

## COUNCIL AGENDA STATEMENT



**Meeting Date:** October 13, 2020  
**To:** Honorable Mayor and Council Members  
**From:** George Garrett, Planning Director  
**Through:** Cuck Lindsey, City Manager

**Agenda Item:** **Resolutions 2020-82 and 2020-83**, Consideration Of A Request By Seasons, Inc. (With Approval Of The Owner, Crystal Cove Market Site, LLC) For A Conditional Use Permit And Development Agreement Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Development Agreement” And “Conditional Use Permits” Respectively, Proposing The Development Of Twenty-Six (26) Transient Residences (Two & Three Bedroom) And Eighteen (18) One-Bedroom Hotel Style Transient Units With Amenities; Seeking To Sever The Connection With The Conditional Use Permit And Development Agreement Identified In Resolutions 2019-55 And 2016-72 (Crystal Cove Housing Partners, LP) In Favor Of The Project And Agreements Proposed Herein; For Property Located At 881 50<sup>th</sup> Street, Gulf, Marathon, Florida, Which Is Legally Described As Lying Within Township 66S, Section 6, Range 32E; Key Vaca, Marathon, Florida; Having Real Estate Number 00327150-000100. Nearest Mile Marker 50 (49.75).

### **RECOMMENDATION:**

The Planning Commission unanimously (3/0 Leonard left early, Gilson absent) recommends conditional approval of the Seasons Inc project proposing twenty-six (26) transient residences (two & three bedroom) and eighteen (18) one-bedroom hotel style transient units with amenities. The proposed conditions follow:

#### Conditions of Approval

1. The 2020 Applicant will develop twenty-six (26) transient residential units, eighteen hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses on the area designated by the 2016 Development Agreement for development as RV Park RV sites
2. Through this approval, the City acknowledges the independence of this project from Crystal Cove Housing Partners LP (Resolutions 2019-55 & 2016-72) and hereby approves an independent Conditional Use Permit and Development Agreement.
3. A final lighting plan must be submitted which meets or exceeds LDR requirements
4. A final parking schedule must be provided which meets or exceeds LDR requirements
5. An administrative setback variance is granted to allow a fifteen (15) foot setback from the mean high water line.

6. Where the project boundary buffer is reduced, thicker landscaping and screening is required pursuant to the Alternative Compliance Landscape Plan approved by the Technical Review Committee.
7. A final landscape plan must be submitted prior to permit issuance which meets or exceeds LDR requirements
8. Additional screening is to be created along the canal facing residential properties to the west. The criteria established in Section 107.66 F shall be applied to this area, the area facing neighboring residential development, and the boundary between this project and the affordable housing project with the additional height needed to screen headlights.
9. All dumpsters are to be screened per requirements established in the LDRs.
10. As required by Code the project shall provide a minimal number of bike racks.
11. All conditions imposed under fire safety code as presented by the Fire Marshall must be met prior to permit issuance.
12. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
13. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
14. The developer and the City shall enter into a Development Agreement which specifically identifies criteria for the final approval of the project proposed herein and separates the current project, Seasons, Inc from the Crystal Cove Market Site LLC
15. The applicant shall provide a NFP 303-compliant standpipe system for docks and one (1) hydrant to service project site in accordance with fire protection requirements as outlined by the City Fire Marshal;
16. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
17. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
18. The applicant shall connect project site to existing injection well and comply with the 25-year, 72-hour storm drainage requirements;
19. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;
20. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
21. Each transient residential unit shall comply with all hurricane evacuation requirements set forth for City transient uses.
22. Existing entitlements include thirty-four point four (34.4) transient residential units, one (1) market rate residential unit, and one thousand six hundred thirty-three (1,633) square feet of commercial development. If applicable, these entitlements may be utilized to complete the project as approved.
23. Fourteen (14) transferrable Transient Residential Units (TRU's) are required prior to the issuance of a Building Permit for the eighteen (18) until hotel building. The completed transfer shall comply with any applicable affordable and workforce housing requirements.
24. The approval of this Amended Revised Development Order does not modify the Revised Development Order with regard to the development of the forty-six (46) affordable residential units (commonly known as Residences at Crystal Cove) allocated for construction on the balance of the property. Except that ingress/egress and utilities will be located within an easement as depicted on the Conceptual Site Plan attached as Exhibit \_\_\_\_\_.

25. The criteria applicable to community workforce units required by the City Code shall be met.
26. The twenty-six (26) transient residential units may be sold as fee simple townhome units within a resort condominium property.
27. Twenty-eight (28) wet slips are allowed for the development. One dock slip is to be allocated for each transient residential unit and the remainder available to the hotel units. Live aboard vessels as defined in Chapter 110, Article 3 of the City Code shall not be permitted. However, nothing in this Agreement shall be construed to prohibit seasonal long-term boat mooring in the marina at the Crystal Bay Property.

**APPLICANT/ OWNER:** Seasons Inc. (Vendee) / Crystal Cove Market Site, LLC (Current Owner)

**AGENT:** Barbara Mitchell dba Mitchell Planning and Design, Inc. / Mike Aranda Sr. & Jr.

**LOCATION:** The project site is located at 881 50<sup>th</sup> Street, Marathon – Nearest Mile Marker 47.5. **See Figure 1.**

**Figure 1  
Project Site**



**LOT SIZE:**

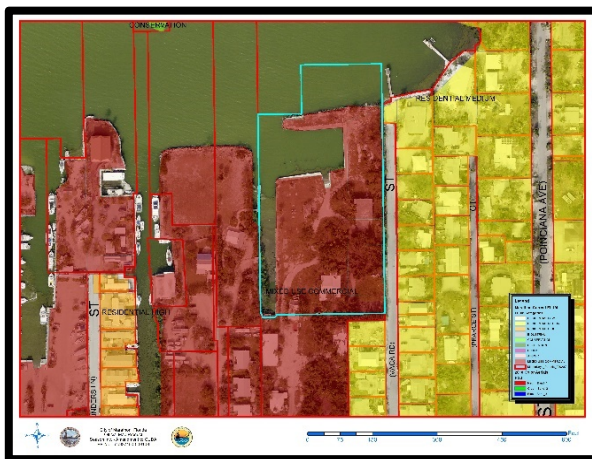
Total acreage	4.15 Acres (Ac.)	180,774 Square Feet (Sq. Ft.)
Upland	2.71 Ac.	117,893 Sq. Ft.
Submerged	1.44 Ac.	62,726 Sq. Ft.

**REQUEST:** A Conditional Use Permit and Development Agreement to authorize development of the subject property having the real estate numbers 00327150-000100 to include twenty-six (26) transient residences (two & three bedroom) and eighteen (18) one-bedroom hotel style transient units with amenities.

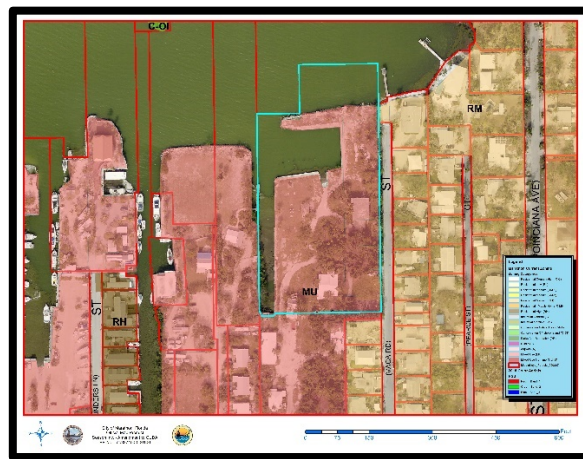
**FUTURE LAND USE AND ZONING MAP DESIGNATIONS:**

Mixed Use Commercial (MUC) and Mixed Use (MU). See Figure 2 A. and B.

**2.A FLUM Map**



**2.B Zoning Map**



**SURROUNDING ZONING AND USES:**

	<u><b>Zoning</b></u>	<u><b>Use</b></u>
<b>North</b>	Gulf of Mexico	NA
<b>East</b>	Mixed Use, Residential Medium	Sea Dell Motel, Hall's Scuba, Residential homes of 50 <sup>th</sup> street
<b>South</b>	Mixed Use, Residential Medium	Maramede Amended Subdivision, Marathon Vet, Cracked Conch, Island Tire, Sandal Factory
<b>West</b>	Mixed Use, Residential High	Vacant land, Residential homes, Residential homes of 47 <sup>th</sup> street

**EXISTING CONDITIONS:**

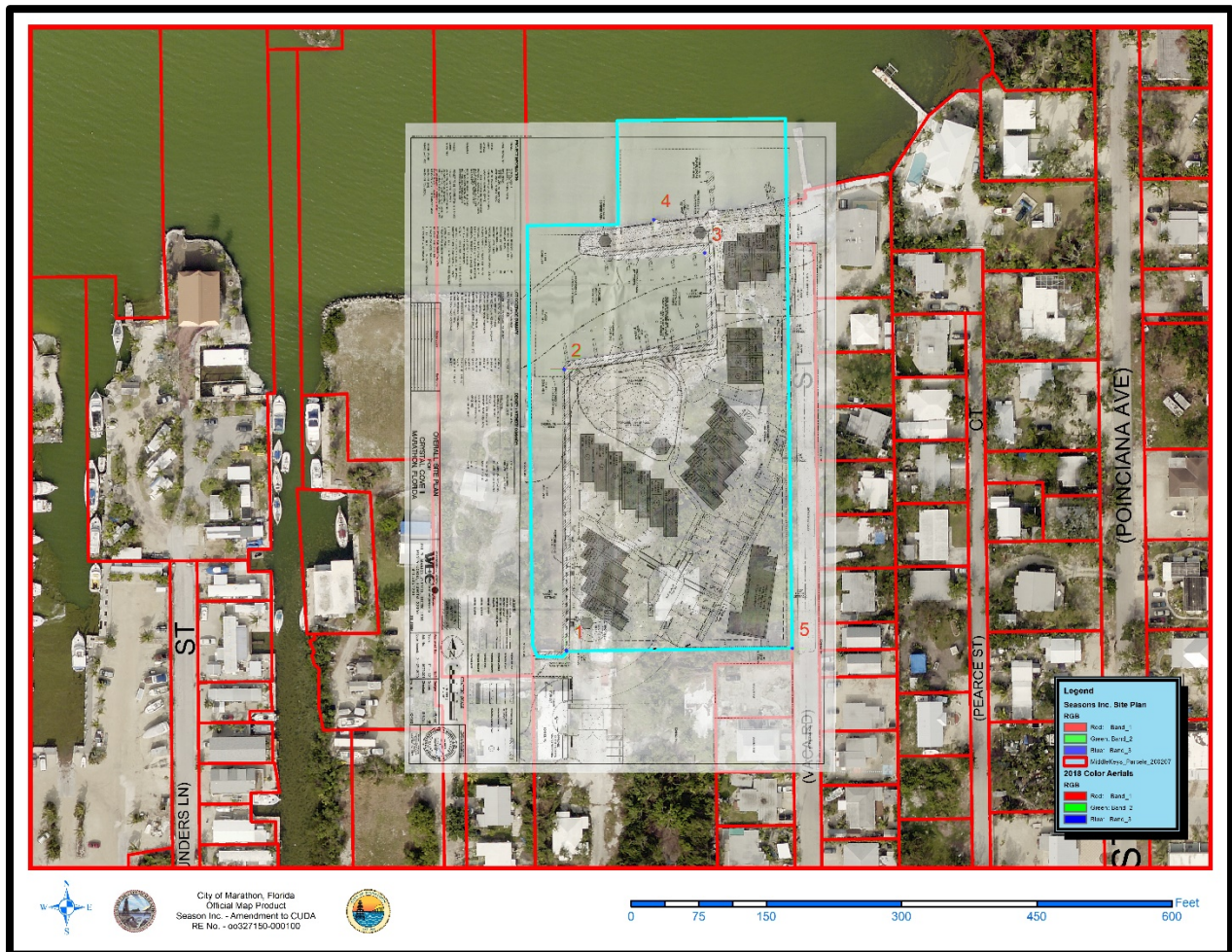
The project site consists of the remains of 1950-60s era resort, including several residences, a marina and amenities. Most of these features have been demolished at this juncture.



## PROPOSED REDEVELOPMENT:

The proposed development is a hotel resort to include twenty-six (26) transient residences (two & three bedroom) and eighteen (18) one-bedroom hotel style transient units with amenities. See Figure 3 for Site Plan layout.

**Figure 3**  
**Proposed Redevelopment Site Plan**



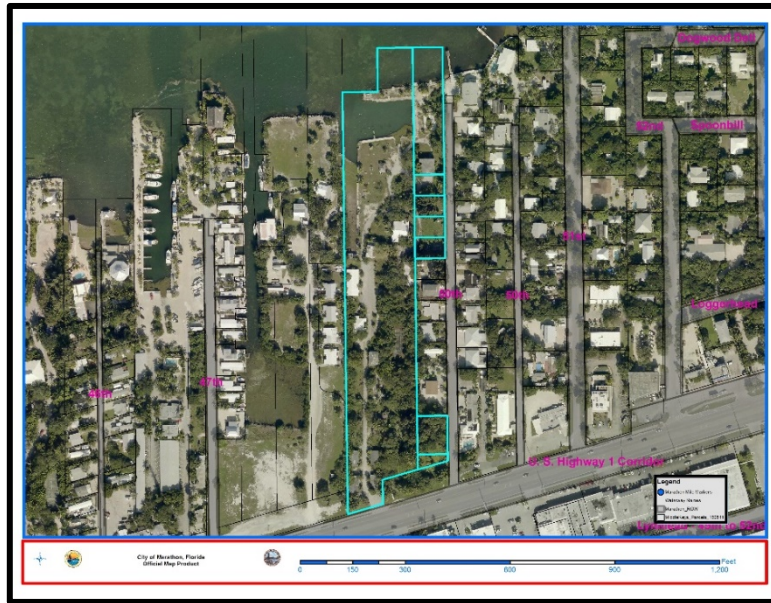
## BACKGROUND:

Seasons Inc. proposes to redevelop the waterfront portion of the property formerly known as the Crystal Cove Resort and Marina. The resort was located on a 5.98 acre site that stretched from US 1 north to Florida Bay. The first motel was established on this site in the 1950's. The business has been closed in excess of ten years.

In 2016, City Council approved a redevelopment plan for the property that proposed a workforce housing community (46 units) and 28 Recreational Vehicle (RV) sites in an RV Park located

adjacent to the open water (Resolutions 2016-71 & 2016-72). Construction has commenced on 3.68 acres slated originally for workforce affordable multi-family housing. This application requests approval to utilize the existing transient residential entitlements (TRUs) for a customary transient hotel, to be known as Latitude 24 Resort and Marina. The RV Park project will be abandoned towards ultimate approval of this project proposal. Separately, the affordable housing project is moving ahead under the initial approval and separate ownership. See **Figures 4 and 5.**

**Figure 4**  
**Original Project Boundaries**



**Figure 5**  
**Original Project Site Plan**





The new resort is designed on 2.3 upland acres (including a mutual easement area associated with the workforce housing project). The docking facility located on the 1.44 acres of adjacent submerged lands will be restored. This resort will include twenty-six multi-bedroom, two-story transient units as well as one three story hotel building containing eighteen standard, single hotel rooms. The office and storage areas will be located in the hotel building. The boat ramp and the remaining pilings will be removed from the boat basin. The seawalls will be repaired and new finger docks installed to accommodate 28 boats. In addition to the docks, the proposed amenities include a swimming pool, beach area for passive recreation as well as landscaped grounds. Tike Huts will be located throughout the site for use of patrons. Adjacent to the marina, a site is designed to accommodate a food truck. When food service is not required, the area can be used for other types of activities.

The redevelopment of this site as a permanent hotel will further several significant goals of the City Comprehensive Plan. Construction of the proposed stormwater management features, repair of the existing seawalls and the closure of the existing boat ramp will help to contain stormwater for upland treatment; thereby, improving the quality of near shore waters. The site has been completely scarified, the proposed use of native plant material will provide tree canopy as proposed landscape vegetation develops and grows in.

The Applicant recognizes the need to build to high standards in this tropical climate. Although the plans demonstrate compliance with the current NGVD29 datum standard, the building will be built to comply with the FEMA FIRM NAVD 88 datum.

Applications for Conditional Use approval as well as to amend the existing Development Agreement were provided for consideration. The material addresses compliance with the City regulations and elaborates more detailed particulars of the proposed project. The most important aspects of this review and approval are to approve the revised project and to sever the Conditional Use Permit and Development Agreement from the Crystal Cove Workforce Housing project.

**All condition 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;**

Consistent with the Comprehensive Plan

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large”.

The proposed project consists of the authorization of a hotel resort to include twenty-six (26) transient residences (two & three bedroom) and eighteen (18) one-bedroom hotel style transient units with amenities within the Mixed Use Zoning District.

a. Policy 1-1.1.1 a., b., c, d., & e. – Manage Growth

In 2019, City Resolution 2019-55 and Conditional Use Development Order #2016-07 Revised were approved permitting a Recreational Vehicle Park on this site, consisting of 28 sites with amenities in conjunction with a 46 unit multifamily affordable housing development, the Residences at Crystal Cove. Construction of the Residences. at Crystal Cove has commenced.

The proposed project will redevelop the 2.30 acres adjacent to the shoreline of the site by replacing the approved RV sites with twenty-six (26) elevated, attached transient residential units and 18 single-room hotel units. The site has entitlement to 34.4 TRUs. An additional 13.9 TRUs will be needed to complete the project. In addition, the site plan includes an onsite management office as well as other amenities. The developer is prepared to acquire and provide those TRU units.

The change furthers the City's goals on managed growth by providing a transient lodging facility of less than 55 units on 2.3 acres. This represents a density of approximately 19 units per acre which is 24%) less that the potential of 25 units per acre as provided in the City Code for transient uses. As illustrated in the City Comprehensive Plan Technical Document, the proposed density is more akin to residential condominium development. The site has historically been operated as a 30 unit motel.

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

This project proposes to redevelop .an aging motel site. The: site is scarified. The proposed landscape plan furthers the intentions of this policy by planting trees and palms native to the Florida Keys as well as other non-invasive, drought tolerant, non-native species. Furthermore, the adjacent residential homes and non-residential uses are buffered by the proposed trees and hedge plantings, as well as fencing, planned for the perimeter of the property. The Landscape Plan specifies plant material sufficient: to buffer adjacent properties with an alternative compliance design as required by the Land Development Regulations.

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

The adjacent residential homes and non-residential uses are buffered by the proposed trees and hedge plantings planned for the perimeter of the property.



d. Policy 1-1.1.4 Transition Between Land Uses

The Site Plan includes variable setbacks, massing and orientation of buildings. The proposed parking for the units is beneath the first floor thereby increasing open space and reducing impervious areas. The shoreline area shall be provided for passive recreational opportunities and will enhance the appearance of the site with selective seaside landscaping. Improvements to the water quality are proposed with the removal of aging concrete and dock material replacing them with dockage up to current building codes.

e. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed Use Commercial. Within this designation various commercial uses are permitted in addition to residential uses including transient, permanent, affordable and/or commercial apartments and single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

f. Policy 1-3.2 Maximum Height

The maximum height of any new structure associated with the redevelopment of the property shall not exceed 42 feet, except as provided by City Code, as amended. For purposes of determination of grade of the Property, grade for all structures the highest existing onsite grade is 7.3 feet NGVD resulting in a maximum building height of 49.3 feet NGVD except those exceptions provided for in Section 107.41 of the City Code.

g. Policy 1-3.2.6 Manage Development of New Transient Units

The proposed development will utilize existing transient entitlements and are therefore not subject to the provisions of this Policy.

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

The transient density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The project proposes a density of 19 units per acre, well within the limits of 25 units per acre.

i. Policy 1-3.3.1 a., c, and h. General Redevelopment Criteria

The proposed Site Plan includes a sidewalk network that will direct internal pedestrian use. The site is not located adjacent to the City sidewalk system along US Highway 1. The area adjacent to the shoreline shall be maintained as a passive recreational area. The entire site is scarified with no environmentally sensitive lands or habitat.

j. Policy 1-3.4.1 Established Densities and Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The redevelopment plan includes using existing building rights. As documented the Planning Director's letter of December 17, 2018, the site contains thirty-four transient residential entitlements, one market rate entitlement and sixteen hundred thirty-three square feet of commercial floor area. The transient rights shall be rebuilt on site to construct the twenty-six (26) proposed transient residential units and eight (8) of the proposed motel rooms. The remaining 10 transient entitlements shall be transferred from offsite in compliance with City requirements.

The project will not impact the existing stock of affordable housing as the original project proposal was intended to provide the necessary affordable units to compensate, as required by the LDRs, for the development of the transient units. The existing floor area entitlements shall be used to construct the onsite office, the remain floor area shall be retained for future use, either onsite or at another location within the City.

k. Policy 1-3.5.16 Program for Transfer of Density and Building Rights

The relocation of any remaining entitlements, as will be required, shall comply with the requirements of the City's LDRs in effect at the time of transfer.

l. Policy 4-1.?? Protect, Stabilize, and enhance Shoreline

The proposed landscaping includes the installation of native plant material along the shoreline to help stabilize this area. The intended plant material is upland/salt tolerant material characteristically found long Florida coastlines.

Consistent with the City Land Development Regulations

a. Section 103.09 – Mixed Use

The MU District is intended to accommodate a wide range of uses and activities. Transient lodging is permitted.

b. Table 103.15.1 Uses By Zoning District

This redevelopment is consistent with Table 103.15.1, uses By Zoning District, pursuant to the Conditional Use Permit process previously approved as amended through the present proposal.

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

The subject project site contains 2.3 acres of upland in addition to submerged lands. It is part of an approved multi parcel Development Agreement that includes multi-family affordable housing with a commercial out-parcel. This application does not request any revision to the affordable housing development/US 1 commercial frontage. The requested revision pertains to the area approved for the RV sites.

Table 103 .15 .2 lists the density for permitted uses in the MU Zoning district. For residential uses, the City's Code allows six (6) market rate, fifteen (15) affordable, and twenty-five (25) transient and a commercial floor area of 60% with eligibility for density bonus of up to 75%.

The proposed project will utilize the existing transient density from the previous approved RV site of twenty-eight (28) TRUs and add sixteen (16) TRUs with two exceptions. One building; has been added and will contain a rental office (1,633 square feet) with one eEmployee/managers apartment on the third floor. Based upon these uses the proposed density is well within Code requirements.

The required setbacks in the MU district range from 0 to 30 feet. As illustrated on the site plan the proposed setbacks are consistent with this zoning standard. The open space is 26,863 square feet or 26.8 percent of the project site. The proposed open space ratios are well within City LDR requirements.

d. Section 107.00 Building Permit Allocation System

As noted in the project overview, the current approvals include a Recreational Vehicle Park of twenty-eight (28) spaces and a forty-six (46) unit affordable housing complex to be known as the Residences at Crystal Cove. The proposed project replaces the RV sites with 26 transient hotel units and an 18 room hotel. The transient units are a mix of two and three bedroom units with bath and kitchen facilities. Floor plans for the proposed units are included with the drawing package. The revision does not impact the affordable complex.

The Applicant is entitled to the thirty-four point four (34.4) transient residential units (TRUs) that currently exist on site, as noted in the Planning Department's Letter of Determination of Development Rights and previous City approvals. The additional 13.9 TRUs are to be transferred pursuant to the Transfer of Building Rights (TB R's) process established in Chapter I 07, Article 2, in accordance with the following table.

Location	Unit Type (Room Factor)	Number	TRUs Required
Units 1-18	3 Bedroom (0.85)	18	21.2
Units 19-22	2 Bedroom (0.90)	4	4.4
Units 23-26	3 Bedroom (0.85)	4	4.7
Motel	One Bedroom (1.0)	18	18
All Units	All Types	44	48.3

The forty-six (46) required affordable BPAS allocations required for the Residences at Crystal Cove have been allocated to the site as part of an inter-local agreement with Monroe County.

e. Section 107.47 Parking

Two (2) parking spaces are provided beneath the units for twenty-six (26) transient residential units. Twenty-four (24) parking spaces are provided, as shown on the Site Plan, for the hotel units and office / check-in uses. The total parking provided on site is seventy-six spaces including three (3) handicap accessible spaces.

f. Section 107.40 Maximum Height

The elevation drawings for all buildings demonstrate the proposed height. The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended. For purposes of determination of grade of the Property, grade for all structures the highest existing onsite grade is 7.3 feet NGVD resulting in a maximum building height of 49.3 feet NGVD, except those exceptions provided for in Section 107.41 of the City Code. Please see the elevation drawings for further details.

g. Sections 107.63 – 107.72 Landscaping

The landscape plans provide the conceptual response to the City requirements. Pursuant to existing zoning districts, a landscape buffer required is adjacent to 50th Street. The project has been designed to include as many native palms and trees as possible. The landscape buffers have been provided with a variable buffer width. However, all understory, deciduous trees and shrubs required per the standard have been included on site. The number of canopy trees located in the 50th Street buffer area is twenty-eight (28) and forty-five (45) are required. However, the

remaining seventeen (17) trees are proposed for elsewhere on the site as shown on the landscape plan. The parking lot landscaping has been provided.

As part of the Alternative Compliance plan, additional screening has been provided along the western boundary adjacent to the canal. Furthermore, landscaping has been provided on the southern border adjacent to the affordable housing community

h. Section 107.73 – 107.81 Open Space

The required open space ratio for this site is 20% or .46 acres. The open space proposed is 26.8% or 0.62 acres. The proposed stormwater management systems are located beneath the interior roadways. The open areas are intended for passive recreation facilities. The proposed open space ratios are well within City Code requirements.

i. 107.82 – 107.85 Fences & Screening

Perimeter fences along 50th Street and the remaining upland boundary areas are proposed for this project. All ingress and egress locations will be gated to control access, pursuant to policies of the City of Marathon Fire Marshall regarding access. Mechanical equipment and trash/recycling areas shall be screened with landscaping as shown on the Landscape Plan.

j. 107.98 – 107.102.5 Stormwater Management

The Stormwater Management Plan provided demonstrates compliance with this requirement. The proposed system includes a series of interior catchment basins delivering the stormwater to exfiltration trenches. An Environmental Resource Permit (ERP) will be required for the Stormwater Management system.

k. Sections 107.98 – 107 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE9 to VE14. Review of the proposed FEMA FIRM maps indicates more of the site will be located in the VE 11 zone. The site shall be regraded to raise the existing elevations between 0.6 to 2.5 feet revised to provide an overall grade of 7 feet. As required, the first floor elevations will meet or exceed in height the required base floor elevations.

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

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

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

The proposed project 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 project as originally approved included mixed use development of transient RV rights, affordable housing, and commercial retail, which is consistent with the Mixed Use classification.



At this juncture, the RV Park component has been separated from and is being proposed as a transient hotel resort development.

The existing land use pattern in the project vicinity consists of commercial use and residential uses (mixed uses) to the east; commercial uses and residential uses (mixed use, residential medium) to the south; residential uses and vacant land to the west; and the Gulf of Mexico directly north.

Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that RV Park and Multifamily residential uses are permitted only where approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. The proposed uses fall within the allowed densities and intensities for 251,901 of upland. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use.

<b>Development Type</b>	<b>Proposed Density &amp; Intensity</b>	<b>Area Used</b>
<b>Transient units</b>	44	76,666 Sq. Ft.
<b>Residential Units</b>		
Market Rate	0	0
Affordable	0	0
<b>Commercial Floor Area</b>		
The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing	1,633 Sq. Ft.	2,722 Sq. Ft.
<b>Total</b>		<b>79,388 Sq. Ft.</b>
<b>Total Property</b>		<b>100,188 Sq. Ft.</b>
<b>Percent of Upland Area Utilized = 79,388 / 100,188 = 79.2 %</b>		

Otherwise, the development of the site will result in significant improvement to the quality of development, 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.

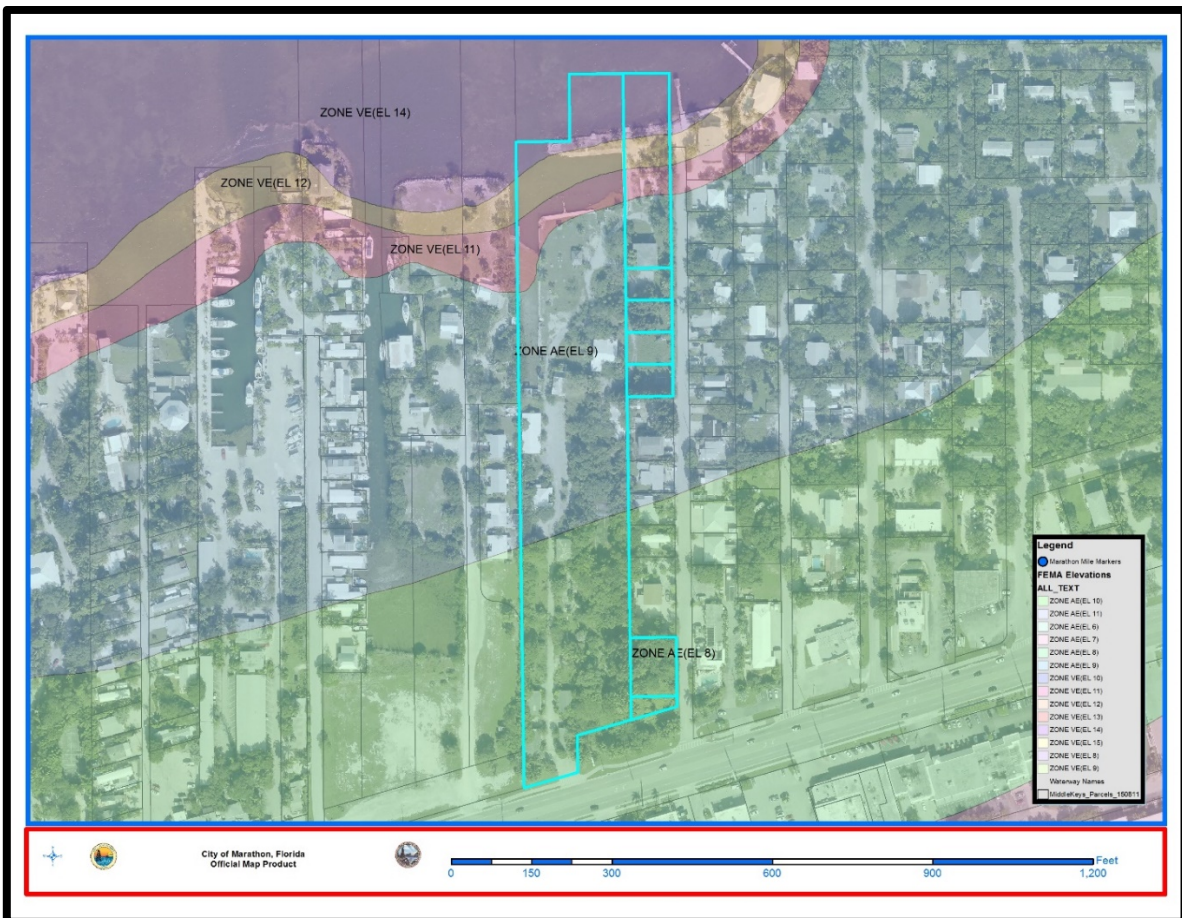
Therefore, the request is *in compliance* with the requirements of these sections.

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

The proposed conditional use does not adversely affect the health, and welfare of the public. The creation of affordable housing, through the original project boundaries and approvals, benefits the welfare of the community. The redevelopment of the vacant boarded up structures reduces safety risks through their demolition. No new adverse impacts are expected to arise with the development.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Figure 5 shows the flood zones for the original property approval. The proposed plans for the current resort project show the structures all being elevated above flood, Regardless, all temporary occupants will have to evacuate according to the evacuation model, and are thus less of an impact in the VE flood zone than any other type of development. Final review of floodplain compliance will occur as part of building permit issuance.

**Figure 6  
Flood Zones**



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 Land. Figure 7 shows that this portion falls under the category of undeveloped land. Though found within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit, “undeveloped land” falls out of the consideration in the species assessment guides thus having “no impact” on the species concern, the Eastern Indigo Snake.

**Figure 7  
Focus Area Habitat**



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 both an existing vegetation survey, and mitigation plan. Those trees within the proposed footprints of structures will be relocated or mitigated per code.

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



**E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:**

**1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;**

A traffic study was submitted for the proposed development on this site and compared with the study presented for the RV Park portion of the project as originally approved. The trip generation analysis shows that the RV Park could generate a maximum of 6 trips during the AM Peak Hour period and 8 trips during the PM peak hour. The daily trips will generate 86 total trips.

As indicated in the Table below, the proposed development program (i.e. 26 transient residential units and 18 transient hotel units) is projected to generate 266 daily vehicle trips, 17 AM peak hour vehicle trips (10 inbound and 7 outbound) and 20 PM peak hour vehicle trips (10 inbound and 10 outbound). When compared with the previously approved development program for this site (i.e. 28 recreational vehicle sites), the proposed development program results in 180 net new daily vehicle trips, eleven (11) net new vehicle trips in the AM peak hour, and twelve (12) net new vehicle trips in the PM peak hour. The projected increase in vehicle trips is considered to be minimal. Furthermore, Segment 13 (Marathon) of Overseas Highway / US 1 has 19,221 daily trips of reserve capacity available (see Attachment D). As a result of these site characteristics and roadway conditions, no further analyses are required at this time.

Trip Generation Summary Crystal Cove VS Seasons, Inc.								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<b>Approved RV Park</b>								
RV Sites	28 Sites	86	2	4	6	5	3	8
<b>Sub-Total</b>		<b>86</b>						
<b>Proposed Hotel Resort</b>								
Transient Residential Units	26 Units	116						
Transient Hotel Units	18 Rooms	150						
<b>Sub Total</b>		<b>266</b>	<b>10</b>	<b>7</b>	<b>17</b>	<b>10</b>	<b>10</b>	<b>20</b>
<b>Difference (Proposed – Approved)</b>		<b>180</b>	<b>8</b>	<b>3</b>	<b>11</b>	<b>5</b>	<b>7</b>	<b>12</b>

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.



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

- All conditions of the Fire Marshall must be met prior to permit issuance.

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the commercial uses on the parcel:

Use	Code Citation	Requirement	Spaces Required	Spaces Provided
Hotel / Motel Room	107.46.1	1 per 3 employees / 1 per guest room	18 + 6	24
Transient Residential Units		2 per Residential Structure	52	52
ADA		3 per 25 Parking Spaces	3	3
Total			79	79

The applicant has provided the required number of parking spaces per the LDRs.

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

**3. The noise, glare or odor effects of the conditional use on surrounding properties;**

The proposed use has no known impacts to the health safety and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use. Appropriate screening and buffering measures are proposed, as well as a preliminary lighting plan.

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

- A final lighting plan must be submitted prior to permit issuance.
- A final landscape plan must be submitted prior to permit issuance.
- Additional screening is to be created along the canal facing residential properties to the west.. The criteria established in Section 107.66 F shall be applied to this area with the additional height needed to screen headlights.

**4. Refuse and service areas, with particular reference to locations, screening and Items 1 and 2 above;**

Section 107.39 requires that all dumpsters be fully enclosed and screened. The site plan indicates that the dumpster is (hidden) screened.

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

- Dumpsters are to be screened per code.

## **5. Utilities, with reference to location and availability;**

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows:

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

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

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the west by properties zoned MU, where no project boundary buffers are necessary. The subject parcel is also bordered to the east by RM. Table 107.70.2 establishes a 20 foot minimum buffer. This buffer can be reduced through TRC review. The applicant proposes a reduction to 15 feet, offset by denser vegetation being planted within this area.

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 meets 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.

Section 107.71 C. requires that all multi-family and nonresidential developments provide one of two types of buffers along the entire street frontage. The project is adjacent to US 1 to the south. The existing landscape meets the minimum requirements.

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

This plan shows a 15’ setback on the front yard, 10’ setback on the western side and 15’ on the eastern side yard, and 100’ rear yard setback.

Section 107.36 A. 1. states that for parcels in the MU district the required interior yard setback may be reduced through the conditional use process.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30	Streetscape Type 1 req.	15’	y
East Side	0-10	High landscape buffer	15’	y
West Side	0-10	NA	10’	y

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

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

- Where the project boundary buffer is reduced, thicker landscaping and screening is required.

**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. The applicant proposes window lettering for the individual commercial space of the project.

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR’s.

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

Section 106.16 established required open space for the project. The parcel is generally developed; therefore, a twenty percent open space requirement applies. To the greatest extent possible, the Applicant will be required to protect Regulated Trees, pursuant to Chapter 106, Article 2 of the LDRs. According to calculations provided by the applicant, 3.27 acres of pervious area is proposed (including landscape area), totaling 57% of the site. Of the total acreage, 32.47% 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 a transient site into a site with transient, commercial, and affordable residential uses (as part of the adjacent Crystal Cove project). Adjacent uses include a commercial and residential establishment. A redevelopment of the existing use 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. The site plans show that buildings are below 42’.

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.**

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 development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety or welfare.

**RECOMMENDATION:**

The Planning Commission unanimously (3/0 Leonard, Gilson absent) recommends conditional approval of the Seasons Inc project proposing twenty-six (26) transient residences (two & three bedroom) and eighteen (18) one-bedroom hotel style transient units with amenities. The proposed conditions follow:

Conditions of Approval

Prior to the issuance of a building permit:

1. The 2020 Applicant will develop twenty-six (26) transient residential units, eighteen hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck



service, and other accessory uses on the area designated by the 2016 Development Agreement for development as RV Park RV sites.

2. Through this approval, the City acknowledges the independence of this project from Crystal Cove Housing Partners LP (Resolutions 2019-55 & 2016-72) and hereby approves an independent Conditional Use Permit and Development Agreement.
3. A final lighting plan must be submitted which meets or exceeds LDR requirements
4. A final parking schedule must be provided which meets or exceeds LDR requirements
5. An administrative setback variance is granted to allow a fifteen (15) foot setback from the mean high water line.
6. Where the project boundary buffer is reduced, thicker landscaping and screening is required pursuant to the Alternative Compliance Landscape Plan approved by the Technical Review Committee.
7. A final landscape plan must be submitted prior to permit issuance which meets or exceeds LDR requirements
8. Additional screening is to be created along the canal facing residential properties to the west. The criteria established in Section 107.66 F shall be applied to this area, the area facing neighboring residential development, and the boundary between this project and the affordable housing project with the additional height needed to screen headlights.
9. All dumpsters are to be screened per requirements established in the LDRs.
10. As required by Code the project shall provide a minimal number of bike racks.
11. All conditions imposed under fire safety code as presented by the Fire Marshall must be met prior to permit issuance.
12. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
13. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
14. The developer and the City shall enter into a Development Agreement which specifically identifies criteria for the final approval of the project proposed herein and separates the current project, Seasons, Inc from the Crystal Cove Market Site LLC
15. The applicant shall provide a NFP 303-compliant standpipe system for docks and one (1) hydrant to service project site in accordance with fire protection requirements as outlined by the City Fire Marshal;
16. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
17. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
18. The applicant shall connect project site to existing injection well and comply with the 25-year, 72-hour storm drainage requirements;
19. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;
20. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
21. Each transient residential unit shall comply with all hurricane evacuation requirements set forth for City transient uses.
22. Existing entitlements include thirty-four point four (34.4) transient residential units, one (1) market rate residential unit, and one thousand six hundred thirty-three (1,633) square feet of

commercial development. If applicable, these entitlements may be utilized to complete the project as approved.

23. Fourteen (14) transferrable Transient Residential Units (TRU's) are required prior to the issuance of a Building Permit for the eighteen (18) until hotel building. The completed transfer shall comply with any applicable affordable and workforce housing requirements.

24. The approval of this Amended Revised Development Order does not modify the Revised Development Order with regard to the development of the forty-six (46) affordable residential units (commonly known as Residences at Crystal Cove) allocated for construction on the balance of the property. Except that ingress/egress and utilities will be located within an easement as depicted on the Conceptual Site Plan attached as Exhibit \_\_\_\_\_.

25. The criteria applicable to community workforce units required by the City Code shall be met.

26. The twenty-six (26) transient residential units may be sold as fee simple townhome units within a resort condominium property.

27. Twenty-eight (28) wet slips are allowed for the development. One dock slip is to be allocated for each transient residential unit and the remainder available to the hotel units. Live aboard vessels as defined in Chapter 110, Article 3 of the City Code shall not be permitted. However, nothing in this Agreement shall be construed to prohibit seasonal long-term boat mooring in the marina at the Crystal Bay Property.

## Mitchell Planning and Design Inc.

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15450 SE 103rd Place Road  
Ocklawaha, Florida 32179

September 29, 2020

Mr. George Garrett  
Planning Director  
City of Marathon  
9805 Overseas Highway  
Marathon, FL 33050

Re: Seasons Inc. Conditional Use and Development Agreement Application  
Real Estate Number 00327150-000100

Dear George,

In response to the discussion held at the City Council meeting on August 11, 2020, I have provided a revision to the Site Plan submitted as part of the Conditional Use and Development Agreement applications. Specifically, the change includes the following note to the proposed driveway shown on 51st Street.

“Restricted Access”

Would you please add this add this letter and the Site Plan to the file? I understand formal conditions may be added as part of the final City Council hearing.

Thanks so much, as always we appreciate your assistance.

Sincerely,

*Barbara*

Barbara Mitchell

Cc: Micheal Aranda Sr.  
Micheal Aranda Jr.

**Sponsor: Chuck Lindsey**

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-82**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING OF A REQUEST BY SEASONS, INC. (WITH APPROVAL OF THE OWNER, CRYSTAL COVE MARKET SITE, LLC) BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “CONDITIONAL USE PERMITS,” PROPOSING THE DEVELOPMENT OF TWENTY-SIX (26) TRANSIENT RESIDENCES (TWO & THREE BEDROOM) AND EIGHTEEN (18) ONE-BEDROOM HOTEL STYLE TRANSIENT UNITS WITH AMENITIES; SEEKING TO SEVER THE CONNECTION WITH THE CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT IDENTIFIED IN RESOLUTIONS 2019-55 AND 2016-72 (CRYSTAL COVE HOUSING PARTNERS, LP) IN FAVOR OF THE PROJECT AND AGREEMENTS PROPOSED HEREIN; FOR PROPERTY LOCATED AT 881 50<sup>TH</sup> STREET, GULF, MARATHON, FLORIDA, WHICH IS LEGALLY DESCRIBED AS LYING WITHIN TOWNSHIP 66S, SECTION 6, RANGE 32E; KEY VACA, MARATHON, FLORIDA; HAVING REAL ESTATE NUMBER 00327150-000100. NEAREST MILE MARKER 50 (49.75).**

**WHEREAS**, HTG Crystal Cove, LLLP (2016 Applicant) filed an Application on June 30, 2016 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 8 and 13 of the Code of Ordinances for the City of Marathon (“City Code”); and

**WHEREAS**, City staff reviewed the 2016 Applicant's request for a Conditional Use Permit and determined that the 2016 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**, the Council duly considered the 2016 Applicant’s request and made a determination that the 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 properties within the City of 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; and

**WHEREAS**, the City granted the Conditional Use Permit pursuant to Resolution 2016-71; and

**WHEREAS**, the City approved a Development Agreement (2016 Development Agreement) between the 2016 Applicant and the City pursuant to Resolution 2016-72 to allow the development of twenty-eight (28) RV Park RV sites, forty-six (46) workforce and affordable housing residential units (commonly known as the Residences at Crystal Cove), 7,700 square feet of commercial floor area, including an access road and utilities easement to service the development and operation of the workforce and affordable housing residential units, commercial floor area, and RV Park RV sites;

**WHEREAS**, Crystal Cove Housing Partners, LP (2019 Applicant) made application to the City to revise the Conditional Use Permit to document a change in ownership and minor changes in conditions relating to the construction of the affordable housing units; and

**WHEREAS**, the City revised the Conditional Use Permit pursuant to Resolution 2019-55 which approved DEVELOPMENT ORDER #2016-07 REVISED (Revised Conditional Use Permit) pursuant to the 2019 Applicant's request; and

**WHEREAS**, due to the development of the twenty-eight (28) transient residential units (RV Park RV Sites) the City Code requires the development of six (6) workforce and affordable housing units which was satisfied by the approval the forty-six (46) workforce and affordable housing units by the Conditional Use Permit, the Revised Conditional Use Permit, and the 2016 Development Agreement.

**WHEREAS**, Seasons, Inc. (2020 Applicant) has acquired or shall acquire a portion of the property, along with certain allocable development entitlements previously owned by the 2016 Applicant and the 2019 Applicant. The 2020 Applicant proposes to construct twenty-six (26) transient residential units, eighteen hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses on the area designated by the 2016 Development Agreement for development as RV Park RV sites, as further identified by the site plan attached to the Revised Conditional Use Permit; and

**WHEREAS**, The 2019 Applicant will continue to pursue the development of the currently approved construction of the forty-six (46) workforce and affordable housing residential units (commonly known as the Residences at Crystal Cove) on the property described in the 2016 Development Agreement and Revised Conditional Use Permit as Elevated Affordable Housing; and

**WHEREAS**, the purpose of this Amended Revised Development Order is to document a change in ownership; the replacement of the RV development with twenty-six (26) transient residential units, eighteen (18) hotel units, one thousand six hundred thirty-three (1,633) square feet of

commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses; and

**WHEREAS**, City staff reviewed the Applicant's request for a Conditional Use Permit 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 14<sup>th</sup> 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 Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, and on the 11<sup>th</sup> day of August, 2020 and the 8<sup>th</sup> 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 properties within the City of 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 2020-04, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Seasons Inc., subject to the Conditions imposed. 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 by the City of Marathon and after review and approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, *Florida Statutes*.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13<sup>TH</sup> DAY OF OCTOBER, 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:**

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Steve Williams, City Attorney

**CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER # 2020-04**

**APPROVAL OF A REQUEST BY SEASONS, INC. (WITH APPROVAL OF THE OWNER, CRYSTAL COVE MARKET SITE, LLC) BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 102, ARTICLES 8 AND 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “DEVELOPMENT AGREEMENT” AND “CONDITIONAL USE PERMITS” RESPECTIVELY, PROPOSING THE DEVELOPMENT OF TWENTY-SIX (26) TRANSIENT RESIDENCES (TWO & THREE BEDROOM) AND EIGHTEEN (18) ONE-BEDROOM HOTEL STYLE TRANSIENT UNITS WITH AMENITIES; SEEKING TO SEVER THE CONNECTION WITH THE CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT IDENTIFIED IN RESOLUTIONS 2019-55 AND 2016-72 (CRYSTAL COVE HOUSING PARTNERS, LP) IN FAVOR OF THE PROJECT AND AGREEMENTS PROPOSED HEREIN; FOR PROPERTY LOCATED AT 881 50<sup>TH</sup> STREET, GULF, MARATHON, FLORIDA, WHICH IS LEGALLY DESCRIBED AS LYING WITHIN TOWNSHIP 66S, SECTION 6, RANGE 32E; KEY VACA, MARATHON, FLORIDA; HAVING REAL ESTATE NUMBER 00327150-000100. NEAREST MILE MARKER 50 (49.75).**

**WHEREAS**, HTG Crystal Cove, LLLP (2016 Applicant) filed an Application on June 30, 2016 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Article 13 of the Code of Ordinances for the City of Marathon (“City Code”); and

**WHEREAS**, City staff reviewed the 2016 Applicant's request for a Conditional Use Permit and determined that the 2016 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**, the Council duly considered the 2016 Applicant’s request and made a determination that the 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 properties within the City of 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; and

**WHEREAS**, the City granted the Conditional Use Permit pursuant to Resolution 2016-71; and

**WHEREAS**, the City approved a Development Agreement (2016 Development Agreement) between the 2016 Applicant and the City pursuant to Resolution 2016-72 to allow the development of twenty-eight (28) RV Park RV sites, forty-six (46) workforce and affordable housing residential units (commonly known as the Residences at Crystal Cove), 7,700 square feet of commercial floor area, including an access road and utilities easement to service the development and operation of the workforce and affordable housing residential units, commercial floor area, and RV Park RV sites;

**WHEREAS**, Crystal Cove Housing Partners, LP (2019 Applicant) made application to the City to revise the Conditional Use Permit to document a change in ownership and minor changes in conditions relating to the construction of the affordable housing units; and

**WHEREAS**, the City revised the Conditional Use Permit pursuant to Resolution 2019-55 which approved DEVELOPMENT ORDER #2016-07 REVISED (Revised Conditional Use Permit) pursuant to the 2019 Applicant's request; and

**WHEREAS**, due to the development of the twenty-eight (28) transient residential units (RV Park RV Sites) the City Code requires the development of six (6) workforce and affordable housing units which was satisfied by the approval the forty-six (46) workforce and affordable housing units by the Conditional Use Permit, the Revised Conditional Use Permit, and the 2016 Development Agreement.

**WHEREAS**, Seasons, Inc. (2020 Applicant) has acquired or shall acquire a portion of the property, along with certain allocable development entitlements previously owned by the 2016 Applicant and the 2019 Applicant. The 2020 Applicant proposes to construct twenty-six (26) transient residential units, eighteen hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses on the area designated by the 2016 Development Agreement for development as RV Park RV sites, as further identified by the site plan attached to the Revised Conditional Use Permit; and

**WHEREAS**, The 2019 Applicant will continue to pursue the development of the currently approved construction of the forty-six (46) workforce and affordable housing residential units (commonly known as the Residences at Crystal Cove) on the property described in the 2016 Development Agreement and Revised Conditional Use Permit as Elevated Affordable Housing; and

**WHEREAS**, the purpose of this Amended Revised Development Order is to document a change in ownership; the replacement of the RV development with twenty-six (26) transient residential units, eighteen (18) hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses; and

**WHEREAS**, City staff reviewed the Applicant’s request for a Conditional Use Permit 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 14<sup>th</sup> 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 Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, and on the 11<sup>th</sup> day of August, 2020 and the 8<sup>th</sup> 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 properties within the City of 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 2020 Applicant will develop twenty-six (26) transient residential units, eighteen hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses on the area designated by the 2016 Development Agreement for development as RV Park RV sites (See Attached Site Plan as Attachment \_\_\_\_).
2. The affordable and workforce housing required by the City Code has been satisfied by the approval of the forty-six (46) workforce and affordable housing residential units (commonly known as the Residences at Crystal Cove) per the requirements of the Conditional Use Permit, the Revised Conditional Use Permit, and the 2016 Development Agreement.
3. On \_\_\_\_\_, the Technical Review Committee granted approval of the submitted Alternative Compliance Landscape Plan.
4. In accordance with Section 102.77 of the City Code, the Commission and Council considered and determined the 2020 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 Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
  - 5. 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;
  - 6. Off-street parking and loading areas where required, with particular attention to item 1 above;
  - 7. The noise, glare or odor effects of the conditional use on surrounding properties;
  - 8. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
  - 9. Utilities, with reference to location and availability;
  - 10. Screening and buffering with reference to type, dimensions and character;
  - 11. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
  - 12. Required yards and other open space;
  - 13. General compatibility with surrounding properties; and

**CONDITIONS IMPOSED:**

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

Conditions of Approval

- 1. The 2020 Applicant will develop twenty-six (26) transient residential units, eighteen hotel units, one thousand six hundred thirty-three (1,633) square feet of commercial floor area with associated storage area, twenty-eight (28) wet slips, swimming pool(s), a bath house, food truck service, and other accessory uses on the area designated by the 2016 Development Agreement for development as RV Park RV sites
- 2. Through this approval, the City acknowledges the independence of this project from Crystal Cove Housing Partners LP (Resolutions 2019-55 & 2016-72) and hereby approves an independent Conditional Use Permit and Development Agreement.
- 3. A final lighting plan must be submitted which meets or exceeds LDR requirements
- 4. A final parking schedule must be provided which meets or exceeds LDR requirements
- 5. An administrative setback variance is granted to allow a fifteen (15) foot setback from the mean high water line.
- 6. Where the project boundary buffer is reduced, thicker landscaping and screening is required pursuant to the Alternative Compliance Landscape Plan approved by the Technical Review Committee.
- 7. A final landscape plan must be submitted prior to permit issuance which meets or exceeds LDR requirements
- 8. Additional screening is to be created along the canal facing residential properties to the west. The criteria established in Section 107.66 F shall be applied to this area, the area facing neighboring residential development, and the boundary between this project and the affordable housing project with the additional height needed to screen headlights.

9. All dumpsters are to be screened per requirements established in the LDRs.
10. As required by Code the project shall provide a minimal number of bike racks.
11. All conditions imposed under fire safety code as presented by the Fire Marshall must be met prior to permit issuance.
12. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
13. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
14. The developer and the City shall enter into a Development Agreement which specifically identifies criteria for the final approval of the project proposed herein and separates the current project, Seasons, Inc from the Crystal Cove Market Site LLC
15. The applicant shall provide a NFP 303-compliant standpipe system for docks and one (1) hydrant to service project site in accordance with fire protection requirements as outlined by the City Fire Marshal;
16. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
17. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
18. The applicant shall connect project site to existing injection well and comply with the 25-year, 72-hour storm drainage requirements;
19. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;
20. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
21. Each transient residential unit shall comply with all hurricane evacuation requirements set forth for City transient uses.
22. Existing entitlements include thirty-four point four (34.4) transient residential units, one (1) market rate residential unit, and one thousand six hundred thirty-three (1,633) square feet of commercial development. If applicable, these entitlements may be utilized to complete the project as approved.
23. Fourteen (14) transferrable Transient Residential Units (TRU's) are required prior to the issuance of a Building Permit for the eighteen (18) until hotel building. The completed transfer shall comply with any applicable affordable and workforce housing requirements.
24. The approval of this Amended Revised Development Order does not modify the Revised Development Order with regard to the development of the forty-six (46) affordable residential units (commonly known as Residences at Crystal Cove) allocated for construction on the balance of the property. Except that ingress/egress and utilities will be located within an easement as depicted on the Conceptual Site Plan attached as Exhibit \_\_\_\_\_.
25. The criteria applicable to community workforce units required by the City Code shall be met.
26. The twenty-six (26) transient residential units may be sold as fee simple townhome units within a resort condominium property.
27. Twenty-eight (28) wet slips are allowed for the development. One dock slip is to be allocated for each transient residential unit and the remainder available to the hotel units. Live aboard vessels as defined in Chapter 110, Article 3 of the City Code shall not be permitted. However, nothing in this Agreement shall be construed to prohibit seasonal long-term boat mooring in the marina at the Crystal Bay Property.

**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 Community Affairs 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 Community Affairs. 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 Cle