



**City of Marathon  
Planning Commission  
Monday April 15, 2019  
9805 Overseas Hwy  
City Hall Council Chambers**

**MINUTES**

Chairman Jeff Smith called the meeting of the Planning Commission to order on Monday, April 15, 2019 at City Hall Council Chambers, 9805 Overseas Hwy. at 5:30 pm.

In attendance: Planning Director George Garrett, Attorney David Migut, Growth Management Director Doug Lewis, Planner Geovanna Torres, Admin Assistant Lorie Mullins and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Lynn Landry-present; Pam Dobson-present; Mike Leonard-present; Jeff Smith-present.

Chairman Smith asked for approval of the last meeting minutes.

Lynn Landry moved to approve. Mike Leonard seconded. The roll was called. The minutes were approved 4-0. Chairman Smith was absent for that meeting.

The Quasi-Judicial Statement was read into the record.

**Item 1** was read into the record. Consideration Of A Request For A Conditional Use Permit And Development Agreement For 1477 Overseas Highway LLC And Seasons Inc., Pursuant to Chapter 102, Articles 8 & 13 Of The City of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" And "Development Agreements," For The Redevelopment Of The Properties As An Affordable Mobile Home Park, Located at 1477 Overseas Highway And 263 15<sup>th</sup> Street, Which Are Legally Described As The North 150 Feet of Lot 1 and 2, Part of Lots 1 and 2, Block 2, Parrish Subdivision, Marathon, Florida, Having Real Estate Numbers 00326770-000000 and 00326760-000000. Nearest Mile Marker 48.

There were no ex-parte communications.

Garrett presented the item with the use of visual aids. He clarified that the units will be approximately mobile home size but will meet the Florida Building Code.

Leonard started the discussion by asking why the applicant needs the right to move the units after 10 years.

Garrett stated that since the units would be deed restricted in perpetuity it would be acceptable to move the affordable units to a new location as the site is more likely to be developed as commercial.

Chairman Smith asked if the City had ever approved a 10 year 'right to move' in the past, Garrett said it had not been done in the past.

Cinque noticed the item is written as a 10 unit mobile home park, however the report mentions deed restricted modular units. He requested it be made clear in the development agreement.

Landry asked the difference in density between MU and R-MH. 15 per acre in MU and 25 per acre in R-MH.

In MU zoning the density would allow for 8 units on these 2 parcels.

Chairman Smith asked about the density in the 2 different zones and why the applicant was not doing a change of zoning. If we are using the R-MH density on a MU parcel it needs to be in compliance. Without a zoning change the density compliance is not met. Smith asked why we calculated density on the smallest area zone and not the largest area. He also asked that calculations for units/density be presented to them in the agendas.

Landry asked if this has been allowed in the past, Garrett stated this was a unique situation.

Chairman Smith asked about the condition that allows the applicant a 6' wall with exterior facing landscaping on the US 1 property boundary in lieu of a full landscape buffer. Garrett stated it would be a combination of fence and landscape and should not be written as 'in lieu'.

Chairman Smith asked how many units are allowed in the MU zone, Garrett answered 5 units. And on the R-MH zone, Garrett answered 2, possibly 3, with the intent to develop affordable housing.

Mike Aranda Sr. was sworn in.

He answered questions:

1. The fence is to be located along US1 as close as possible to the bike path.
2. The ability to move the units in 10 years is because he believes Olde Town should be a commercial corridor, and has the potential to be revived and get cleaned up in the future.
3. 3/2 units are proposed at \$1800-\$2100 per month.

Cinque commented that he could not support the project. The developers need to provide workforce housing for the community for their projects.

Chairman Smith said that he cannot support the project as it is written: allowing the units to be moved later, due to foreseeable title issues and over density for the zoning.

Chairman Smith asked Aranda about the landscaping and wall. Aranda stated that the landscaping buffer would be on the development side of the wall, not US1.

Chairman Smith made a motion to approve the item with the following changes: require a Unity of Title, strike Condition 2, and require landscaping on the US1 side of the fence.

Leonard seconded. The roll was called. The motion was approved 4-1, with Cinque dissenting.

**Item 2** was read into the record. Consideration Of A Request By Grassy Key Resort Group, LLC For A Conditional Use Permit and Development Agreement Pursuant to Chapter 102, Articles 8 and 13 Of The City of Marathon Land Development Regulations (LDRs) Entitled “Development Agreement” And “Conditional Use Permits” Respectively, Seeking For The Redevelopment Of Hotel Resort And Commercial Uses On Property Located at 58182 Overseas Highway, Which Is Legally Described As Township 65, Section 24, Range 33; Block 36 Lots 1-2-3-4 And Part of Lots 5-6 (Parcel A) And Westerly 15FT Unnamed Street Adjacent Lot 1 Res B-C-C 8/11/61 And Adjacent Portion Of Flagler Street And Grassy Key Bay Bottom Adjacent Lots 1-2-3 in the Crain’s Subdivision, Grassy Key, Marathon, Florida; Having Real Estate Numbers 00370940-000000. Nearest Mile Marker 58.5.

Geovanna Torres presented the item with the use of visual aids.

Lesley Rhyne presented the item on behalf of the applicant.

After a brief discussion on density and parking, Landry moved to approve the item. Dobson seconded.

There were no ex-parte communications.

The roll was called. The motion was approved 5-0.

**Item 3** was read into the record. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map From Residential Low (RL) To Residential Medium (RM) For The Property Described As Lots 5 Through 9, Block 58, Crain’s Subdivision, Marathon, Monroe County, Florida, Having Real Estate Numbers 00374600-000000, 00374610-000000, 00374620-000000, 00374630-000000, 00374640-000000; 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.

-and-

**Item 4** was read into the record. An Ordinance Of The City Of Marathon, Florida Amending The Official Zoning Map From Residential Low (RL) To Residential Medium (RM) For The Property Described As Lots 5 Through 9, Block 58, Crain’s Subdivision, Marathon, Monroe County, Florida, Having Real Estate Numbers 00374600-000000, 00374610-000000, 00374620-000000, 00374630-000000, 00374640-000000; 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.

There were no ex-parte communications on the item.

Garrett presented the item with the use of visual aids.

Cinque did not agree with increasing the density noting that it is not consistent with surrounding properties.

John Wolfe presented the item for the applicant, stating that the change is compliant with code and LDRs, would reduce the potential for a takings case and the RL zoning designation was inherited from the County.

Cinque commented that a unity of title would give them the density to build 12 BPAS units.

After a brief discussion on density of surrounding properties, Cinque made a motion to deny based on density creeping. There was no second.

David Migut reiterated what was in front of the commission to be voted on.

Chairman Smith made a motion to approve item 3. Dobson seconded. The roll was called. The motion was approved 4-1, with Cinque dissenting.

Chairman Smith made a motion to approve item 4. Dobson seconded. The roll was called. The motion was approved 4-1 with Cinque dissenting.

Chairman Smith called for a 5 minute recess.

**Item 5** was read into the record. An Administrative Appeal Filed By Chad Tracy Regarding The Decision Of The City Of Marathon Denying Permit P2018-0787 Based On A Decision By The City That The Residence In Question Was Substantially Damaged Pursuant To Chapter 107, Article 12, "Floodplain Management;" For Property Located At 868 73<sup>rd</sup> Street Ocean, Lot 11, Fields Subdivision, Key Vaca, And Having Real Estate Number 00342330-000000, Nearest Mile Marker 51.

David Migut was the council for city staff. Gaylan Jones was the council for the commission.

All speakers were sworn in.

Ex-parte communications were disclosed: Jones stated that he had the opportunity to speak to city staff and council for the appellatant regarding the item.

Cinque disclosed that he had spoken with the applicant and Garrett and it would have no impact on his decision.

Leonard disclosed that he had spoken with the applicant and Garrett and it would have no impact on his decision.

Landry disclosed that he had spoken to Garrett, Tracy and Sims and it would have no impact on his decision.

Smith disclosed that he had conversations with city staff and it would have no impact on his decision.

Pam Dobson abstained.

Garrett gave a brief factual introduction of the item.

Attorney Yagle presented his case and called Chad Tracy to the stand.

They discussed the timeline of applications and denial letters, reviewed line item costs produced by Tracy and by city staff, and discussed the independent appraisal obtained by the city.

David Migut cross examined Tracy.

David Migut called Garrett to the stand to testify in a narrative.

Garrett reviewed the definitions of substantial damage and substantial improvement, explained the accumulative 3 year assessment of substantial improvement, went through the timeline of events, and reviewed the analysis of cost to repair. Garrett showed photos of the house taken in 2006 and photos of the house with work in progress by Tracy.

Yagle cross examined Garrett.

David Migut called Doug Lewis to the stand to testify in a narrative.

Doug Lewis reviewed the appraisals and estimated cost of repairs which he stated did not make sense.

Yagel cross examined Lewis.

No further witnesses were called by the City.

Yagel gave his closing statement, the City did not implement a consistent methodology for calculations on substantially damaged properties.

Migut gave his closing statement, the City took time, but wanted to get it right due to FEMA. The decision of city staff should be upheld.

After a brief discussion on the appraisal amounts and cost differences, Cinque made a motion to grant the appeal to the applicant. Chairman Smith seconded. The roll was called. The motion was approved 3-1, with Leonard dissenting.

Motion to adjourn.

Chairman Smith adjourned the meeting at 9:09 p.m.

ATTEST:

  
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Jeff Smith – Planning Commission Chairman

ATTEST:



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Lorie Mullins-Administrative Assistant  
City of Marathon Planning Department

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

**(Please note that one or more Marathon City Council members may participate in the meeting.)**