

Rick Scott
GOVERNOR



ORD. 2014-04

Jesse Panuccio
EXECUTIVE DIRECTOR

May 19, 2014

The Honorable Dick Ramsay
Mayor, City of Marathon
98705 Overseas Highway
Marathon, FL 33050

Dear Mayor Ramsay:

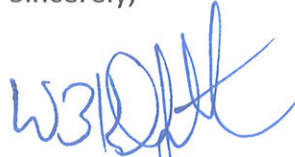
The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Marathon (Amendment No. 14-1ACSC), which was received and determined complete on March 20, 2014. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. Review comments received by the Department from the appropriate reviewing agencies are also enclosed.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified an objection and have included recommendations regarding measures that can be taken to address the objection.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Barbara Powell, at (850 717-8504), or by email at barbara.powell@deo.myflorida.com.

Sincerely,



William B. Killingsworth
Director, Division of Community Development

WBK/bep

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

cc: George Garrett, Director, Planning Department, City of Marathon
 James F. Murley, Executive Director, South Florida Regional Planning Council

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR THE CITY OF MARATHON
PROPOSED COMPREHENSIVE PLAN AMENDMENT
(DEO NO. 14-1ACSC)

I. Consistency with Chapter 163, Part II and Chapter 380, Part I

The Department has the following objections and comments to the proposed comprehensive plan amendment:

Objection 1: The amendment proposes to amend future land use map (FLUM) designation for a 0.61 acre parcel from Residential Low (RL) to Public (P). The parcel is contiguous with and owned by the Dolphin Research Center, a private nonprofit organization that operates a tourist attraction. The change in land use would result in an increase in affordable housing. The need for affordable housing is undeniable; however, Marathon already has more density than can be met considering the building cap of 300 units through the planning horizon of 2023. There are approximately 1200 vacant lots in Marathon that may not be able to be built upon and still maintain a hurricane evacuation clearance time of 24 hours. In addition, the entire site is located in the coastal high hazard and High Velocity areas. City comprehensive plan policy 4-1.20.1 discourages development in the High Velocity areas.

Rule 28-18.400(5)(a)5., Florida Administrative Code required the City to adopt a comprehensive plan amendment to discourage increases in density. The City adopted Policy 1-3.2.4 to respond to the requirement. The policy requires a density offset with Future Land Use Map revisions that increase density. No such offset was provided for this amendment. The Department objects because of an internal inconsistency.

Recommendation: The Dolphin Research Center is seeking a land use that allows the use of the structure which was originally built as a single family residence to be utilized as an extension of the Dolphin Research Center's institution. The Department recommends a site specific amendment that would provide the designation requested for public use but would not authorize any residential units.

Authority: Section 163.3177(2), 163.3177 (4), and 380.0552 (7)(m), Florida Statutes

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please 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:

_____ State Land Planning Agency 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 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.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency 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 State Land Planning Agency to the ORC report from the State Land Planning Agency.

Eubanks, Ray

4/8/14

From: Stahl, Chris [Chris.Stahl@dep.state.fl.us]
Sent: Tuesday, April 08, 2014 10:37 AM
To: DCPexternalagencycomments
Cc: Craig, Kae; garrettg@ci.marathon.fl.us
Subject: Marathon 14-1 ACSC Proposed

To: Ray Eubanks, Florida Department of Economic Opportunity

Re: Marathon 14-1 ACSC-- Expedited 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 feel free to contact me with any questions.

Christopher Stahl
DEP Office of Intergovernmental Programs
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2169 office

Thank you!

cjs



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4/3/14

April 2, 2014

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399-4120

Dear Mr. Eubanks:

Re: Marathon 14-1ACSC

Thank you for the opportunity to review the City of Marathon's proposed 14-1ACSC amendment package. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have potential to create significant adverse effects on public school facilities.

The amendment package proposes a future land use map amendment to change the future land use on a .61-acre parcel from residential to public to permit its use as an office for a research institute. Because the amendment does not appear to have the potential to create adverse effects on public school facilities, I offer no comment.

Again, thank you for the opportunity to review the amendment package. If I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy D. Suber
Growth Management & Facilities Policy Liaison

TDS/

cc: Mr. Patrick Lefere, Monroe County School District
Ms. Rebecca Jetton, DEO/State Land Planning Agency

THOMAS H. INSERRA
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3/31/14

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

March 24, 2014

Mr. Ray Eubanks
Administrator, Plan Review & Processing
Florida Department of Economic Opportunity
Division of Community Planning and Development
107 East Madison Street
Tallahassee, FL 32399-4120

**Subject: City of Marathon, DEO Amendment #14-1ACSC
Comments on Proposed Comprehensive Plan Amendment Package**

Dear 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 amendment package includes one Future Land Use Map amendment. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the City and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Terry Manning, Policy and Planning Analyst, at (561) 682-6779 or tmanning@sfwmd.gov.

Sincerely,

A handwritten signature in black ink that reads "Dean Powell".

Dean Powell
Water Supply Bureau Chief

DP/tm

c: George Garrett, Marathon
Christine Hurley, Monroe County
Rebecca Jetton, DEO
Terry Manning, SFWMD
Jim Murley, SFRPC



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

ANANTH PRASAD, P.E.
SECRETARY

March 19, 2014

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Community Planning and Development
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, Florida 32399

**Subject: Comments for the Proposed Comprehensive Plan Amendment,
Marathon #14-1ACSC**

Dear Mr. Eubanks:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Marathon #14-1ACSC*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and has found no impacts to transportation resources and facilities of state importance.

Please contact Ken Jeffries at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Phil Steinmiller
District Planning Manager

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Aileen Boucle, AICP, Florida Department of Transportation, District 6
George Garrett, City of Marathon
Mayte Santamaria, Monroe County