

CITY COUNCIL AGENDA STATEMENT



**Meeting Date:** September 8, 2020  
**To:** Honorable Mayor and Council Members  
**From:** George Garrett, Planning Director  
**Through:** Chuck Lindsey, City Manager

**Agenda Item:** **Resolutions 2020-56 and 2020-57**, Consideration Of A Request Of The City Council Of The City Of Marathon, Florida By Knight’s Key Investors, LLC And Knight’s Key Road, LLC For The Expansion Of An Existing Conditional Use Permit (Resolution 2015-94) And Development Agreement (Resolution 2015-96), Pursuant To Chapter 102, Articles 13 8 Respectively Of The City Of Marathon Land Development Regulations (LDRs), Seeking The Addition Of Ninety-six (96) Transient Residential Units (Hotel Rooms), Restaurant Space, And A Water Feature On An Existing 199 Room Resort Facility With Restaurants, Spas, Retail Space, And Pools; With Existing Densities Of Approximately 9.91 Transient Residential Units Per Acre; Located At 1 Knight’s Key Blvd; Which Is Legally Described As Lot 1 And Part Of Lot 2 And Bay Bottom East Of And Adjacent To Government Lot 2, Section 8 And 17, Township 66 South, Range 32 East, Knights Key, Monroe County, Florida; Having Real Estate Number 00101800-000000, Nearest Mile Marker 47; And Providing For An Effective Date.

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**APPLICANT/ OWNER:** Knight’s Key Investors, LLC and Knights Key Road, LLC  
**AGENT:** Smith Hawks, PL / Barton W. Smith, Esq. and Chelsea Vanadia, Esq.  
**LOCATION:** The project site is located at 1 Knights Keys Blvd and 11 Knights Key Blvd nearest mile marker 47. See Figure 1.

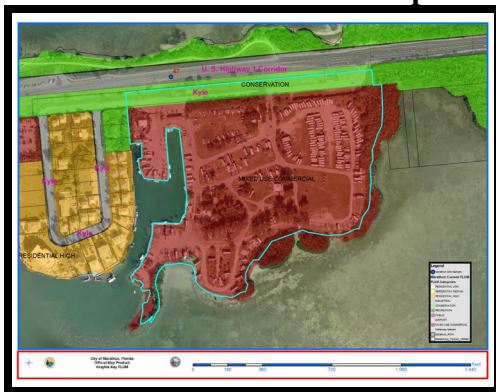
**Figure 1 - Project Site**



**REQUEST:** A Conditional Use Approval and Development Agreement for redevelopment of the subject property having the real estate number 00101800-000000, 00101800-000100, 00101800-002000.

**FUTURE LAND USE & ZONING MAP DESIGNATION:** Mixed Use Commercial (MUC). See Figure 2.

**Figure 2  
Future Land Use Map**



**Figure 3  
Zoning Map**



**LOT SIZE:**

Total acreage: 24.21 acres or 1,054,587 square feet

**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Conservation	Sunset Park Overseas Heritage Trail
<b>East</b>	Conservation	Mangroves
<b>South</b>	NA	Boot Key Channel
<b>West</b>	Residential High, Residential Medium, Mixed Use	Residential neighborhood of Kyle Way East & West, Sunset Grille

**EXISTING CONDITIONS:**

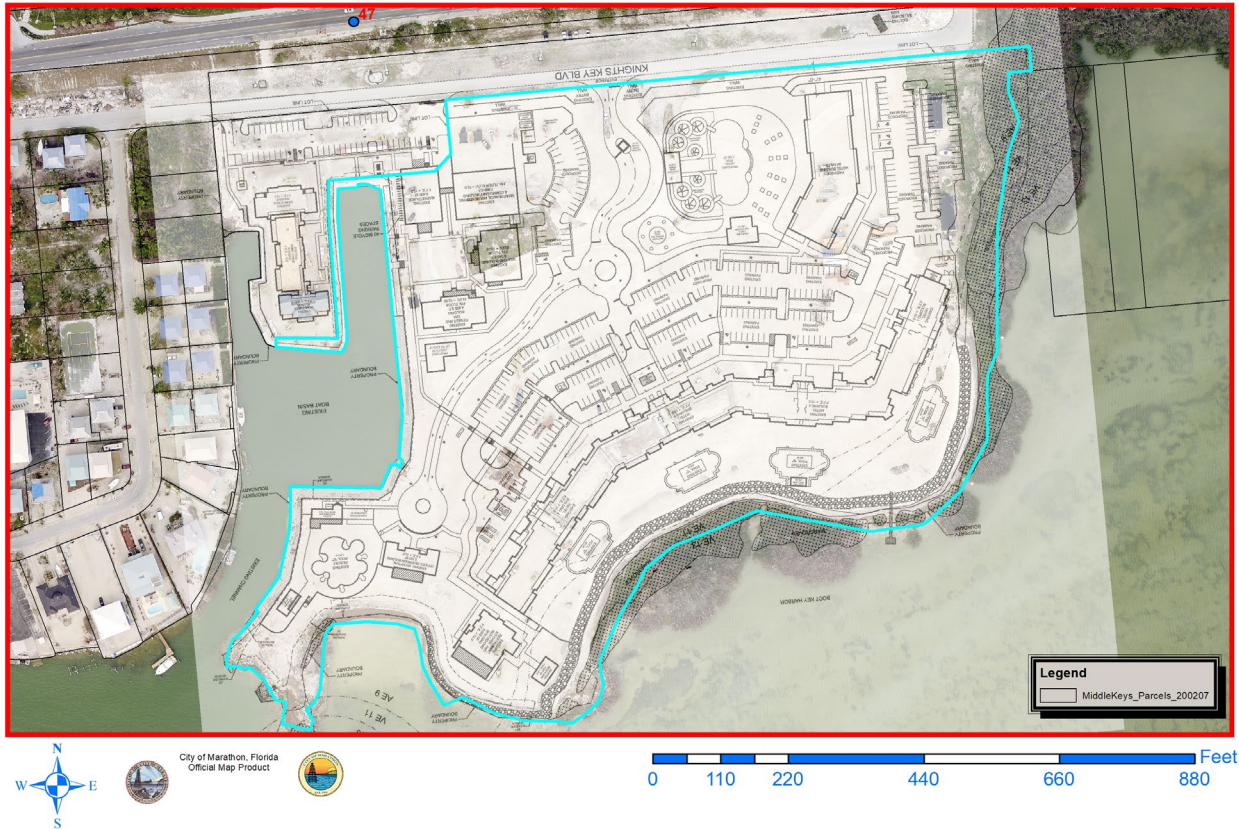
The development exists on the Property: Isla Bella, with one hundred and ninety-nine (199) hotel units, and twenty one thousand three hundred sixty two (21,362) square feet of commercial that is used by the spa, meeting building, restaurant, housekeeping & commissary building, market place, lobby, and burger shack.

Transient Units:	199 Units
Commercial Floor Area:	21,362 square feet
Wet Slips:	24 Slips
Affordable Units:	30 Units

**PROPOSED REDEVELOPMENT:**

Transient Units:	295 Units
Commercial Floor Area:	21,362 square feet
Workforce Housing:	30 Units
Wet Slips:	24 Slips

**Figure 4  
Proposed Redevelopment Site Plan**



## **BACKGROUND:**

The proposed project is a redevelopment of commercial property to include additional transient units in the Mixed Use zoning classification. This report addresses the Conditional Use application. **All conditions of the Conditional Use approval will have to be met before any building permit will be 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;**

The proposed redevelopment 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 consists of the redevelopment of an existing commercial use and is consistent with the Mixed Use Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Hotel/Motel/Resort lodging uses are allowed as Conditional Uses in the MU district. Conditional Use 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. Using the property area, the proposed uses only require 78% of the site (previous was 62%). Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use. For the purposes of review Commercial Recreation, the strictest FAR was used to assess the commercial square footage on the site as a whole. Even using this strictest criteria, the proposed project is compliant.

<b>Development Type</b>	<b>Existing</b>	<b>Proposed</b>	<b>Area Required</b>	<b>% Total Area</b>
Transient Units	199	295	513,890	49%
Commercial Floor Area:	13,840	20,423	136,152	13%
Restaurant	7,553	7,553	12,588	1.2%
Single Family Dwellings	30	30	87,120	8%
	Affordable	Affordable		
<b>Total</b>			<b>749,750</b>	<b>71%</b>

The project as proposed meets the basic definition of development in the MU zoning district.

Therefore, 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 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 includes a redevelopment of an existing conditional use (Hotel, Motel, Resort Park), which is consistent with the Mixed Use classification.

The existing land use pattern in the project vicinity consists of mangroves in conservation land to the east, Boot Key Channel to the south, Sunset Park and mangroves to the north, and commercial and residential uses to the west.

Properties along Kyle Way West, South, and East consist of several single family residences, numerous duplex units, a small hotel and a large time share condominium. In addition, there is a restaurant on the corner of Key Way West and Knight's Key Boulevard. The mixed residential and character of this area, including the restaurant are compatible with the proposed development. However, the Applicant proposes a major vegetative buffer along the western waterfront canal edge to buffer the two areas from one another.

Otherwise, the redevelopment of the site will result in significant improvement to the site development quality, including upgraded landscaping, stormwater management, and architecture. The improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon.

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 use is a redevelopment of an existing use which has not had any known impact to the health, safety and welfare of the public. No new impacts are expected to arise with the redevelopment. The infrastructure on the site will be upgraded and the site heavily landscaped, creating a substantial improvement to the southern end of Marathon.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. 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 existing conditions maps indicate the subject area is designated as developed. A portion of the property contains mangroves recognized as possible habitat for a state or federally listed animal species, the eastern indigo snake. Figure 5 shows that most of the site falls under the category of undeveloped land and exotics, because there is no physical building developed on it. The proposed redevelopment is encroaching less on the mangrove area than the existing construction.

In addition, though found within a 'Species Focus Area' as defined in the settlement agreement for the FEMA-FWS lawsuit, "undeveloped land" falls out of the considerations in the species assessment guides thus having a "not likely to adversely affect" designation on the species of concern, the Eastern Indigo Snake.

**Figure 9  
Species Focus Area Habitat**



Further improvements to water quality are expected to arise from stormwater improvements to the site, which should 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.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs. The applicant has submitted a detailed vegetation plan that is compliant with the landscaping requirements.

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

- 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.

**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 breakdown of the proposed occupancy of the onsite buildings. The “Trip Generation Analysis” schedule provided in the Traffic Study indicates that there will be an increase in trip generation from the existing use to the proposed use for the Motel/Hotel/Resort. The traffic study determined that based on the expected trip generation for the project, there would be no adverse effect on the operating characteristics of U.S. 1. The submitted study finds that the proposed expansion will not inhibit the safe flow of traffic traveling through the City of Marathon, and that no additional improvements are warranted on U.S. 1.

Land Use	Size	Basis	Daily Trips	PM Peak Hour Trips				Total
				In		Out		
				%	#	%	#	
<b>Existing</b> Hotel (Land Use #310)	199 rooms	Daily	1406	59%	63	41%	43	106
Apartment (Land Use #220)	30 units	Daily	200	65%	12	35%	7	19
Marina (Land Use #420)	24 wet slips	Daily	71	60%	3	40%	2	5
<b>Proposed</b> Hotel (Land Use #310)	96 additional rooms	Daily	678	59%	30	41%	21	51
<b>Proposed Total</b>			<b>2355</b>		<b>108</b>		<b>73</b>	<b>181</b>

Ingress and egress to the property is being provided through driveways onto Knight’s Key Boulevard. The proposed redevelopment would create an increase in trip generation by 678 trips.

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

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

- Clear sight triangles must be shown on the site plan at time of building permit issuance.
- Landscaping in the DOT or City ROW can blend with the landscaping for the project.

**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 the commercial uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Hotel or Motel	107.46	1 per every 3 employees	25
		1 per guest room	295
		required parking for accessory uses	See Below
Marina		1 per 2 wet slips	12
Restaurant		1 per 3 seats	50
		plus 1 per every 2 employees	Shared from Hotel
Affordable Housing		1.5 per dwelling unit	45
		1 per 10 bedrooms	3
<b>Total Required</b>			<b>412</b>
<b>Total Provided</b>			<b>387</b>

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. Of the 257 required spaces, 12 handicapped spaces are provided, while the remaining 245 are standard spaces. Parking space sizes are 9' x 18' for 90 degree parking, and handicapped spaces are 12' x 21' as required by Code. The proposed site plan is consistent with the code requirements for parking and aisle width.

Share parking analysis was completed for this project per Section 107.50 of the code. Based upon this the parking requirement during the highest peak time is 385 spaces. The applicant is therefore proposing 387 parking spaces.

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 proposed 36 bike racks for the project, which is more than the 26 required.

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 project consists of redevelopment of an existing commercial use. New lighting will be necessary for this project. The applicant has provided a typical lighting plan which conforms to the

City of Marathon LDR's. A more detailed lighting plan must be submitted for permitting purposes. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses. In addition, the dense landscape buffering around the site will reduce the noise, odor and glare.

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

- A detailed lighting plan must be submitted before the project is permitted.

**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. The site plan indicates that the dumpster is 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:

- Wastewater: At this time, we do not have the sewer capacity to support this development. Engineering is being done for a plant expansion, but the developer may have to participate in the expansion costs in order to move this project forward. Historically Knight's Key was to have its own treatment facility but somehow that went by the wayside. The current plant was not designed to encompass all of area 3 and all of Knight's Key.
- Water: The Florida Keys Aqueduct Authority currently provides potable water for the facility. Staff recommends a separate meter for irrigation, landscaping and pool
- Solid Waste: Marathon Garbage Service currently 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. 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 since existing uses are being replaced and enhanced.
- 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 since existing uses are being replaced in kind.

Therefore, with conditions, the request is **not in compliance** with the requirements of these sections.

- City approval is required for the stormwater management system prior to Building Permit Approval.
- Developer will have to participate in the expansion costs associated with wastewater in order to move this project forward.

**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 and is bordered to the west by properties zoned RM. Therefore a High buffer type is required. The preliminary landscape plans show that this buffer is maintained. The final landscape plans must be approved by the City Biologist.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed landscape plan exceeds the minimum requirements. According to the Code, four canopy trees shall be planted in and about access points. In addition smaller accent trees shall be planted every 120 feet and staggered midway between the large canopy trees. Additionally all parking not located to the rear of buildings shall be screened from the right-of-way by a landscaped buffer along US1, including a continuous hedge or combination hedge and earth berm providing 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; and, street side, 0-5’. Accessory structures, including pools, have a 10’ setback.

Table 106.28.1 outlines setbacks requirements for a principal structure on a manmade canal as 20’ measured from the Mean High Water Line, and that a principal structure on open water altered shoreline with a mangrove fringe is 30’ measured from MHWL or the landward extent of the mangrove fringe.

This plan shows a 50’ setback on the front yard, 54’ setback on the western side, and 42’ setback on the eastern side and 30’ rear yard setback.

<b>Setback</b>	<b>Minimum Required</b>	<b>Required Landscape</b>	<b>Proposed</b>	<b>Compliant</b>
Front	0-30	10	50	Yes
East Side	20	20	42	Yes
West Side	20	20	54	Yes
Rear	30	NA	30	Yes

Parking area landscaping is required by Section 107.66 of the Code. The City Biologist has reviewed the submitted parking area landscape plan and has found it to be in compliance with the code.

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. 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. 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.

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.
- A final lighting plan must be submitted prior to building permit issuance.
- A final landscaping plan must be submitted prior to building permit issuance.

#### **8. Required yards and other open space;**

Section 106.16 established required open space for the project. The site is scarified; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant, 624,675 square feet of pervious area (including landscape area), or 59% of the site, is provided as open space. This exceeds the open space requirement.

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

#### **9. General compatibility with surrounding properties; and**

The project is a redevelopment of long standing existing use in an area of the City which has been acknowledged as an area suitable for redevelopment. Adjacent uses include a commercial establishment and residential uses. A redevelopment of the existing hotel is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of prior development, and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 42' as measured from the crown of the roadway or unimproved grade.

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 104.25 Hotels or Motels contains special requirements.

The following criteria are applicable to this redevelopment:

- As the City understands it, the Applicant will dedicate the area of Knight's Key Boulevard to the City. An agreement to transfer the property to the City satisfactory to the City Attorney will be required prior to final permitting. If Applicant conveys Knight's Key Boulevard to the City, subject to a landscape easement in favor of Applicant in which Applicant agrees to maintain the landscaping on both sides of Knight's Key Boulevard, City shall waive the Parks, Safety, and Conservation land impact fees.

- There is no parking for boats/trailers on the property and it is not planned. Boating customers are sent to the Coral Lagoon property by agreement between the two entities.
- As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
- Applicant has provided 30 workforce/employee housing units as depicted on the site plan dated August 12, 2015. The applicant also purchased and converted the units at 2401 Overseas Highway into additional workforce housing. The City finds the workforce/employee housing complies with the City’s Comprehensive Plan and Land Development Regulations, as they exist and are currently being amended.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Therefore, with the conditions noted above, 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 redevelopment consists of the replacement and enhancement of a long standing existing 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 previously recommended conditional approval of the project to the Planning Commission with the conditions set out below. Many of the conditions still apply, those that are no longer relevant have been struck through, and additional conditions have been added.

Conditions of Approval

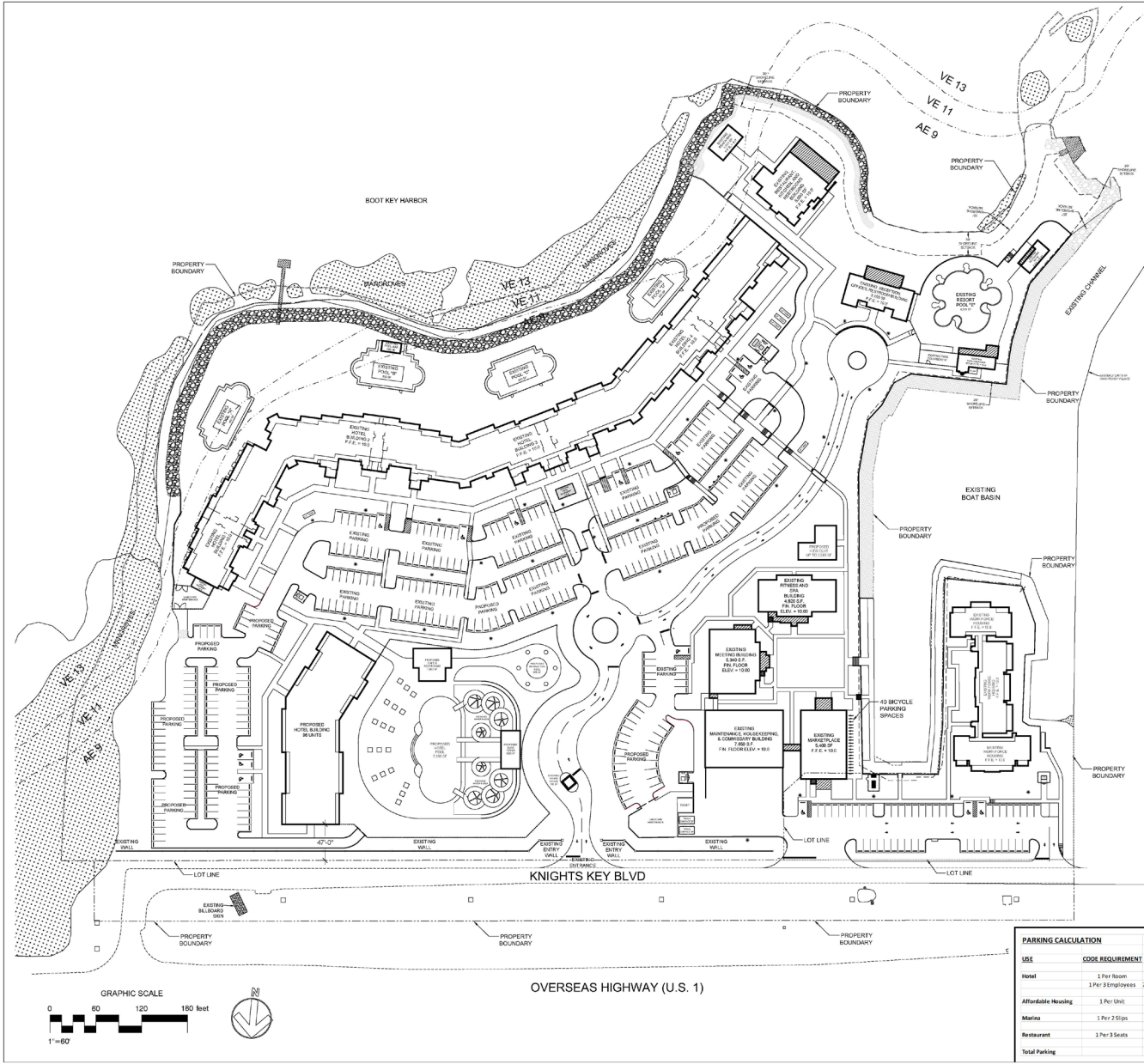
1. Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
2. Clear sight triangles must be shown on the site plan at time of building permit issuance.
3. Developer and City shall use commercially reasonable efforts to apply to FDOT for a FDOT right of way permit to install a left turn lane from Knight’s Key Road on to US

Highway 1. Developer shall be required to obtain approval or denial of the application for a ROW permit during the term of the development agreement. Should Developer obtain an approval of the ROW permit, it shall be required to complete the improvements prior to issuance of a CO for the new development contemplated under the amendment to the conditional use approval. Should the ROW permit be denied by FDOT, Developer shall have no further obligations under this condition.

4. A detailed lighting plan must be submitted before the project is permitted.
5. City approval is required for the stormwater management system prior to Building Permit Approval.
6. The City recommends a separate meter for irrigation, landscaping and pool.
7. Developer will have to participate in the expansion costs associated with wastewater in order to move this project forward.
8. The City will require civil plans for capacity requirements, anticipated flows, including pool and accessory structures, needs a restaurant seating plan, details including number of washers for laundry facility. The plans should show pipes and line sizes, method of transmission, and NPDES, notice of intent.
9. The plans have to be submitted to the City in order to be reviewed by our engineers, Wade Trim, for approval prior to sending to DEP.
- ~~10. Demo plans to show abandonment of existing systems and possible grease trap.~~
11. Make sure that the landscaping does not interfere with the sewer pipes in the ROW.
12. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
13. The billboard is on private property, it can be taken off the DOT permitting, change it to a City permit and it can be refaced. The lighting needs to be adjusted as to not interfere with drivers coming off the bridge as it does now.
14. A final lighting plan must be submitted prior to building permit issuance.
15. A final landscaping plan must be submitted prior to building permit issuance.
16. As the City understands it, the Applicant will dedicate the area of Knight's Key Boulevard to the City. An agreement to transfer the property to the City satisfactory to the City Attorney will be required prior to final permitting. If Applicant conveys Knight's Key Boulevard to the City, subject to a landscape easement in favor of Applicant in which Applicant agrees to maintain the landscaping on both sides of Knight's Key Boulevard, City shall waive the Parks, Safety, and Conservation land impact fees.
- ~~17. Applicant shall continue to provide reasonable access to the Pigeon Key ferry, with such access subject to Pigeon Key continuing to agree to repair and maintain the seawall and access used by Pigeon Key, and also subject to reasonable rules and regulations created and enforced by Applicant. The terms of the access, maintenance and repair agreement may be evidenced by a recordable easement executed by both Applicant and Pigeon Key.~~
18. There is no parking for boats/trailers on the property and it is not planned. Boating customers are sent to the Coral Lagoon property by agreement between the two entities.
19. Applicant has agreed to provide 30 workforce/employee housing units as depicted on the site plan dated August 12, 2015. The applicant also purchased and converted the units at 2401 Overseas Highway into additional workforce housing. The City finds the workforce/employee housing complies with the City's Comprehensive Plan and Land Development Regulations, as they exist and are currently being amended.
20. The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance.

21. The applicant will obtain any required permits from ACOE and DEP prior to building permit issuance.
22. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal.
23. The applicant will meet all floodplain related requirements as part of the Building Permit process.
24. As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
25. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

# Attachments: Attachment A: Proposed Site Plan



**PROJECT DATA:**  
 Project: Knights Key Resort and Marina  
 1 Knights Key Boulevard  
 Marathon, Florida 33009  
 Owner/Developer: Knight's Key Investors, LLC & Knight's Key Road, LLC  
 1 Knight's Key Boulevard  
 Marathon, Florida 33009  
 Sewer: City of Marathon  
 Water: Florida Keys Aqueduct Authority  
 Garbage: Marathon Garbage Service  
 Landscape Architect: Elizabeth Newland Landscape Architecture, LLC  
 P.O. Box 14008  
 Coral Gables, Florida 33114

**GENERAL INFORMATION:**  
 Construction Phasing: Project To Be Constructed In 1 Phase  
 Datum: N.G.V.D. 2029  
 Flood Zone: Multiple Zones On Site: AE3, VE11 & VE 13  
 Existing Zoning: Mixed Use (MU)  
 Future Land Use: Mixed Use Commercial  
 Density: 25 Units Per Acre  
 24,288 AC x 25 Units = 607,200 Total Units  
 Existing Tourist Housing Units: 399 Existing Tourist Housing Units  
 Proposed Tourist Housing Units: Up To 516 Proposed Tourist Housing Units  
 Total Existing and Proposed Tourist Housing Units: 295 Total Tourist Housing Units  
 Affordable Housing Dwelling Units: 30 Existing  
 24 Existing  
 Wet Slips: 374 Parking Spaces  
 387 (373 Standard & 14 ADA)  
 Parking Required: 1 Per 30 Parking Spaces  
 387 Spaces / 30 = 38.7 Bicycle Spaces  
 Bicycle Parking Required: 40 Bicycle Spaces  
 Bicycle Parking Existing: 40 Bicycle Spaces

**PROJECT AREA:**  
 Gross Area: 1,057,980.7 SF / 24.88 AC  
 Submerged Area: 0.0 SF / 0.0 AC  
**LOT COVERAGE BY STRUCTURES:**  
**EXISTING STRUCTURES:**  
 Hotel Building: 57,387.9 SF  
 Workforce Housing: 13,109 SF  
 Reception/Office/Restrooms: 3,155 SF  
 Restaurant/Bar/Restroom/Chef: 5,000 SF  
 Beach Bar: 1,000 SF  
 Pool Bar: 108 SF  
 Pool Snack Bar: 870 SF  
 Pool Restrooms: 787 SF  
 Fitness and Spa: 4,800 SF  
 Meeting Building: 5,340 SF  
 Maintenance/Housekeeping/Commissary: 7,600 SF  
 Marketplace: 5,400 SF  
 Guard House: 1,015 SF  
**Total Lot Coverage Existing Structures: 104,966.9 SF / 2.41 AC**  
**PROPOSED STRUCTURES:**  
 Hotel Building/Office: 18,535 SF  
 Cafe & Restrooms: 1,863 SF  
 Water Feature Building: 1,200 SF  
 Kids Club: 3,500 SF  
**Total Lot Coverage Proposed Structures: 25,148 SF / 0.57 AC**  
**Total Lot Coverage Existing & Proposed Structures: 130,114.9 SF / 2.93 AC**

**LOT COVERAGE BY SIDEWALKS, ROADS, PARKING & POOLS:**  
 Existing Sidewalks: 42,362 SF  
 Existing Roads & Parking: 132,362 SF  
 Existing Pools & Plaza: 26,546 SF  
 Existing Misc. Concrete (Pads, Curbing, Walls ETC): 4,956 SF  
 Proposed Sidewalks: 6,262 SF  
 Proposed Roads & Parking: 57,015 SF  
 Proposed Pools & Plaza: 33,077 SF  
 Proposed Misc. Concrete (Pads, Curbing, Walls ETC): 976 SF  
**Total Lot Coverage Sidewalks, Roads, Parking & Pools: 303,191 SF / 6.96 AC**

**IMPERVIOUS / PERVIOUS PERCENTAGE:**  
 Total Upland Area: 1,057,980.7 SF / 24.288 AC  
 Total Impervious Area: 433,306 SF / 9.95 AC  
 Impervious Percentage of Site: 41%  
 Total Open Space Area: 624,675 SF / 14.34 AC  
 Open Space Percentage of Site: 59%  
 Open Space Percentage of Site Required: 20%  
**FLOOR AREA RATIO (F.A.R.) CALCULATION:**  
 Total Floor Area / Total Upland Area = Floor Area Ratio (F.A.R.)  
 244,515 SF / 1,057,980.7 SF = 0.23 (F.A.R.)  
**HOTEL FLOOR AREA SUMMARY:**  
 Unit Floor Area Existing Hotel: 129,482 SF  
 Porch Floor Area Existing Hotel: 39,428 SF  
**Total Floor Area Existing Hotel: 168,910 SF**  
 Unit Floor Area Proposed Hotel: 48,836 SF  
 Porch Floor Area Proposed Hotel: 6786 SF  
**Total Floor Area Proposed Hotel: 55,605 SF**  
**Total Floor Area Existing and Proposed Hotel: 224,515 SF**

PARKING CALCULATION				SHARED PARKING CALCULATION			
USE	CODE REQUIREMENT	PROJECT COMPONENT	REQUIRED BEFORE	PROVIDED	Night 12 am - 6am	Weekday 9 am - 4 pm	Weekend 9 am - 4 pm
Hotel	1 Per Room	295 Rooms	295	295	22.15	177	205
	1 Per 3 Employees	75 Employees Highest Shift	25	25	18.75	15	17.5
Affordable Housing	1 Per Unit	30 Units	30	30	3	27	24
Marina	1 Per 2 Slips	24 Slips	14	14	0.7	0.8	1.4
Restaurant	1 Per 3 Seats	150 Seats	50	23	5	20	40
<b>Total Parking</b>			<b>414</b>	<b>387</b>	<b>275.7</b>	<b>239.8</b>	<b>366.4</b>

**ELIZABETH NEWLAND**  
 LANDSCAPE ARCHITECTURE, LLC  
 P.O. Box 14008  
 Coral Gables, Florida 33114  
 elizabeth@newland.com

Seal:  
 ELIZABETH NEWLAND  
 Registered Landscape Architect  
 # LA0001268  
 State of Florida  
 Consultants

Reviews:

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**KNIGHTS KEY RESORT**  
 MARATHON, FLORIDA

Drawing Size: Project #  
 24x36 24432  
 Drawn By: Checked By  
 ENB  
 Title:  
**CONDITIONAL USE SITE PLAN**  
 Sheet Number:  
**L-100**  
 Date: JULY 01, 2020



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

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

**WHEREAS**, Knight's Key Investors, LLC And Knight's Key Road, LLC, (The "Applicant") filed an Application on March 05, 2020 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 13 and 8 respectively of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, the Applicant proposes to redevelop/expand the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 square feet of commercial space; and

**WHEREAS**, City staff reviewed the Applicant's request for a Conditional Use Permit and Development Agreement determining that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

**WHEREAS**, on the 20th day of July, 2020, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearings") regarding the request submitted by the Applicant, for a Development Agreement pursuant to Chapter 102, Article 8 of the LDRs; and

**WHEREAS**, and on the 11th day of August, 2020 and the 8th day of September, 2020, the

City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS;** the City Council made a determination that the Applicant’s request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City’s Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of hotels and motels in Marathon, and will further the health, safety and welfare of the residents of Marathon; and

**WHEREAS,** the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other ordinances applicable to the proposed location and zoning district,

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

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

**Section 2.** The City Council hereby approves Development Order 2020-06, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Knight’s Key Investors, LLC And Knight’s Key Road, LLC for the redevelopment of the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 square feet of commercial space. The Director of Planning is authorized to sign the development order on behalf of the City.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2020.**

**THE CITY OF MARATHON, FLORIDA**

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**Steve Cook, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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City Attorney



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

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

**WHEREAS**, Knight's Key Investors, LLC And Knight's Key Road, LLC, (The "Applicant") filed an Application on June 31, 2020 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 13 and 8 respectively of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, the Applicant proposes to redevelop/expand the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 square feet of commercial space; and

**WHEREAS**, City staff reviewed the Applicant's request for a Conditional Use Permit and Development Agreement determining that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

**WHEREAS**, on the 20th day of July, 2020, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearings") regarding the request submitted by the Applicant, for a Development Agreement pursuant to Chapter 102, Article 8 of the LDRs; and

**WHEREAS**, and on the 11th day of August, 2020 and the 8th day of September, 2020, the City Council (the "Council") conducted properly advertised public hearings (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS;** the City Council made a determination that the Applicant's request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of hotels and motels in Marathon, and will further the health, safety and welfare of the residents of Marathon; and

**WHEREAS,** the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other ordinances applicable to the proposed location and zoning district,

**FINDINGS OF FACT:**

1. The OWNER is proposing to redevelop the existing 199 unit Hotel into up to 295 hotel/resort units, adding 6,583 square feet of commercial space.
2. In accordance with Section 102.77 of the LDRs, the Commission and Council considered and determined that the OWNER met the following criteria:
  - a. The Proposed Use is consistent with the Comprehensive Plan and LDRs;
  - b. The Proposed Use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
  - c. The Proposed Use shall not adversely affect the health, safety, and welfare of the public; and
  - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
  - e. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
    1. Ingress and egress to the Property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
    2. Off-street parking and loading areas where required, with particular attention to item 1 above;
    3. The noise, glare or odor effects of the conditional use on surrounding properties;
    4. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
    5. Utilities, with reference to location and availability;
    6. Screening and buffering with reference to type, dimensions and character;
    7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
    8. Required yards and other open space;
    9. General compatibility with surrounding properties; and
    10. The allocation and transfer of transient residential units (TRUs).
    11. Obligations to provide adequate workforce housing.
    12. Any special requirements set forth in the LDRs for the Proposed Use involved.

## **CONDITIONS IMPOSED:**

Granting approval of the Conditional Use Permit is subject to the following conditions:

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

17. Applicant has agreed to provide 30 workforce/employee housing units as depicted on the site plan dated August 12, 2015. The applicant also purchased and converted the units at 2401 Overseas Highway into additional workforce housing. The City finds the workforce/employee housing complies with the City's Comprehensive Plan and Land Development Regulations, as they exist and are currently being amended.
18. The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance.
19. The applicant will obtain any required permits from ACOE and DEP prior to building permit issuance.
20. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal.
21. The applicant will meet all floodplain related requirements as part of the Building Permit process.
22. As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
23. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

#### **VIOLATION OF CONDITIONS:**

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

#### **CONCLUSIONS OF LAW:**

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

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

**EFFECTIVE DATE:**

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

\_\_\_\_\_   
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 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 A  
Project Plans