

CITY COUNCIL AGENDA STATEMENT



Meeting Date: August 9, 2022
To: Honorable Mayor and Members of City Council
Through: George Garrett, City Manager
From: Brian Shea, Planning Director

Agenda Items: **Ordinance 2022-05** Amending The Future Land Use Map (FLUM) From Mixed Use Commercial (MU-C) To Industrial (I-G) For Property Described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Number 00333450-000100; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

-AND-

Ordinance 2022-06, Amending The Zoning From Mixed Use (MU) To Industrial (I-G) For Property Described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe Co., Florida, Having Real Estate Number 00333450-000100; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

APPLICANT: City of Marathon

LOCATION: The subject property is located on 7th Ave Gulf, nearest Mile Marker 53 and is legally described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Number 00333450-000100

ADDRESS: 10608 7TH Ave, MARATHON

REQUEST: Amend The Future Land Use Map (FLUM) From Mixed Use Commercial (MU-C) To Industrial (I)

- AND-

Amend the Zoning Map for the subject properties from Mixed Use (MU) to Industrial (I-G).

LOT AREA: The aggregated size of the parcels is approximately 0.11 acres (5,000 sq./ft.)

LOCATION MAP

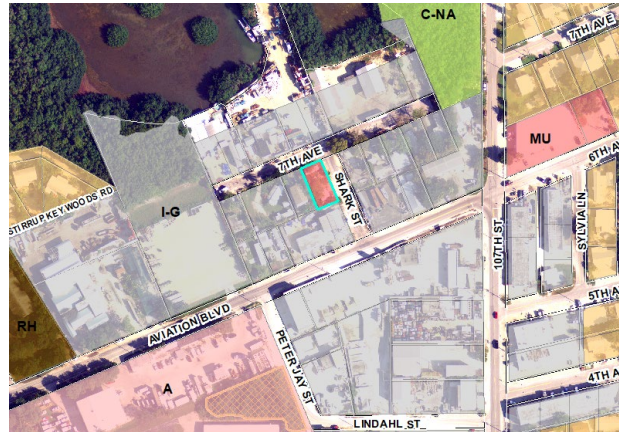
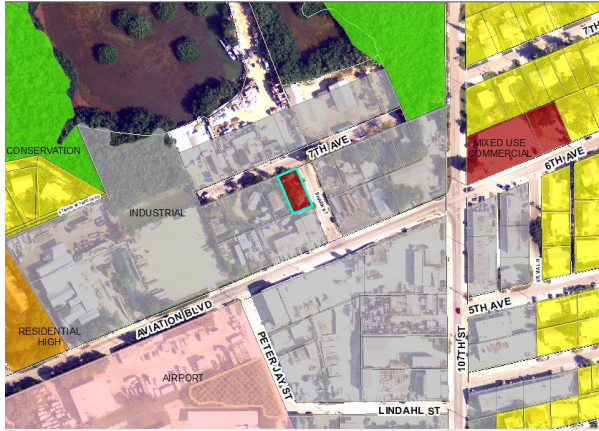


BACKGROUND:

This parcel was zoned as Urban Residential Mobile Home under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Mixed-Use Commercial (MU-C) FLUM designation and were in turn zoned as Mixed Use (MU) when the City adopted the current zoning maps in 2007. The City is requesting the re-designation of the FLUM map to Industrial and subsequent rezoning to make the parcel Industrial (I-G).

Pre 2005 OLD FLUM	Pre 2007 OLD ZONING	2005 CURRENT FLUM	2007 CURRENT ZONING
Residential Medium	Urban Residential Mobile Home	Mixed Use Commercial	Mixed Use

Existing FLUM and Zoning



Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Mixed Use Commercial (MU-C)
Proposed: Industrial (I-G)

Land Use (Zoning) District Designation

Existing: Mixed Use (MU)
Proposed: Industrial (I-G)

Use of Properties

Existing: Outdoor storage
Proposed: Outdoor storage

Surrounding FLUM, Zoning and Uses

The property subject to the FLUM amendment is located on 7th Ave and consists of one parcel. The property is located in an area that is Industrial. Adjacent land use is Industrial to the South, Industrial to the west and Industrial to the East and North. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Industrial (I-G)	Industrial (I-G)	Lindaahl Holding LLC
East	Industrial (I-G)	Industrial (I-G)	All Keys Concrete
South	Industrial (I-G)	Industrial (I-G)	JRC Pro Management Property Enterprises LLC offices
West	Industrial (I-G)	Industrial (I-G)	Affordable housing

Existing Habitat

The existing conditions maps indicate the properties are designated as developed. The property is not listed on the Species Focus Area. The parcel is not within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies.

FEMA

The properties are within the AE 7 flood zone.

DEVELOPMENT ANALYSIS:

Current FLUM: Mixed Use Commercial (MU-C)

Policy 1-3.1.4 Mixed Use Commercial of the Comprehensive Plan states “the principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns within the City. This land use category is intended to provide for the commercial zoning district where various types of commercial, retail, and office uses may be permitted at intensities which are consistent with the community character and the natural environment and to provide for various types of residential uses, including employee housing and commercial apartments.”

Mixed Use Commercial Allowable Density

Market Rate – 2-6 Units per acre

Affordable – 10-15 units per acre

Transient – 10-25 units per acre

Maximum Intensity (FAR) 0.15-0.60

Proposed FLUM: Industrial (I-G)

Policy 1-3.1.4 Industrial of the Comprehensive Plan states “the principal purpose of the Industrial future land use category is to provide for the development of light industrial, manufacturing, marine industrial, warehouse, and distribution uses.”

Industrial Allowable Density

Market Rate – 0 Units per acre

Affordable – 5-10 units per acre

Transient – N/A

Maximum Intensity (FAR) 0.85

Minimum Open Space Ratio 20%

ANALYSIS OF FLUM CHANGE REQUEST:

Consistency with Adopted Comprehensive Plan Goals, Objectives, and Policies.

The following excerpts from the City of Marathon Comprehensive Plan apply to the proposed development.

Policy 1-1.1.1 states the City is to protect and enhance the “small town” atmosphere and to encourage mixed- use development patterns.

Policy 1-1.1.3 states the City is to protect viable and stable residential neighborhoods from inconsistent uses via LDR standards for landscaping, buffering, bulk restrictions, building height, setbacks, and separation between uses.

Policy 1-1.1.4 states the City shall continue to maintain LAND DEVELOPMENT REGULATIONS which implement the following techniques required to create a smooth land use transition where it is not feasible to separate incompatible land uses.

- a. Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light, glare, and pollution, and screening of physical features of a proposed development;
- b. Variable setbacks, based upon degree of difference in proposed use, density, intensity, scale, mass, or height;
- c. Placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage, or other features with potential negative impacts;
- d. Effective transitions of on-site densities, intensities, scale, mass, and height; and
- e. Other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

FL State Statutes

Relevant criteria promulgated in Chapters 163, 380, and 9J-5 F.A.C. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City’s comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation

- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

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

In General

All other parcels in this area are designated Industrial (FLUM) and zoned Industrial (I-G). The proposed Re-FLUM and re-Zoning converts the parcel to Industrial (FLUM) and Industrial (I-G) (Zoning), thus making the entire area FLUM designated and Zoned consistently.

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

Natural Resources

There is no direct impact. The area proposed for a FLUM change is either already developed or vacant and scarified. It is not within Florida Forever boundaries or critical habitat areas. Direct impacts to natural resources would differ minimally as a result of the proposed FLUM and Zoning changes.

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

Historical and Cultural Resources

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

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

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

Infrastructure

• Wastewater infrastructure

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The proposed FLUM and Zoning changes would not place any additional constraints on wastewater infrastructure capacity and would provide limited or no adverse impact resulting from additional nutrient loading.

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

• Stormwater infrastructure

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

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

• Potable Water

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

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

- **Solid Waste**

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

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

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

- **Transportation**

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

Monroe County's roadway facilities do not critically constrain the amount of future growth that can be accommodated in the County or the City (see End Note 1). Although localized deficiencies characterize several segments of US 1, sufficient reserve capacity exists in the overall roadway system to accommodate existing and committed development plus an additional 5,738 residential units (see End Note 1). Only 2,550 were allocated to unincorporated Monroe County in 1992, of which 150 went to the City. Thus, there is reserve capacity on US 1 to accommodate planned growth in the City (see End Note 2).

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

Affordable Housing

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The City has well over 200 developed or approved affordable housing units. The Industrial FLUM category decreases potential density to 5-10 units per acre of affordable housing versus the MU allows a potential density of 10-15 in the FLUM category.

The proposed FLUM and Zoning changes will have a limited effect on the potential for affordable housing projects. The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Hazard Mitigation

- **Coastal High Hazard Areas**

The entirety of the parcel is not within the Coastal High Hazard Area (CHHA).

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

- **Hurricane Evacuation**

The critical carrying capacity constraint at the present time is related to the requirement that hurricane evacuation clearance times for Monroe County be maintained at or below 30 hours through the Year 2002, and further reduced to 24 hours by 2010 (see End Note 1).

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

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

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

Ports – Marina Siting

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

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

Public Use – Access to Water

There is no public access to the water from this location. Staff believes that the proposed FLUM change will have no adverse impact on public access to water.

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

Land Acquisition

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

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

SUMMARY:

The Applicant requests a change in the FLUM and Zoning Map designations for the property located at 10608 7TH Ave. Currently the property is designated as Mixed Use (MU) with FLUM designation of Mixed-Use Commercial (MU-C).

The applicant is requesting a change to Industrial (I) for the FLUM map and Industrial (I-G) for the zoning map, which will make the FLUM and Zoning consistent with surrounding FLUM and zoning designations.

RECOMMENDATION:

Staff recommends approval of the proposed FLUM and Zoning changes to Industrial (FLUM) and Industrial (I-G) (Zoning). Planning Commission recommends approval (3-0).

Staff finds the proposed FLUM change and rezoning consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

End Notes:

1. The source of the future land use analysis based on carrying capacity limitations can be found in the Monroe County Comprehensive Plan Technical Document (Data and Analysis) Section 2.4 (pp. 2-86 – 2-95).
2. City of Marathon, Comprehensive Plan Data and Analysis, page 10.

Sponsored By: Garrett

Planning Commission Public Hearing Date: April 18, 2022

City Council Public Hearing Dates: May 10, 2022

August 9, 2022

Enactment Date: August 9, 2022

**CITY OF MARATHON, FLORIDA
ORDINANCE 2022-05**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM MIXED USE COMMERCIAL (MU-C) TO INDUSTRIAL (I) FOR PROPERTY DESCRIBED AS BK 1, E ½ OF LOT 4 STIRRUP KEY BIGHT PB3-168 KEY VACAS, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00333450-000100; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend the City's Future Land Use Map (the "Map") to change the land use district designation of property owned by Pro Management Property Enterprises LLC, from Mixed Use-Commercial (MU-C) to Industrial (I); and

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

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed FLUM Map amendment on April 18, 2022, at a duly noticed public hearing, and has recommended approval of the proposed FLUM Map amendment to the City Council; and

WHEREAS, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Map amendment on May 10, 2022 and August 9, 2022 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity (DEO) for review; and

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

WHEREAS, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South

Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

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

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

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

SECTION 2. The proposed FLUM Map designation change of the Property is approved in its first reading from its current designation of Mixed Us-Commercial (MU-C) to Industrial (I) (See Attachment "A").

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

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

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

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS
9TH DAY OF AUGUST, 2022.**

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steve Williams, City Attorney

ATTACHMENT A
Proposed FLUM

