

Sponsored By: Garrett
Planning Commission Public Hearing Date: April 19, 2021
City Council Public Hearing Dates: June 8, 2021
September 14, 2021
Enactment Date: September 14, 2021

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-14**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM CONSERVATION (C) TO MIXED USE-COMMERCIAL (MU-C) FOR THE PROPERTY DESCRIBED AS BLOCK 1 LOTS 4-19, BLOCK 2 LOTS 11-15, SECTION 35, TOWNSHIP 65, RANGE 33, CRAWL KEY, MARATHON, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBERS 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, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000; 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 Floridian Holdings, LLC, from Conservation (C) to Mixed Use-Commercial (MU-C); 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 19, 2021 at a duly noticed public hearing, and has recommended denial 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 June 8, 2021 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 Conservation (C) to Mixed Us-Commercial (MU-C) pursuant to the Crawl Key Subarea Policy (See Attachment "A").

SECTION 3. The proposed Comprehensive Plan Amendment to allow for the above map change is approved in its first reading to create the Crawl Key Subarea Policy (See Attachment "B").

SECTION 4. 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 5. 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 6. 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 14TH DAY OF SEPTEMBER, 2021.

THE CITY OF MARATHON, FLORIDA



Luis Gonzalez, Mayor

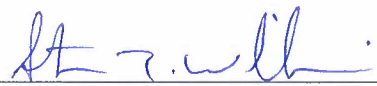
AYES: Cook, Zieg, Bartus, Senmartin, Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



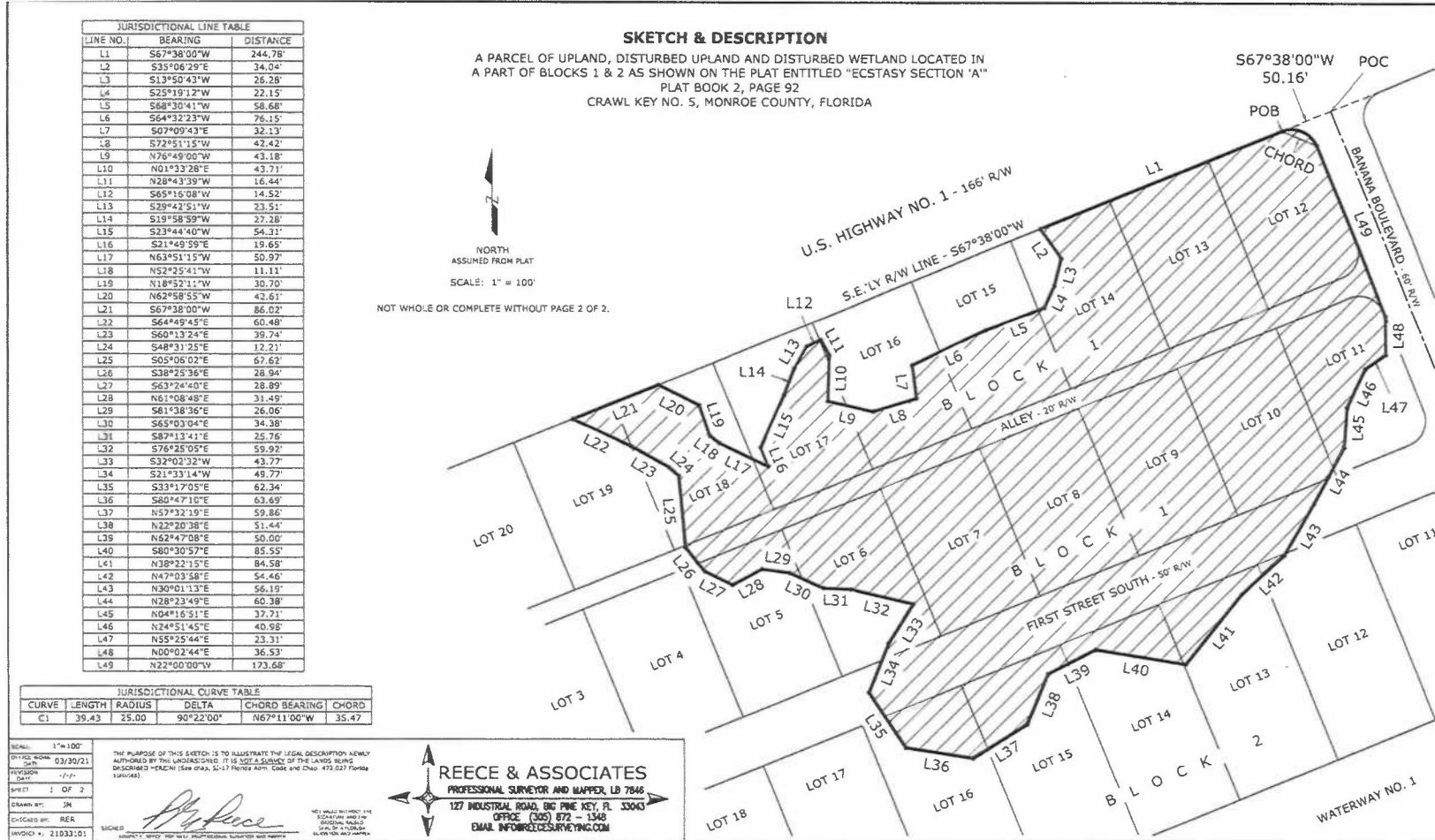
Diane Clavier, City Clerk

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



Steven T. Williams, City Attorney

ATTACHMENT A



City of Marathon Comprehensive Plan

Policy 1-3.2.9 Crawl Key Subarea

The purpose of the Crawl Key Subarea is to implement applicable goals, objectives, and policies of the Comprehensive Plan and the Florida Keys Carrying Capacity Study to prohibit increases in overall potential residential density in the City of Marathon.

- a. **Boundary.** The Crawl Key Subarea shall include approximately 4.81 acres of upland, and is legally described as follows:

LEGAL DESCRIPTION:

A parcel of upland, disturbed upland and disturbed wetland located in a part of Blocks 1 and 2, as shown on ECSTASY SECTION "A", a subdivision as recorded in Plat Book 2, Page 92, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the southeasterly right-of-way line of U.S. Highway No. 1 with the centerline of Banana Boulevard, thence S67°38'00"W for a distance of 50.16 feet to the Northeast corner of said Block 1, and the POINT OF BEGINNING;

thence S67°38'00"W for a distance of 244.78 feet; thence S35°06'29"E for a distance of 34.04 feet; thence S13°50'43"W for a distance of 26.28 feet; thence S25°19'12"W for a distance of 22.15 feet; thence S68°30'41"W for a distance of 58.68 feet; thence S64°32'23"W for a distance of 76.15 feet; thence S07°09'43"E for a distance of 32.13 feet; thence S72°51'15"W for a distance of 42.42 feet; thence N76°49'00"W for a distance of 43.18 feet; thence N01°33'28"E for a distance of 43.71 feet; thence N28°43'39"W for a distance of 16.44 feet; thence S65°16'08"W for a distance of 14.52 feet; thence S29°42'51"W for a distance of 23.51 feet; thence S19°58'59"W for a distance of 27.28 feet; thence S23°44'40"W for a distance of 54.31 feet; thence S21°49'59"E for a distance of 19.65 feet; thence N63°51'15"W for a distance of 50.97 feet; thence N52°25'41"W for a distance of 11.11 feet; thence N18°52'11"W for a distance of 30.70 feet; thence N62°58'55"W for a distance of 42.61 feet; thence S67°38'00"W for a distance of 86.02 feet; thence S64°49'45"E for a distance of 60.48 feet; thence S60°13'24"E for a distance of 39.74 feet; thence S48°31'25"E for a distance of 12.21 feet; thence S05°06'02"E for a distance of 67.62 feet; thence S38°25'36"E for a distance of 28.94 feet; thence S63°24'40"E for a distance of 28.89 feet; thence N61°08'48"E for a distance of 31.49 feet; thence S81°38'36"E for a distance of 26.06 feet; thence S65°03'04"E for a distance of 34.38 feet; thence S87°13'41"E for a distance of 25.76 feet; thence S76°25'05"E for a distance of 59.92 feet; thence S32°02'32"W for a distance of 43.77 feet; thence S21°33'14"W for a distance of 49.77 feet; thence S33°17'05"E for a distance of 62.34 feet; thence S80°47'10"E for a distance of 63.69 feet; thence N57°32'19"E for a distance of 59.86 feet; thence N22°20'38"E for a distance of 51.44 feet; thence N62°47'08"E for a distance of 50.00 feet; thence S80°30'57"E for a distance of 85.55 feet; thence N38°22'15"E for a distance of 84.58 feet; thence N47°03'58"E for a distance of 54.46 feet; thence N30°01'13"E for a distance of 56.19 feet; thence N28°23'49"E for a distance of 60.38 feet; thence N04°16'51"E for a distance of 37.71 feet; thence N24°51'45"E for a distance of 40.98 feet; thence N55°25'44"E for a distance of 23.31 feet; thence N00°02'44"E for a distance of 36.53 feet; thence N22°00'00"W for a distance of 173.68 feet to a point of curve, said curve having a radius of 25.00 feet and a delta angle of 90°22'00", with a chord bearing of N67°11'00" and chord distance of 35.47 feet; thence along said curve in a northwesterly direction for a distance of 39.43 feet back to the Point of Beginning. Containing 209,597 sq. ft., more or less (4.81 ac.).

- b. **Applicability.** The Crawl Key Subarea shall be subject to all regulations applicable to the underlying Future Land Use Designation and associated Zoning District, as well as the additional restrictions set forth in this Policy. Where conflicts may arise, the specific restriction in this Policy shall supersede the general criteria applicable to the underlying Future Land Use Designation and Zoning District. In no instance shall this Policy allow development potential greater than the underlying Future Land Use Designation and Zoning District.
- c. **Density.** To prohibit increases in overall potential residential density in the City of Marathon, the residential density allowed in the Crawl Key Subarea shall be zero (0).
- d. **Use.** The Crawl Key Subarea shall be limited to use as conservation areas and uses accessory to resort use. The structures allowed in the Crawl Key Subarea as accessory to resort use shall include, ~~but are not limited to,~~ parking areas, greenhouse, gatehouse,

equipment storage, kitchens, utility facilities and structures, emergency and service facilities and structures, staff dining facilities, parking sheds, parking canopy, resort staff offices, laundry facilities and welcome lobby.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

August 23, 2021

The Honorable Luis Gonzalez, Mayor
City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Gonzalez:

The Department of Economic Opportunity (“Department”) has completed its review of the proposed comprehensive plan amendment for the City of Marathon (Amendment No. 21-04ACSC), which was received and determined complete on June 25, 2021. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified three objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing one comment. The comment is offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is “In Compliance” as defined in Section 163.3184(1)(b), F.S. Copies of comments received by the Department from reviewing agencies, if any, are also enclosed.

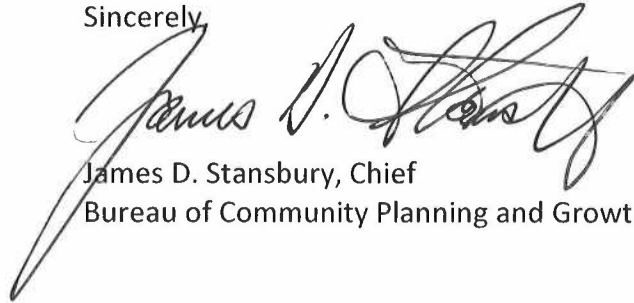
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of the Department’s attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Department staff is available to assist the City to address the objections and comment. If you have any questions related to this review, please contact Jennie Leigh Copps, Planning Analyst, by telephone at (850) 717-8534 or by email at jennie.copps@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J" and "S".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ jlc

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Isabel Carballo, South Florida Regional Planning Council Executive Director isabelc@sfrpc.com
Brian Shea, City of Marathon Planning Director sheab@ci.marathon.fl.us

Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
City of Marathon

The Department of Economic Opportunity has identified three objections and a comment regarding the City of Marathon's proposed comprehensive plan amendment. The objections and comment are provided below, along with recommended actions the City could take to resolve issues of concern. If the City adopts the plan amendment without adequately addressing the objections, the Department may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

Department staff has discussed the basis of the report with local government staff and is available to assist the City to address the objections and comment.

Objection 1.

The proposed site-specific Policy 1-3.2.9 Crawl Key Subarea presented as Attachment B proposes to limit uses as conservation areas and uses accessory to resort use. However, as proposed the text states that *accessory to resort use shall include, **but are not limited to,** parking areas, greenhouse, gatehouse, equipment storage, kitchens, utility and service facilities, resort staff offices, laundry facilities and welcome lobby.* This is neither meaningful or capable of guiding predictable outcomes. The phrase *but not limited to* creates an open-ended development program and fails to provide meaningful and predictable standards.

Statutory Authority Sections 163.3177(1)F.S., 163.3177(6)(a)1 F.S.; 163.3184(4), F.S., Section 380.0552(7)(c), F.S.

Recommendation: Policy 1-3.2.9 must be revised to remove the phrase "*but are not limited to*". The City is required to adopt meaningful and predictable standards in the comprehensive plan to provide guidance and applicable standards to be used to calculate the development potential and service demands for each of the proposed uses.

Objection 2.

A major objective of the planning process per Section 163.3177(2), F.S., is the coordination of the several elements of the local comprehensive plan. Objective 1.3.1 requires the City to maintain and protect its natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map (FLUM). Attachment B Boundary describes 4.81 acres of upland while the supporting legal description identifies upland and disturbed wetlands. The site's currently adopted Conservation land use designation on the FLUM is consistent with Marathon's adopted map series; Protected Species Map 19 which identifies Osprey and Bald Eagle habitats, Map 5 – Proposed Acquisitions confirms the site's location within the Florida Forever Boundary Map, Habitat Types -Map 4 which identifies Hammock, Buttonwood, and Mangrove habitats, and Map 3 -Soils, which identifies the site's

predominate soil types as “Rock Outcrop” and “Key West”. USDA’s *Soil Survey of Monroe County, Keys Area Florida* technical guidance indicates the soils onsite are characterized by severe flooding and excessive salt levels making them unsuitable for development with structures.

The amendment fails to recognize the 0.10 FAR limitation required in Future Land Use Element (FLUE) Table 1-1 *Future Land Use and Intensities* or increased Open Space requirements for ecological communities by Conservation & Coastal Element Table 4-1 Open Space Ratios. Instead, the staff report references its LDR’s *Commercial- Industrial Intensity Table*. It is unclear which standards would be applied to guide the accessory uses identified in the text amendment because other than Office (.60 FAR) none of proposed uses are identified in the referenced *Commercial- Industrial Intensity Table*. The Comprehensive Plan’s FLUE Table 1-1 and Conservation Table 4-1 have statutory authority over the land development regulations and therefore should be relied upon for standards.

The transmittal package lacks data or analysis regarding the site’s suitability of the site for development given its proposed Future Land Use Map (FLUM) change and its consistency with the natural environment.

Statutory Authority Sections 163.3177(1)(f), F.S., 163.3177(2), F.S., 163.3177(6)(a)2.c., F.S., and 163.3177(6)(a)8.b., F.S.; Section 380.0552(7)(c), F.S.

Recommendation:

To support the future land use map change, an analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land on site must be provided. The supporting data and analysis must include a survey necessary to indicate the extent of the wetlands on site and the areas that will be protected as a result of the map change. The amendment must be supported with data and analysis demonstrating internal consistency with the comprehensive plan including objective 1.3.1 and policy 1-3.1.4. The City should identify the comprehensive plan standards regarding the maximum development potential for the 4.81 acres or delineate how or where exactly Conservation uses will be preserved within the approximately 209,597 sq. ft. area.

Objection 3.

The proposed amendment is not based upon relevant and appropriate data and analysis as required by Sections 163.3177(1)(f), 163.3177(6)(a)8.a, and 163.3177 (6)(c), F.S. to support the change in land use and ensure protections for resources or expansion of demands for essential services such as potable water.

Coordination of the several elements of the local comprehensive plan is required to be a major objective of the planning process. Where data is relevant to several elements, consistent data must be used, unless alternative data can be justified for a plan amendment through new supporting data.

Statutory Authority: Sections 163.3177(1)(f), 163.3177 (2), 163.3177 (6)(a)8.a., and 163.3177 (6)(c)1., F.S.,

Recommendation: A potable water supply and facility analysis for the change in the land use designation must be provided. The analysis must include the change in potential maximum potable water demands due to the proposed land use designation. If the change results in an increase, confirmation from the City's water supplier indicating that there is adequate capacity available for the proposed land use designation must be provided. The confirmation must be based on the most current relevant and appropriate data and analysis available, as required by Sections 163.3177(1)(f) and 163.3177(6)(c), F.S.

II. Comment

Comment: The proposed Ordinance identifies 21 parcels which upon calculation, total approximately 7.8 acres. However, the subject site's illustration in Attachment A shades over only 20 parcels and a City of Marathon, Official Map Product, Crawl Key Subarea, map shades over 19 parcels (Approx. 4.81 acres). The inconsistent number of parcels in the Ordinance and supporting maps should be addressed to accurately reflect the proposed change.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://floridajobs.secure.force.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan 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 the amendment is 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."

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.

From: [Manning, Terese](#)
To: [DCPexternalagencycomments](#)
Cc: [Brian Shea \(sheab@ci.marathon.fl.us\)](mailto:sheab@ci.marathon.fl.us); [Stiell, Justin B.](#); [Copps, Jennie](#); [Isabel Cosio Carballo \(isabelc@sfrnc.com\)](mailto:isabelc@sfrnc.com); [Kathe Lerch](#); [Christine Hurley](#)
Subject: [EXTERNAL] - City of Marathon, DEO #21-3ACSC, Comments on Proposed Comprehensive Plan Amendment
Date: Friday, July 9, 2021 4:30:54 PM

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Marathon (City). The package includes one Future Land Use Map Amendment to change a parcel of land from Conservation to Mixed Use Commercial. The District provides the following comments under Section 163.3184(4), Florida Statutes, (F.S.). The important state resource impacted by this amendment is regional water supply. These comments should be addressed before final adoption of this amendment. If these comments are not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment.

- Provide a water demand analysis for the change in the land use designation. Include the net increase or decrease in potential maximum water demands due to the assignment of the land use designation. If the change results in an increase, please include information from the City's water supplier indicating that there is adequate capacity available for the proposed land use designation. The information must be based on the most current relevant and appropriate data and analysis available, as required by Sections 163.3177(1)(f) and (6)(c), F.S.
- The City has not demonstrated that there is a sufficient water supply for the City's existing and projected needs, including this amendment. The City's proposed Water Supply Facilities Work Plan Update (Work Plan), included in DEO Proposed Amendment #21-2ACSC, does not demonstrate there is sufficient water supply for the planning timeframes of the Work Plan and the Comprehensive Plan. The Proposed Work Plan Update amendment does not include the City's existing and projected population, water demands, and Level of Service Standards (LOS) based on the best available and relevant data and analysis, as required by Section 163.3177(1)(f), F.S. In addition, the Work Plan does not address additional requirements that need to be addressed, including how the City is coordinating with its water supplier. The District's comments on Proposed Amendment #21-2ACSC, which includes suggested recommendations on addressing the comments, is attached. The District provided its comments on the Proposed Amendment to DEO and the City on July 2, 2021.

The Work Plan comments raised should be addressed and the Work Plan revised prior to the adoption of Proposed Amendment #21-2ACSC. Proposed Amendment #21-3ACSC should be revised to reflect and be based on the information in the updated Work Plan.

The District requests that the City forward a copy of the adopted amendments to the District. District staff is available to meet by teleconference to go over the comments above and to discuss possible solutions and options to resolve the comments. Please contact me if you have any

questions, need additional information, or would like to arrange a meeting.

Sincerely,

Ms. Terry Manning, Senior Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

From: [Manning, Terese](#)
To: [DCPexternalagencycomments](#)
Cc: [Brian Shea \(sheab@ci.marathon.fl.us\)](mailto:sheab@ci.marathon.fl.us); [Stiell, Justin B.](#); [Copps, Jennie](#)
Subject: [EXTERNAL] - City of Marathon, DEO #21-4ACSC, Comments on Proposed Comprehensive Plan Amendment
Date: Wednesday, July 21, 2021 3:29:41 PM

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Marathon (City). The package includes one Future Land Use Map Amendment to change a parcel of land from Conservation to Mixed Use Commercial. The District provides the following comments under Section 163.3184(4), Florida Statutes, (F.S.). The important state resource impacted by this amendment is regional water supply. These comments should be addressed before final adoption of this amendment. If these comments are not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment.

- Provide a water demand analysis for the change in the land use designation. Include the net increase or decrease in potential maximum water demands due to the assignment of the land use designation. If the change results in an increase, please include information from the City's water supplier indicating that there is adequate capacity available for the proposed land use designation. The information must be based on the most current relevant and appropriate data and analysis available, as required by Sections 163.3177(1)(f) and (6)(c), F.S.
- The City has not demonstrated that there is a sufficient water supply for the City's existing and projected needs, including this amendment. The City's proposed Water Supply Facilities Work Plan Update (Work Plan), included in DEO Proposed Amendment #21-2ACSC, does not demonstrate there is sufficient water supply for the planning timeframes of the Work Plan and the Comprehensive Plan. The Proposed Work Plan Update amendment does not include the City's existing and projected population, water demands, and Level of Service Standards (LOS) based on the best available and relevant data and analysis, as required by Section 163.3177(1)(f), F.S. In addition, the Work Plan does not address additional requirements that need to be addressed, including how the City is coordinating with its water supplier. The District's comments on Proposed Amendment #21-2ACSC, which includes suggested recommendations on addressing the comments, is attached. The District provided its comments on the Proposed Amendment to DEO and the City on July 2, 2021.

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questions, need additional information, or would like to arrange a meeting.

Sincerely,

Ms. Terry Manning, Senior Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

From: [Plan Review](#)
To: [Eubanks, Ray](#); [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Marathon 21-04ACSC Proposed
Date: Friday, July 23, 2021 2:28:54 PM
Attachments: [image002.png](#)

To: Ray Eubanks, DEO Plan Review Administrator

Re: Marathon 21-04ACSC – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@floridadep.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



From: Kathe Lerch
To: sandraharris@msvfl.gov; ScottE@msvfl.gov; klvon@corradino.com; snewton@wiltonmanors.com; RMoore@wiltonmanors.com; gonzalezl@ci.marathon.fl.us; sheab@ci.marathon.fl.us; garrett@ci.marathon.fl.us; slosner@cityofhomestead.com; JMCorradino@CORRADINO.com; mayorchemandez@hialeahfl.gov; adavid@coasolutions.com; dstorch@hialeahfl.gov; imartinez@hialeahfl.gov; JuanCarlos.Bermudez@cityofdoral.com; zafar.ahmed@cityofdoral.com; javier.gonzalez@cityofdoral.com; Albert.Childress@cityofdoral.com; eweisman@cityofaventura.com; kloppk@cityofaventura.com; boccdis2@monroecounty-fl.gov; Cioffari-Cheryl@MonroeCounty-FL.Gov; Schemper-Family@monroecounty-fl.gov; sgeller@broward.org; dvonstetina@broward.org; JSESODIA@broward.org; bblakeboy@broward.org; Aeverett@brzoninglaw.com
Cc: tmanning@sfwmd.gov; Lois.bush@dot.state.fl.us; FWCConservationPlanningServices@myfwc.com; gerry.oreilly@dot.state.fl.us; DCPexternalagencycomments@deo.myflorida.com; Casey_Kylene; Mark.Weigly@fdoe.org; Corvin_Kelly.D.; compliancePermits@dos.myflorida.com
Subject: [EXTERNAL] - SFRPC Council Meeting 7/26/2021 Agenda Item IV.C, Consent: Broward: 21-01, -04ESR; Monroe: 21-02ACSC; Marathon: 21-04ACSC; Aventura, Homestead, Wilton Manors, Miami Shores: 21-01ESR; Doral 21-01, -02ESR; Hialeah 21-02ESR
Date: Monday, July 26, 2021 4:45:27 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[AgendaJULY21_IV.C LGCP.pdf](#)



At the July 26, 2021, Council Meeting, the South Florida Regional Planning Council approved the attached report, finding the proposed and adopted amendments to be generally consistent with the *Strategic Regional Policy Plan* for South Florida. Should you have any questions, contact Isabel Cosio Carballo, Executive Director, at (954) 924-3653 or isabelc@sfrpc.com.

The South Florida Regional Planning Council Meeting

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Should you have any questions, contact Isabel Cosio Carballo, Executive Director, at (954) 924-3653 or isabelc@sfrpc.com.

Broward County Commission SFRPC Agenda IV.C #21-01, 21-04ESR;

Mayor
Steve Geller

CC
Deanne D. Von Stetina/Jo Sesodia/Barbara Blake Boy/

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dvonstetina@broward.org; JSESODIA@broward.org;
bblakeboy@broward.org;

Monroe County Commission SFRPC Agenda IV.C #21-02ACSC;

Mayor _____ CC _____

Michelle Coldiron Emily Schemper / Heidi Siegel / Cheryl Cioffari /
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Schemper-Emily@monroecounty-fl.gov;
hsiegel@ksfla.com;

City of Aventura SFRPC Agenda IV.C #21-01ESR;

Mayor _____ CC _____

Enid Weisman Keven Klopp
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City of Doral SFRPC Agenda IV.C #21-01, 21-02ESR;

Mayor _____ CC _____

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City of Hialeah SFRPC Agenda IV.C, #21-02ESR;

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jmartinez@hialeahfl.gov;

City of Homestead SFRPC Agenda IV.C, #21-01ESR;

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slosner@cityofhomestead.com; JMCorradino@CORRADINO.com;

City of Marathon SFRPC Agenda IV.C #21-04ACSC;

Mayor _____ CC _____

Luis Gonzalez George Garrett/Brian Shea/
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City of Wilton Manors SFRPC Agenda IV.C, #20-01ESR;

Mayor _____ CC _____

Scott Newton Roberta Moore, Director
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Miami Shores Village SFRPC Agenda IV.C, #20-01ESR;

Mayor _____ CC _____

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Connect with us!!!





MEMORANDUM

AGENDA ITEM #IV.C

DATE: JULY 26, 2021

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN **PROPOSED** AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to the 1974 Interlocal Agreement creating the South Florida Regional Planning Council (Council), the Council is directed by its member counties to “assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of natural resources and environment of the Region and to protect the health, safety, welfare and quality of life of the residents of the Region.”

In fulfillment of the Interlocal Agreement directive and its duties under State law, the Council reviews local government Comprehensive Plan amendments for consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Pursuant to Section 163.3184, Florida Statutes as presently in effect, Council review of comprehensive plan amendments is limited to 1) adverse effects on regional resources and facilities identified in the SRPP and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region. The Council’s review of amendments is conducted in two stages: (1) proposed or transmittal and (2) adoption. Council staff reviews the contents of the amendment package once the Department of Economic Opportunity certifies its completeness.

A written report of Council’s evaluation pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the tables below generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.

PROPOSED AMENDMENTS

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
Broward County 21-04ESR (received 06-07-21)	✓	N/A	07-26-21	06-01-21
<ol style="list-style-type: none"> 1. The proposed amendment to Broward County’s Comprehensive Plan revises the Natural Resource Map Series, Cultural Resources/Local Areas of Particular Concern: Historic Sites Map, by adding, modifying, and deleting historic designations to reflect updated status of properties. 2. The amendment affects Broward County. 3. This amendment does not create any adverse impact to state or regional resources/facilities. 				
City of Hialeah 21-02ESR (received 06-28-21)	✓	N/A	07-26-21	06-08-21
<ol style="list-style-type: none"> 1. The proposed amendment to the City of Hialeah’s Comprehensive Plan amends the Industrial Land Use Classification in the Future Land Use Element allowing Multi-family Residential uses subject to a Conditional Use Permit on properties with Industrial Land Use located within a quarter mile of properties with Mixed Use Hialeah Heights Classification. 2. The amendment affects the City of Hialeah. 3. This amendment does not create any adverse impact to state or regional resources/facilities. Council staff recommends that the conditional use include a review of transit access, pedestrian, and bicycle safety and mobility considerations to ensure a multi-modal, connected community with regional transit mobility. 				
City of Marathon 21-04ACSC (received 06-28-21)	✓	N/A	07-26-21	04-13-21
<ol style="list-style-type: none"> 1. The proposed amendment to the City of Marathon’s Comprehensive Plan incorporates the City’s 10-Year Water Supply Facilities Work Plan to be consistent with the South Florida Water Management District Lower East Coast Water Supply Plan and the Florida Keys Aqueduct Authority 20-Year Water System Capital Improvement Master Plan. 2. This amendment affects the City of Marathon. 3. This amendment does not create any adverse impact to state or regional resources/facilities. Council staff recommends addressing the technical assistance comments provided by the South Florida Water Management District (SFWMD) to ensure full consistency with all elements of the most recent Lower East Coast Water Supply Plan Update approved by the SFWMD District Board. 				

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
Miami Shores Village 21-01ESR (received 06-28-21)	✓	N/A	07-26-21	06-15-21
<ol style="list-style-type: none"> 1. The proposed amendment revises Miami Shores Village's Comprehensive Plan to incorporate the 20-Year Water Supply Facilities Work Plan Update (2020-2040). 2. This amendment affects Miami Shores Village. 3. This amendment does not create any adverse impact to state or regional resources/facilities. Council staff recommends coordination, as needed, with the South Florida Water Management District (SFWMD) to ensure full consistency with all elements of the most recent Lower East Coast Water Supply Plan Update approved by the SFWMD District Board and the Draft Miami-Dade Water and Sewer Department 10-Year Water Supply Facilities Work Plan. 				



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172-5800

KEVIN J. THIBAUT, P.E.
SECRETARY

July 13, 2021

Mr. Brian Shea
Director of Planning
City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

**Subject: Comments for the City of Marathon Comprehensive Plan Amendment
FDEO #21-04ACSC**

Dear Mr. Shea:

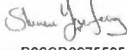
Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation, District Six, reviewed the proposed amendment to the City of Marathon's comprehensive plan. The intent of the proposed amendment is to change approximately 4.8 acres, known as the Crawl Key Subarea, on the Future Land Use Map (FLUM) from Conservation to Mixed-Use Commercial. The area is located on the ocean side of US-1/Overseas Highway and Banana Boulevard (near Crawl Key and Milemarker 57).

The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed amendment would not adversely impact transportation resources and facilities of state importance. In addition, the District recommends that the City continue to identify and address the needs of all modes of travel, including public transportation. The District encourages the City to include pedestrian and bicycle facilities to promote a walkable and connected community consistent with ss. 163.3177, Florida Statutes.

Mr. Brian Shea
July 13, 2021
Page 2

Thank you for coordinating on the review of this proposed amendment with FDOT. If you have any questions, please do not hesitate to contact me by email at shereen.yeefong@dot.state.fl.us or at 305-470-5393.

Sincerely,

DocuSigned by:

B06CD06755954DD
Shereen Yee Fong
Transportation Planner IV

Cc: Daniel Iglesias, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Kenneth Jeffries, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity
Isabel Cosio Carballo, South Florida Regional Planning Council
Kathe Lerch, South Florida Regional Planning Council