

City Council Staff Report



Meeting Date: March 9, 2021
To: City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By Season's, Inc. For A Portion Of 50th Street Gulf, Which Is Described As Thompson And Adams Subdivision PB2-24, Gov Lot 1 Section 10, TWP 66S, Range 32E; And Pt Lots 5-6, Pt Of Lot 1 Overseas Hwy And Bay Bottom Adj To Lots 5-6, Chancery and Bk 1, Pt Of Lots 1 And 9, All Of Lots 10-11-12 And 13 Vaca Village PB2-106, Marathon, Monroe County, Florida, Having Real Estate Number 00327150-000100.

RECOMMENDATION:

The planning staff recommends conditional approval of the Seasons Inc preliminary plat proposing seven individual lots for single family residences.

Planning Commission recommend approval (2-1) of the Conditional Use for a Plat to City Council.

The proposed conditions follow:

Conditions of Approval

- ~~1. A final lighting plan must be submitted which meets or exceeds LDR requirements~~
- ~~2. A final parking schedule must be provided which meets or exceeds LDR requirements~~
- ~~3. A final landscape plan must be submitted prior to permit issuance which meets or exceeds LDR requirements~~
- ~~4. 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.~~
- ~~5. All dumpsters are to be screened per requirements established in the LDRs.~~
- ~~6. As required by Code the project shall provide a minimal number of bike racks.~~
- ~~7. All conditions imposed under fire safety code as presented by the Fire Marshall must be met prior to permit issuance.~~
- ~~8. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.~~
9. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.

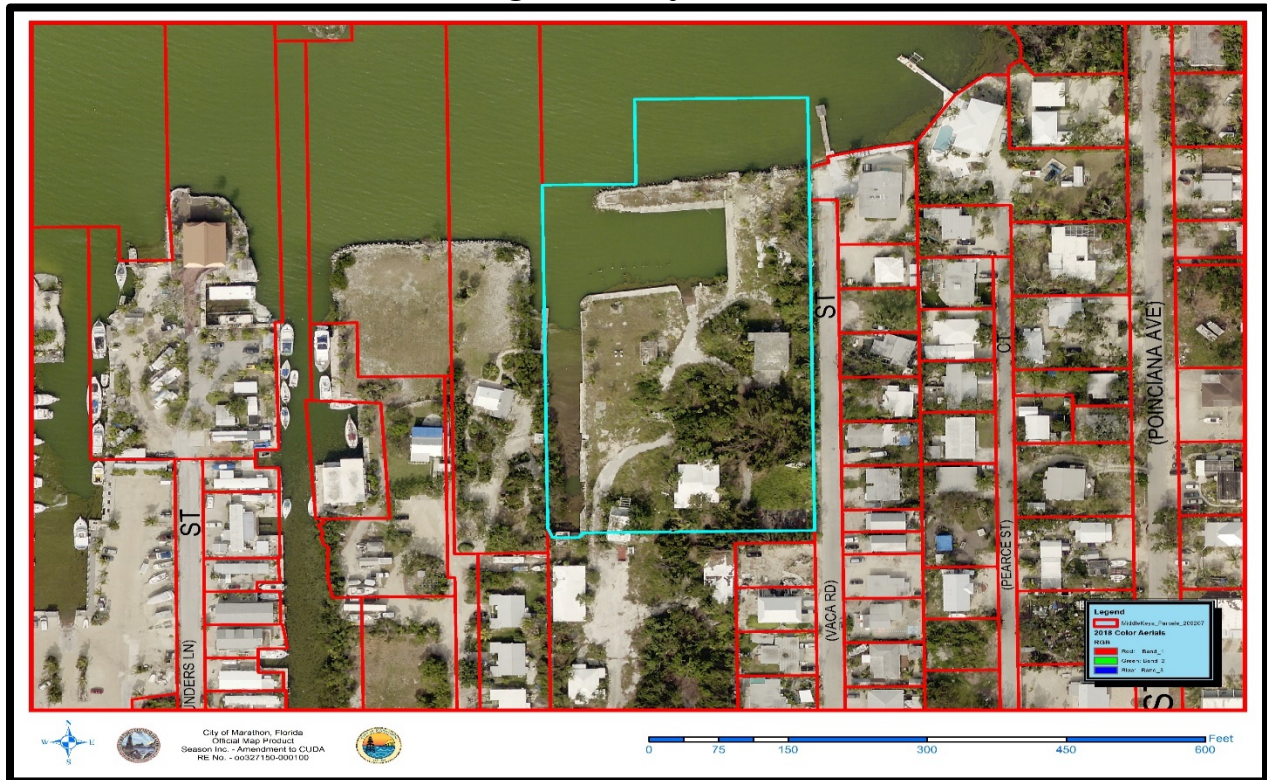
10. The developer and the City shall enter into a Development Agreement which specifically identifies criteria for the final approval of the project proposed herein and separates the current project, Seasons, Inc from the Crystal Cove Market Site LLC
11. The applicant shall provide a fire hydrant on 50th St. in accordance with fire protection requirements as outlined by the City Fire Marshal;
12. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
13. 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;
14. The applicant shall ~~connect project site to existing injection well and~~ comply with the 25-year, 72-hour storm drainage requirements;
15. 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;

APPLICANT/ OWNER: Season's Inc.

AGENT: Season's Inc. / Mike Aranda Sr. & Jr.

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

Figure 1 - Project Site



LOT SIZE:

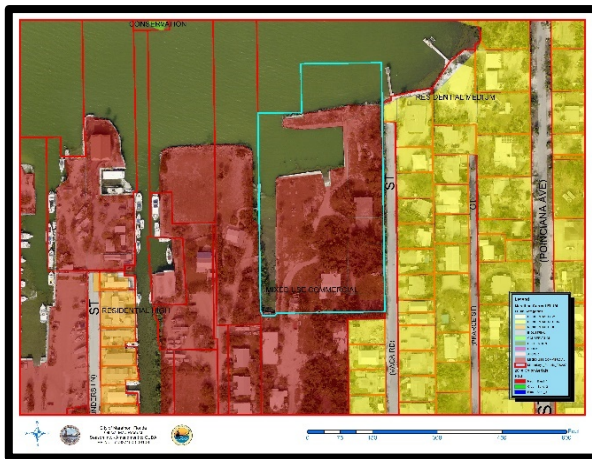
Total acreage	4.15 Acres (Ac.)	180,774 Square Feet (Sq. Ft.)
Upland	2.71 Ac.	117,893 Sq. Ft.
Submerged	1.44 Ac.	62,726 Sq. Ft.

REQUEST: A Conditional Use Permit to authorize the preliminary plat of the parcel into seven lots for single family residences.

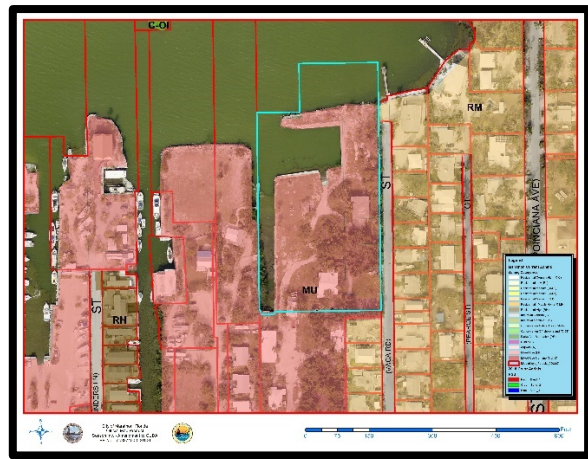
FUTURE LAND USE AND ZONING MAP DESIGNATIONS:

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

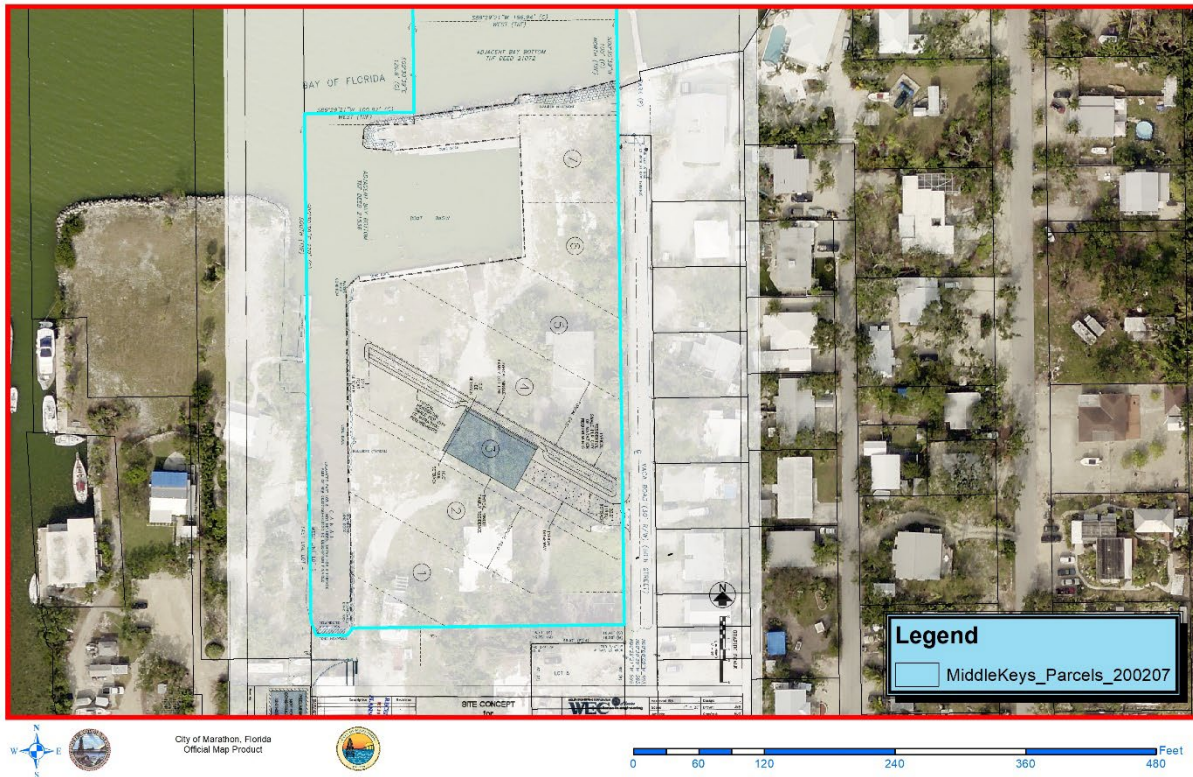
EXISTING CONDITIONS:

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 seven single family homes on individually platted lots. 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 has approved a redevelopment plan for the property that proposed a workforce housing community (46 units) and 28 Recreational Vehicles (RV) sites in an RV Park located adjacent to the open water (Resolutions 2016-71 & 2016-72). In 2020, City Council has approved a redevelopment plan for the property that proposed twenty-six (26) transient residences (two & three bedroom) and eighteen (18) one-bedroom hotel style transient units with amenities (Resolutions 2020-82 & 2020-83). Construction has commenced on 3.68 acres slated originally for workforce affordable multi-family housing.

This application requests approval to subdivide the parcel into seven parcels. The hotel project will be abandoned towards ultimate approval of this project proposal. See **Figures 4 and 5**.

Figure 4
Original Project Boundaries



Figure 5
Original Project Site Plan



Upon approval and final adoption of the plat, the development agreement for the transient development may be rescinded.

All condition of the Conditional Use approval will have to be met before any building permit will be approved.

VALUATION 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 proposed plat consisting of seven single family lots within the Mixed Use Zoning District.

a. 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 plat allows for the development of homes consistent with the rest of the street.

b. Policy 1-1.1.3 Protect Residential Neighborhood Character

The proposed platted lots are consistent with the character of the neighborhood. The shift to residential uses is more consistent with the neighboring residential uses.

c. 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 1-3.2.7 Restrict Density and Intensity of Development

The residential density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The project proposes a reduction in density by subdividing the lot into seven single family residence parcels. The smallest parcel (6) meets the minimum 7260 density requirement.

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

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.

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

The existing transient development rights may be transferred off through the TBR process. The applicant will have to obtain the residential building rights either through the TBR process or must obtain them through the BPAS process.

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. In addition, the applicant also has credits for TBR transfers regarding affordable housing based upon previously approved development agreements and conditional uses.

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. Residential uses are 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 previously approved for the hotel site.

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 applicant is proposing to subdivide into 7 single family lots. 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. Each proposed lot will have to maintain the 20% open space on site per open space ratios in the LDR requirements table 103.15.2.

d. Section 107.00 Building Permit Allocation System

As mentioned previously the applicant will have to obtain residential allocations through the BPAS or the TBR process. Historically this applicant tends to purchase TBRs on the open market and transfers them from over dense sites to vacant sites for development.

e. Section 107.47 Parking

Two (2) parking spaces are required per single family residence.

f. Section 107.40 Maximum Height

Previously the elevation drawings for all buildings demonstrated 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. Code states that one canopy tree is required for every 50 feet of linear street frontage.

h. Section 107.73 – 107.81 Open Space

The required open space ratio for this site is 20% or .46 acres. Each individual proposed lot will have to maintain the 20% open space requirement.

i. 107.82 – 107.85 Fences & Screening

Residential fences are allowed to be 4' tall within the first 15' from the front property line and may be 6' tall after that. This is a reduction in height than what would have been previously allowed for commercial uses, but is consistent with code.

j. 107.98 – 107.102.5 Stormwater Management

The Stormwater Management Plan provided demonstrates compliance with this requirement. Some minor modification to the individual lot swales may be required to ensure all runoff is directed to the swales.

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 finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood 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 previously approved RV Park component was separated from the rest of the development and is now being proposed to be platted into seven single family lots.

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 Plats and subdivisions are permitted only when 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.

Development Type	Proposed Density & Intensity	Area Used
Transient units	0	0
Residential Units		
Market Rate	7	50,820
Affordable	0	0
Commercial Floor Area		
The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing	0	0
Total		50,820 Sq. Ft.
Total Property		100,188 Sq. Ft.

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.

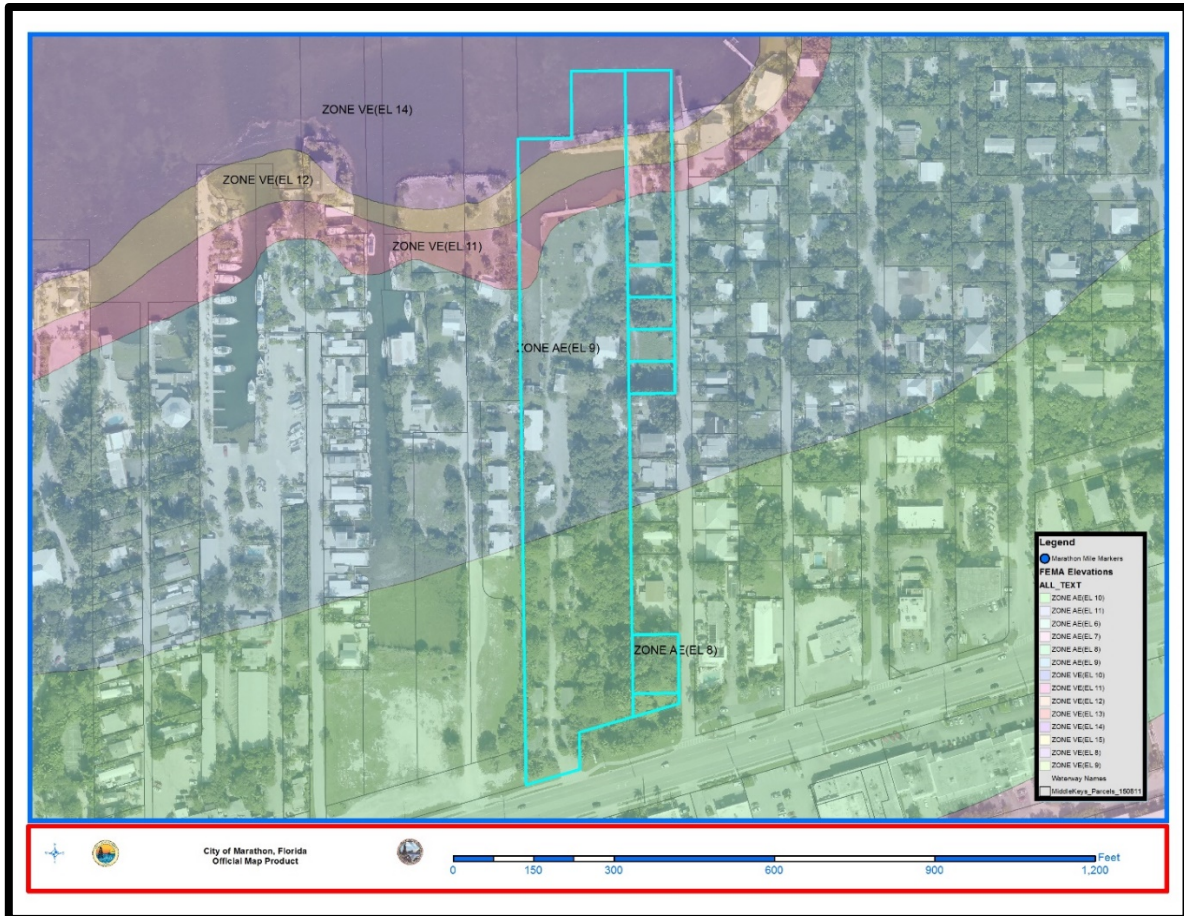
Therefore, the request is ***in compliance*** with the requirements of these sections.

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.

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 previously 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 ITE Trip generation manual actually shows that single family residences will generate less trips and be nearly identical to the previously approved RV park trips. 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. VS Season's, Inc.								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Approved RV Park								
RV Sites	28 Sites	86	2	4	6	5	3	8
Sub Total		86						
Approved Hotel Resort								
Transient Residential Units	26 Units	116						
Transient Hotel Units	18 Rooms	150						
Sub Total		266	10	7	17	10	10	20
Proposed detached single family								
Single Family	7 Units	67	2	4	6	5	3	8
Difference (Proposed – Approved)		-180	-8	-3	-11	-5	-7	-12

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.

- The applicant shall provide a fire hydrant on 50th St. in accordance with fire protection requirements as outlined by the City Fire Marshal.

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

Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	14	14
Total			14	14

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.

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

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

As single-family lots, not dumpsters are required.

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

5. Utilities, with reference to location and availability;

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

- Wastewater: 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.

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 50th Street to the East. As such one canopy tree must be provided per 50 linear feet of street frontage.

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 30’ setback on the front yard, 10’ setback on the western side and 15’ on the eastern side yard, and 20’ rear yard setback.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30	Streetscape Type 3 req.	30’	Y
Sides	0-10	NA	10’	Y
Rear from MHWL	20	NA	20’	Y

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

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;

No signs are proposed for the single family residences.

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

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. The individually proposed lots will have to maintain a 20% 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 previously approved transient site into seven single family residential lots. Adjacent uses include 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.

In addition to other requirements of the LDRs and pursuant to Table 103.15.1, all residential dwelling units, except mobile homes, shall comply with the following:

- A. Two (2) side yards are required for stacked duplexes.
- B. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- C. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- D. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- E. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- F. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

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 staff recommended conditional approval of the project known as Season's Inc to the Planning Commission.

Planning Commission recommend approval (2-1) of the Conditional Use for a Plat to City Council.

Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant shall provide a fire hydrant on 50th St. in accordance with fire protection requirements as outlined by the City Fire Marshal;
3. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
4. 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;
5. The applicant shall comply with the 25- year, 72-hour storm drainage requirements;
6. Two (2) side yards are required for stacked duplexes.
7. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
8. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
9. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
10. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
11. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
12. 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;

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

Per code streets, internal park and open space areas, recreation space, protected habitat areas requiring conservation easements may all be the basis for density reductions in the platted lot area if they are included in the overall density calculations for the subdivision and subsequent plat. Such reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document. Equally, if lot area reductions are allowed as part of the subdivision and platting process, the plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations. The applicant is proposing no such reductions.

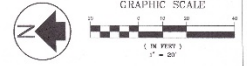
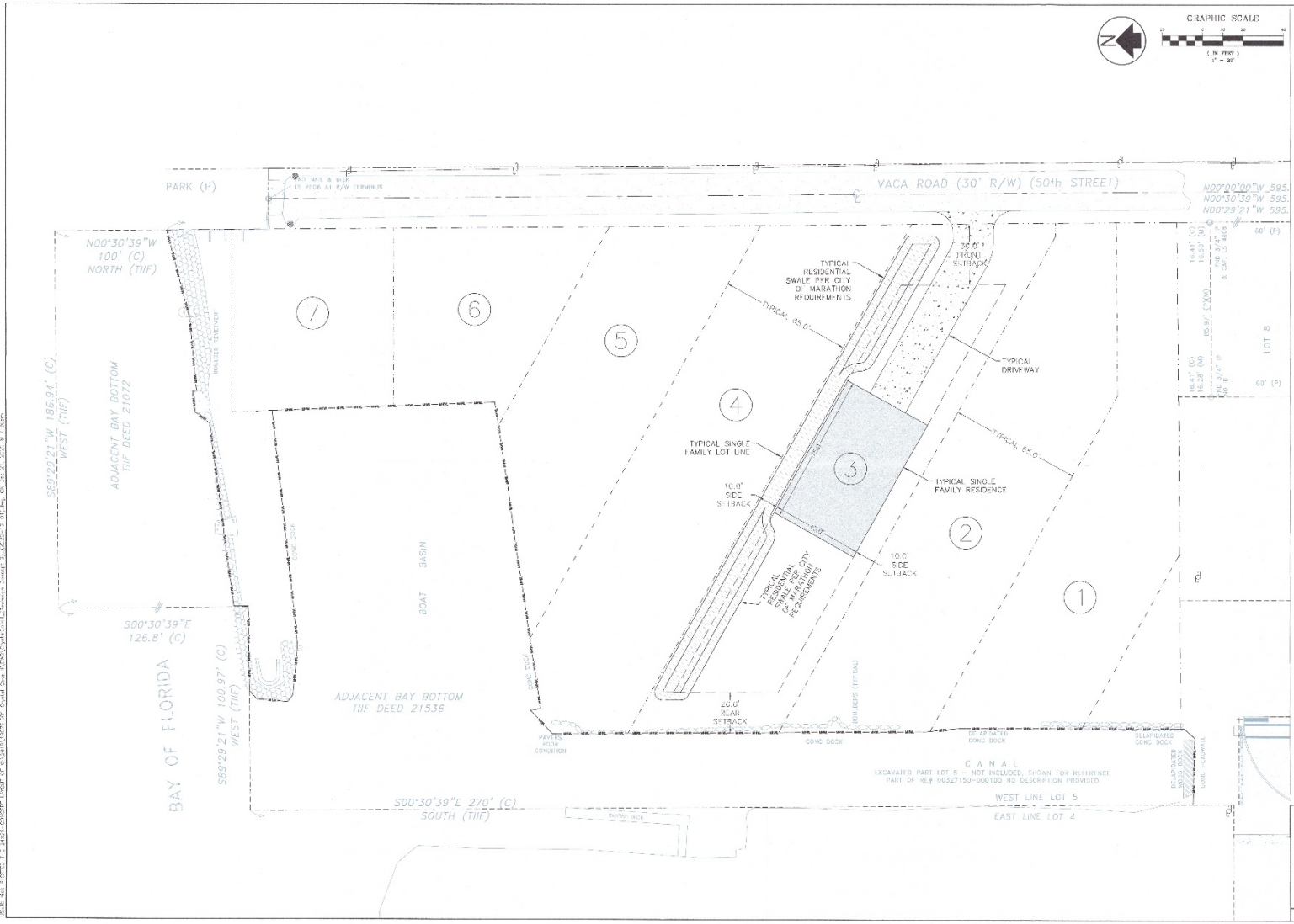
RECOMMENDATION:

With the following conditions, the Planning staff recommends approval of the proposed final plat.

Conditions:

1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained as part of building permit process.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. Reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document.
5. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations.
6. All conditions of the Conditional Use must be met prior to building permit issuance.

PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION



<p>W.H. CHANCE IN ENGINEERING 201 W. WARDON AVE., SUITE 1300 PINTA CORN, FLORIDA 33950 941.995.1700 PR 49856</p>		<p>Drawn By: _____ Scale: 1" = 20' Job No: _____ Date: _____ Date: _____</p>
<p>SITE CONCEPT for LATITUDE 24, MARATHON, FLORIDA</p>		<p>RECEIVED Oct 18 2021 PLANNING</p>
<p>PRELIMINARY NOT FOR CONSTRUCTION 12-21-2020</p>		<p>Sheet No. EX-100</p>

PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION

Sponsor: George Garrett
City Council Public Hearing Date: March 9, 2021
April 13, 2021
Enactment Date:

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY SEASON'S, INC. FOR A PORTION OF 50TH STREET GULF, WHICH IS DESCRIBED AS THOMPSON AND ADAMS SUBDIVISION PB2-24, GOV LOT 1 SECTION 10, TWP 66S, RANGE 32E; AND PT LOTS 5-6, PT OF LOT 1 OVERSEAS HWY AND BAY BOTTOM ADJ TO LOTS 5-6, CHANCERY AND BK 1, PT OF LOTS 1 AND 9, ALL OF LOTS 10-11-12 AND 13 VACA VILLAGE PB2-106, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00327150-000100.

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 the previous Amended Revised Development Order (2020-04) was 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, the purpose of the current Development Order (2021-02) is to approve a conditional use for the platting of the property into seven single family lots; 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 16th day of February, 2021, 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 9th day of March, 2021, 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 2021-02, 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 9TH DAY OF MARCH, 2021.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, 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:**

Steve Williams, City Attorney

**ATTACHMENT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2021-02**

APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY SEASON’S, INC. FOR A PORTION OF 50TH STREET GULF, WHICH IS DESCRIBED AS THOMPSON AND ADAMS SUBDIVISION PB2-24, GOV LOT 1 SECTION 10, TWP 66S, RANGE 32E; AND PT LOTS 5-6, PT OF LOT 1 OVERSEAS HWY AND BAY BOTTOM ADJ TO LOTS 5-6, CHANCERY AND BK 1, PT OF LOTS 1 AND 9, ALL OF LOTS 10-11-12 AND 13 VACA VILLAGE PB2-106, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00327150-000100.

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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

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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.

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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 the previous Amended Revised Development Order (2020-04) was 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, the purpose of the current Development Order (2021-02) is to approve a conditional use for the platting of the property into seven single family lots; 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 16th day of February, 2021, 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 9th day of March, 2021, 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

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FINDINGS OF FACT:

1. The applicant will develop subdivide the parcel through the platting process into single family residence lots with the following determinations:
2. In accordance with Section 102.77 of the City Code, the Commission and Council considered and determined the Applicant met the following criteria:
 - a. The proposed use is consistent with the Comprehensive Plan and LDRs;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public; and
 - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
3. 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;
4. Off-street parking and loading areas where required, with particular attention to item 1 above;
5. The noise, glare or odor effects of the conditional use on surrounding properties;
6. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
7. Utilities, with reference to location and availability;
8. Screening and buffering with reference to type, dimensions and character;
9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
10. Required yards and other open space;

11. General compatibility with surrounding properties; and

CONDITIONS IMPOSED:

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

Conditions of Approval

1. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant shall provide a fire hydrant on 50th St. in accordance with fire protection requirements as outlined by the City Fire Marshal;
3. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
4. 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;
5. The applicant shall comply with the 25- year, 72-hour storm drainage requirements;
6. Two (2) side yards are required for stacked duplexes.
7. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
8. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
9. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
10. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
11. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
12. 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;

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

Brian Shea
Director of Planning

This Development Order was filed in the Office of the City Clerk of this ____ day of _____, 2021.

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.

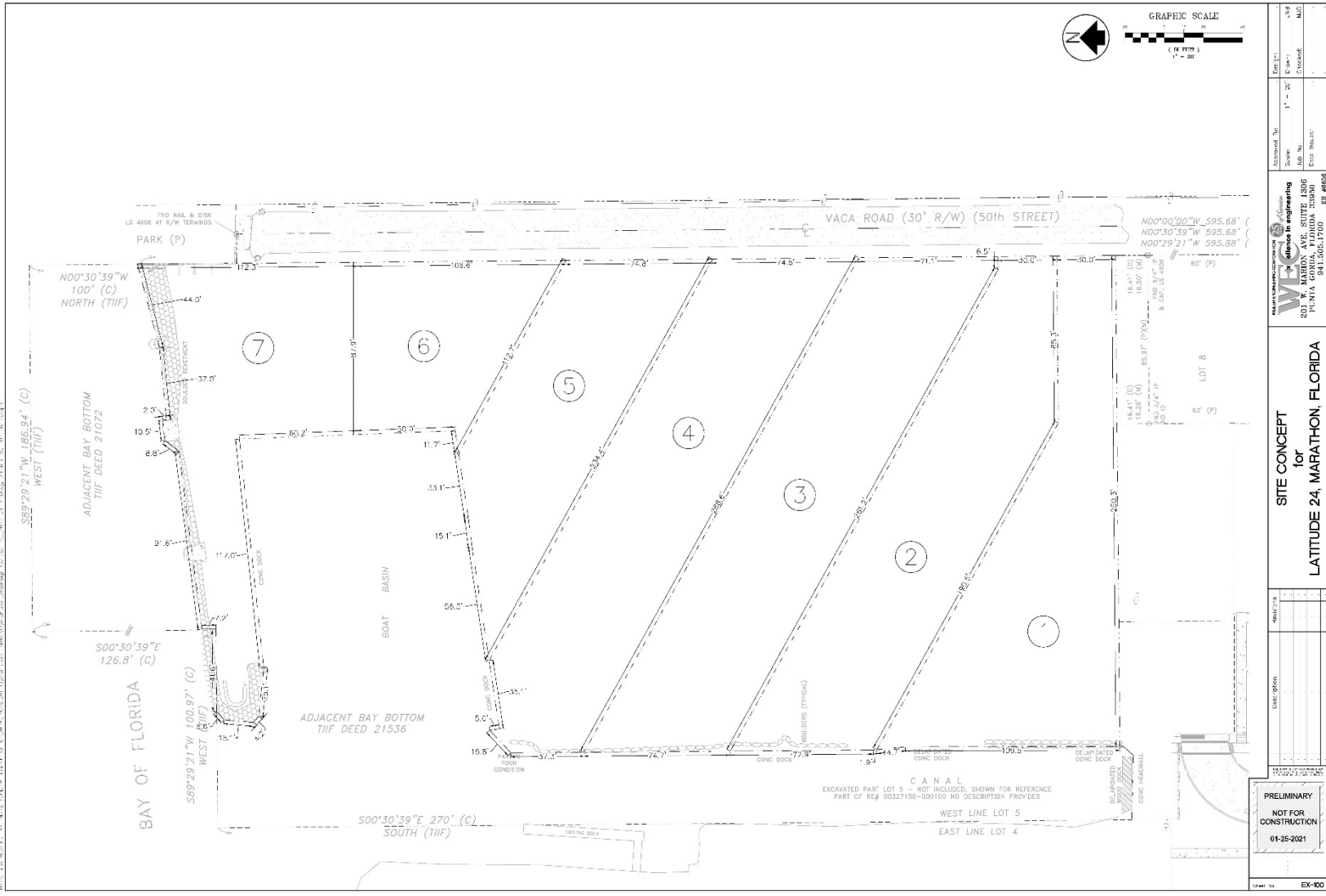
CERTIFICATE OF SERVICE

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 _____, 2021.

Diane Clavier City Clerk

EXHIBIT 1. APPROVED PRELIMINARY PLAT

PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION - PRELIMINARY - NOT FOR CONSTRUCTION



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