



City of Marathon Planning Commission
Monday April 19, 2021
9805 Overseas Hwy
City Hall Council Chambers

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday April 19, 2021 at 5:33 pm.

In attendance: Attorney Steve Williams, Admin Assistant Lorie Mullins, Planning Director Brian Shea, City Manager George Garrett, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Matt Sexton-present; Susan Klock-present; Mike Leonard-present; Lynn Landry-present.

Landry asked for approval of the last meeting minutes.

Leonard moved to approve. Sexton seconded. The roll was called. The minutes were approved 5-0.

Item 1 was read into the record. Consideration Of A Request For A Development Agreement, For Island Homes Of The Keys Inc, Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” For The Development Of A Single Family Home; Vacant Land; Which Is Legally Described As, Section 32, Township 65, Range 33, Government Lot 1 And Section 05, Township 66, Range 33, Part Of Government Lot 4, Formerly Known As Phase V (The Island) Seawatch At Marathon A Condominium, Marathon, Monroe County, Florida; Having Real Estate Number 00104135-000000, Nearest Mile Marker 53.

Bart Smith presented the item on behalf of the applicant.

Shea presented the item. Klock wanted to know the impacts this will have on the environment. Shea stated that the environmental study would have to be updated, clustering requirements will have to be met, and the access drive will need to be reduced to 12’.

Public Speakers:

- Norman Webner asked for clarification on the transfer of a building right.
- George Connitt, for the Seawatch Condo Association, stated he is in favor of the development if there is no further development, in perpetuity.

Landry asked if anyone has had ex-parte communications, there were none.

Klock moved to approve. Leonard seconded. The roll was called. The motion was approved 5-0.

Cinque recused himself from Item 2.

Item 2 was read into the record. An Ordinance Of The City Of Marathon, Florida; Amending Section 104.62, "Mobile Vendor Food Units"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Transmittal To The State Department Of Economic Opportunity; Providing For Inclusion In The Code; And Providing For An Effective Date.

Shea presented the item. After a brief discussion Shea clarified that the Ordinance is required to be in compliance with the state, as this removes the city's ability to regulate the number of licenses issued.

Landry moved to approve. Klock seconded. The roll was called. The motion was approved 4-0.

Item 3 was pulled from the agenda until next month.

Consideration Of A Request A Conditional Use Permit And A Development Agreement, For Insite Marathon Key LLC, Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Development Agreement" And "Conditional Use Permits" Respectively For The Redevelopment And Expansion Of An Existing Hotel; Located At 4590 Overseas Highway; Which Is Legally Described As Part Of Government Lot 2 And Adjacent Bay Bottom And Adjacent Part Of Us1 State Road 5 And Bay Bottom Adjacent To Government Lot 2, Section 10, Township 66, Range 32, Key Vaccas, Marathon, Monroe County, Florida; Having Real Estate Numbers 00103150-000000, Nearest Mile Marker 50.

Item 4 was read into the record.

An Ordinance Of The City Of Marathon, Florida; Amending Chapter 107 Article 1 Entitled Building Permit Allocation System (BPAS); Providing Criteria For Transient Unit Conversion Of Market Rate Dwelling Units And To Establish Limitations; Providing For Severability; Providing For The Repeal Of All Ordinances Or Parts Of Ordinances Found To Be In Conflict; And Providing For Inclusion In The Code; And Providing For An Effective Date.

Shea presented the item.

Cinque asked who proposed. Marlin Bay is the applicant. Cinque wanted to make clear that the City did not bring this item forward.

Bart Smith spoke on the item, giving a brief history of allocations coming from the State, noting that Marlin Bay is using part of their units as transient units even though they are market rate units.

After a brief discussion and comments from all commissioners, Smith requested to remove the item and postpone indefinitely.

All commissioners agreed.

Items 5, 6, 7 and 8 were read into the record.

An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Conservation (C) To Mixed Use-Commercial (Mu-C) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000,

00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Item 6

An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Conservation Native Area (C-Na) To Mixed Use (Mu) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Item 7

Consideration Of A Request For An Annulment Of A Plat, For Floridian Holdings, LLC, Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Subdivision Of Land/Plats And Replats” For The Abandonment Of A Portion Of Ecstasy Subdivision West Of Banana Boulevard Excluding Block 3 Lot 4 And Adjacent Waterway And Part Of Vacated Ocean Drive, And The Abandonment Of The Amended Valhalla Island Plat; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers 00099750-000000, 00099760-000000, 00099760-000100, 00099760-000200, 00099760-000300, 00099760-000400, 00099760-000500, 00358250-000000, 00358260-000000, 00358270-000000, 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358440-000000, 00358450-000000, 00358460-000000, 00358470-000000, 00358480-000000, 00358490-000000, 00358500-000000, 00358510-000000, 00358520-000000, 00358530-000000, 00358540-000000, 00358550-000000, 00358560-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, 00358610-000000, 00358620-000000, 00358630-000000, 00358640-000000, 00358650-000000, 00358660-000000, 00358661-000000, 00358710-000000, 00358720-000000, 00358730-000000, 00358740-000000, 00358750-000000, 00358760-000000, 00358770-000000, 00358780-000000, 00358790-000000, 00358800-000000, 00358810-000000, 00358820-000000, 00358830-000000, 00358840-000000, 00358850-000000, 00358851-000000, 00358860-000000, 00358870-000000, 00358880-000000, 00358890-000000, 00358910-000100, 00358990-000000, 00358990-000200, 00359000-000000, 00359601-000000, 00359602-000000,

00359602-000100, 00360220-000200, 00360220-000400, 00360220-000500, 00360220-000700, 00360220-000800, 00360220-000900, 00360220-001000, 00360220-001100, 00360220-001200, 00360220-004400, 00360220-004500, 00360220-004600, 00360220-004700, 00360220-004800, 00360220-004900, 00360220-005000, 00360220-005200, 00360220-005300, 00360220-005400, 00360220-005500, 00360220-005600, 00360220-005700, 00360220-005800, 00360220-005900, And 00358670-000000, Nearest Mile Marker 57.

Item 8 was read into the record.

Consideration Of A Request A Conditional Use Permit And A Development Agreement, For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” And “Conditional Use Permits” Respectively For The Development Of A Hotel; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers 00099750-000000, 00099760-000000, 00099760-000100, 00099760-000200, 00099760-000300, 00099760-000400, 00099760-000500, 00358250-000000, 00358260-000000, 00358270-000000, 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358440-000000, 00358450-000000, 00358460-000000, 00358470-000000, 00358480-000000, 00358490-000000, 00358500-000000, 00358510-000000, 00358520-000000, 00358530-000000, 00358540-000000, 00358550-000000, 00358560-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, 00358610-000000, 00358620-000000, 00358630-000000, 00358640-000000, 00358650-000000, 00358660-000000, 00358661-000000, 00358710-000000, 00358720-000000, 00358730-000000, 00358740-000000, 00358750-000000, 00358760-000000, 00358770-000000, 00358780-000000, 00358790-000000, 00358800-000000, 00358810-000000, 00358820-000000, 00358830-000000, 00358840-000000, 00358850-000000, 00358851-000000, 00358860-000000, 00358870-000000, 00358880-000000, 00358890-000000, 00358900-000000, 00358910-000000, 00358910-000100, 00358930-000000, 00358940-000000, 00358950-000000, 00358960-000000, 00358970-000000, 00358980-000000, 00358990-000000, 00358990-000200, 00359000-000000, 00359601-000000, 00359602-000000, 00359602-000100, 00360220-000200, 00360220-000400, 00360220-000500, 00360220-000700, 00360220-000800, 00360220-000900, 00360220-001000, 00360220-001100, 00360220-001200, 00360220-004400, 00360220-004500, 00360220-004600, 00360220-004700, 00360220-004800, 00360220-004900, 00360220-005000, 00360220-005200, 00360220-005300, 00360220-005400, 00360220-005500, 00360220-005600, 00360220-005700, 00360220-005800, 00360220-005900, And 00358670-000000, Nearest Mile Marker 57.

Shea presented the item.

Cinque started the discussion with density/intensity questions. Shea explained that it would be the City’s first overlay, not an actual zoning change, which is not going to increase intensity. Sexton and

Leonard agreed with Cinque that there would be future problems if this is to set the precedence, changing conservation zoning to mixed use.

Bart Smith explained that the property is disturbed wetlands which will not increase the intensity and there will be a site-specific policy.

Sexton asked if the project could continue forward without the zoning change. Smith said that the entire project would have to be redesigned.

Nicole Emmons, Principal for Hart Howerton, the architect for the project, joined remotely and presented the proposed project with the use of visual aids.

Klock asked if this project could move forward without the zoning overlay. Smith stated that they need to utilize that area and therefore they are requesting the zoning change. Emmons stated that using that area will result in more open space and a more viable resort.

Klock clarified her question: Can this project go forward without a zoning change. Smith stated the plan would have to be started again from the beginning, anything is possible, but the area in question is disturbed and meets all criteria for the zoning change.

Landry opened the meeting to public speakers.

Cheryl Wilcox, lives in the only house on Valhalla. She asks that all her rights as a property owner are protected, otherwise, she is not opposed to the development in principle.

Cinque moved to deny the item. Sexton seconded.

The vote to deny Item 6, Zoning amendment, was approved 4-0. Landry dissenting.

Cinque moved to deny the item. Leonard seconded.

The vote to deny Item 5, FLUM amendment, was approved 4-0. Landry dissenting.

Cinque moved to deny the item. Leonard seconded.

The vote to deny Item 7, annulment of plat, was approved 4-0. Landry dissenting.

Cinque moved to deny the item. There were no ex-parte communications. Klock seconded.

The vote to deny Item 8, Conditional Use and Development Agreement, was approved 4-0. Landry dissenting.

Motion to adjourn.


Landry adjourned the meeting at 7:15 p.m.

ATTEST:



Lynn Landry – Planning Commission 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.)