

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 14th, 2021

To: Honorable Mayor and Council Members

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-72**, Consideration Of A Request A Conditional Use Permit And A Development Agreement, For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” And “Conditional Use Permits” Respectively For The Development Of A Hotel; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Resolution, Nearest Mile Marker 57.

APPLICANT/OWNER: Floridian Holdings LLC

AGENT: Bart Smith, Smith Hawks

LOCATION: The project site is located at and adjacent to US1 And Banana Boulevard nearest mile marker 57. See Figure 1.



Figure 1

REQUEST: A Conditional Use Approval and Development Agreement for redevelopment of the subject property having the real estate numbers 00099750-000000, 00099760-000000, 00099760-000100, 00099760-000200, 00099760-000300, 00099760-000400, 00099760-000500, 00358250-000000, 00358260-000000, 00358270-000000, 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358440-000000, 00358450-000000, 00358460-000000, 00358470-000000, 00358480-000000, 00358490-000000, 00358500-000000, 00358510-000000, 00358520-000000, 00358530-000000, 00358540-000000, 00358550-000000, 00358560-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, 00358610-000000, 00358620-000000, 00358630-000000, 00358640-000000, 00358650-000000, 00358660-000000, 00358661-000000, 00358710-000000, 00358720-000000, 00358730-000000, 00358740-000000, 00358750-000000, 00358760-000000, 00358770-000000, 00358780-000000, 00358790-000000, 00358800-000000, 00358810-000000, 00358820-000000, 00358830-000000, 00358840-000000, 00358850-000000, 00358851-000000, 00358860-000000, 00358870-000000, 00358880-000000, 00358890-000000, 00358900-000000, 00358910-000000, 00358910-000100, 00358930-000000, 00358940-000000, 00358950-000000, 00358960-000000, 00358970-000000, 00358980-000000, 00358990-000000, 00358990-000200, 00359000-000000, 00359601-000000, 00359602-000000, 00359602-000100, 00360220-000200, 00360220-000400, 00360220-000500, 00360220-000700, 00360220-000800, 00360220-000900, 00360220-001000, 00360220-001100, 00360220-001200, 00360220-004400, 00360220-004500, 00360220-004600, 00360220-004700, 00360220-004800, 00360220-004900, 00360220-005000, 00360220-005200, 00360220-005300, 00360220-005400, 00360220-005500, 00360220-005600, 00360220-005700, 00360220-005800, 00360220-005900, & 00358670-000000.

FUTURE LAND USE MAP DESIGNATION:

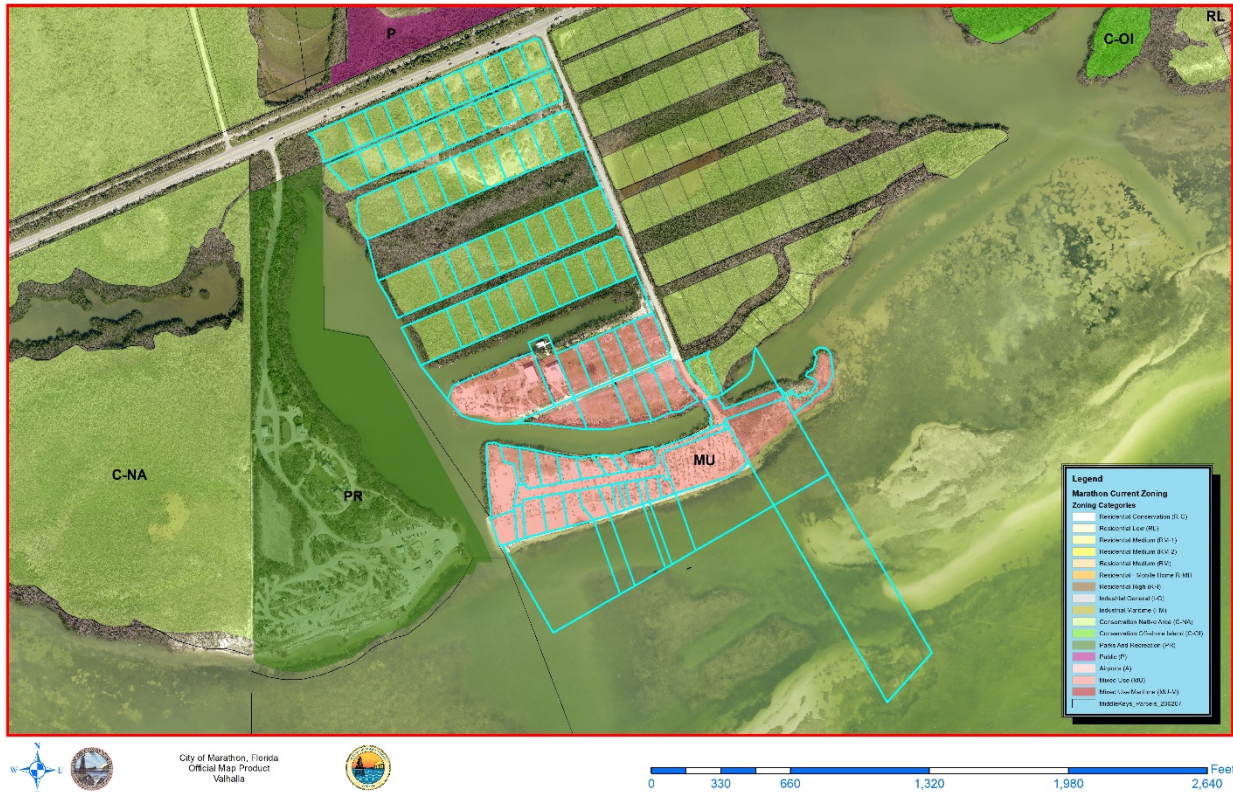
Mixed Use Commercial (MU-C) and Conservation (C). See Figure 2.



ZONING MAP DESIGNATION:

Mixed Use (MU) and Conservation Native Area (C-NA). See Figure 3.

**Figure 3
Zoning Map**



LOT SIZE:

Total acreage: approximately 52 acres or 2,265,120 square feet, approximately 18.89 acres currently zoned MU or 823,026 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Public (P)	Fire Training Academy, Morgue, FKEC Relay Station
East	Conservation Native Area (CNA)	Vacant
South	Conservation Native Area (CNA) and Mixed Use (MU)	Single Family and previously developed MU parcels

West	Parks and Recreation (PR) Conservation Native Area (CNA)	Curry Hammock State Park
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EXISTING CONDITIONS:

Ecstasy subdivision was platted in 1948 and Valhalla Island was platted in 1959. The Valhalla subdivision had some development in 1959, and the Ecstasy subdivision was developed with transient uses in 1982 and with the out parcel as a single-family residence in 1993. The City previously abandoned Ocean Drive, and an easement was created for the parcels to access Banana Boulevard.

PROPOSED REDEVELOPMENT:

Transient Units:	110 Units
Hotel/Amenity Commercial Floor Area which includes back of house support, food and beverage, arrival, housekeeping, etc.:	64,554 square feet

**Figure 4
Proposed Redevelopment Site Plan (US1 Portion)**



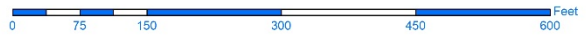
City of Marathon, Florida
Official Map Product
Valhalla



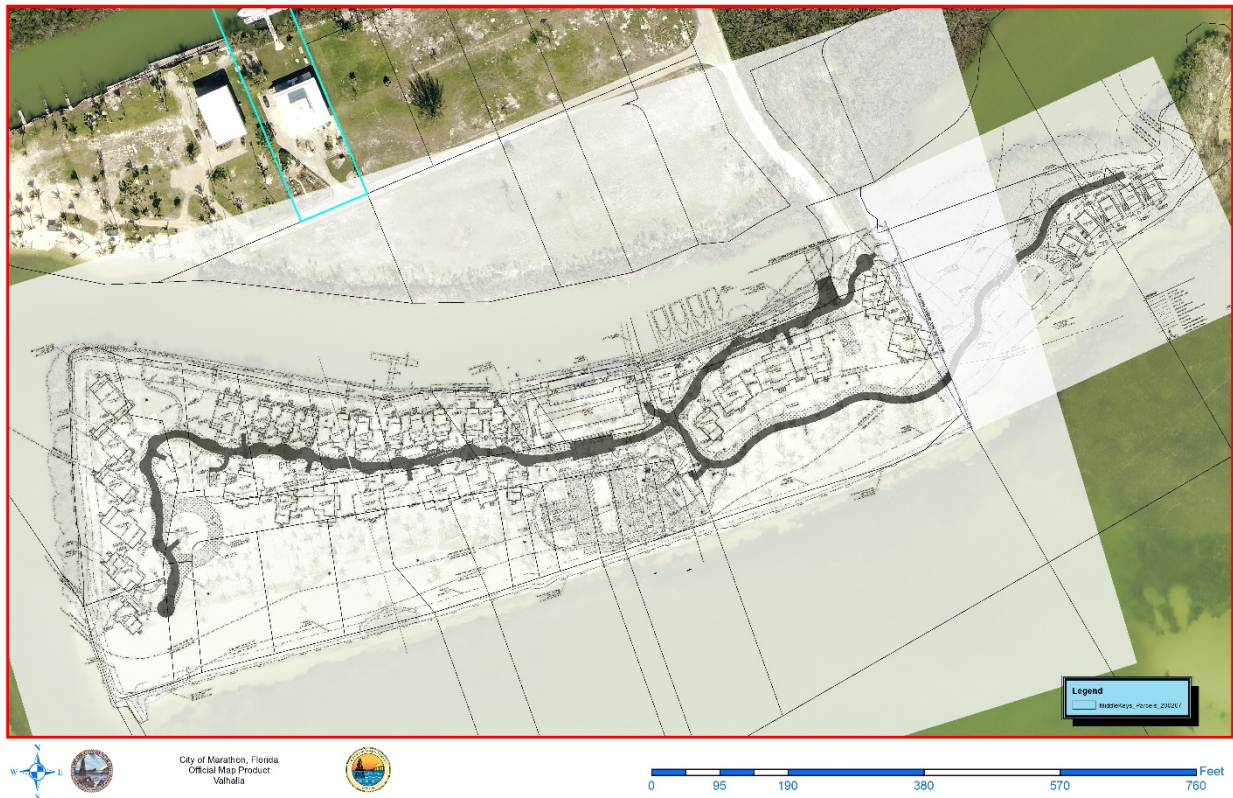
Figure 5
Proposed Redevelopment Site Plan (Ecstasy Portion)



City of Marathon, Florida
Official Map Product
Valhalla



**Figure 6
Proposed Redevelopment Site Plan (Valhalla Portion)**



BACKGROUND:

The proposed project is a redevelopment of the subject property to include the construction of new transient units, restaurant, spa, tennis court, and ancillary structures in the Mixed-Use zoning classification. This report addresses the Conditional Use application, and review is provided and conditioned based upon the recommended changes to FLUM and zoning. **All conditions of the Conditional Use approval will have to be met before any building permit will be approved.**

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

A. The proposed use is consistent with the Comprehensive Plan and LDRs;

The proposed redevelopment project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is

designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large”.

The proposed project consists of the redevelopment and expansion of a previously existing commercial use and is consistent with the Mixed-Use Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Hotel/Motel/Resort lodging uses are allowed as Conditional Uses in the MU district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Using the property area, the proposed uses only require 54% of the site. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use. For the purposes of review Commercial Recreation, the strictest FAR was used to assess the commercial square footage on the site as a whole. Even using this strictest criteria, the proposed project is compliant.

Development Type	Proposed
Transient Units	110
Commercial FAR	64,554 square feet

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

- Approval of Conditional Use is contingent upon rezoning approval of CNA area to be used for parking, registration, and support facilities for the proposed hotel development.

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

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed use development patterns within the City.” The proposed project includes a redevelopment of an existing conditional use (Hotel, Motel, Resort) into a larger version of said conditional use (Hotel, Motel, Resort), which is consistent with the Mixed-Use classification.

The existing land use pattern in the project vicinity consists of mangroves in conservation land to the east, Atlantic Ocean to the south, Fire Academy, Morgue, FKEC Relay Station and mangroves to the north, and Curry Hammock and conservation land to the west.

There exists a single out parcel within the proposed development area that consists of a single-family residence. The out parcel is zoned the same as the rest of the development, so a vegetative buffer is not required. However, the Applicant proposes a vegetative buffer along the side property lines of the out parcel.

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

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

- Approval of Conditional Use is contingent upon change in FLUM designation of Conservation area to be used for parking, registration, and support facilities for the proposed hotel development

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

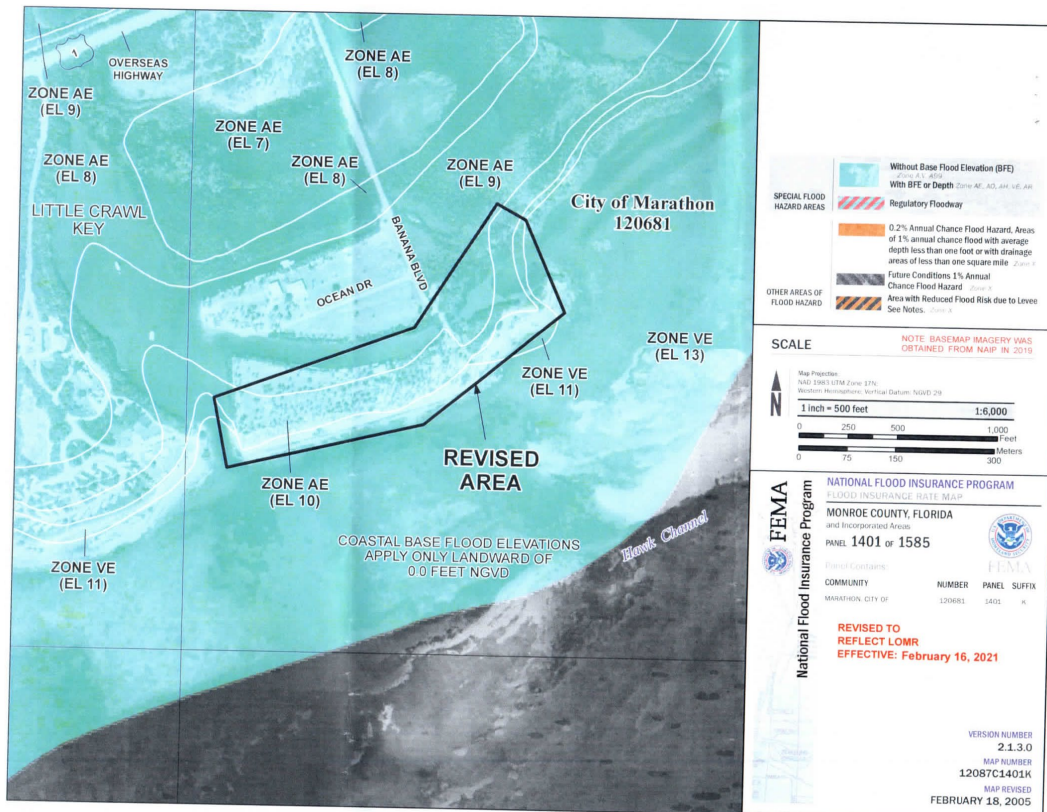
The proposed use is a redevelopment and expansion of a previously existing use which has not had any known impact on the health, safety, and welfare of the public. No new adverse impacts are expected to arise with the redevelopment. The infrastructure on the site will be upgraded and the site heavily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

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Two structures are shown to not be flood compliant, however this can be easily rectified during permitting. Final review of floodplain compliance will occur as part of building permit issuance. It should be noted that the property went through the Letter of Map Revision (LOMR) process, and the LOMR 20-04-4546P-120681 became effective as of February 16, 2021.

**Figure 7
Flood Maps**



Figure 8
LOMR



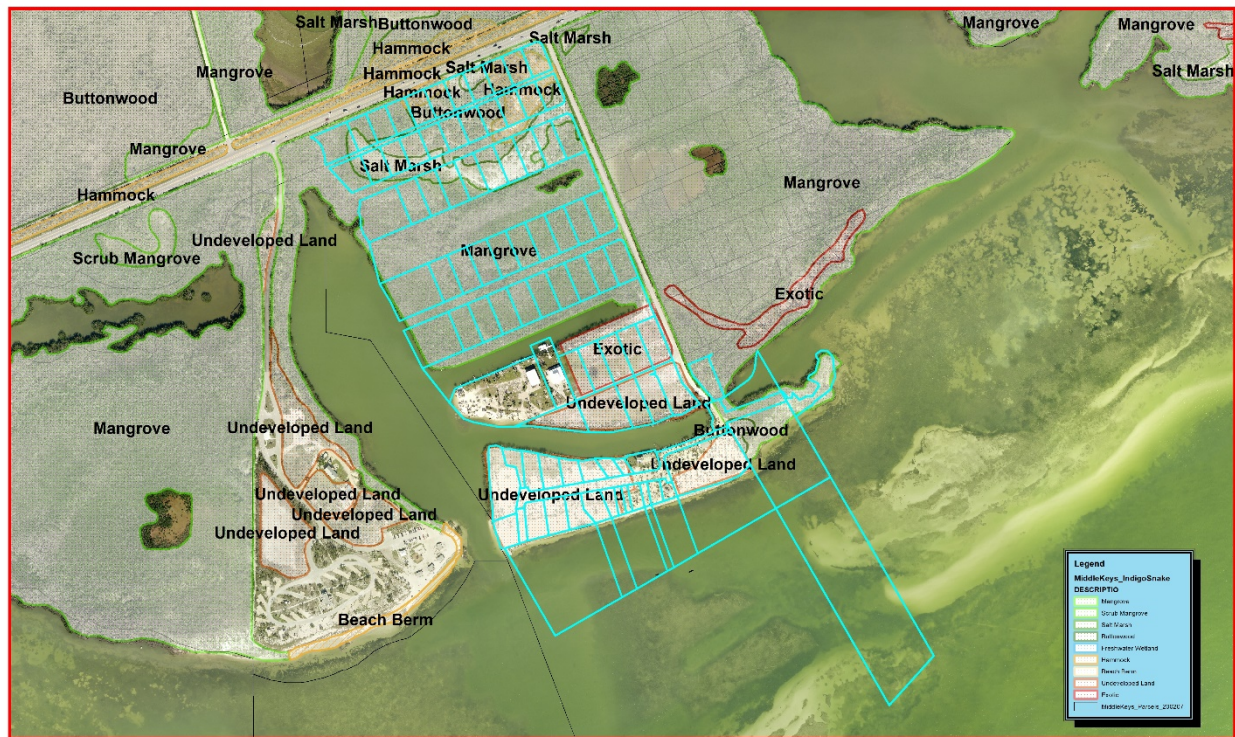
Therefore, the request is ***in compliance*** with the requirements of these sections.

D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as developed. A site inspection showed most of the site is scarified with existing buildings. A portion of the property is recognized as possible habitat for a state or federally listed animal species, Stock Island Tree Snail, Tree Cactus and Eastern Indigo Snake. Figure 9 shows all the habitat types that exist in relation to the listed species. The portion of the property closest to US1 and subject to the rezoning and FLUM changes contains uplands, disturbed wetlands, and wetlands. The site plan shows that the proposed parking and back of house facilities will be located out of the undisturbed wetlands. However, portions are shown within areas delineated as disturbed wetlands. Wetland mitigation will then be required for these areas, including outside agency approvals prior to permit issuance.

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

**Figure 9
Species Focus Area Habitat**



Further improvements to water quality are expected to arise from stormwater improvements to the

site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

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

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

- Staff requires that upon planning review, if the redevelopment is found to have any effect on the Habitat of the Eastern Indigo Snake, Stock Island Tree Snail, or Tree Cactus, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- Applications and approvals must be submitted prior to permit issuance for all external agencies, including but not limited to Army Corps of Engineers (ACOE), Department of Environmental Protection (DEP), South Florida Water Management District (SFWMD).

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

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

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

Table 1 Valhalla Trip Generation Analysis Marathon, Florida											
Land Use	Size	Daily Trips	AM Peak Hour Trips			Mid-Day Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total	In	Out	Total
<i>Proposed</i> Resort Hotel ¹	110 Rooms	453	25	10	35	28	27	55	19	26	45

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

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

¹ *Trip generation based upon ITE Land Use #330 - Resort Hotel with exception of daily calculations. Due to absence of daily trip generation data for the resort hotel land use, the daily trip generation calculations are based upon ITE Land Use #311 - All Suites Hotel.*

Ingress and egress to the property is being provided through Banana Boulevard onto US1 as well

as an access driveway onto US1. The trip generation analysis of the Valhalla development shows that the project is anticipated to generate 453 daily vehicle trips, 35 AM peak hour vehicle trips (25 inbound and 10 outbound), 55 midday peak hour vehicle trips (28 inbound and 27 outbound) and 45 vehicle trips during the PM peak hour (19 inbound and 26 outbound).

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

All NFPA codes will have to be met for all structures on site. This is including fire hydrant locations and proper flow requirements for buildings on the property including fire sprinkler systems, access to all buildings for fire apparatus and rescue vehicles. The land bridge is proposed for removal from the island, and as such the access will be provided by a free-standing bridge. The free-standing bridge will be required to support the weight of the City’s fire apparatus for access to structures located on the island.

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

- Clear sight triangles must be shown on the site plan at time of building permit issuance.
- Any landscaping in the DOT ROW will require permits from FDOT.
- All conditions of the Fire Marshal must be met prior to permit issuance.

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

Parking requirements are outlined in Section 107.46 (Parking Schedule). The following table shows the parking requirement for the commercial uses on the parcel:

Uses	Minimum Parking Spaces Required
Spa, gym, or fitness center	3 per 1,000 sq ft GFA
Hotel or Motel	1 per every 3 employees, plus 1 per guest room, required parking for accessory uses
Restaurant	1 per 3 seats, plus required stacking spaces, plus 1 per every 2 employees on the largest shift

Section 107.50 allows for the reduction in the numbers of required parking spaces, which have different peak hour demands. As with previous projects of a similar nature, restaurant and spa guests are primarily guests of the hotel.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. Of the 163 proposed spaces, 7 handicapped spaces are required, and 5 are shown on the plans. The two additional ADA spaces must be shown on the plans prior to permit issuance. Parking space sizes are 9’ x 18’ for 90-degree parking, and handicapped spaces are 12’ x 21’ as required by Code. The proposed site plan is consistent with the code requirements for parking and

aisle width.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional, and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The final site plan must show a minimum of 16 bicycle parking spaces.

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

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

The proposed project consists of redevelopment of a previously existing commercial use. New lighting will be necessary for this project. The applicant has provided a typical lighting plan which conforms to the City of Marathon LDR's. A more detailed lighting plan must be submitted for permitting purposes. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses. The addition of the dense landscape buffering around the site will reduce the noise, odor, and glare.

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

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

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

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The site plan indicates that the dumpsters are screened.

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The applicant is currently working with the Utilities department to accommodate the wastewater needs and assess any additional impacts and wastewater fees.
- Water: The Florida Keys Aqueduct Authority currently provides potable water for the facility. Staff recommends a separate meter for irrigation, landscaping, and pool.
- Solid Waste: Marathon Garbage Service currently provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.

- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space as the applicant is planning to utilize open space areas for trails and recreation.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities as transient uses have little use of schools.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- The City recommends a separate meter for irrigation, landscaping, and pool.
- There is no objection from the City to proposing a private vacuum sewer system to service the site.
- The applicant will finalize anticipated sewer flow based on site plan and proposed usage.
- City to provide pump specifications for lift stations upstream of the project.
- City to provide available capacity at the wastewater treatment plant.
- City to provide operating pressures at tie in location (typically 35-40 psi).
- Upsizing the forcemain from 2” to 4” will be required for approximately 5200LF from the site continuing north/east along Overseas Highway

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 North by properties zoned C-NA. Therefore, a High buffer type is required. The preliminary landscape plans show that this buffer is maintained. The final landscape plans must be approved by the City Biologist.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed landscape plan exceeds the minimum requirements. According to the Code, four canopy trees shall be planted in and about access points. In addition, smaller accent trees shall be planted every 120 feet and staggered midway between the large canopy trees. Additionally, all parking not located to the rear of buildings shall be screened from the right-of-way by a landscaped buffer along US1, including a continuous hedge or combination hedge and earth berm providing a three-foot high visual screen within two (2) years of planting.

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

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

mangrove fringe.

This plan shows an approximate 125' setback on the front yard, 10' setback on the western side, and 10' setback on the eastern side and 20' setback from the altered shoreline, measured from MHWL or mangrove fringe.

Setback	Required	Required Landscape	Proposed	Compliant
Front	30	10	125	Y
East Side	10	N/A	10	Y
West Side	10	N/A	10	Y
Shoreline	20	N/A	20*	Y

*Some structures have stairs shown within the 20' setback, the stairs/structures will need to be shifted to meet the setback prior to permit issuance.

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

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

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

A review of sign requirements at this stage in development approval is not necessary. Signs for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted along with final landscaping plans and will include verification from the landscape architect that all provisions of the article are met.

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- A final lighting plan must be submitted prior to building permit issuance.
- A final landscaping plan must be submitted prior to building permit issuance.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The majority of the site is scarified; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant, 497,890.8 square feet of pervious area (including landscape area), or 43.9% of the site, is provided as open space. This exceeds the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is a redevelopment of a previously existing use. Adjacent uses include a residential use, conservation lands, public uses, and a State Park. A redevelopment and expansion of the hotel 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 the majority of buildings are under 42'; however, the lodge building is shown to be 54'4" tall. The building types A & B are 27'11", building type C is 31'4", building type D is 29'1", building type E is 33'4", building type F is 37'9", building type G is 36'3", building type H is 32'10", building type I is 54'4", building type J is 33'3", and building type K is 28'4". However, the portions of the structure that go above the 42' are uninhabitable decorative elements, which are an exception according to the 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.

Section 104.25 Hotels or Motels contains special requirements.

A. General Provisions:

1. Reserved.

2. Each hotel or motel shall comply with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and other transient uses.

3. Each hotel or motel shall establish and maintain shuttle transport services to airports and tourist attraction individually or in conjunction with other hotel or motel operators.

4. Except as provided in Subsection (a), all hotel or motels shall provide on- or off-site employee housing living space in an amount equal to a minimum of 20 percent (as may be adjusted from time to time by Council policy to reflect economic conditions) of the approved floor area in guest units; and such housing shall be of any of the following types as outlined in (b) below:

(a) An exception to the requirement for on- or off-site employee housing living space for hotel/motel redevelopment may be recommended by the Planning Director, the Planning Commission, and approved by the City Council as part of a conditional use and/or development agreement when the following criteria are met:

1. No increase in the number of hotel/motel transient units (unit as described in Subsection 104.25A.5. of the LDRs) if existing hotel/motel unit density is non-conforming as defined in Chapter 108, Article 3 of the LDRs and as specifically outlined in Section 108.12 of the LDRs;

2. No use of transferable building rights (TBRs) (as described specifically in Subsection 107.14B. of the LDRs);

3. No significant change (+ or - 10%) in the current project floor area (Floor area as defined in Chapter 110, Article 3 of the LDRs);

4. No significant difference between the current and proposed uses of floor

area;

5. No effort to move units off-site through TBRs as part of the proposed project, though they may be documented and preserved for future use; and

6. No significant change or increase in the size or type of project site amenities.

(b) Housing types:

1. Dormitory;

2. Studio; or

3. One (1) or two (2) bedroom units.

5. All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.

The applicant has submitted applications for TBRs of transient rights from three properties. Two of the said properties have existing structures that can be used for affordable housing upon receipt of the affordable allocations. These amount to 4,654 and 3,677 square feet, respectively. The applicant must provide housing totaling at least 13,630.6 square feet. Therefore, the applicant will have to construct an additional 5,299.6 square feet of affordable housing, which can be applied for on the third property mentioned above.

The following criteria are applicable to this redevelopment:

- There is no parking for boats/trailers on the property and it is not planned. Should that change, the applicant must provide boat trailer parking off site.
- The Applicant must obtain and transfer all needed transient and affordable housing units, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT DOES NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.**
- As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
- Applicant shall comply with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and other transient uses.
- Applicant shall establish and maintain shuttle transport services to airports and tourist attraction individually or in conjunction with other hotel or motel operators.
- Applicant shall provide on- or off-site employee housing living space in an amount equal to a minimum of 20 percent (as may be adjusted from time to time by Council policy to reflect economic conditions) of the approved floor area in guest units.
- All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.
- The Conditional Use Development Order will constitute the Certificate of Concurrency

for the project. The determination will be valid for one year.

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

CONCLUSION:

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community.

The proposed redevelopment consists of the replacement and enhancement of a long standing existing commercial use. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

Planning staff recommended that the Planning Commission forward a recommendation of conditional approval of the Motel/Hotel/Resort to the City Council. Planning Commission voted 4-1 to recommend Denial of the project to City Council. Planning staff is still recommending approval with conditions. City Council recommended approval 5-0 but added that all of the items should return at the same second hearing. The proposed conditions of approval are listed below.

Conditions of Approval

1. Approval of Conditional Use is contingent upon rezoning approval of CNA area to be used for parking, registration, and support facilities for the proposed hotel development.
2. Approval of Conditional Use is contingent upon change in FLUM designation of Conservation area to be used for parking, registration, and support facilities for the proposed hotel development.
3. Staff requires that upon planning review, if the redevelopment is found to have any effect on the Habitat of the Eastern Indigo Snake, Stock Island Tree Snail, or Tree Cactus, then the prescribed protection measures must be undertaken, and the information poster posted on site.
4. Applications and approvals must be submitted prior to permit issuance for all external agencies, including but not limited to Army Corps of Engineers (ACOE), Department of Environmental Protection (DEP), South Florida Water Management District (SFWMD).
5. Clear sight triangles must be shown on the site plan at time of building permit issuance.
6. Any landscaping in the DOT ROW will require permits from FDOT.
7. All conditions of the Fire Marshal must be met prior to permit issuance.
8. A detailed lighting plan must be submitted before the project is permitted.
9. City approval is required for the stormwater management system prior to Building Permit

Approval.

10. The City recommends a separate meter for irrigation, landscaping, and pool.
11. There is no objection from the City to proposing a private vacuum sewer system to service the site.
12. The applicant will finalize anticipated sewer flow based on site plan and proposed usage.
13. City to provide pump specifications for lift stations upstream of the project.
14. City to provide available capacity at the wastewater treatment plant.
15. City to provide operating pressures at tie in location (typically 35-40 psi).
16. Upsizing the forcemain from 2" to 4" will be required for approximately 5200LF from the site continuing north/east along Overseas Highway
17. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
18. A final lighting plan must be submitted prior to building permit issuance.
19. A final landscaping plan must be submitted prior to building permit issuance.
20. There is no parking for boats/trailers on the property and it is not planned. Should that change, the applicant must provide boat trailer parking off site.
21. The Applicant must obtain and transfer all needed transient and affordable housing units, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT DOES NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.
22. As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
23. Applicant shall comply with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and other transient uses.
24. Applicant shall establish and maintain shuttle transport services to airports and tourist attraction individually or in conjunction with other hotel or motel operators.
25. Applicant shall provide on- or off-site employee housing living space in an amount equal to a minimum of 20 percent (as may be adjusted from time to time by Council policy to reflect economic conditions) of the approved floor area in guest units.
26. All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.
27. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Attachments:

Attachment A: Proposed Site Plan

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-72**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT AND A DEVELOPMENT AGREEMENT, FOR FLORIDIAN HOLDINGS, LLC, PURSUANT TO CHAPTER 102, ARTICLES 8 AND 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “DEVELOPMENT AGREEMENT” AND “CONDITIONAL USE PERMITS” RESPECTIVELY FOR THE DEVELOPMENT OF A HOTEL; LOCATED AT AND AROUND 56243 OCEAN DRIVE; WHICH IS LEGALLY DESCRIBED AS BLOCK 1 LOTS 1-22, BLOCK 2 LOTS 1-20, LOT A, AND WATERWAY NUMBER 1, BLOCK 3 LOTS 1-3 AND LOTS 5-19, LOT A, AND PART OF WATERWAY NUMBER 2, BLOCK 4 LOTS 1-4, BLOCK 5 LOTS 1-7, LOT A, AND LOT B OF ECSTASY SUBDIVISION, AS WELL AS THE ENTIRETY OF VALHALLA ISLAND AMENDED PLAT OF ECSTASY SUBDIVISION BLOCK A, BAY BOTTOM ADJACENT TO TRACT A, AND PREVIOUSLY ABANDONED RIGHT OF WAY OF OCEAN DRIVE, SECTION 35, TOWNSHIP 65, RANGE 33, CRAWL KEY, MARATHON, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBERS 00099750-000000, 00099760-000000, 00099760-000100, 00099760-000200, 00099760-000300, 00099760-000400, 00099760-000500, 00358250-000000, 00358260-000000, 00358270-000000, 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358440-000000, 00358450-000000, 00358460-000000, 00358470-000000, 00358480-000000, 00358490-000000, 00358500-000000, 00358510-000000, 00358520-000000, 00358530-000000, 00358540-000000, 00358550-000000, 00358560-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, 00358610-000000, 00358620-000000, 00358630-000000, 00358640-000000, 00358650-000000, 00358660-000000, 00358661-000000, 00358710-000000, 00358720-000000, 00358730-000000, 00358740-000000, 00358750-000000, 00358760-000000, 00358770-000000, 00358780-000000, 00358790-000000, 00358800-000000, 00358810-000000, 00358820-000000, 00358830-000000, 00358840-000000, 00358850-000000, 00358851-000000, 00358860-000000, 00358870-000000, 00358880-000000, 00358890-000000, 00358900-000000, 00358910-000000, 00358910-000100, 00358930-000000, 00358940-000000, 00358950-000000, 00358960-000000, 00358970-000000, 00358980-000000, 00358990-000000, 00358990-000200, 00359000-000000, 00359601-000000, 00359602-000000, 00359602-000100,

**00360220-000200, 00360220-000400, 00360220-000500, 00360220-000700,
00360220-000800, 00360220-000900, 00360220-001000, 00360220-001100,
00360220-001200, 00360220-004400, 00360220-004500, 00360220-004600,
00360220-004700, 00360220-004800, 00360220-004900, 00360220-005000,
00360220-005200, 00360220-005300, 00360220-005400, 00360220-005500,
00360220-005600, 00360220-005700, 00360220-005800, 00360220-005900,
AND 00358670-000000, NEAREST MILE MARKER 57.**

WHEREAS, Floridian Holdings, LLC, (The “Applicant”) filed an Application on February 09, 2021 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 13 and 8 respectively of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant proposes to redevelop/expand the existing motel into up to 110 hotel/resort units, adding 64,554 square feet of commercial space which includes back of house support, food and beverage, arrival, housekeeping, etc.; and

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

WHEREAS, on the 19th day of April, 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 pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 8th day of June, 2021, and the 14th day of September, 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 hotels and motels in Marathon, and will further the health, safety and welfare of the residents of Marathon; and

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

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

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

Section 2. The City Council hereby approves Development Order 2021-03, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Floridian Holdings LLC for the development of 110 hotel/resort units, adding 64,554 square feet of commercial space which includes back of house support, food and beverage, arrival, housekeeping, etc. The Director of Planning is authorized to sign the development order on behalf of the City.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF SEPTEMBER, 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:

Steven, T. Williams, City Attorney



**CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2021-03**

**A DEVELOPMENT ORDER APPROVING THE REQUEST FOR A
CONDITIONAL USE PERMIT AND A DEVELOPMENT AGREEMENT,
FOR FLORIDIAN HOLDINGS, LLC, PURSUANT TO CHAPTER 102,
ARTICLES 8 AND 13 OF THE CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED
“DEVELOPMENT AGREEMENT” AND “CONDITIONAL USE
PERMITS” RESPECTIVELY FOR THE DEVELOPMENT OF A HOTEL;
LOCATED AT AND AROUND 56243 OCEAN DRIVE; WHICH IS
LEGALLY DESCRIBED AS BLOCK 1 LOTS 1-22, BLOCK 2 LOTS 1-20,
LOT A, AND WATERWAY NUMBER 1, BLOCK 3 LOTS 1-3 AND LOTS
5-19, LOT A, AND PART OF WATERWAY NUMBER 2, BLOCK 4 LOTS
1-4, BLOCK 5 LOTS 1-7, LOT A, AND LOT B OF ECSTASY
SUBDIVISION, AS WELL AS THE ENTIRETY OF VALHALLA ISLAND
AMENDED PLAT OF ECSTASY SUBDIVISION BLOCK A, BAY
BOTTOM ADJACENT TO TRACT A, AND PREVIOUSLY ABANDONED
RIGHT OF WAY OF OCEAN DRIVE, SECTION 35, TOWNSHIP 65,
RANGE 33, CRAWL KEY, MARATHON, MONROE COUNTY,
FLORIDA; HAVING REAL ESTATE NUMBERS 00099750-000000,
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00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000,
00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000,
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00358851-000000, 00358860-000000, 00358870-000000, 00358880-000000,
00358890-000000, 00358900-000000, 00358910-000000, 00358910-000100,
00358930-000000, 00358940-000000, 00358950-000000, 00358960-000000,
00358970-000000, 00358980-000000, 00358990-000000, 00358990-000200,
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00360220-001200, 00360220-004400, 00360220-004500, 00360220-004600,**

**00360220-004700, 00360220-004800, 00360220-004900, 00360220-005000,
00360220-005200, 00360220-005300, 00360220-005400, 00360220-005500,
00360220-005600, 00360220-005700, 00360220-005800, 00360220-005900,
AND 00358670-000000, NEAREST MILE MARKER 57.**

WHEREAS, Floridian Holdings, LLC, (The “Applicant”) filed an Application on February 09, 2021 for a Conditional Use Permit and Development Agreement pursuant to Chapter 102, Articles 13 and 8 respectively of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant proposes to redevelop/expand the existing motel into up to 110 hotel/resort units, adding 64,554 square feet of commercial space which includes back of house support, food and beverage, arrival, housekeeping, etc.; and

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

WHEREAS, on the 19th day of April, 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 pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 8th day of June, 2021, and the 14th day of September, 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 hotels and motels in Marathon, and will further the health, safety and welfare of the residents of Marathon; and

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

FINDINGS OF FACT:

1. The OWNER is proposing to redevelop the existing motel into up to 110 hotel/resort units, adding 64,554 square feet of commercial space which includes back of house support, food and beverage, arrival, housekeeping, etc.

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

CONDITIONS IMPOSED:

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

1. Approval of Conditional Use is contingent upon rezoning approval of CNA area to be used for parking, registration, and support facilities for the proposed hotel development.
2. Approval of Conditional Use is contingent upon change in FLUM designation of Conservation area to be used for parking, registration, and support facilities for the proposed hotel development.
3. Staff requires that upon planning review, if the redevelopment is found to have any effect on the Habitat of the Eastern Indigo Snake, Stock Island Tree Snail, or Tree Cactus, then the prescribed protection measures must be undertaken, and the information poster posted on site.

4. Applications and approvals must be submitted prior to permit issuance for all external agencies, including but not limited to Army Corps of Engineers (ACOE), Department of Environmental Protection (DEP), South Florida Water Management District (SFWMD).
5. Clear sight triangles must be shown on the site plan at time of building permit issuance.
6. Any landscaping in the DOT ROW will require permits from FDOT.
7. All conditions of the Fire Marshal must be met prior to permit issuance.
8. A detailed lighting plan must be submitted before the project is permitted.
9. City approval is required for the stormwater management system prior to Building Permit Approval.
10. The City recommends a separate meter for irrigation, landscaping, and pool.
11. There is no objection from the City to proposing a private vacuum sewer system to service the site.
12. The applicant will finalize anticipated sewer flow based on site plan and proposed usage.
13. City to provide pump specifications for lift stations upstream of the project.
14. City to provide available capacity at the wastewater treatment plant.
15. City to provide operating pressures at tie in location (typically 35-40 psi).
16. Upsizing the forcemain from 2" to 4" will be required for approximately 5200LF from the site continuing north/east along Overseas Highway
17. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
18. A final lighting plan must be submitted prior to building permit issuance.
19. A final landscaping plan must be submitted prior to building permit issuance.
20. There is no parking for boats/trailers on the property and it is not planned. Should that change, the applicant must provide boat trailer parking off site.
21. The Applicant must obtain and transfer all needed transient and affordable housing units, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT DOES NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.**
22. As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
23. Applicant shall comply with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and other transient uses.
24. Applicant shall establish and maintain shuttle transport services to airports and tourist attraction individually or in conjunction with other hotel or motel operators.
25. Applicant shall provide on- or off-site employee housing living space in an amount equal to a minimum of 20 percent (as may be adjusted from time to time by Council policy to reflect economic conditions) of the approved floor area in guest units.
26. All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.
27. The Conditional Use Development Order will constitute the Certificate of Concurrency

for the project. The determination will be valid for one year.

VIOLATION OF CONDITIONS:

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

CONCLUSIONS OF LAW:

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

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

EFFECTIVE DATE:

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

Date

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 complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within one (1) year from the date of conditional use approval, or the date when the Department of Economic Opportunity waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the City Council.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Economic Opportunity. During that forty-five days, the Florida Department of Economic Opportunity may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to _____,
this ___ day of _____, 2021.

Diane Clavier City Clerk

ATTACHMENT A
Project Plans