



**City of Marathon Planning Commission**  
**Monday December 14, 2020**  
**9805 Overseas Hwy**  
**City Hall Council Chambers**  
**5:30 PM**

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

**5. Items For Public Hearing**

**Item 1.** Consideration Of A Request By Brian Thorton Of Racetrac Petroleum, Inc. For A Conditional Use Permit Pursuant To Chapter 102 Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits” For The Development Of A 5,411 Sq. Ft. Convenience Store With 16 Self-Service Fuel Positions And 3 High Capacity Diesel Delivery Positions On Property Located At 3896 Overseas Highway, Which Is Legally Described As Lot 1, The South 200 Feet Of Lot 2, The South 200 Feet Of Lot 3, Square 3 And Pt Of Govt Lot 3 Marathon Beach Subdivision PB 2-16, Marathon, Florida; Having Real Estate Number 00336770-000000.

**Item 2.** An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential High (RH) To Mixed Use (MU) For The Property Described As Block C Lots 6 and 7, Sheryl Subdivision #2, Key Vaca , Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 and 00340020-000000; 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.

**Item 3.** An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use-Commercial (MU-C) For The Property Described As Block C, Lots 6 and 7, Sheryl Subdivision #2, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 and 00340020-000000; 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.



**City of Marathon Planning Commission  
Monday November 16, 2020  
9805 Overseas Hwy  
City Hall Council Chambers**

**MINUTES**

Lynn Landry called the meeting of the Planning Commission to order on Monday November 16, 2020 at 5:30 pm.

In attendance: Attorney Steve Williams, Admin Assistant Lorie Mullins, Senior Planner Brian Shea, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Matt Sexton-present; Eugene Gilson-present; Mike Leonard-absent; Lynn Landry-present.

Landry asked for approval of the last meeting minutes.

Gilson moved to approve. Sexton seconded. The roll was called. The minutes were approved 4-0.

Sexton moved to nominate Landry as Chair. Gilson seconded. The roll was called. The motion was approved 4-0.

Landry moved to nominate Sexton as Vice Chair. Gilson seconded. The roll was called. The nomination was approved 4-0.

**Item 1** was read into the record. An Appeal Of A Decision By The City Of Marathon, Florida In The Issuance Of Permit P2020-0637 For A Single Family Residence For Property Located At Lot 26, Tropic Isle Subdivision, Section A, Having Real Estate Number 00355417-002600; The Appellant's Reason For The Appeal Concern The City's Land Development Regulations (LDRs), Chapter 100, Article 1, Section 100.2, Chapter 102 Article 10 Section 102.46, Chapter 102 Article 14 Section 102.18, Chapter 103 Article 3, Chapter 107 Article 5, And Chapter 110 Article 3; Providing For A Review Of This Administrative Decision By The Planning Commission Sitting As The City's Board Of Appeals Pursuant To Chapter 102 Article 17; And Providing For A Decision By The Board.

Brian Shea presented the item with visual aids.

Attorney Williams asked for ex-parte communications. Cinque stated he had spoken with David Rice but it would have no effect on his decision.

Mr. and Mrs. Stelzer presented their argument.

Tara Duhly, attorney for Aranda, presented their argument.

Public speakers in favor of the appeal:

1. Ozzie Wilson
2. Terry Bitting
3. Michael Blee

The Planning Commissioners empathized with the applicant, but feel the City was within its right, according to our Code, to issue the permit. Cinque commented on the zoning issue, stating that things change and people need to pay attention to their local government.

Landry moved to deny the appeal. Sexton seconded.

The roll was called. The appeal was denied 4-0.

A transcript of the entire meeting is available upon request.

Motion to adjourn.

Landry adjourned the meeting at 7:01 p.m.

ATTEST:

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Lynn Landry – Planning Commission Chairman

ATTEST:

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Lorie Mullins-Administrative Assistant  
City of Marathon Planning Department

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

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

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

PLANNING COMMISSION AGENDA STATEMENT



**Meeting Date:** December 14, 2020  
**To:** Planning Commission  
**From:** Brian Shea, Planning Director

**Agenda Item:** Consideration Of A Request By Brian Thorton Of Racetrac Petroleum, Inc. For A Conditional Use Permit Pursuant To Chapter 102 Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits” For The Development Of A 5,411 Sq. Ft. Convenience Store With 16 Self-Service Fuel Positions And 3 High Capacity Diesel Delivery Positions On Property Located At 3896 Overseas Highway, Which Is Legally Described As Lot 1, The South 200 Feet Of Lot 2, The South 200 Feet Of Lot 3, Square 3 And Pt Of Govt Lot 3 Marathon Beach Subdivision PB 2-16, Marathon, Florida; Having Real Estate Number 00336770-000000.

**APPLICANT/ OWNER:** Brian Thorton, Racetrac Petroleum  
Andrea Tecca, trustee of Ban Stephen C Family Trust

**AGENT:** L. Steven Hurley

**LOCATION:** The project sites are located at 3896 Overseas Highway nearest mile marker 49. See Figure 1.

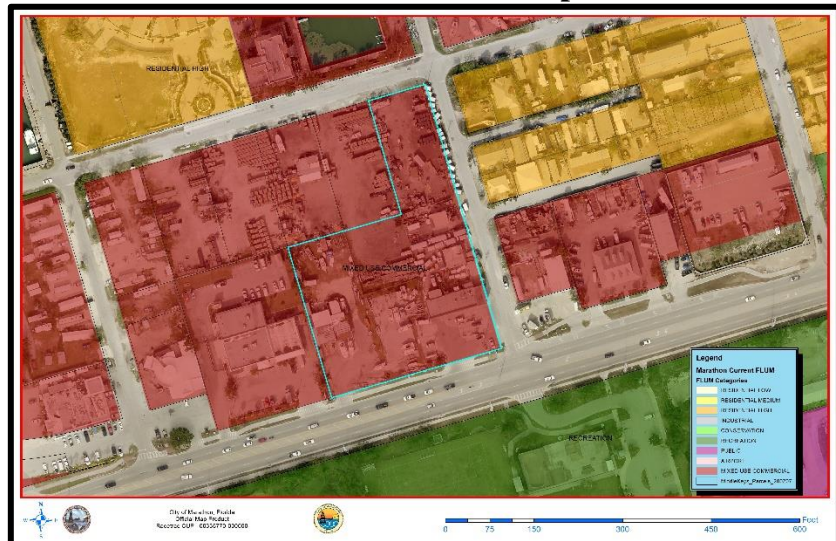
**Figure 1  
Project Site**



**REQUEST:** A Conditional Use Permit for the authorization of development of the subject property having the real estate number 00336770-000000.

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

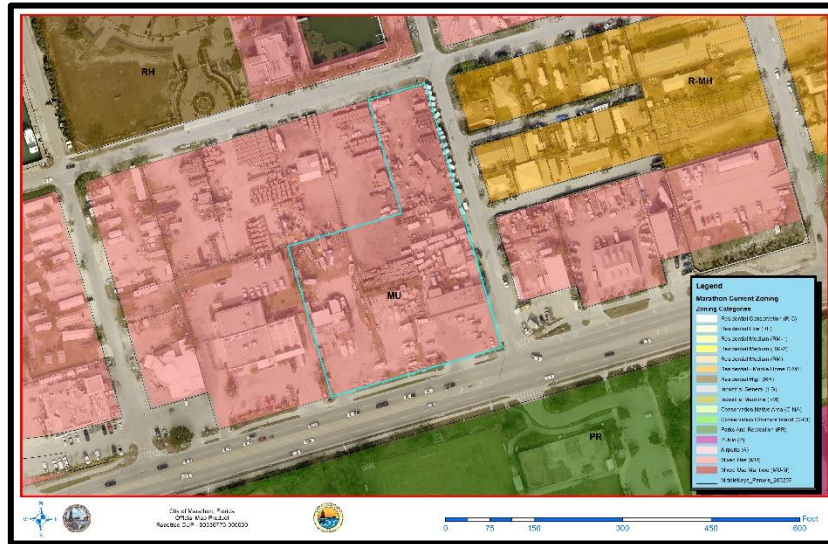
**Figure 2  
Future Land Use Map**





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

**Figure 3**  
**Zoning Map**



**LOT SIZE:**  
Total acreage 2.28 acres or 99,507 square feet.

**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Mixed Use & Residential High	Marlin Bay & Boatworks
<b>East</b>	Mixed Use & Residential Mobile Home	Lincoln Manor Neighborhood, AmeriGas & Third Generation Plumbing
<b>South</b>	Parks and Recreation	Community Park
<b>West</b>	Mixed Use	Trap storage, US Border Patrol, Takara/Upper Crust

**EXISTING CONDITIONS:**

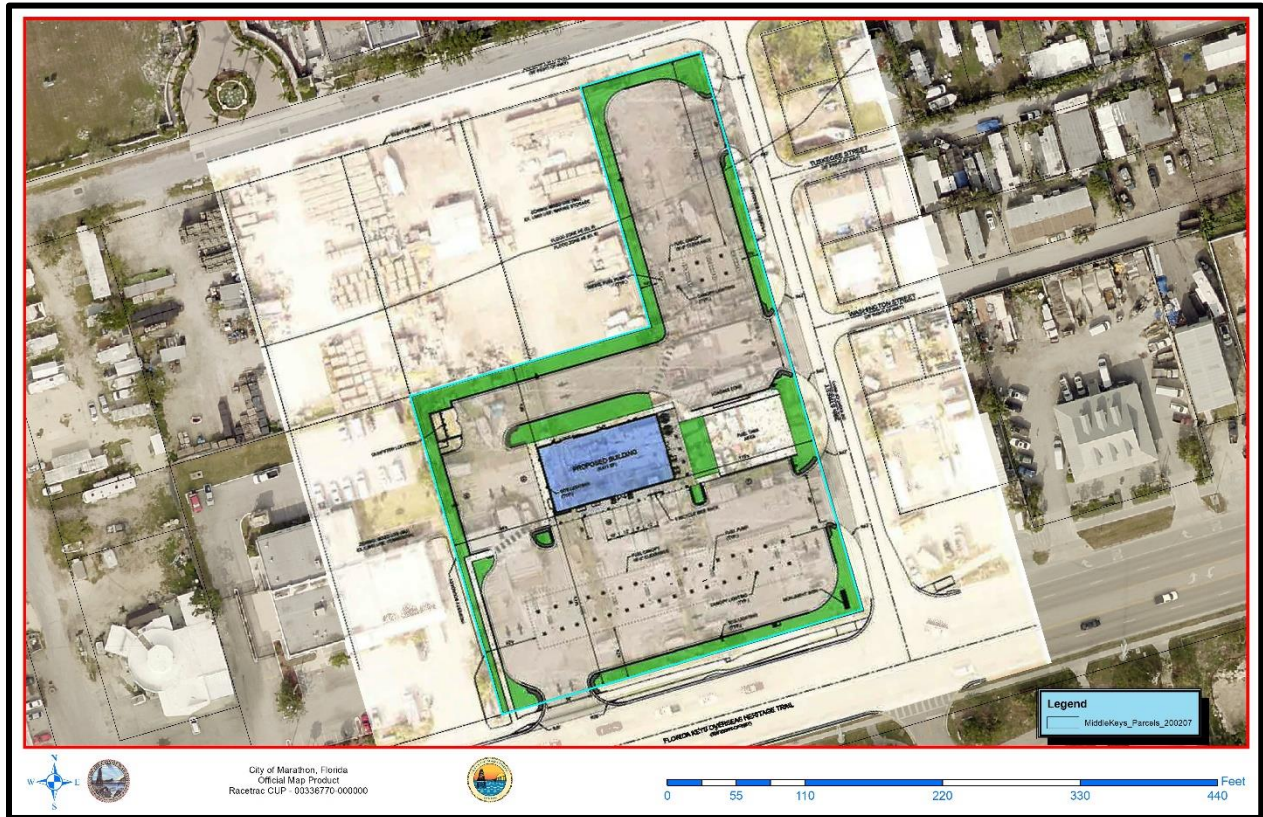
The project site consists of a developed lot with commercial structures on US1. Existing uses include Chevron gas station, Fairway Market, U-Haul Rentals, Bob’s Tires, and South Seas Boat Trailers.

**PROPOSED REDEVELOPMENT:**

An approximately 5,411 square foot convenience store and gas station.

See Figure 4 for Site Plan layout.

**Figure 4  
Proposed Redevelopment Site Plan**



**BACKGROUND:**

The proposed project is the redevelopment of the existing gas station and convenience store. This report addresses the Conditional Use application associated with the Conditional Use Permit.

**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 development of existing 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 a convenience store is permitted as of right, but fuel sales 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 103.15.3 in the Land Development Regulations qualifies the allowed range of intensities based on the intensity of retail use.

<b>Development Type</b>	<b>Proposed</b>	<b>Maximum Allowed</b>
<b>Commercial Floor Area</b>		
High Intensity (.25% FAR)	5,411 square feet	24,876 square feet

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 to the east; recreational uses to the south; commercial uses to the west; and residential uses directly north.



Otherwise, the development 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 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.

The applicant is coordinating with the Fire Department on the best location for an additional fire hydrant to service the portion of the property along 39<sup>th</sup> street.

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

- All conditions of the Fire Marshal must be met prior to permit issuance.

**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 parcel is not identified on the Species Focus List and is previously developed.

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.

- A final landscaping plan must be approved prior to permit issuance.
- A final stormwater plan must be submitted prior to permit issuance.

**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;**

Currently the parcel has access to US1 and access from 39<sup>th</sup> street. Many of these driveways are nonstandard and will be removed with the new redevelopment. The plans show sidewalks linking the building and the Overseas Heritage Trail. The walks are located to reduce conflict points on site. Access is provided to circulate around the structure that meets all required turning radii.

With the increased traffic onto 39<sup>th</sup> street, the applicant is coordinating with Public Works to overlay the existing street with a minimum 1” structural course.

A traffic study was completed comparing the existing convenience store, and gas station, with the proposed gas station and convenience store. For the sake of simplicity, all of the remaining uses on site that will be removed were not included in the calculations. The proposed 449 daily trips would not alter the level of service classification of C for this portion of US1.

Land Use	Weekly AM Peak Hour			Weekly PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
<b>Proposed Gas Station</b>	64	63	127	50	51	101	1042
<b>Existing Gas Station</b>	-19	-19	-38	-21	-21	-42	-593
<b>New Net Trips</b>	+45	+44	+89	+29	+30	+59	+449

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.
- Applicant must overlay the existing street with a minimum 1” structural course. This may be done with a standalone right of way permit, or may be included in the overall permit for improvements.

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

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

Use	Code Citation	Requirement	Spaces Required	Spaces Provided
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Convenience store, with or without fuel sales	107.46.1	1 per fueling position, plus 2 per working bay, plus 1 per 200 sq ft of sales area	28	31
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The developer proposes provisions and arrangements for off-street parking, 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.

Section 107.48 establishes that development along bike paths must provide bicycle parking. One space is required per ten required parking spaces. The applicant proposes to have three bicycle parking spaces.

Section 107.52 D requires that one DA compliant space be provided for every 25 required parking spaces. The applicant is proposing two ADA compliant spaces, with a shared access aisle.

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 redevelopment of an existing gas station and convenience store. Exterior lighting must conform to the letter with the City of Marathon LDR's. Currently the U-Haul trucks are being parked in the ROW of 39<sup>th</sup> street. The applicant will provide a denser vegetative buffer along this area to screen the pump stations from the residential neighborhood of Lincoln Manor. 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.
- Denser vegetation and screening will be required along the 39<sup>th</sup> street portion of the property across from the residential neighborhood.

**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 does indicate the dumpster location and provides details for the screening of the dumpsters and compactors.

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

- Prior to permit issuance the dumpster must be shown on site, and must be screened.

**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 connected to the City Sewer System. The applicant will provide wastewater and sewage collection and disposal via connecting to City wastewater system. This project should not constitute additional impacts to the City's wastewater system, but will be reassessed during permitting.
- 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 minimis impact on recreation and open space.
- Roadways: The applicant is developing the site with less intensity than was contained within the site; resulting in a de minimis impact.
- Educational Facilities: This development will have a de minimis 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 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 and north by properties zoned MU. There is no project boundary buffer required between MU and MU zoning. However, the applicant is proposing vegetative screening between the site and the neighboring sites.

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 existing development has historically had nearly the entire portion along US1 paved. With the relocation of driveways and site redevelopment, the requisite plantings will be provided.

Section 107.71 C. requires that all nonresidential uses shall be required to provide a minimum of two canopy trees for every 100 linear feet of property frontage along local streets. The applicant proposes landscaping compliant with this requirement.

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'.

This plan shows a 47' setback on the front yard to the canopy, 10' western side and 10' setback on the eastern side yard, and 157' rear yard setback.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30	10'	47'	Y
East Side	0-10	10'	10'	Y
West Side	0-10	N/A	10'	Y
Rear	20	10'	157'	Y

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

**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 considered developed; therefore, a twenty percent open space requirement applies. According to the provided conditional use plan, the property shall maintain a 20% open space.

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 commercial and residential establishments. A redevelopment of the site with less intensity 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 42' 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.**



Section 104.14 Convenience Store contains special requirements.

A convenience store may be allowed pursuant to Table 103.15.1, subject to the following standards:

- **Additional Principal Uses:** A convenience store may offer an additional principal use, such as a restaurant or fuel sales. A convenience store with two (2) or more principal uses shall comply with the standards for all of these uses.
- **Maximum Gross Floor Area:** A convenience store, including additional principle uses, shall not exceed 8,000 square feet of total floor area.
- **Parking for Additional Principal Uses:** Parking for additional principal uses shall be calculated separately to determine the total number of required parking spaces.

Additionally, Section 104.18 Fuel Sales contains the following special requirements.

Fuel sales may be allowed pursuant to Table 103.15.1 provided that the locations of fuel pump islands and fuel storage tanks meet the standards in this section. Other structures on the premises shall follow the standards for the zoning district. Within the I-M and MU-M districts, fuel sales shall be limited to vessels and other water vehicles.

- **Location of Fuel Pump Islands:** Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
- **Location of Fuel Tanks:** Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.

Therefore, with the conditions noted 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 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.

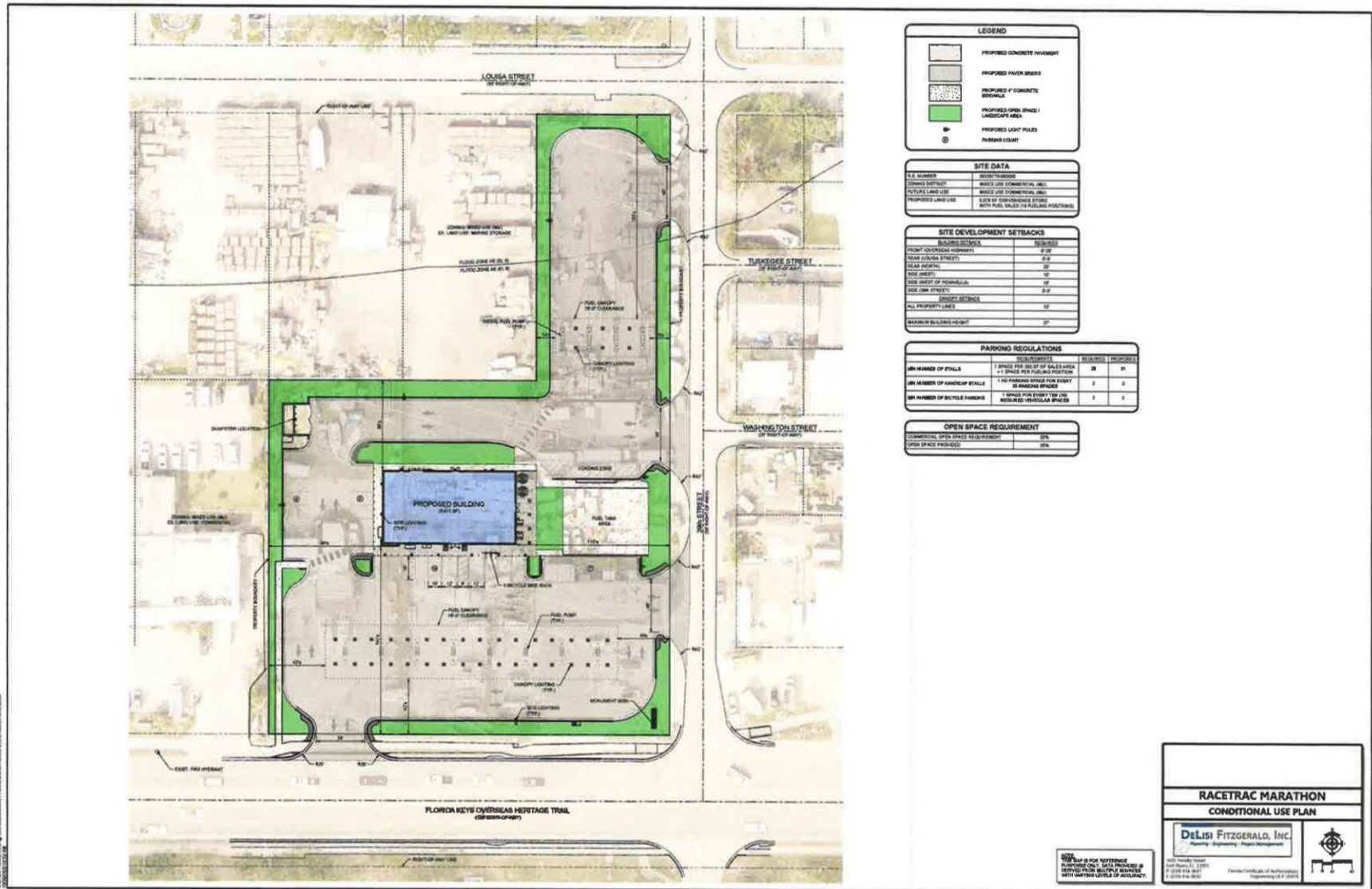
## **RECOMMENDATION:**

The Planning staff recommends conditional approval of the commercial redevelopment of 3896 Overseas Highway to the Planning Commission. The proposed conditions of approval are listed below.

### Conditions of Approval

1. All conditions of the Fire Marshal must be met prior to permit issuance.
2. A final landscaping plan must be approved prior to permit issuance.
3. A final stormwater plan must be submitted prior to permit issuance.
4. Clear sight triangles must be shown on the site plan at time of building permit issuance.
5. Applicant must overlay the existing street with a minimum 1” structural coarse. This may be done with a standalone right of way permit or may be included in the overall permit for improvements.
6. A detailed lighting plan must be submitted before the project is permitted.
7. Denser vegetation and screening will be required along the 39<sup>th</sup> street portion of the property across from the residential neighborhood.
8. Prior to permit issuance the dumpster must be shown on site and must be screened.
9. City approval is required for the stormwater management system prior to Building Permit Approval.
10. City approval of the connection to the City Wastewater Utility will be required.
11. All signs will be reviewed and approved for compliance with the City of Marathon LDR’s.
12. Additional Principal Uses: A convenience store may offer an additional principal use, such as a restaurant or fuel sales. A convenience store with two (2) or more principal uses shall comply with the standards for all of these uses.
13. Maximum Gross Floor Area: A convenience store, including additional principle uses, shall not exceed 8,000 square feet of total floor area.
14. Parking for Additional Principal Uses: Parking for additional principal uses shall be calculated separately to determine the total number of required parking spaces.
15. Location of Fuel Pump Islands: Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
16. Location of Fuel Tanks: Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.
17. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

## Attachments: Proposed Site Project Plans



## Attachments: Proposed Elevations



## PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: December 14, 2020

From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential High (RH) To Mixed Use (MU) For The Property Described As Block C Lots 6 and 7, Sheryl Subdivision #2, Key Vaca , Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 and 00340020-000000; 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.

Agenda Item: An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use-Commercial (MU-C) For The Property Described As Block C, Lots 6 and 7, Sheryl Subdivision #2, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 and 00340020-000000; 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:** Marathon Ventures LLC

**AGENT:** John Wolfe and/or Barbara Mitchell

**LOCATION:** The subject property is located on 63<sup>rd</sup> Street, nearest Mile Marker 50 and is legally described as Block C Lots 6 & 7, Sheryl Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 & 00340020-000000.

**ADDRESS:** Vacant Land 63<sup>rd</sup> Street

**REQUEST:** Amend the Future Land Use Map (FLUM) for the subject properties from Residential High (RH) to Mixed Use Commercial (MU-C).

Amend the Zoning Map for the subject properties from Residential High (RH) to Mixed Use (MU).

**LOT AREA:** The aggregated size of the parcels is approximately .34 acres (14,916 sq./ft.)

### BACKGROUND:

These parcels were zoned as Suburban Commercial (SC) and Improved Subdivision under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential High (RH) FLUM designation and were in turn zoned as Residential High (RH)

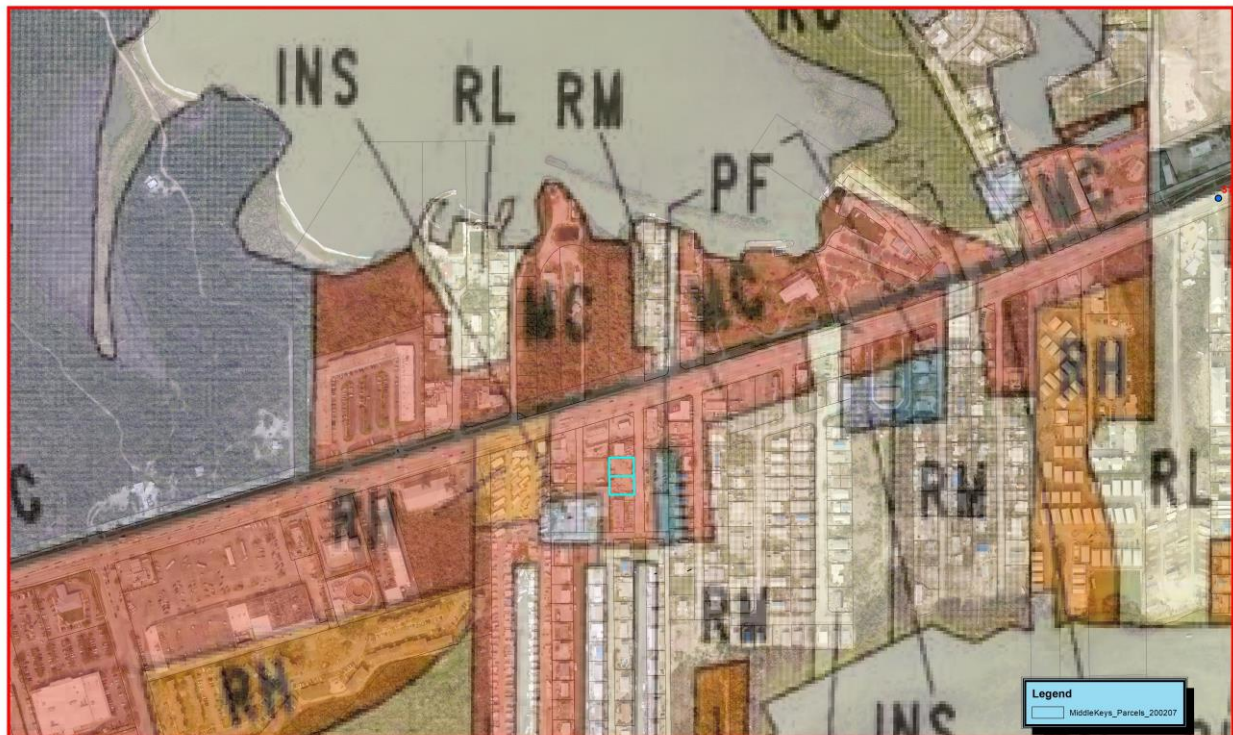


when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed Use Commercial (MU-C) designation and existing and proposed uses. The rezoning is not addressed in this application. Existing use on the vacant property is a storage lot.

The applicants have stated that the FLUM and zoning designation should be the same as the adjacent owned commercial property to the North.

	Pre 2005	Pre 2007	2005	2007
	<b>OLD FLUM</b>	<b>OLD ZONING</b>	<b>CURRENT FLUM</b>	<b>CURRENT ZONING</b>
	Suburban Commercial	Suburban Commercial & Improved Subdivision	Residential High	Residential High

**Figure One**  
Old FLUM



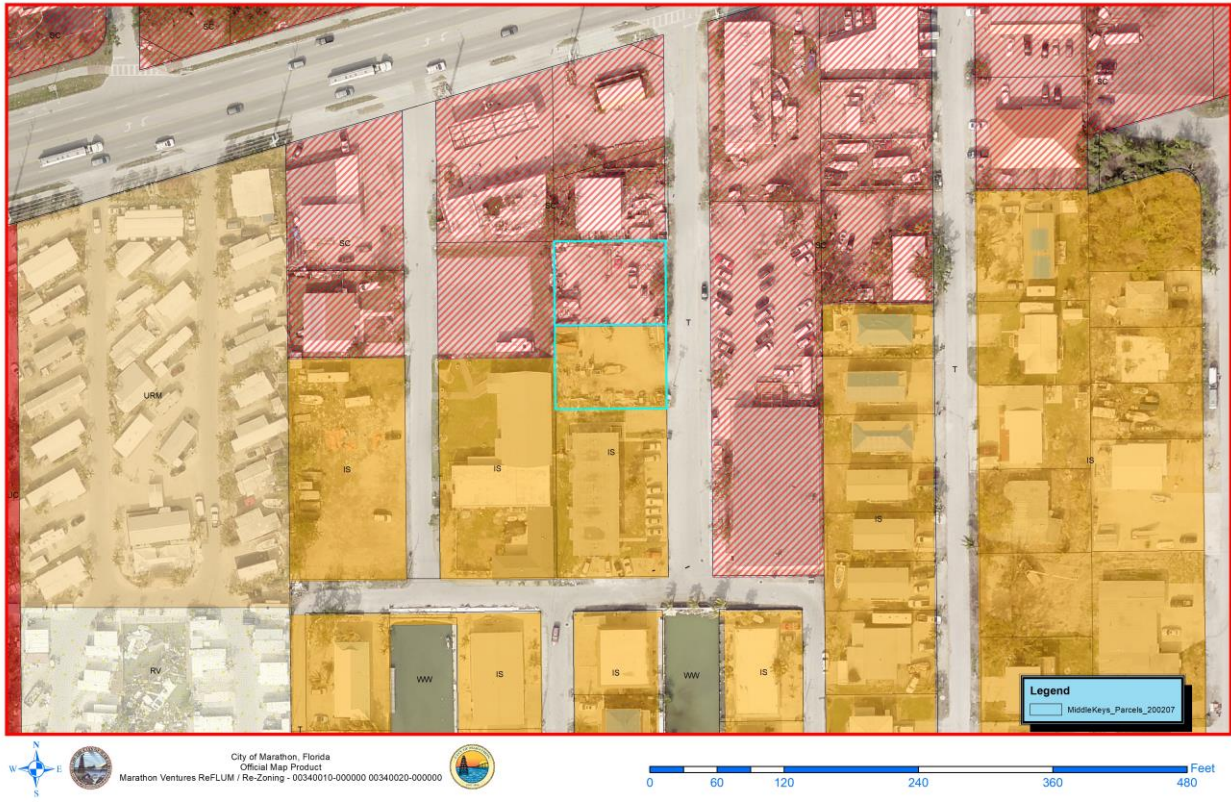
City of Marathon, Florida  
Official Map Product  
Marathon Ventures ReFLUM / Re-Zoning - 00340010-000000 00340020-000000

Legend  
MiddleKeys\_Parcel\_200207

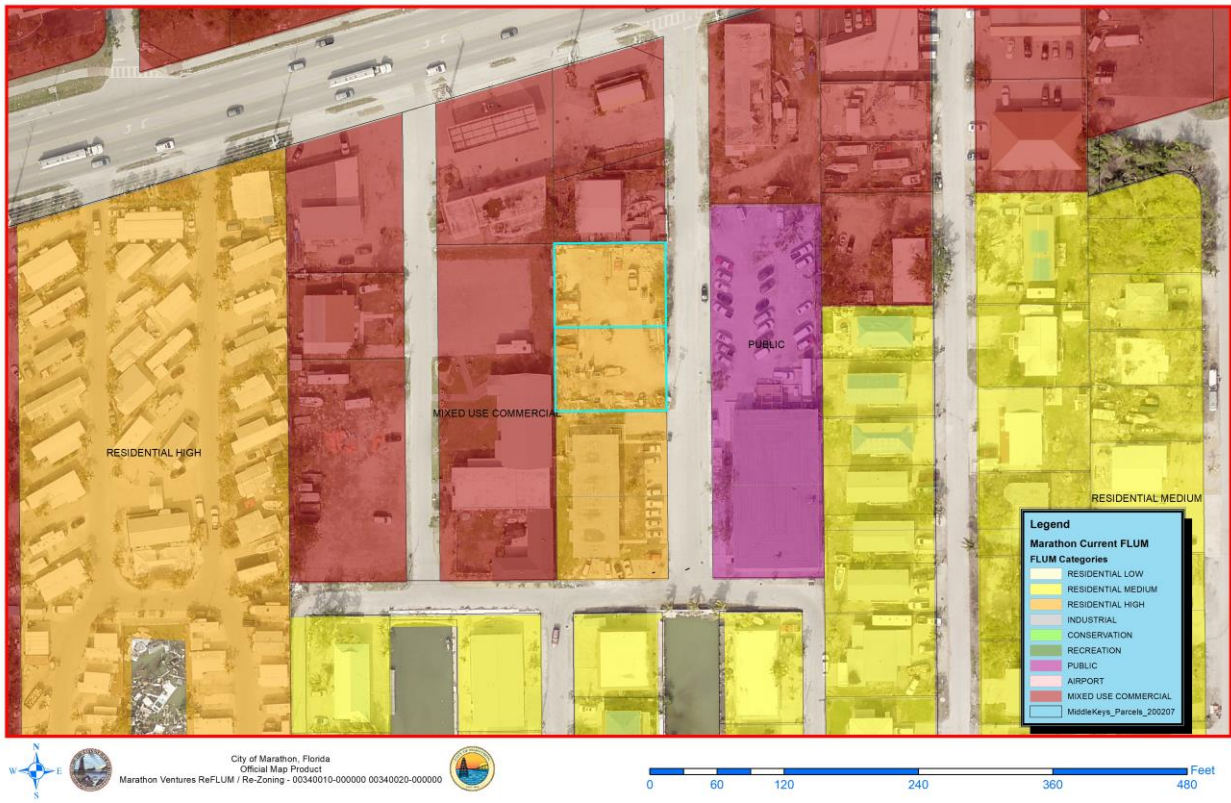
0 280 560 1,120 1,680 2,240 Feet



**Figure Two**  
Old Zoning

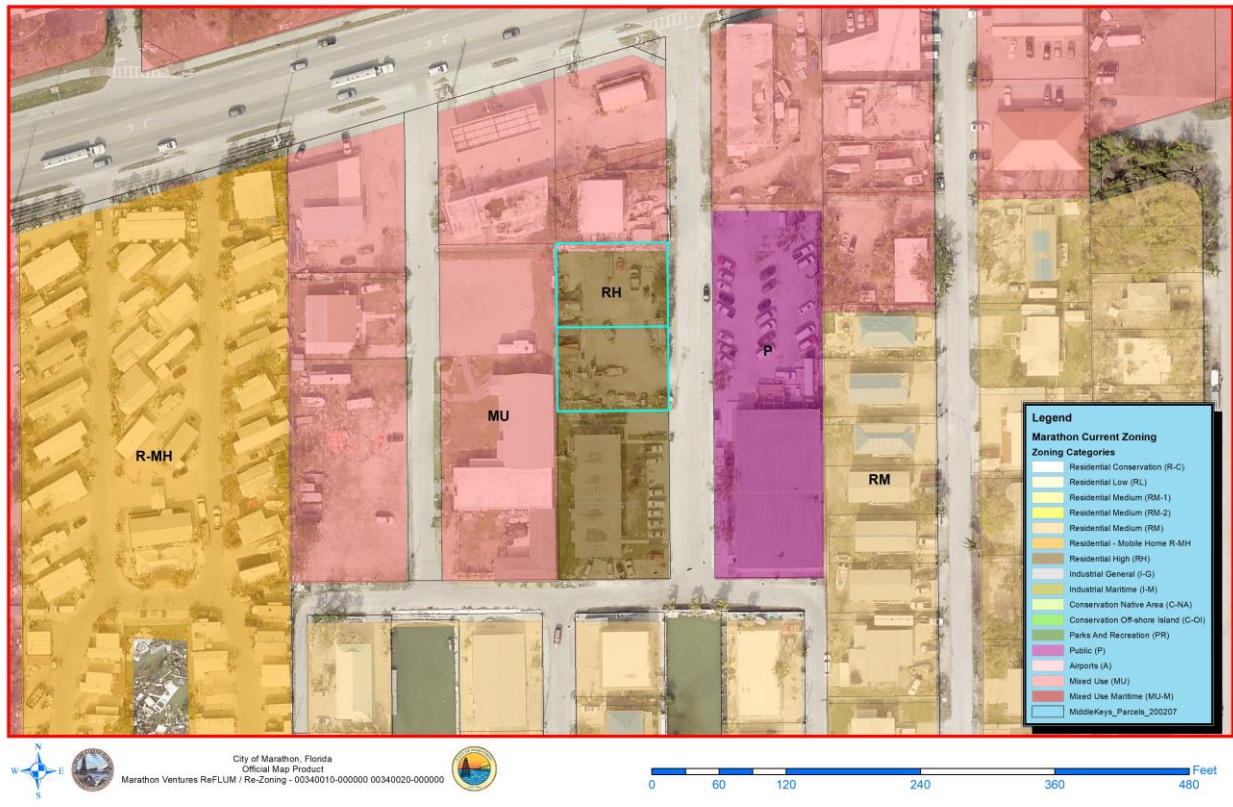


**Figure Three**  
Current FLUM





**Figure Four**  
Current Zoning



**Current and Proposed Future Land Uses and Zoning**

*Future Land Use Map Designation*

Current: Residential High (RH)  
Proposed: Mixed Use Commercial (MU-C)

*Land Use (Zoning) District Designation*

Existing: Residential High (RH)  
Proposed: Mixed Use (MU)

*Use of Properties*

Existing: Outdoor Storage  
Proposed: Expansion of Marine Aquaculture/Research Facility

**Surrounding FLUM, Zoning and Uses**

The property subject to the FLUM amendment is located on 63<sup>rd</sup> Street and consists of two parcels. The properties are located South of a property under the same ownership that is zoned Mixed Use. Adjacent land use to the West is Mixed Use. To the South is an apartment building zoned Residential High. Across the street the zoning is Public. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u><i>Existing FLUM</i></u>	<u><i>Existing Zoning</i></u>	<u><i>Existing Uses</i></u>
<b>North</b>	Mixed Use Commercial (MUC)	Mixed Use (MU)	Gas station, Single family and Aquaculture/research facility
<b>East</b>	Public (P)	Public (P)	Monroe County Emergency Management
<b>South</b>	Residential High (RH)	Residential High (RH)	Apartment Building
<b>West</b>	Mixed Use Commercial (MUC)	Mixed Use (MU)	First Baptist Church

**Existing Habitat**

The existing conditions maps indicate the properties are designated as vacant. The parcels are not within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies.

**FEMA**

The properties are within the AE 6 flood zone. On the preliminary flood maps the properties are within the AE 9 flood zone.

**DEVELOPMENT ANALYSIS:**

***Current FLUM: Residential High (RH)***

***Policy 1-3.1.4 Residential High*** of the Comprehensive Plan states “the principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development.”

***Residential High Allowable Density:***

Market Rate – 8 Units per acre

Affordable – 15 to up to 25 units per acre

***Proposed FLUM: Mixed Use Commercial (MU-C)***

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

***Mixed Use Commercial Allowable Density***

Market Rate – 2-6 Units per acre

Affordable – 10-15 units per acre

Transient – 10-25 units per acre

***Commercial-Industrial Intensity Table***

Type of Use	FAR <sup>1</sup>
<b>Retail</b>	
<i>Low Intensity</i>	<b>.60</b>
<i>Med Intensity</i>	<b>.45</b>
<i>High Intensity</i>	<b>.25</b>
<b>Office</b>	<b>.60</b>
<b>Commercial Recreation</b>	<b>.15</b>
<b>Institutional</b>	<b>.30</b>
<b>Outdoor Recreational</b>	<b>.15</b>
<b>Public Buildings and Uses</b>	<b>.45</b>
<b>Restaurant/Bar</b>	<b>.60</b>
<b>Industrial</b>	<b>.85</b>
<b>Light Industrial in MU</b>	<b>.30</b>

<sup>1</sup> The FAR for mixed use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided

**ANALYSIS OF FLUM CHANGE REQUEST:**

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

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

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

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

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

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



- e. Other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

## **FL State Statutes**

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

- Natural Resource Protection
  - Wetlands
  - Estuaries
  - Living marine resources
  - Beaches / Dunes
  - Unique wildlife habitat
  - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
  - Wastewater
  - Stormwater
  - Potable Water
  - Solid Waste
  - Transportation
- Affordable Housing
- Hazard Mitigation
  - CHHA
  - Hurricane Evacuation
- Ports
  - Marina Siting
- Public Use
  - Shoreline use and Access
  - water dependent and independent activity
- Land Acquisition
  - Conservation
  - CHHA
  - Public Services

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

## **Natural Resources**

Direct impacts to natural resources would differ minimally as a result of the proposed FLUM change. These properties are not recognized habitat to any state or federally listed animal species and are not within Florida Forever boundaries or critical habitat areas.

There are no associated wetlands, estuaries, beach areas or dunes associated with the area proposed for FLUM change. These are protected resources important to the tenants of Chapter 163, 9J-5, F.A.C., or the Principals for Guiding Development. Similarly, no living marine resources adjacent to the subject area would be adversely impacted by the proposed change in the FLUM map.

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.

Staff believes that the proposed FLUM change would have a diminimus impact on stormwater infrastructure capacity.

- **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 One. The proposed FLUM amendment is, therefore, consistent with these provisions of the

### **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 decrease a potential for increased affordable housing on site. The Mixed Use FLUM category allows for a potential of 15 units per acre of affordable housing versus the RH FLUM category which allows for 15 to up to 25 units per acre. Therefore, excluding the potential for density bonus, the number of affordable units does not change.

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 subject parcel, closest to the Atlantic Ocean, is in a Coastal High Hazard Area (CHHA). Any future development on site, if encroaching into this zone, would have to comply with all provisions of the local City of Marathon Floodplain Ordinance, in accordance with the standards as set to be a participating community in the National Flood Insurance Program (NFIP).

#### Policy 4- 1.17.6 Limit Redevelopment in CHHA

The City shall limit redevelopment in areas within the CHHA shown by the Local Mitigation Strategy to be particularly susceptible to repeated damage. Criteria for assessing redevelopment potential for these properties shall be addressed within the Post Disaster Redevelopment Plan, to be prepared pursuant to Policy 4-1.22.3.

#### Policy 4-1.20.1 Discourage Development in the High Velocity Area

The City shall, through the Land Development Regulations, continue to encourage both residential and non-residential development away from the areas designated as high velocity storm surge areas through disincentives in the adopted BPAS.

While development in the CHHA is to be discouraged in the Comprehensive Plan, it can be permitted by the Land Development Regulations in cases where it cannot be avoided; in these cases, development is required to comply with local Floodplain Management Regulations related to Velocity zone construction. The City has recently revised its floodplain regulations to comply with all recent revisions to the construction standards typically applied in a VE (CHHA) zone. This property is not within the proposed LiMWA area.

The proposed FLUM change results in a diminished hazard to public safety. New construction will have to meet flood regulations, and would therefore represent decreased development in the CHHA on site. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Hurricane Evacuation**

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

The Florida Department of Economic Opportunity in conjunction with sister state agencies and the participation of all local governments completed an analysis this year of current hurricane evacuation constraints. It was determined that under defined conditions, the County was able to maintain a 24-hour evacuation time while continuing the current ROGO and BPAS allocation formulas. Thus, for the ensuing ten (10) years the City will continue to be able to issue 30 residential allocations per year. Additionally 25,000 square feet of Commercial or CBPAS is available per period.

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, as this property is land locked, no marina development is foreseeable.

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**

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 parcels are not on the Florida Forever boundary map.

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



**SUMMARY:**

The applicants have requested a change in the Future Land Use Map (FLUM) designation for the parcels located on 63<sup>rd</sup> Street. Currently the property is designated as Residential High (RH). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

The applicants have requested a change in the Zoning designation for the parcels located on 63<sup>rd</sup> Street. Currently the property is designated as Residential High (RH). The applicant is requesting a change to Mixed Use (MU), and subsequent rezoning of the parcel.

Staff finds the proposed FLUM change 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 to Council for transmittal of the request to amend the Future Land Use Map for these parcels from Residential High (RH) to Mixed Use Commercial (MU-C).

Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission forward a recommendation to Council for transmittal of the request to amend the Zoning Map for this parcel from Residential High (RH) 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 (pp. 2-86 – 2-95).
2. City of Marathon, Comprehensive Plan Data and Analysis, page 10.