTTOM SOUTH OF AND ADJACENT PART GOVERNMENT LOT 2, KEY VACA, HAVING REAL ESTATE NUMBER 00104460-000000, NEAREST MILE MARKER 52.5.

WHEREAS, Guillermo Torres, d/b/a La Palma 101 Inc. (the “Applicant”) is the owner of the Property in question (RE No 00104460-000000) and applied for a Conditional Use Permit to construct a mixed use development on the subject property, including 32,369 square feet of commercial space, eight (8) residential units of affordable housing, and four (4) residential units of market rate housing on property located in the Mixed Use (MU) land use district (the “Application”); and

WHEREAS, on the 18th day of November, 2019, the City of Marathon (the “City”) Planning Commission (the “Commission”) and on the 10th day of December, 2019, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by Guillermo Torres, d/b/a La Palma 101 Inc. (the “Applicant”), for a conditional use permit pursuant to Chapter 102, Article 13 of the City Code (the “Code”); and

WHEREAS, the Planning Commission (Commission) met on November 18, 2019, in accordance with the provisions of Sections 101.02 and 102.75 of the City of Marathon Land Development Regulations, met to review the Application to determine its compliance with the applicable regulations; and

WHEREAS, at its meeting of November 18, 2019, three members were present. Mike Leonard was absent. Pam Dobson resigned officially prior to the meeting on November 12, 2019; and

WHEREAS, the Commission listened to the staff and applicant presentations, took public input and deliberated concerning the project with respect to its net benefits and negative impacts in light of the Goals, Objectives, and Policies (GOPs) of the City’s Comprehensive Plan and its Land Development Regulations; and

WHEREAS, in all respects, the City Staff indicated that the project met the requirements of the GOPS in the Comprehensive Plan; and

WHEREAS, four individuals spoke in opposition to the project as follows:

- Armand Messina spoke against the item indicating that the project would generate increased traffic.
- Dave Daniels spoke against the item indicating that the proposed densities and intensities were too high and that the project impinged on homeowner rights.
- Dan Schick spoke against the item indicating that he believed that the project would become add to the current negative impact of vacation rentals on the street.
- Bill Shaw spoke against the item regarding improper signage, the traffic study, piecemeal zoning, and illegal fill in wetland areas; and

WHEREAS, through discussion of the information presented and the testimony provided, the Planning Commission voted 2 to 1 to recommend denial of the project to the City Council; and

WHEREAS, it is a rare case, but City Staff continues to support the project and believes that the vote of the Planning Commission is not supported by the information provided by the applicant and the analysis made by City Staff; and

WHEREAS, Staff has further supported this assertion in the revised analysis provided to the city Council; and

WHEREAS, the Applicant has also addressed several of the concerns raised by the project's antagonists. Particularly,

- the Applicant has reduced the number of residential buildings (not the number of residential units) to accommodate additional parking for all proposed uses,
- the Applicant has reduced the effective area of the roof top portion of the project,
- further, the Applicant has added an additional point of ingress and egress from the roof top located at approximately the center of the south side of the building,
- the Applicant has provided an easement and will pave it providing for the widening of 101st Street for approximately 220 feet of 101st Street leading from U. S. 1, and

WHEREAS, the Council of the City of Marathon, Florida, in accordance with the provisions of Sections 101.01 and 102.76 of the City of Marathon Land Development Regulations, met to review the Application to determine its compliance with the City's Comprehensive Plan and Land Development Regulations on July 14, 2020; and

WHEREAS, the Council has duly considered the recommendation of the Commission, Staff's dissent concerning their recommendation, taken all public testimony into account, and the information and documentary evidence submitted by Guillermo Torres, d/b/a La Palma 101 Inc., the comments of the general public present, and does hereby find and determine as provided below:

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

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

Section 2. The City Council hereby approves Development Order 2020-03, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use to Guillermo Torres, d/b/a La Palma 101 Inc. for the proposed use. The Director of Planning is authorized to sign the development order on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11TH DAY OF AUGUST, 2020.

THE CITY OF MARATHON, FLORIDA

Steve Cook, 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:

Dirk Smits, City Attorney



**CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2020-03**

A DEVELOPMENT ORDER OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT FOR GUILLERMO TORRES, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” FOR THE DEVELOPMENT OF A PROPERTY INTO MULTIFAMILY HOUSING, OFFICE AND RETAIL; LOCATED AT 10155 OVERSEAS HWY; WHICH IS LEGALLY DESCRIBED AS PART OF GOVERNMENT LOT 2 AND BAY BOTTOM SOUTH OF AND ADJACENT PART GOVERNMENT LOT 2, KEY VACA, HAVING REAL ESTATE NUMBER 00104460-000000, NEAREST MILE MARKER 52.5.

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WHEREAS, the Planning Commission (Commission) met on November 18, 2019, in accordance with the provisions of Sections 101.02 and 102.75 of the City of Marathon Land Development Regulations, met to review the Application to determine its compliance with the applicable regulations; and

WHEREAS, at its meeting of November 18, 2019, three member were present. Mike Leonard was absent. Pam Dobson resigned officially prior to the meeting on November 12, 2019; and

WHEREAS, the Commission listened to the staff and applicant presentations, took public input and deliberated concerning the project with respect to its net benefits and negative impacts in light of the Goals , Objectives, and Policies (GOPs) of the City’s Comprehensive Plan and its Land Development Regulations; and

WHEREAS, in all respects, the City Staff indicated that the project met the requirements of the GOPS in the Comprehensive Plan; and

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WHEREAS, through discussion of the information presented and the testimony provided, the Planning Commission voted 2 to 1 to recommend denial of the project to the City Council; and

WHEREAS, it is a rare case, but City Staff continues to support the project and believes that the vote of the Planning Commission is not supported by the information provided by the applicant and the analysis made by City Staff; and

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WHEREAS, the Council has duly considered the recommendation of the Commission, Staff's dissent concerning their recommendation, taken all public testimony into account, and the information and documentary evidence submitted by Guillermo Torres, d/b/a La Palma 101 Inc., the comments of the general public present, and does hereby find and determine as provided below:

FINDINGS OF FACT:

1. The applicant is proposing to develop 32,369 square feet of mixed use commercial, including

professional offices, retail space, exercise facilities, and meeting areas for weddings and other gatherings; four (4) market rate residential units; and eight (8) workforce housing residential units. See Attachment 1

2. In accordance with Section 102.77 of the Code, the Commission and Council considered and determined the Applicant met the following criteria:
 - a. The proposed use is consistent with the Comprehensive Plan and LDRs;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public; and
 - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
 - e. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
 1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 2. Off-street parking and loading areas where required, with particular attention to item 1 above;
 3. The noise, glare or odor effects of the conditional use on surrounding properties;
 4. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
 5. Utilities, with reference to location and availability;
 6. Screening and buffering with reference to type, dimensions and character;
 7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 8. Required yards and other open space;
 9. General compatibility with surrounding properties; and
 10. Any special requirements set forth in the LDRs for the particular use involved.

CONDITIONS IMPOSED:

Granting approval of the Application is subject to the following conditions:

Conditions of Approval

- 1) The applicant will obtain approval of final landscaping, bufferyard, parking landscaping, and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 3) Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Full and final review of floodplain compliance will occur as part of building permit issuance. The Applicant has been advised about the adoption of the new FEMA flood maps and the potential impacts of the changes in flood maps on their project.
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- 9) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
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 - 20) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

VIOLATION OF CONDITIONS:

The applicant understands and acknowledges that it must comply with all of the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicant or its successor or designee is in non-compliance with this Resolution or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the City Code, and will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law;
 - (c) Supported its decision by substantial competent evidence of record; and
3. The Application for a conditional use is hereby GRANTED subject to the conditions specified herein.

EFFECTIVE DATE:

This development order shall not take effect for thirty (30) days following the date it is filed with the City Clerk, and during that time, the conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

Date

George Garrett, Director of Planning

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

Diane Clavier, City Clerk

NOTICE

Under the authority of Section 102.79(c) of the City of Marathon Land Development Regulations, this development order shall become null and void with no further notice required by the City, unless a business license has been issued for the use or a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within one (1) year from the date of conditional use approval, or the date when the Department of Economic Opportunity waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the City Council.

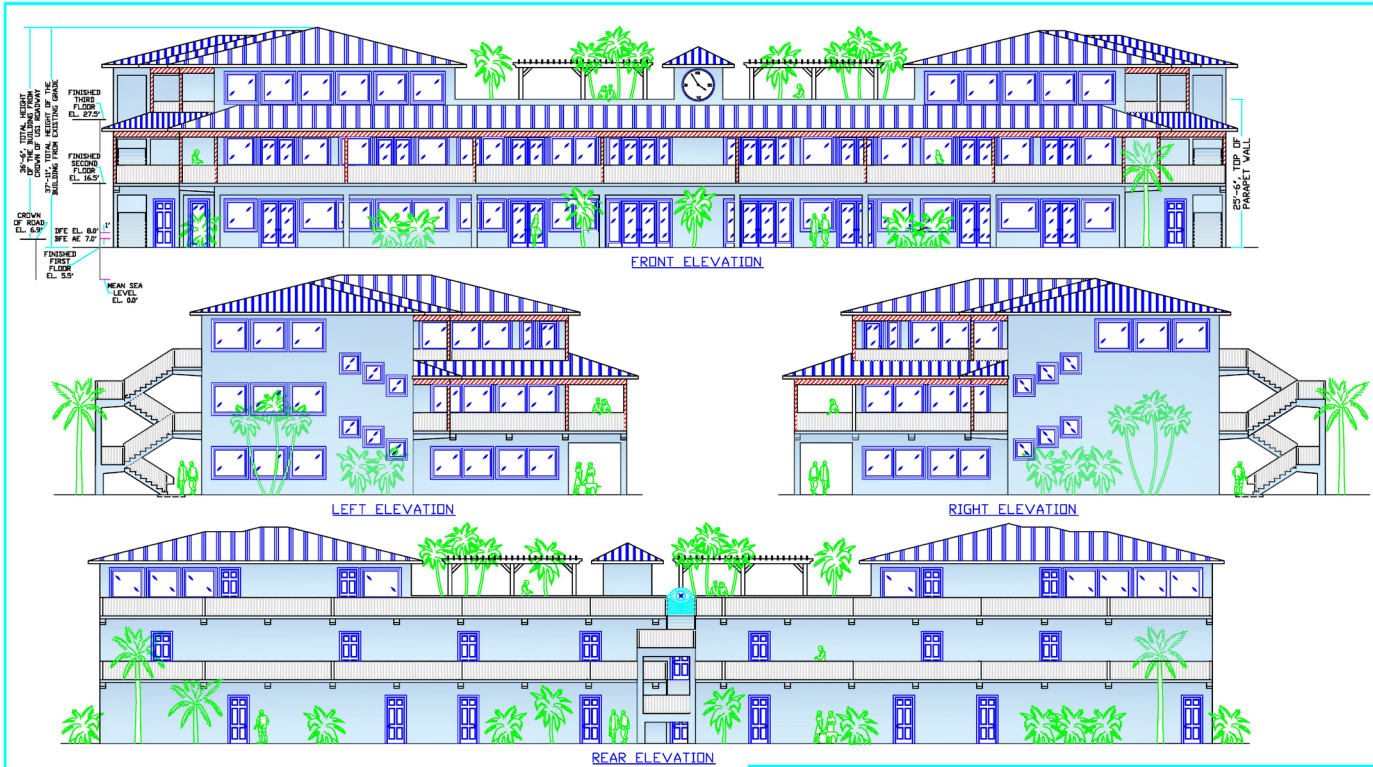
In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Economic Opportunity. During that forty-five days, the Florida Department of Economic Opportunity may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to _____, this ___ day of _____, 2020.

Diane Clavier City Clerk

Attachment 1 Elevation Views



26'-0" TOTAL HEIGHT
 FINISHED TOP OF ROOF
 27'-0" TOTAL HEIGHT OF THE
 FINISHED THIRD FLOOR
 27'-0" TOTAL HEIGHT OF THE
 FINISHED SECOND FLOOR
 27'-0" TOTAL HEIGHT OF THE
 FINISHED FIRST FLOOR
 MEAN SEA LEVEL
 EL. 0.00
 FINISHED FIRST FLOOR
 EL. 5.5'
 27'-0" TOTAL HEIGHT OF THE
 FINISHED THIRD FLOOR
 EL. 27.0'
 27'-0" TOTAL HEIGHT OF THE
 FINISHED SECOND FLOOR
 EL. 18.5'
 27'-0" TOTAL HEIGHT OF THE
 FINISHED FIRST FLOOR
 EL. 10.0'
 27'-0" TOTAL HEIGHT OF THE
 FINISHED THIRD FLOOR
 EL. 27.0'
 27'-0" TOTAL HEIGHT OF THE
 FINISHED SECOND FLOOR
 EL. 18.5'
 27'-0" TOTAL HEIGHT OF THE
 FINISHED FIRST FLOOR
 EL. 10.0'
 MEAN SEA LEVEL
 EL. 0.00

PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHORR P.E.
DATE: FEB. 2020	PROJECT ADDRESS:	(305) 923-0583
OWNER: GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS: 10155 OVERSEAS HIGHWAY	PE# 56564 CA# 8758
TOWN: MARATHON	STATE: FLORIDA	SHEET 6 OF 6
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<small>C-SCHORR DESIGN SERVICE, INC. P.O. BOX 421214, SUMMERLAND KEY, FLORIDA 33042 PHONE: (305) 923-0583 WWW.CSCHORR.COM</small>		

Site Plan / Plan View

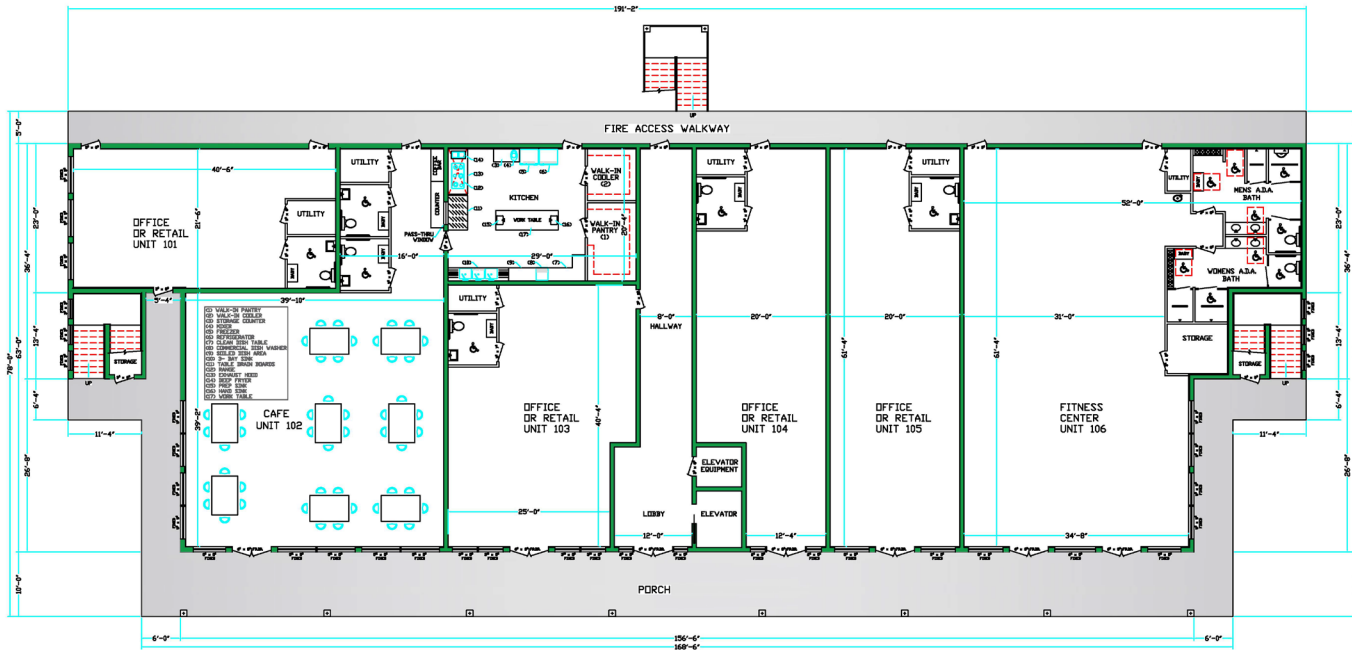


AERIAL SITE PLAN

PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHROR, P.E.
DATE: FEB. 2020	PROJECT ADDRESS:	(305) 923-0583
OWNER: GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS: 10155 OVERSEAS HIGHWAY	PE# 56564 CA# 8758
	TOWN: MARATHON STATE: FLORIDA	SHEET 2 OF 6
<small>C-SCHROR DESIGN SERVICE, INC. P.O. BOX 481214, SUMMERLAND KEY, FLORIDA 33042 PHONE: (305) 923-0583 WWW.CSCHROR.COM</small>		

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Floor Plan / 1st Floor



FIRST FLOOR DIMENSION PLAN 10,736 SQ.FT.

SITE DATA	
R.E. NUMBER:	00104460-000000
FUTURE LAND USE:	MIXED USE COMMERCIAL
ZONING DISTRICT:	MIXED USE (MU)
PROPOSED USE:	MULTI/SINGLE FAMILY, COMMERCIAL SPACE & ENVIRONMENTALLY SENSITIVE AREA.
DENSITY:	6 UNITS PER ACRE - MARKET RATE 15 UNITS PER ACRE - AFFORDABLE
DENSITY USED:	8 AFFORDABLE, 4 MARKET
F.A.R.:	0.15-0.61

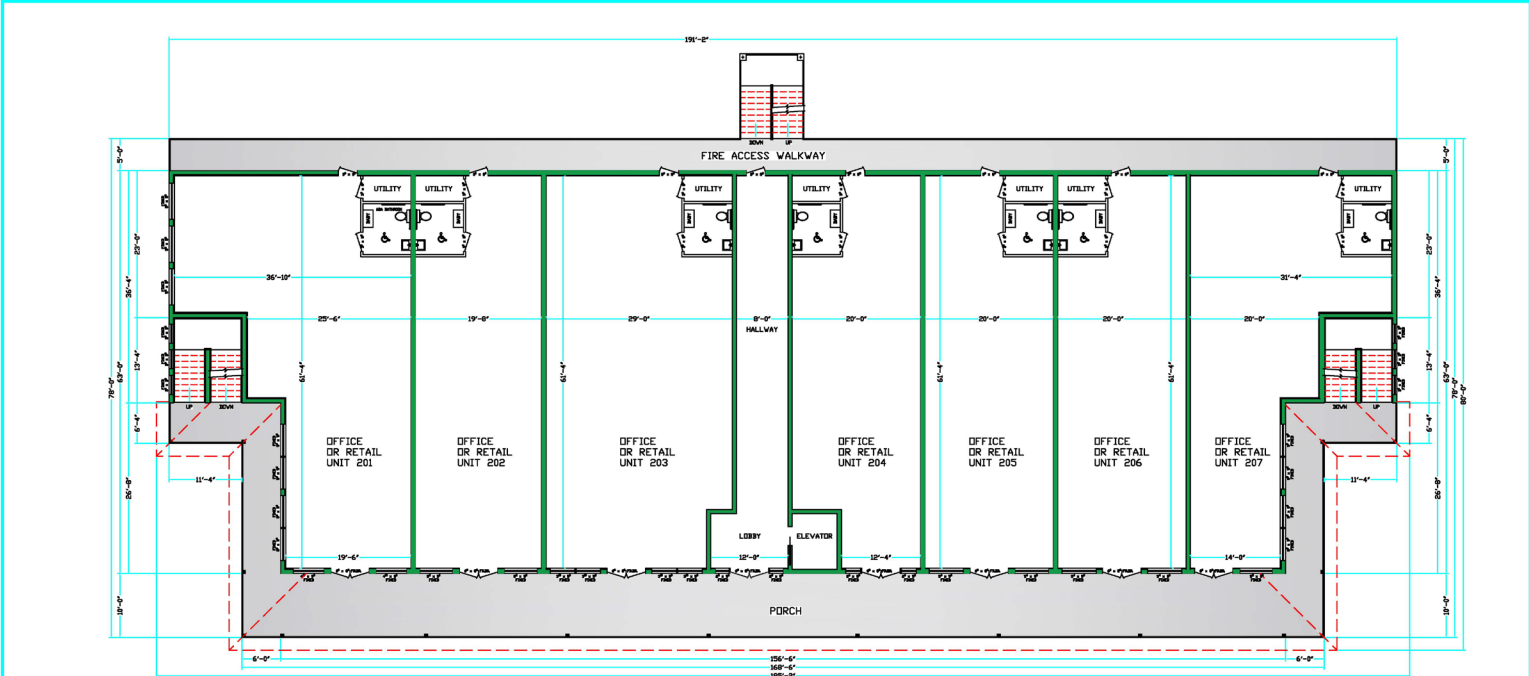
BUILDING TYPE #1	
3 STORY MULTI USE COMMERCIAL SPACE,	
FIRST FLOOR	= 10,736 SQ.FT.
SECOND FLOOR	= 10,816 SQ.FT.
THIRD FLOOR	= 5,840 SQ.FT.
TOTAL COMMERCIAL	= 27,392 SQ.FT.
ROOF ASSEMBLY AREA	= 4,977 SQ.FT.
TOTAL USABLE AREA	= 32,362 SQ.FT.
BUILDING TYPE #2	
2 STORY OVER PARKING QUADPLEX UNITS	
GROUND FLOOR PARKING	
BUILDING TYPE #3	
2 STORY AND 1 STORY OVER PARKING SINGLE FAMILY UNITS	
GROUND FLOOR PARKING	

PROPOSED LAND USE	
8 MULTIFAMILY UNITS IN (2) QUADPLEX	
4 SINGLE FAMILY UNITS	
1 COMMERCIAL BUILDING WITH CAFE & COMMERCIAL SPACE	
MIN. OPEN SPACE	= 20%
TOTAL SITE	= 290,064 SQ.FT.
PROPOSED PROJECT AREA	= 90,575 SQ.FT.
(DOES NOT INCLUDE ENVIRONMENTAL AREA)	
COMMERCIAL LAND AREA	= 60,303 SQ.FT.
RESIDENTIAL LAND AREA	= 39,272 SQ.FT.
SETBACKS * MINIMUM REQUIRED:	
FRONT	= 15 FEET
SIDE (STREET)	= 10 FEET
WETLAND	= 15 FEET
MAX. BUILDING HEIGHT	= 37 FEET

PROJECT TYPE:			DRAWN BY: J.E. &		
LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT			CARL H. SCHROR, P.E.		
DATE:	FEB. 2020	PROJECT ADDRESS:	(305) 923-0583		
OWNER:	GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS:	PE# 56564 CA# 8758		
		TOWN:	MARATHON	STATE:	FLORIDA
					SHEET 3 OF 6

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Floor Plan / 2nd Floor

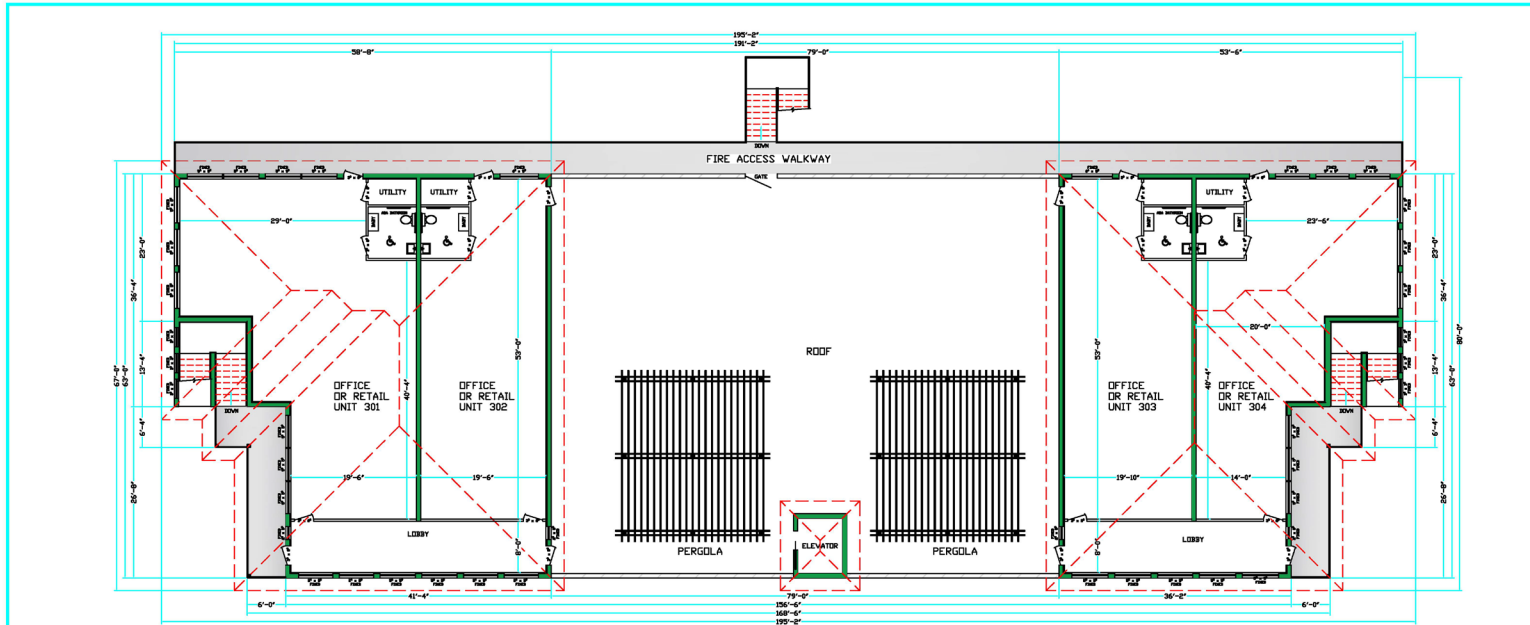


SECOND FLOOR DIMENSION PLAN 10.016 SOFT.

PROJECT TYPE: LA PALMA COMMERCIAL & RESIDENTIAL DEVELOPMENT		DRAWN BY: J.E. & CARL H. SCHROR, P.E.	
DATE: FEB. 2020	PROJECT ADDRESS:	(305) 923-0583	
OWNER: GUILLERMO TORRES LA PALMA 101, INC.	STREET ADDRESS: 10155 OVERSEAS HIGHWAY	PE# 56564 CA# 8758	
	TOWN: MARATHON	STATE: FLORIDA	SHEET 4 OF 6
C-SCHROR DESIGN SERVICE, INC.		P.O. BOX 421214, SUMMERLAND KEY, FLORIDA 33042	PHONE: (305) 923-0583 WWW.CSCHROR.COM

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Floor Plan / Roof Top



THIRD FLOOR DIMENSION PLAN 3,083 SQ.FT. LEFT OFFICES & 4,977 SQ.FT. ROOF DECK & 2,797 SQ.FT. RIGHT OFFICES

Specific Use Category	Parking Daytime				Required Spaces	Total Spaces Provided
	Minimum Required Number of Parking Spaces	Size	Seats	Employees		
Café, Inside	1 per 3 seats	2,669 Sq.Ft.	50 Seats Inside		16.7	General Spaces Provided 96
Café, Outside	1 per 3 seats		20 Seats Outside		6.7	
Café Employees	1 per 2 employees		8 Employees		4.0	
Fitness Center	3 per 1000 Sq.Ft. GFA	2,736 Sq.Ft.			8.2	Handicap Spaces 3
Retail or Office Space	2 per 1000 Sq.Ft.	21,987 Sq.Ft.			44.0	
Retail or Office Employees	1 per Employee		15 Units, 1 Employee each		15.0	
Roof Deck Assembly	Closed	4,977 Sq.Ft.	240 Max, People Restricted		60.0	
Total		32,369 Sq.Ft.			94.5	99.0

Specific Use Category	Parking Nighttime				Required Spaces	Total Spaces Provided
	Minimum Required Number of Parking Spaces	Size	Seats	Employees		
Café, Inside	1 per 3 seats	2,669 Sq.Ft.	50 Seats Inside		16.7	General Spaces Provided 96
Café, Outside	1 per 3 seats		20 Seats Outside		6.7	
Café Employees	1 per 2 employees		8 Employees		4.0	
Fitness Center	3 per 1000 Sq.Ft. GFA	2,736 Sq.Ft.			8.2	Handicap Spaces 3
Retail or Office Space	Closed	21,987 Sq.Ft.			44.0	
Retail or Office Employees	1 per Employee		15 Units, 1 Employee each		15.0	
Roof Deck Assembly	1 per 4 people	4,977 Sq.Ft.	240 Max, People Restricted		60.0	
Total		32,369 Sq.Ft.			95.5	99.0

Building Codes	
Restaurant	1 per 3 seats, plus required stacking spaces, plus 1 per every 2 employees on the largest shift
Spa, gym or fitness center	3 per 1,000 sq ft GFA
Retail Sales and Service	3 per 1,000 sf of GFA, plus 1 per employee at the largest shift

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