



City of Marathon Planning Commission
Monday August 16, 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

1. An Ordinance By The City Of Marathon, Florida, Amending Chapter 104, Article I (“General Provisions”) By Amending Section 104.62 To Limit Access Of Mobile Vendors On Sombrero Beach Road Immediately Adjacent To Sombrero Beach; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

2. A Request For A Conditional Use And 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 Seaview Commons II For Vacant Land On The Corner Of Avenue A (Pescayo Avenue) And Avenue B, Which Is Described As Lots 5 And 6 Of Block 6, Coco Plum Beach Subdivision, Fat Deer Key, Marathon,

Monroe County, Florida, Having Real Estate Numbers 00363550-000000 & 00363560-000000. Nearest Mile Marker 54.

3. A Request For A Conditional Use Permit And 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 Novoa Angela C 2012 Irrevocable Trust 11/16/12 For Vacant Land On Avenue A (Pescayo Avenue), Which Is Described As Lots 1 Through 6 Of Block 5 And Bay Bottom Adjacent To Lots 1 Through 6 Of Block 5, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers 00363430-000000, 00363450-000000, 00363460-000000, 00363460-000100, 363470-000000, 00363480-000000, 00363490-000000, 00363490-000000, and 00363500-000000. Nearest Mile Marker 54.

4. 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 Warehouse, Office, And Lab Space Not To Exceed 30,400 Square Feet, 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.



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

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, July 19, 2021, at 5:35 pm.

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

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Matt Sexton-absent; Malloy Pinto-present; Mary Ann Royse-present; Lynn Landry-present.

Brian Shea introduced and thanked Malloy Pinto and Mary Ann Royse.

There was no quorum for the approval of the minutes from the last meeting.

The quasi-judicial statement was read into the record.

The speakers were sworn in.

Item 1 was read into the record: 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.

Brian Shea presented the item. There were no questions.

Landry asked for any ex parte communications. There were none.

Don Horton, for the applicant, made himself available, but there were no questions.

Mike Cinque moved to approve the item. Mallory Pinto seconded.

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

Item 2 was read into the record: 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.

Brian Shea presented the item. There were no questions.

Mike Cinque moved to approve the item. Lynn Landry seconded.

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

Item 3 and 4 were read into the record: 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 Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Brian Shea presented the item.

Mike Cinque commented on the previous FLUM/Zoning amendment from Mixed-Use to Residential Medium. Cinque stated that he would like to see a site plan of proposed uses to justify the amendment.

George Garrett commented regarding the previous process from Mixed-Use to Residential Medium was treated as a Scrivener’s error, but the property owner at the time did not request the zoning amendment to be reversed.

Jim Saunders, representative for the applicant, pointed out that the property is surrounded by Mixed-Use zoning. Saunders presented a proposed use plan consisting of commercial space on US 1 and residential space behind.

Landry asked for ex parte communications, there were none.

Mallory Pinto moved to approve item 3. Lynn Landry seconded.

The roll was called. The item was approved 3-1, Mike Cinque dissenting.

Mallory Pinto moved to approve item 4. Lynn Landry seconded.

The roll was called. The item was approved 3-1, Mike Cinque dissenting.

Item 5 was read into the record: 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.

Brian Shea presented the item.

Mary Ann Royse questioned access to each of the 4 homes via an easement.

Steve Williams responded that an easement will be written with clear language and cannot be changed unless the easement was brought to City Council for approval to change.

Barbara Michell, representative for the applicant, presented the item.

Royse questioned repairs to the units in case of disaster.

Mitchell responded that there would have to be a homeowner’s association to cover major and general repairs, streets, etc.

Mallory Pinto moved to approve the item. Lynn Landry seconded.

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

Lynn Landry thanked Mike Leonard and Susan Klock for their service to the Commission.

Motion to adjourn. Adjourned at 6:10pm.

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: August 16, 2021

From: Marathon City Council

Agenda Item: An Ordinance By The City Of Marathon, Florida, Amending Chapter 104, Article I (“General Provisions”) By Amending Section 104.62 To Limit Access of Mobile Vendors On Sombrero Beach Road Immediately Adjacent to Sombrero Beach; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

RECOMMENDATION:

Staff recommends APPROVAL

REQUEST:

The area immediately adjacent to Sombrero Beach has historically been a residential community that was not intended for commercial activity. Recently, Mobile Vendor Food Units (MVFU) have been utilizing the relatively high concentration of citizens and tourists that accumulate at Sombrero Beach in order to conduct business, thereby destroying the relative peace and tranquility that is regularly associated with residential neighborhoods. Therefore, at Council’s discretion, this ordinance is being brought to prohibit MVFU from operating at Sombrero Beach.

AUTHORITY:

Section 102.26. Planning Commission Recommendation.

- A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.
- B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:
 - 1. The need and justification for the change;
 - 2. The consistency of the proposed amendment with the Comprehensive Plan; and
 - 3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulation and actions designed to implement the Comprehensive Plan.
- C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:
 - 1. Approved as proposed;
 - 2. Approved with amendments proposed by the PC; or
 - 3. Denied

Section 102.27. Hearing(s) by Council

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before acting on the amendment.

Section 102.28. Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

In order to maintain the character of the residential neighborhood around Sombrero Beach as well as reduce traffic and congestion for those visiting the beach, it is imperative that access to MVFUs be restricted.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

This Ordinance is consistent with the goals, objectives or policies identified in the Comprehensive Plan.

C. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed changes further the goals of the Comprehensive Plan, LDRs, and support the intent of other Components of the City's Code of Ordinances.

CONCLUSION:

Staff indicates that the proposed text amendments are 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:

Staff recommends APPROVAL.

Sponsored By: Council
City Council Public Hearing Date: August XX, 2021
September XX, 2021
Enactment Date: XXXXXX XX, 2021

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-XX**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 104, ARTICLE I (“GENERAL PROVISIONS”) BY AMENDING SECTION 104.62 TO LIMIT ACCESS OF MOBILE VENDORS ON SOMBRERO BEACH ROAD IMMEDIATELY ADJACENT TO SOMBRERO BEACH; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER FINAL ADOPTION BY THE CITY COUNCIL; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City of Marathon is located within an Area of Critical State Concern, pursuant to Sections 380.05 and 380.0552, Florida Statutes; and

WHEREAS, Florida Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law; and

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, and

WHEREAS, there have been numerous problems with mobile vendor food units (MVFUs) on the right-of-way immediately adjacent to Sombrero Beach, leading to frustrated visitors and citizens, increased congestion, and frequent noise concerns for the nearby residential neighborhood; and

WHEREAS, the area around to Sombrero Beach is a residential neighborhood, and the inclusion of businesses such as MVFUs does not conform with the community character of the surrounding neighborhood; and

WHEREAS, in order to maintain the character of the residential neighborhood around Sombrero Beach as well as reduce the traffic and congestion for those visiting the beach, it is in the best interest of the visitors and citizens of the City of Marathon to limit access of MVFUs to the area immediately in front of Sombrero Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **Bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Chapter 104, Article 1, Section 104.62 “Mobile Vendor Food Units” is hereby amended to read as follows:

Section 104.62. – Mobile Vendor Food Units.

C. Exceptions.

1. No MVFUs may operate at Sombrero Beach or the right-of-way immediately adjacent to Sombrero Beach, more particularly described as the southbound end of Sombrero Beach Road including and between the intersection of Avenida Primiceria and the roundabout, as well as the connected roads Corte Del Brisas, Corte Del Sol, Corte Chica, and Corte De Luna.

SECTION 3. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the “Ordinance” shall be changed to “Section” or other appropriate word.

SECTION 6. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Section 380.05(6) and (11), Florida Statutes.

SECTION 7. This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,
THIS XX DAY OF XXXX, 2021.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steven Williams, City Attorney

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: August 16, 2021
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: A Request For A Conditional Use And 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 Seaview Commons II For Vacant Land On The Corner Of Avenue A (Pescayo Avenue) And Avenue B, Which Is Described As Lots 5 And 6 Of Block 6, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers 00363550-000000 & 00363560-000000. Nearest Mile Marker 54.

RECOMMENDATION:

Staff recommends approval of the project with the recognized conditions and limitations.

APPLICANT/ OWNER: Seaview Commons II, LLC

AGENT: Brian Schmitt / Barbara Mitchell

LOCATION: The project site is located on two properties on the south side of Pescayo Avenue and near the intersection with Avenue B.

REQUEST: Approval of a Conditional Use Permit for development of the subject properties (RE No 00363550-000000 & 00363560-000000), providing for construction of units as follows:

Affordable Units: 60 multi-family residences
Market Rate Units: Six (6) Market Rate Residential Units
Leasing Office: 1 Site Managers Office

The site is currently vacant and largely scarified (cleared of exotic vegetation).

Figure 2
Project Site Aerial



FUTURE LAND USE MAP DESIGNATION:

Residential High (RH). See Figure 2 A & B.

**Figure 3 A & B
Future Land Use & Zoning Maps**



LOT SIZE:

Total acreage: 5.10 acres or 222,156 square feet

RE Number	Upland Acres (Sq. Ft.)	Submerged Acres (Sq. Ft.)	TOTAL
00363550-000000	1.78 (77,537)	0.30 (13,080)	2.08 (90,617)
00363560-000000	2.07 (90,169)	0.95 (41,167)	3.02 (131,336)
TOTAL	3.85 (167,706)	1.25 (54,247)	5.10 (222,156)

SURROUNDING ZONING AND USES:

	<u>FLUM</u>	<u>Use</u>
North	RH / MU-M	Pescayo – Vacant Land / Commercial Fishing / Marine Industry
East	RH & RM	Multi-family / Condominium / Affordable (Approved)
West	RH	Vacant Lands & Pescayo Village Plat (SFRs)
South	Water	Bonefish Harbor Channel / KCB

EXISTING CONDITIONS:

The project site consists of two (2) parcels. The two parcels have been previously cleared of exotic vegetation. There are some remaining native hammock trees and palm trees. Approximately twenty-five percent (24.5 %) of the projects site consists of submerged land at the perimeter of the Bonefish Harbor Channel.

PROPOSED DEVELOPMENT:

Affordable Units: 60 multi-family
Market Rate Units: 6 Market Rate residential units

Leasing Office: 1 Site Managers Office

BACKGROUND:

The proposed project consists of a development of two properties on Pescayo Avenue in Coco Plum Subdivision

The proposed project will include a total of sixty-six (66) residential units: 60 apartments plus 6 single family residences along the waterfront. ~~The buildings will range from two-story eight-plexes to two-story six-plexes above parking.~~ Through a minor amendment of the Conditional Use, the 8 buildings were joined together to create 2 buildings.

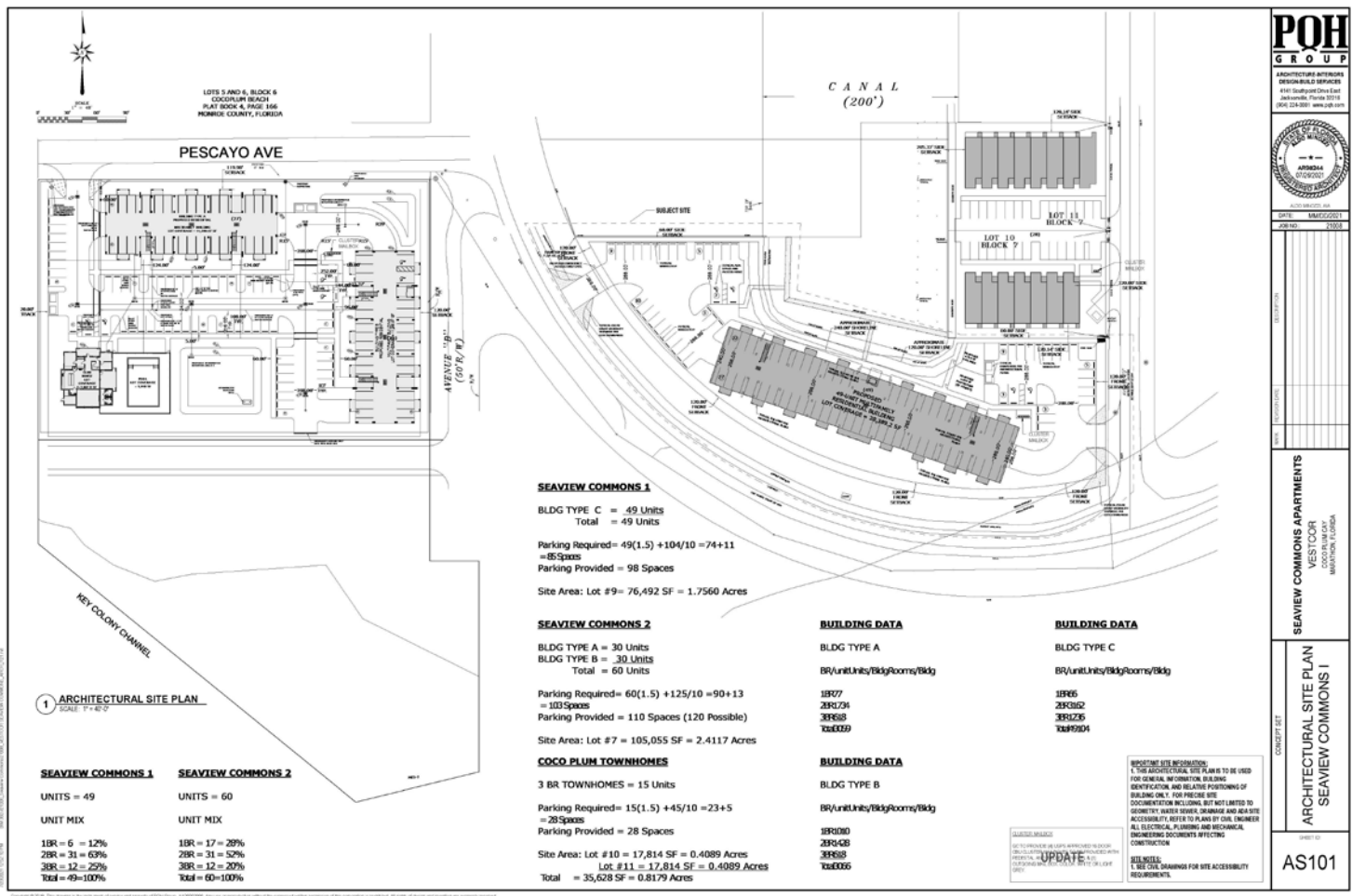
All structures will be elevated to meet minimum flood requirements and to accommodate parking under the structure. The project will provide for limited site amenities but proposes a play area for residents. The project applicant proposes in addition, a robust vegetative buffer which exceeds City Code between the building site area and Coco Plum Road.

The project is proposed to meet workforce housing needs within the City and immediately surrounding County, including the provision of housing for Essential Personnel as recognized by the Florida Legislature in its 2018-2019 Legislative Session. This project will establish a “set aside” number of units, based on demand for Essential Personnel. Essential Personnel include but are not limited to teachers, fire fighters, police, other law enforcement and emergency personnel.

In addition, the project will include six (6) single family residences on the waterfront.

See Figure 4. Figure 5 is the amended site plan. Figure 6 is the proposed plat of the parcels.

Figure 5
Proposed Development Site Plan
Pescayo Avenue



POH GROUP
 ARCHITECTURAL SERVICES
 DESIGN-BUILD SERVICES
 4141 Southpoint Drive East
 Jacksonville, Florida 32216
 (904) 224-3001 www.poh.com

ARCHITECT
 STATE OF FLORIDA
 ARCHITECTURE
 LICENSE NO. 12000
 DATE: 08/11/2021
 JOB NO: 7103

CONCEPT SET

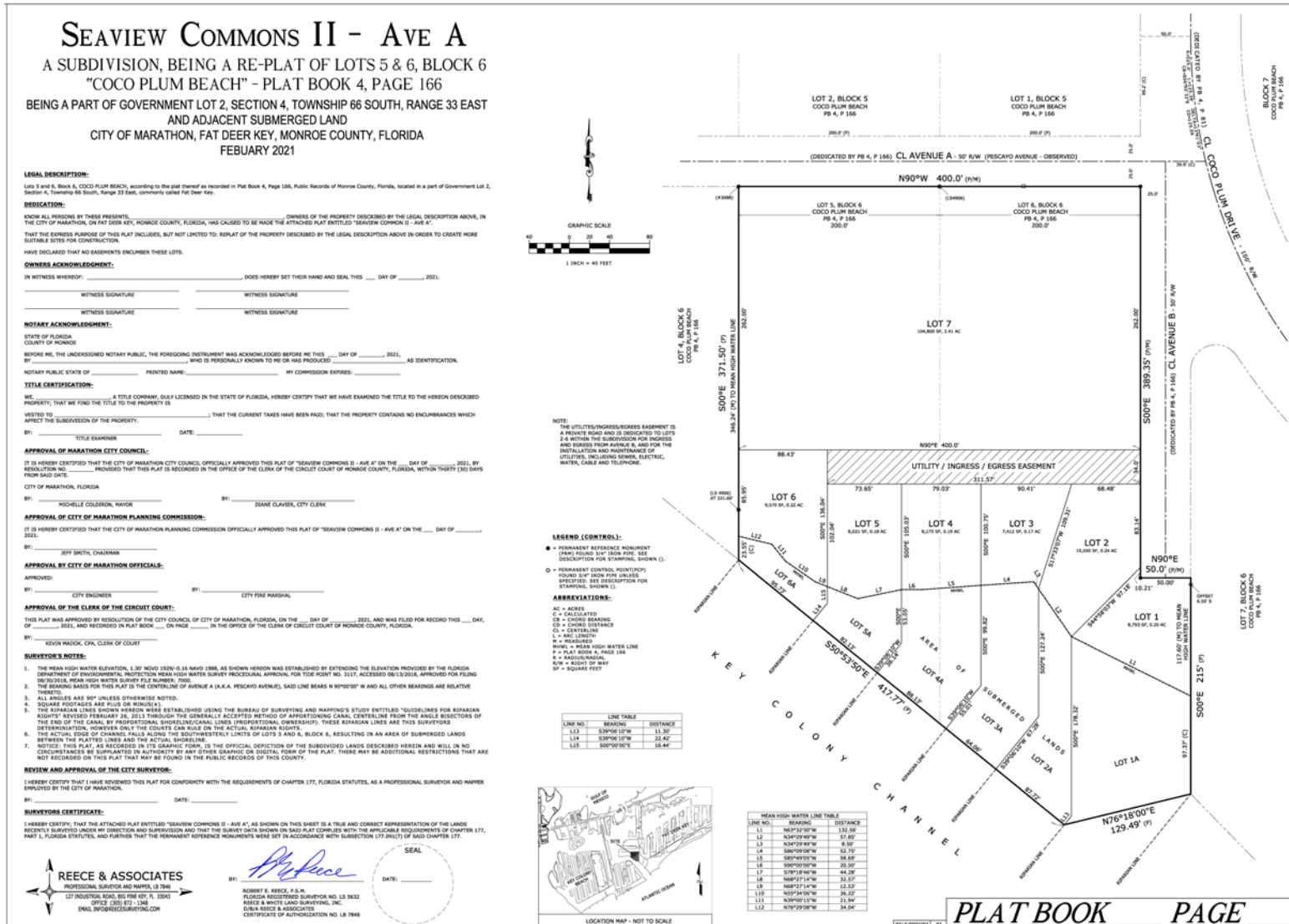
SEAVIEW COMMONS APARTMENTS
 VESTICOR
 COCO PLUM CAY
 WASHINGTON, FLORIDA

ARCHITECTURAL SITE PLAN
SEAVIEW COMMONS 1

DATE: 08/11/21
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

AS101

**Figure 6
Plat
Pescayo Avenue**



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 Residential High (RH) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district “is intended to establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes designated within the Residential High (RH) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the creation of affordable housing and is consistent with the Residential High 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 Multifamily Residential uses are allowed by Conditional Use Permit in the Residential High district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RH district based on the types of uses proposed. Assuming that the number of market rate units is static. This site has the potential for six (6) market rate residential units and from 46 to 77 affordable residential units (based on an allowed range in the Residential High FLUM of from 15 to 25 units per acre). The applicant is proposing 60 affordable workforce housing units. The calculation is based on an allowed affordable residential density within the Residential High zoning district.

The project as proposed meets the basic definition of development in the RH zoning district and will not exceed any density constraints imposed on the type of residential construction proposed.

The Applicant cites the City Comprehensive Plan in the following Goals, Objectives, and Policies as justifying the case for the approval of this project:

Chapter 1 – Future Land Use Element

Goal 1-1 Manage Growth

Objective 1-1.1 Protect Community Character

Policy 1-1.1.1 Enhance and Preserve Existing Community Character

To enhance and preserve the existing community character, the City shall adopt Land Development Regulations to reflect the following desired development patterns that:

- a. Protect and enhance the “small town” atmosphere;

- b. Encourage mixed-use development patterns;
- c. Protect, enhance, and acknowledge the commercial fishing industry and its historical contributions to the City;
- d. Protect and enhance the “Keys” character; and
- e. Protect, enhance, and increase the number of affordable housing units.

Goal 1-2 Adequate Public Facilities and Services

Objective 1-2.1 Ensure Levels of Service

Policy 1-2.1.2 Ensure Availability of Public Facilities and Services

The City shall not issue a development order or permit for any development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that the public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities operate at or above adopted level of service (LOS) standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service for public facilities serving the development below adopted LOS standards.

1-3 Manage Growth

Objective 1-3.1 Managing Future Development and Redevelopment through Future Land Use Designations

Policy 1-3.1.4 Future Land Use Categories

The following land use categories, depicted on the *Future Land Use Map*, describe the type and extent of land use permitted in specified locations in the City. The Land Development Regulations will contain more detail about permitted land uses within the Future Land Use categories.

Residential High

The principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High land Use category is characterized by high density compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure. Lawfully established RV parks where a majority of the recreational vehicles have been converted into permanent structures are also allowed within the residential high land use category (See Objective 1-3.3 and 1-3.4 and the Policies therein.) The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. 9J-5.006(3)(c)1 and 7

Objective 1-3.2 Regulate Density and Intensity

Policy 1-3.2.1 Allocated Density Defined

Allocated densities for the Future Land Use districts, as shown in Table 1-1, are the number of residential units allocated per gross acre of land pursuant to the Plan.

SEE TABLE 1-1 / Future Land Use Densities and Intensities*

TABLE 1-1 Future Land Use Densities and Intensities*						
Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25		0	N/A	0.05 - 0.10	0.5
Industrial (I)	0		0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Facilities (PF)	0		0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25		0	5 – 15	0.15 - 0.50	0.2
Residential High (RH)	8	15 - 25	15-25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5		0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
For properties consisting of hammocks, pinelands, or disturbed wetlands within the Mixed-Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
Opens space shall be increased based upon the requirement for a habitat evaluation and shall conform to Table 4-1 of the Coastal and Conservation Element.
The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

Chapter 3 – Infrastructure Element

Goal 3-1 Provide Need Public Facilities

Objective 3-1.1 Adopt Level of Service Standards

Policy 3-1.1.1 Adopt Wastewater Management System(s) Level of Service Standards

The City hereby adopts the LOS standards for wastewater management systems as currently required by Federal and State regulations as follows:

TABLE 3-1: Florida Statutory Treatment Standards				
	Mg/L			
	BOD	TSS	TN	TP
On-Site Systems (BAT) Community Wastewater Collection and Treatment Systems	10	10	10	1
Design flows less than or equal to 100,000 gpd (BAT)	10	10	10	1
Design flows greater than 100,000 gpd (AWT)	5	5	3	1

Source: Draft Monroe County Sanitary Wastewater Master Plan, CH2MHill, March 2000

Policy 3-1.1.2 Adopt Stormwater Management Level of Service Standards

The City hereby adopts LOS standards for stormwater management as currently mandated by State agencies, as defined in the City’s adopted Stormwater Management Master Plan as follows:

- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with 24-hour duration;
- b. Stormwater treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 62-25, Section 25.025, FAC, with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 62, Section -302.500, F.A.C; and
- c. Stormwater facilities which directly discharge into ‘Outstanding Florida Waters’ (OFW) shall provide an additional treatment pursuant to Chapter 62-25.025 (9), FAC. Stormwater facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, F.A.C.

Policy 3-1.1.3 Adopt Potable Water Level of Service Standards

The City hereby adopts LOS standards for potable water as follows:

TABLE 3-2 Potable Water LOS	
Measure	LOS Standard
Residential LOS	66.5 gal/cap/day
Non-Residential LOS	0.35 gal/sq. ft./ day
Overall LOS	100 gal/cap/day
Equivalent Residential Unit	149 gal/day
Minimum Pressure	20 PSI at customer service
Minimum Quality	Shall be as defined by the USEPA (part 143 National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)

Source: Monroe County 2010 Comprehensive Plan

Policy 3-1.1.4 Adopt Solid Waste Level of Service Standards

The City hereby adopts LOS standards for solid waste management as follows:

TABLE 3-3 Solid Waste LOS	
Measure	LOS Standard
Residential Collection Frequency	Minimum 1 time/2 weeks for Domestic refuse Minimum 1 time/2 weeks for Yard trash
Disposal Quantity	5.44 lbs./capita/day or 12.2 lbs./day/ ERU (equivalent residential unit) 6.37 pounds/acre/day (non-residential unit)

Goal 7-1 Provide Motorized and Non-motorized Transportation Systems

Objective 7-1.1 Adopt Level of Service Standards for City Roads

Policy 7-1.1.1 Adopt Level of Service Standards

For all City roads, the City hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measure by peak hour traffic volume. The City shall maintain the level of service on City roads with five percent (5%) of LOS D.

City staff concurs with the applicant that they have acknowledged the appropriate project standards and that they have been met as iterated above and that the proposed development is in compliance with the Comprehensive Plan and the Land Development Regulations. Further, the Standards have been met well within the density limits prescribed in the City of Marathon Comprehensive Plan. Therefore, the request is in compliance with the requirements of this section and the Goals, Objectives, and Policies noted.

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 High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that “the principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High Land Use category is characterized by high density 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 existing land use pattern in the project vicinity consists of multi-family residential development to the North on Avenue D and South across Coco Plum Road on Avenue C (west side). Further, there is a mixed residential, commercial, and marine development pattern on Coco Plum Road leading to the East.

Further to the east, on Avenue E and beyond, the development is characterized by Single Family residences. Avenue E is isolated from Avenue D by a 200-foot-wide canal.

To the West lies vacant properties and the small single-family residential subdivision of Pescayo Village.

This project is consistent with allowed densities on Pescayo Avenue, Avenue C. (west side) and Ave D. The project, as proposed, is well under the allowed densities for an affordable housing project by as much as eighteen (18) affordable residential units. Staff believes that the density of the project is consistent with the FLUM and Zoning and the general character of development in the immediate surrounding area, including the previously approved redevelopment of Seaview Commons I. The proposed project density is approximately 17 units per acre overall. By comparison, the following developments have established residential densities as follows (Seaview Commons I Redevelopment is included in the table):

Development	Acres	No of Units	Density (Units / Acre)
Coco Plum Terraces	1.90	42	22.2
Sunset Courts	0.38	8	21.1
Seaview Commons (Current)	0.40	8	20
Seaview Commons I	2.69	64	23.8
Bonefish Marina Condo	3.28	83	25.3
Bonefish Towers	2.16	75	34.7

The development of the site will result in significant new development on Pescayo Avenue, including landscaping, the further removal of invasive species, stormwater management, wastewater, and creation of an aesthetic architecture. The improvements will add new affordable housing units to the City. The proposed development will be similar in character to that of the adjacent areas to the east (Bonefish Towers, Condos, and the marina condo). Certainly, the project will contrast somewhat with the development associated with the Pescayo Village plat. That said, the proposed project will provide a mix of affordable housing and waterfront single-family residences.

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 the development of a mixed market rate / affordable residential use which as proposed should have no adverse impact to the health, safety, and welfare of the public. The project will incorporate the required standards of landscape and open space by the City of Marathon, as well as the requirements set forth by Florida Housing Finance Corporation (FHFC) for Low Income Housing Tax Credit Projects (LIHTC).

Stormwater will be managed on-site, and the project will connect to the City wastewater treatment system, thus alleviating any potential for water quality impacts.

Some concern has been raised that the number of approved or proposed units for the Coco Plum area may be too large for the character of the area, including some potential for significant traffic impacts. Those issues are addressed below. From the standpoint of on-site impacts, there do not appear to be any significant life-safety

impacts.

Plans submitted with the project are suitable for Conditional Use Permit approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit process and 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 Disturbed / Undeveloped Land. The FEMA_FWS Species Focus Area Maps indicate that the property is characterized by Exotics and mangroves at the canal edge. More recent and detailed assessments indicate that most of the property as indicated is characterized by exotics with mangroves at the waters wedge, but that there are quite a few native trees as well. The site has been recently cleared of all exotic vegetation. The proposed development will increase the native vegetation on site as part of the landscaping plan.

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.

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.

Further improvements to water quality are expected to arise from wastewater improvements to the site when the project connects to the City's wastewater utility.

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

- Existing native canopy and understory trees should be transplanted if possible or mitigated for if necessary, within the proposed and finally approved landscape plan.
- If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- The project shall be required to develop on-site stormwater controls which help to improve nearshore water quality
- The project will be required to connect to the City's wastewater utility, similarly helping to improve nearshore

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

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

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. The "Trip Generation Analysis" schedule provided in the Traffic Study indicates that there will be an increase in trip generation based on

the addition of sixty-six (66) residences to the area.

The traffic study determined that a level 2 traffic study was required based on the expected trip generation for the project. The study finds that the proposed increase in units will not have a significant adverse impact on the operating characteristics of either Pescayo Avenue or Coco Plum Drive, nor will it inhibit the safe flow of traffic traveling through the City of Marathon. Below are the calculations used to determine trip generation as established through the ITE Trip Generation Manual. The largest portion of all trips will leave Pescayo Avenue or Avenue B traveling toward U.S. 1 and then return to those streets. Very few trips will be generated to and from Coco Plum Road traveling east.

Ingress and egress to the properties is currently proposed to be from Pescayo Avenue and Avenue B. Visibility in either direction from Pescayo to Coco Plum Drive is reasonable. With speeds limited to 30 miles per hour on Coco Plum Drive, staff believes that ingress and egress from Pescayo Avenue can be accomplished safely. The addition of caution signs for the curve at Coco Plum Drive is probably warranted.

Trip Generation
 Vehicular trip ends generated by the proposed project were calculated by OTISS software based on methodology provided by Trip Generation Manual of the Institute of Transportation engineers (10th edition, 2018).

Proposed OTISS Input – Average Vehicle Trips									
ITE Land Use Code	Description	Variable Input	Weekday	AM Total	AM Entry Trips	AM Exit Trips	PM Total	PM Entry Trips	PM Exit Trips
220	Multifamily Housing (Low-Rise)	60 Dwelling Units	412	30	7	23	38	24	14
210	Single Family Detached Housing	6 Dwelling Units	78	9	2	7	7	4	3

Print outs of the trip generation by OTISS for this use are attached.

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

- Caution signs during left or right turns at the Coco Plum Drive intersection with Pescayo Avenue and Avenue B.
- As part of the permit application, all conditions of the Fire Marshal regarding ingress and egress must be met prior to permit issuance. In addition, all fire hydrants must be in place prior to any of the proposed buildings “going vertical.”

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 applicant has proposed parking spaces to be located primarily under the townhome structures. The applicant proposes approximately 120 off street parking spaces for tenants under the proposed apartment buildings (2 spaces per tenant) and the proposed addition of six (6) market rate units on the water amounting to twelve (12). In addition, the Applicant has proposed visitor parking and adequate ADA parking. All tenant parking will reside under each residential building.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 120 required spaces, 5 handicapped spaces are required. The additional ADA spaces must be designated on the final site plan. Parking space sizes are 9’ x 18’ for 90-degree parking, and handicapped spaces are 12’ x 22’ required by Code.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional, and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The bike racks must be shown on the permit application site plan.

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

- Sufficient parking for two spaces per unit and additional visitor parking.
- City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
- City approval is required for bike racks prior to Building Permit Approval.

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

The proposed project consists of development of a residential use on an existing site that is mostly vacant. The proposed use does not have any adverse effect through noise, glare, or odors; therefore, the proposed density increase should have a de minimis impact.

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 site plan indicates that the dumpsters will be screened and located for easy access and waste removal.

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

5. Utilities, with reference to location and availability;

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

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

At this juncture, all necessary initial letters of coordination have been received.

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.
- Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.

- City approval of the connection to the City Wastewater Utility will be required.
- A Unity of Title will be required for these parcels prior to Building Permit Approval. Additionally, if the six market rate sites are anticipated for potential platting, that may be accomplished at a future date.
- The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned RH and is bordered to the West by properties zoned Residential High (RH) and properties to the north zoned RH as well. The zoning across Coco Plum to the east is Residential Medium (RM). There is a medium project boundary buffer requirement for portions of the project area adjacent to parcels zoned RH. The final landscape plans must be approved by the City Biologist.

Buffer Type	Minimum Width	Canopy Tree	Understory Tree	Non-Deciduous	Shrub	Screening
M-Medium	15 feet	4	2	2	16	No

Section 107.71 A. requires that all multifamily residential developments provide Type 1 Streetscape buffer along the entire street frontage. The project is adjacent to Coco Plum Road and Avenue D. The final landscape plan must show compliance with the buffer standards. Current site plan graphics exceed the required standard.

Table 103.15.2 outlines setback requirements in the RH district as follow: front yard 20 feet'; side yards 10 feet; and rear setbacks have a 20' setback from the property line, or Mean High Water Line, or landward extent of the mangrove root system. The Applicant has complied with all setback standards.

Setback	Required	Required Landscape	Proposed	Compliant
Front	10	20	>20	Yes
Side	5	15	>15	Yes
Rear	10	NA	>15	No

Parking area landscaping is required by Section 107.66 of the Code. Proposed parking area landscaping meets the standards set forth in the code.

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

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

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

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

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

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

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

8. Required yards and other open space.

Section 106.16 established required open space for the project. The site is characterized by exotics and some native hammock species; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant far exceeds the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is the development of affordable housing in an area of the City which is relatively intense in residential and light industrial/marine uses. A development of new residential units is expected to be fully compatible with the surrounding uses. The proposed project represents improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 42' as measured from the crown of the roadway or unimproved grade. The site plans show that buildings are below 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. Additionally, the project must meet all criteria of Section 104.03 pertaining to affordable housing. These conditions must be met to receive FHFC funds.

The following criteria are applicable to this proposed development:

- Two (2) side yards are required for stacked duplexes.
- Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

The proposed development meets all applicable criteria set forth in this section. Therefore, the request is **in compliance** with the requirements of these sections.

Regarding workforce and affordable housing, Chapter 2 – Housing Element, addresses the absolute need for

workforce and affordable housing within the City and County in general. The proposed project seeks to support those Goals and Objectives as noted in Goals and Objectives highlighted below:

GOAL 2-1 CONSERVE HOUSING STOCK

To achieve a balanced and affordable range of housing stock; to encourage the diversification and distribution of the housing stock; to eliminate substandard structures; and to conserve good quality housing stock. §163.3177(6)(f). F.S.

Objective 2-1.1 Develop a Housing Program

Within one year of the effective date of the Plan, the City provide the framework for a housing program that encourages the creation and preservation of affordable housing for all current and anticipated future residents of the City. §163.3177(6)(f) F.S.

Objective 2-1.2 Provide Information

The City shall provide for exchange of information related to job training, job creation and economic solutions in an effort to improve access to affordable housing. §163.3177(6)(f)4. F.S.

Objective 2-1.3 Improve Housing Conditions

The City shall continue to eliminate substandard housing and blighted areas and shall continue to improve structural and aesthetic housing conditions. 163.3177(6)(f)1 & 3.

Objective 2-1.5 Ensure Adequate Housing Sites

Through the Land Development Regulations, the City shall ensure distribution of adequate housing sites for all residents of Marathon, including very low, low, moderate, and market income housing through the implementation of the following policies. 163.3177(6)(f)1 & 3.

It has been suggested that the City of Marathon has no further need for workforce or affordable housing units. In a corollary to that suggestion, it has been suggested that we no longer need workforce / affordable housing units in the Extremely Low-, Very Low- or Low-income categories.

First, staff wants to make clear what those HUD limits are for 2021.

HUD income limits for FY 2021 and the associated maximum rental prices:

FY 2021 Income Limit	Persons in Household							
	1	2	3	4	5	6	7	8
Middle Income (160%)	\$113,900	\$130,200	\$146,500	\$162,700	\$175,800	\$188,800	\$201,800	\$214,800
MI Monthly Rent	\$2,848	\$3,255	\$3,663	\$4,068	\$4,395	\$4,720	\$5,045	\$5,370
Moderate Income (120%)	\$85,425	\$97,650	\$109,875	\$122,025	\$131,850	\$141,600	\$151,350	\$161,100
Moi Monthly Rent	\$2,136	\$2,441	\$2,747	\$3,051	\$3,296	\$3,540	\$3,784	\$4,028
Median Income (100%)	\$71,188	\$81,375	\$91,563	\$101,688	\$109,875	\$118,000	\$126,125	\$134,250
MI Monthly Rent	\$1,780	\$2,034	\$2,289	\$2,542	\$2,747	\$2,950	\$3,153	\$3,356
Low Income (80%)	\$56,950	\$65,100	\$73,250	\$81,350	\$87,900	\$94,400	\$100,900	\$107,400
LI Monthly Rent	\$1,424	\$1,628	\$1,831	\$2,034	\$2,198	\$2,360	\$2,523	\$2,685
Very Low Income (50%)	\$35,600	\$40,700	\$45,800	\$50,850	\$54,950	\$59,000	\$63,100	\$67,150
VLI Monthly Rent	\$890	\$1,018	\$1,145	\$1,271	\$1,374	\$1,475	\$1,578	\$1,679
Ext. Low Income (30%)	\$21,350	\$24,400	\$27,450	\$30,500	\$32,950	\$35,580	\$40,120	\$44,660
ELI Monthly Rent	\$534	\$610	\$686	\$763	\$824	\$890	\$1,003	\$1,117

For a single individual, Extremely Low Income equates to a maximum income of \$21,350 per year. At the upper limit, the Low-Income category equates to a maximum income for a single individual of \$56,950 per year. This range of incomes covers the majority of the City’s work force. To the extent that Habitat For Humanity of the Middle Keys can qualify individuals and build their homes, the Low-Income category of individuals (80% of Median Income) actually qualifies for home ownership in this County because of how high the Median Income is at

\$71,188 per individual per year.

The City of Marathon solicited an affordable housing study of Florida International University in 2015. The resulting report (Workforce/Affordable Housing Assessment & Action Study) came to several very strong conclusions about the need for workforce housing and the specific gaps that the city has to workforce housing.

At the time there were gaps for all HUD Income Limits categories to home ownership (See Table 4.3 excerpted from the Report). Across all income categories there was a gap of 1,618 units – Demand VS Surplus market rate housing. Presumably, the “Demand” was satisfied through rental of available housing at that juncture. In three HUD Income categories (Extremely Low-, Very Low-, and almost, Low-) there was a gap of 321 units for rent – Demand VS Availability. (See Table 4.4 excerpted from the Report).

Table 4.3: City of Marathon Affordable Housing Supply/Demand Analysis: Owner Housing

	HH Income Category	Total Households (Demand)	Home Purchase at Affordable Price Levels		Number of Owner Units Within Affordable Price Range (Supply)	Surplus/Gap within Affordable Price Range
			0% Median	30% Median		
Extremely Low Income	0-30% Median	398	0% Median	30% Median	0-30% Median 116 (5.8%)	(282 units)
	\$0-\$14,122		\$0	\$35,305		
Very Low Income	31-50% Median	362	31% Median	50% Median	31-50% Median 214 (10.7%)	(148 units)
	\$14,592-\$23,537		\$36,480	\$58,843		
Low Income	51-80% Median	550	51% Median	80% Median	51-80% Median 68 (3.4%)	(482 units)
	\$24,007-\$37,658		\$60,018	\$94,145		
Median Income	81-100% Median	295	81% Median	100% Median	81-100% Median 51(2.5%)	(244 units)
	\$38,129-\$47,073		\$95,323	\$117,683		
Moderate Income	101-120% Median	251	101% Median	120% Median	101-120% Median 90 (4.5%)	(161 units)
	\$47,544-\$56,488		\$118,860	\$141,220		
Middle Income	121-160% Median	447	121% Median	160% Median	121-160% Median 146 (7.3%)	(301 units)
	\$56,958-\$75,317		\$142,395	\$188,293		

Source: 2009-2013 ACS; table and calculations by FIU Metropolitan Center.

Obviously, a great deal has happened since the date of the FIU Report – notably the impacts of Hurricane Irma (Sept. 2017) and COVID 19 (February 2020 to the present). On the one hand, it has been said that many people have left town – therefore housing demand may be lower. On the other hand, four (4) hotels have opened which carry a high staffing demand. And Hurricane Irma destroyed an estimated 394 homes which were assessed just post storm. Since that time, the City has been able to better catalogue the replacement of these homes through the building permit process. At this juncture, the City has seen the replacement of 507 residential units in single and multi-family settings. The replacement units at \$200 to \$300 per square foot typically will not be any more affordable or available to the City’s workforce.

So, staff believes that there is still a significant need for workforce housing, regardless of the number of units and projects that have some before the City recently and are either built or in various stages of construction. The Attached table documents (Attachment D) the current number of deed restricted workforce units. In the past five (5) years, the City has approved the construction of quite a number of workforce units. Leaving Seagrape Apartments and other previously existing projects, out of that equation, the City has approved 173 workforce residential units

which are in various stages of construction. In addition, including the present project the City has approved or (in this instance) may approve another 265 deed-restricted workforce residential units. Assuming all of these go to completion, the number sums to a total of 438 new deed restricted workforce residential units. This number is well within, and certainly does not exceed, the defined demand for units within the City. The largest demand is in the lower income categories, but the demand stretches across the range of HUD categories.

Table 4.3: City of Marathon Affordable Housing Supply/Demand Analysis: Owner Housing

	HH Income Category	Total Households (Demand)	Home Purchase at Affordable Price Levels		Number of Owner Units Within Affordable Price Range (Supply)	Surplus/Gap within Affordable Price Range
			0% Median	30% Median		
Extremely Low Income	0-30% Median	398	0% Median	30% Median	0-30% Median	(282 units)
	\$0-\$14,122		\$0	\$35,305	116 (5.8%)	
Very Low Income	31-50% Median	362	31% Median	50% Median	31-50% Median	(148 units)
	\$14,592-\$23,537		\$36,480	\$58,843	214 (10.7%)	
Low Income	51-80% Median	550	51% Median	80% Median	51-80% Median	(482 units)
	\$24,007-\$37,658		\$60,018	\$94,145	68 (3.4%)	
Median Income	81-100% Median	295	81% Median	100% Median	81-100% Median	(244 units)
	\$38,129-\$47,073		\$95,323	\$117,683	51(2.5%)	
Moderate Income	101-120% Median	251	101% Median	120% Median	101-120% Median	(161 units)
	\$47,544-\$56,488		\$118,860	\$141,220	90 (4.5%)	
Middle Income	121-160% Median	447	121% Median	160% Median	121-160% Median	(301 units)
	\$56,958-\$75,317		\$142,395	\$188,293	146 (7.3%)	

Source: 2009-2013 ACS; table and calculations by FIU Metropolitan Center.

Table 4.4: City of Marathon Affordable Housing Supply/Demand Analysis: Renter Housing

	HH Income Category	Total Renter Households (Demand)	Affordable Rent Levels		Number of Renter Units Within Affordable Price Range (Supply)	Surplus/Gap within Affordable Price Range
			0% Median	30% Median		
Extremely Low Income	0-30% Median	248	0% Median	30% Median	0-30% Median	(222 units)
	\$0-\$14,122		\$0	\$353	26 (2.1%)	
Very Low Income	31-50% Median	189	31% Median	50% Median	31-50% Median	(97 units)
	\$14,592-\$23,537		\$365	\$588	92 (7.6%)	
Low Income	51-80% Median	271	51% Median	80% Median	51-80% Median	56 units
	\$24,007-\$37,658		\$600	\$941	327 (27.2%)	
Median Income	81-100% Median	97	81% Median	100% Median	81-100% Median	163 units
	\$38,129-\$47,073		\$953	\$1,177	260 (21.6%)	
Moderate Income	101-120% Median	79	101% Median	120% Median	101-120% Median	103 units
	\$47,544-\$56,488		\$1,189	\$1,412	182 (15.1%)	
Middle Income	121-160% Median	158	121% Median	160% Median	121-160% Median	(7 units)
	\$56,958-\$75,317		\$1,424	\$1,883	151 (12.6%)	

Source: 2009-2013 ACS; table and calculations by FIU Metropolitan Center.

Based on this review of the available information, City staff indicates that the project meets the obligation to help establish necessary workforce and affordable housing within the city. Therefore, with the conditions noted throughout, the request is ***in compliance*** with the requirements of this section.

CONCLUSION:

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

The proposed development consists of the development of sixty (60) new workforce and six (6) market rate residential units in a residentially zoned neighborhood, zoned Residential High (RH). As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

Planning staff recommends approval with Conditions.

Conditions of Approval

- 1) Ingress and egress shall only occur from Pescayo Avenue and Avenue B.
- 2) As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
- 3) City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
- 4) Bike racks must be shown on the final site plan and approved prior to Building Permit Approval.
- 5) City approval is required for the stormwater management system prior to Building Permit Approval.
- 6) Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
- 7) City approval of the final engineering and connection to the City Wastewater Utility will be required.
- 8) ~~A Unity of Title will be required for the two parcels subject to this review and approval prior to Building Permit Approval.~~ If platting of the six (6) market rate residential sites is contemplated that can happen prior to the initiation of construction on those units
- 9) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.
- 10) A Transplantation / Mitigation plan must be approved for any native trees destroyed as part of proposed construction. This Plan must be provided and approved prior to the initiation of site development.
- 11) If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 12) A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- 13) Sufficient parking for two spaces per unit and additional visitor parking.
- 14) City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
- 15) City approval is required for bike racks prior to Building Permit Approval.
- 16) Caution signs during left or right turns at the Coco Plum Drive intersection with Pescayo Avenue and Avenue B.
- 17) All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- 18) Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
- 19) Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
- 20) The Applicant must obtain a minimum of six (6) market rate and sixty (60) affordable residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.**
- 21) The Conditional Use Development Order will constitute the Certificate of Concurrence 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.

Per code streets, internal park and open space areas, recreation space, protected habitat areas requiring conservation easements may all be the basis for density reductions in the platted lot area if they are included in the overall density calculations for the subdivision and subsequent plat. Such reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document. Equally, if lot area reductions are allowed as part of the subdivision and platting process, the plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations.

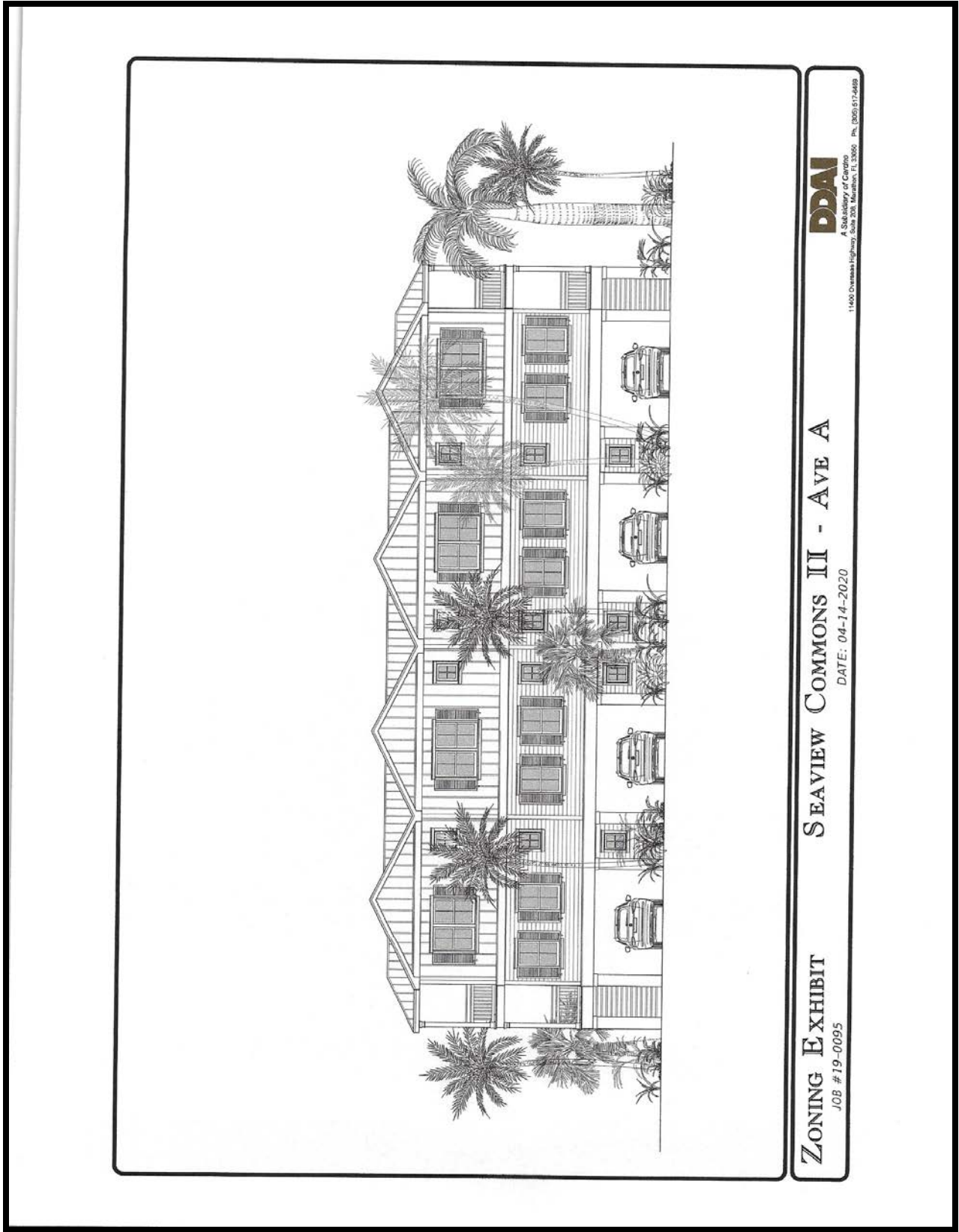
RECOMMENDATION:

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 and issued prior to final plat approval.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. Reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document.
5. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations
6. Shift the western lot line to account for 75' of frontage on Avenue B for Lot 1.
7. All conditions of the Conditional Use must be met prior to building permit issuance.

Attachments:
Attachment A & B – Elevation and Site Plan



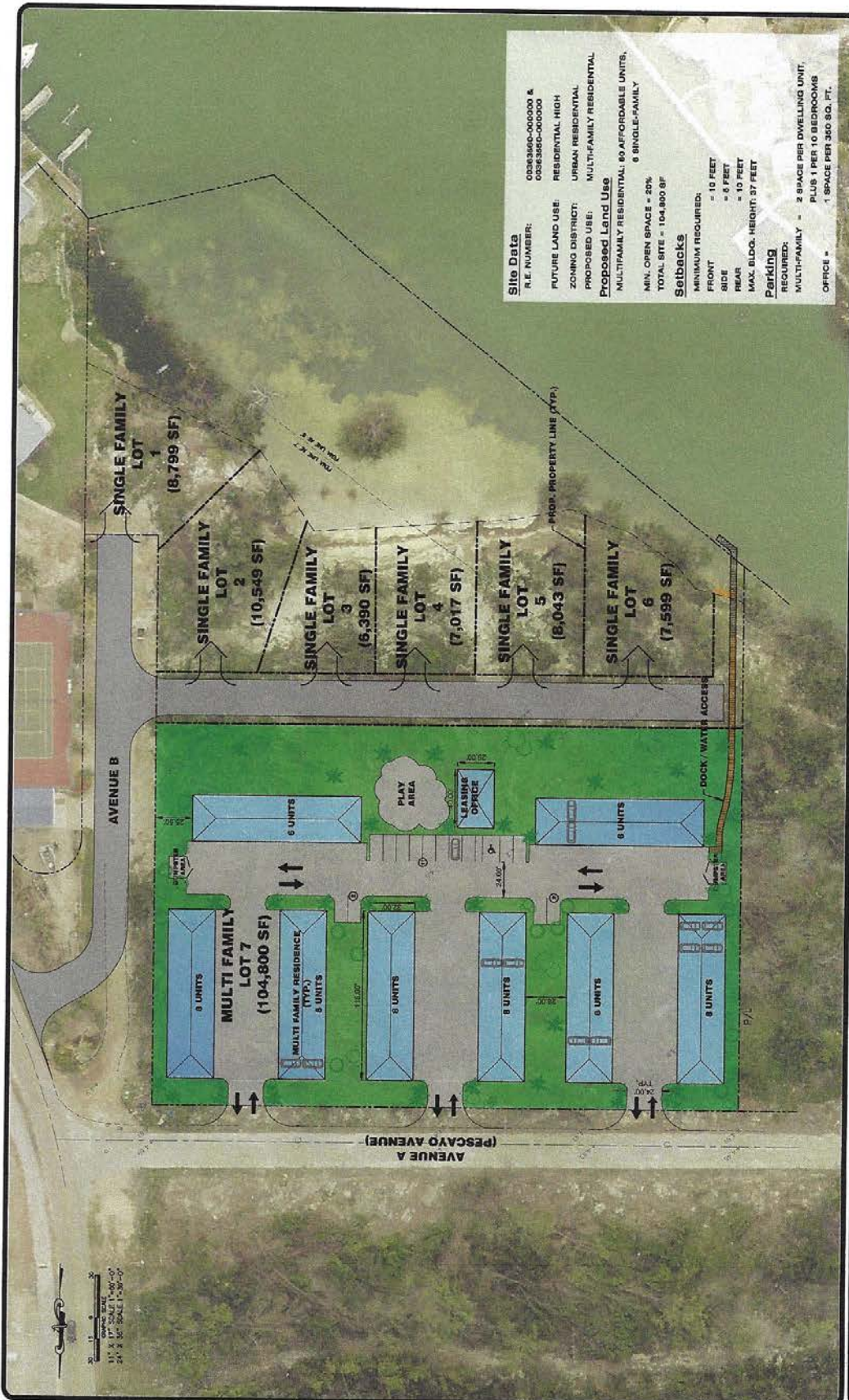
ZONING EXHIBIT
JOB #19-0095

SEAVIEW COMMONS II - AVE A

DATE: 04-14-2020

DDAI

A Subsidiary of Centrico
11400 Chesapeake Highway, Suite 201, Norwalk, CT 06856 Ph: (203) 817-4469



CONDITIONAL USE PLAN SEAVIEW COMMONS II - AVE. A

JOB #19-0095

DATE: 03-25-2020



A Subsidiary of Clarion
11400 Overseas Highway, Suite 203, Miramar, FL 33025 Ph: (305) 917-6488

Attachment
Attachment C – Traffic Impact Statement:



a Subsidiary of CARDNO

SERVING S.W. FLORIDA SINCE 1996
CIVIL ENGINEERS
LAND PLANNERS
CONTRACT ADMINISTRATORS

Traffic Impact Statement

For

Seaview Commons II – Avenue A

*Sec 05 Twp 66 Rng 33
Block 6, Lots 5 & 6 Avenue A
Marathon, Florida 33050*

Prepared for:

*Seaview Commons, LLC
c/o Brain Schmitt
11100 Overseas Highway
Marathon, Florida 33050*

Prepared by:

Victoria Crouthamel, E.I.

DDAI Job #19-0095
March 2020

1821 VICTORIA AVENUE, FORT MYERS, FLORIDA 33901
11400 OVERSEAS HIGHWAY, SUITE 208, MARATHON, FLORIDA 33050

PH. 239-337-3330
PH. 305-517-6469

WEB: WWW.DDAI-ENGINEERS.COM

Project Description

The proposed project will be for a sixty (60) unit multi-family community along with six (6) single family lots. The project will also incorporate all associated infrastructure and a new private roadway for the single family residences. The 2.40 +/- acre site will have frontage on Avenue A (Pescayo Avenue) and Avenue B on Coco Plum. The following Traffic Impact Statement will be for the proposed development.

Project Identification and Location

Project Name: Seaview Commons II – Avenue A
 S/T/R: 05 / 66S / 33E
 Street Address: BK 6 Lt 5 & 6 Avenue A, Marathon
 RE No.(s): 00303560-000000 & 00363550-000000

Project Traffic Distribution

The subject property will have three (3) entry/exit points to Avenue A (Pescayo Avenue) and two (2) entry/exit points to Avenue (Reference Exhibits 2 & 3). Directional splits onto the adjacent roadways are based on the property’s geographic location and anticipated vehicle movements. It is assumed that the distribution of traffic will be 100% of vehicle trips entering from and exiting to the East towards Coco Plum Drive.

Abutting Roadway Information

Road	Ownership	Access Classification	Posted Speed	AADT
Avenue A (Pescayo Ave)	Public	Local	20 MPH	Unknown
Avenue B	Public	Local	20 MPH	Unknown

Trip Generation

Vehicular trip ends generated by the proposed project were calculated by OTISS software based on methodology provided by Trip Generation Manual of the Institute of Transportation engineers (10th edition, 2018).

Proposed OTISS Input – Average Vehicle Trips									
ITE Land Use Code	Description	Variable Input	Weekday	AM Total	AM Entry Trips	AM Exit Trips	PM Total	PM Entry Trips	PM Exit Trips
220	Multifamily Housing (Low-Rise)	60 Dwelling Units	412	30	7	23	38	24	14
210	Single Family Detached Housing	6 Dwelling Units	78	9	2	7	7	4	3

Print outs of the trip generation by OTISS for this use are attached.

Summary

Based upon the expected traffic to be generated for the proposed residences and location of the project along Coco Plum Drive, the proposed residential development should not have an adverse impact on the operating characteristics, Level of Service of Avenue A (Pescayo Ave.) or Avenue B. The proposed project is combatable with the residential area and will not have adverse effects or impacts.



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Appendix A

- Project Location Map
- Traffic Distribution Diagrams

Appendix B

- Proposed Multifamily and Single Family Residence
OTISS Traffic Software Output
ITE Code: 220 & 210
Independent Variable: Dwelling Units



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Appendix A.1

1821 VICTORIA AVENUE, FORT MYERS, FLORIDA 33901
11400 OVERSEAS HIGHWAY, SUITE 208, MARATHON, FLORIDA 33050

PH. 239-337-3330
PH. 305-517-6469

WEB: WWW.DDAI-ENGINEERS.COM



FILE : H:\MARATHON-OFFICE-PROJECTS\2018\110088 SAA\CADD\DWG\XX-19-0088-TIS.DWG

DATE : 03/31/20
 SCALE : N.T.S.
 DESIGN : VJC
 CAD : VJC

NO.	REVISION

DAVID DOUGLAS ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND PLANNERS - CONTRACT ADMINISTRATORS
 11400 Overseas Hwy, Suite 208 Marathon, FL 33050
 Ph: 305-517-8489
 Web: www.ddai-engineers.com
 Florida Certificate of Authorization # 7568



LOCATION MAP
 SEAVIEW COMMONS II
 TRAFFIC STUDY
 BK 6 LOT 5&6 AVE. A
 MARATHON, FLORIDA

EXHIBIT
 1
 DDAI JOB
 NUMBER
 19-0088



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CIVIL ENGINEERS

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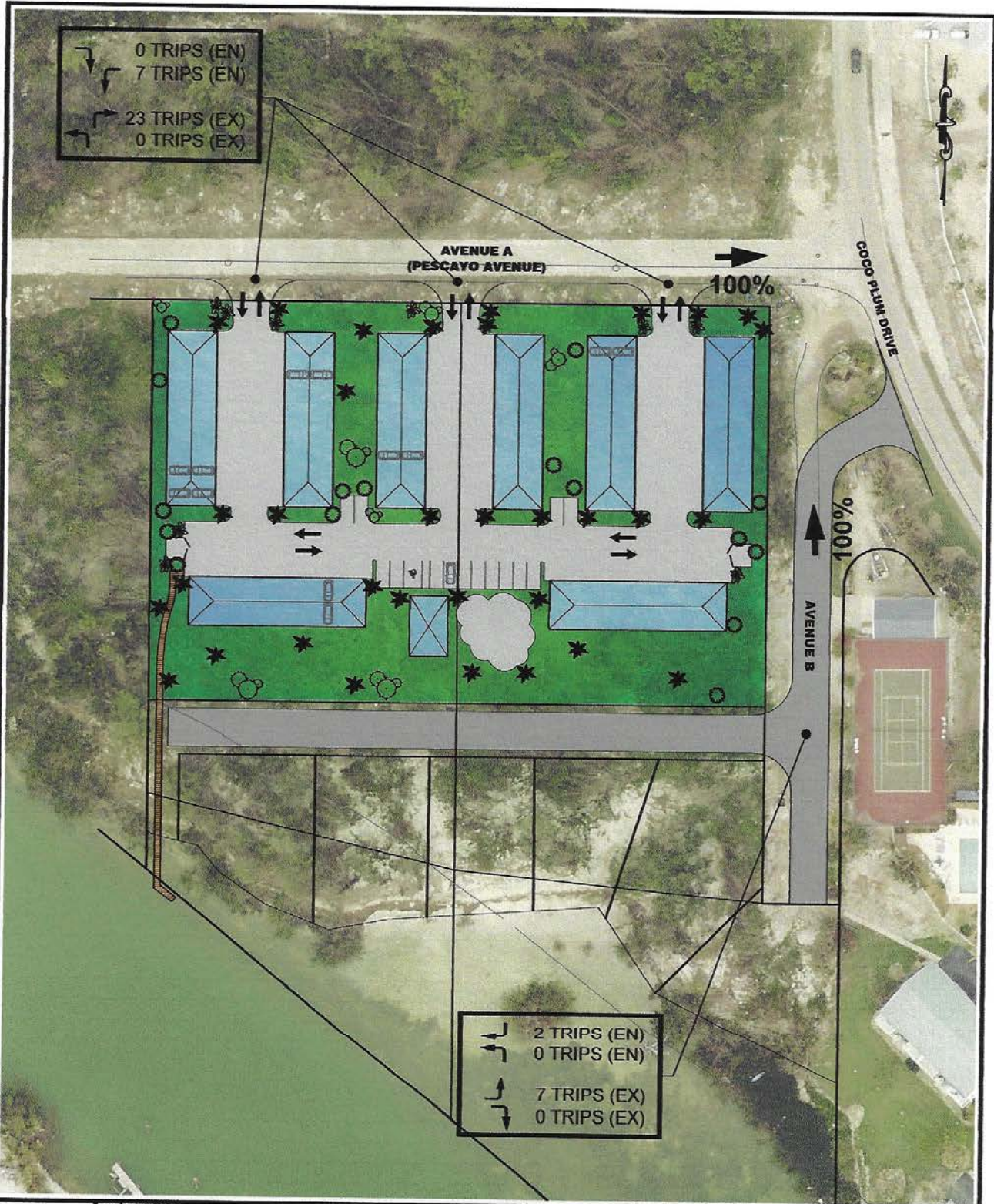
CONTRACT ADMINISTRATORS

Appendix A.2

1821 VICTORIA AVENUE, FORT MYERS, FLORIDA 33901
11400 OVERSEAS HIGHWAY, SUITE 208, MARATHON, FLORIDA 33050

PH. 239-337-3330
PH. 305-517-6469

WEB: WWW.DDAI-ENGINEERS.COM



↙ 0 TRIPS (EN)
 ↘ 7 TRIPS (EN)
 ↗ 23 TRIPS (EX)
 ↖ 0 TRIPS (EX)

↙ 2 TRIPS (EN)
 ↘ 0 TRIPS (EN)
 ↗ 7 TRIPS (EX)
 ↖ 0 TRIPS (EX)

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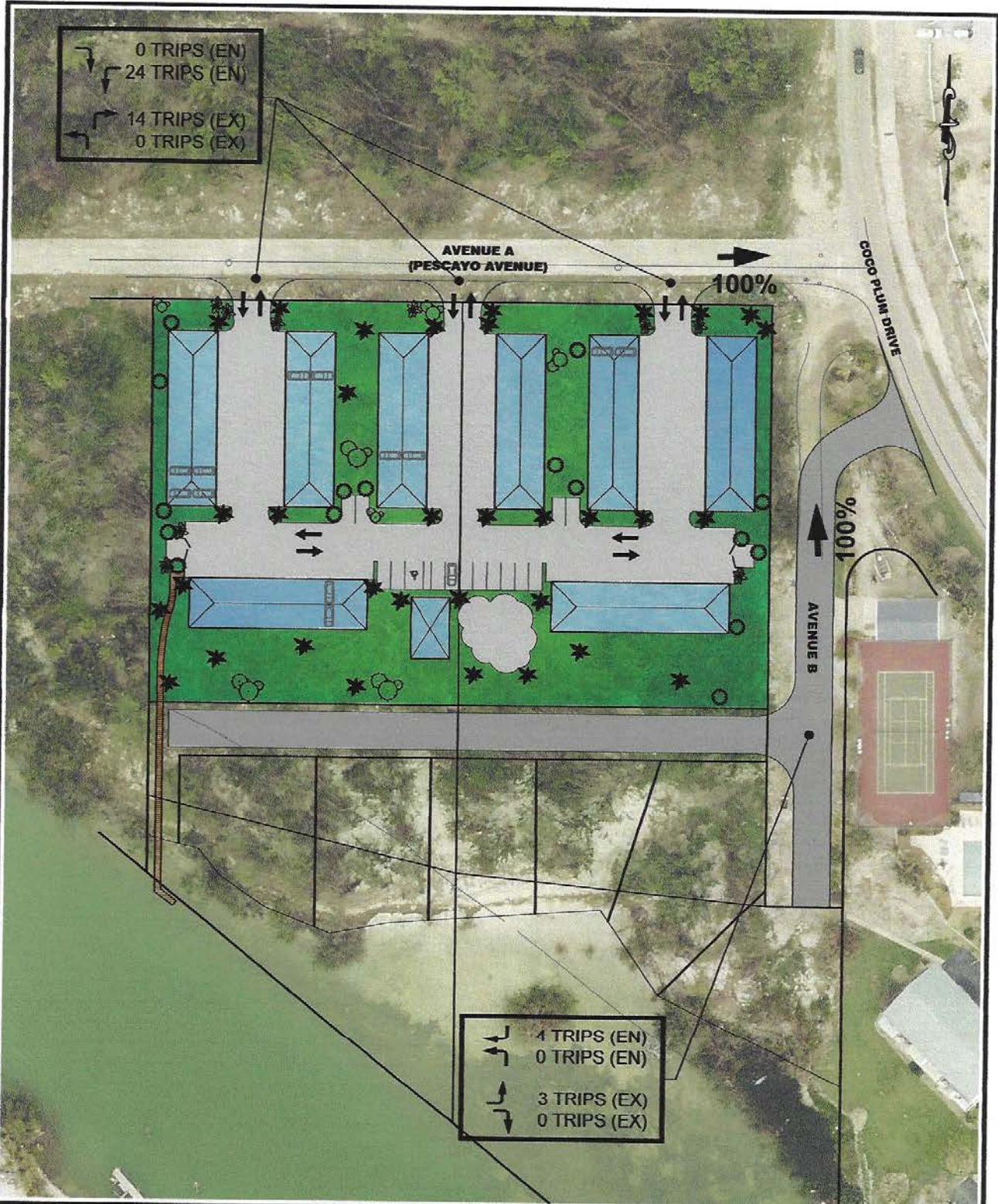
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SCALE : 1"=80'		
DESIGN : VJC		
CAD : VJC		

DAVID DOUGLAS ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND PLANNERS - CONTRACT ADMINISTRATORS
 11400 Overseas Hwy, Suite 208 Marathon, FL 33050
 Ph. 305-517-6469
 Web: www.ddai-engineers.com
 Florida Certificate of Professional Engineer # 7568



AM TRIP DISTRIBUTION
SEAVIEW COMMONS II
TRAFFIC STUDY
BK 6 LOT 5&6 AVE. A
MARATHON, FLORIDA

EXHIBIT
2
 DDAI JOB
 NUMBER
 19-0088



FILE: H:\MARATHON-OFFICE-PROJECTS\2018\190986 BAA\CA\DD\DWG\XX-19-0085-TIS.DWG

DATE : 03/31/20	NO.	REVISION
SCALE : 1"=80'		
DESIGN: VJC		
COND : VJC		

DAVID DOUGLAS ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND PLANNERS - CONTRACT ADMINISTRATORS
 11400 Overseas Hwy, Suite 208 Marathon, FL 33050
 Ph: 202-517-5459
 Web: www.ddai-engineers.com
 Florida Certificate of Authorization # 7566



PM TRIP DISTRIBUTION
 SEAVIEW COMMONS II
 TRAFFIC STUDY
 BK 6 LOT 588 AVE. A
 MARATHON, FLORIDA

EXHIBIT
 3
 DDAI JOB
 NUMBER
 18-0986



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CONTRACT ADMINISTRATORS

Appendix B

1821 VICTORIA AVENUE, FORT MYERS, FLORIDA 33901

11400 OVERSEAS HIGHWAY, SUITE 208, MARATHON, FLORIDA 33050

PH. 239-337-3330

PH. 305-517-6469

WEB: WWW.DDAI-ENGINEERS.COM

PROJECT DETAILS
 Project Name: 19-0095 Schmitt-Ave A
 Project No: 19-0095
 Country: USA
 Analyst Name: David Douglas
 Date: 4/1/2020
 State/Province: Florida
 Analysis Region:
 Type of Project: Residential
 City: Marathon
 Built-up Area(Sq.ft):
 Clients Name: Seaview Commons II
 ZIP/Postal Code: 33050
 No. of Scenarios: 3

SCENARIO SUMMARY

Scenarios	Name	No. of Land Uses	Phases of Development	No. of Years to Project Traffic	User Group	Entry	Exit	Total
Scenario - 1	AM Trip	2	1	0		9	30	39
Scenario - 2	PM - Trip	2	1	0		28	17	45
Scenario - 3	Weekday	2	1	0		245	245	490

Scenario - 1

Scenario Name: AM Trip

User Group:

Dev. phase: 1

No. of Years to Project Traffic: 0

Analyst Note:

Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise)	General	Dwelling Units	60	Weekday, Peak Hour of Adjacent Street Traffic,	Ratio/Equation Best Fit (LOG) $Ln(T) = 0.35Ln(X) - 0.51$	7	23	30
210 - Single-Family Detached Housing	Urban/Suburban	Dwelling Units	6	Weekday, Peak Hour of Adjacent Street Traffic,	Best Fit (LN) $T = 0.71(X) + 4.80$	2	7	9

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode - Share	Baseline Site Vehicle Mode - Entry (%)	Baseline Site Vehicle Mode - Exit (%)	Baseline Site Vehicle Occupancy	Baseline Site Vehicle Directional Split
220 - Multifamily Housing (Low-Rise)	100	100	100	1	23
210 - Single-Family Detached Housing	100	100	100	1	75

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips	
	Entry	Exit	Entry	Exit	Entry	Exit
220 - Multifamily Housing (Low-Rise)	7	23	0	0	7	23
210 - Single-Family Detached Housing	2	7	0	0	2	7

NEW VEHICLE TRIPS

Land Use	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise)	7	23	30
210 - Single-Family Detached Housing	2	7	9

RESULTS

Site Totals	Entry	Exit	Total
Vehicle Trips Before Reduction	9	30	39
External Vehicle Trips	9	30	39
New Vehicle Trips	9	30	39

Scenario - 2

Scenario Name: PM - Trip
 User Group:
 Dev. phase: 1
 No. of Years to Project Traffic: 0

Analyst: Notes:

Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry Spills	Exit Spills	Total
220 - Multifamily Housing (Low-Rise) Data Source: Trip Gen Manual, 10th Ed	General Urban/Suburban	Dwelling Units	60	Weekday, Peak Hour of Adjacent Street Traffic,	Best Fit (LOG) Ln(T) = 0.39Ln(X) - 0.02	24 63%	14 37%	38
210 - Single-Family Detached Housing Data Source: Trip Gen Manual, 10th Ed	General Urban/Suburban	Dwelling Units	6	Weekday, Peak Hour of Adjacent Street Traffic,	Best Fit (LOG) Ln(T) = 0.96Ln(X) + 0.20	4 65%	3 37%	7

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share	Baseline Site Vehicle Occupancy	Baseline Site Vehicle Directional Split
220 - Multifamily Housing (Low-Rise)	Entry (%) 100	Entry 1	Entry (%) 63
210 - Single-Family Detached Housing	Exit (%) 100	Exit 1	Exit (%) 63

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips
220 - Multifamily Housing (Low-Rise)	Entry	Exit	Entry	Exit	Entry
	24	14	0	0	24
210 - Single-Family Detached Housing	38	3	0	0	38
	4	7	0	0	4
					7

NEW VEHICLE TRIPS

Land Use	New Vehicle Trips		Total
220 - Multifamily Housing (Low-Rise)	Entry	Exit	Entry
	24	14	24
210 - Single-Family Detached Housing	4	3	4
			7

RESULTS

Site Totals	Entry	Exit	total
Vehicle Trips Before Reduction	28	17	45
External Vehicle Trips	28	17	45
New Vehicle Trips	28	17	45

Scenario - 3
 Scenario Name: Weekday
 User Group:
 Dev. phase: 1
 No. of Years to Project: 0
 Analysts Note:
 Traffic: 0
 Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise)	General		60	Weekday	Rate/Equation	206	206	412
Data Source: Trip Gen Manual, 10th Ed	Urban/Suburban	Dwelling Units			Best Fit (LN)	50%	50%	
210 - Single-Family Detached Housing	General		5	Weekday	Best Fit (LOS)	39	39	78
Data Source: Trip Gen Manual, 10th Ed	Urban/Suburban	Dwelling Units			Ln(T) = 0.92Ln(X) + 2.71	50%	50%	

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share	Entry (%)	Exit (%)	Baseline Site Vehicle Occupancy	Entry (%)	Exit (%)	Baseline Site Vehicle Directional Split
220 - Multifamily Housing (Low-Rise)	100	100	100	1	1	1	50
210 - Single-Family Detached Housing	100	100	100	1	1	1	50

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips	
	Entry	Exit	Entry	Exit	Entry	Exit
220 - Multifamily Housing (Low-Rise)	206	206	0	0	206	206
210 - Single-Family Detached Housing	39	39	0	0	39	39
NEW VEHICLE TRIPS	78	78	0	0	78	78

NEW VEHICLE TRIPS

Land Use	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise)	206	206	412
210 - Single-Family Detached Housing	39	39	78

RESULTS

Site Totals	Entry	Exit	Total
Vehicle Trips Before Reduction	245	245	490
External Vehicle Trips	245	245	490
New Vehicle Trips	245	245	490

ATTACHMENT D
2020 List of Affordable Housing Units / Projects

Affordable Housing Project	Units in Place	Units in Process	Units Approved	Units Sought
Anchor Inn (Habitat)	7	4		
Aquarium Encounters				7
Royal Crest		4		
Boat Works			52	
Centennial Bank	5			
Captain Pip's				1
Coral Construction				14
Coral Lagoon	2			
Crain (Individuals)	3			
Crystal Cove Affordables	46			
Marathon Affordables	55			
Diaz		4		
Eastwind Apartments	130			
Fair Acre		1		
Ferrucci	6			
GEM (250 Gulf Terrace)				9
Gunnar Holdings		4		
Halioua				8
Holiday Inn Express		2		
Hyatt	14			
Isla Bella	70			
Louisa St (D'Asign Source)	1			
Marlin Bay	8			
Overseas Village	4			
Overseas Village	9			
Overseas Highway (Individual)	1			
Pelican Pond	8			
Sea Grape	84			
Seacrest Apartments	14			
Seaview Commons II				64
Seaview Commons II				60
Seaward	45		8	
Sunset Bay (Individuals)	2			
Serenity Cove				42
Tarpon Harbor	62			
Tingler Ln (Individual)	1			
Tranquility Bay	2			

Affordable Housing Project	Units in Place	Units in Process	Units Approved	Units Sought
Tropical Isle	23			
Wolfe Storage	1			
24 th St (Individuals)	1			
50 th St (Individuals)	3			
52 nd St (Individual)	3			
63 rd St (Individual)	1			
64 th Street (Habitat)	6			
64 th St. (Individuals)	2			
65 th St (Individual)	2			
73 rd St (Habitat)	4			
73 rd St. (Individuals)	2			
73d St (Keys Affordables)	57			
74 th St (Individual)	1			
76 th St (Individuals)	4			
80 th St (Individuals)	2			
91st St		3		
107 th St (Individuals)	2			
123rd St (Habitat)	4			
123 rd St (Individual)	1			
Total	698	22	60	205
GRAND TOTAL	698	720	780	985

PUBLIC COMMENT LETTER

George Garrett

From: savecocolum@aol.com
Sent: Wednesday, June 3, 2020 11:34 AM
To: George Garrett
Subject: AWHousing

Dear George:

We are inundated with concerned calls about Seaview Commons-II. There is grave concern about the public safety and the impact of 130 unit increase on our community character. Is the end of Build Out time rapidly approaching? How many permits, are in progress for Coco Plum? What is the AWH density per acre for Seaview I and II?

I wish to speak at the June 15 Hearing. Of interest is a reliable assessment of the number of very low, low, middle and high income or Affordable Workforce Housing Units in place in Marathon. What do we have? What do we need? How will they impact community safety and character?

My latest number is 974 AWH units but I have no breakdown of the income levels and rents for the Seaview Projects.

Cheers,
Lynda Berrigan

George Garrett

From: Ramon Cue <rcue1@aol.com>
Sent: Thursday, June 11, 2020 10:49 AM
To: Planning; Council
Subject: Seaview Commons II, -PUBLIC HEARING- Application # DP2020-0043

This letter is directed to the Marathon Planning Commission and City Council regarding the proposed Seaview Commons II, -PUBLIC HEARING- Application # DP2020-0043

As an owner of a unit at Bonefish Towers Condominium I am writing you to express my concerns over the proposed project

Unfortunately, I will not be able to attend the scheduled meeting on June 15th, but felt compelled to let my voice be heard via e-mail.

It is important to note that I have nothing against low income housing, I just don't feel this is the right location for it.

According to the Florida Housing Finance Corporation who controls the development of low income housing in the state of Florida, there are a number of requirements needed in order for a project like this to qualify as low income. Their proximity to Food Stores, Pharmacy, Public Transportation, Schools, and Medical Centers. The proposed location does not allow for any of these.

By approving this project you will be doing a disservice to the local community and the proposed project residents. Adding more traffic to an already dangerous situation, and far from most working destinations for proposed residents.

I would like to think that the city is concerned for the safety of its residents, and the wellbeing of its workers.

Thanking you in advance,
Ramon Cue
Bonefish Towers Unit 302
Marathon, Florida

A SIMPLE REQUEST: If you forward this email, please delete the forwarding history. Erasing the history helps prevent spammers and hackers from mining email addresses and propagating destructive viruses.

June 11, 2020

Marathon City Council
City of Marathon Planning Commission
Via email

Ladies/Gentlemen:

I am a homeowner in Bonefish Yacht Club, at 95 Coco Plum Drive, #5E. I also happen to be a member of the homeowners' association board of directors.

We were recently notified that Seaview Commons II is planning a development abutting our property. While we were to have received a certified letter regarding the project, I did not receive it.

There are several concerns that I have with this project.

Please note,

- It is acknowledged that there is a need for additional affordable housing in Marathon. In that there is no doubt. However, the addition of so many units within a dense space seems ill-advised.
- There is a very precarious curve in the road, where the ingress/egress to our property exists and the ingress/egress to Seaview Commons II will be. As Seaview will add some 66 to 130 or so vehicles to the traffic load, this portion of Coco Plum Drive will become even more dangerous and congested if the project is built. Additionally, Seaview Commons I will result in ingress/egress a block or so away from the curve, for a similar number of vehicles. The impact between the two communities could be 250 or so additional vehicles.
- The bridge on Coco Plum Drive is in need of repairs, repairs that were scheduled prior to the building of Seaview Commons I, that have not been commenced (same goes for other road improvements).
- Density – Between Seaview I and Seaview II additional density will approximate 130 units, which will result in additional noise, traffic, congestion and access to the pedestrian walkway/bike path will result.
- While these are the primary issues, there are others.

I'm asking that, at a minimum, the development of Seaview Commons II be delayed, until at least the impact of Seaview Commons I can be assessed via a formal study and that the scheduled road and bridge improvements be implemented prior to the development of Seaview Commons I, as planned.

Sincerely,



Elaine M Hill

George Garrett

From: Joseph J. Hill <jjhill@ceisreview.com>
Sent: Thursday, June 11, 2020 2:09 PM
To: Planning; Council
Cc: joel deshane
Subject: Seaview Commons II / June 15 Meeting

I live in Bonefish Yacht Club ("BYC").

I am aware of the intended residential development to occur along the Coco Plum Drive Road. My understanding is that there is approved for Seaview Commons 1 development of 64 units that will be across the street from my home in BYC. Also, there is now in consideration an additional 66 units i/n/o Seaview Commons II that will be adjacent to BYC.

I have no issue with affordable housing but I do have issue with the combined increase in living units that will be brought to the immediate area if all developments are approved with the parameters apparently approved and/or in consideration.

Considering that the proposed density will clearly bring a substantial increase in traffic on a road and bridge that is in serious need of attention regarding width and surface; the heightened potential for traffic accidents due to the curve of Coco Plum Drive beginning at Pescaya Avenue / Avenue A and continuing past Avenue D and C; elevated risks with having egress and ingress on two relatively sizeable new developments coupled with that of the existing BYC, likely increased vehicular noise; and worrisome increase in danger to pedestrians that are walking, running, and riding bikes.

We would appreciate if the City would reconsider the density matter relative to the concerns expressed in this email. My request is at a minimum for an impact study be completed prior to proceeding and made available for reading; clearly development of the dimension that is under consideration warrants such a study by a party (firm) that is independent of the City of Marathon and the developer.

Appreciate your consideration.

Thank you,
Joe Hill

Thank you and Best Regards,



[Joseph J. Hill](#)

[CEIS Review Inc.](#)

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Consulting Services to the Financial Community

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June 11, 2020

City Council
Marathon FL

To whom it may concern:

I am writing because of the proposed project Seaview 2.

1. Adding 3 new entrances off of Coco Plum Drive at the extreme curve will be a safety hazard. People make the turn now at a reckless speed and this all occurs as people are walking on the path. Adding more vehicles to this already well-traveled road is a bit reckless on the part of the village.
2. To add another 130 units after putting in the other Seaview is rather extreme. How many people can this area hold safely?
3. The current condition of Coco Plum Drive and the spalling on the bridge have not been addressed and the gravel that has been laid on the road is stupid and a hazard. You can see tire tracks as people swerve going around the curve now.
4. We realize that Marathon needs affordable housing but I think Coco Plum has already done a good share of the load. Please delay passing this until impact studies and assurances can be made.

Sincerely,

Diane E. Merna
Bonefish Tower
Marathon, FL

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: August 16, 2021
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: A Request For A Conditional Use Permit And 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 Novoa Angela C 2012 Irrevocable Trust 11/16/12 For Vacant Land On Avenue A (Pescayo Avenue), Which Is Described As Lots 1 Through 6 Of Block 5 And Bay Bottom Adjacent To Lots 1 Through 6 Of Block 5, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers 00363430-000000, 00363450-000000, 00363460-000000, 00363460-000100, 363470-000000, 00363480-000000, 00363490-000000, 00363490-000000, and 00363500-000000. Nearest Mile Marker 54.

RECOMMENDATION:

Staff recommends approval of the project with the recognized conditions and limitations.

APPLICANT/ OWNER: Novoa Angela C 2012 Irrevocable Trust 11/16/12

AGENT: Guillermo Torres / Bart Smith of Smith Hawks

LOCATION: The project site is located on eight properties on the north side of Pescayo Avenue and near the intersection with Coco Plum Drive.

REQUEST: Approval of a Conditional Use Permit for development of the subject properties (RE No 00363430-000000, 00363450-000000, 00363460-000000, 00363460-000100, 363470-000000, 00363480-000000, 00363490-000000, 00363490-000000, and 00363500-000000), providing for construction of units as follows:

Affordable Units: Three (3) Duplex residences
Market Rate Units: Fifteen (15) Market Rate Residential Units

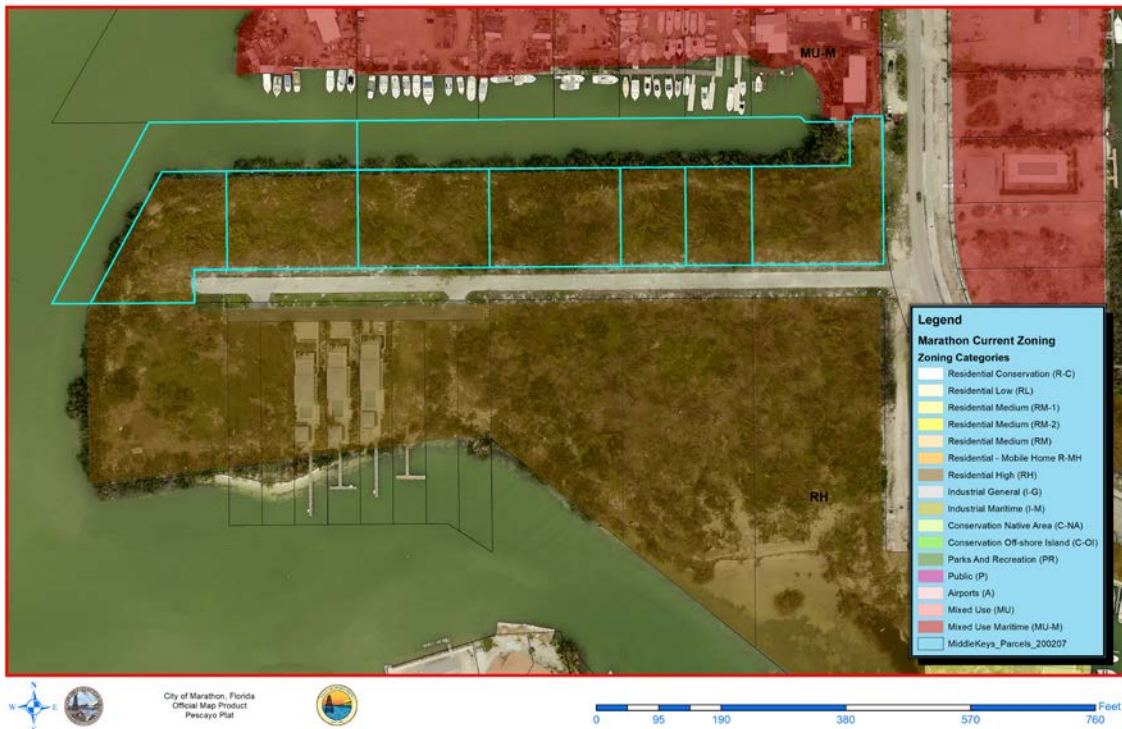
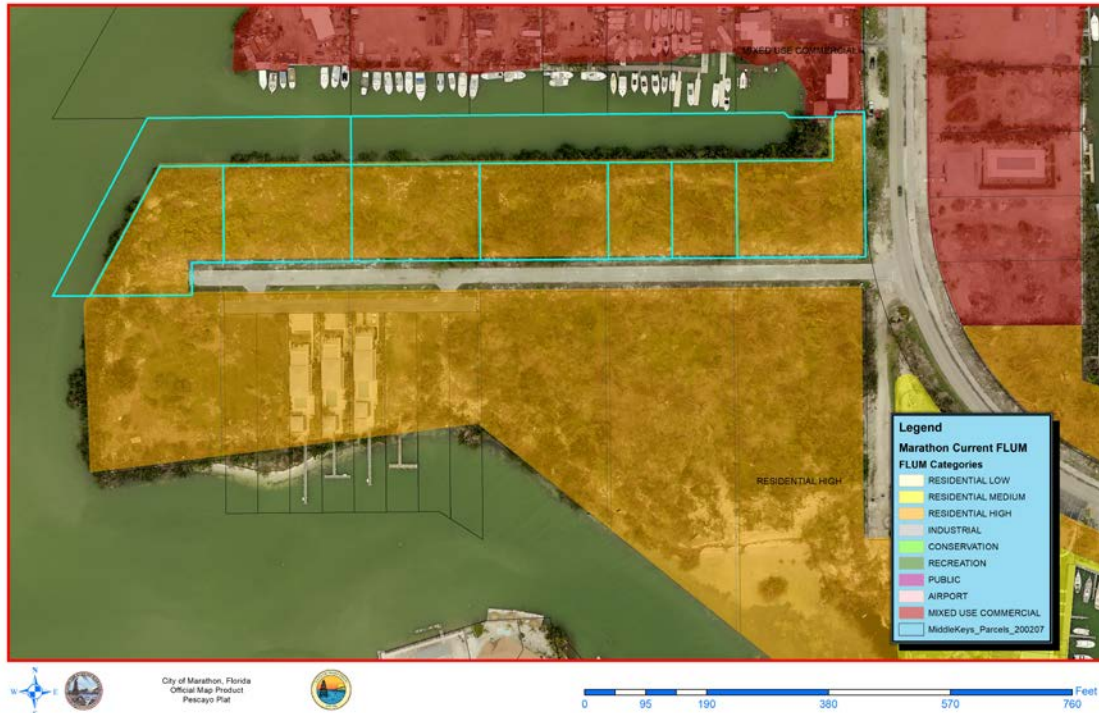
The site is currently vacant and largely scarified (cleared of exotic vegetation).

Figure 2
Project Site Aerial



FUTURE LAND USE MAP DESIGNATION:
Residential High (RH). See Figure 2 A & B.

Figure 3 A & B
Future Land Use & Zoning Maps



LOT SIZE:

Total acreage: 3.90 acres or approx. 169,884 square feet

SURROUNDING ZONING AND USES:

	<u><i>FLUM</i></u>	<u><i>Use</i></u>
North	MU-M	Commercial Fishing / Marine Industry
East	RH RM	Multi-family / Condominium / Affordable (Approved)
West	NA	Bonefish Harbor Channel/ KCB
South	RH	Pescayo plat homes, and Seaview Commons II

EXISTING CONDITIONS:

The project site consists of eight (8) parcels. The parcels have previously applied for permits for the removal of invasive exotic vegetation. One of the existing parcels is the adjacent bay bottom along the North and West of Pescayo Avenue.

PROPOSED DEVELOPMENT:

Affordable Units: Three (3) Duplex residences
Market Rate Units: Fifteen (15) Market Rate Residential Units

BACKGROUND:

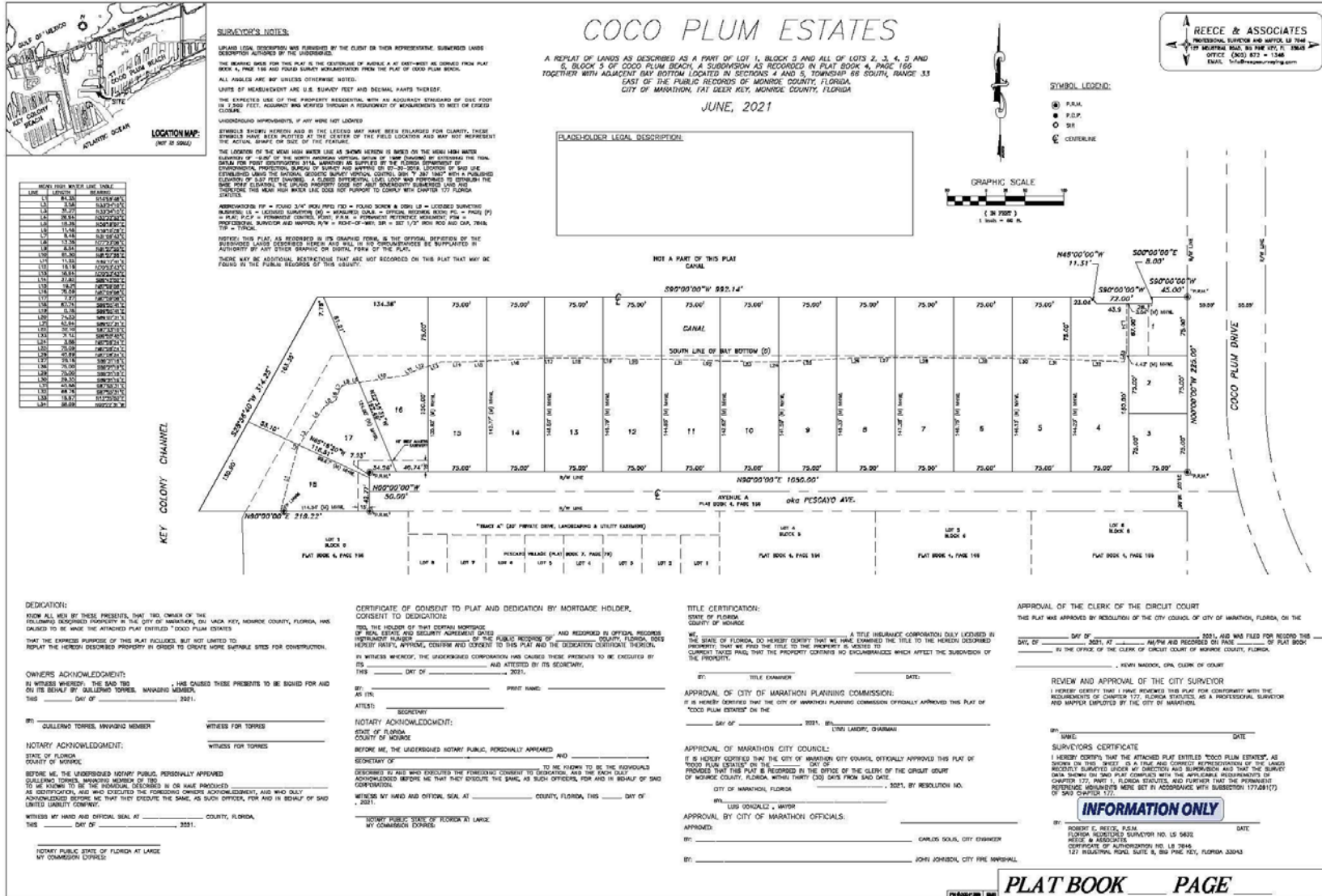
The proposed project consists of a development of eight properties on Pescayo Avenue in Coco Plum Subdivision

The proposed project will include a total of eighteen lots with a total of 21 units proposed on the lots.

All structures will be elevated to meet minimum flood requirements and to accommodate parking under the structure.

See Figure 4 for the proposed Plat of the parcels.

Figure 4 Proposed Plat Pescayo Avenue



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 Residential High (RH) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district “is intended to establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes designated within the Residential High (RH) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the creation of market rate and affordable housing and is consistent with the Residential High 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 residences and duplexes are permitted as of right in the Residential High district. Plats and subdivisions however require Conditional Use approval. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RH district based on the types of uses proposed. Assuming that the number of market rate units is static. This site has the potential for thirty-one (31) market rate residential units or up to 97 affordable residential units (based on an allowed range in the Residential High FLUM of from 15 to 25 units per acre). The applicant is proposing 15 market rate units, and 6 affordable units through the creation of 3 duplexes. The calculation is based on an allowed affordable residential density within the Residential High zoning district.

The project as proposed meets the basic definition of development in the RH zoning district and will not exceed any density constraints imposed on the type of residential construction proposed.

The Applicant cites the City Comprehensive Plan in the following Goals, Objectives, and Policies as justifying the case for the approval of this project:

Chapter 1 – Future Land Use Element

Goal 1-1 Manage Growth

Objective 1-1.1 Protect Community Character

Policy 1-1.1.1 Enhance and Preserve Existing Community Character

In order to enhance and preserve the existing community character, the City shall adopt Land Development Regulations to reflect the following desired development patterns that:

- a. Protect and enhance the “small town” atmosphere;
- b. Encourage mixed-use development patterns;
- c. Protect, enhance, and acknowledge the commercial fishing industry and its historical contributions to the City;
- d. Protect and enhance the “Keys” character; and
- e. Protect, enhance, and increase the number of affordable housing units.

Goal 1-2 Adequate Public Facilities and Services

Objective 1-2.1 Ensure Levels of Service

Policy 1-2.1.2 Ensure Availability of Public Facilities and Services

The City shall not issue a development order or permit for any development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that the public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities operate at or above adopted level of service (LOS) standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service for public facilities serving the development below adopted LOS standards.

1-3 Manage Growth

Objective 1-3.1 Managing Future Development and Redevelopment through Future Land Use Designations

Policy 1-3.1.4 Future Land Use Categories

The following land use categories, depicted on the *Future Land Use Map*, describe the type and extent of land use permitted in specified locations in the City. The Land Development Regulations will contain more detail about permitted land uses within the Future Land Use categories.

Residential High

The principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High land Use category is characterized by high density compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure. Lawfully established RV parks where a majority of the recreational vehicles have been converted into permanent structures are also allowed within the residential high land use category (See Objective 1-3.3 and 1-3.4 and the Policies therein.) The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. 9J-5.006(3)(c)1 and 7

Objective 1-3.2 Regulate Density and Intensity

Policy 1-3.2.1 Allocated Density Defined

Allocated densities for the Future Land Use districts, as shown in Table 1-1, are the number of residential units allocated per gross acre of land pursuant to the Plan.

SEE TABLE 1-1 / Future Land Use Densities and Intensities*

TABLE 1-1 Future Land Use Densities and Intensities*						
Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25		0	N/A	0.05 - 0.10	0.5
Industrial (I)	0		0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Facilities (PF)	0		0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25		0	5 – 15	0.15 - 0.50	0.2
Residential High (RH)	8	15 - 25	15-25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5		0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
For properties consisting of hammocks, pinelands, or disturbed wetlands within the Mixed-Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
Opens space shall be increased based upon the requirement for a habitat evaluation and shall conform to Table 4-1 of the Coastal and Conservation Element.
The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

Chapter 3 – Infrastructure Element

Goal 3-1 Provide Need Public Facilities

Objective 3-1.1 Adopt Level of Service Standards

Policy 3-1.1.1 Adopt Wastewater Management System(s) Level of Service Standards

The City hereby adopts the LOS standards for wastewater management systems as currently required by Federal and State regulations as follows:

TABLE 3-1: Florida Statutory Treatment Standards				
	Mg/L			
	BOD	TSS	TN	TP
On-Site Systems (BAT) Community Wastewater Collection and Treatment Systems	10	10	10	1
Design flows less than or equal to 100,000 gpd (BAT)	10	10	10	1
Design flows greater than 100,000 gpd (AWT)	5	5	3	1

Source: Draft Monroe County Sanitary Wastewater Master Plan, CH2MHill, March 2000

Policy 3-1.1.2 Adopt Stormwater Management Level of Service Standards

The City hereby adopts LOS standards for stormwater management as currently mandated by State agencies, as defined in the City’s adopted Stormwater Management Master Plan as follows:

- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with 24-hour duration;
- b. Stormwater treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 62-25, Section 25.025, FAC, with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 62, Section -302.500, F.A.C; and
- c. Stormwater facilities which directly discharge into ‘Outstanding Florida Waters’ (OFW) shall provide an additional treatment pursuant to Chapter 62-25.025 (9), FAC. Stormwater facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, F.A.C.

Policy 3-1.1.3 Adopt Potable Water Level of Service Standards

The City hereby adopts LOS standards for potable water as follows:

TABLE 3-2 Potable Water LOS	
Measure	LOS Standard
Residential LOS	66.5 gal/cap/day
Non-Residential LOS	0.35 gal/sq. ft./ day
Overall LOS	100 gal/cap/day
Equivalent Residential Unit	149 gal/day
Minimum Pressure	20 PSI at customer service
Minimum Quality	Shall be as defined by the USEPA (part 143 National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)

Source: Monroe County 2010 Comprehensive Plan

Policy 3-1.1.4 Adopt Solid Waste Level of Service Standards

The City hereby adopts LOS standards for solid waste management as follows:

TABLE 3-3 Solid Waste LOS	
Measure	LOS Standard
Residential Collection Frequency	Minimum 1 time/2 weeks for Domestic refuse Minimum 1 time/2 weeks for Yard trash
Disposal Quantity	5.44 lbs./capita/day or 12.2 lbs./day/ ERU (equivalent residential unit) 6.37 pounds/acre/day (non-residential unit)

Goal 7-1 Provide Motorized and Non-motorized Transportation Systems

Objective 7-1.1 Adopt Level of Service Standards for City Roads

Policy 7-1.1.1 Adopt Level of Service Standards

For all City roads, the City hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measure by peak hour traffic volume. The City shall maintain the level of service on City roads with five percent (5%) of LOS D.

City staff concurs with the applicant that they have acknowledged the appropriate project standards and that they have been met as iterated above and that the proposed development is in compliance with the Comprehensive Plan and the Land Development Regulations. Further, the Standards have been met well within the density limits prescribed in the City of Marathon Comprehensive Plan. Therefore, the request is in compliance with the requirements of this section and the Goals, Objectives, and Policies noted.

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 High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that “the principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High Land Use category is characterized by high density 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 existing land use pattern in the project vicinity consists of multi-family residential development to the East on Avenue D and South across Coco Plum Road on Avenue C (west side). Further, there is a mixed residential, commercial, and marine development pattern on Coco Plum Road leading to the North.

Further to the east, on Avenue E and beyond, the development is characterized by Single Family residences. Avenue E is isolated from Avenue D by a 200-foot-wide canal.

To the South lies vacant properties and the small single-family residential subdivision of Pescayo Village.

This project is consistent with allowed densities on Pescayo Avenue, Avenue C. (west side) and Ave D. The project, as proposed, is well under the allowed densities for market rates and affordable housing. Staff believes that the density of the project is consistent with the FLUM and Zoning and the general character of development in the immediate surrounding area, including the previously approved redevelopment of Seaview Commons I and Seaview Commons II. The proposed project density is approximately 5 units per acre overall. By comparison, the following developments have established residential densities as follows (Seaview Commons I & II Redevelopment is included in the table):

Development	Acres	No of Units	Density (Units / Acre)
Coco Plum Terraces	1.90	42	22.2
Sunset Courts	0.38	8	21.1
Seaview Commons (Current)	0.40	8	20
Seaview Commons I	2.69	64	23.8
Seaview Commons II	3.85	66	17.1
Bonefish Marina Condo	3.28	83	25.3
Bonefish Towers	2.16	75	34.7

The development of the site will result in significant new development on Pescayo Avenue, including landscaping, the further removal of invasive species, stormwater management, wastewater, and creation of an aesthetic architecture. The improvements will add new affordable housing units to the City. That said, the proposed project will provide a mix of affordable housing and single-family residences.

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 the development of a mixed market rate / affordable residential use which as proposed should have no adverse impact to the health, safety, and welfare of the public.

Stormwater will be managed on-site and the project will connect to the City wastewater treatment system, thus alleviating any potential for water quality impacts. From the standpoint of on-site impacts, there do not appear to be any significant life-safety impacts.

Plans submitted with the project are suitable for Conditional Use Permit approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit process and 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 Disturbed / Undeveloped Land. The FEMA_FWS Species Focus Area Maps indicate that the property is characterized by Exotics and mangroves at the canal edge. More recent and detailed assessments indicate that most of the property as indicated is characterized by exotics with mangroves at the waters wedge, but that there are quite a number of native trees as well. The site has recently applied for permits to clear all the invasive exotic vegetation. The proposed development will increase the native vegetation on site as part of the landscaping plan.

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.

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.

Further improvements to water quality are expected to arise from wastewater improvements to the site when the project connects to the City’s wastewater utility.

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

- Existing native canopy and understory trees should be transplanted if possible or mitigated for if necessary within the proposed and finally approved landscape plan.
- If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- The project shall be required to develop on-site stormwater controls which help to improve nearshore water quality
- The project will be required to connect to the City’s wastewater utility, similarly helping to improve nearshore water quality.

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

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

The applicant is proposing single family residences well below the potential for the site. The largest portion of all trips will leave Pescayo Avenue or Coco Plum traveling toward U.S. 1 and then return to those streets. Very few trips will be generated to and from Coco Plum Road traveling east.

Ingress and egress to the properties is currently proposed to be from driveways on Pescayo Avenue and Coco Plum. Visibility in either direction from Pescayo to Coco Plum Drive is reasonable. With speeds limited to 30 miles per hour on Coco Plum Drive, staff believes that ingress and egress from Pescayo Avenue can be accomplished safely.

Average Vehicle trips									
ITE Code	Description	Variable Input	Weekday	AM Total	AM Entry	AM Exit	PM Total	PM Entry	PM Exit
210	Single Family	21	273	32	8	24	25	15	10

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

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

Parking requirements are outlined in Section 107.46 (Parking Schedule). The applicant has proposed parking spaces to be located primarily under the home structures. Each single-family residence is required to have 2 parking spaces. The applicant is proposing these spaces to be located under the home.

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 development of a residential use on an existing site that is mostly vacant. The proposed use does not have any adverse effect through noise, glare, or odors; therefore, the proposed density increase should have a de minimis impact.

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.

Single family residences do not meet the requirements for dumpsters as laid out in Section 107.39. As such each shall have individual garbage collection through Marathon Garbage Service.

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The applicant will provide wastewater and sewage collection and disposal through cooperation with the Utilities Department. This project will constitute a minor expansion, resulting in a de minimis impact.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, the single-family residences will be assessed through permitting and impact fees.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

At this juncture, all necessary initial letters of coordination have been received.

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.

- Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
- City approval of the connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned RH and is bordered to the South by properties zoned Residential High (RH) and properties to the north zoned MUM as well. There is a medium project boundary buffer requirement for portions of the project area adjacent to parcels zoned MUM. The final landscape plans must be approved by the City Biologist.

Buffer Type	Minimum Width	Canopy Tree	Understory Tree	Non-Deciduous	Shrub	Screening
M-Medium	15 feet	4	2	2	16	No

Section 107.71 C. requires that all residential developments provide Type 3 Streetscape buffer along the entire street frontage. The project is adjacent to Coco Plum Drive and Pescayo Avenue. Each single-family residence will be required to have one canopy for every 50’ of street frontage.

Table 103.15.2 outlines setback requirements in the RH district as follow: front yard 10 feet’; side yards 5 feet; and rear setbacks have a 20’ setback from the property line, or Mean High Water Line, or landward extent of the mangrove root system. The Applicant has complied with all setback standards.

Setback	Required	Required Landscape	Proposed	Compliant
Front	10	10	10	Yes
Side	5	15	>15	Yes
Rear	20	NA	20	Yes

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

- A Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives with each building permit.

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

No signs or street lighting are being proposed for this development.

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 characterized by exotics and some native hammock species; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant far exceeds the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is the development of affordable and market rate housing in an area of the City which is relatively intense in residential and light industrial/marine uses. A development of new residential units is expected to be fully compatible with the surrounding uses. The proposed project represents improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 42' as measured from the crown of the roadway or unimproved grade. The site plans show that buildings are below 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. Additionally, the affordable units must meet all criteria of Section 104.03 pertaining to affordable housing.

The following criteria are applicable to this proposed development:

- Two (2) side yards are required for stacked duplexes.
- Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

The proposed development meets all applicable criteria set forth in this section. Therefore, the request is in compliance with the requirements of these sections.

CONCLUSION:

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

The proposed development consists of the development of six (6) new workforce and fifteen (15) market rate residential units in a residentially zoned neighborhood, zoned Residential High (RH). As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

Planning staff recommends approval with Conditions.

Conditions of Approval

- 1) Ingress and egress shall only occur from Pescayo Avenue and Coco Plum Drive.
- 2) As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
- 3) City approval is required for the stormwater management system prior to Building Permit Approval.
- 4) Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
- 5) City approval of the final engineering and connection to the City Wastewater Utility will be required.
- 6) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees prior to permit issuance.
- 7) If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 8) A Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives as part of the permit process.
- 9) Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
- 10) Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court.
- 11) The Applicant must obtain a minimum of six (6) affordable and fifteen (15) market rate residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.**
- 12) 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. 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 and issued prior to final plat approval.
3. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations
4. All conditions of the Conditional Use must be met prior to building permit issuance.

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: August 16, 2021

To: Planning Commission

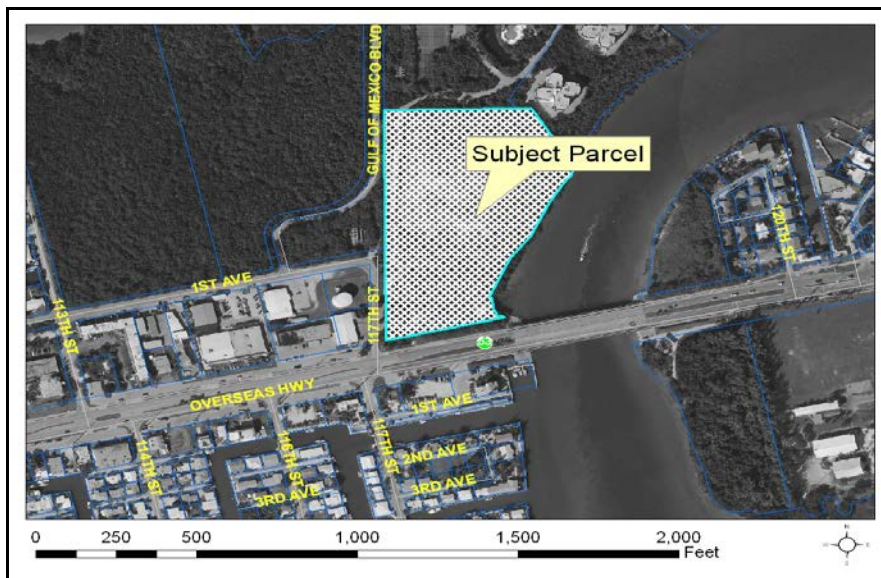
From: Brian Shea, Planning Director

Agenda Item: 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 Warehouse, Office, And Lab Space Not To Exceed 30,400 Square Feet, 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.

RECOMMENDATION: Planning Department staff recommends conditional approval of this amendment request.

APPLICANT/OWNER: Florida Keys Animal Encounters, LLC

LOCATION: The subject property is located on the northeastern corner of the intersection of Overseas Highway and 117th Street, Gulf, near Mile Marker 53 and is legally described as Part of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, having Real Estate Number 00104130-000000



REQUEST: Amendment to a Conditional Use Variance Approval for the Development of the Florida Keys Animal Encounter Center.

FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial and Conservation See Figure 2.

Figure 2
Future Land Use Map



ZONING MAP DESIGNATION: Mixed Use (MU) and Native Area (C-NA) See Figure 3.

Figure 3
Zoning Map



LOT SIZE: 2.73 acres (upland) (Approximately 1.7 previously developed)
8.99 acres (entire site)

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Residential High (RH) and Native Area (C-NA)	Vacant land and Seawatch Condominiums
East	n/a	Vaca Cut
South	Mixed Use (MU)	Captain Hook’s, Fish Tails Restaurant, Marathon Lady Charters
West	Mixed Use (MU) and Native Area (C-NA)	Auto Store, State-owned vacant property

EXISTING CONDITIONS:

The project site consists of one parcel that has been previously developed as an amusement and sea life park known as Aquarium Encounters.

PROPOSED REDEVELOPMENT:

Office, laboratory, warehouse: 24,806 sq. ft.

BACKGROUND:

On November 8, 2005, City Council passed Resolution 2005-159 (Exhibit A), approving a Major Conditional Use permit for Florida Keys Animal Encounters, LLC. The Florida Keys Animal Encounter Center will be a marine educational facility that provides visitors the opportunity to learn about marine animals. The project included a 2,800 square foot Animal Encounter Center, a 6,000 square foot office building for the Dynasty Marine corporate office, an encounter tank, and various accessory uses. The original approval also consisted of a total of five (5) affordable/workforce housing units to be located above the two buildings onsite.

The site also includes a “U” shaped canal with an island in the center. The project was approved with new bridges to the island, a number of view platforms through the mangroves and onto the canal, and a new dock into Vaca Cut. The site will also feature walking paths and information kiosks throughout. The remainder of the site, which is primarily a tidal estuary, will be undisturbed and undeveloped.

The applicant went through an amendment to the conditional use approval to allow the following changes in 2010. Resolution 2010-40 approved the following changes:

- The project would no longer include any workforce housing units on site. The applicant built a deed restricted affordable duplex located on 7th Avenue, Gulf that is used to house the employees of the company. There is no Land Development Regulation based requirement for the project to provide workforce housing onsite. Consequently, the approval of this amendment will return the two affordable housing allocations that were awarded to the project under Resolution 2005-159 back to the City.
- The main 2,800 square foot Animal Encounter Center would be a tiki hut, thatch roof style building.
- The parking area would be permeable, reducing the amount of fill required for the project.
- Other minor changes to the site plan include: the encounter tank would be constructed of fiberglass instead of concrete, the proposed office building would be slightly larger (6030 sq/ft vs. 6000 sq/ft), and the location of the food concession area had been changed.

The applicant in June of 2021 proposed an amendment to increase the institutional area to 15,200 square feet and locate it within the uplands near the northern end of the property. The applicant has revised the plans and is now proposing a second floor within the structure, amounting to 24,806 square feet total.

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;

This site is located within the Mixed Use Commercial and Conservation 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.”

Policy 1-3.1.4 also states that the “principal purpose of the Conservation land use category is to provide for the preservation of natural and historic resources and passive resource-based recreational uses.” Development on the site will not disturb the Conservation area of the parcel. However, a small portion is proposed to be disturbed to provide access to the MU portion of the site.

The area of development on the parcel included in the proposed project has a Mixed Use (MU) zoning designation. The purpose of the district is described below:

- Section 103.09 Mixed Use Districts of the Land Development Regulations (LDRs) states, “The MU zoning district is designed to accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City's historic business district and the US 1 corridor... The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping centers, specialty shopping centers, individual multi-tenant commercial buildings, automobile services and sales, fast food restaurants, affordable housing residential uses, transient lodging and other retail establishments that serve the community at large”.

Conditional Use approval is required pursuant to Table 103.15.1. In the Mixed-Use District, the specific use of, “Amusement or Sea life parks” requires Conditional Use approval.

The first building of 2,800 square feet was developed using existing commercial floor area credited to the site. The remaining 24,806 square feet of commercial floor area proposed under phase II of the project must be applied for and allocated through the Commercial Building Permit Allocation System (CBPAS).

The project acreage is adequate for the proposed development. The following table assesses required acreage for the proposed use.

Type of Use	Amount	Square Feet Required	Site Utility
Commercial Retail – medium intensity	2,800 sf	6,222 sf	5.2%

(Encounter Center)			
Institutional (office, laboratory)	24,806 sf	82,686 sf	69.6 %
Total	-	-	74.5%

Therefore, it is staff’s opinion that 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;

This site is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed use development patterns within the City.” The proposed project is compatible with adjacent uses and consistent with the overall land use pattern, which is heavily focused on retail sales and service and commercial activity along the U.S. 1 corridor. The development of the site will result in significant improvement to the site development quality, including landscaping and stormwater management. These improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon.

Therefore, it is staff’s opinion that 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 the development of new commercial buildings which are not expected to have any adverse impact on the health, safety, and welfare of the public.

The City Fire Marshal has reviewed the project plans and provided comments at the Technical Review Committee Meeting outlining minimum requirements for the project, including the following:

- Must comply with NFPA 1 and NFPA 101 must provide access for Firefighting and Rescue equipment.
- Must be able to supply appropriate water supply for structure.

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

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

- Must meet all conditions of the Fire Marshal prior to permit issuance.

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

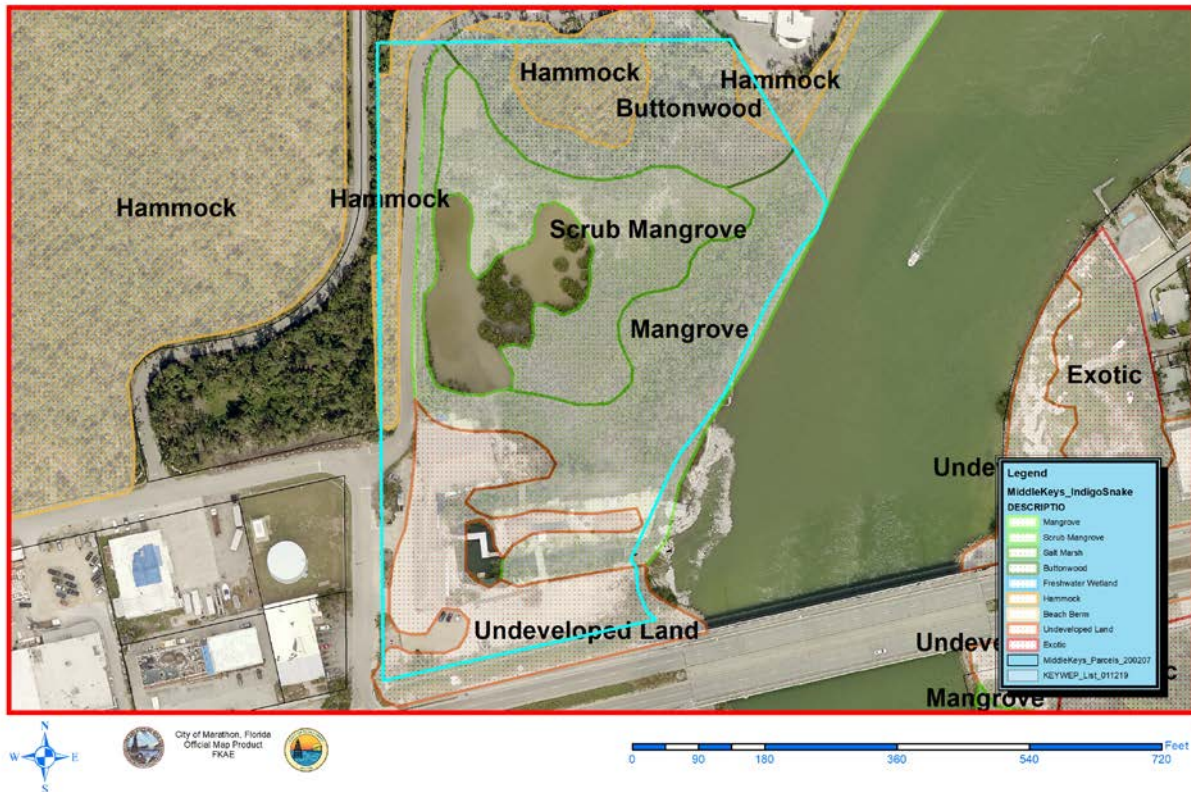
The proposed development footprint is within the MU portion of the parcel. The structure is proposed in the upland area that is classified as low-quality hardwood hammock. According to table 106.16.1 low quality hammock has a 50% open space ratio. The applicant is proposing a wetland setback of 25', which is less than the code required 50' as noted in E. 6 below but was approved by the Planning Commission for the variance.

Previous approval included restoration activities and a subsequent Conservation Easement are proposed within areas of the parcel zoned C-NA as required by the South Florida Water Management District permit. The above noted conservation easement can be expanded to line up with the neighboring properties conservation easement. Therefore, a conservation easement in a form approved by the City Attorney must be provided for the wetland area. Transplantation of native vegetation on site will be the priority. Such vegetation must survive for one year after transplantation. Any native vegetation that does not survive or is not a type that handles transplantation well will be mitigated in a ration of three trees for every one tree removed.

The applicant has submitted updated preliminary stormwater/drainage plans as required by the Conditional Use permit. City approval is required for the stormwater management system prior to building permit approval.

Figure 4 shows that this area falls under the category of mangroves. Should any development necessitate the removal of existing native vegetation within these areas an impact determination will be made using the Species Assessment Guides.

**Figure 4
Species Focus Area Habitat**



Site landscaping will consist of 75% native species, per Chapter 107, Article 8. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

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

- A conservation easement in a form approved by the City Attorney must be provided for the wetland area.
- City approval is required for the stormwater management system prior to building permit approval.
- Protection of the wetland area shall be assured through a conservation easement recorded in the public records of Monroe County, Florida, pursuant to Chapter 106, Article 8 – “Conservation Management Areas”.
- To reduce further impact potential to the wetlands for this setback reduction Staff is recommending a six-foot-high fence or wall, between the development and the wetlands. The height of the wall as measured from the improved grade would ensure that human encroachment is less likely to occur.
- Transplantation shall be the priority mitigation plan for the native vegetation in the low-quality hammock per Section 106.09.
- Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.

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

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

Access to the site is via Richard Street (aka 117th Street Gulf) which intersects with US 1.

The applicant submitted a Level III traffic study, prepared by Carter & Burgess Inc., in conjunction with the original approval in 2005. The study reported that while more trips would be added to this section of U.S. 1, there was adequate reserve capacity to absorb these new trips. With the proposed elimination of the five (5) workforce housing units in 2010, that amendment generated a less intense use than the original submittal. With this amendment the additional 18,776 square feet would generate 93 additional daily trips. At the peak demand hours, there would be 10 trips at the peak morning traffic (6 entering & 4 leaving), 12 trips at the peak evening traffic (11 leaving & 1 entering).

The Assistant City Fire Marshal has reviewed the proposed development plans and circulation is acceptable. Planning Commission recommended that the applicant work towards expanding the access road to Seawatch to provide greater access.

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

- Applicant will expand the width of the access road to the greatest extent practicable. Should the expansion be denied by any agency, the denial shall be documented, and the condition shall be severable and not affect any other term or condition of the conditional use approval.

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

Parking requirements are outlined in Sections 107.46 (Parking Schedule).

Use	Code Citation	Requirement	Spaces Required	Spaces Provided
Retail Sales and Service	107.46.1	3 per 1,000 sf of GFA, plus 1 per employee at the largest shift	27	55
Warehouse/Storage	107.46.1	3 per 1,000 sf of GFA	25	6
Total			52	61

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 55 required spaces, 3 handicapped spaces are required. One additional space is provided for this area that in addition to the two that are previously provided.

Per Section 107.48, the Code also requires bicycle parking to be provided at a rate of one space for every ten parking spaces or two spaces for each public and employee entrance, whichever is greater. A bicycle rack is provided.

Because the structure is now proposed to exceed 20,00 square feet, a loading zone is required per Section 107.56. The plans show the loading zone, and the below conditions are to be added to the Conditional Use approval.

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

- Every off-street loading and unloading space shall have direct access to a public street or alley, and shall have the following minimum dimensions: length, 30 feet; width, 12 feet; height, 14 feet of unobstructed vertical clearance.
- Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

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

No detrimental noise, glare or odors are expected to be generated by any of the uses.

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

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 existing development meets this criterion. The site plan does not indicate that the dumpsters are screened and located for easy access and waste removal.

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

- Final site plan must show screened dumpster enclosure prior to permit issuance.

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:

- Water: The Florida Keys Aqueduct Authority (FKAA) will provide potable water for the facility.
- Wastewater: This site is located in Service Area 5 of the City's Wastewater Treatment Project and will connect to the City Wastewater system when available.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Electric: Florida Keys Electric Cooperative Association, Inc. (FKEC) will provide power to the development.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.
- Roadways: The applicant has submitted a traffic study which meets the requirements for the Conditional Use.

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

- City approval is required for the stormwater management system prior to building permit approval.
- City approval of the connection to the city wastewater utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Section 107.71 requires that parcels with an MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed Streetscape Treatment Type 1 is in compliance.

The portion of the property that is zoned Conservation Native Area (C-NA) is bordered by a portion of Conservation Native Area (C-NA) to the north and west, which requires no buffer. The portion of the property that is zoned Mixed Use (MU) is bordered to the north by Residential High (RH) which requires a Medium Type buffer. This portion of the parcel is primarily natural habitat which creates an effective natural buffer. This buffer will be further increased by the relocation of the native vegetation within the building footprint. The applicant is proposing a native transition buffer between the developed and the native area portion of the parcel.

An area of the property zoned Mixed Use (MU) is adjacent to 1stAvenue which requires a Streetscape Type 3 Buffer. The proposed Streetscape Type 3 Buffer is in compliance.

Section 107.66 requires that parking areas be landscaped with canopy trees positioned to provide, at maturity, 50% canopy coverage of the paved parking areas or with canopy trees located within landscaped islands every ten (10) spaces and within linear landscaped islands between head-to-head parking. The proposed site plan shows the correct quantity of landscape material.

At the time of permitting, the applicant will provide the City with a list of all native trees that will be impacted by development with a mitigation and/or transplantation plan to be approved by the biologist. Additionally, all landscape plans, including parking lot landscaping, must be approved by the biologist at time of permitting.

The submitted plans show use of 75% native vegetation, as required by Code. All invasive exotic vegetation, including Brazilian Pepper and Australian Pine, must be removed from the site as a condition of approval.

The minimum setback requirements for structures in the MU district are as follows:

Front (Richard Street)	30 feet
Side (U.S. 1)	10 feet
Shoreline	20 feet from Mean High Water Line (MHWL) or landward edge of the mangroves
Wetlands	50 feet

The proposed site plan shows that the structures will meet the required setbacks, excluding the wetland setback. Thus, the applicant is seeking the variance noted above.

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

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

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

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

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. The applicant will be required to submit a detailed lighting plan for approval prior to Building Permit issuance.

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- A final lighting plan must be submitted prior to permit issuance.

8. Required yards and other open space;

The open space requirement for the Mixed Use (MU) land use district is 20%, as per Table 103.15.2 of the Code. According to table 106.16.1 low quality hammock has a 50% open space ratio. Previous calculations provided by the applicant show that site had 242,299 square feet of open space. The portion of the site zoned C-NA will not be developed, thus having a 100% open space ratio.

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

9. General compatibility with surrounding properties; and

The character of the immediate vicinity of the parcel can be described as a mix of uses, with vacant native area to the north and northwest, residential to the north on the other side of the native area, and commercial to the west and south. As this property is along U.S. 1, where the majority of commercial activities occur, developing the site to include the large commercial operation at the front and preserved native area to the middle, and further commercial within the upland area is consistent with the character of the area.

Section 107.40 restricts the height of buildings to 42' as measured from the crown of the roadway or unimproved grade. The site plan shows that the proposed buildings are below 42'.

Therefore, it is staff's opinion that 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.

There are no special requirements set forth in the LDRs for this particular use, other than those reviewed above.

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

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 an amendment to a previously approved Conditional Use permit. The applicant is proposing changes to the site plan, most notably the increase beyond the previously approved second phase. 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 commercial redevelopment of Florida Keys Aquarium Encounters to the Planning Commission. The Planning Commission voted 4-0 to recommend conditional approval of the development to City Council. The proposed conditions of approval are listed below. Planning staff is still recommending approval.

Conditions of Approval

- 1) A CBPAS allocation for 24,806 square feet must be obtained prior to development of the second building;
- 2) Must meet all conditions of the Fire Marshal prior to permit issuance.
- 3) A conservation easement in a form approved by the City Attorney must be provided for the wetland area.
- 4) City approval is required for the stormwater management system prior to building permit approval.
- 5) Protection of the wetland area shall be assured through a conservation easement recorded in the public records of Monroe County, Florida, pursuant to Chapter 106, Article 8 – “Conservation Management Areas”.
- 6) To reduce further impact potential to the wetlands for this setback reduction Staff is recommending a six-foot-high fence or wall, between the development and the wetlands. The height of the wall as measured from the improved grade would ensure that human encroachment is less likely to occur.
- 7) Transplantation shall be the priority mitigation plan for the native vegetation in the low-quality hammock per Section 106.09.
- 8) Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 9) Applicant will expand the width of the access road to the greatest extent practicable. Should the expansion be denied by any agency, the denial shall be documented, and the condition shall be severable and not affect any other term or condition of the conditional use approval.
- 10) The applicant will meet all floodplain related requirements as part of the building permit process.
- 11) Every off-street loading and unloading space shall have direct access to a public street or alley, and shall have the following minimum dimensions: length, 30 feet; width, 12 feet; height, 14 feet of unobstructed vertical clearance.
- 12) Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.
- 13) Final site plan must show screened dumpster enclosure prior to permit issuance.

- 15) City approval is required for the stormwater management system prior to building permit approval.
- 16) City approval of the connection to the city wastewater utility will be required.
- 17) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 18) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- 19) A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- 20) All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- 21) A final lighting plan must be submitted prior to permit issuance.
- 22) The applicant will obtain any required permits from SFWMD, DEP, and ACOE prior to building permit issuance.

Exhibit A

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-159**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY FLORIDA KEYS ANIMAL ENCOUNTERS, LLC FOR A MAJOR CONDITIONAL USE PERMIT, PURSUANT TO SECTION 9.5-69 OF THE CITY OF MARATHON CODE, AUTHORIZING THE DEVELOPMENT OF COMMERCIAL BUILDINGS AND RESIDENTIAL DWELLING UNITS TO OPERATE AS A SEA LIFE AMUSEMENT PARK AND A MARINE EDUCATIONAL FACILITY, AT PROPERTY LOCATED ON THE NORTHEASTERN CORNER OF THE INTERSECTION OF OVERSEAS HIGHWAY AND 117TH STREET, GULF, 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

WHEREAS, on the 17th day of October, 2005, the City of Marathon Planning Commission and on the 8th day of November, 2005, the City of Marathon City Council, conducted properly advertised public hearings regarding the request submitted by Florida Keys Animal Encounters, LLC (the "Applicant"), for a major conditional use permit pursuant to Sections 9.5-69 of the City Code (the "Code"); and

WHEREAS, the purpose of the major conditional use permit is to allow the Applicant to develop commercial buildings and affordable residential dwelling units for a sea life amusement park and marine educational facility (the "Proposed Use") at the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:


Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby approves Development Order Number 2005-15, a copy of which is attached hereto as Exhibit "A", granting a major conditional use to the Applicants for the Proposed Use. The Director of Planning is authorized to sign the Development Order on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 22nd day of November, 2005.

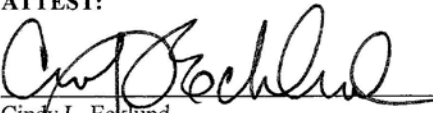
THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Bull, Mearns, Miller, Pinkus, Bartus
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney



**CITY OF MARATHON, FLORIDA
MAJOR CONDITIONAL USE
DEVELOPMENT ORDER # 2005-15**

A DEVELOPMENT ORDER APPROVING THE MAJOR CONDITIONAL USE APPLICATION SUBMITTED BY FLORIDA KEYS ANIMAL ENCOUNTERS, LLC, FOR A MAJOR CONDITIONAL USE PERMIT, PURSUANT TO SECTION 9.5-69 OF THE CITY OF MARATHON CODE, AUTHORIZING THE DEVELOPMENT OF COMMERCIAL BUILDINGS AND RESIDENTIAL DWELLING UNITS TO OPERATE AS A SEA LIFE AMUSEMENT PARK AND A MARINE EDUCATIONAL FACILITY, AT PROPERTY LOCATED ON THE NORTHEASTERN CORNER OF THE INTERSECTION OF OVERSEAS HIGHWAY AND 117TH STREET, GULF, AND LEGALLY DESCRIBED AS PART OF GOVERNMENT LOT 4, SECTION 5, TOWNSHIP 66 SOUTH, RANGE 33 EAST, KEY VACCAS, MONROE COUNTY, FLORIDA (THE "PROPERTY"), HAVING REAL ESTATE NUMBER 00104130-000000; PROVIDING FOR A TERM OF THE APPROVAL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Keys Animal Encounters, LLC (the "Applicant") owns the Property and applied for a Major Conditional Use approval to redevelop the existing commercial floor area and residential units on the Property which is located in the Suburban Commercial (SC) land use districts (the "Application"); and

WHEREAS, the City of Marathon Planning Commission (the "Commission"), in accordance with the provisions of Sections 9.5-22 and 9.5-69 of the City of Marathon Land Development Regulations (the "LDR's"), met to review the Application to determine its compliance with the applicable regulations on October 17, 2005; and

WHEREAS, the Commission recommended conditional approval of the Application to the City of Marathon City Council (the "Council"); and

WHEREAS, the Council in accordance with the provisions of Sections 9.5-21 and 9.5-69 of the LDR's, met to review the Application to determine its compliance with the applicable regulations on November 8, 2005; and

WHEREAS, the Council has duly considered the recommendation of the Commission, and the information and documentary evidence submitted by the Applicant and does hereby find and determine as provided below.

FINDINGS OF FACT:

1. Based on the submitted site plan, the entire Property is 8.99 acres, but the portion to be developed is 1.7 acres. Currently the site includes 2,800 square feet of commercial floor area. The Applicant is proposing one 2,800 square foot commercial building with two (2) affordable

dwelling units, one 6,000 square foot commercial building with three (3) affordable dwelling units, and several accessory structures for the sea life amusement park, including an animal encounter tank.

2. In accordance with Section 9.5-65 of the Code, the Commission and Council considered and determined the Applicants met the following criteria:
 - a. The Proposed Use is consistent with goals, objectives and policies of the City Comprehensive Plan (the "Plan") and Chapter 9.5 of the Code; and
 - b. The Proposed Use is consistent with the character of the immediate vicinity of the parcel proposed for development; and
 - c. The design of the Proposed Use minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties; and
 - d. The Proposed Use will not have an adverse effect on the value of surrounding properties; and
 - e. The public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, hurricane shelter, drainage systems, refuse disposal, water and sewers, and schools are adequate; and
 - f. The Proposed Use complies with all additional standards imposed on it by the particular provisions of Chapter 9.5 of the Code, authorizing such use and by all other applicable requirements of the Code.

CONDITIONS IMPOSED:

Granting approval of the Application is subject to the following conditions:

1. The handicap spaces must be 21 feet long.
2. Prior to issuance of building permits, the Applicant must submit stormwater management plans demonstrating the redeveloped Property will comply with the applicable City and State stormwater regulations. Additionally, no direct outfalls to Outstanding Florida Waters shall be permitted.
3. The Applicants will be required to install three (3) fire hydrants on the Property, upon the recommendation of the Fire Department. All new buildings shall require the installation of sprinkler systems and otherwise comply with all Fire Alarm System and Life Safety Code Requirements prior to issuance of any building permits.
4. Two (2) 120% Affordable ROGO allocations have been awarded to the project out of the City's bank of Affordable ROGO allocations. The units shall be for rental and employee housing only and the applicant shall record a restrictive covenant prior to the issuance of any building permits for such units. The restrictive covenant shall be for a minimum of fifty (50) years and shall be renewable for two (2) fifty (50) year periods. The developer will enter into an agreement with the Middle Keys Community Land Trust (MKCLT) or other similar organization to provide services for both the initial and annual income qualifications of tenants of the affordable/workforce housing. This agreement shall be in place and approved by the City prior

to the issuance of a CO for the affordable/working force housing units. The remaining three (3) employee units must obtain Affordable ROGO allocations prior to development.

5. The affordable/workforce housing units must obtain a CO concurrent or prior to the CO for the commercial floor area of the respective building they are to be built in.
6. An NROGO allocation for 6,000 square feet must be obtained prior to development of the second building.
7. The applicant shall submit an application for a building permit(s) within one (1) year of the date of approval of the conditional use. Should the applicant fail to submit an application for building permit(s) prior to the expiration of this conditional use approval, the two (2) 120% Affordable ROGO allocations awarded under this conditional use approval shall be returned to the City.

VIOLATION OF CONDITIONS:

The Applicants understand and acknowledge that they must comply with all of the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicants or their successor or designee is in non-compliance with this Development Order or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the City Code, and will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law;
 - (c) Supported its decision by substantial competent evidence of record; and
3. The Application for a major conditional use is hereby GRANTED subject to the conditions contained herein.

RECORDING:

The Applicants shall at their sole cost and expense, record a certified copy this Development Order in the Public Records of Monroe County, Florida within five (5) days of receipt of same from the City.

The Applicants shall provide the City with proof of the recording of the Development Order in accordance with the provisions of this paragraph.


EFFECTIVE DATE:

The Director of Planning shall sign this Development Order, and it shall not take effect for thirty (30) days following the date it is rendered/filed with the City Clerk. During that time, the major conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this Development Order until said appeal is resolved.

23 Nov 05
Date


Gail E. Kenson, AICP
Planning Director

This Development Order was filed in the Office of the City Clerk of this 23 day of Nov, 2005.


Cindy L. Ecklund, City Clerk

NOTICE

Section 9.5-72 (a) of Marathon City Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Under the authority of Section 9.5-72(a) of the City of Marathon Land Development Regulations, this Development Order shall become null and void with no further notice required by the City, unless a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within six (6) months of the expiration of the Department of Community Affairs appeal period or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this Development Order is approved by the City Council.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

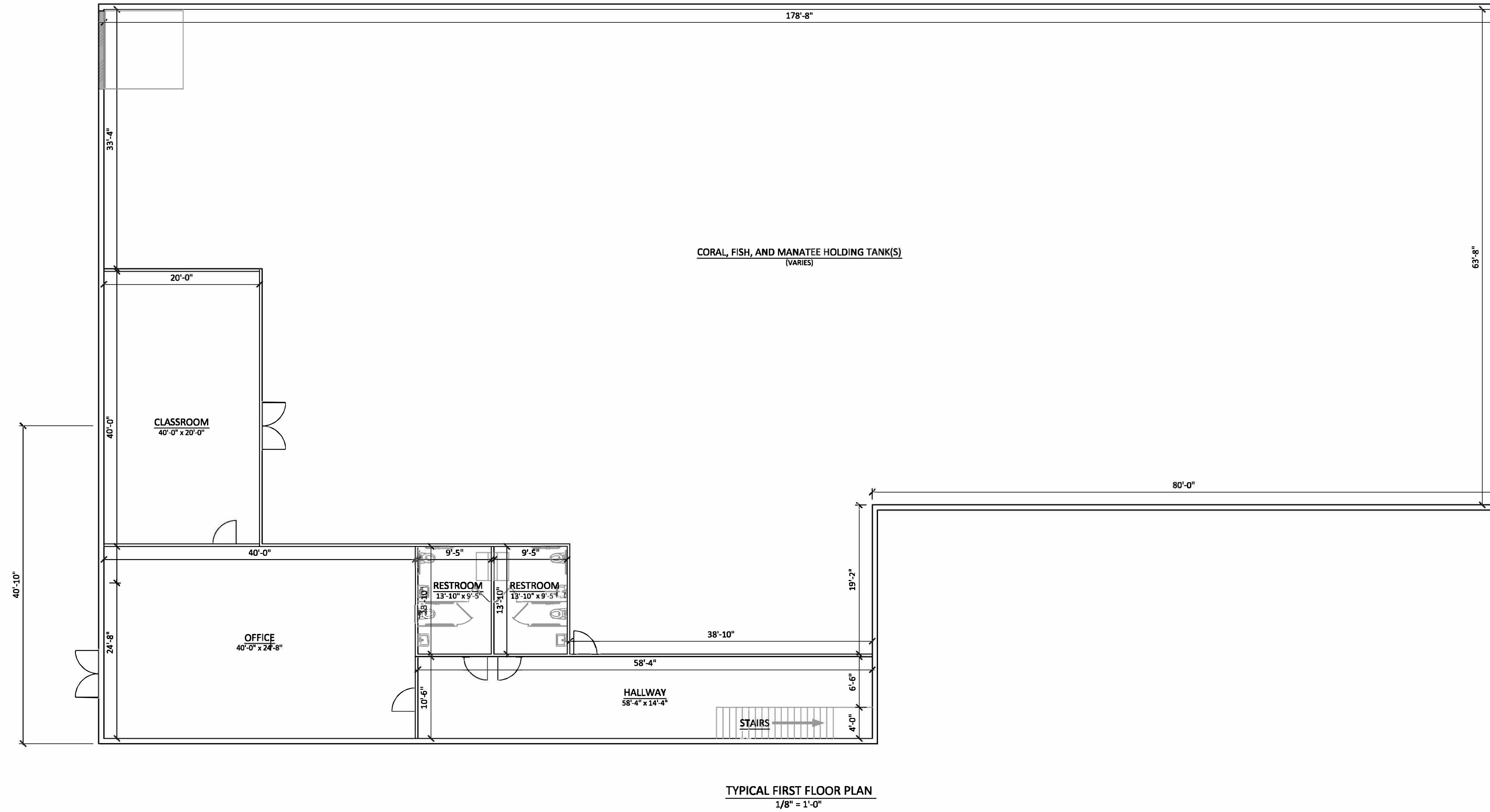
A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to Florida Keys Animal Encounters, LLC, 10602 7th Avenue, Marathon, Florida 33050, this 23 day of November, 2005.



Cindy L. Ecklund, City Clerk

Site Plan

Floor Plan & Elevations



TYPICAL FIRST FLOOR PLAN
1/8" = 1'-0"

Design:	JNB
Drawn:	JNB
Checked:	MUG
Approved By:	1/8" = 1'
Scale:	19010.006
Job No:	07-09-2021
Date issued:	

WELER ENGINEERING CORPORATION
WEC *alliance in engineering*
 201 W. MARION AVE, SUITE 1306
 PUNTA GORDA, FLORIDA 33950
 941.505.1700
 BE #6656

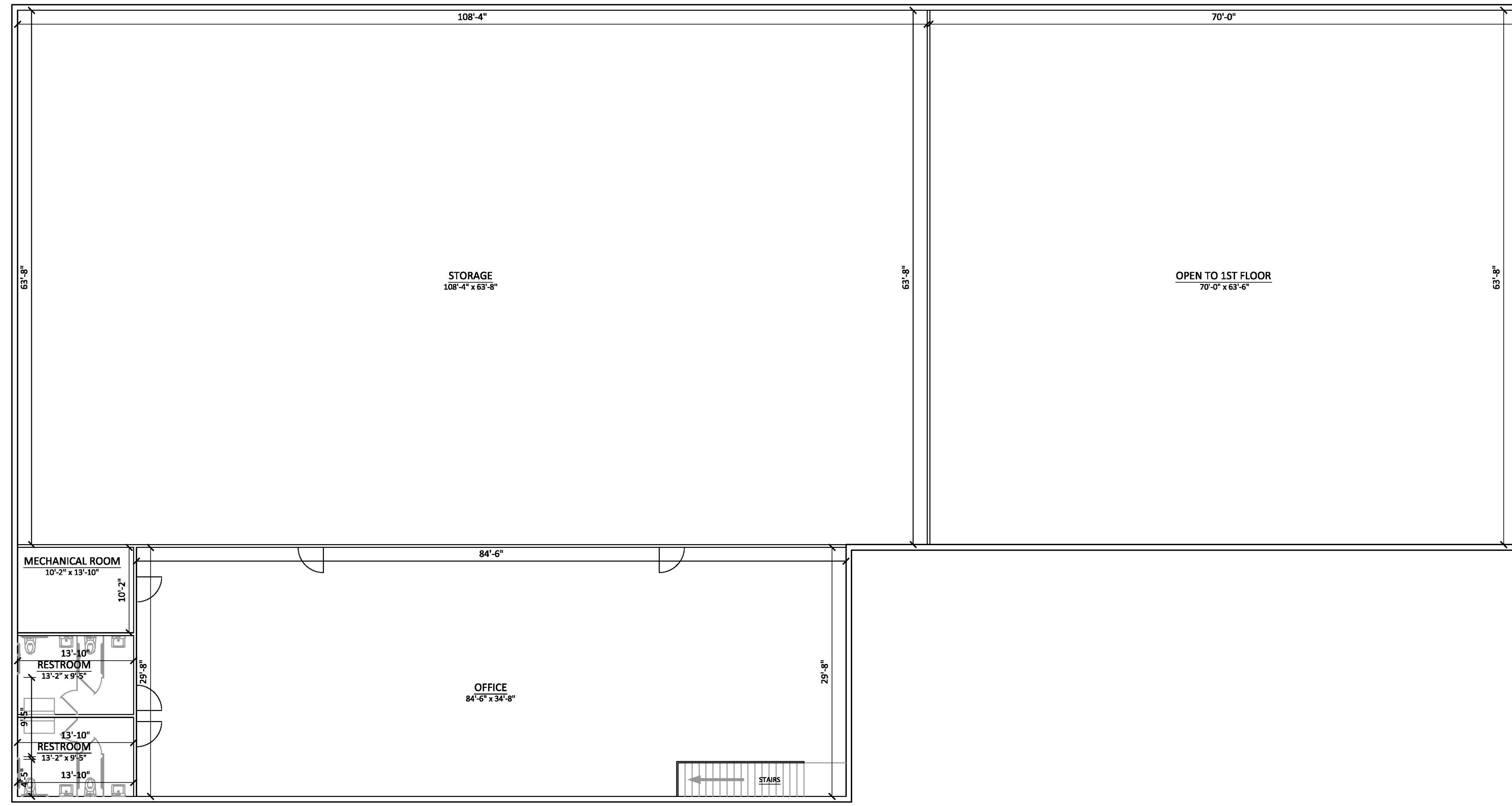
CONCEPTUAL FLOOR PLAN
for
AQUARIUM ENCOUNTERS

Description	Revisions

EXHIBIT ONLY
NOT FOR
CONSTRUCTION

PRELIMINARY
NOT FOR
CONSTRUCTION
07-09-2021

Michael J. Gerardo
Professional Engineer
State of Florida
Registration No. 76676



TYPICAL SECOND FLOOR PLAN
1/8" = 1'-0"

Design:	JNB
Drawn:	JNB
Checked:	MUG
Approved By:	
Scale:	1/8" = 1'
Job No:	19010.006
Date issued:	07-09-2021

WELER ENGINEERING CORPORATION
WEC 25th Anniversary
 excellence in engineering
 201 W. MARION AVE, SUITE 1306
 PUNTA GORDA, FLORIDA 33950
 941.505.1700
 BR #6656

CONCEPTUAL FLOOR PLAN
for
AQUARIUM ENCOUNTERS

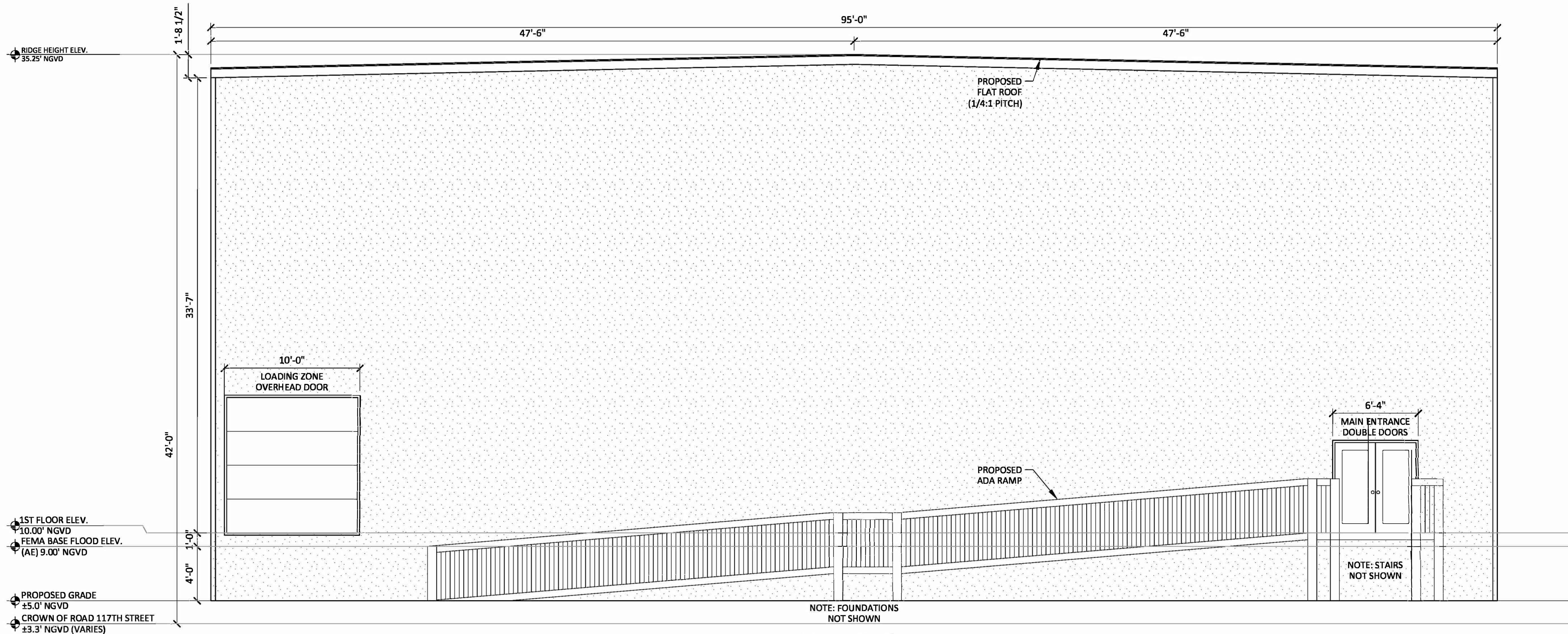
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NOT FOR
CONSTRUCTION
07-09-2021

Michael J. Grandullo
Professional Engineer
State of Florida
Registration No. 70676

USER: nick PLOTTED THE FRONT-ELEV LAYOUT OF W:\2020\20029.001 Aquarium Encounters\wg\Concept Elevations (Preliminary) (2021-07-09).dwg, ON Jul 09, 2021 @ 2:31 pm



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

NOTE: FOUNDATIONS NOT SHOWN

NOTE: STAIRS NOT SHOWN

Approved By:	MJG	JNB
Scale:	1/4" = 1'	JNB
Job No:	19010.006	MJG
Date issued:	07-09-2021	

WHEELER ENGINEERING CORPORATION
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FRONT ELEVATION
for
AQUARIUM ENCOUNTERS

Revisions	Description

REVIEW ONLY
 NOT FOR CONSTRUCTION
 07-09-2021

EXHIBIT ONLY
 NOT FOR CONSTRUCTION

Michael J. Gerardo
 Professional Engineer
 State of Florida
 Registration No. 76676