



City of Marathon Planning Commission
Monday January 28, 2019
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

- 1. Call To Order**
 - 2. Pledge Of Allegiance**
 - 3. Roll Call**
 - 4. Minutes**
 - 5. Quasi-Judicial Statement**
 - 6. Items For Public Hearing**
 - 7. Adjournment**
-

5. Quasi-Judicial Statement

Please be advised that some of the items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item please inform the Boards clerk by filling out an available sign up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The general public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) and Residential Medium (RM) For Part Of The Property Described As 222 99th ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000; 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.
2. An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) and Residential Medium (RM) For Part Of The Property Described As 222 99th ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000; 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.

3. Consideration Of A Request By Mario And Kay Ferrucci For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits,” Authorizing The Development Of Six (6) Affordable Housing Units For Part Of The Property Described As 222 99th ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000. Nearest Mile Marker 52.
4. Consideration Of A Request By Marathon Land Holdings 3, 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 (Code) Entitled “Development Agreements” and “Conditional Use Permits,” Authorizing The Development Of Forty-Five (45) Affordable Housing Units And 4100 Square Feet Of Dry Storage Space For Property Located At 12550 Overseas Highway, Which Is Legally Described As Part Of Lot 3, Fat Deer Key, Monroe County, Florida, Having Real Estate Numbers 00100280-000000, 00100620-000000, And 00100630-000000. Nearest Mile Marker 53.5.
5. Consideration Of A Request For An Amendment To A Conditional Use Permit For Blue Water Resort Hospitality, LLC In Coordination With Marathon Hospitality LLC, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits,” For The Addition Of A Drive Through As Part Of The Redevelopment Of The Properties As A Hotel/Motel Resort, Located At 2222 Overseas Highway, Which Is Legally Described As Part Of Lot 2, And Bay Bottom Adjacent To Lot 2, Key Vaccas, Marathon, Florida, Having Real Estate Number 00102730-000000; And Located At 2146 Overseas Highway, Which Is Legally Described As Part Of Lot 2, And Part Of Old State Road 4A, Key Vaccas, Marathon, Florida, Having Real Estate Number 00102810-002000. Nearest Mile Marker 48.



**City of Marathon
Planning Commission
Monday December 17, 2018
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Vice Chairman Lynn Landry called the meeting of the Planning Commission to order on Monday, December 17, 2018 at City Hall Council Chambers, 9805 Overseas Hwy. at 5:30 pm.

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

The Pledge of Allegiance was recited.

George Garrett welcomed newly appointed commissioner, Mike Cinque.

The roll was called. Mike Cinque-present; Lynn Landry-present; Pam Dobson-present; Mike Leonard-present; Jeff Smith-absent. There was a quorum and the meeting started.

Vice Chairman Lynn Landry asked for a motion to approve the minutes of the last meeting. Pam Dobson made a motion to approve. Mike Leonard seconded. The minutes were approved 3-0.

The Quasi-Judicial statement was read into the record.

Item 1 was read into the record: Consideration Of A Request By James And Karen Ruggio For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits”, Seeking Authorization For The Construction Of A Boat Ramp At The Property Located At 111 Santa Barbara, Nearest Mile Marker 50, Which Is Legally Described As Bk 1, LT 70 Amended Plat Of Flamingo Island Estates, Boot Key, Section 15, Township 66, Range 32, Monroe County, Florida, Having Real Estate Number 00356140-000000.

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

Pam Dobson started the discussion with questions about water runoff into the canal. Geovanna Torres stated that the applicant designed some stormwater retention on site.

George Garrett stated that stormwater retention is required to remain within the property’s boundaries. Typically a trench is installed at the top of the ramp to have run off flow in either direction. This condition is part of the permit.

Mike Leonard stated that we need to do this one right, he doesn’t understand the runoff and wants more information on it, other than what our Code says.

George Garrett stated that it's an engineering issue, not a difficult fix. It depends on the property and the design of stormwater runoff such as berms and swales. Ramps run downhill, the water will run back into the canal, like the mangrove bank that is in existence.

Pam Dobson requested to know the length of the project on the canal. George Garrett stated it is approximately 30 feet.

Pam Dobson asked what would happen to the existing mangrove fringe, whether it would remain or be removed for the entire length of the dock. George Garrett stated that the dock is sited outside of the mangroves.

Mike Cinque questioned boat ramps in residential properties, voicing the concern of future vacation rental conversions, as well as concern over a private boat ramp becoming a public ramp and a nuisance.

Lynn Landry verified that the ACOE and DEP permits were obtained.

Mike Leonard asked how the City was going to ensure that the use of private boat ramps does not become commercial use in the future.

George Garrett assured the Commissioners that Conditional Use permits carry the condition regarding its use. However, Staff can impose a deed restriction or similar. Furthermore, ACOE and DEP could obtain easements for the remaining mangroves.

Mike Cinque opined that imposing deed restrictions are difficult to enforce and may create future conflict. The City needs to be cautious to not over-commercialize our rural town. He stated that an alternative is that the use of boat ramps be removed as a conditional use in Residential Medium (RM) zoning and limiting their use to Mixed Use (MU) and Mixed Use-Maritime (MU-M) zones.

Vice Chairman Lynn Landry opened the meeting to public speakers.

SWEARING IN SPEAKERS:

Reginald Mesimer, P.E., spoke against the item declaring environmental concerns such as the need to protect mangroves and manatees, along with issues concerning the right-of-way and privacy.

James Ruggio, the owner of the property, represented himself assuring the Board members that his project complies with City, ACOE and DEP codes. He argues that stormwater runoff is addressed on the plans submitted for his residence. He agrees to abide by the condition that the boat ramp is used solely by the homeowner and it is not for public use. He requested a boat ramp due to the lot's configuration, limiting his access to his boat. Glen Boe engineered a boat lift at the bottom of the ramp to address this specific issue. Access to the boat ramp will not be possible when the lift is up. He reiterates his compliance will all Codes. He asserts that his property is inaccessible by boat unless the project is built according to the engineer's plan.

Mike Leonard asked Mr. Ruggio to explain the need for a boat ramp if he is going to install a boat lift.

Mr. Ruggio responded that from his understanding from the engineers at Glen Boe, the only way to make the area accessible by boat is to perform some dredging and to place a boat ramp.

Mike Leonard asked for clarification on the whether he intends to leave the boat on the boat lift or the boat ramp.

Mr. Ruggio clarified that he intends to leave the boat on the lift.

Mike Leonard asked whether the engineer's explanation for the need of the boat lift and ramp was communicated to Staff - that the only way to get a boat lift is to dredge and the only way to dredge is to place a boat ramp.

George Garrett stated that the information Mr. Leonard is referring to is not included as part of the permit application. Maintenance dredging is routine, such as in the placement of docks. The proposed shoreline where the dock and ramp are planned to be located is shallow; therefore, the boat ramp and pier would come off of their property, assuming this is the location of the lift.

Mike Cinque asked whether the ramp is located on the City's right-of-way (ROW). George Garrett stated there is a gap between the Ruggio property, the property on the side and the ROW on the 3rd side.

Mike Cinque stated that he brought up the question to ensure that the rights of surrounding property owners are not being infringed.

George Garrett responded to Mr. Cinque that if the length of the pier crossed the riparian line, then the applicant's project would result in an encroachment, becoming an issue.

Pam Dobson asked why surveys are not submitted or added to the packets. George Garrett agreed to add surveys in the future.

Mike Leonard asked if conditional approval for the ramp, allowing for dredging, then sealing off immediately as a result of the installation of the boat lift, as the applicant, Mr. Ruggio, explained.

George Garrett spoke from personal experience and opined that the ramp is not required for dredging.

David Migut reiterated the procedures on deciding on an agenda item.

Mike Leonard advised City Council will require additional information on the need for dredging.

Mike Cinque made a motion to deny the item as presented as there are too many unanswered questions.

Pam Dobson seconded. The roll was called. The motion was approved 3-1, Lynn Landry casting the nay vote.

Item 2 was read into the record: An Ordinance Of The City Of Marathon, Florida Amending Chapter 102, Article 15, "Temporary Placement Permits;" Chapter 103, Article 3, Section 103.15, Table

103.15.1, “Uses By Zoning District;” And Chapter 104, Article 1, Section 104.55, “Temporary Placement,’ Of The City Code Of Ordinances, To Provide Minor Modifications To Allowances For The Temporary Placement Of Recreational Vehicles, Motor Homes, Mobile Homes, Or Other Temporary Residential Units After The Impact Of A Hurricane Or Other Natural Disaster; Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code Of Ordinances; And Providing For An Effective Date.

George Garrett presented the item with the use of visual aids.

Mike Cinque questioned the language in 3 and 3a of the resolution regarding licensed mobile home parks and temporary trailers being as-of-right. George Garrett acknowledged that the language can be updated for clarification.

Mike Leonard made a motion to approve the item subject to the clarification of language in 3 and 3a.

Mike Cinque seconded the motion. The roll was called. The item was approved 4-0.

Vice Chairman Lynn Landry adjourned the meeting at 6:33 p.m.

ATTEST:

Lynn Landry – Planning Commission Vice-Chairman

ATTEST:

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.)

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: January 28, 2019
To: Planning Commission
From: George Garrett, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map From Residential Medium (RM) To Mixed Use (MU) and Residential Medium (RM) For Part Of The Property Described As 222 99th St. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000; 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.

APPLICANT/OWNER: Mario & Kay Ferrucci

AGENT: Joshua Mothner

LOCATION: The subject property is located at 222 99th Street, near Mile Marker 52, Having Real Estate Number 00352210-000000

Location Map



REQUEST: Amend the FLUM Map for the subject properties from Residential Medium (RM) to Mixed Use (MU). See Exhibits 1 & 2 below.

LOT AREA: The aggregated size of the parcel(s) is approximately 36745 sq. ft.; .84acres
Proposed area of rezone is approximately 27,993 sq. ft. or .64 acres
Area to remain RM zone: 8752 sq. ft. or .20 acres

BACKGROUND:

The current residential FLUM (Residential Medium – RM) and Zoning (Residential Medium – RM) prohibit the use of this parcel for non-residential uses. Therefore, this FLUM amendment is being sought in order to allow for the development of future residential and commercial structures. The total area proposed for FLUM / Zoning change is 27,993 square feet. Currently, the site is developed with an existing duplex. The area totaling 8,752 square feet, near the canal, is being split off through the Simple subdivision process, and is not changing the Zoning/FLUM.

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Residential Medium (RM)
Proposed: Mixed Use Commercial (MUC)

Land Use (Zoning) District Designation

Existing: Residential Medium (RM)
Proposed: Mixed Use (MU)

Use of Properties

Existing: Duplex
Proposed: Two Duplexes

Surrounding FLUM, Zoning and Uses

The properties subject to the Zoning amendment are located on U.S. 1 adjacent to 99th St., Ocean and consist of a total of 1 parcel. The property is situated in an area with Mixed Use, Residential and Public land uses. Adjacent land uses include the City of Marathon City Hall properties to the west, Pizza Hut to the east, and residential development immediately to the south.

The following table correlates existing uses with the existing FLUM and Zoning map:

Table 1. Existing Conditions

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Airport (A); Industrial (I)	Airport (A); Industrial General (I-G)	MTH Airport; FK Mosquito Control; Monroe Concrete
East	Mixed Use; Residential Medium	Public; Residential High (RH)	Pizza Hut, Remax, Dermatology, Supervisor of Elections, Residential of 100 th and 101 st Streets
South	Residential Medium	Residential Medium	99 th Street residences
West	Public	Public	City Hall

Existing Habitat

The existing conditions maps shows the parcel has protected vegetation. Hurricane Irma caused significant damage to the property. High winds caused many large trees to be felled and the storm surge killed many more. Therefore, the proposed site of construction is cleared. The parcel remains vacant and contains native wetland vegetation (primarily red mangroves) to the south of the proposed Re-FLUM and re-zoning. Documented wetlands will have no development. The property is recognized habitat to a number of state or federally listed animal species and falls within Florida Forever boundaries or critical habitat areas. A conservation easement will be required as part of condition of approval.

FEMA

The property is located entirely within the AE 7 Flood zone, pursuant to the FIRM map, effective date February 18, 2005. The entirety of the property also lies within Cat2 SLOSH boundary.

FLUM and Land Use History

The City has not made any amendments to the FLUM or zoning map associated with this property since the adoption of the Current FLUM and Zoning Maps in 2005 & 2007 respectively. The property has historically had land use and zoning designations of medium density residential uses.

DEVELOPMENT ANALYSIS:

Current Zoning: Residential Medium (RM)

Section 103.12 (C). Residential Medium

Section 103.12 (C) of the Land Development Regulations states, “The RM District is intended to establish areas of low- to medium-density residential uses characterized principally by single-family detached and two-family dwellings, designated within the Residential Medium (RM) future land use category on the Future Land Use Map (FLUM)”.

Residential Medium (RM) Allowable Density

Market Rate – 5 units per acre

Affordable – 10 units per acre

Proposed Zoning: Mixed Use (MU)

Section 103.09 (A). Mixed-Use Districts

Section 103.09 (A) of the Land Development Regulations states, “The MU zoning district is designed to accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City's historic business district and the US 1 corridor, in an effort to recognize the role of US1 as the City of Marathon's "Main Street". Specifically, this district provides for land uses that have a strong pedestrian-oriented character, with a mixture and concentration of specialty shopping, transient lodging, retail, personal service, restaurant, cultural, fishing industry, affordable housing and entertainment uses in the Old Town area. The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping centers, specialty shopping centers, individual multi-tenant commercial buildings, automobile services and sales, fast food restaurants, affordable housing residential uses, transient lodging and other retail establishments that serve the community at large. The (MU) district is designated within the Mixed-use Commercial (MUC) future land use category on the Future Land Use Map (FLUM)”.

Mixed Use (MU) Allowable Density

Market Rate – 6 Units per acre

Affordable – 15 units per acre

Transient – 5-25

Commercial F.A.R. – 0.15% - 0.6%

Minimum Open Space – 20% on upland area, 50% on conservation area

ANALYSIS OF ZONING CHANGE REQUEST:

Compliance Discussion

Relevant criteria promulgated in Chapter 163, 380, 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 zoning amendment and for future comprehensive plan amendments.

Natural Resources

Direct impacts to natural resources would differ minimally as a result of the proposed FLUM change. The area proposed for a FLUM change is developed and partially scarified. There are no associated wetlands. There are no estuaries, beach areas or dunes associated with the area proposed for FLUM change. Similarly, no living marine resources adjacent to the subject area will be adversely impacted by the proposed change in the FLUM map. No modifications such as hardened shoreline structures are proposed.

The existing conditions maps indicate the property as developed. The upland area is disturbed and cleared of vegetation. The parcel is not in a species focus area, and thus is not an environmentally sensitive area is home to wildlife habitat such as the East Indigo Snake, Keys Tree Cactus and Keys Tree Snail, species that are protected. The upland area of proposed development is not expected to be adversely impacted by future development as the site has been disturbed and cleared. This property is also 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.

The proposed FLUM amendment is consistent with these provisions of the Comprehensive Plan and Chapters 16 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 change. Therefore, the FLUM change would have no impacts on historical or cultural resources. The proposed FLUM amendment is 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 subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM change would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 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 & South Florida Water Management District.

An approved Stormwater plan exists for this property concurrent with the construction of the single family residence in 2006. No increase in impervious area is proposed. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 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 amendment is, 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 change would maintain concurrency levels of solid waste infrastructure capacity. The proposed FLUM amendment is, 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 change would maintain concurrency levels of transportation on U.S. Highway 1. The proposed FLUM amendment is, 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 proposed FLUM change would facilitate a potential for increased affordable housing on site. The Public FLUM category allows for a potential increase of three (3) units of affordable housing versus the existing FLUM category which currently allows six (6).

The proposed FLUM change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM amendment is 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 current structure is preFIRM and must comply with the provisions of the local City of Marathon Floodplain Regulations, in accordance with the standards as set forth in the National Flood Insurance Program (NFIP).

- **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 change would have a positive impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM amendment is, 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 change will have no adverse impact on ports management or the City's Marina Siting Plan. Marinas are allowed under a conditional use permit in the Mixed Use (MU) zoning district under the City's Land Development Regulations; however, the portion zoned MU is not adjacent to any water.

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

Public Use – Access to Water

The proposed FLUM amendment is located on Florida Bay. 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 amendment is, 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 carried out 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 subject parcel is not on the Florida Forever boundary map.

The proposed FLUM change would have no impact on land acquisition efforts of the above mentioned entities. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

SUMMARY:

The applicant has requested a change in the Zoning Map designation for the property located on 222 99th Street. Currently the property is designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use (MU), which will make the zoning consistent with the surrounding use on the nearby properties.

Staff finds the proposed 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.

RECOMMENDATION:

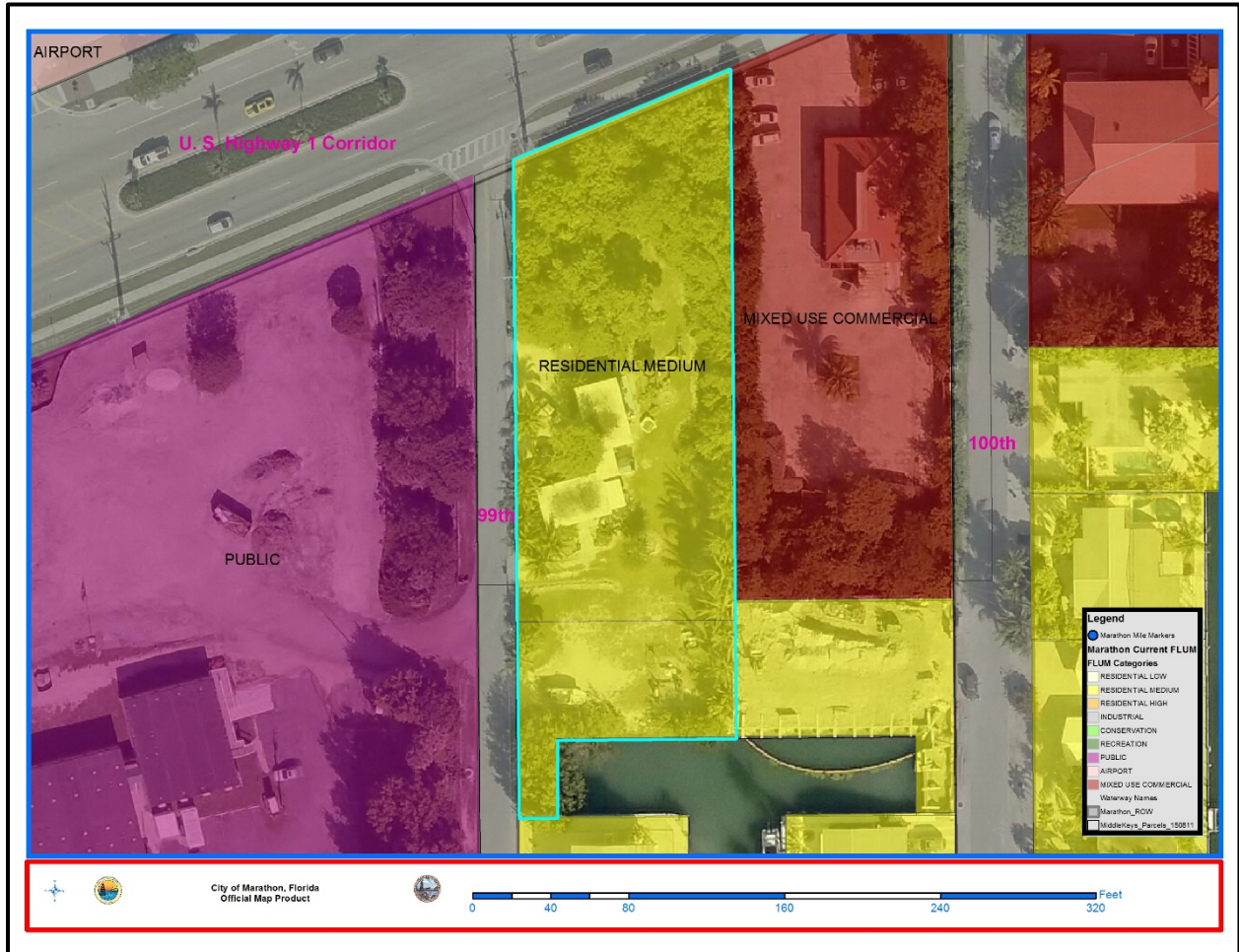
Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission forward a recommendation for approval to Council to amend the City of Marathon Official Zoning Map for the subject parcel from Residential Medium (RM) to Mixed Use (MU).

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 (pp2-86 – 2-95).
2. City of Marathon, Comprehensive Plan Data and Analysis, page 10.

EXHIBIT 1 EXISTING & PROPOSED ZONING MAPS

Existing Future Land Use Map (FLUM)



Proposed Future Land Use Map (FLUM)



Proposed Future Land Use Map (FLUM)

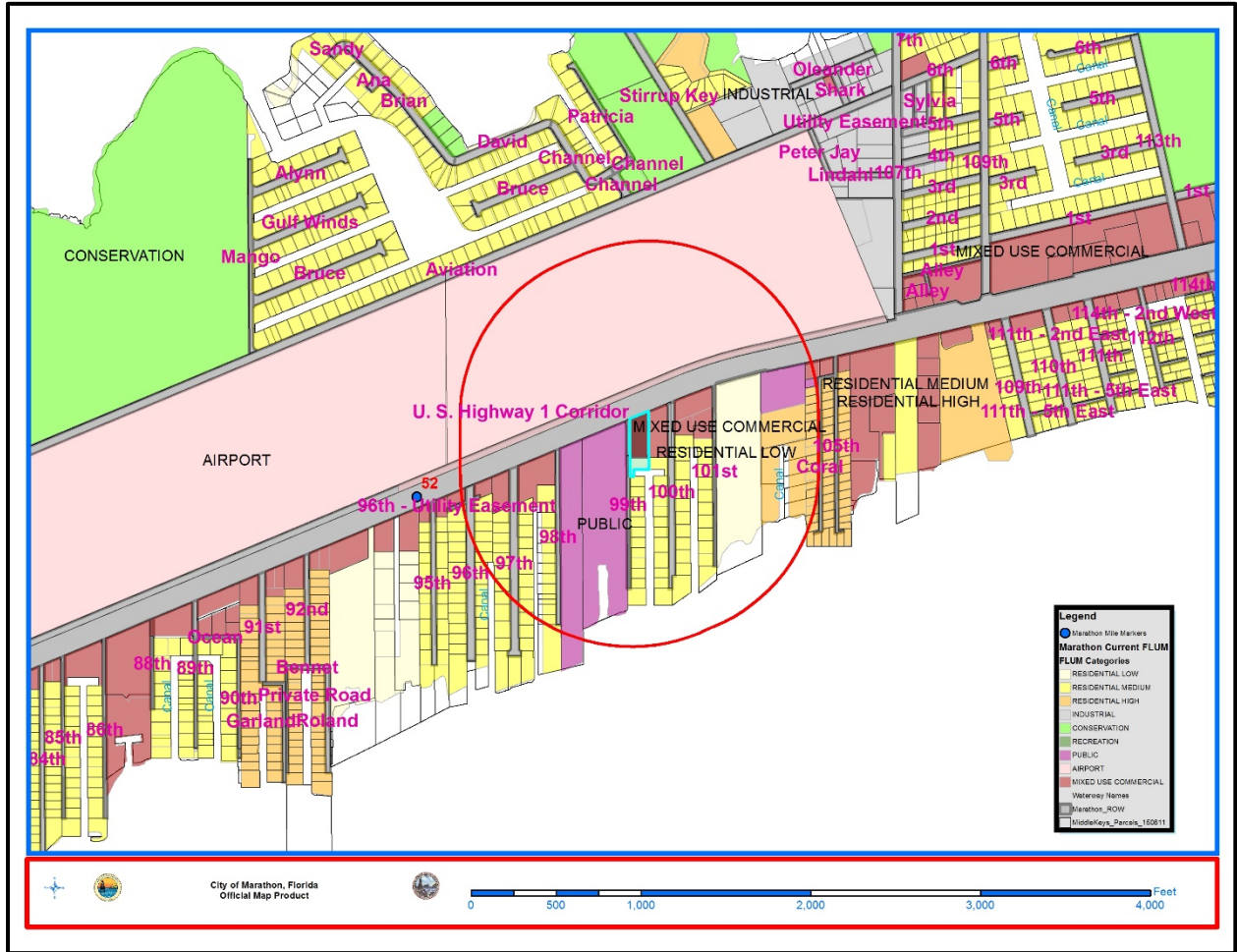
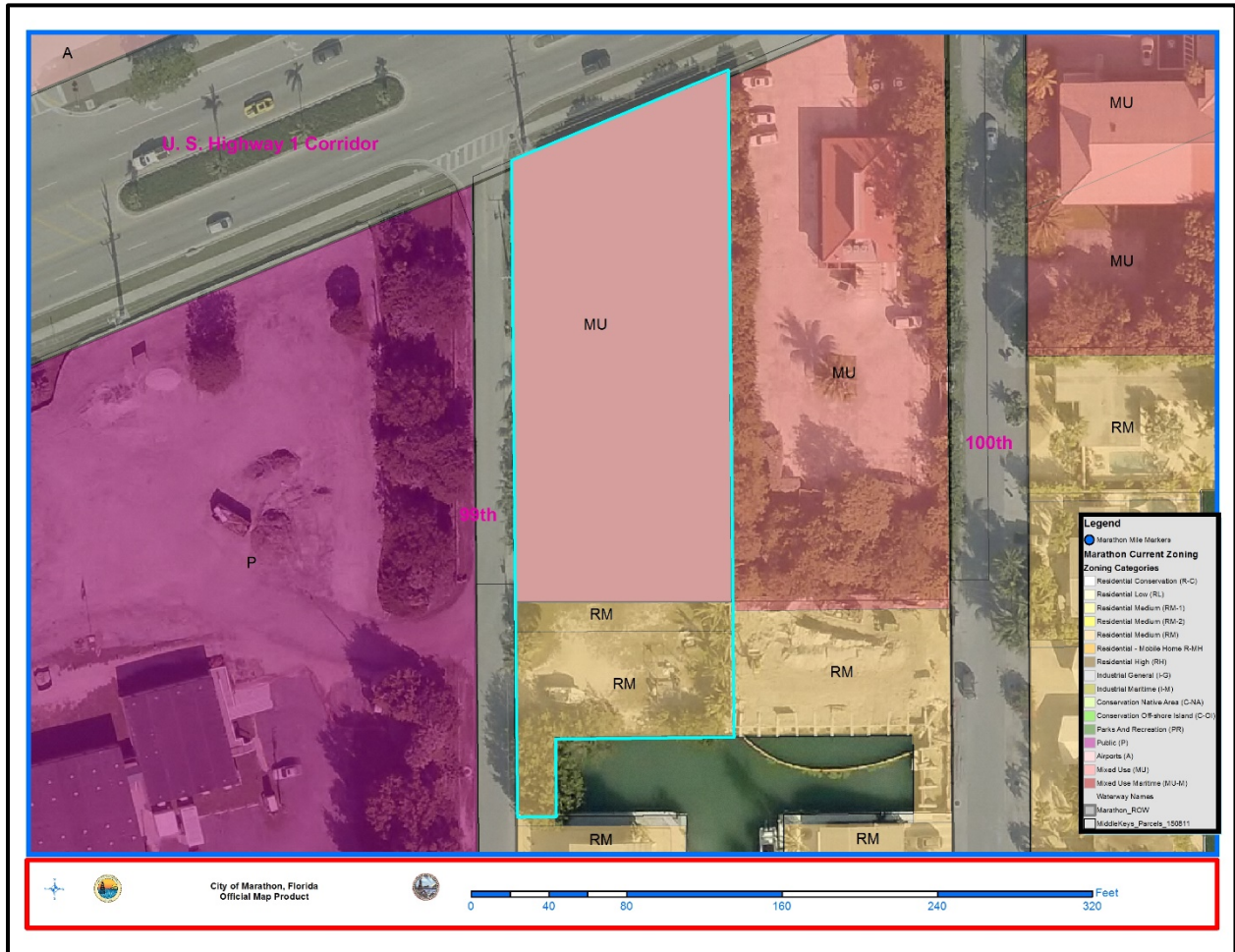


EXHIBIT 2 EXISTING & PROPOSED ZONING MAPS

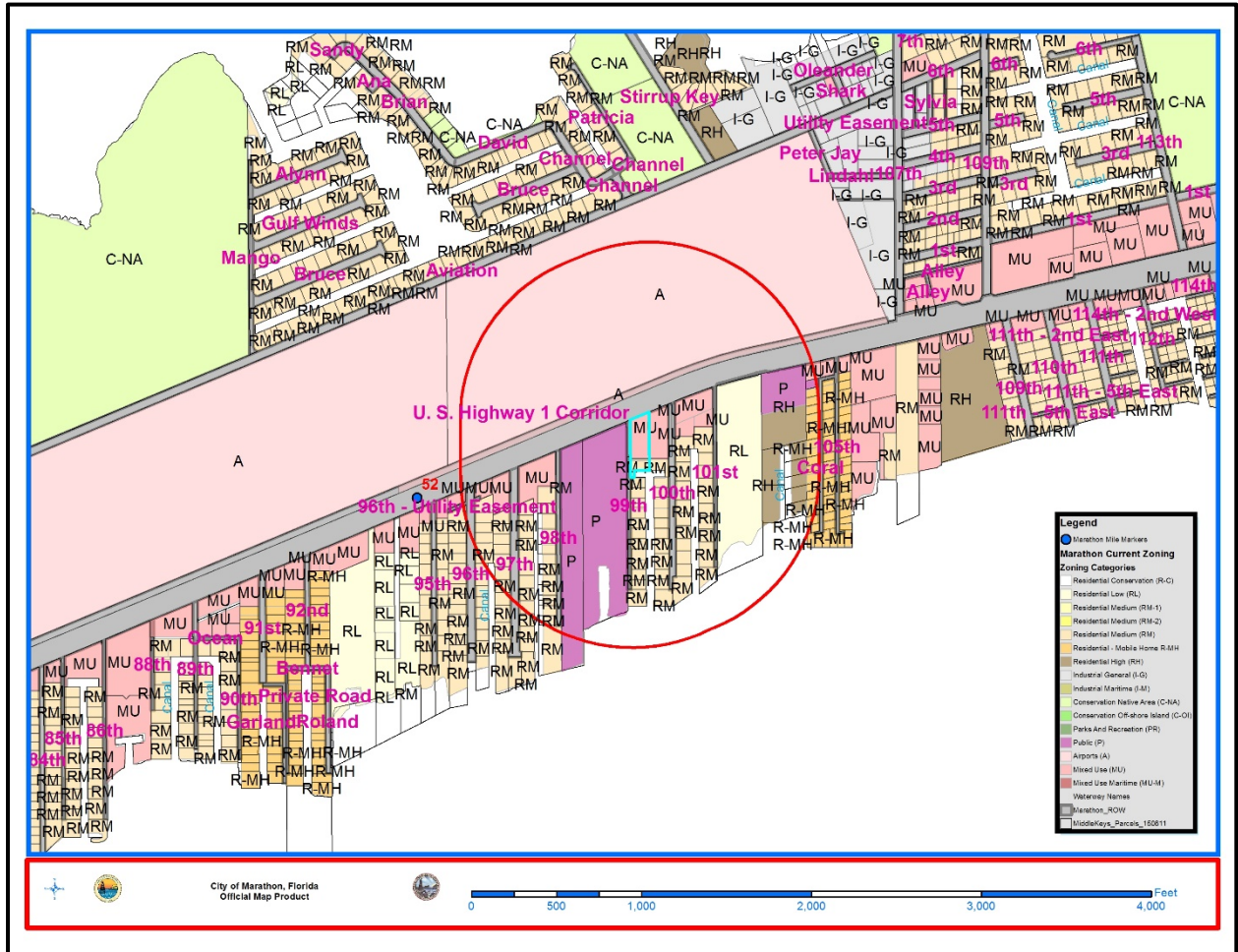
Existing ZONING



Proposed ZONING



Proposed ZONING





PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: January 28, 2019
To: Planning Commission
From: George Garrett, Deputy City Manager / Planning Director
Through: Chuck Lindsey, City Manager

Agenda Item: **Ordinance 2019-XX** Amending The Official Zoning Map From Residential Medium (RM) To Mixed Use (MU) and Residential Medium (RM) For Part Of The Property Described As 222 99th ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000; 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.

APPLICANT/OWNER: Mario & Kay Ferrucci

AGENT: Joshua Mothner

LOCATION: The subject property is located at 222 99th Street, near Mile Marker 52, Having Real Estate Number 00352210-000000.

Location Map



REQUEST: Amend the FLUM Map for the subject properties from Residential Medium (RM) to Mixed Use (MU). See Exhibits 1 & 2 below.

LOT AREA: The aggregated size of the parcel(s) is approximately 36745 sq. ft.; .84 acres
 Proposed area of rezone is approximately 27,993 sq. ft. or .64 acres
 Area to remain RM zone: 8752 sq. ft. or .20 acres

BACKGROUND:

The current residential FLUM (Residential Medium – RM) and Zoning (Residential Medium – RM) prohibit the use of this parcel for non-residential uses. Therefore, this FLUM amendment is being sought in order to allow for the development of future residential and commercial structures. The total area proposed for FLUM / Zoning change is 27,993 square feet. Currently, the site is developed with an existing duplex. The area totaling 8,752 square feet, near the canal, is being split off through the Simple subdivision process, and is not changing the Zoning/FLUM.

Table 1. Old vs. New Zoning & FLUM

	Pre 2005	Pre 2007	2005	2007
	OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
222 99th	Residential Medium	Residential Medium	Residential Medium	Residential Medium

This Zoning amendment is being sought in order to allow the proposed redevelopment currently seeking Conditional Use Permit (“CUP”) to proceed, and in order to provide for potential future commercial use.

Current improvements on the lot are an existing duplex structure.

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Residential Medium (RM)
 Proposed: Mixed Use Commercial (MUC)

Land Use (Zoning) District Designation

Existing: Residential Medium (RM)
 Proposed: Mixed Use (MU)

Use of Properties

Existing: Duplex
 Proposed: Two Duplexes

The properties subject to the Zoning amendment are located on U.S. 1 adjacent to 99th St., Ocean and consist of a total of 1 parcel. The property is situated in an area with Mixed Use, Residential and Public land uses. Adjacent land uses include the City of Marathon City Hall properties to the west, Pizza Hut to the east, and residential development immediately to the south.

The following table correlates existing uses with the existing FLUM and Zoning map:

Table 2. Existing Conditions

	<u><i>Existing FLUM</i></u>	<u><i>Existing Zoning</i></u>	<u><i>Existing Uses</i></u>
North	Airport (A); Industrial (I)	Airport (A); Industrial General (I-G)	MTH Airport; FK Mosquito Control; Monroe Concrete
East	Mixed Use; Residential Medium	Public; Residential High (RH)	Pizza Hut, Remax, Dermatology, Supervisor of Elections, Residential of 100 th and 101 st Streets
South	Residential Medium	Residential Medium	99 th Street residences
West	Public	Public	City Hall

Existing Habitat

The existing conditions maps shows the parcel has protected vegetation. Hurricane Irma caused significant damage to the property. High winds caused many large trees to be felled and the storm surge killed many more. Therefore, the proposed site of construction is cleared. The parcel remains vacant and contains native wetland vegetation (primarily red mangroves) to the south of the proposed Re-FLUM and re-zoning. Documented wetlands will have no development. The property is recognized habitat to a number of state or federally listed animal species and falls within Florida Forever boundaries or critical habitat areas. A conservation easement will be required as part of condition of approval.

FEMA

The property is located entirely within the AE 7 Flood zone, pursuant to the FIRM map, effective date February 18, 2005. The entirety of the property also lies within Cat2 SLOSH boundary.

Zoning and Land Use History

The City has not made any amendments to the FLUM or zoning map associated with this property since the adoption of the Current FLUM and Zoning Maps in 2005 & 2007 respectively. The property has historically had land use and zoning designations of medium density residential uses.

ANALYSIS OF ZONE CHANGE REQUEST:

Section 102.64 of the Land Development Regulations requires that the following standards and criteria be considered in any rezoning application. Each criteria and explanation of relevance to this application are listed below:

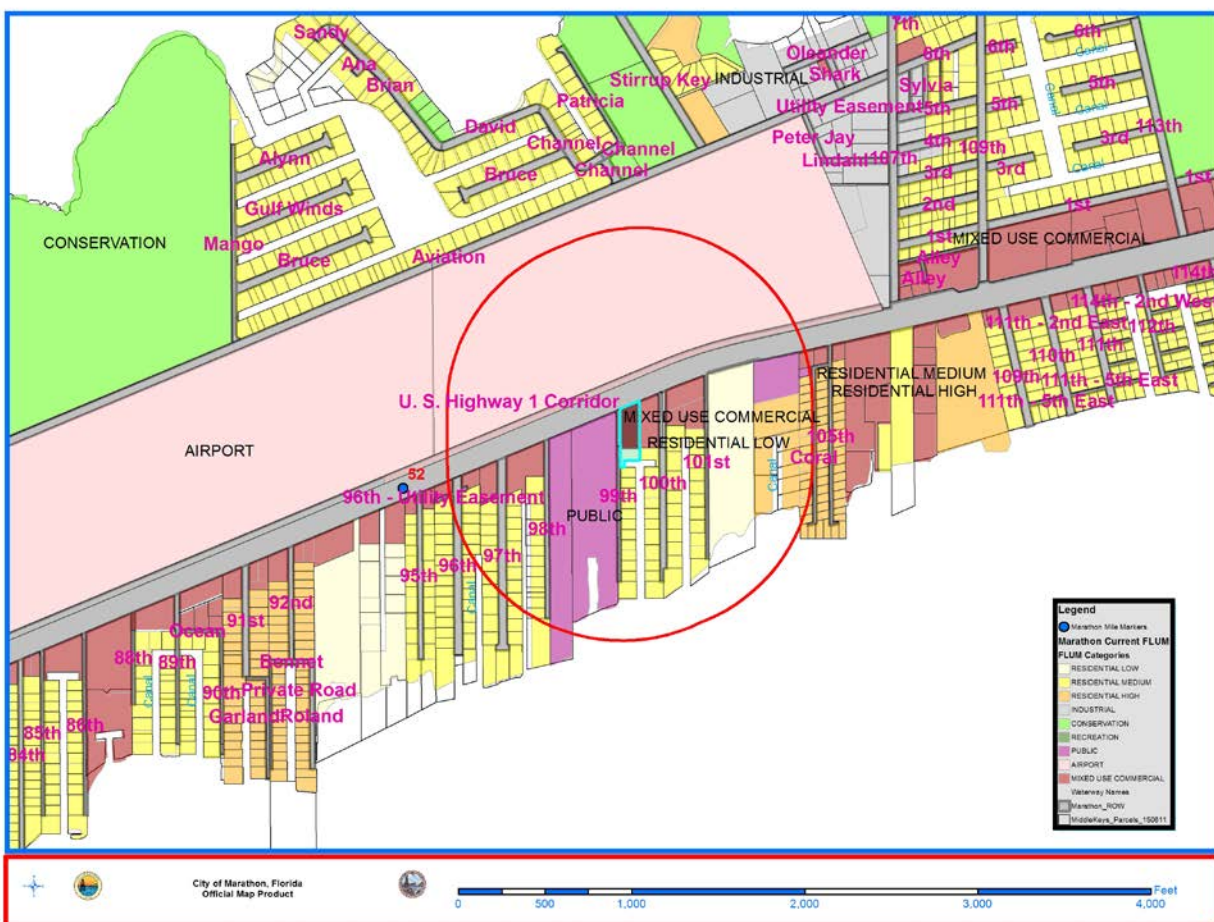
- A. **Consistency:** The proposed rezoning is consistent with the Comprehensive Plan and the LDRs.

The proposed zoning change is consistent with the existing FLUM designation and the Comprehensive Plan Goals, Objectives and Policies

It is staff's finding that the request is *in compliance* with this review criterion.

B. **Compatibility:**

In accordance with neighborhood planning practices, a ¼ mile buffer was applied to the property in order to analyze compatibility with surrounding Future Land Uses and Zoning.



Predominately the FLUM designation for this area is Mixed Use along US1 Ocean Side, and Airport US1 Gulfside. If the proposed zoning change were approved, Residential zoning categories would remain the same.

While it is clear that the cumulative changes to land use/ zoning proportions are minimal, the location of the proposed change along the larger MU boundary with RM in the neighborhood has the potential for creating compatibility issues. These issues are best addressed on a site specific basis as development proposals are presented.

The proposed change to Mixed Use (MU) would make the zoning consistent with similar zoning abutting US1.

The proposed rezoning is 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.

C. **Development Patterns:** The proposed rezoning shall result in logical and orderly development patterns.

As stated in B, above, the rezoning of the lots to Mixed Use (MU) would make the zoning consistent with the adjacent zonings along US1. The properties are currently developed, and any redevelopment would have to comply with all regulations as set forth in the Comprehensive Plan, Land Development Regulations and Florida Building Code.

Therefore, it is staff's opinion that the request is *in compliance* with this criterion.

D. **Suitability:** The affected property is suitable for the uses that are permitted by the proposed zoning districts.

The existing duplex is a conditional use in RM. Any future redevelopment would have to be compliant with the permitted uses within the MU zoning district, of which duplexes are still a conditional use.

Therefore, it is staff's opinion that the request is *in compliance* with this criterion.

E. **Adequate Public Services:** The proposed rezoning is consistent with the adequate public facilities requirements of the Plan.

Adequate supply of public services is present to accommodate the proposed rezoning. Development specific concurrency requirements will be reviewed as part of the CUP amendment application and during final site plan review.

Therefore, it is staff's opinion that the request is *in compliance* with this criterion.

F. **Access:** Available ingress and egress is adequate for potential uses in the proposed zoning district.

Access to the property is available via an existing entrances on 99th Street.

Therefore, it is staff's opinion that the request is *in compliance* with this criterion.

G. Public Health, Safety, and Welfare: The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

Any new development will be required to meet current regulations regarding landscaping, buffers, setbacks, stormwater management and other LDRs. While the current conditional use has not had any known significant impact to the health, safety and welfare of the public, the proposed redevelopment associated with the overall project should have a positive impact on the area and surrounding properties.

Therefore, it is staff's opinion that the request is *in compliance* with this requirement.

Section 102.66. – Residential Density Restriction.

In compliance with density standards adopted and approved by DEO, it should be noted, that the change only amounts to a maximum difference in three affordable units, and if market rate, no change in units.

SUMMARY:

The applicant has requested a change in the Zoning Map designation for properties located on 222 99th Street. Currently the properties are designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use (MU), which will make the zoning consistent with the development along US1. The rezoning will also allow consistency with the proposed CUP amendment.

Staff finds the proposed 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.

RECOMMENDATION:

Based on the above information staff recommends that Planning Commission provide a recommendation for approval to the City Council, supporting a zoning change from RM to MU.

EXHIBIT 1 EXISTING & PROPOSED ZONING MAPS

Existing ZONING



Proposed ZONING



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: January 28, 2019
To: Planning Commission
From: George Garrett, Planning Director

Agenda Item: Consideration Of A Request By Mario And Kay Ferrucci For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits,” Authorizing The Development Of Six (6) Affordable Housing Units For Part Of The Property Described As 222 99th ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000. Nearest Mile Marker 52.

APPLICANT/ OWNER: Mario & Kay Ferrucci

AGENT: Joshua Mothner

LOCATION: The subject property is located at 222 99th Street, near Mile Marker 52, Having Real Estate Number 00352210-000000. See Figure 1.

Figure 1
Project Site

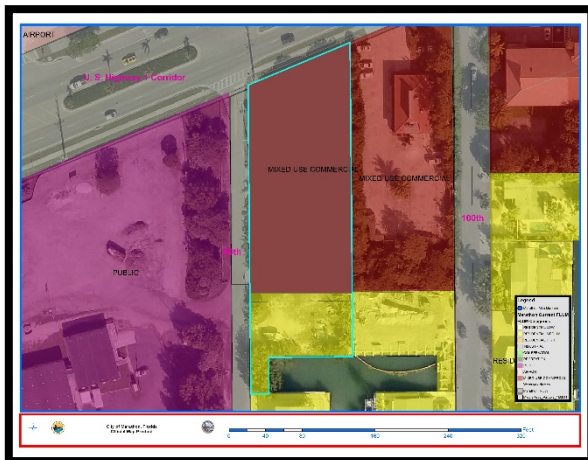


REQUEST: A Conditional Use Permit for the approval of a second duplex residence on property having the real estate number 00352210-000000.

FUTURE LAND USE & ZONING MAP DESIGNATION:

Mixed Use (MU). This application is being taken concurrently with the Zoning and FLUM change. Review and approval is based upon and conditioned on approvals of FLUM and zoning change. See Figure 2 & 3.

**Figure 2
Future Land Use**



**Figure 3
Map Zoning Map**



LOT SIZE:

Total acreage; the aggregated size of the parcel(s) is approximately 36745 sq. ft.; .84acres
 Proposed area of rezone is approximately 27,993 sq. ft. or .64 acres
 Area to remain RM zone: 8752 sq. ft. or .20 acres

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Airport (A);	MTH Airport; FK Mosquito Control; Monroe Concrete
East	Industrial General (I-G)	Pizza Hut, Remax, Dermatology, Supervisor of Elections, Residential of 100 th and 101 st Streets
South	Public;	99 th Street residences
West	Residential High (RH)	City Hall

EXISTING CONDITIONS:

The project site consists of a parcel currently developed with a duplex.

PROPOSED REDEVELOPMENT:

One (1) additional duplex for a total of 4 units.

BACKGROUND:

The proposed project is the development of one duplex unit (over / under) on a lot in a Mixed Use (MU) parcel. The total lot area is 27,993 square feet.

All condition of the Conditional Use approval will have to be met before any building permit will be approved.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “The MU zoning district is designed to accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City's historic business district and the US 1 corridor, in an effort to recognize the role of US1 as the City of Marathon's "Main Street". Specifically, this district provides for land uses that have a strong pedestrian-oriented character, with a mixture and concentration of specialty shopping, transient lodging, retail, personal service, restaurant, cultural, fishing industry, affordable housing and entertainment uses in the Old Town area. The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping centers, specialty shopping centers, individual multi-tenant commercial buildings, automobile services and sales, fast food restaurants, affordable housing residential uses, transient lodging and other retail establishments that serve the community at large. The (MU) district is designated within the Mixed-use Commercial (MUC) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the development of existing developed land within the Mixed Use Zoning District. Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that duplex residential units are allowed through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Using the property area, the proposed use can have up to 9 residential units on the lot.

Development Type	Proposed	Maximum Allowed
Residential Units		
Market Rate	0	0
Affordable	4	9

The project as proposed meets the basic definition of development in the MU zoning district.

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

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

The proposed project is located within the Mixed Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed Use Commercial land use category is to provide for the establishment of mixed use development patterns and to recognize established mixed use development patterns within the City.” The proposed project includes development of a duplex unit.

The existing land use pattern is principally one of single family uses with canal frontage to the south. Along US1 development is primarily commercial and public uses.

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

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

The proposed conditional use does not adversely affect the health, and welfare of the public. The impacts on surrounding properties as a result of the proposed development should be positive.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

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

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

The existing conditions maps indicate the subject area is designated as Developed Land. In addition, it is not a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit as “developed land.”

Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface

waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping requirements will require that street trees be provided on site.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections.

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

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

Ingress and egress to and from the property will occur from 99th Street, Ocean.

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

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

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

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	8
Total Required			8
Total Provided			8

The developer proposes provisions and arrangements for off-street parking and loading areas, with particular attention to ingress and egress, automobile, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

No handicapped space is required of a duplex type residential unit.

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

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

The proposed project consists of development of a single duplex unit. No noise, glare, or odor should emanate from the proposed project over and above that expected of two (2) residential units.

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

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

Refuse will be collected at street side as is typical of a single family neighborhood.

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The applicant must coordinate with wastewater Utilities department for connection requirements. This project will result in a de minimus impact.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This development will have a de minimus impact on recreation and open space.
- Roadways: The applicant is developing the site with a duplex which will require no more improvements and create no more impact than two (20 single family residences).
- Educational Facilities: This redevelopment will have a de minimus impact on educational facilities since existing uses are replaced in kind.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the modified connection to the City Wastewater Utility will be required.

6. Screening and buffering with reference to type, dimensions and character;

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the east by properties zoned MU and RM to the south. Table 107.70.2 establishes a 20 foot minimum buffer for the southern buffer.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed landscape plan meets the minimum requirements. According to the Code, four canopy trees shall be planted in and about access points per every 240 feet. In addition smaller accent trees shall be planted every 120 feet and staggered midway between the large canopy trees. According to code, two (2) canopy trees shall be planted for every 100 feet. Section 107.71 C. requires that all single family and two-family residential uses shall be required to provide a minimum of two canopy trees for every 100 linear feet of property frontage along local streets. The project is adjacent to US 1 to the north. The proposed landscape plan meets the minimum requirements.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30’; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5’. Accessory structures, including pools, have a 10’ setback.

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

- Street trees required pursuant to the LDRs.

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

There will be no signs associated with the project.

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

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally considered undeveloped; therefore, a twenty percent (20%) open space requirement applies. The proposed project meets all setback and open space requirements.

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

9. General compatibility with surrounding properties; and

The proposed duplex use will fit in the predominantly single family neighborhood as there currently exists a duplex on the lot.

Section 107.40 restricts the height of buildings to 37’ as measured from the crown of the roadway or unimproved grade. The site plans show that buildings are below 37’.

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

10. Any special requirements set forth in the LDRs for the particular use involved.

None.

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

CONCLUSION:

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

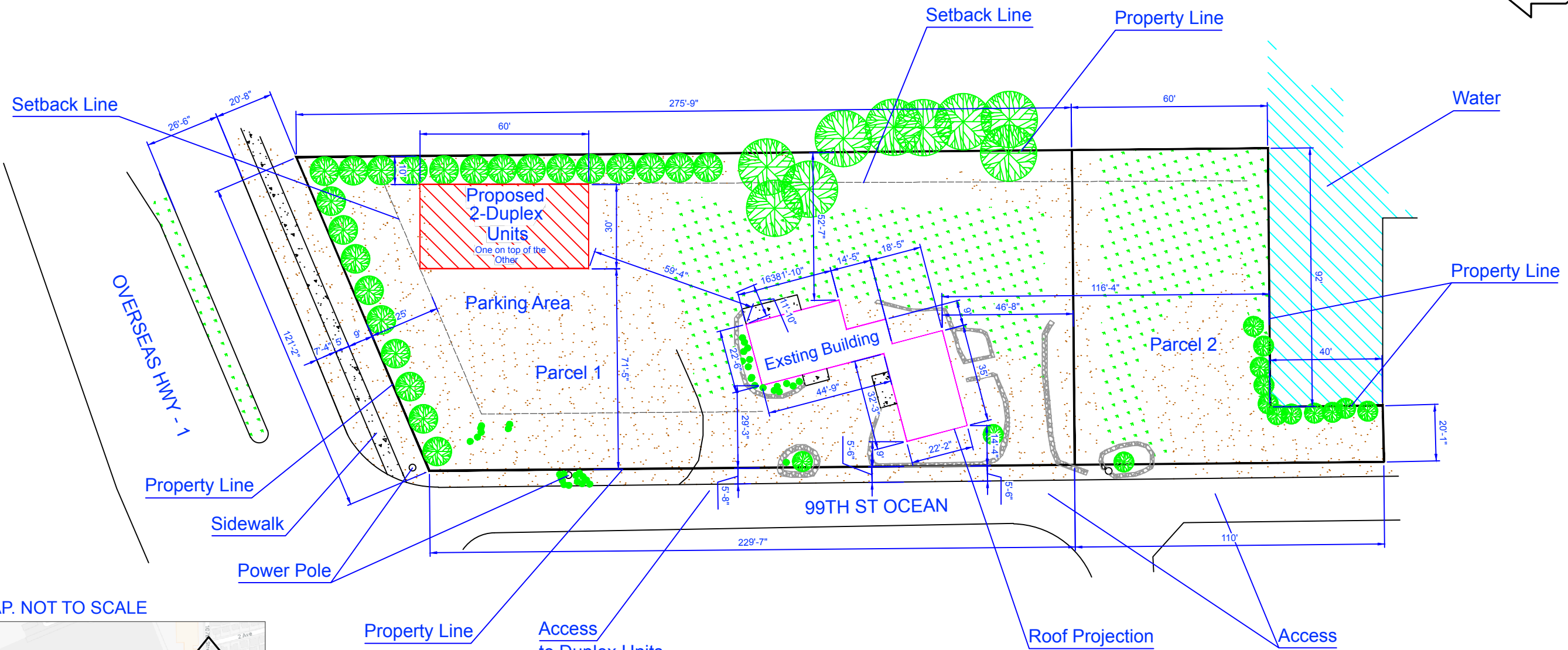
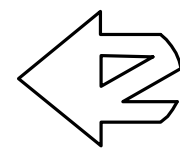
The proposed development consists of a duplex unit within a predominantly single family neighborhood. The character of the proposed residence will fit in the neighborhood.

RECOMMENDATION:

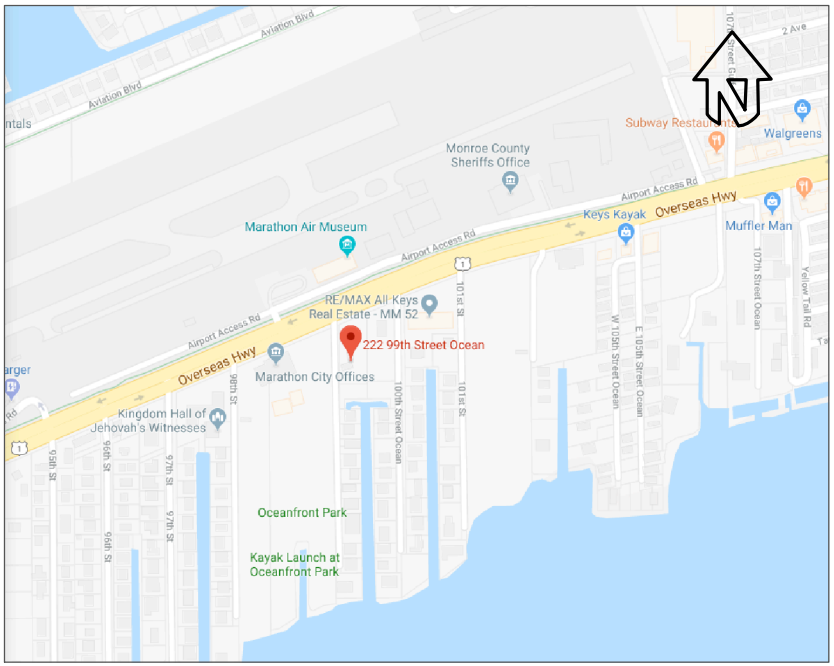
City staff recommends approval with the following conditions.

Conditions of Approval

1. City approval is required for the stormwater management system prior to Building Permit Approval.
2. City approval of the modified connection to the City Wastewater Utility will be required.
3. Street trees required pursuant to the LDRs.
4. Conditioned upon Zoning and FLUM changes from RM to MU.



VICINITY MAP. NOT TO SCALE



Land Use Cat.	RESIDENTIAL
Land Use Desc.	MULTI-FAMILY DWELLING (2-4 UNITS)
Building Area	1,280 SF
Parcel 1 Area	27,993 SF 0.64 AC
Parcel 2 Area	8,752 SF 0.20 AC
No. of Units	2

222 99TH STREET OCEAN
MARATHON, FL 33050
 Scale: 1"=40'



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: January 28, 2019
To: Planning Commission
From: George Garrett, Planning Director

Agenda Item: Consideration Of A Request By Marathon Land Holdings 3, LLC (Serenity Cove) 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 Development Of Three Undeveloped Lots Through The Proposed Development Of Townhomes And Commercial Uses On Property Located at 12550 Overseas Highway, Which Is Legally Described As Township 66, Section 5, Range 33; PT Lots; 3, Fat Deer Key, Marathon, Florida; Having Real Estate Numbers 00100280-000000, 00100620-000000 and 00100630-000000. Nearest Mile Marker 54.5.

APPLICANT/ OWNER: Marathon Land Holdings 3, LLC

AGENT: Jorge Cepero/Marathon Land Holdings 3, LLC

LOCATION: The project site is located at 12550 Overseas Highway at nearest mile marker 53.5. See Figure 1.

Figure 1
Project Site



REQUEST: A Conditional Use Permit and Development Agreement for development of the subject property having the real estate numbers 00100280-000000, 00100620-000000 and 00100630-000000.

FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MUC). See Figure 2.

**Figure 2
Future Land Use Map**



ZONING MAP DESIGNATION:
Mixed Use (MU). See Figure 3.

**Figure 3
Zoning Map**



LOT SIZE:

Total acreage 2.99 acres or 130,280 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Conservation-Native Area; and Conservation -Offshore Island	Vaca Key Rock
East	Mixed Use, Residential Medium, and Residential High	Gulfpointe Condos, Keys Federal Credit Union, Iberia Bank
South	Mixed Use, Residential Medium and Conservation Native Area	Bonefish Bay, The Art Studio, Coral Lagoon Boat House Marina
West	Mixed Use, Residential Medium, and Residential High	Island Gift Shop, Bougainvillea Villas Condos, Ce-Del & Hawaiian Village Subdivisions

EXISTING CONDITIONS:

The project site consists of three existing undeveloped lots and a parcel currently being acquired from FDOT. Cumulatively, these four parcels make up the project site that is planned for future development. The parcels are currently vacant or undeveloped, but were formerly the location of the Longhorn Lodge Resort, which was severely damaged during Hurricane Wilma and was subsequently demolished.

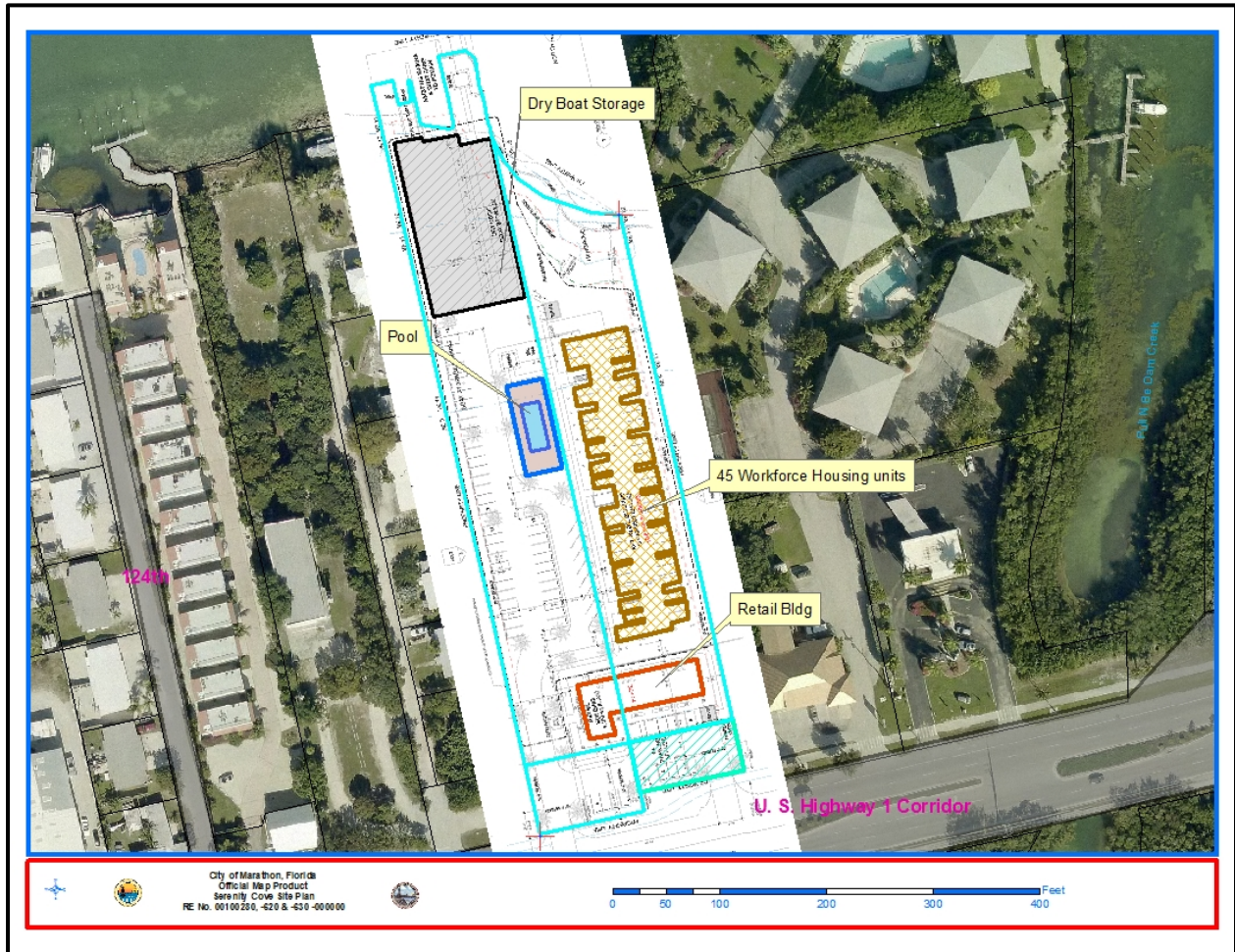
PROPOSED REDEVELOPMENT:

Residential Units: 45 Affordable Workforce Housing Units.

Commercial Floor Area: 4,100 square feet commercial at 60% FAR.

See Figure 4 for Site Plan layout.

Figure 4
Proposed Redevelopment Site Plan



BACKGROUND:

The proposed project is a redevelopment of residential and commercial property utilizing three existing undeveloped lots and a contiguous parcel purchased from FDOT. Prior to Hurricane Wilma, these properties were commercially developed with a motel complex and marina facility known as “The Longhorn Lodge Resort”. All four parcels are zoned Mixed Use. This report addresses the Conditional Use application. Associated with the Conditional Use Permit, will be the simultaneous approval of a Development Agreement.

All condition of the Conditional Use approval will have to be met before any building permit will be approved.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large”.

The proposed project consists of the redevelopment of existing Undeveloped Land within the Mixed Use Zoning District. Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Market Rate residential units are allowed at a maximum of 6 units per acre and Affordable residential units are allowed at a maximum of 15 units per acre, at numbers greater than three (3) are only approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Using the property area, the proposed use can have up to 18 residential units. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use.

Development Type	Proposed	Maximum Allowed
Residential Units		
Market Rate	0	17
Affordable	45	45
Commercial Floor Area		
Low Intensity (60% FAR)	4,116	4,116
Medium Intensity (45% FAR)	0	3,087
High Intensity (25% FAR)	0	1,715

The project as proposed meets the basic definition of development in the MU zoning district.

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

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

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

The existing land use pattern in the project vicinity consists of commercial use and residential uses (mixed uses) to the east; commercial uses, residential uses, and conservation of native area to the south; commercial and residential uses to the west; and (conservation-off-shore island) Vaca Key Rock to the north.

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

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

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

The proposed conditional use does not adversely affect the health, and welfare of the public. No new impacts are expected to arise with the development.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

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

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

The existing conditions maps indicate the subject area is designated as Undeveloped Land. A site inspection showed the adjacent property to the west with partial scarification. A small portion of the property is recognized as having remnants of low hardwood hammock, Florida Thatch Palms

being the dominant trees in the hammock. Figure 5 shows that this portion falls under the category of undeveloped land, because there is no building developed on it. The proposed development is encroaching more on this area than the previously construction.

In addition, though found within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit, “undeveloped land” falls out of the consideration in the species assessment guides thus having “no impact” on the species concern, the Eastern Indigo Snake.

Figure 5
Focus Area Habitat



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

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

Therefore, it is staff's opinion that the request is ***in compliance*** with the requirements of these sections so long as the development is conditioned on provision of final landscaping and mitigation plans subject to approval of the City Biologist and final stormwater plans subject to City approval.

- If the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.

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

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

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. No traffic study has been submitted, however, the Longhorn Lodge Resort would have generated significantly more traffic as a resort development than is expected of a forty seven (47) unit residential development with modest commercial space on U.S. 1. The Level of Service for U.S. 1 is a Level of Service A. Any change in traffic generation, positive or negative would not impact the overall LOS for U.S. 1 in the project area. Ingress and egress from the site is sufficient in staff's opinion to appropriately handle traffic from the site. A left hand turn lane exists from the eastbound direction of U.S. 1. There is adequate clear site for westbound lanes to access the site.

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

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

- Clear sight triangles must be shown on the site plan at time of building permit issuance.

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the commercial uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Mixed Use Development, Non Residential	107.47.A	1 parking space for each 500 SF, or fraction thereof, of GFA not in residential uses,	8.2 spaces
		If GFA is less than 5,000 SF, reduce to a min. of one (1) parking space for each 350 SF	11.7 spaces
Required			19
ADA		1 per twenty five (25) spaces	1
Mixed Use Development, Residential	107.47.B	(25) One space per one (1) bed unit	25
		(20) One and a half (1 ½) spaces per two (2) bed unit	30
Required			55
ADA		1 per twenty five (25) spaces	2
Public and Civic Uses, Marina, Dry slip storage	107.46.1	1 per 5 dry slips and/or 1 per 2 wet slips, plus required parking for accessory uses <i>45 Bays proposed</i>	9
ADA		1 per twenty five (25) spaces	1
Total Required		19 + 55 + 9 =	83
		1 + 2 + 1 (ADA) = 3 + 83	87
Total Provided			110

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 83 spaces, three (3) handicapped spaces are required. Four (4) handicapped spaces are provided. Thus, the Applicant has provided a total of 110 spaces, twenty three more than is required. Parking space sizes are 9' x 18' for 90 degree parking, and handicapped spaces are 12' x 21' as required by Code. The proposed site plan will be modified by the applicant to provide the necessary three additional spaces, as well as providing the correct dimensions for the handicapped spaces.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional and industrial uses, as well as all developments adjacent to a bike path, at a rate of one (1) space for every ten (10) parking spaces, per Section 107.48. The developer has proposed a bike rack for the project.

The developer proposes provisions and arrangements for off-street parking and loading areas, with particular attention to ingress and egress, automobile, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

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

- Handicapped spaces must be the proper dimensions

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

The proposed project consists of development of three existing undeveloped lots that are planned for future development. New lighting will be necessary for this project. The applicant has not provided detailed lighting plans which conform to the letter with the City of Marathon LDR's. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses.

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

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

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

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

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The applicant will provide wastewater and sewage collection and disposal via an existing onsite Sanitary Sewer Lift Station, which is compliant to 2010 standards approved by the Florida Department of Environmental Protection. The property is already connected to the City sewer system. This project will constitute a minor expansion, resulting in a de minimus impact.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the modified connection to the City Wastewater Utility will be required.

6. Screening and buffering with reference to type, dimensions and character;

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the west by properties zoned RM, requiring a 'high' boundary buffer. Table 107.70.2 establishes a 20 foot minimum width buffer. The subject parcel is also bordered to the east by properties zoned RH, requiring a 'medium' boundary buffer and requires a 15 foot minimum width buffer. The final landscape plans must be approved by the City Biologist.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed landscape plan meets the minimum requirements. According to the Code, the landscape treatment area shall be planted within a ten-foot wide buffer predominantly with shrubs and native canopy trees of at least two (2) inches caliper at breast height, approximately 50 feet on center. A minimum of four (4) understory trees per 240 feet of frontage, or fraction thereof, shall be planted in and about access points. In addition, smaller accent trees shall be planted every 120 feet and staggered midway between the large canopy trees. Canopy and understory trees shall be placed so as to provide at least 50 percent canopy coverage of sidewalks along U.S. 1, except where prohibited by overhead utility

restrictions or as required to preserve water view when traveling along the highway. Additionally all parking not located to the rear of buildings shall be screened from the right-of-way by a landscaped buffer along US1, including a continuous hedge or combination hedge and earth berm providing a three-foot high visual screen within two (2) years of planting.

Section 107.71 C. requires that all multi-family and nonresidential developments provide one of two types of buffers along the entire street frontage. The project is adjacent to US 1 to the south. The proposed landscape plan meets the minimum requirements.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30’; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5’. Accessory structures, including pools, have a 10’ setback.

Table 106.28.1 outlines setbacks requirements for a principle structure on in-fill lots, along open water shorelines not adjacent to manmade canals, channels or basins, and which have been altered by the legal placement of fill, which are surrounded by significant development where principal structures are set back less than fifty (50) feet from the MHWL. A resource buffer distance is set at a 20 foot minimum.

This plan shows a 25’ setback on the front yard, 10’ with a total of 15’ setback on the eastern and western side yards, 30’ setback on shoreline, and 10’ rear yard setback from accessory structure.

Section 107.36 A.1 states that for parcels in the MU district the required interior yard setback may be reduced through the conditional use process. The existing use has an interior setback of 10’, therefore so long as the proposed redevelopment meets all other setback requirements, the interior side setback is allowed at the proposed 10’.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30	10	25	y
East Side	0-10	15	10	y
West Side	0-10	20	10	y
Shoreline	10	N/A	30	y

Parking area landscaping is required by Section 107.66 of the Code. Unique site conditions allow for an alternative parking landscape plan to be submitted. The City Biologist has reviewed the submitted parking area landscape plan and has found it to be in compliance with the condition that two large canopy trees be planted between the three buildings near the rear of the property, so that they may provide future coverage of the paved parking area.

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

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- A Final Site Plan must be submitted showing the buildings meeting the required setbacks.

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

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

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

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally scarified; therefore, a twenty percent open space requirement applies. There is a fringe of hammock vegetation interspersed with quite a number of invasive exotic species along the eastern side of the project site. To the greatest extent possible, the Applicant will be required to protect Regulated Trees, pursuant to Chapter 106, Article 2 of the LDRs. According to calculations provided by the applicant, 54,450 square feet of pervious area (including landscape area), 42.7% is provided as green space. This meets the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is a development of long standing existing uses in an area of the City which is relatively dense and intense. Adjacent uses include a commercial and residential establishments. A development of the existing residential and commercial is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of prior development, and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 37' as measured from the crown of the roadway or unimproved grade. The site plans show that buildings are at 37'.

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

10. Any special requirements set forth in the LDRs for the particular use involved.

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- As a condition of development, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.

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

CONCLUSION:

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

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

RECOMMENDATION:

The Planning staff recommends conditional approval of the mixed use Residential and Commercial project known as Serenity Cove to the City Council. The proposed conditions of approval are listed below.

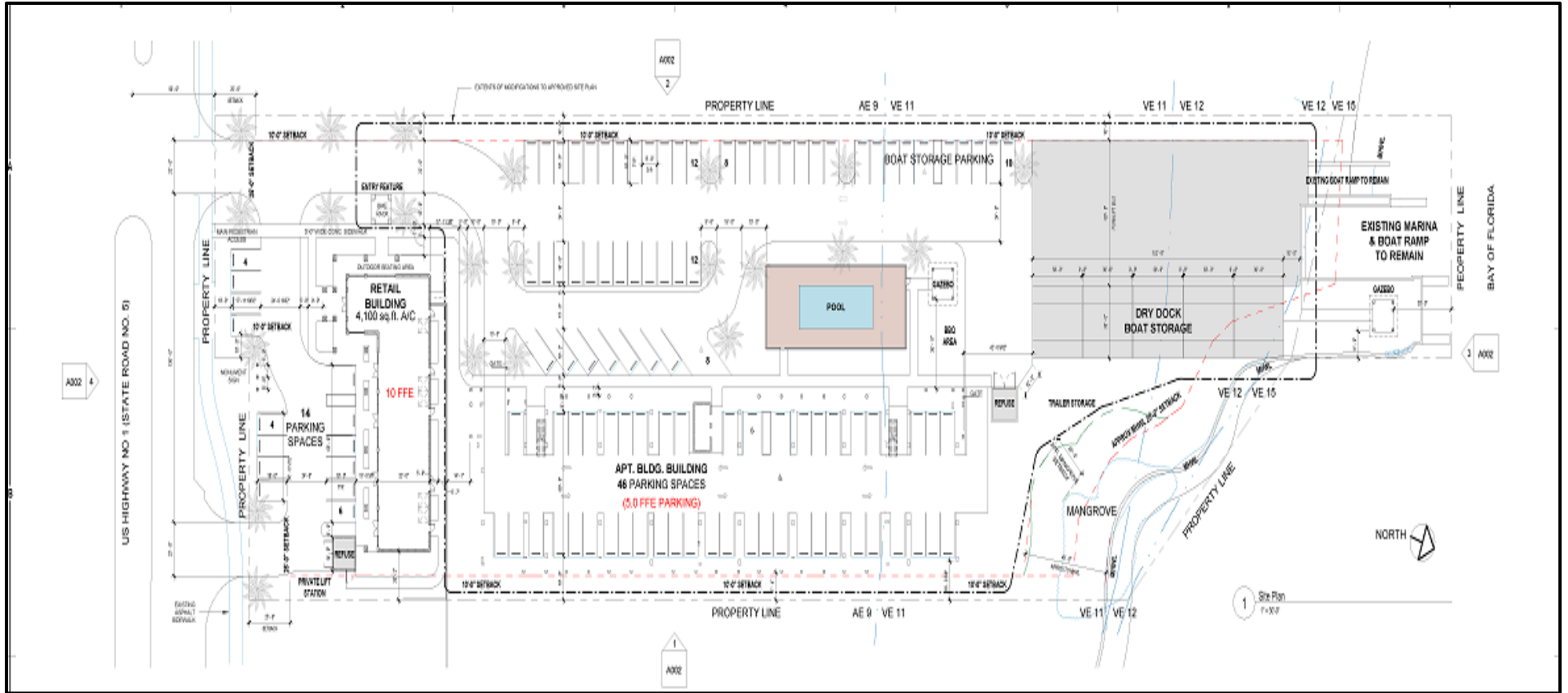
Conditions of Approval

- 1) If the project is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site plan.
- 2) The applicant will obtain approval of final landscaping showing the proper treatments and buffers, including the appropriate treatment types and trees in coordination with the City Biologist before project is permitted;
- 3) A detailed lighting plan must be submitted before permit issuance;
- 4) Clear sight triangles must be shown on the site plan at time of building permit issuance.
- 5) Handicapped spaces must be the proper dimensions
- 6) All signs will be reviewed and approved for compliance with the City of Marathon LDRs.
- 7) A Final Site Plan must be submitted showing the buildings meeting the required setbacks;
- 8) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 9) The applicant will meet all floodplain related requirements as part of the Building Permit process;

- 10) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 11) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 12) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 13) The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance;
- 14) The applicant will obtain sign permits for any signs erected on the property, as required under the Code;
- 15) As a condition of development, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
- 16) Prior to the issuance of any building permit, the applicant shall be required to pay transfer fees in the amount of \$20,000 per market rate residential units incurred as part of transfer of six (6) market rate residential units from the Marriott Resort (Marathon Hospitality LLC) site to the Serenity Cove site in accordance with Chapter 107, Article 2, Section 107.18 ("Affordable Housing Requirement") C. ("Affordable Housing Program Fund"). The total transfer fees owed the City is \$120,000. Not required as they are required to provide Affordable housing for Marriott which this meets. In addition, they have provided affordable housing outside of Marathon.
- 17) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Attachments:

Attachment: Proposed Site Plan A





1 West Site Elevation
1" = 24'



2 East Site Elevation
1" = 24'



4 South Site Elevation (Corner View)
1" = 24'

3 North Site Elevation (City of Ocala)
1" = 24'



5 Site Aerial View From Ocala, FL
1" = 24'



6 Site Aerial View From Bay of Ocala
1" = 24'



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**Serenity Cove
12550 Overseas HWY
Marathon Florida**

Revision Schedule		
No.	Description	Date

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Site Elevations & Perspectives

Client Name: Kiewit - PM&G, LLC
Project Name: D26506
Project Status: 3 of 3 - Layouts
Date: 2016.01.01
Drawn by: PJA

A002
Date: 1-20-16

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: January 28th, 2019
To: Planning Commission
From: George Garrett, Planning Director

Agenda Item: Consideration Of A Request For An Amendment to a Conditional Use Permit And Development Agreement For Blue Water Resort Hospitality, LLC, 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 a Hotel/Motel Resort, Located at 2222 Overseas Highway, Which Is Legally Described As Part Of Lot 2, and Bay Bottom Adjacent To Lot 2, Key Vaccas, Marathon, Florida, Having Real Estate Number 00102730-000000. Nearest Mile Marker 48.

APPLICANT/ OWNER: Blue Water Resort Hospitality, LLC

AGENT: Blue Water Resort Hospitality, LLC

LOCATION: The project site is located at 2222 Overseas Highway nearest mile marker 48. See Figure 1.

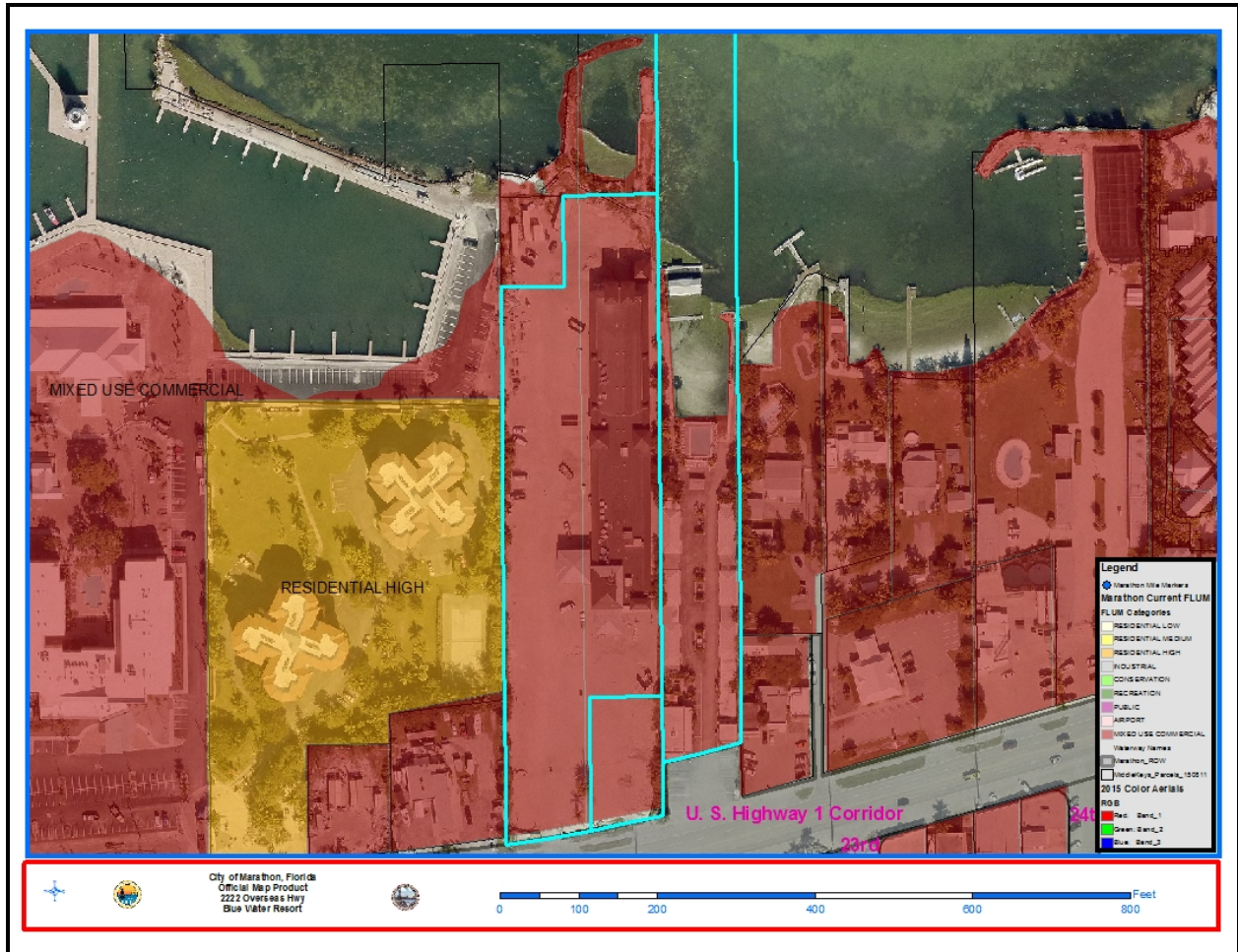
Figure 1
Project Site



REQUEST: An amendment to a Conditional Use Approval and Development Agreement for the redevelopment of the subject property having the real estate number 00102730-000000.

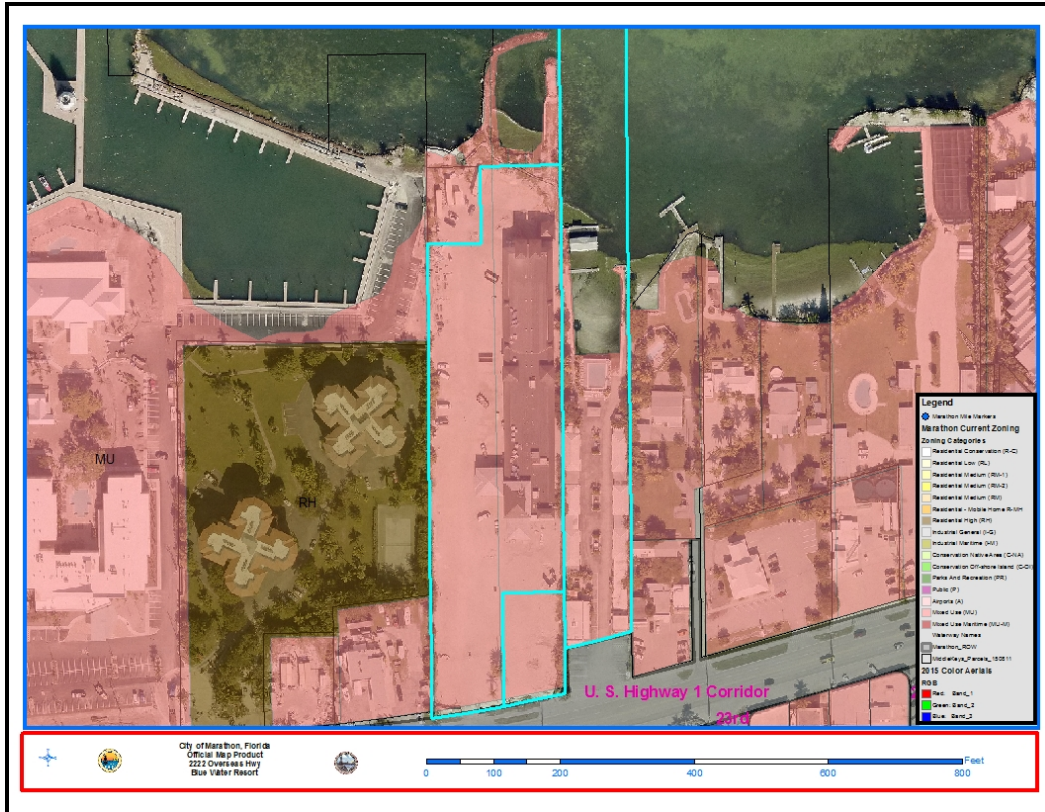
FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MUC). See Figure 2.

Figure 2
Future Land Use Map



ZONING MAP DESIGNATION:
Mixed Use (MU). See Figure 3.

Figure 3
Zoning Map



LOT SIZE:

Total acreage: Approx. 1.073 Acres or 46,754 square feet of uplands, 1.603 acres or 69,845 square feet of submerged land, and 0.1557 Acres or 6,786 square feet DOT ROW.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	N/A	Gulf of Mexico
East	Mixed Use	Residential Homes and Restaurants
South	Mixed Use & Residential Medium	Residential neighborhood of 22 nd Street, West Marine
West	Mixed Use	Marriot Resort

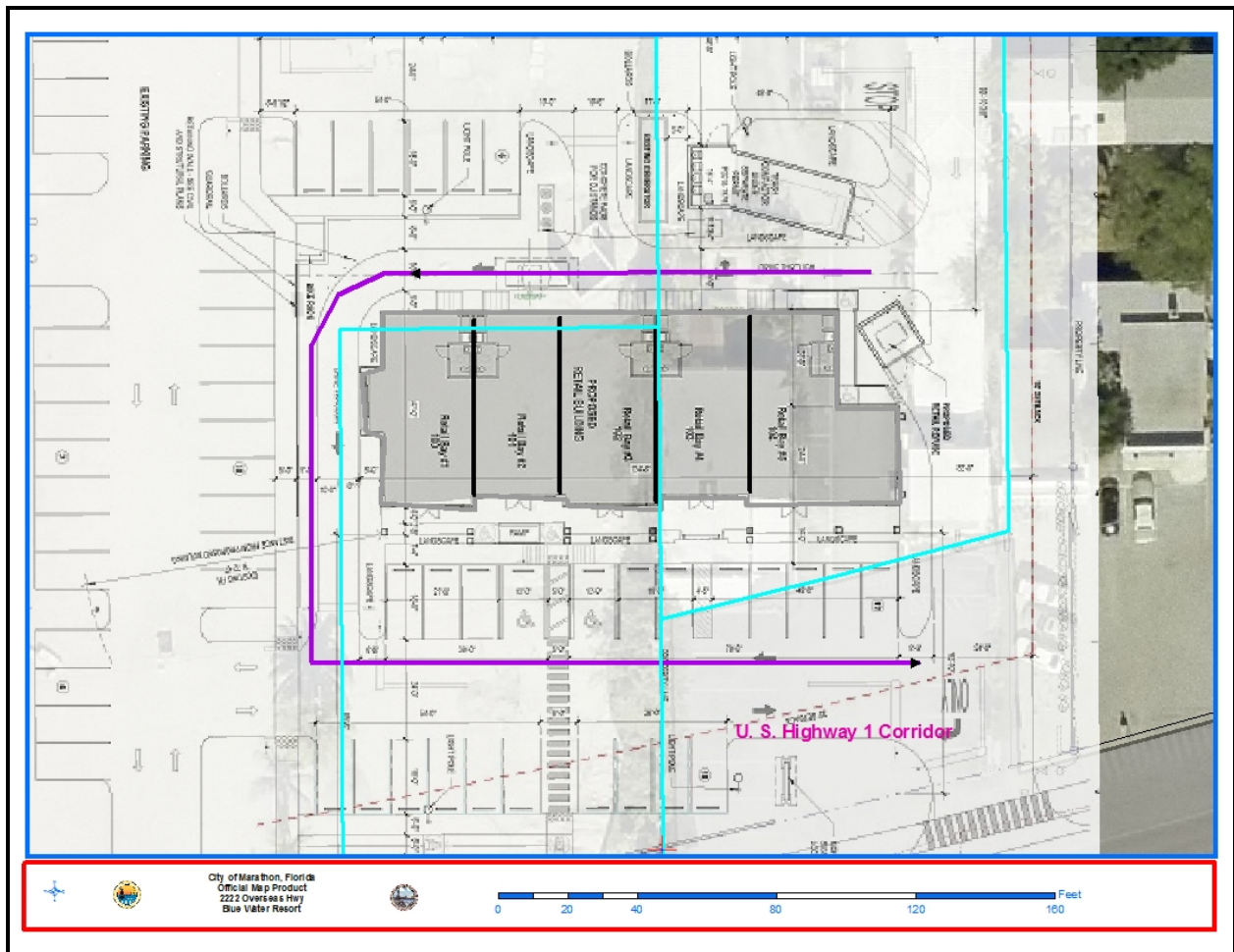
EXISTING CONDITIONS:

The project site consists of a contiguous parcels. The parcel is currently developed, with the following: Twenty (20) hotel/motel units, docks and boat ramp, a swimming pool, an office, laundry and storage structures, and a house boat used as a transient unit.

PROPOSED REDEVELOPMENT:

Commercial Floor Area: 5,500 +/- square feet of additional Retail with drive-thru.

**Figure 4
Proposed Redevelopment Site Plan**



BACKGROUND:

The proposed project is a redevelopment of commercial property to include the construction of new commercial square footage in the Mixed Use zoning classification. This report addresses the Conditional Use application. **All conditions of the Conditional Use approval will have to be met before any building permit will be approved.**

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large”.

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

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Using the property area, the proposed use can have up to. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use.

Development Type	Proposed	Maximum Allowed
Commercial Floor Area	5,500 SF	
Low Intensity (60% FAR)		10,917 SF
Medium Intensity (45% FAR)		8,187 SF
High Intensity (25% FAR)	0	4,548 SF

The project as proposed meets the basic definition of development in the MU zoning district. Therefore, with conditions, the request is **in compliance** with the requirements of these sections.

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

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

The existing land use pattern in the project vicinity consists of a mixed use commercial and Residential to the east, commercial uses and residential uses to the south, commercial hotel uses to the west, and the Gulf of Mexico to the north.

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

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

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

The proposed use is a redevelopment of an existing use which has not had any known impact to the health, safety and welfare of the public. No new impacts are expected to arise with the redevelopment.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

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

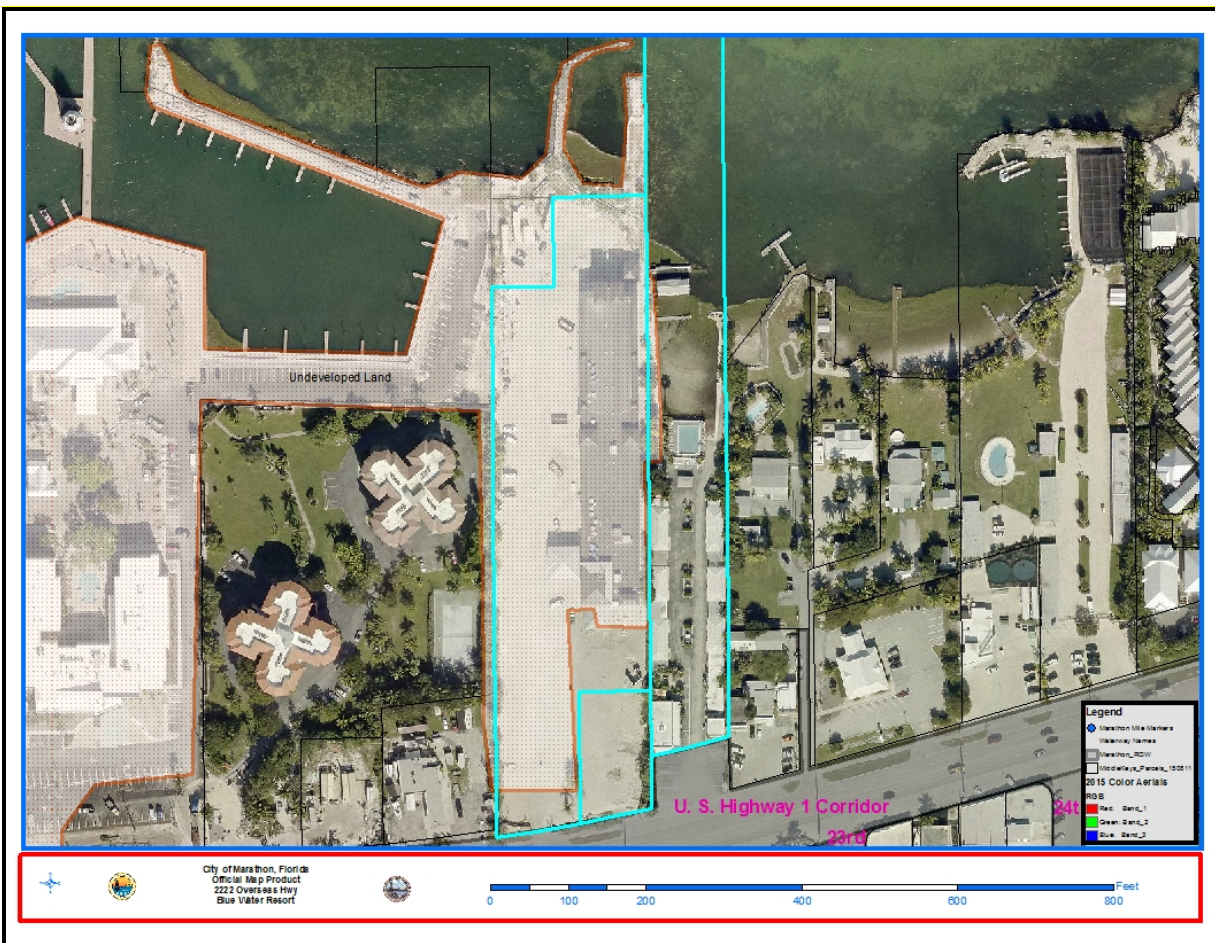
D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as developed. A site inspection showed the current conditions as scarified with existing buildings and asphalt parking lot. A small

portion of the property is recognized as possible habitat for a state or federally listed animal species, the eastern indigo snake. Figure 5 shows that this portion falls under the category of undeveloped land, because at the time there was no building developed on it.

In addition, though found within a ‘Species Focus Area’ as defined in the settlement agreement for the FEMA-FWS lawsuit, “undeveloped land” falls out of the considerations in the species assessment guides thus having “no impact” on the species of concern, the Eastern Indigo Snake.

Figure 5
Species Focus Area Habitat



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

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

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

- If the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.

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

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

The applicant has provided a breakdown of the occupancy proposed in the redevelopment of the addition of retail with drive thru). The “Trip Generation Analysis” schedule was provided in the original Traffic Study, which indicated that there would be no increase in trip generation as the project in question is a simple redevelopment of additional retail. However, since the applicant is moving forward with the commercial expansion of the project, a modification of the Conditional Use Permit is required including the provision of a further traffic analysis. A more recent traffic study has not been submitted, however, any change in traffic generation, positive or negative would not impact the overall LOS for U.S. 1 in the project area. Ingress and egress from the site is sufficient in staff’s opinion to appropriately handle traffic from the site.

Ingress and egress to the property is being provided through an existing curb cut on U.S. 1.

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

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

- Clear sight triangles must be shown on the site plan at time of building permit issuance.
- As the Blue Water project and Marriott Courtyard project will share common elements, they should collectively reduce their access points onto U.S. 1 based on forthcoming permitting considerations with FDOT

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

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

Use	Code Citation	Requirement	Spaces Required	Spaces provided
Existing hotel	107.46	1 per every 3 employees, plus 1 per guest room, required parking for accessory uses	133	135
Retail sales and services	107.46	3 per 1,000 of GFA plus 1 per employee at the largest shift	16	16

* The applicant proposes to share the existing staff from the Marriott Hotel with the Blue Waters property.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 16 required spaces, 2 handicapped spaces are required. Two additional handicapped spaces are provided. Parking space sizes are 9' x 18' for 90 degree parking, and handicapped spaces are 12' x 21' as required by Code. The proposed parking includes spaces that cross property lines, as well as spaces in the yet to be abandoned DOT ROW.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The developer has not proposed a bike rack for the project at this time.

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

- Approval of parking is conditioned on shared access easements and abandonment of DOT ROW.

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

The proposed project consists of redevelopment of an existing commercial use. New lighting will be necessary for this project. The applicant has not provided detailed lighting plans which conform to the letter with the City of Marathon LDR's. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses.

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

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

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

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

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The property is currently not connected to the City sewer system. The applicant will provide wastewater and sewage collection and disposal via connecting to the system that is required for the Marriot development to the west of the property.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant must submit a final stormwater plan before building permit issuance.
- Recreation and Open Space: This redevelopment will provide more recreation and open space than exists on site currently.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

6. Screening and buffering with reference to type, dimensions and character;

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the east and west by properties zoned MU. There are no project boundary buffer requirements for portions of the project area adjacent to parcels zoned MU. The final landscape plans must be approved by the City Biologist.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 2 Streetscape Treatment for all parcels along US 1 in the old town district. According to the Code, native canopy street trees shall be required along US 1, with the spacing being determined by species type, the street trees shall also be spaced an average of 40 feet on center. Additionally all parking not located to the rear of buildings shall be screened from the streets, sidewalk, and open spaces by low walls, fences, or low berms in combination with plantings to achieve at least a three-foot high visual screen within two (2) years of planting.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30’; side yard 1, 0 – 10; interior side yard, 10.

Table 106.28.1 outlines setbacks requirements for a principle structure on a manmade canal as 20’ measured from the Mean High Water Line.

This plan shows a 15’ setback on the front yard (pre ROW Abandonment), 30’ setback on the eastern side yard, and 0’ setback on the western side and 136’ rear yard setback.

Section 107.36 A. 1. states that for parcels in the MU district the required interior yard setback may be reduced through the conditional use process. The interior side yard setback in this case would allow the proposed Blue Water Resort to tie into the existing Marriott Resort structure.

Setback	Required	Proposed	Compliant
Front	0-30	63-90	Yes
East Side (Interior)	0-5	17	Yes
West Side (Interior)	10	35	Yes
Rear	20	136	Yes

Parking area landscaping is required by Section 107.66 of the Code. A final landscape plan must show the required parking landscaping.

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

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.

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

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

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

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR’s.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is scarified; therefore, a twenty percent open space requirement applies. According to rough calculations, 10,849 square feet

of pervious area (including landscape area), or 23.2% of the site, is provided as open space. This exceeds the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is a redevelopment of long standing existing uses in an area of the City which is relatively dense and intense. Adjacent uses include a commercial establishment and another motel/hotel/resort. A redevelopment of the existing motel/hotel/resort is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of prior development, and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 37' as measured from the crown of the roadway or unimproved grade. Hotel building appurtenances which project above 37 feet shall be considered as necessary for roof-top access, a part of required hotel mechanical equipment (air conditioning, elevators, etc.), or as minor architectural features.

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

- All areas or features which project above 37 feet shall be non-habitable space.

10. Any special requirements set forth in the LDRs for the particular use involved.

Section 104.25 Hotels or Motels contains special requirements.

In combination with the Zoning in Progress Resolution (Resolution 2014-143) and the requirements of Section 104.25, the applicant is required to provide three workforce housing units per twenty-five (25) hotel/motel rooms. As the applicant proposes only twenty-one (21) rooms replacing an existing twenty-one (21) rooms there are a couple approaches to the workforce housing obligation for the project:

1. Section 104.25 A. 4. (a) considers an exception to the requirements for providing work force housing for hotel/motel redevelopment in the case that there is no increase in the number of hotel motel transient units.
2. Resolution 2014-143 provides that applications for development may be processed if the applicant agrees to provide three (3) workforce housing units per twenty-five (25) hotel / motel units.

Under the circumstances, staff recommends that the applicant be required to provide a proportion of their work force housing obligations required pursuant to Resolution 2014-143 of two (2) workforce housing units (21 hotel / motel units X $3/25 = 2.52$ units (rounded to 2))

- As a condition of approving a Certificate of Occupancy (C.O.) for the project, provide two (2) workforce housing units on or off-site as appropriate.

The following criteria are applicable to this redevelopment:

- As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.

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

CONCLUSION:

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

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

RECOMMENDATION:

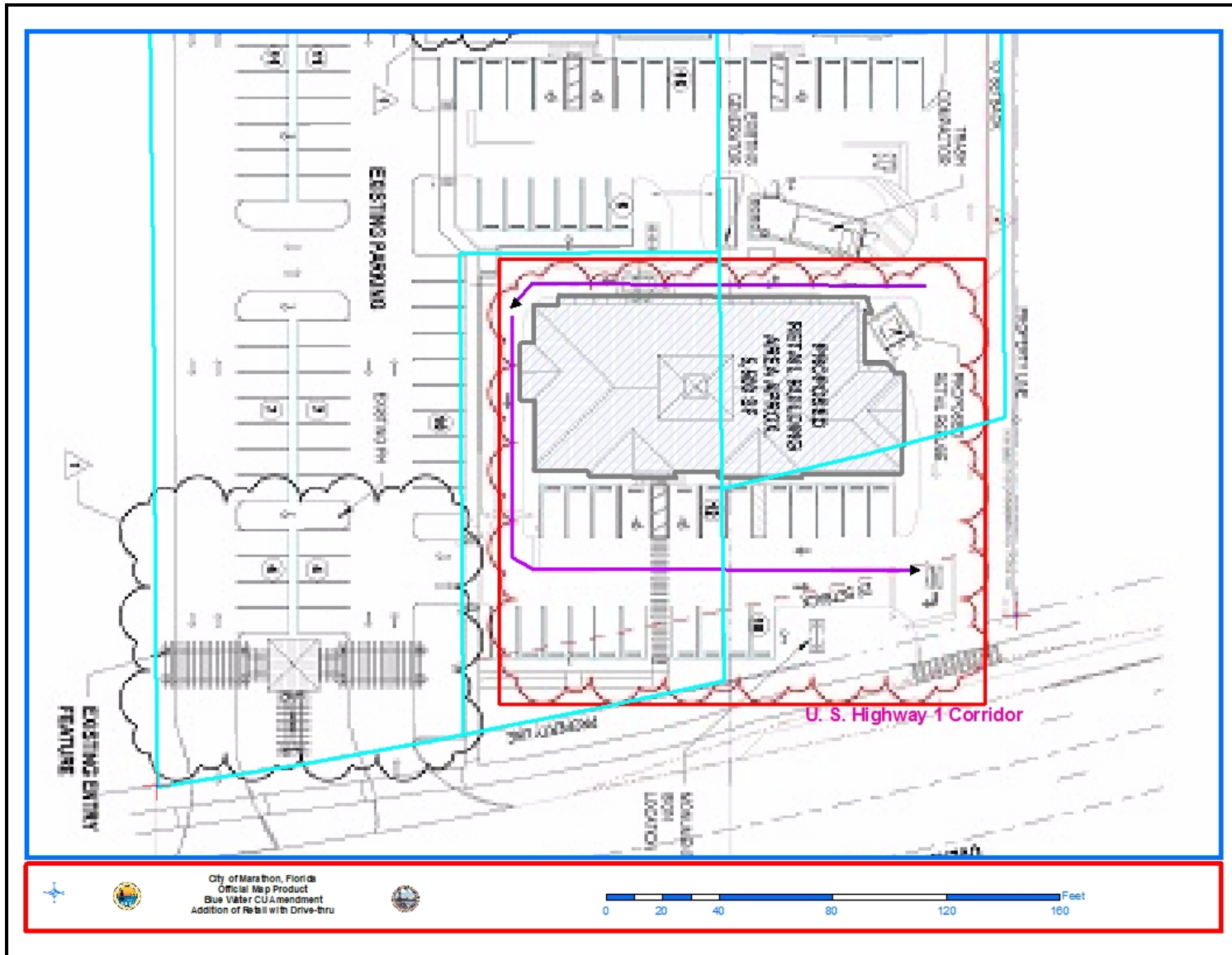
Planning staff recommends that the Planning Commission forward a recommendation of conditional approval of the Motel/Hotel/Resort to the City Council. The proposed conditions of approval are listed below.

Conditions of Approval

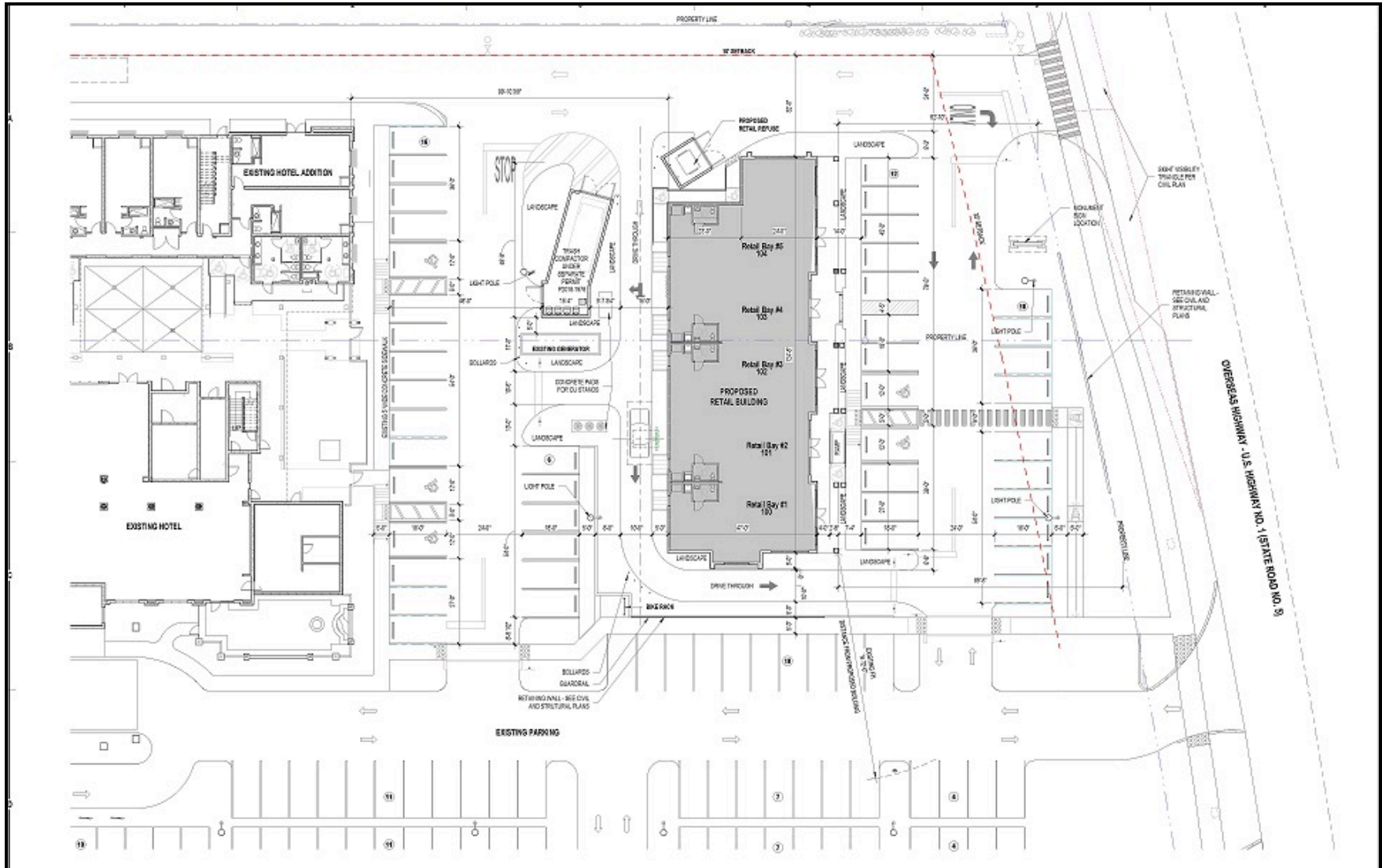
- 1) As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
- 2) The applicant shall provide a complete list of all tangible property, employees, access, etc. that will be shared with the Marriott Property.
- 3) The applicant will record any and update all easements/agreements needed for the sharing of items on said above list.
- 4) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;

- 5) The applicant will submit and obtain approval of fire protection plans in accordance with fire protection requirements established by the City Fire Marshal prior to building permit issuance;
- 6) Approval of parking is conditioned on shared access easements and abandonment of DOT ROW;
- 7) Clear sight triangles must be shown on the site plan at time of building permit issuance.
- 8) As the Blue Water project and Marriott Courtyard project will share common elements, they should collectively reduce their access points onto U.S. 1 based on forthcoming permitting considerations with FDOT
- 9) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 10) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 11) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 12) The applicant will connect to the City wastewater utility system prior to the issuance of a Certificate of Occupancy (CO).
- 13) The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance;
- 14) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 15) All areas or features which project above 37 feet shall be non-habitable space.
- 16) The roof-top deck of the hotel/motel structure shall not be utilized for any hotel/motel function involving hotel/motel guests, but may be utilized by employees or contractors performing routine work or maintenance on the building.
- 17) As a condition of approving a Certificate of Occupancy (C.O.) for the project, the applicant will provide two (2) work force housing units on or off-site as appropriate.
- 18) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Attachments:
Attachment B: Proposed Site Plan (Larger scale)



Attachments:
Attachment C: Ground Floor Plan



Attachments:
Attachment D: North / South Elevation Plans

