

COUNCIL AGENDA STATEMENT



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

Agenda Item: **Ordinance 2020-04**, A Request By Julie Walker (Accepted By Marathon Vacation Properties LLC) To Amend The Future Land Use Map From Residential Low (RL) to Residential Medium (RM) For Lot 8, Block 18; Lot 1, Block 19; Lot 4, Block 19; and Lot 5, Block 19, Coco Plum Beach Subdivision; Having Real Estate Numbers 00365970-000000, 00365980-000000, and part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000), Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 54.

Ordinance 2020-05 A Request By Julie Walker (Accepted By Marathon Vacation Properties LLC) To Amend Land Development Regulations Zoning Map From Residential Low (RL) to Residential Medium (RM) For Lot 8, Block 18; Lot 1, Block 19; Lot 4, Block 19; and Lot 5, Block 19, Coco Plum Beach Subdivision; Having Real Estate Numbers 00365970-000000, 00365980-000000, and part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000), Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 54.

APPLICANT/OWNER/AGENT: Julie Walker

LOCATION: The subject properties are located at the end of Coco Plum Drive, Avenues O and P, Fat Deer Key, Having Real Estate Numbers 00365970-000000, 00365980-000000, and part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000).

ADDRESS: 10155 Overseas Highway, near Mile Marker 52.5

Location Map



REQUEST: Amend the Future Land Use Map (FLUM) and the Zoning Map for the subject properties from Residential Low (RL) to Residential Medium (RM with a Zoning of Residential Medium (RM-1). See existing FLUM and Zoning maps for the property (Exhibit 1a and 1b).

LOT AREA: The aggregated size of the parcels is approximately 153,570 sq./ft.; 3.53 acres
Upland area is approximately 98,769 sq. ft. or 2.26 acres
(Proposed area of re-FLUM / re-Zone).
Submerged land area is approximately 54,801 sq. ft. or 1.26 acres

BACKGROUND:

The applicant in this matter is Julie Walker. She represents two properties in the matter – RE Nos. 00365970-000000 and 00365980-000000.

In addition, the City is suggesting that a re-FLUM & Re-zoning occur for RE No. 00366031-000100. The owner of said property is supportive. This RE Number has been combined from RE Numbers 00366010-000000 and 00366020-000000. This is an adjacent property already developed which is currently FLUMed and Zoned RM-1 and RL. The RL portion gave that property enough density to build three (3) residential units which have been built and have received a Certificate of Occupancy. The change in FLUM and Zoning will make the FLUM / Zoning consistent with what has been built but will not allow any more construction. It should also be noted that the City abandoned Avenue P to this parcel as the street only served this parcel.

On June 15, 2020 the Planning Commission met, listened to presentations made by staff and the applicant, took public input, deliberated concerning reports and public testimony, and based on statutory, Comprehensive Plan and Land Development Regulations criteria, determined that the proposed FLUM and Zoning change was in compliance with the City’s Comprehensive Plan and LDRs. The Planning Commission unanimously voted (3/0 – Mike Leonard and Mike Cinque absent with excused absences) to recommend approval of the proposed FLUM and Zoning change.

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Residential Low (RL) and Residential Medium (RM)
Proposed: Residential Medium (RM)

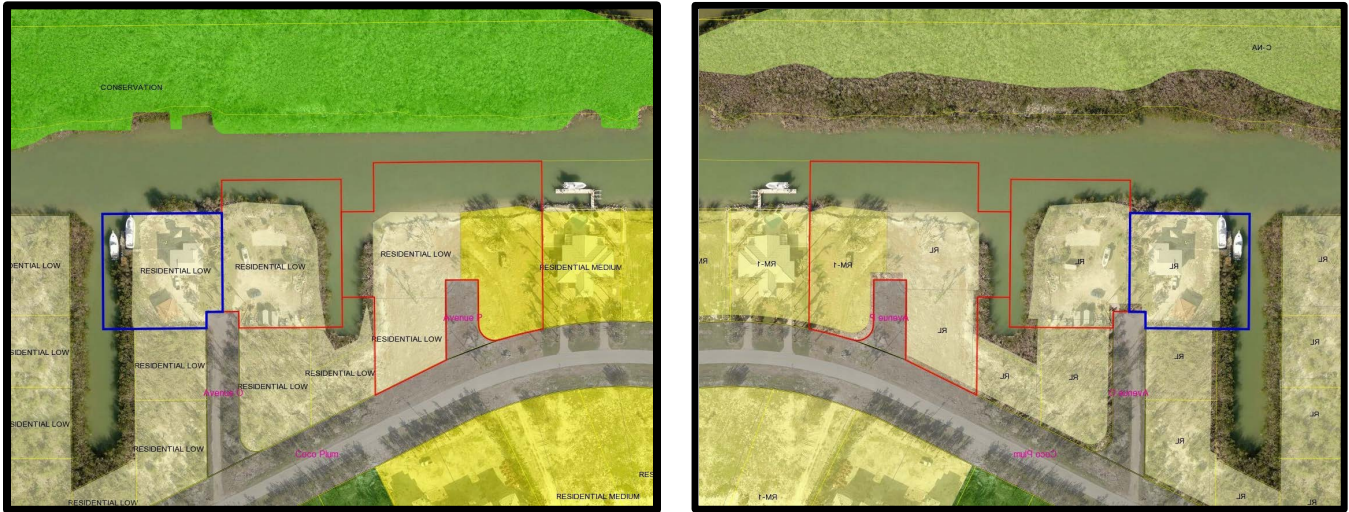
Land Use (Zoning) District Designation

Existing: Residential Low (RL) and Residential Medium (RM-1)
Proposed: Residential Medium (RM-1)

Use of Properties

Existing: Residential (four (4) units) and one vacant parcel
Proposed: Residential (four (4) units) with the potential for one extra residential unit on the vacant Walker property

Figures 1a and 1b
Existing FLUM and Zoning



Highlighted Parcels (Blue and Red) would become Residential Medium FLUM & Zoning (RM-1)

Surrounding FLUM, Zoning and Uses

The properties subject to the FLUM and Zoning amendments are located at the east end of Coco Plum Drive associated with Avenue O and P.

The following table correlates existing uses with the existing FLUM and Zoning map:

Table 1. Existing Conditions

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Conservation (C)	Conservation Native Area (C-NA)	State Park Land
East	Residential Medium (RM)	Residential Medium-1 (RM-1)	Residential units
South	Residential Medium (RM)	Residential Medium-1 (RM-1)	Residential development and Vacant land
West	Residential Low (RL)	Residential Low (RL)	Conservation land and Residential Development

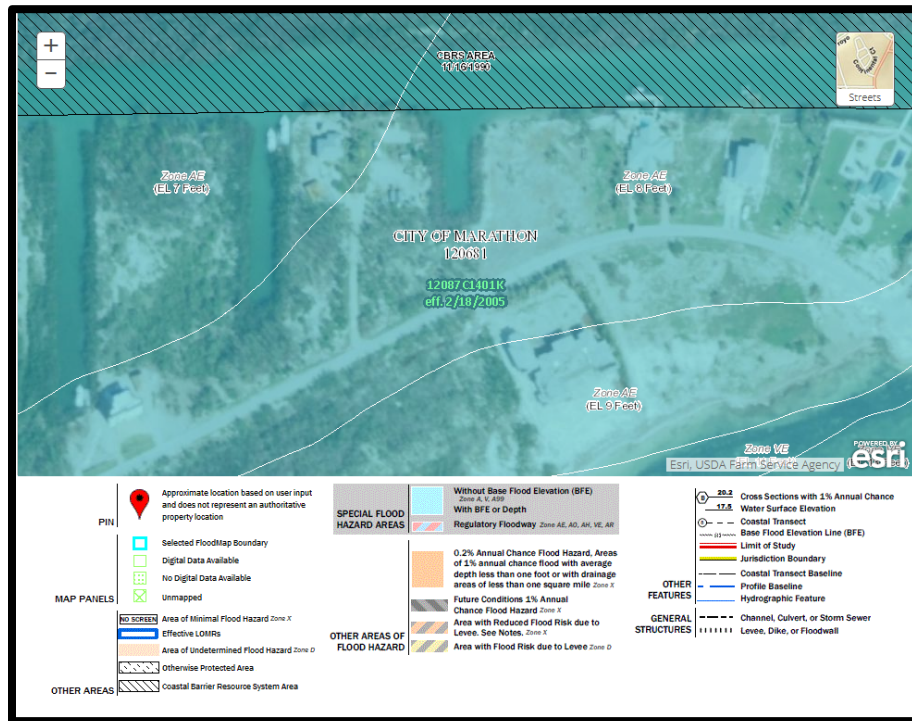
Existing Habitat

The existing conditions maps shows that the parcels in question are either developed or vacant and scarified.

FEMA

The property is within multiple flood zones: extending from the shoreline, the property includes AE 7,

and AE 8 Flood zones. Just outside the boundary of the parcels in question is one of four Coastal Barrier Resource System (CBRS) areas within or adjacent to the City of Marathon. It does not affect this RE-FLUM or Re-zoning request.



Zoning and Land Use History

The City has not made any amendments to the FLUM or zoning map associated with these properties since the adoption of the Current FLUM and Zoning Maps in 2005 & 2007 respectively. The property has historically had land use and zoning designations of low and medium density residential uses

ANALYSIS OF FLUM CHANGE REQUEST:

Consistency with FL State Statutes

Compliance Discussion

Relevant criteria promulgated in Chapter 163 and 380, can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's Comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management

- Wastewater
- Stormwater
- Potable Water
- Solid Waste
- Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

The above bullet items will be utilized as the focus points for review of the proposed zoning amendment and for future comprehensive plan amendments.

In General

Predominately, the FLUM designation along Coco Plum Drive in this area is either Residential Low to the west to Avenue L with interspersed single family residences; Conservation on the oceanside of Coco Plum Drive where the City owns Coco Plum Beach; or Residential Medium (RM) to the east leading to the end of Coco Plum Drive.

The proposed Re-FLUM and re-Zoning converts all of the residential development at the end of Coco Plum Drive to Residential Medium (FLUM) and RM-1 (Zoning), thus making the entire end of Coco Plum Drive FLUMed and Zoned consistently.

Remaining FLUM and Zoning to the west should remain Residential Low (RL). That property and area has been slated for acquisition in the past and is much of the area is already either owned by the State, the County, or the City as conservation lands. Any single-family homes in the RL area, though non-conforming for FLUM and Zoning, could rebuild under the City's Comprehensive Plan or Land Development Regulations if severely damaged or destroyed.

The proposed FLUM and Zoning amendments *are compatible* with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area. Therefore, it is staff's finding that the request is *in compliance* with this criterion.

Natural Resources

Direct impacts to natural resources would differ minimally as a result of the proposed FLUM and Zoning changes. The area proposed for a FLUM change is either already developed or vacant and scarified.

The proposed FLUM and Zoning amendments *are consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

Historical and Cultural Resources

Protection of historical and cultural resources is crucial under the City's Comprehensive Plan, Chapters 163 and 380 F.S.

There are no known historical or cultural resources associated with the subject properties or within the area of the requested FLUM and Zoning changes. Therefore, the FLUM and Zoning changes would have no impacts on historical or cultural resources.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Infrastructure

• Wastewater infrastructure

Wastewater as an issue of infrastructure capacity and provides a means of water quality protection for the waters surrounding our islands. Water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The subject property inclusive of the area of the proposed FLUM change is served by the Area 6 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM and Zoning changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM and Zoning changes would not place any additional constraints on wastewater infrastructure capacity and would provide limited or no adverse impact resulting from additional nutrient loading.

The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

• Stormwater infrastructure

Stormwater infrastructure capacity and means of water quality protection represents another of the backbone elements of the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The City of Marathon requires that all property owners retain their stormwater on site. All proposals for new developments, and redevelopments, must submit detailed civil engineering plans for review by the City Engineer. Proposals for redevelopment would have to obtain all required permits through other applicable agencies, such as the Department of Environmental Protection or the South Florida Water Management District.

Staff believes that the proposed FLUM and zoning changes would have a diminimus impact on stormwater infrastructure capacity and *is, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

• Potable Water

Monroe County's potable water facilities do not critically constrain the amount of future growth that can be accommodated in the County (see End Note 1). The current FKAA Consumptive Use Permit, when compared to current potable water consumption rates, will provide sufficient potable water to accommodate existing and committed development plus an additional 18,258 equivalent residential units (ERU's) in unincorporated and incorporated Monroe County. The FKAA's Consumptive Use Permit has been renewed. Costs of improvements to upgrade facilities for potable water supply, treatment and distribution, in order to accommodate future growth impacts, would not be borne by the City.

An increase in potable water demand is not expected as part of the proposed FLUM change, any increase would have a diminimus impact on potable water infrastructure capacity. The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Solid Waste**

Solid waste capacity is managed in the Florida Keys under haul-out contracts to mainland solid waste facilities. There are currently no limits on solid waste capacity that would be impacted by this FLUM proposal.

The proposed FLUM and Zoning changes would not impact concurrency levels of solid waste infrastructure capacity.

The proposed FLUM and Zoning amendment *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Transportation**

The requested FLUM change is not expected to have an adverse impact on roadway capacity.

The proposed FLUM and Zoning changes would not affect concurrency levels of transportation on U.S. Highway 1.

The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Affordable Housing

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The proposed FLUM and Zoning changes would not affect the potential to develop affordable housing.

The proposed FLUM and Zoning changes will have no effect on the potential for affordable housing projects. The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Hazard Mitigation

- **Coastal High Hazard Areas**

The entirety of the parcel lies outside the Coastal Barrier Resources System (CBRS) The proposed FLUM and Zoning changes results in a diminimus impact to public safety.

The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

• **Hurricane Evacuation**

The critical carrying capacity constraint at the present time is related to the requirement that hurricane evacuation clearance times for Monroe County be maintained at or below 30 hours through the Year 2002, and further reduced to 24 hours by 2010.

The Florida Department of Economic Opportunity in conjunction with sister state agencies and the participation of all local governments completed an analysis of current hurricane evacuation constraints. It was determined that under defined conditions, the County was able to maintain a 24 hour evacuation time while continuing the current ROGO and BPAS allocation formulas. Thus, for the ensuing ten (10) thorough 2023, the City will continue to be able to issue 30 residential allocations per year.

The proposed FLUM and zoning changes would have a neutral impact on hurricane evacuation times with the BPAS system in place.

The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Ports – Marina Siting

Staff believes that the proposed FLUM and Zoning change will have no adverse impact on ports management or the City’s Marina Siting Plan.

The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Public Use – Access to Water

The proposed FLUM amendment is located on waters leading to the Atlantic Ocean. However, there are no public points of access to the water from this location. Staff believes that the proposed FLUM and Zoning change will have no adverse impact on public access to water.

The proposed FLUM and Zoning amendments *are, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.*

Land Acquisition

Land acquisition in the Florida Keys is carried out by the City, County, State, and to a limited extent the federal government for the purposes of resource conservation and management, removal of properties in the CHHA from public ownership, and to provide for public services and facilities. The subject parcel is not on the Florida Forever boundary map.

The proposed FLUM and Zoning change would have no impact on land acquisition efforts. The proposed FLUM and Zoning amendments *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

SUMMARY:

The applicant has requested a change in the FLUM and Zoning Map designations for the properties located on and adjacent to Avenues O and P on Coco Plum Drive. Currently the property is designated as Residential Low (RL) with a small area overlapping onto Residential Medium (RM). The applicant is requesting a change to Residential Medium (RM) entirely for the FUM map and Residential Medium-1 (RM-1) map, which will make the FLUM and Zoning consistent with the uses east of the subject properties.

RECOMMENDATION:

The Planning Commission provides a unanimous (3/0 — Mike Leonard and Mike Cinque absent with excused absences) recommendation of approval of the proposed FLUM and Zoning changes to Residential Medium (FLUM) and Residential Medium (RM-1) (Zoning).

Sponsored By: Lindsey
Planning Commission Public Hearing Date: June 15, 2020
City Council Public Hearing Dates: July 14, 2020
September 8, 2020
Enactment Date: September 8, 2020

**CITY OF MARATHON, FLORIDA
ORDINANCE 2020-04**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL MEDIUM (RM) FOR LOT 8, BLOCK 18; LOT 1, BLOCK 19; LOT 4, BLOCK 19; AND LOT 5, BLOCK 19, COCO PLUM BEACH SUBDIVISION; HAVING REAL ESTATE NUMBERS 00365970-000000, 00365980-000000, AND PART OF 00366031-000100 (FORMERLY 00366010-000000 AND 00366020-000000), MARATHON, FLORIDA, MONROE COUNTY, FLORIDA; NEAREST MILE MARKER 54.

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend the City's Future Land Use Map (the "Map") to change the land use district designation of property owned by Julie and Chad Walker and Marathon Vacation Properties, LLC., from Residential Low (RL) to Residential Medium (RM); and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed FLUM Map amendment on June 15, 2020 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Map amendment on July 14, 2020 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity (DEO) for review; and

WHEREAS, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and

WHEREAS, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies

of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council desires to approve the proposed Map amendment, in accordance with State law.

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

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

SECTION 2. The proposed FLUM Map designation change of the Property is approved in its first reading from its current designation of Residential Low (RL) Residential Medium (RM) (See Attachment "A").

SECTION 3. The City Council directs staff to transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the Department of Economic Opportunity, in its capacity as the State Land Planning Agency, as required by Chapters 163 and 380, *Florida Statutes*.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause of phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. The effective date of this FLUM Amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8TH DAY OF SEPTEMBER, 2020.

THE CITY OF MARATHON, FLORIDA

Steve Cook, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Dirk Smits, City Attorney

ATTACHMENT A

