

CITY COUNCIL AGENDA STATEMENT



Meeting Date: August 10, 2021
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-56**, A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By Seaglass LLC For 770 107th Street Ocean, Which Is Described As Part of Government Lot 1, Section 6, Township 66, Range 33 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00104250-000000.

RECOMMENDATION:

The planning staff recommends conditional approval of the Seaglass LLC preliminary plat proposing four individual lots for single family residences. The proposed conditions follow:

Conditions of Approval

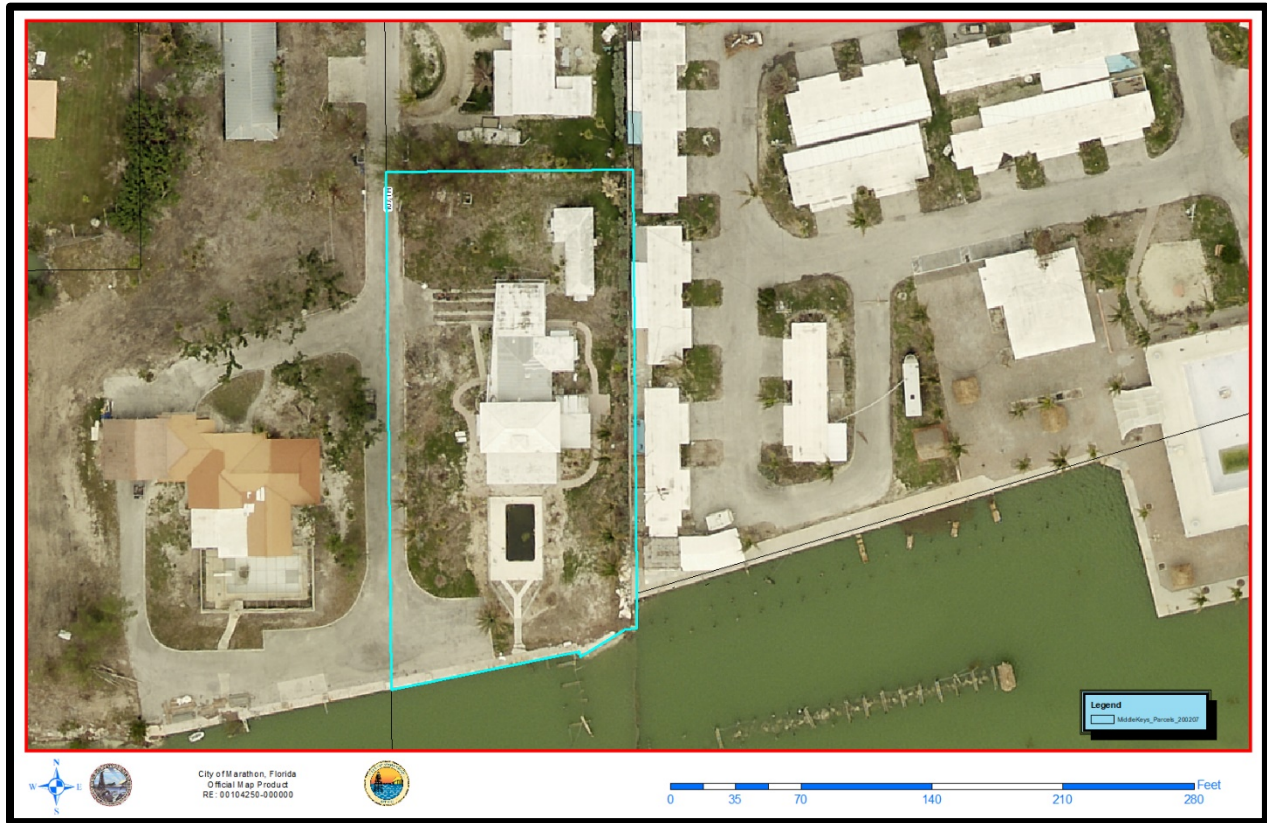
1. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system and the proposed turn around will meet a B40 templet for access of fire units.
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 will provide the required number of parking spaces per the LDRs
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. 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: Seaglass LLC

AGENT: Barbara Mitchell

LOCATION: The project site is located at 770 107TH St, Marathon – Nearest Mile Marker 52.5. **See Figure 1.**

Figure 1
Project Site



LOT SIZE:

Total acreage 0.78 Acres (Ac.) 33,977 Square Feet (Sq. Ft.)

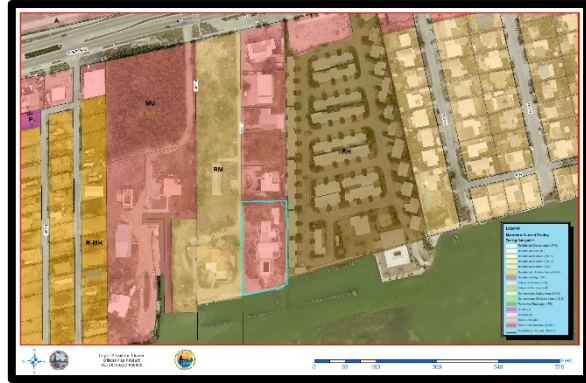
REQUEST: A Conditional Use Permit to authorize the preliminary plat of the residential parcel into four lots for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS:

Mixed Use (MU) and Mixed-Use Commercial (MU-C) 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	Mixed Use	Multifamily less than 10 units
East	Residential High	Ocean Isles Fishing Village
South	N/A	Ocean
West	Residential Medium	Multifamily less than 10 units

EXISTING CONDITIONS:

Currently, the site has two single-family homes that are ground level and sustained significant damage as a result of recent hurricanes. A demolition permit has been requested to remove the structures. **Figure 3.**

Figure 3

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 four single family lots within the Mixed-Use Zoning District.

a. Objective 1-1.1. Protect Community Character

The parcel proposed for subdivision is designated Mixed Use. It is located near the eastern end of the airport on the oceanside. The neighborhood is densely developed in a manner consistent with the community character of the City, meaning there are commercial businesses along the highway and residential uses towards the waterfront. In 1963 two single-family homes were constructed on this parcel. The proposed subdivision plat will not increase the density that is currently allowable. There is sufficient density to support four single family market rate homes. Neither a Comprehensive Plan or Zoning change is needed or requested.

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

This project proposes to redevelop a residential site. Currently, the site has two single-family homes that are ground level and sustained significant damage as a result of recent hurricanes. A demolition permit has been requested to remove the structures. The site is designated as “Developed” on the city habitat maps.

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

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

The adjacent residential homes are buffered by the proposed trees and hedge plantings planned for the perimeter of the property. Residential homes to the east are buffered by an existing concrete block wall and coconut palms. The Landscape Plan specifies plant material sufficient to buffer adjacent properties in excess of that required by the Land Development Regulations

The proposed platted lots are consistent with the character of the neighborhood.

d. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential neighborhood. The proposed subdivision consists of two oceanfront lots and two dry interior lots. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot. Improvements to the water quality are proposed with the removal of aging concrete and dock materials and replacing with dockage up to current Building Code standards.

e. Objective 1-2.1 Levels of Service

The parcel is considered developed and is currently serviced by public infrastructure. There is electricity, water, and sanitary sewer to this parcel. The FKAA, FKEC, and City utility and public works departments have been contacted as part of the application process, Letter of Coordination have been requested.

f. 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 permitting in addition to residential uses including transient, permanent, affordable and/or commercial apartments as well as single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

g. Policy 1-3.2.5 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.

h. 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 submitted plat proposes a density equivalent to 5 market rate units per acre.

i. Policy 1-3.3.1 a, d. General Redevelopment Criteria

The site was previously developed with no environmentally sensitive lands or habitat. The area adjacent to the shoreline will be renovated to remove the existing damaged dock and pilings

damaged. A new facility will be constructed for use of the homeowners. As shown on the submitted plans, each upland lot will have a deeded dock lot.

j. Policy 1-3.3.2 Removal of Hazard Structures

The development will remove two aging, ground level concrete residences that were constructed in the early 1960's. These structures were significantly damaged during recent hurricanes. They will be replaced with new elevated, Code compliant homes.

k. Policy 1-3.4.1 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities and Policy 1-3.5.16 Program for Transfer of Density and Building Rights

The redevelopment plan includes using four existing market rate building rights. Two of these rights are already associated with the parent parcel as there were two dwelling units on the site. The additional two rights have been identified, purchased, and are pending transfer to the new lots upon approval of the final plat and the allocation of a new Property Real Estate Number(s).

l. Policy 4-1.3.6 Protect, Stabilize and Enhance Shoreline

The shoreline shall be stabilized with the construction of a new seawall and dock facility. Included in the plan set is a Sketch prepared by Glen Moe and Associates demonstrating the proposed dock replacement. At the time of building permit submission, the proposed landscaping shall include the installation of native plant material along the upland side of the dock to help stabilize this area. The intended plant material is upland/salt tolerant material characteristically found along Florida coastlines.

2. **Consistent with City Land Development Regulations:**

a. Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of uses and activities. Market Rate permanent residential housing is permitted.

b. Table 103.15.1 Uses By Zoning District – Mixed Use (MU)

This redevelopment is consistent with Table 103.15.1, uses by Zoning District. A Plat of Subdivision requires a Conditional Use Permit Application, as contained herein.

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

The subject project site contains 34,687 square feet of upland. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district. For residential uses, the units per acre is (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, a subdivision of one parcel into four lots, will exceed the minimum lot size of 7,260 square feet required for market rate development, the equivalent density is approximately five units per acre. Based upon the use the proposed density is within Code requirements.

d. Section 107.00. Building Permit Allocation System (BPAS)

New BPAS allocation will not be required for this project. Existing transferrable building rights have been acquired and transfer is pending approval of the Final Plat and the allocation of the Real Estate Number.

e. Section 107.47 Parking

Two parking spaces are to be provided for each single-family home as required by City Code. Compliance shall be demonstrated as part of the Building Permit applications.

f. Section 107.40 Maximum Height

This application is for approval of a four-lot subdivision for single-family homes. The plans for these homes have not been developed at this time.

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.

g. Sections 107.63 – 107.72 Landscaping

The landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits. Pursuant to Residential High zoning district, a Medium landscape buffer is required on the east property line.

A reduced buffer is requested along this property line to accommodate the Lots 3 and 4 access easements to the docks. An existing concrete wall and coconuts palms will provide additional buffering. North of the site is zoned Mixed Use, requires no landscaping buffer. The property to the west is in the process of a rezoning review to a zoning designation of Mixed Use at which point a buffer will not be required.

h. Sections 107.73 – 107.81 Open Space

The required open space ratio for this site is 20% of the 0.823-acre parcel or 6,937 square feet. Upon approval of the Plat of Subdivision, each lot will be required to provide 20% open space. The following Table provides a summary, numbers are in square feet:

Lot #	Gross Lot Area	Buildable Area	Dedicated Easements	Open Space Area	Open Space %
1	9,001	4,554	1,055	3,392	37.7%
2	8,270	4,150	1,413	2,707	32.7%

3	8,141	3,537	2,185	2,419	29.7%
4	8,284	4,444	750	3,090	37.3%

The proposed open space ratios are *in compliance* with the requirements of these sections.

i. Sections 107.82 – 107.85 Fences and Screening

There is an existing concrete wall along the eastern property line. This will remain.

j. Sections 107.87 – 107.97 Stormwater Management

Complete stormwater plans have not been developed for each proposed plat.

- The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.

k. Sections 107.98 – 107.102.5 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE8 to VE13. Review of the proposed FEMA FIRM maps indicate more of the site will be located in the VE10 zone. 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.

- The applicant will meet all floodplain-related requirements as part of the Building Permit process;

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

The Future Land Use designation for this area is Mixed Use indicating a mixed pattern of residential and commercial development. This parcel has been developed with residential uses since the 1960’s. The proposed per acre density is less than six units per acre and is consistent with the Land Development Code and the Comprehensive Plan.

The parcels surrounding proposed single-family residential community are or are in the process of being developed with residential uses. Immediately to the east are a series of multi-family residences currently under construction. To the west, are single family homes. The property to the north is a duplex. To the south are the Straits of Florida. This project will minimize impacts to the surrounding properties. Landscape buffers are proposed along the perimeter of the original parcel. It is anticipated the Plat of Subdivision will conform to 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.” 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 the parcel.

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

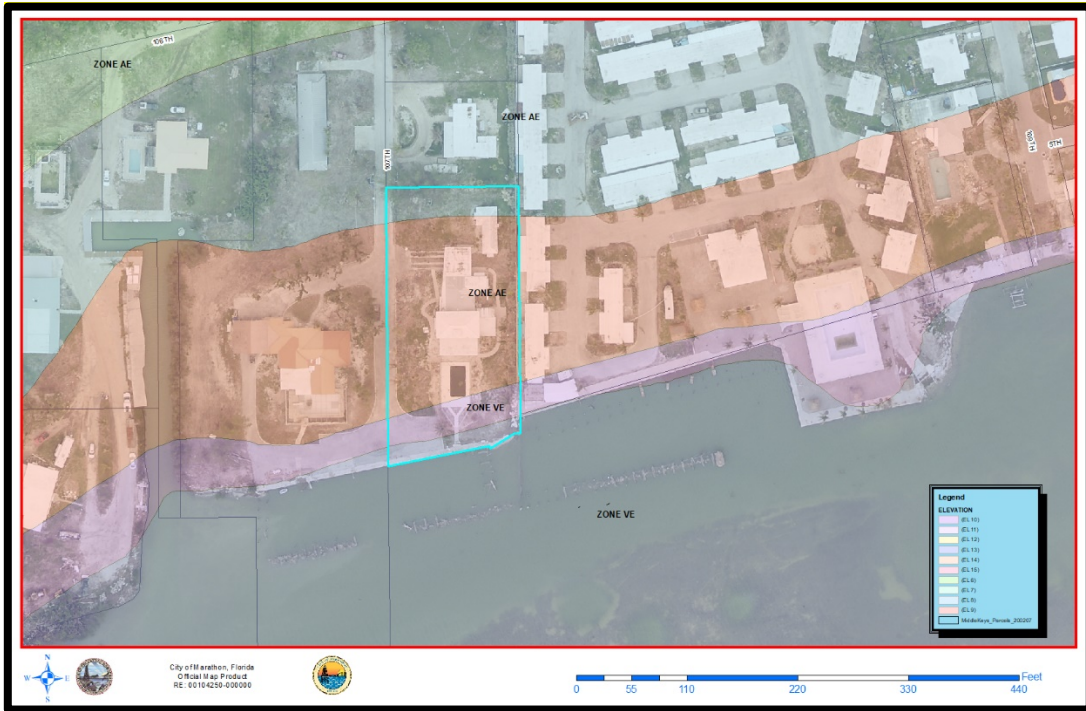
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed redevelopment will re-establish residential use on the waterfront property. The new buildings will be built in compliance with all applicable City Building Codes. The proposal will add a stormwater system, install native landscape buffers, and repair a dilapidated dock. 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. Final review of floodplain compliance will occur as part of building permit issuance.

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

**Figure 5
Flood Zones**



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 project has been designed to minimize environmental impacts in accordance with Chapter 106 Natural and Historic Resources Protection. In summary, the site is scarified. 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. Pursuant to Article 2, Section 106.03 of the City Land Development Regulations, an Environmental Resource Assessment was not required.

There are no wetlands on this site. The proposed stormwater management system shall retain water generated from rain events on site. The shoreline is considered altered with an existing seawall. Upland planting along the shoreline with salt tolerant, native plants are proposed to enhance this area.

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 prepared by KBP Consulting Inc. was submitted with the application. As documented in this study, US 1 has the reserve capacity to accommodate the additional vehicular trips anticipated with this project. Based upon the analysis performed, the project is not expected to adversely impact the operational characteristics of the US 1.

Provisions have been made as part of the subdivision layout to address fire access. A standpipe system is proposed for the new dock area.

- The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system. The turnaround must meet a B40 templet for access of fire units.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Detached Housing	2 DU	19	0	1	1	1	1	2
Sub-Total		19	0	1	1	1	1	2
<i>Proposed</i>								
Single-Family Detached Housing	4 DU	37	1	2	3	3	1	4
Sub-Total		37	1	2	3	3	1	4
Difference (Proposed - Existing)		18	1	1	2	2	0	2

Compiled by: KBP Consulting, Inc. (May 2021).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition).

The proposed development of four single-family residential units is projected to generate 37 daily vehicle trips, three (3) AM peak hour vehicle trips and four (4) PM peak hour vehicle trips. The existing development includes two single family residential units that generate 19 daily vehicle trips, one (1) AM peak hour vehicle trips and two (2) PM peak hour trips. The proposed development program results in 18 net new daily vehicle trips, two (2) net new vehicle trips in the AM peak hour, and two (2) net new vehicle trips in the PM peak hour. The projected increase in vehicle trips is considered to be minimal.

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

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

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

- The applicant will provide 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;

The Plat of Subdivision proposes an internal road for collection of garbage, recycling, and other services. As single-family lots, no 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.

The application is working with 765 107th applicant to address utilities on the street. They will coordinate with the Utilities Department on any upgrades.

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 east by properties zoned RH, where a landscape buffer is required.

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 20’ setback on the front yard, and 20’ rear yard setbacks. Side setbacks on all lots are 5’ to 15’. Water buffers are 20’.

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits.

Pursuant to Residential High zoning district, a Medium landscape buffer is required on the east property line. A reduced buffer is requested along this property line to accommodate the Lots 3 and 4 access easements to the docks. An existing concrete wall and coconuts palms will remain for additional buffering. North of the site is zoned Mixed Use, no buffer required. The property to the west is in the process of a rezoning review to a zoning designation of Mixed Use at which point a buffer will not be required. TRC review can be done to allow for reduced landscape buffers.

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

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

A signage program has not been developed at this time. Interior directional signs shall be proposed as needed.

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

8. Required yards and other open space;

The required setbacks in the MU district range from 0 to 30’. As illustrated on the Conceptual site plan, the proposed setbacks of this development are consistent with this standard. The open space ratio for the proposed lots exceeds the required 20%. The proposed open space ratios are compliant with City Code requirements.

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

9. General compatibility with surrounding properties; and

The proposed redevelopment into four single-family residential lots. The surrounding neighborhood is mixed with single-family and multi-family residential uses as well as commercial enterprises. Adjacent uses are residential. A redevelopment of the existing use is expected to be

fully compatible with these uses. The scale and layout of the proposed lots are consistent with the City Code.

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. The design of the residential dwelling units will comply with Section 104.48 - Residential Dwelling Units including the provision of outdoor recreational areas and required patios and or balconies.

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 Seaglass Subdivision to the Planning Commission.

Planning Commission recommended conditional approval of the project known as Seaglass Subdivision to City Council (4-0).

Conditions of Approval

Prior to the issuance of a building permit:

8. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
9. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
10. The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system and the proposed turn around will meet a B40 templet for access of fire units.

11. 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;
12. The applicant will provide the required number of parking spaces per the LDRs
13. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
14. 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.

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. All conditions of the Conditional Use must be met prior to building permit issuance.



CITY OF MARATHON CODE REQUIREMENTS AND COMPLIANCE

RESIDENTIAL MEDIUM BUFFER REQUIRED ALONG THE EASTERN PROPERTY LINE.
 MIXED USE TO RESIDENTIAL HIGH ZONING
 50% OF BUFFER REQUIRED DUE AS IS CONSISTENT WITH RECENT REDEVELOPMENT BY ADJACENT PROPERTY OWNER
 LOT 2: 105 +/- LINEAR FEET REQUIRED @ 50% =
 CANOPY TREES REQUIRED: 1, UNDERSTORY TREES REQUIRED: 1, SHRUBS REQUIRED: 8
 LOT 4: 125 +/- LINEAR FEET @ 50% =
 CANOPY TREES REQUIRED: 1, UNDERSTORY TREES REQUIRED: 1, NON-DECIDUOUS TREES REQUIRED: 1, SHRUBS REQUIRED: 10

RESIDENTIAL HIGH BUFFER REQUIRED ALONG WESTERN PROPERTY LINE.
 THE PROPERTY ADJACENT TO THE WEST HAS REQUESTED A ZONING CHANGE TO MIXED USE. IF GRANTED NO BUFFER WOULD BE REQUIRED.

NO BUFFER IS REQUIRED ALONG THE NORTHERN PROPERTY LINE AS THE ZONING IS MIXED USE AND THE EXISTING USES ARE RESIDENTIAL.

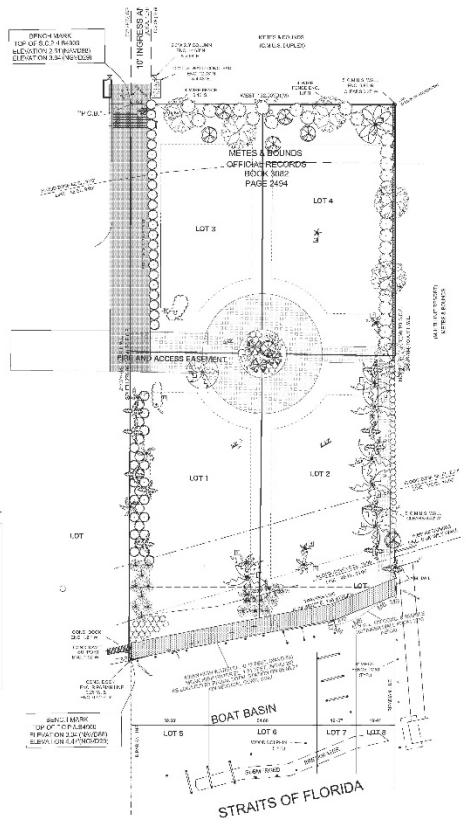
NATIVE AND NON-INVASIVE TREES/PALMS TO REMAIN

TREE/SHOT NUMBER	TREE TYPE	TRUNK DIAMETER	SPREAD RADIUS
1	CANARY PALM	22"	12'
2	THATCH PALM (TRUNK)	7"	5'
3	CANARY PALM	1"	3'
4	THATCH PALM (TAIN)	4"	3'
5	COCONUT PALM	12"	12'
6	COCONUT PALM	10"	10'
7	COCONUT PALM	8"	12'
8	COCONUT PALM	8"	12'
9	COCONUT PALM	8"	12'
10	JUMBO LIMBO	6"	3'
11	THATCH PALM	3"	5'
12	THATCH PALM	4"	2'
13	DESHER PALM	24"	11'
14	NONWOOD	18"	VARIES
15	RED BERRY QUAG	4"x4"	LEARNING N. 12'
16	SABA PALM	7"	8'

GENERAL NOTES:
 1. THIS LANDSCAPE PLAN IS CONCEPTUAL. FINAL LANDSCAPE PLANS WILL BE SUBMITTED PENDING THE DESIGN AND DEVELOPMENT OF THE SINGLE-FAMILY HOMES. COMPLIANCE WITH ALL BUFFER REQUIREMENTS WILL BE DEMONSTRATED AT THAT TIME.

PLANT LEGEND

	EXISTING PALM/TREE PER SURVEY		PROPOSED PALM
	PROPOSED TREES		PROPOSED SHRUBS



MASTER CONCEPTUAL LANDSCAPE PLAN

SCALE: 1" = 20'

SEAGLASS LLC
 770 107TH STREET
 MARATHON, FL

Mitchell Planning & Design, Inc.
 4500 SW 7th Terrace
 Ocala, Florida 34471
 mitchellplanningdesign@gmail.com

Revised:
 05/08/21

Date: 05/27/21
 State: FL
 Title: Z-168-001
 Drawn: Ray Cusick
 Sheet: LC-01

Sponsor: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-56**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY SEAGLASS LLC. FOR 770 107TH STREET OCEAN, WHICH IS DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 6, TOWNSHIP 66, RANGE 33E, KEY VACA, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00104250-000000. NEAREST MILE MARKER 52.5

WHEREAS, Seaglass LLC (Applicant) filed an Application on May 3, 2021 for a Conditional Use Permit for approval of a primary plat and site plan for the property into four (4) single residential pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined 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, the Council duly considered the 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, on the 19th day of July, 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 10th day of August, 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 2021-07, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Seaglass LLC., 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 10TH DAY OF AUGUST, 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 # 2021-07**

**APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR
A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY SEAGLASS
LLC. FOR 770 107TH STREET OCEAN, WHICH IS DESCRIBED AS PART
OF GOVERNMENT LOT 1, SECTION 6, TOWNSHIP 66, RANGE 33E,
KEY VACA, MARATHON, MONROE COUNTY, FLORIDA, HAVING
REAL ESTATE NUMBER 00104250-000000.**

WHEREAS, Seaglass LLC filed an Application on May 3, 2021 for a Conditional Use Permit and Plat pursuant to Chapter 102, Articles 10 and 13 of the Code of Ordinances for the City of Marathon (“City Code”); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined 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, the Council duly considered the 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, 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 19th day of July, 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 10th day of August, 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,

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 comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system and the proposed turn around will meet a B40 templet for access of fire units;
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. The Conditional Use Development Order will constitute the Certificate of Concurrence 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

