



City of Marathon Planning Commission
Monday July 19, 2021
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 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

Item 1. A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 12700, And 12800 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

Item 2. A Request For A Conditional Use Permit And Final Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Subdivision Of Land/Plats And Re-Plats," And "Conditional Use Permits" Respectively, For A Plat And Site Plan Approval As Submitted By Seasons 16 LLC For Property Which Is Described As, The Westerly Part Of The West Half Of Block 8 Lot 11, Coco Plum

Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00363910-000000.

Item 3. 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) For Property Described As Part Gov't Lot 1 And Part Gov't Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe County, Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity.

Item 4. An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (Rm) To Mixed Use (MU) For Property Described As Part Gov't Lot 1 And Part Gov't Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Community Affairs; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Item 5. A Request For A Conditional Use And Preliminary Plat Approval Permit Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Subdivision Of Land/Plats And Re-Plats," And "Conditional Use Permits" Respectively, For A Plat And Site Plan Approval As Submitted By Seaglass LLC For 770 107th Street Ocean, Which Is Described As Part Of Government Lot 1, Section 6, Township 66, Range 33 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00104250-000000.



**City of Marathon Planning Commission
Monday May 17, 2021
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, May 17, 2021, at 5:30 pm.

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

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-absent; 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. Klock seconded. The roll was called. The minutes were approved 4-0.

The quasi-judicial statement was read into the record.

Public speakers were sworn in.

Item 1 was read into the record. Consideration Of A Request By Circle K Stores, 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 5,200 Sq. Ft. Convenience Store With 14 Self-Service Fuel Positions On Property Located At 11100 & 11150 Overseas Highway, Which Is Legally Described As The South 150 Feet Of Lots 1 And 2 In Block 1 And The South 208.85 Feet Of Lots 3 And 4 Block 1 Of Key Colony Subdivision No. 3, Key Vaca, Marathon, Monroe County, Florida; Having Real Estate Numbers 00334560-000000 & 00334600-000000.

Brian Shea presented the item.

Bill Pfeffer, the engineer of record for the applicant, offered to answer questions.

After a brief discussion regarding an EPA study, traffic study, alternative energy vehicles, access to the shopping center, the possibility of adding some tropical décor, landscaping, and traffic flow at the pumps during an emergency, Leonard made a motion to approve the item with the removal of condition 5. Klock seconded.

The roll was called. The item was approved 4-0.

Items 2 and 3 were read into the record. Consideration Of A Request By Florida Keys Animal Encounters, LLC 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 Expansion Of The Previously Approved Sea Life Amusement Park And A Marine Educational Facility, To Include A 15,200 Square Foot Warehouse, Office, And Lab Space, At 11710 Overseas Highway, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.

Item 3. Consideration Of A Request By Florida Keys Animal Encounters, LLC For A Variance Pursuant To Chapter 102 Article 20 From The Provisions Of Section 106.28 Of The City Land Development Regulations (LDRs) Regulating The Minimum Setback For A Principal Structure On Property Located At 11710 Overseas Highway, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.

Williams asked for ex-parte communications.

Sexton had been contacted by the Chamber and applicant, and owners of Seawatch, by email and telephone communications.

Landry had contact with the applicant and an owner at Seawatch.

Bart Valdes representing Heidi Valdes, an owner at Seawatch, withdrew the request to continue.

Shea presented the items.

Bart Smith presented both items on behalf of the applicant.

Ben Daughtry, applicant, answered questions from the commissioners regarding setbacks, the size of the building, and how the reduction in setbacks would affect the proposed programs and uses.

Landry opened the meeting to public speakers.

- Nick Mulick representing organizations that object to the items.
- Bart Valdes wanted to submit a report by Sandra Walters to be added to the record. A vote was taken and passed that no new evidence will be added given the untimely request for submission. He proceeded to speak against the items. The report will be added to the minutes.
- Daniel Samess, Marathon Chamber of Commerce, spoke in favor of the items.
- Susan Tatgenhorst spoke against the items.
- Brian Bolon spoke against the items.
- Michael Echevarria spoke in favor of the items.
- Hiram Collazo spoke against the items.
- Richard Sweetham spoke against the items.
- Charlotte Quinn spoke in favor of the items.
- Bob Rehbock spoke against the items.
- Sylvia Eriksen spoke against the items.
- Julie Joyce-Rehbock spoke against the items.

- Michael Puto spoke in favor of the items.

Landry closed the meeting to public speakers.

Bart Smith addressed concerns of the public.

Nick Mulick stepped up to the podium to comment on Smith's comments, but Williams stopped him and asked Landry if he wanted to acknowledge Mulick's comments. Landry did not allow Mulick to speak again as public comments had been closed.

After a brief discussion between Smith, Daughtry, and commissioners,

Williams asked Brandon to display the site plan so that the square footage of the proposed building could be verified. Daughtry confirmed 15,200 sq ft. Smith's prior comment of a 7,600 sq ft was incorrect.

Landry asked Garrett why the City requires a 50' setback when the South Florida Water Management District only requires 25'. The City will possibly update the codes to match.

Leonard made a motion to approve item 3, the variance. Klock seconded.

The roll was called. The item was approved 4-0.

Landry asked about widening the road to Seawatch, which is owned by Aquarium Encounters who give Seawatch an easement. Daughtry had no objections to widening the road.

Klock moved to approve item 2 for the conditional use, with the condition of widening the road subject to the applications to ACOE/DEP. If ACOE/DEP denies the applications to widen the road it will not be fatal to this conditional use. Leonard seconded.

The roll was called. The item was approved 4-0.

Motion to adjourn.

Landry adjourned the meeting at 8:00 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.)

DRAFT



**City of Marathon Planning Commission
Monday June 21, 2021
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, June 21, 2021, at 5:35 pm.

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

There was not a quorum, Landry adjourned at 5:35pm.

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.)

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: July 19, 2021

To: Planning Commission

From: Brian Shea, Planning Director

Agenda Item: A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 12700, And 12800 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

APPLICANT/ OWNER: Manny Roman Casa Marabella LLC

AGENT : Amie Owens, Don Horton Construction

LOCATION: The project site is located at 12670, 12700, & 12800 Overseas Highway. See Figure 1.

**Figure 1
Project Site**



REQUEST: A Conditional Use Permit and Preliminary Plat approval for the subject property having RE 00099610-000000 to allow for the subdivision of the single parcel into three parcels.

FUTURE LAND USE MAP DESIGNATION:

Mixed Use Commercial (MU-C). 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. 80,215 sq. ft. of uplands.

SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	NA	Gulf of Mexico
East	Mixed Use and Conservation Native Area	State Lands, a commercial property, and a billboard.
South	Mixed Use	Motel, offices and commercial
West	Mixed Use	The Quay

EXISTING CONDITIONS:

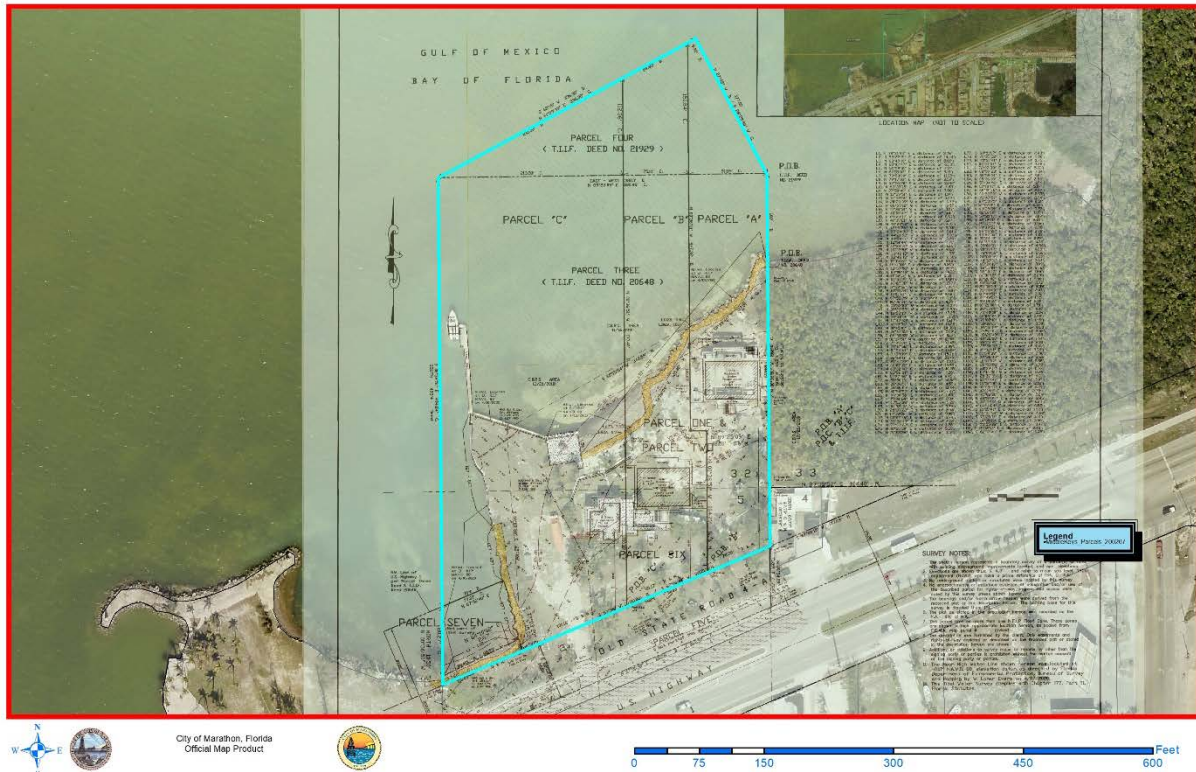
The project site consists of a large lot with three homes on the property.

PROPOSED REDEVELOPMENT:

To subdivide the lot so that each home is on its own lot.

See Figure 4 for Site Plan layout.

**Figure 4
Proposed Redevelopment Site Plan**



BACKGROUND:

The proposed project is the platting of individual lots for each unit. This report addresses the Conditional Use application associated with the Platting and Subdivision regulations.

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”.

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 11 residential units, however the applicant is just subdividing the lot so that each of the existing 3 residential units is on its own lot. 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	3	11

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

Therefore, 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 project as originally approved included mixed use development of transient RV rights, affordable housing, and commercial retail, which is consistent with the Mixed-Use classification. At this juncture, the previously approved RV Park component was separated from the rest of the development and is now being proposed to be platted into seven single family lots.

The existing land use pattern in the project vicinity consists of commercial use and vacant land to the east; commercial uses and (mixed use) to the south; The Quay and The Island restaurant to the west; and the Gulf of Mexico directly north.

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 Plats and subdivisions are permitted only when 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.

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. Two of the existing structures meet floodplain compliance. The third is PreFIRM (built in 1962) but is proposed to be redeveloped so that it will meet current floodplain requirements.

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. Portions of the land are flagged as undeveloped land. The State-owned land next door is also listed as hammock. However, the existing and proposed development will have no impact on the neighboring hammock.

In addition, the parcels are within a 'Species Focus Area' as defined in the settlement for FEMA-FWS lawsuit. All permitting will be required to be reviewed for compliance using the species assessment guides.

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. The applicant has previously coordinated with DOT for the removal of native vegetation in the US 1 ROW and replacement plantings within this area.

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

- All development permits will require review using the species assessment guides per the FEMA/FWS settlement.

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 existing development currently does not impede the flow of traffic through Marathon. The applicant has received preliminary approval from the FDOT for the additional driveways to be created based upon the subdivision of the parcel.

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 DOT permit issuance.

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

- Applicant must obtain DOT permits for the installation of the two additional driveways onto US 1.

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	6
Total Required			6
Total Provided			6

The existing buildings provide sufficient parking space per the code.

Therefore, 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 three single family dwellings. No issues of noise, glare or odor have arisen from this use, nor are they expected to.

Therefore, 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;

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The applicant proposes individual garbage containers similar to what is existing on site. Should a shared dumpster be proposed it must be screened according to Code.

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 is already connected to wastewater.
- **Water**: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- **Solid Waste**: Marathon Garbage Service already provides solid waste disposal.
- **Surface Water**: The applicant already provides stormwater retention compliance within City standards.
- **Recreation and Open Space**: This development will have a de minimus impact on recreation and open space.
- **Roadways**: The units currently exist; therefore, resulting in a de minimus impact on transportation facilities.
- **Educational Facilities**: This redevelopment will have a de minimus impact on educational facilities since these are existing units.

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

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

Section 107.71 A. requires planting requirements for MU properties along US 1. The applicant has already planted trees in coordination with DOT, and meeting the standards set forth in 107.71 A.

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'.

Table 106.28.1 outlines setbacks requirements for a Principal structure on open water where original slope landward has been significantly altered by filling but a mangrove fringe exists that is contiguous from side lot line to side lot line and is at least ten (10) feet wide at the root zone;

have a setback requirement of thirty (30) feet from MHWL or the landwards extent of the mangrove root system. A resource buffer distance is set at a 30-foot minimum from MHWL, since that is further landward than the root system.

This plan shows an 86’ setback on the front yard, a minimum of 8’ setback on the side yards, approximately 33’ setback on the nearest shoreline.

Setback	Required	Required Landscape	Existing	Compliant
Front	30	10	86	Y
Side	5	N/A	5	Y
Side	5	N/A	5	Y
Shoreline	30	N/A	33	Y

Therefore, with conditions, 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;

No signs are proposed as these are existing single-family residences. There are also no proposed changes to the exterior lighting that would cause glare or issues with traffic safety.

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 developed; therefore, a twenty percent open space requirement applies. 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 the existing survey the lots well exceed the 20% open space requirement. When the one existing preFIRM structure is replaced, the plans will be reviewed to make sure the open space requirement is continued to be met.

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

9. General compatibility with surrounding properties; and

The project is subdivision of one parcel into three for the existing use of the three homes. Adjacent uses include commercial establishments. A redevelopment of residential dwellings is expected to be fully compatible with these uses. The proposed redevelopment of the PreFIRM home will be an 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 buildings are below 42’.

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:

- Plans must show a 10' interior setback between residential units.
- Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.

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 plat allows for the subdivision of the lot into three individual lots, one for each home. 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 Subdivision to the Planning Commission. The proposed conditions of approval are listed below.

Conditions of Approval

1. Plans must show a 10' interior setback between residential units.
2. Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.
3. Clear sight triangles must be shown on the site plan at time of DOT permit issuance.
4. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

RECOMMENDATION:

With the following conditions, the Planning staff recommends approval of the proposed final plat.

Conditions:

1. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
2. Applicant must obtain permits from FDOT for driveway installations.
3. All conditions of the Conditional Use must be met prior to building permit issuance.

PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: July 19, 2021

To: Planning Commission

From: Brian Shea, Senior Planner

Agenda Item: A Request For A Conditional Use Permit And Final Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Seasons 16, LLC For Property Which Is Described As, The Westerly Part Of The West Half Of Block 8 Lot 11, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00363910-000000.

APPLICANT/ OWNER: Seasons 16 LLC

LOCATION: The project site is located at the intersection of Avenue D and Coco Plum, nearest mile marker 53. See Figure 1.

**Figure 1
Project Site**



City of Marathon, Florida
Official Map Product
00363910-000000



0 25 50 100 150 200 Feet

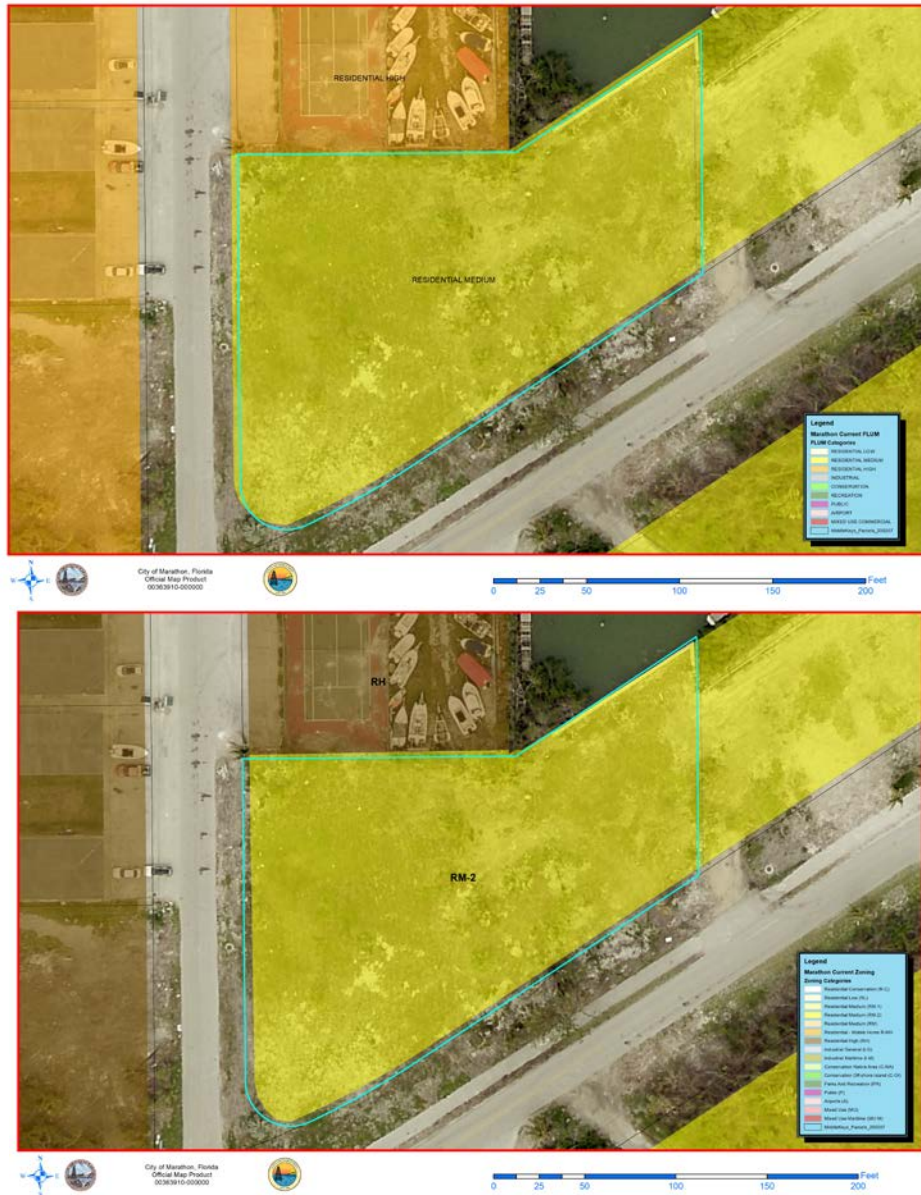
REQUEST: The Applicant is seeking approval of a preliminary plat subdividing one (1) previously subdivided

parcel into two (2) lots each only having enough density for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATION:

Residential Medium (RM) & Residential Medium 2 (RM-2). See Figure 2A & 2B.

**Figure 2A & 2B
Future Land Use & Zoning Map**



LOT SIZE:

Total acreage: .69 acres or 30,111 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>

North	Residential High	Single Family Residences apartments, and Condo of Avenue D
East	Residential Medium 2, Residential Medium 1	SFRs and Condos
South	Residential Medium 2	Bonefish Yacht Club, Bonefish Towers, SFRs
West	Residential Medium 2, Residential High	Apartments, and proposed affordable housing.

EXISTING CONDITIONS:

The project site consists of one parcel. The parcels are currently scarified with some vegetation interspersed throughout the property. A parcel had been previously split off through the Simple Subdivision process, and another split now requires a Conditional Use.

Residential: Vacant

PROPOSED REDEVELOPMENT:

Residential: Plat and Subdivision into 2 lots for a single family on each.

BACKGROUND:

The proposed project seeks the replat of a residential property which is vacant.

This report addresses the application for a Conditional Use and preliminary plat. **All conditions of the Conditional Use and Plat 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 is 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 redevelopment project is located within the Residential Medium-2 (RM-2) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed to “establish areas in the Coco Plum subdivision 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).”

The proposed project consists of the redevelopment of an existing residential use and is consistent with the Residential Nobile Home 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 single family residential uses are allowed as permitted as of right in RM-2 Zoning. The table also shows that Plats and Subdivisions are a Conditional Use in RM-2 Zoning. 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.

The proposed project consists of the replat and future development of a site to include single family residential units. The project as proposed meets the basic definition of development in the RM-2 zoning district.

Therefore, 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 Residential Medium Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential Medium future land use category is to provide for medium density residential development. The Residential Medium future land use category is characterized by areas containing predominately compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure”. The proposed project includes a subdivision of vacant land into smaller lots, that result in no increase in density, which is consistent with the Residential Medium classification.

The existing land use pattern in the project vicinity consists of a mix of residential, multi-family residential uses, and parks and recreation uses. 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 development 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.

As part of the permitting process, plans will have to meet the requirements 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 grassland, with a small patch of natives interspersed with exotics. In addition, though found within a ‘Species Focus Area’ as defined in the settlement agreement for the FEMA-FWS lawsuit, “undeveloped land,” as defined therein, falls out of the considerations in the species assessment guides thus having “no impact” on the species of concern, the Eastern Indigo Snake. Should any development occur in the future regarding waterfront walkways and docks, the permits will require ACOE and DEP approval, as well as further FEMA-FWS review using the species assessment guides. See figure 3.

**Figure 3
Species Focus Area Habitat**



Future 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. Stormwater retention 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.

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 the property is being provided through proposed driveways on Avenue D and Coco Plum. The one driveway proposed on Coco Plum crosses the bike path. As such the driveway will be required to be a solid surface to not create any negative impact to the bike path.

The proposed traffic impact for the proposed single-family residences that can be built on the newly created parcels would have no adverse impact on the operating characteristics of Coco Plum drive or Avenue D.

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

- The portions of the driveway within the ROW of Coco Plum are required to be solid surface.

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

Two parking spaces per unit are required of a single-family residence. The parking spaces will have to be denoted on the building permit site plan prior to permit issuance. Permits that have been submitted show compliance.

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 residential use. No new impacts are expected to occur. Should any future construction be visible from Coco Plum Beach, the appropriate turtle lighting will be required.

Therefore, with the above 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;

Solid Waste pick-up is provided under by MGS. There will be no capacity issues in this regard.

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: As part of the platting process, preliminary wastewater plans are shown. The construction guarantees will address the installation of the additional utility lines.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the homes.
- 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: The required open space remains 20% for the entire lot, as well as 20% for the newly created lots.
- Roadways: This redevelopment will have a de minimis impact on traffic.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

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;

The project will be required to provide street trees for each unit pursuant to the requirements of the LDRs. Additionally, as the property to the north is zoned RH, a High landscape buffer is required. Through TRC review, the landscape buffer was reduced by half.

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

- Landscape buffer showing 10 canopy trees, 5 understory trees, 5 non-deciduous trees, and 30 shrubs per 100' is required prior to permit issuance.

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 redevelopment of the site.

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 site is scarified; therefore, a twenty percent open space requirement applies. As proposed, the project will meet the minimum open space requirements.

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 residential uses in an area of the City which is relatively medium density. Adjacent uses include other residences, single family, and multifamily units. The proposed project will be compatible with surrounding uses.

Therefore, with the conditions below, 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.

The subdivision of Land is required to meet the criteria of Section 102 Article 10 of the code. Table 102.46.1 establishes the minimum lot sizes that can be created, and the minimum frontage required. RM-2 zoning requires minimum lots of 8,712 square feet, and frontages of 100 linear feet.

The lots created by the plat exceed the 8,712 square footage minimum. The proposed lot frontages are 147 and 177 feet.

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

CONCLUSION:

The proposed project seeks the subdivision of parcels within the City of Marathon based upon the Subdivision and Conditional Use guidelines.

With the proposed conditions, staff indicates that the project as proposed meets the intent of the City's Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

The Planning staff recommends conditional approval of the Subdivision to the Planning Commission. The proposed conditions of approval are listed below.

Conditions of Approval

1. Plans must show a 10' side setback for the single-family residences.
2. The portions of the driveway within the ROW of Coco Plum are required to be solid surface.
3. City approval is required for the stormwater management system prior to Building Permit Approval.
4. City approval of the connection to the City Wastewater Utility will be required.
5. Landscape buffer showing 10 canopy trees, 5 understory trees, 5 non-deciduous trees, and 30 shrubs per 100' is required prior to permit issuance.
6. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

As no new roads are being proposed, all utility and infrastructure work will be done as part of the building permit process for each individual SFR.

RECOMMENDATION:

With the following conditions, the Planning staff recommends approval of the proposed preliminary plat.

Conditions:

1. All conditions of the Conditional Use must be met prior to building permit issuance.

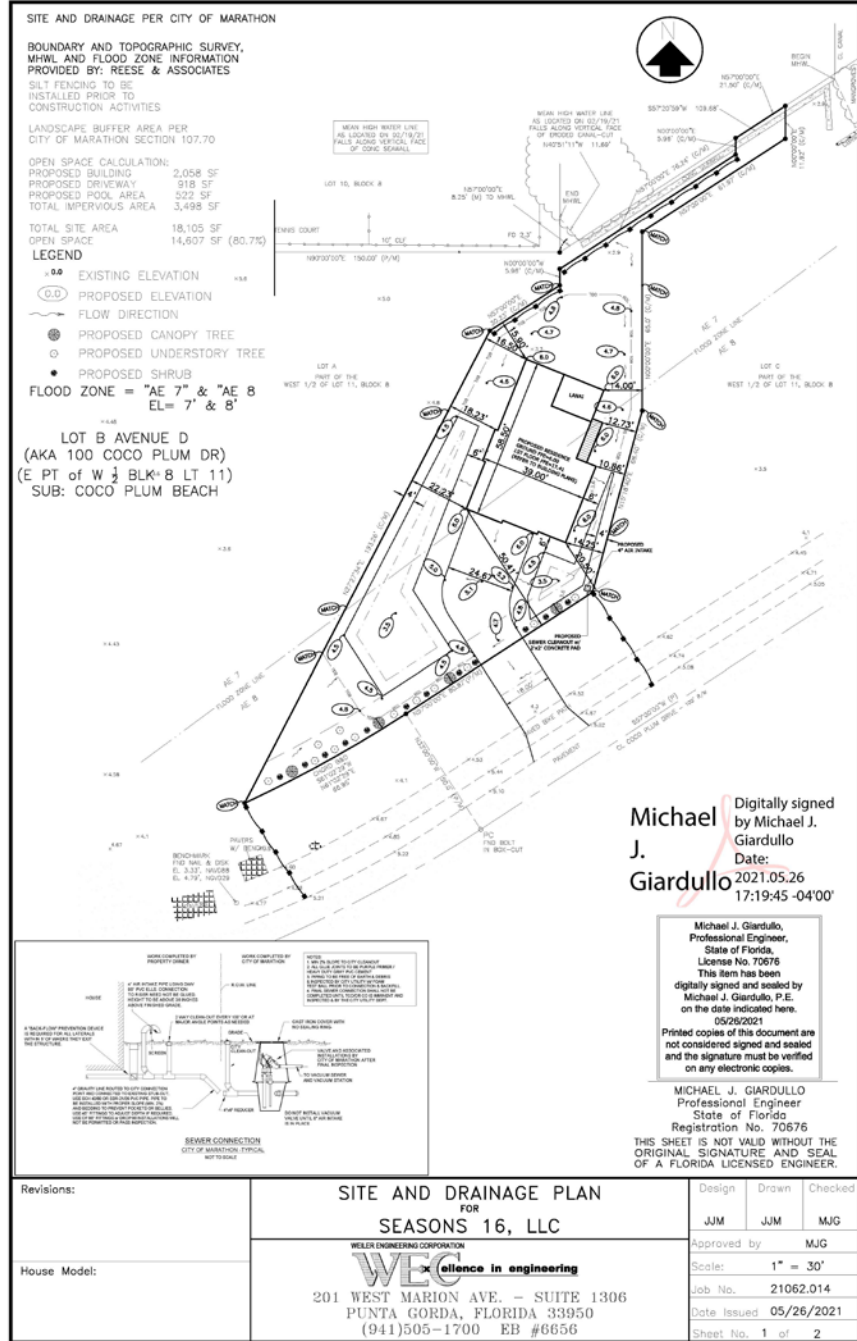
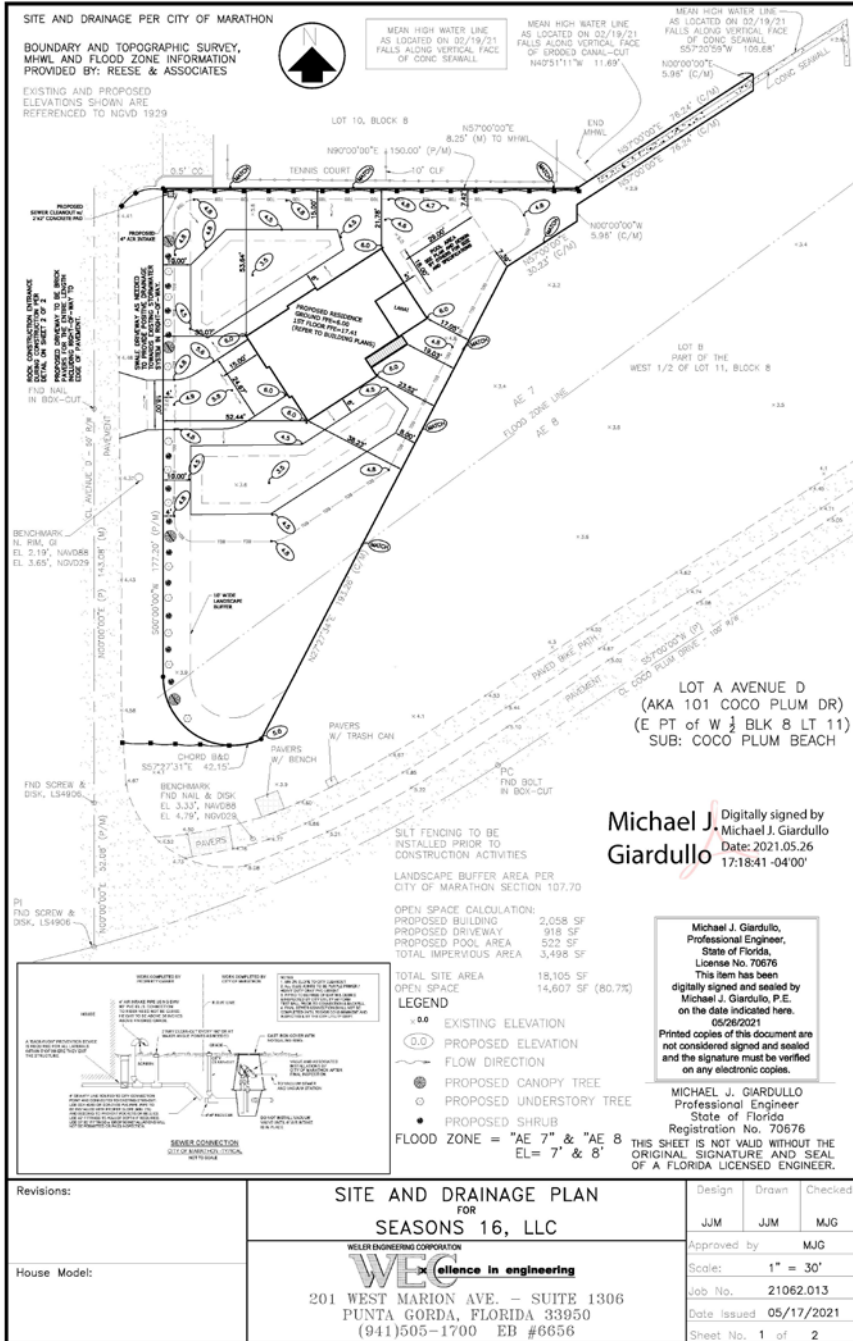
Site Plan



City of Marathon, Florida
 Official Map Product
 00363910-000000



Proposed Site Plans



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: July 19, 2021

From: Brian Shea, Planning Director

Agenda Item: **Ordinance 2021-XX** 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) for Property Described as Part Gov't Lot 1 and Part Gov't Lot 2, Part Parcel 3 and Adjacent bay Bottom South of and Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000; Providing for Severability; Providing for the Repeal of Conflicting Provisions; Providing for the Transmittal of this Ordinance to the Department of Economic Opportunity; and Providing for an Effective Date Upon the Approval of this Ordinance by the Department of Economic Opportunity.

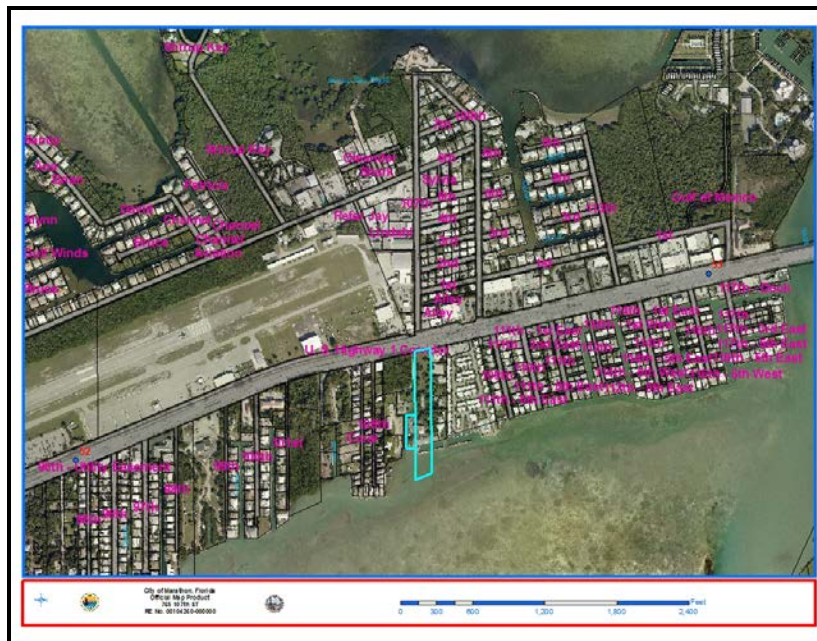
APPLICANT/OWNER: Marathon LLC

AGENT: Jim Saunders

LOCATION: The subject property is located on 107th Street Ocean, nearest Mile Marker 52 and is legally described as Part Gov't Lot 1 and Part Gov't Lot 2, Part Parcel 3, and Adjacent bay Bottom South of and Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000.

ADDRESS: 765 107th Street

Location Map



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

LOT AREA: The aggregated size of the parcels is approximately 2.8 acres (123,161 sq./ft.)

BACKGROUND:

These parcels were zoned as Suburban Commercial (SC) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) 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 along US1. The rezoning is not addressed in this application. Existing uses on the properties are residential dwelling units, and one of the parcels is a vacant lot.

Three parcels to the west, located at 796, 797, and 799 106th Street, requested this same FLUM re-designation during the 07-02 Comprehensive Plan amendment cycle, which was approved along with a request for rezoning. Those three parcels were also previously zoned as Suburban Commercial (SC), changed to Residential Medium (RM) when the City adopted the current FLUM and zoning maps, and changed back to Mixed Use Commercial (MU-C) by approval of the City of Marathon Planning Commission and City Council, as well as the Department of Economic Opportunity (DEO). Similarly, those parcels also have existing uses as residential dwelling units.

The applicants have stated that the FLUM and zoning designation should be the same as what the properties were when the owners originally acquired them.

	Pre 2005	Pre 2007	2005	2007
	OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
10155 OSH	Suburban Commercial	Suburban Commercial	Residential Medium	Residential Medium

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Residential Medium (RM)
 Proposed: Mixed Use Commercial (MU-C)

Land Use (Zoning) District Designation

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

Use of Properties

Existing: Residential
 Proposed: No plans at this time

Surrounding FLUM, Zoning and Uses

The property subject to the FLUM amendment is located on 107th ST, Ocean and consists of one parcel. The property is located in an area with Mixed Use. Adjacent land use includes commercial uses by established businesses to the North, the Atlantic Ocean to the South, a high-density residential development, and commercial uses to the east, and single-family residences immediately to the West. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Mixed Use Commercial (MUC)	Airport, Industrial General, Mixed Use (MU) and Residential Medium (RM)	Portion of the airport, Subway, and JJ's Dog House
East	Residential High (RH)	Mixed Use (MU) and Residential High (RH)	Muffler Man, storage facility, and Ocean Isles Fishing Village
South	Atlantic Ocean	Atlantic Ocean	Atlantic Ocean
West	Residential Medium (RM)	Mixed Use (MU) and Residential Mobile Home (R-MH)	Single family residences The Palms Subdivisions

Existing Habitat

The existing conditions maps indicate the properties are designated as developed. The property is listed on the Species Focus Area for one habitat type, mangroves. The FEMA-FWS Species Assessment Guides indicates that altering the habitat should not affect the species. However, any alteration to the mangroves for provision of dockage and/or observation deck, though permissible, would require state (FDEP) and federal (ACOE) permits as well as City permits. The parcel is 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 7, 8, & 9 and VE 10 and 13 flood zones.



DEVELOPMENT ANALYSIS:

Current FLUM: Residential Medium (RM)

Policy 1-3.1.4 Residential Medium of the Comprehensive Plan states “the principal purpose of the Residential Medium land use category is to provide for medium density residential development.”

Residential Medium Allowable Density

Market Rate – 5 Units per acre

Affordable – 10 units per acre

Proposed FLUM: Mixed Use Commercial (MUC)

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

¹ 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. The area proposed for a FLUM change is developed, with the exception of one of the parcels which is vacant. 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 Principles 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.

The application is working with 770 107th applicant to address utilities on the street.

- **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 15 units per acre of affordable housing versus the RM FLUM category.

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**

One of the subject parcels, closest to the Atlantic Ocean, is partially 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.

The proposed FLUM change results in a diminished hazard to public safety. Permanent residential would be replaced with non- residential and therefore represents 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.

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; while no marina development is foreseeable, a Marina Operating Permit, consistent with the LDRs would be required, this would include obtaining coordination letters from external agencies, and all necessary Federal, State, and local approvals and permitting.

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 107th Street, Ocean, which is not a City street. 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 four parcels located on 107th Street. Currently the properties are designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MU-C), and subsequent rezoning of the parcels.

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 to Council for transmittal of the request to amend the Future Land Use Map for this parcel from Residential Medium (RM) to Mixed Use Commercial (MU-C).

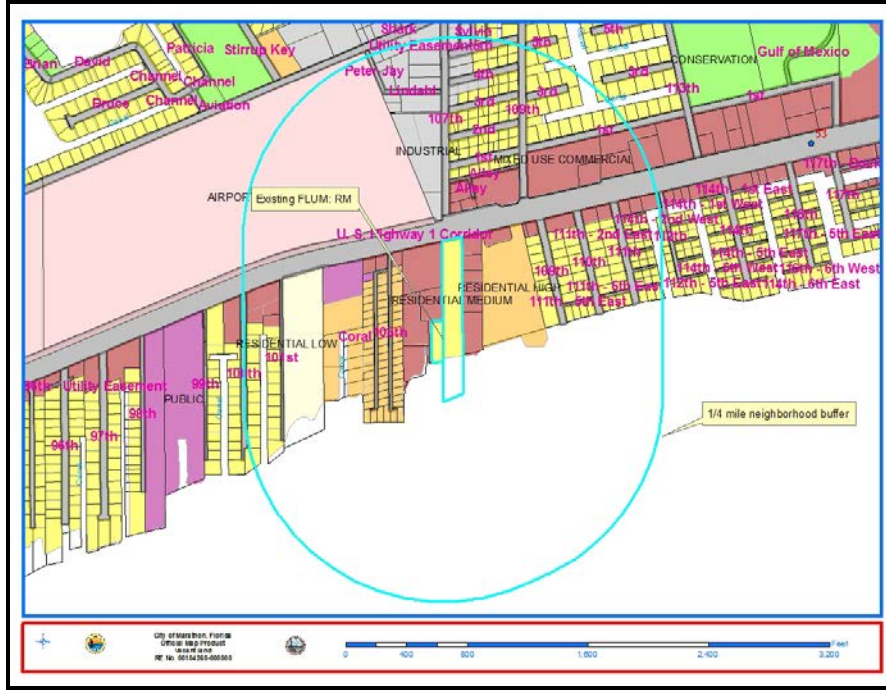
End Notes:

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.

EXHIBIT 1

EXISTING & PROPOSED FLUM MAPS

Existing FLUM



Proposed FLUM

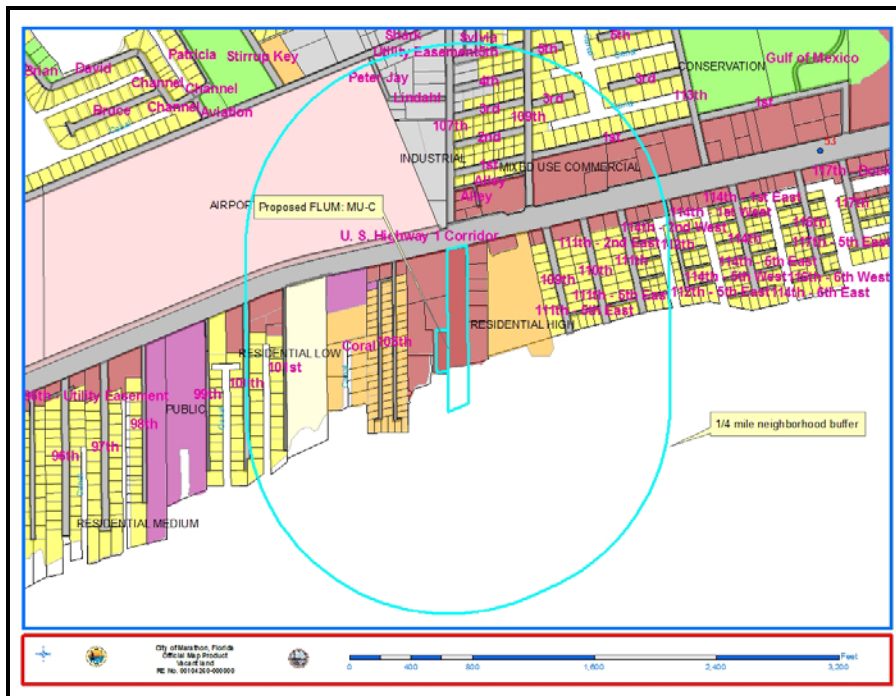


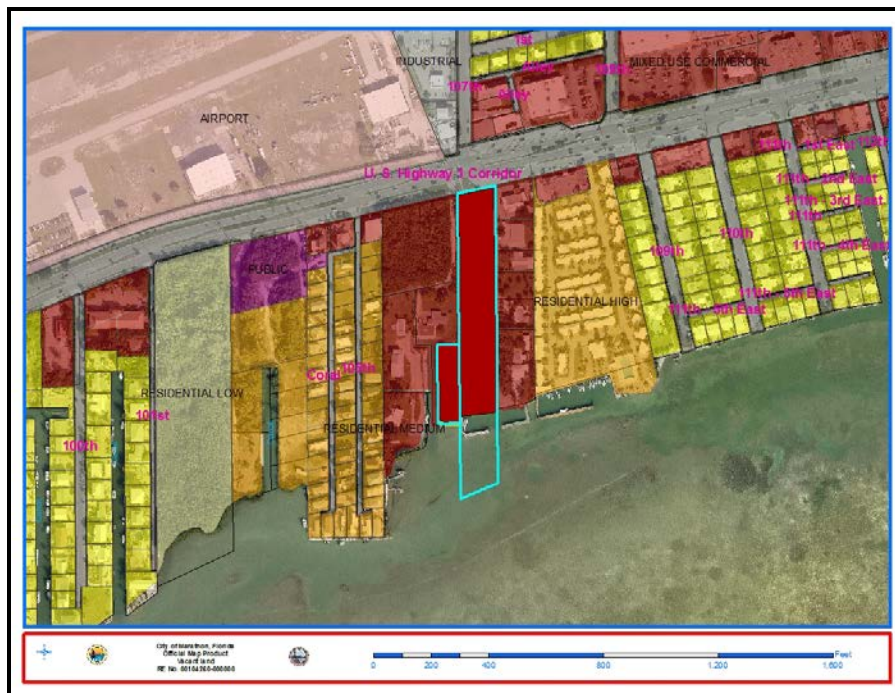
EXHIBIT 2

EXISTING & PROPOSED FLUM MAPS

Existing FLUM



Proposed FLUM



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: July 19, 2021

From: Brian Shea, Planning Director

Agenda Item: **Ordinance 2021-XX** An Ordinance of the City of Marathon, Florida Amending the Zoning Designation from Residential Medium (RM) to Mixed Use (MU) for Property Described as Part Gov't Lot 1 and Part Gov't Lot 2, Part Parcel 3 and Adjacent bay Bottom South of and Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000; Providing for Severability; Providing for the Repeal of Conflicting Provisions; Providing for the Transmittal of this Ordinance to the State Department of Community Affairs; and Providing for an Effective Date Upon the Approval of this Ordinance by the State Department of Economic Opportunity.

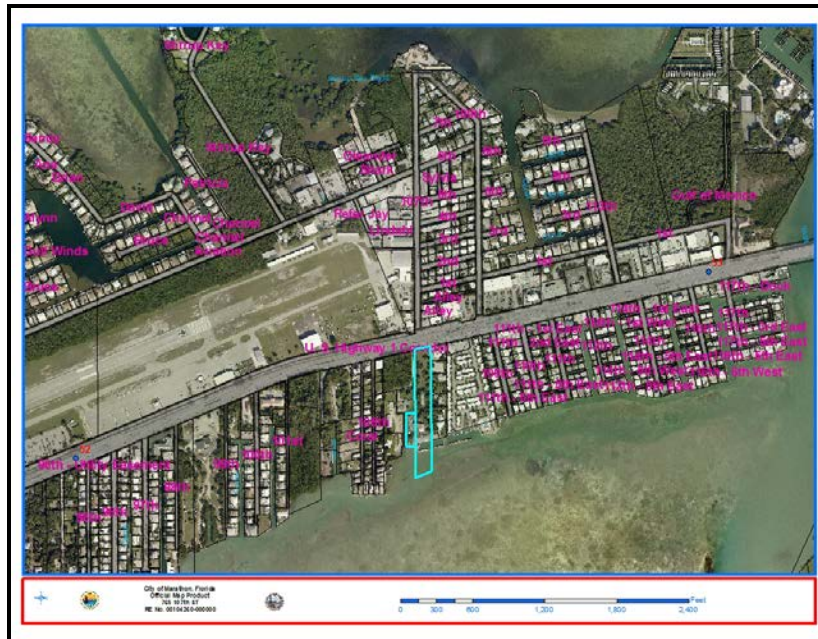
APPLICANT/OWNER: Marathon LLC

AGENT: Jim Saunders

LOCATION: The subject property is located on 107th Street Ocean, nearest Mile Marker 52 and is legally described as Part Gov't Lot 1 and Part Gov't Lot 2, Part Parcel 3 and Adjacent bay Bottom South of and Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000

ADDRESS: 765 107th Street

Location Map



REQUEST: Amend the Zoning Map for the subject properties from Residential Medium (RM) to Mixed Use (MU).

LOT AREA: The aggregated size of the parcels is approximately 2.8 acres (123,161 sq./ft.)

BACKGROUND:

These parcels were zoned as Suburban Commercial (SC) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) 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 along US1. The rezoning is not addressed in this application. Existing uses on the properties are residential dwelling units, and one of the parcels is a vacant lot.

Three parcels to the west, located at 796, 797, and 799 106th Street, requested this same FLUM re-designation during the 07-02 Comprehensive Plan amendment cycle, which was approved along with a request for rezoning. Those three parcels were also previously zoned as Suburban Commercial (SC), changed to Residential Medium (RM) when the City adopted the current FLUM and zoning maps, and changed back to Mixed Use Commercial (MUC) by approval of the City of Marathon Planning Commission and City Council, as well as the Department of Community Affairs (DCA). Similarly, those parcels also have existing uses as residential dwelling units.

The applicants have stated that the FLUM and zoning designation should be the same as what the properties were when the owners originally acquired them.

	Pre 2005	Pre 2007	2005	2007
	OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
10155 OSH	Suburban Commercial	Suburban Commercial	Residential Medium	Residential Medium

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: Residential
 Proposed: No plans at this time

Surrounding FLUM, Zoning and Uses

The property subject to the FLUM amendment is located on 107th ST, Ocean and consists of one parcel. The property is located in an area with Mixed Use. Adjacent land use includes commercial uses by established businesses to the North, the Atlantic Ocean to the South, a high-density residential development, and commercial uses to the east, and single-family residences immediately to the West. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Mixed Use Commercial (MUC)	Airport, Industrial General, Mixed Use (MU) and Residential Medium (RM)	Portion of the airport, Subway, and JJ's Dog House
East	Residential High (RH)	Mixed Use (MU) and Residential High (RH)	Muffler Man, storage facility, and Ocean Isles Fishing Village
South	Atlantic Ocean	Atlantic Ocean	Atlantic Ocean
West	Residential Medium (RM)	Mixed Use (MU) and Residential Mobile Home (R-MH)	Single family residences The Palms Subdivisions

Existing Habitat

The existing conditions maps indicate the properties are designated as developed. The property is listed on the Species Focus Area for one habitat type, mangroves. The FEMA-FWS Species Assessment Guides indicates that altering the habitat should not affect the species. However, any alteration to the mangroves for provision of dockage and/or observation deck, though permissible, would require state (FDEP) and federal (ACOE) permits as well as City permits. The parcel is 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 7, 8, & 9 and VE 10 and 13 flood zones.



DEVELOPMENT ANALYSIS:

Current FLUM: Residential Medium (RM)

Policy 1-3.1.4 Residential Medium of the Comprehensive Plan states “the principal purpose of the Residential Medium land use category is to provide for medium density residential development.”

Residential Medium Allowable Density

Market Rate – 5 Units per acre

Affordable – 10 units per acre

Proposed FLUM: Mixed Use Commercial (MUC)

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

¹ 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. The area proposed for a FLUM change is developed, with the exception of one of the parcels which is vacant. 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 Principles 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 application is working with 770 107th applicant to address utilities on the street.**

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 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 15 units per acre of affordable housing versus the RM FLUM category.

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**

One of the subject parcels, closest to the Atlantic Ocean, is partially 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.

The proposed FLUM change results in a diminished hazard to public safety. Permanent residential would be replaced with non- residential and therefore represents 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.

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; while no marina development is foreseeable, a Marina Operating Permit, consistent with the LDRs would be required, this would include obtaining coordination letters from external agencies, and all necessary Federal, State, and local approvals and permitting.

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 107th Street, Ocean, which is not a City street. 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 four parcels located on 107th Street. Currently the properties are designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcels.

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 to Council for transmittal of the request to amend the Future Land Use Map for this parcel from Residential Medium (RM) to Mixed Use Commercial (MUC).

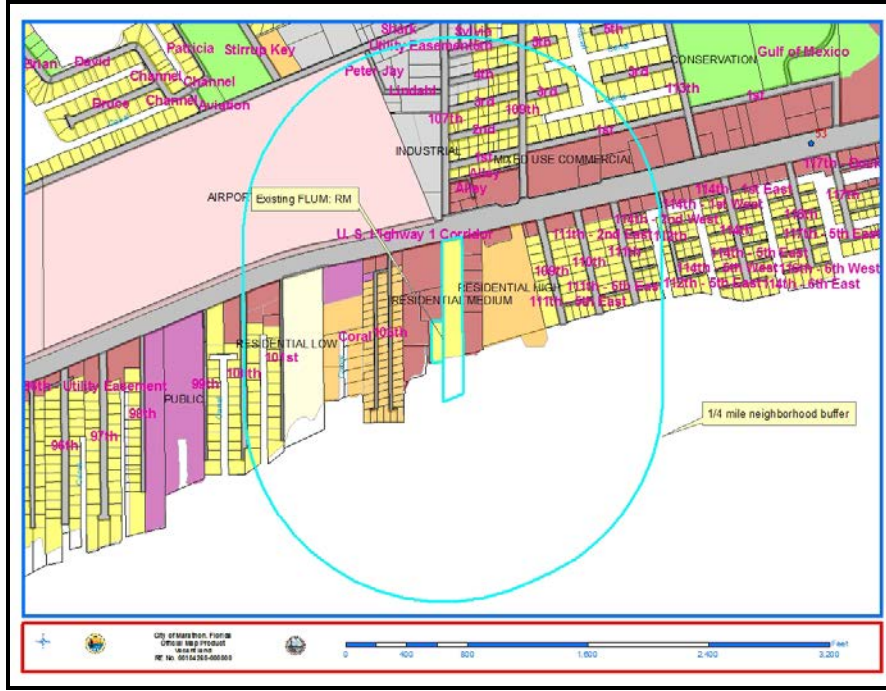
End Notes:

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.

EXHIBIT 1

EXISTING & PROPOSED FLUM MAPS

Existing FLUM



Proposed FLUM

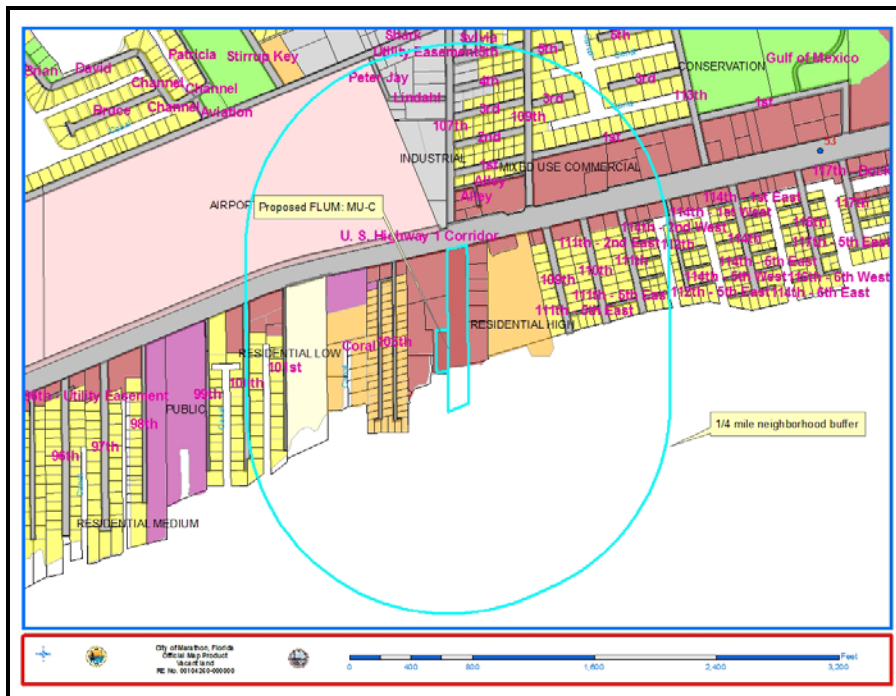


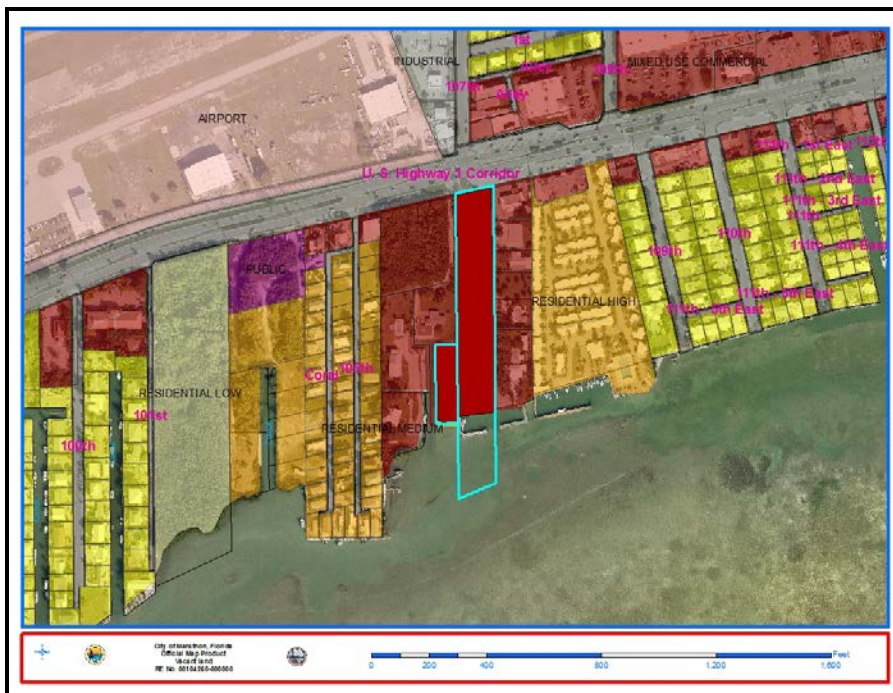
EXHIBIT 2

EXISTING & PROPOSED FLUM MAPS

Existing FLUM



Proposed FLUM



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: July 19, 2021
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By Seaglass LLC For 770 107th Street Ocean, Which Is Described As Part of Government Lot 1, Section 6, Township 66, Range 33 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00104250-000000.

RECOMMENDATION:

The planning staff recommends conditional approval of the Seaglass LLC preliminary plat proposing four individual lots for single family residences. The proposed conditions follow:

Conditions of Approval

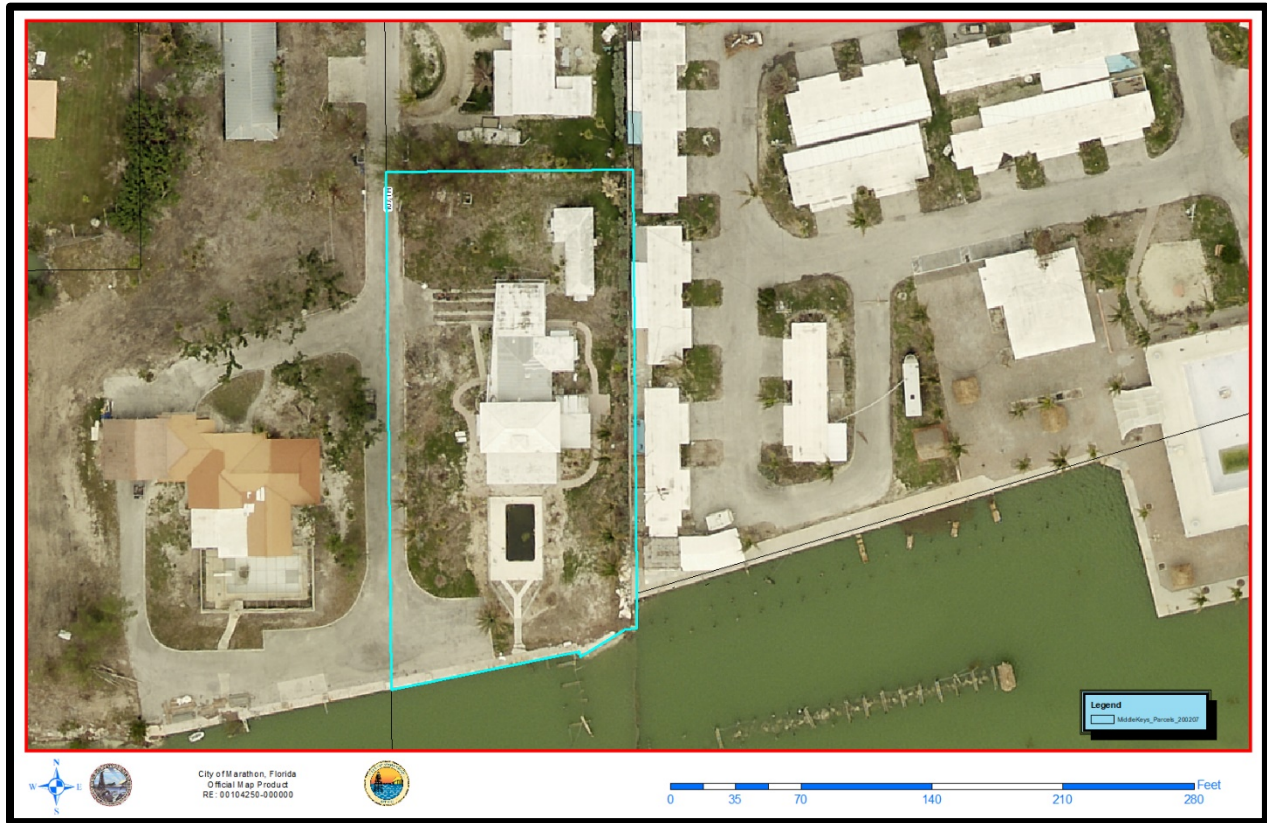
1. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system and the proposed turn around will meet a B40 templet for access of fire units.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year from the effective date;

APPLICANT/ OWNER: Seaglass LLC

AGENT: Barbara Mitchell

LOCATION: The project site is located at 770 107TH St, Marathon – Nearest Mile Marker 52.5. **See Figure 1.**

Figure 1
Project Site



LOT SIZE:

Total acreage	0.78 Acres (Ac.)	33,977 Square Feet (Sq. Ft.)
---------------	------------------	------------------------------

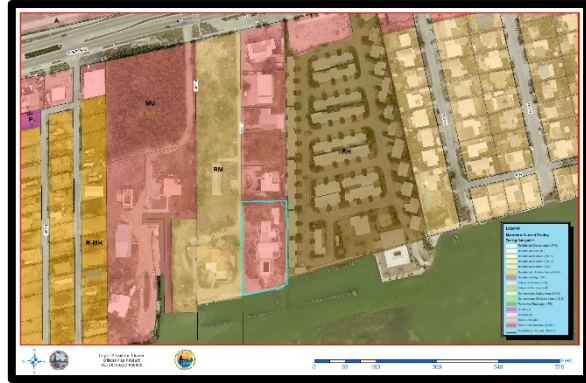
REQUEST: A Conditional Use Permit to authorize the preliminary plat of the residential parcel into four lots for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS:

Mixed Use (MU) and Mixed-Use Commercial (MU-C) See **Figure 2 A. and B.**

2.A FLUM Map

2.B Zoning Map



SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	Mixed Use	Multifamily less than 10 units
East	Residential High	Ocean Isles Fishing Village
South	N/A	Ocean
West	Residential Medium	Multifamily less than 10 units

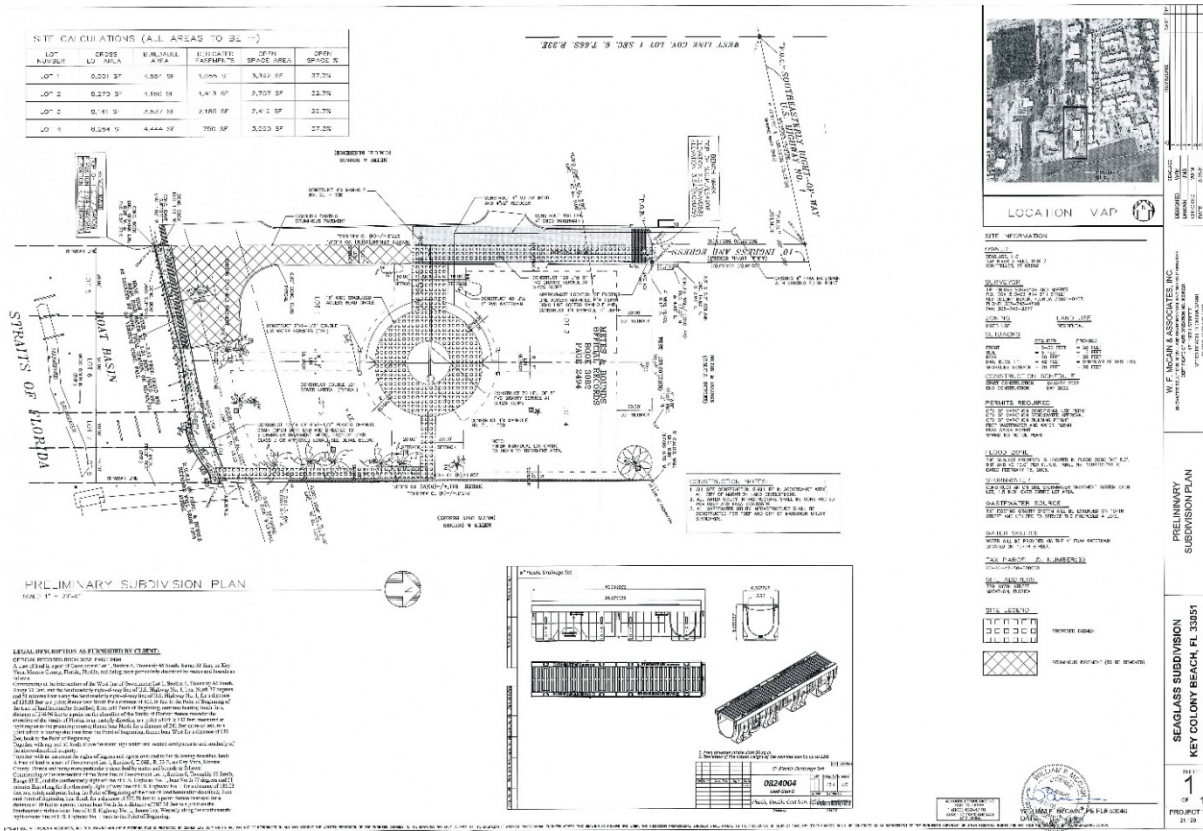
EXISTING CONDITIONS:

Currently, the site has two single-family homes that are ground level and sustained significant damage as a result of recent hurricanes. A demolition permit has been requested to remove the structures. **Figure 3.**

Figure 3

The proposed development is four single family homes on individually platted lots. See Figure 4 for Site Plan layout.

Figure 4
Proposed Redevelopment Site Plan



BACKGROUND:

The site contains two single-family homes that are ground level and sustained significant hurricane damage. A demolition permit has been requested to remove the structures. The site is designated as “Developed” on the city habitat maps. This application requests approval to subdivide the parcel into four parcels.

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;

Consistent with the Comprehensive Plan

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 proposed plat consisting of four single family lots within the Mixed-Use Zoning District.

a. Objective 1-1.1. Protect Community Character

The parcel proposed for subdivision is designated Mixed Use. It is located near the eastern end of the airport on the oceanside. The neighborhood is densely developed in a manner consistent with the community character of the City, meaning there are commercial businesses along the highway and residential uses towards the waterfront. In 1963 two single-family homes were constructed on this parcel. The proposed subdivision plat will not increase the density that is currently allowable. There is sufficient density to support four single family market rate homes. Neither a Comprehensive Plan or Zoning change is needed or requested.

b. Policy 1-1.1.2 b. c. and e. Compatibility for Residential Use & Non-residential Review Criteria

This project proposes to redevelop a residential site. Currently, the site has two single-family homes that are ground level and sustained significant damage as a result of recent hurricanes. A demolition permit has been requested to remove the structures. The site is designated as “Developed” on the city habitat maps.

The proposed plat allows for the development of homes consistent with the rest of the street.

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

The adjacent residential homes are buffered by the proposed trees and hedge plantings planned for the perimeter of the property. Residential homes to the east are buffered by an existing concrete block wall and coconut palms. The Landscape Plan specifies plant material sufficient to buffer adjacent properties in excess of that required by the Land Development Regulations

The proposed platted lots are consistent with the character of the neighborhood.

d. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential neighborhood. The proposed subdivision consists of two oceanfront lots and two dry interior lots. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot. Improvements to the water quality are proposed with the removal of aging concrete and dock materials and replacing with dockage up to current Building Code standards.

e. Objective 1-2.1 Levels of Service

The parcel is considered developed and is currently serviced by public infrastructure. There is electricity, water, and sanitary sewer to this parcel. The FKAA, FKEC, and City utility and public works departments have been contacted as part of the application process, Letter of Coordination have been requested.

f. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation various commercial uses are permitting in addition to residential uses including transient, permanent, affordable and/or commercial apartments as well as single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

g. Policy 1-3.2.5 Maximum Height

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended.

h. Policy 1-3.2.7 Restrict Density and Intensity of Development

The residential density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The submitted plat proposes a density equivalent to 5 market rate units per acre.

i. Policy 1-3.3.1 a, d. General Redevelopment Criteria

The site was previously developed with no environmentally sensitive lands or habitat. The area adjacent to the shoreline will be renovated to remove the existing damaged dock and pilings

damaged. A new facility will be constructed for use of the homeowners. As shown on the submitted plans, each upland lot will have a deeded dock lot.

j. Policy 1-3.3.2 Removal of Hazard Structures

The development will remove two aging, ground level concrete residences that were constructed in the early 1960's. These structures were significantly damaged during recent hurricanes. They will be replaced with new elevated, Code compliant homes.

k. Policy 1-3.4.1 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities and Policy 1-3.5.16 Program for Transfer of Density and Building Rights

The redevelopment plan includes using four existing market rate building rights. Two of these rights are already associated with the parent parcel as there were two dwelling units on the site. The additional two rights have been identified, purchased, and are pending transfer to the new lots upon approval of the final plat and the allocation of a new Property Real Estate Number(s).

l. Policy 4-1.3.6 Protect, Stabilize and Enhance Shoreline

The shoreline shall be stabilized with the construction of a new seawall and dock facility. Included in the plan set is a Sketch prepared by Glen Moe and Associates demonstrating the proposed dock replacement. At the time of building permit submission, the proposed landscaping shall include the installation of native plant material along the upland side of the dock to help stabilize this area. The intended plant material is upland/salt tolerant material characteristically found along Florida coastlines.

2. **Consistent with City Land Development Regulations:**

a. Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of uses and activities. Market Rate permanent residential housing is permitted.

b. Table 103.15.1 Uses By Zoning District – Mixed Use (MU)

This redevelopment is consistent with Table 103.15.1, uses by Zoning District. A Plat of Subdivision requires a Conditional Use Permit Application, as contained herein.

c. Table 103.15.2, Density, Intensity and Dimensions for Zoning Districts

The subject project site contains 34,687 square feet of upland. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district. For residential uses, the units per acre is (6) market rate, fifteen (15) affordable, and twenty-five (25) transient and a commercial floor area of 60% with eligibility for density bonus of up to 75%.

The proposed project, a subdivision of one parcel into four lots, will exceed the minimum lot size of 7,260 square feet required for market rate development, the equivalent density is approximately five units per acre. Based upon the use the proposed density is within Code requirements.

d. Section 107.00. Building Permit Allocation System (BPAS)

New BPAS allocation will not be required for this project. Existing transferrable building rights have been acquired and transfer is pending approval of the Final Plat and the allocation of the Real Estate Number.

e. Section 107.47 Parking

Two parking spaces are to be provided for each single-family home as required by City Code. Compliance shall be demonstrated as part of the Building Permit applications.

f. Section 107.40 Maximum Height

This application is for approval of a four-lot subdivision for single-family homes. The plans for these homes have not been developed at this time.

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits. Pursuant to Residential High zoning district, a Medium landscape buffer is required on the east property line.

A reduced buffer is requested along this property line to accommodate the Lots 3 and 4 access easements to the docks. An existing concrete wall and coconuts palms will provide additional buffering. North of the site is zoned Mixed Use, requires no landscaping buffer. The property to the west is in the process of a rezoning review to a zoning designation of Mixed Use at which point a buffer will not be required.

h. Sections 107.73 – 107.81 Open Space

The required open space ratio for this site is 20% of the 0.823-acre parcel or 6,937 square feet. Upon approval of the Plat of Subdivision, each lot will be required to provide 20% open space. The following Table provides a summary, numbers are in square feet:

Lot #	Gross Lot Area	Buildable Area	Dedicated Easements	Open Space Area	Open Space %
1	9,001	4,554	1,055	3,392	37.7%
2	8,270	4,150	1,413	2,707	32.7%

3	8,141	3,537	2,185	2,419	29.7%
4	8,284	4,444	750	3,090	37.3%

The proposed open space ratios are *in compliance* with the requirements of these sections.

i. Sections 107.82 – 107.85 Fences and Screening

There is an existing concrete wall along the eastern property line. This will remain.

j. Sections 107.87 – 107.97 Stormwater Management

Complete stormwater plans have not been developed for each proposed plat.

- The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.

k. Sections 107.98 – 107.102.5 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE8 to VE13. Review of the proposed FEMA FIRM maps indicate more of the site will be located in the VE10 zone. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations. The project as proposed meets the basic definition of development in the MU zoning district.

- The applicant will meet all floodplain-related requirements as part of the Building Permit process;

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

The Future Land Use designation for this area is Mixed Use indicating a mixed pattern of residential and commercial development. This parcel has been developed with residential uses since the 1960’s. The proposed per acre density is less than six units per acre and is consistent with the Land Development Code and the Comprehensive Plan.

The parcels surrounding proposed single-family residential community are or are in the process of being developed with residential uses. Immediately to the east are a series of multi-family residences currently under construction. To the west, are single family homes. The property to the north is a duplex. To the south are the Straits of Florida. This project will minimize impacts to the surrounding properties. Landscape buffers are proposed along the perimeter of the original parcel. It is anticipated the Plat of Subdivision will conform to 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.” 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 Plats and subdivisions are permitted only when 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. The proposed uses fall within the allowed densities and intensities for the parcel.

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

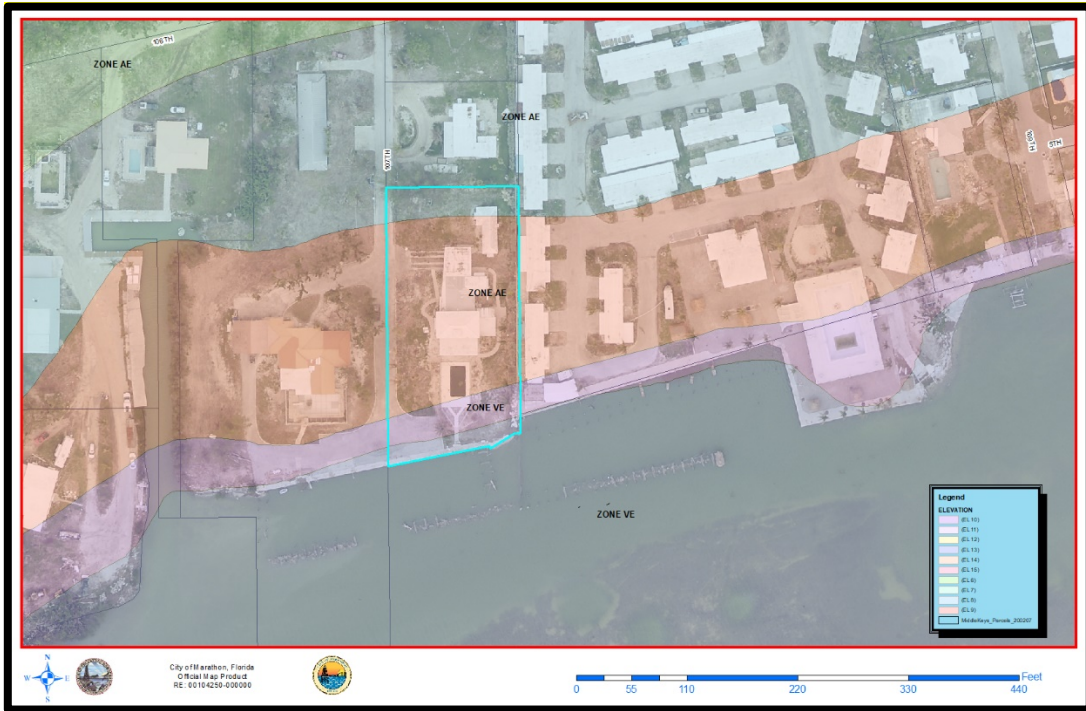
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed redevelopment will re-establish residential use on the waterfront property. The new buildings will be built in compliance with all applicable City Building Codes. The proposal will add a stormwater system, install native landscape buffers, and repair a dilapidated dock. No new adverse 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.

**Figure 5
Flood Zones**



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 project has been designed to minimize environmental impacts in accordance with Chapter 106 Natural and Historic Resources Protection. In summary, the site is scarified. 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. Pursuant to Article 2, Section 106.03 of the City Land Development Regulations, an Environmental Resource Assessment was not required.

There are no wetlands on this site. The proposed stormwater management system shall retain water generated from rain events on site. The shoreline is considered altered with an existing seawall. Upland planting along the shoreline with salt tolerant, native plants are proposed to enhance this area.

Therefore, 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;

A Traffic Study prepared by KBP Consulting Inc. was submitted with the application. As documented in this study, US 1 has the reserve capacity to accommodate the additional vehicular trips anticipated with this project. Based upon the analysis performed, the project is not expected to adversely impact the operational characteristics of the US 1.

Provisions have been made as part of the subdivision layout to address fire access. A standpipe system is proposed for the new dock area.

- The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system. The turnaround must meet a B40 templet for access of fire units.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Detached Housing	2 DU	19	0	1	1	1	1	2
Sub-Total		19	0	1	1	1	1	2
<i>Proposed</i>								
Single-Family Detached Housing	4 DU	37	1	2	3	3	1	4
Sub-Total		37	1	2	3	3	1	4
Difference (Proposed - Existing)		18	1	1	2	2	0	2

Compiled by: KBP Consulting, Inc. (May 2021).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition).

The proposed development of four single-family residential units is projected to generate 37 daily vehicle trips, three (3) AM peak hour vehicle trips and four (4) PM peak hour vehicle trips. The existing development includes two single family residential units that generate 19 daily vehicle trips, one (1) AM peak hour vehicle trips and two (2) PM peak hour trips. The proposed development program results in 18 net new daily vehicle trips, two (2) net new vehicle trips in the AM peak hour, and two (2) net new vehicle trips in the PM peak hour. The projected increase in vehicle trips is considered to be minimal.

Therefore, with the conditions noted above, 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 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the commercial uses on the parcel:

- The applicant will provide the required number of parking spaces per the LDRs.

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 use has no known impacts to the health safety and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use.

Therefore, 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;

The Plat of Subdivision proposes an internal road for collection of garbage, recycling, and other services. As single-family lots, no dumpsters are required.

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 existing property is connected to public sewer system. The applicant must work with the Utility Department to determine the additional required infrastructure.
- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides 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.
- Recreation and Open Space: This redevelopment already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

The application is working with 765 107th applicant to address utilities on the street. They will coordinate with the Utilities Department on any upgrades.

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

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 RH, where a landscape buffer is required.

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 20’ setback on the front yard, and 20’ rear yard setbacks. Side setbacks on all lots are 5’ to 15’. Water buffers are 20’.

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits.

Pursuant to Residential High zoning district, a Medium landscape buffer is required on the east property line. A reduced buffer is requested along this property line to accommodate the Lots 3 and 4 access easements to the docks. An existing concrete wall and coconuts palms will remain for additional buffering. North of the site is zoned Mixed Use, no buffer required. The property to the west is in the process of a rezoning review to a zoning designation of Mixed Use at which point a buffer will not be required. TRC review can be done to allow for reduced landscape buffers.

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 signage program has not been developed at this time. Interior directional signs shall be proposed as needed.

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

8. Required yards and other open space;

The required setbacks in the MU district range from 0 to 30’. As illustrated on the Conceptual site plan, the proposed setbacks of this development are consistent with this standard. The open space ratio for the proposed lots exceeds the required 20%. The proposed open space ratios are compliant with City Code requirements.

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

9. General compatibility with surrounding properties; and

The proposed redevelopment into four single-family residential lots. The surrounding neighborhood is mixed with single-family and multi-family residential uses as well as commercial enterprises. Adjacent uses are residential. A redevelopment of the existing use is expected to be

fully compatible with these uses. The scale and layout of the proposed lots are consistent with the City Code.

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. The design of the residential dwelling units will comply with Section 104.48 - Residential Dwelling Units including the provision of outdoor recreational areas and required patios and or balconies.

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 is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. 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 recommended conditional approval of the project known as Seaglass Subdivision to the Planning Commission.

Conditions of Approval

Prior to the issuance of a building permit:

8. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
9. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
10. The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system and the proposed turn around will meet a B40 templet for access of fire units.
11. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;

12. The applicant will provide the required number of parking spaces per the LDRs
13. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
14. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year from the effective date;

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

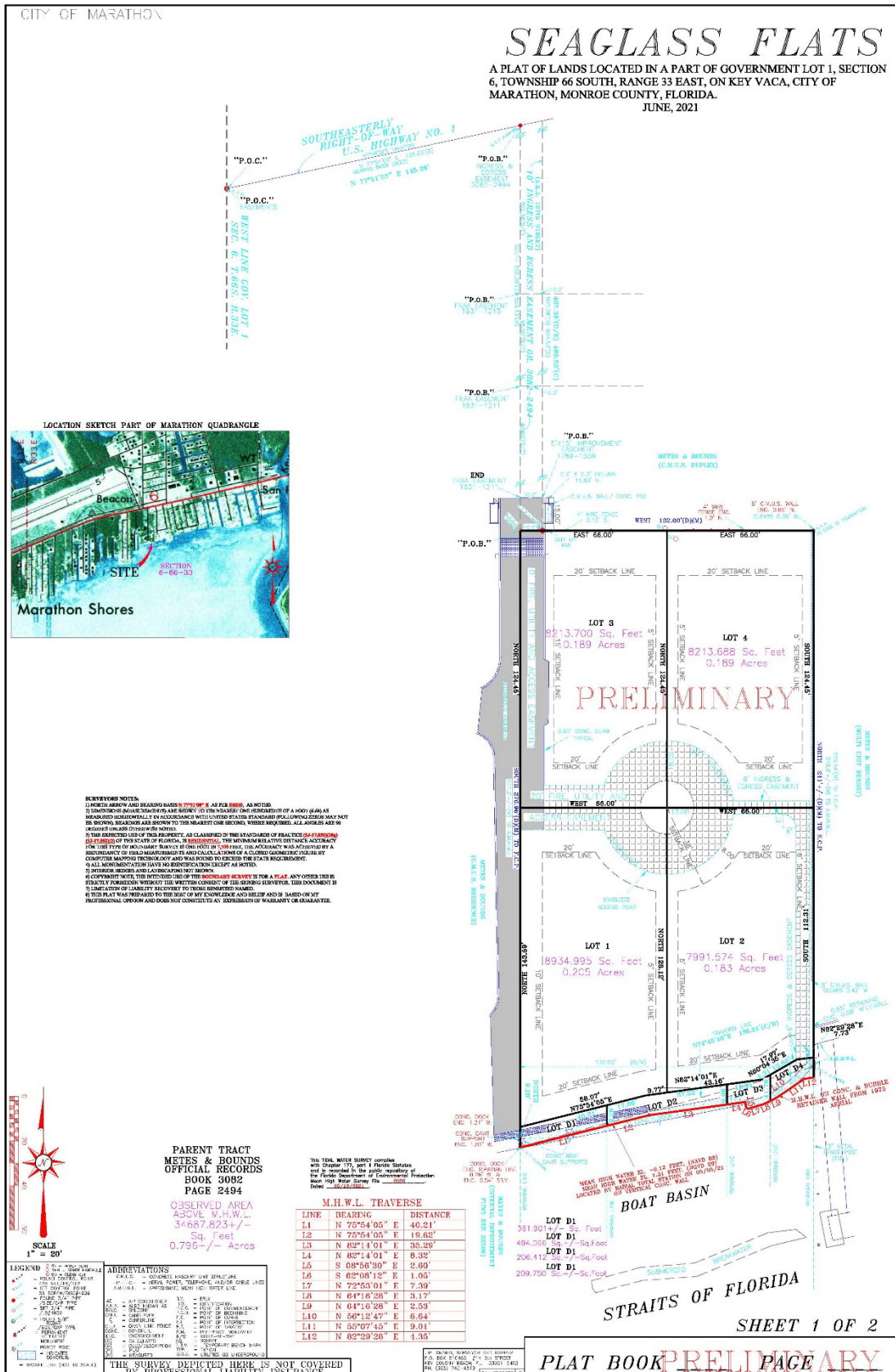
RECOMMENDATION:

With the following conditions, the Planning staff recommends approval of the proposed final plat.

Conditions:

1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained as part of building permit process.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. All conditions of the Conditional Use must be met prior to building permit issuance.

Attachments:



CITY OF MARATHON
SEAGLASS FLATS
 A PLAT OF LANDS LOCATED IN A PART OF GOVERNMENT LOT 1, SECTION
 6, TOWNSHIP 66 SOUTH, RANGE 33 EAST, ON KEY VACA, CITY OF
 MARATHON, MONROE COUNTY, FLORIDA.
 JUNE, 2021

FORFEITURE
 KNOW ALL MEN BY THESE PRESENTS, THAT SEA GLASS, LLC, A VENDOR DOMESTIC LIMITED LIABILITY COMPANY, OWNER OF THE FOLLOWING DESCRIBED PROPERTY
 IN THE CITY OF MARATHON, ON KEY VACA, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "SEAGLASS FLATS",
 THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO: TO
 RESOLVE THE DISCREPANCIES OF OWNERSHIP OF THE FOLLOWING DESCRIBED PROPERTY IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

LEGAL DESCRIPTION
 OFFICIAL RECORDS BOOK 2822 PAGE 7494
 Government Lot 1, Section 6, Township 66 South, Range 33 East, on Key Vaca, Monroe County, Florida, and being more particularly described
 by name and bounds as follows:
 Commencing at the intersection of the West line of Government Lot 1, Section 6, Township 66 South, Range 33 East, and the Southeastly right-of-way line of U.S. Highway No.
 1, for a distance of 121.26 feet to the Point of Beginning; thence North 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a
 distance of 502.28 feet to the Point of Beginning; thence North 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a distance of 276.56 feet to a
 point on the Southeastly right-of-way line of U.S. Highway No. 1, an intermediate distance north of the Point of Beginning; thence South 89° 51' 00" West along the Southeastly right-of-way
 line of U.S. Highway No. 1, for a distance of 121.26 feet to the Point of Beginning; thence North 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a distance of
 122 feet back to the Point of Beginning.
 Together with an easement for rights of the power and poles over and to the following described land:
 A tract of land in a part of Government Lot 1, Section 6, Township 66 South, Range 33 East, on Key Vaca, Monroe County, Florida and being more particularly described by name and bounds as
 follows:
 Commencing at the intersection of the West line of Government Lot 1, Section 6, Township 66 South, Range 33 East, and the Southeastly right-of-way line of U.S. Highway No. 1, for
 a distance of 121.26 feet to the Point of Beginning; thence North 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a distance of 133.00 feet to a point, and
 point being the Point of Beginning; thence South 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a distance of 121.26 feet to the Point of Beginning;
 thence North 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a distance of 202.28 feet to a point on the Southeastly right-of-way line of U.S. Highway
 No. 1, an intermediate distance north of the Point of Beginning; thence South 89° 51' 00" West along the Southeastly right-of-way line of U.S. Highway No. 1, for a distance of 121.26 feet
 to the Point of Beginning.

SUBJECT TO FLORIDA POWER ELECTRIC CORPORATION EASEMENTS AS RECORDED IN OFFICIAL RECORDS BOOK _____ PAGE _____ OF THE PUBLIC RECORDS
 OF MONROE COUNTY, FLORIDA.
 SUBJECT TO A 10 FOOT FLORIDA RYS AQUADUCT AUTHORITY EASEMENT AS SHOWN ON _____
 SUBJECT TO AN EASEMENT FOR SERVICES PURPOSES OVER AND UNDER A PART OF THAT PARCEL DESCRIBED AS
 SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

IN WITNESS WHEREOF, THE SAID SEA GLASS, LLC, A VENDOR DOMESTIC LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON
 ITS BEHALF BY: PATRICK MALONE AND MARIA BRANDVOLD, THIS _____ DAY OF JUNE A.D., 2021.

SEA GLASS, LLC
 BY: _____ PATRICK MALONE WITNESS FOR PATRICK MALONE
 BY: _____ MARIA BRANDVOLD WITNESS FOR MARIA BRANDVOLD

APPROVED AND
 COUNTY OF FLORIDA
 COUNTY OF MONROE
 PRINTED NAME: PATRICK MALONE
 BY COMMISSION EXPRESS: _____
 COUNTY OF MONROE
 COUNTY OF MONROE
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2021, BY MARIA BRANDVOLD, MEMBER OF SEA
 CLASS, LLC, A VENDOR DOMESTIC LIMITED LIABILITY COMPANY, PERSONALLY KNOWN TO ME OR HAVE _____ DAY OF _____ 2021, BY PATRICK MALONE, MEMBER OF SEA
 CLASS, LLC, AS IDENTIFICATION.

PRINTED NAME: MARIA BRANDVOLD
 BY COMMISSION EXPRESS: _____
 COUNTY OF MONROE
 COUNTY OF MONROE
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2021, BY MARIA BRANDVOLD, MEMBER OF SEA
 CLASS, LLC, AS IDENTIFICATION.

TITLE CERTIFICATION
 ME OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, A TITLE INSURANCE CORPORATION DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT
 WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED TO SEA GLASS, LLC, A VENDOR
 SUBSIDIARY OF THE PROPERTY, AND THAT THE CURRENT AXES HAVE BEEN PAID; THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
 DATE: _____ BY: _____
 DAVID MERRICK, BRANCH MANAGER, TITLE EXAMINER

APPROVAL OF THE CITY OF MARATHON PLANNING COMMISSION
 IT IS HEREBY CERTIFIED THAT THE CITY COUNCIL OF THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "SEAGLASS FLATS" ON THE
 _____ DAY OF _____ 2021.
 BY: _____
 LYNN LANDRY, CHAIRMAN

CITY COUNCIL OF THE CITY OF MARATHON
 IT IS HEREBY CERTIFIED THAT THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, OFFICIALLY APPROVED THIS PLAT OF "SEAGLASS FLATS" ON THE
 COUNTY, FLORIDA, WITHIN SIXTY (60) DAYS FROM SAID DATE.
 CITY OF MARATHON, FLORIDA

BY: _____ Mayor Luis Gonzalez
 APPROVAL OF THE CLERK OF THE CIRCUIT COURT
 THIS PLAT WAS APPROVED _____ DAY OF _____ 2021, AND WAS FILED FOR RECORD IN PLAT BOOK _____ PAGE _____ OF THE PUBLIC RECORDS OF MONROE COUNTY,
 FLORIDA.

MAYOR Luis Gonzalez
 Kevin Maslak, CLERK OF THE CIRCUIT COURT

DAVID CLAYTON, CITY CLERK
 RETURN AND APPROVAL BY THE CITY CLERK
 I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA
 STATUTES, AS A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF MARATHON.

REGISTERED FLORIDA
 SURVEYOR AND MAPPER NO. _____

IN WITNESS WHEREOF, I, THE SAID SEA GLASS, LLC, A VENDOR DOMESTIC LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON
 ITS BEHALF BY: PATRICK MALONE AND MARIA BRANDVOLD, THIS _____ DAY OF JUNE A.D., 2021.

PATRICK MALONE
 MARIA BRANDVOLD

SEA GLASS, LLC

PRELIMINARY
 JOHN DALL GIBBES, III, REGISTERED FLORIDA
 SURVEYOR AND MAPPER NO. 4588

SHEET 1 OF 2
 PLAT BOOK PRELIMINARY



CITY OF MARATHON CODE REQUIREMENTS AND COMPLIANCE

RESIDENTIAL MEDIUM BUFFER REQUIRED ALONG THE EASTERN PROPERTY LINE.
 MIXED USE TO RESIDENTIAL HIGH ZONING
 50% OF BUFFER REQUIRED DUE AS IS CONSISTENT WITH RECENT REDEVELOPMENT BY ADJACENT PROPERTY OWNER
 LOT 2: 105 +/- LINEAR FEET REQUIRED @ 50% =
 CANOPY TREES REQUIRED: 1, UNDERSTORY TREES REQUIRED: 1, NON-DECIDUOUS TREES REQUIRED: 1, SHRUBS REQUIRED: 8
 LOT 4: 125 +/- LINEAR FEET @ 50% =
 CANOPY TREES REQUIRED: 1, UNDERSTORY TREES REQUIRED: 1, NON-DECIDUOUS TREES REQUIRED: 1, SHRUBS REQUIRED: 10

RESIDENTIAL HIGH BUFFER REQUIRED ALONG WESTERN PROPERTY LINE.
 THE PROPERTY ADJACENT TO THE WEST HAS REQUESTED A ZONING CHANGE TO MIXED USE. IF GRANTED NO BUFFER WOULD BE REQUIRED.

NO BUFFER IS REQUIRED ALONG THE NORTHERN PROPERTY LINE AS THE ZONING IS MIXED USE AND THE EXISTING USES ARE RESIDENTIAL.

NATIVE AND NON-INVASIVE TREES/PALMS TO REMAIN

TREE/SHOT NUMBER	TREE TYPE	TRUNK DIAMETER	SPREAD RADIUS
1	CANARY PALM	22"	12'
2	THATCH PALM (TRUNK)	7"	5'
3	CANARY PALM	1"	3'
4	THATCH PALM (TAIN)	4"	3'
5	COCONUT PALM	12"	12'
6	COCONUT PALM	10"	10'
7	COCONUT PALM	8"	12'
8	COCONUT PALM	8"	12'
9	COCONUT PALM	8"	12'
10	CLUMBO LIMBO	6"	3'
11	THATCH PALM	3"	5'
12	THATCH PALM	4"	2'
13	DESHER PALM	24"	11'
14	HONANWOOD	18"	VARIES
15	RED BERRY QUAG	4"x4"	LEARNING N. 12'
16	SABA PALM	7"	8'

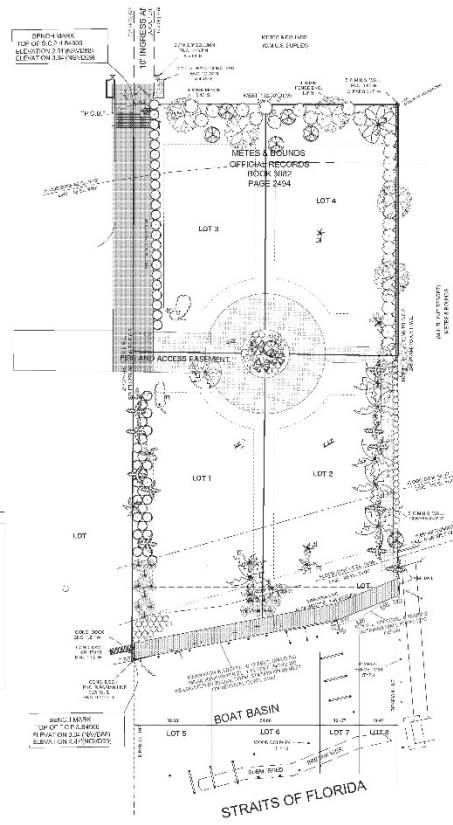
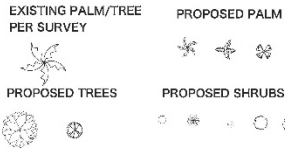
GENERAL NOTES:

1. THIS LANDSCAPE PLAN IS CONCEPTUAL. FINAL LANDSCAPE PLANS WILL BE SUBMITTED PENDING THE DESIGN AND DEVELOPMENT OF THE SINGLE-FAMILY HOMES. COMPLIANCE WITH ALL BUFFER REQUIREMENTS WILL BE DEMONSTRATED AT THAT TIME.

MASTER CONCEPTUAL LANDSCAPE PLAN

SCALE: 1" = 20'

PLANT LEGEND



SEAGLASS LLC
 770 107TH STREET
 MARATHON, FL

Mitchell Planning & Design, Inc.
 4500 SW 7th Terrace
 Ocala, Florida 34471
 mitchellplanningdesign@gmail.com

Revised:
 05/08/21

Date: 05/27/21
 State: FL
 Title: Z-168-001
 Drawn: Ray Cusick
 Sheet: LC-01