



City of Marathon Planning Commission
Monday October 18, 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. Please be advised that some of the items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item please inform the Boards clerk by filling out an available sign up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The general public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. 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 Seaview Commons LLC For Vacant Land On Pescayo Ave, Which Is Described As Lot 1, Block 6 of Coco Plum Beach, Fat Deer Key Marathon, Monroe County, Florida, Having Real Estate Number 00363510-000000. Nearest Mile Marker 54.

2. 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 The Property Described As Block 2, Lot 2 First Addition to Seacrest, Key Vaca Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The

State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

3. An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 2, Lot 2 First Addition to Seacrest, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.



**City of Marathon Planning Commission
Monday September 20, 2021
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, September 20, 2021, at 5:31 pm.

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

The Pledge of Allegiance was recited.

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

Landry asked for a motion to approve the minutes of the last meeting. Sexton moved to approve. Royse seconded. The roll was called. The minutes were approved 3-0.

Item 1 was read into the record. An Ordinance Of The City Of Marathon, Florida Amending The Comprehensive Plan By Amending The Existing Property Rights Element To Include Further Protections Of Private Property Rights; 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 State Department Of Economic Opportunity.

Shea presented the item.

There were no comments. There were no public speakers.

Royse moved to approve. Landry seconded.

The roll was called. The item was approved 3-0.

Item 2 was read into the record. An Ordinance Of The City Of Marathon, Florida Amending The Code Of Ordinances Chapter 6 Entitled "Buildings And Building Regulations" Article III Entitled "Building Code" Sections 6-25 And 6-26 Entitled "Amendments To The Florida Building Code, Building" And "Amendments To The Florida Building Code, Existing Building" Respectively, Amending The Cumulative Period For Substantial Damage And Substantial Improvement; And Amending The Land Development Regulations Chapter 110 Entitled "Definitions", Article 3 Entitled "Defined Terms"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For The Transmittal Of This Ordinance To The Florida Building Commission; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Shea presented the item.

Council asked that the FEMA substantial damage (50% rule) cumulative time frame be reduced from 3 years to 1 year. No CRS points will be lost in doing so.

There were no public speakers.

After a brief discussion Landry moved to approve. Sexton seconded. The roll was called. The item was approved 3-0.

Adjourned at 5:38pm.

ATTEST:

Lynn Landry – Planning Commission Chairman

ATTEST:

Lorie Mullins-Administrative Assistant
City of Marathon Planning Department

Audio-Video is available upon request.

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: October 18, 2021
To: Planning Commission
From: Amber Stonik, Planning Associate

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 Seaview Commons LLC For Vacant Land On Pescayo Ave, Which Is Described As Lot 1, Block 6 of Coco Plum Beach, Fat Deer Key Marathon, Monroe County, Florida, Having Real Estate Number 00363510-000000. Nearest Mile Marker 54.

RECOMMENDATION:

The planning staff recommends conditional approval of Seaview Common LLC’s Bonefish Harbor preliminary plat proposing five individual lots for single family residences. The proposed conditions follow:

Conditions of Approval

1. Acquisition of any development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall meet all NFPA 1 and NFPA 101 requirements including access and apparatus turnaround, water supply for fire suppression.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
5. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.
6. The applicant will provide the required number of parking spaces per the LDRs
7. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
8. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

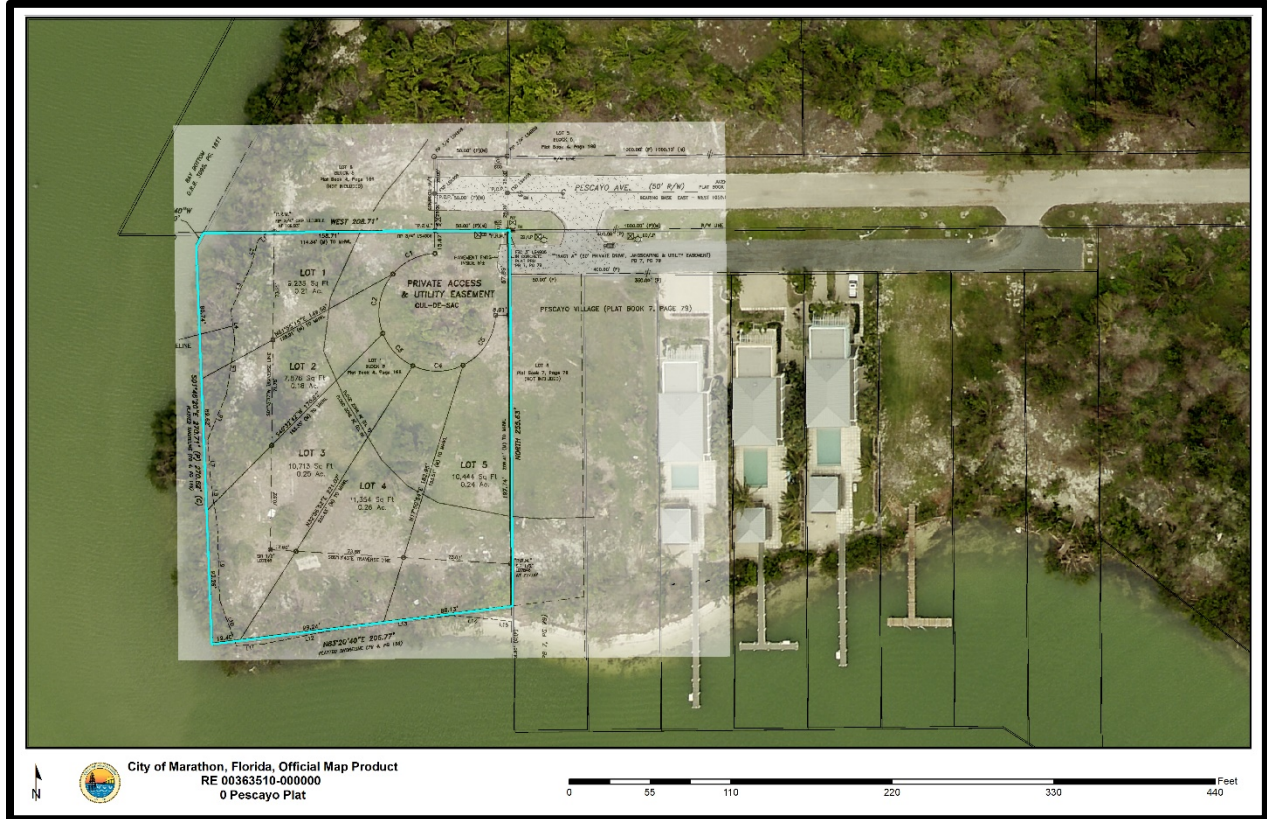
APPLICANT/ OWNER: Seaview Commons LLC

AGENT: Barbara Mitchell

LOCATION:

The project site is located at 0 Pescayo Ave, Marathon – Nearest Mile Marker 54. See **Figure 1**.

Figure 1
Project Site



LOT SIZE:

Total acreage 1.26 Acres (Ac.) 54,929 Square Feet (Sq. Ft.)

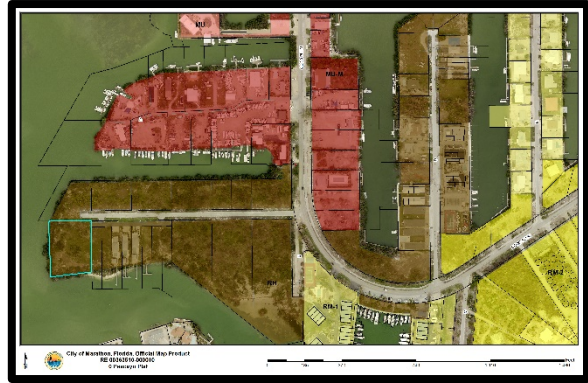
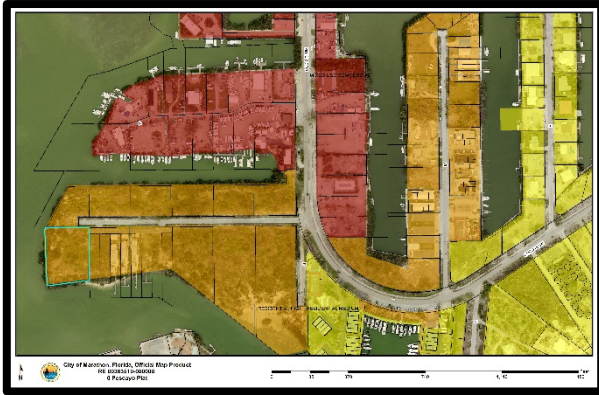
REQUEST: A Conditional Use Permit to authorize the preliminary plat of the residential parcel into five lots for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS:

Residential High (RH) and Residential High (RH) See **Figure 2 A. and B.**

2.A FLUM Map

2.B Zoning Map



SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	Residential High	Vacant
East	Residential High	Vacant and single family residential
South	N/A	Water
West	N/A	Water

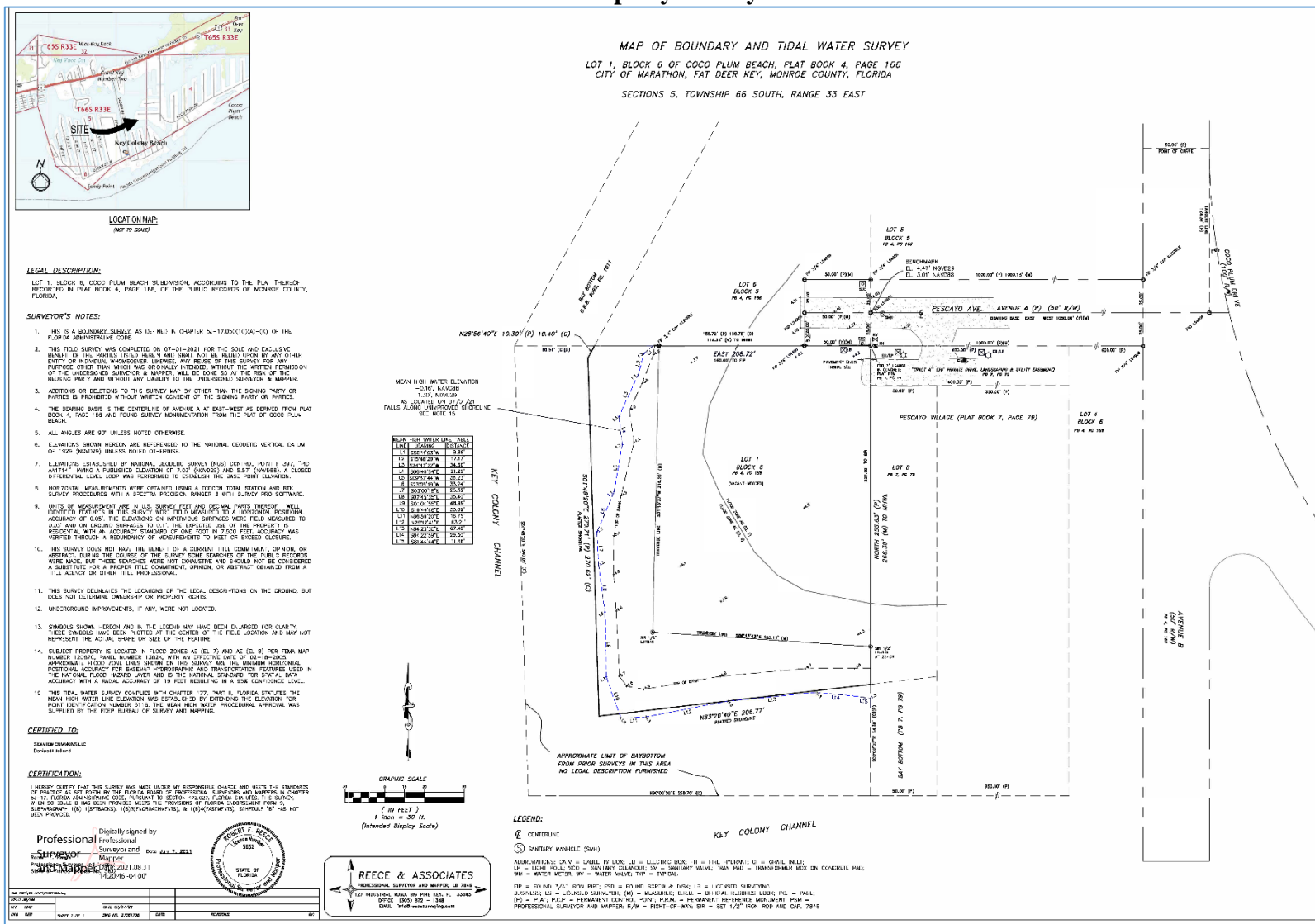
EXISTING CONDITIONS:

Currently, the site is vacant land.



LOT 1, BLOCK 6, VIEW FROM AVENUE A

Figure 3 Property Survey



PROPOSED REDEVELOPMENT:

The proposed development is five single family homes on individually platted lots.

Figure 3.

BACKGROUND:

The site is vacant land that is designated as undeveloped, mangroves and exotic on the city habitat maps. This application requests approval to subdivide the parcel into five parcels.

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

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

Consistent with the Comprehensive Plan

The proposed development project is located within the Residential High (RH) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed 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 proposed plat consisting of five single family lots within the Residential High Zoning District.

a. Objective 1-1.1. Protect Community Character

The parcel proposed for subdivision is designate Residential High. It is located on the western side of Coco Plum Dr at the end of Pescayo Ave. The neighborhood consists of single-family homes and vacant plated lots. The proposed subdivision plat will not increase the density that is currently allowable. There is sufficient density to support five single family market rate homes. Neither a Comprehensive Plan or Zoning change is needed or requested.

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

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

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

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

d. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential neighborhood. The proposed subdivision consists of five lots divided radially all access from a center point on the property. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot.

e. Objective 1-2.1 Levels of Service

The parcel is vacant. The street is serviced by public infrastructure. There is electricity, water, and sanitary sewer to this parcel. The FCAA, FKEC, and City utility and public works departments have been contacted as part of the application process, Letter of Coordination have been requested and responses received are included in this application. A complete set of Civil and Architectural/Plumbing plans will be required for review to determine water main requirements, meter requirements and system development charges. The applicant proposes the use of the 8" Gravity Sanitary Sewer Main and connect to City Wastewater system. The original sanitary system design does not accommodate any future development to this magnitude. The size of the wet well will most likely be insufficient and require an update. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.

f. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Residential High. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

g. Policy 1-3.2.5 Maximum Height

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

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

The residential density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The submitted plat proposes a density equivalent to 3.96 market rate unit per acre.

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

The site is undeveloped.

j. Policy 1-3.3.2 Removal of Hazard Structures

There are no existing hazards on the parcel.

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

The purchase or market rate building rights or BPAs applications will be required for construction of the residential units on the site.

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

No shoreline stabilized is proposed for this plat.

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

a. Section 103.12 .B. – Residential High (RH) District

The RH 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). Market Rate permanent residential housing is permitted.

b. Table 103.15.1 Uses By Zoning District – Residential High (RH)

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

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

The subject project site contains 54,929 square feet of upland. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the Residential High Zoning district. For residential uses, the units per acre is (8) market rate, fifteen (15) to 25 (25) affordable units.

The proposed project, a subdivision of one parcel into five lots, will exceed the minimum lot size of 5,445 square feet required for market rate development, the equivalent density is approximately 4 units per acre. Based upon the use the proposed density is within Code requirements.

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

New BPAS allocation will be required for this project or purchase of transferrable building rights.

e. Section 107.47 Parking

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

f. Section 107.40 Maximum Height

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

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

g. Sections 107.63 – 107.72 Landscaping

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits. Pursuant to Residential High zoning district no landscape buffers are required on the east property line.

h. Sections 107.73 – 107.81 Open Space

The required open space ratio for this site is 20% of the 1.26-acre parcel or 10,986 square feet. Upon approval of the Plat of Subdivision, each lot will be required to provide 20% open space.

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

i. Sections 107.82 – 107.85 Fences and Screening

There are no fences on this property.

j. Sections 107.87 – 107.97 Stormwater Management

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

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

k. Sections 107.98 – 107.102.5 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE8 to AE 7. Review of the proposed FEMA FIRM maps indicate more of the site will be located in the AE 8 zone. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations.

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

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

The Future Land Use designation for this area is Residential High intended to establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes while permitting single family residential use. The proposed per acre density is less than 8 units per acre and is consistent with the Land Development Code and the Comprehensive Plan.

The parcels surrounding proposed single-family residential community are vacant. To the east, are single family homes.

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 increase in density from this proposed conditional use more closely aligns the purpose of the Residential High zoning district. Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Plats and subdivisions are permitted only when approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RH district based on the types of uses proposed. The proposed uses fall within the allowed densities and intensities for the parcel.

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

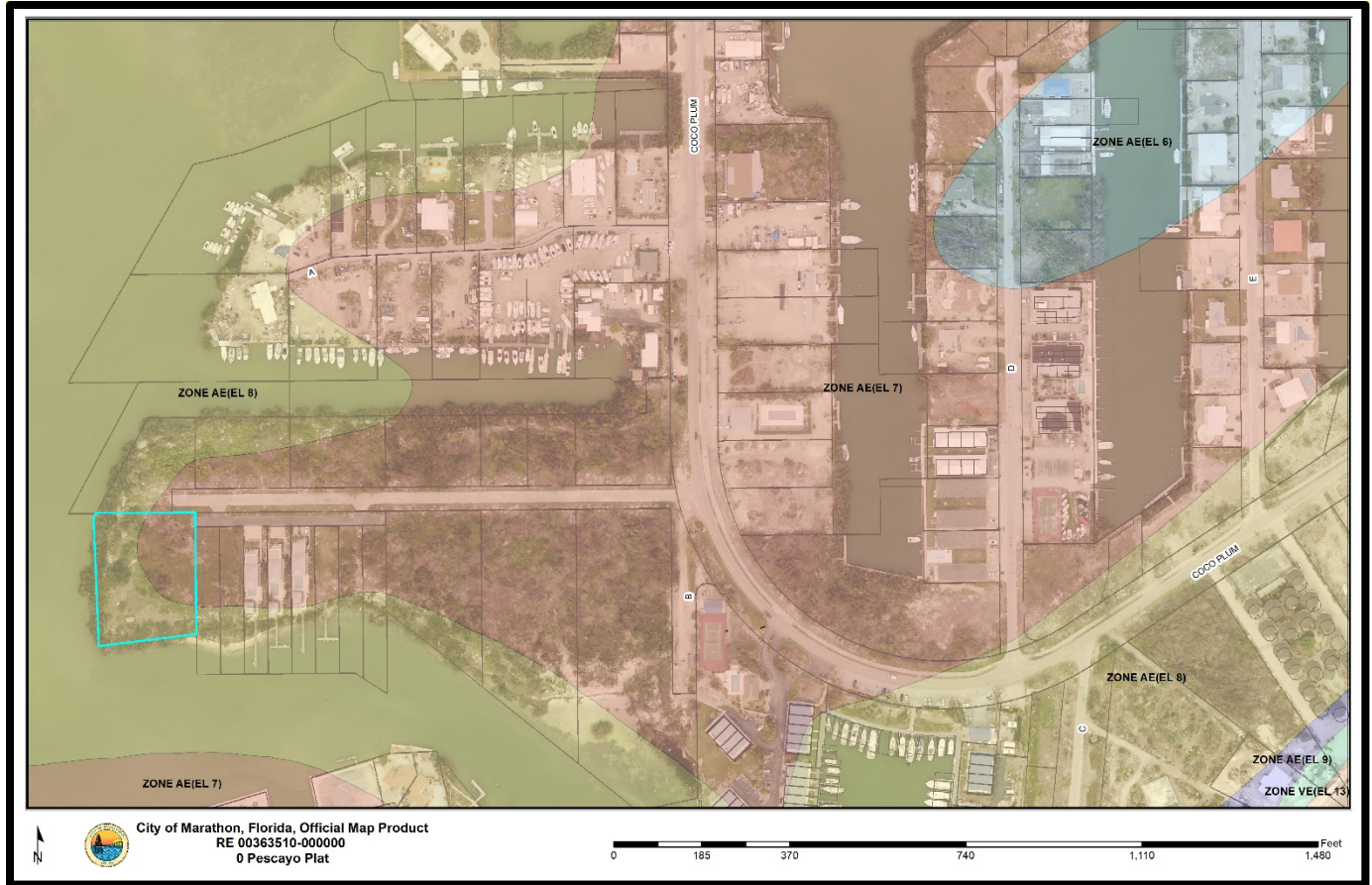
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed plat is for residential, and buildings will be built in compliance with all applicable City Building Codes. No new adverse impacts are expected to arise with the development.

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

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

**Figure 5
Flood Zones**



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

The project will minimize environmental impacts in accordance with Chapter 106 Natural and Historic Resources Protection. In summary, the site is scarified. Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. Pursuant to Article 2, Section 106.03 of the City Land Development Regulations, an Environmental Resource Assessment was not required.

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

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

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

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

Provisions have been made as part of the subdivision layout to address fire access.

- The applicant shall comply with all NFPA1 and NFPA 101 requirements including water supply for fire suppression and access to properties.

Table 1 Trip Generation Summary Bonfish Harbor - Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed</i> Single-Family Detached Housing	5 DU	47	1	3	4	3	2	5

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

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

The proposed development of five single-family residential units is projected to generate 47 daily vehicle trips, four (4) AM peak hour vehicle trips and five (5) PM peak hour vehicle trips. The projected increase in vehicle trips is considered to be minimal.

Therefore, with 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 will provide the required number of parking spaces per the LDRs.

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

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

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

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

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The applicant must work with the Utility Department to determine the additional required infrastructure. All associated costs for the upgrades will be at the applicants expense.
- Water: The Florida Keys Aqueduct Authority already provides 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.
- Recreation and Open Space: This redevelopment already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

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

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned Residential High (RH) and is bordered to the east by properties zoned Residential High.

Table 103.15.2 outlines setback requirements in the RH district as follow: front yard 10'; side yard 1 and 2, 5'

Building plans will meet the required 10' setback on the front yard, and rear yard setbacks are 20' for water buffer. Side setbacks on all lots are 5'.

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

Pursuant to Residential High zoning district, not landscape buffers are required.

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

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

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

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

8. Required yards and other open space;

The required setbacks in the RH district are 10'. The open space ratio for this district is 20%. Final building plans will meet the required open space ratio in compliance with City Code requirements.

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

9. General compatibility with surrounding properties; and

The proposed development is for five single-family residential lots. The surrounding neighborhood is single-family residential use. Adjacent uses are residential. The scale and layout of the proposed lots are consistent with the City Code.

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

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

The design of the residential dwelling units will comply with Section 104.48 - Residential Dwelling Units and provisions.

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

CONCLUSION:

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

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

RECOMMENDATION:

The Planning staff recommended conditional approval of the project known as to the Bonefish Harbor Plat to the Planning Commission.

Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of all development rights are the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA1 and NFPA 101 including water supply for fire suppression and access to properties.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
5. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.
6. The applicant will provide the required number of parking spaces per the LDRs
7. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
8. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

ANALYSIS OF PLAT APPROVAL REQUEST:

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

RECOMMENDATION:

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

Conditions:

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

Attachments:

BONEFISH HARBOR

A REPLAT OF LANDS AS DESCRIBED AS LOT 1, BLOCK 6 OF COCO PLUM BEACH, A SUBDIVISION AS DESCRIBED IN SECTION 5, TOWNSHIP 86 SOUTH, RANGE 33 EAST CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA

AUGUST, 2021

LOCATED IN SECTION 5, TOWNSHIP 86 SOUTH, RANGE 33 EAST CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA



LEGAL DESCRIPTION:

LOT 1, BLOCK 6, COCO PLUM BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 166, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

LINE	BEARING	DISTANCE	CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
L1	S01°13'31"W	8.89'	C1	33.00'	40.00'	471.6147'	S84°59'06"W	39.07'
L2	S75°42'30"W	17.15'	C2	43.00'	60.00'	1136.2891'	S101°10'06"W	43.89'
L3	S42°47'22"W	34.38'	C3	30.00'	40.00'	443.0627'	S42°46'45"E	30.04'
L4	S02°04'54"E	21.00'	C4	20.00'	40.00'	509.6444'	N89°47'42"E	34.41'
L5	S09°37'44"W	36.23'	C5	42.00'	60.00'	937.0714'	N30°52'22"E	60.95'
L6	S23°09'19"W	32.24'						
L7	S03°09'05"E	25.70'						
L8	S07°42'30"W	35.40'						
L9	S01°14'50"E	48.69'						
L10	S19°44'08"E	33.02'						
L11	N89°52'30"E	18.75'						
L12	N19°13'41"E	63.21'						
L13	N84°26'30"E	87.46'						
L14	S84°22'30"E	28.20'						
L15	S81°14'44"E	11.46'						

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT _____ OWNER OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF MARATHON, ON FAT DEER KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "BONEFISH HARBOR".

THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO, REPEAT THE HEREIN DESCRIBED PROPERTY IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

OWNERS ACKNOWLEDGMENT:

IN WITNESS WHEREOF, THE SAID _____ HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY DENISE H. HOLLAND, MANAGING MEMBER.

BY: DENISE H. HOLLAND, MANAGING MEMBER

WITNESS FOR HOLLAND

NOTARY ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DENISE H. HOLLAND, MANAGING MEMBER OF _____ AND RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER _____ OF THE PUBLIC RECORDS OF _____ COUNTY, FLORIDA, DOES HEREBY RATIFY, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON. IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ AND ATTESTED BY ITS SECRETARY.

THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES _____

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:

OF REAL ESTATE AND SECURITY AGREEMENT DATED _____ THE HOLDER OF THAT CERTAIN MORTGAGE INSTRUMENT NUMBER _____ OF THE PUBLIC RECORDS OF _____ COUNTY, FLORIDA, DOES HEREBY RATIFY, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON. IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ AND ATTESTED BY ITS SECRETARY.

BY: _____ PRINT NAME: _____

NOTARY ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____ SECRETARY OF _____ TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CONSENT TO DEDICATION, AND THE EACH DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICERS, FOR AND IN BEHALF OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES _____

TITLE CERTIFICATION:

STATE OF FLORIDA
COUNTY OF MONROE

WE, _____ A TITLE INSURANCE CORPORATION DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS RESTED TO _____ THAT HAVE CURRENT TAXES PAID; THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

BY: _____ DATE: _____

APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "BONEFISH HARBOR" ON THE _____ DAY OF _____, 2021. BY: _____

APPROVAL OF MARATHON CITY COUNCIL:

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "BONEFISH HARBOR" ON THE _____ DAY OF _____, 2021, BY RESOLUTION NO. _____ PROVIDED THAT THIS PLAT IS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF MONROE COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS FROM SAID DATE.

CITY OF MARATHON, FLORIDA

BY: _____ LUIS GONZALEZ, MAYOR _____ DIANE CLAVER, CITY CLERK

APPROVAL BY CITY OF MARATHON OFFICIALS:

APPROVED: _____ CARLOS SOLIS, CITY ENGINEER
BY: _____ JOHN JOHNSON, CITY FIRE MARSHALL

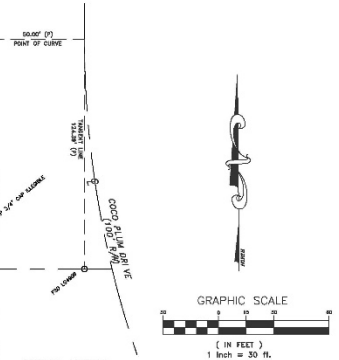
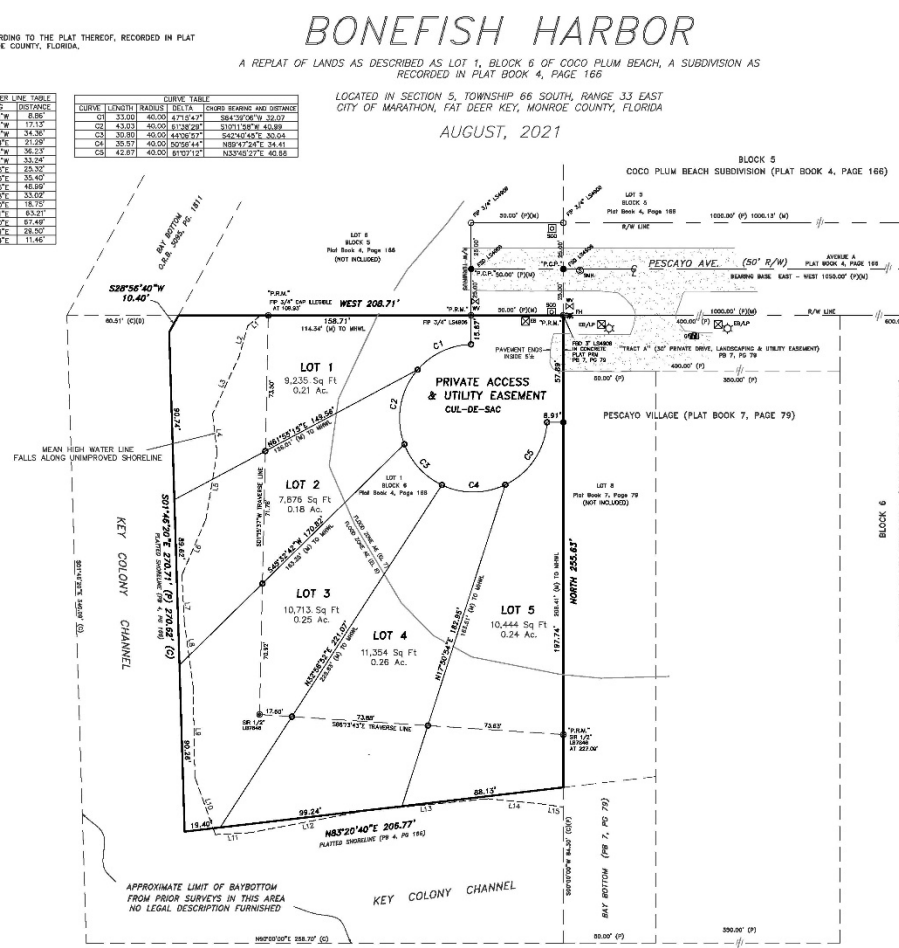
APPROVAL OF THE CLERK OF THE CIRCUIT COURT

THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF CITY OF MARATHON, FLORIDA, ON THE _____ DAY OF _____, 2021, AND WAS FILED FOR RECORD THIS _____ DAY OF _____, 2021, AT _____ AM/PM AND RECORDED ON PAGE _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

REVIEW AND APPROVAL OF THE CITY SURVEYOR

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

BY: _____ DAVID WILLIAM MEDANIEL, P.S.M. DATE _____
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5840



SYMBOL LEGEND:

- P.R.M.
- P.C.P.
- S.R.
- CENTERLINE

SURVEYOR'S NOTES:

- LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE.
- THE BEARING BASIS FOR THIS PLAT IS THE CENTERLINE OF AVENUE A AT EAST-WEST AS DERIVED FROM PLAT BOOK 4, PAGE 166 AND FOUND SURVEY MONUMENTATION FROM THE PLAT OF COCO PLUM BEACH.
- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
- THE EXPECTED USE OF THE PROPERTY RESIDENTIAL WITH AN ACCURACY STANDARD OF ONE FOOT IN 7,500 FEET. ACCURACY WAS VERIFIED THROUGH A REDUNDANCY OF MEASUREMENTS TO MEET OR EXCEED CLOSURE.
- UNDERSGROUND IMPROVEMENTS, IF ANY WERE NOT LOCATED.
- SYMBOLS SHOWN HEREON AND IN THE LEGEND MAY HAVE BEEN ENLARGED FOR CLARITY. THESE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
- THE MHWL AS SHOWN ON THIS SURVEY MAP WAS IDENTIFIED IN THE FIELD BY PHYSICAL EVIDENCE ON SITE SUCH AS DISCONTINUATION, VEGETATION INDICATIONS, WEAIR LINES OR VERTICAL FACES ALONG AN ALTERED SHORELINE.
- ABBREVIATIONS: FIP = FOUND 3/4" IRON PIPE; FSD = FOUND SCREW & COOK; LB = LICENSED SURVEYING BUSINESS; LS = LICENSED SURVEYOR; (M) = MEASURED; D.R.B. = OFFICIAL RECORDS BOOK; PG. = PAGE; (P) = PLAT; P.C.P. = PERMANENT CONTROL POINT; P.R.M. = PERMANENT RESIDENCE MONUMENT; P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER; R/W = RIGHT-OF-WAY; S.R. = SET 1/2" IRON ROD AND CAP, 7846; TYP = TYPICAL.
- NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
- THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- THE CUL-DE-SAC, SHOWN ON THIS PLAT, IS PRIVATE, AND DEDICATED ONLY TO THE USE OF THE OWNERS IN "BONEFISH HARBOR" SUBDIVISION FOR ACCESS AND UTILITY EASEMENTS AND WILL BE MAINTAINED BY THE LOT OWNERS.
- SQUARE FOOTAGES AND ACRESAGE ARE ±.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "PLAT 24", AS SHOWN ON THIS SHEET, IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT CONFORMS WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.091(7) OF SAID CHAPTER 177.

PRELIMINARY

BY: _____ DATE _____
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5632
REC'D & ASSOCIATES
CERTIFICATE OF AUTHORIZATION NO. LB 7846
127 INDUSTRIAL ROAD, SUITE 8, BIRD PINE KEY, FLORIDA 33043



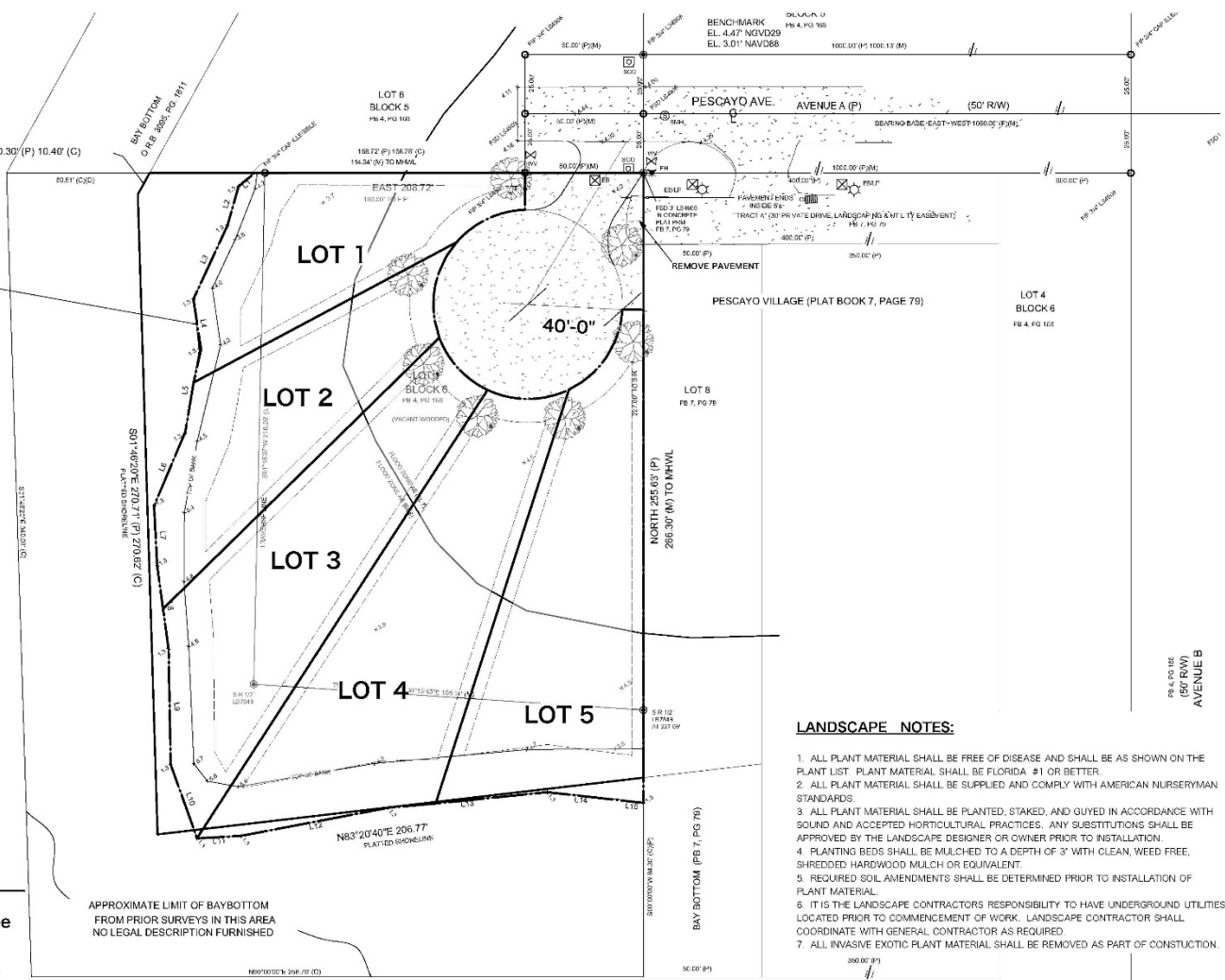
PLAT BOOK _____ PAGE _____





MEAN HIGH WATER ELEVATION
 -2.16' NAVD88
 1.32' NDVD29
 AS LOCATED ON 07/01/21
 FALLS ALONG UNIMPROVED SHORELINE
 SEE NOTE 15

LINE	BEARING	DI
L1	S50°11'53"W	8.89
L2	S15°48'28"W	17.13
L3	S24°41'22"W	34.36
L4	S06°40'54"E	21.29
L5	S09°37'44"W	35.23
L6	S23°09'18"W	33.24
L7	S05°00'18"E	25.32
L8	S07°48'35"E	35.42
L9	S01°04'55"E	48.99
L10	S18°44'08"E	33.92
L11	N86°09'20"E	18.77
L12	N79°12'41"E	63.21
L13	N64°23'30"E	67.49
L14	S84°22'59"E	29.50
L15	S81°44'4"E	11.46

KEY COLONY CHANNEL



LANDSCAPE LEGEND

-  Native Street Tree
-  Access & Utility Easement

LANDSCAPE NOTES:

1. ALL PLANT MATERIAL SHALL BE FREE OF DISEASE AND SHALL BE AS SHOWN ON THE PLANT LIST. PLANT MATERIAL SHALL BE FLORIDA #1 OR BETTER.
2. ALL PLANT MATERIAL SHALL BE SUPPLIED AND COMPLY WITH AMERICAN NURSERYMAN STANDARDS.
3. ALL PLANT MATERIAL SHALL BE PLANTED, STAKED, AND GUYED IN ACCORDANCE WITH SOUND AND ACCEPTED HORTICULTURAL PRACTICES. ANY SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE DESIGNER OR OWNER PRIOR TO INSTALLATION.
4. PLANTING BEDS SHALL BE MULCHED TO A DEPTH OF 3" WITH CLEAN, WEED FREE, SHREDDED HARDWOOD MULCH OR EQUIVALENT.
5. REQUIRED SOIL AMENDMENTS SHALL BE DETERMINED PRIOR TO INSTALLATION OF PLANT MATERIAL.
6. IT IS THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO COMMENCEMENT OF WORK. LANDSCAPE CONTRACTOR SHALL COORDINATE WITH GENERAL CONTRACTOR AS REQUIRED.
7. ALL INVASIVE EXOTIC PLANT MATERIAL SHALL BE REMOVED AS PART OF CONSTRUCTION.

GENERAL NOTES:

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

CONCEPTUAL LANDSCAPE PLAN FOR CONDITIONAL USE APPLICATION

SCALE: 1" = 30'

BONEFISH HARBOR
 A RE-PLAT OF LOT 1, BLOCK 6
 COCO PLUM BEACH SUBDIVISION
 AVENUE A
 MARATHON, FLORIDA

Mitchell Planning & Design, Inc.
 4900 SW 2nd Terrace
 Coas, Florida 34471
 305.595.0946
 mitchellplanningdesign@gmail.com

Revisions:

Date:	08.30.21
Scale:	As Noted
File:	21-85-002
Drawn:	BM Check
Sheet:	CP-01

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: October 18, 2021

From: Amber Stonik, Planning Associate

Agenda Item: 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 The Property Described As Block 2, Lot 2 First Addition to Seacrest, Key Vaca Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

APPLICANT/OWNER: Ed Sims, Gunnar Holdings LLC

LOCATION: The subject property is located on 69th Street, nearest Mile Marker 51 and is legally described as Block 2, Lot 2 First Addition to Seacrest, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000.

ADDRESS: 420 69th Street

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

LOT AREA: The aggregated size of the parcels is approximately 0.23 acres (10,000 sq./ft.)

BACKGROUND:

These parcels were zoned as Improved Subdivision (IS) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed-Use Commercial (MU-C) designation along US1. The rezoning is not addressed in this application.

The applicants have stated that the FLUM and zoning designation should be the same as the adjacent owned commercial property that the parking lot is used for.

Pre 2005	Pre 2007	2005	2007
OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
Mixed Use Commercial	Improved Subdivision	Residential Medium	Residential Medium

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

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

Land Use (Zoning) District Designation

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

Use of Properties

Existing: Residential
 Proposed: No plans at this time

Surrounding FLUM, Zoning and Uses

The property subject to the FLUM amendment is located on 69th St and consists of one parcel. The property is located next to a property under the same ownership that is zoned Mixed Use. Adjacent land use to the West and North is Mixed Use. To the East is Residential High and South is Residential Medium. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Mixed Use Commercial (MUC)	Mixed Use (MU)	Vacant commercial
East	Residential Medium (RM)	Residential Medium (RM)	Single family residential
South	Residential Medium (RM)	Residential Medium (RM)	Single family residential
West	Mixed Use Commercial (MUC)	Mixed Use (MU)	Utility and commercial.

Existing Habitat

The existing conditions maps indicate the properties are designated as hammock which is potential habitat for the Eastern Indigo Snake, Key Tree Cactus, and the Stock Island Tree Snail. A recent vegetation survey showed the site to be primarily covered in invasive exotics. An application was made to remove these invasives from the sites. The parcel is not within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies.

FEMA

The properties are within the AE 6 flood zone.

DEVELOPMENT ANALYSIS:

Current FLUM: Residential Medium (RM)

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

Residential Medium Allowable Density:

Market Rate – 5 Units per acre

Affordable – 10 units per acre

Proposed FLUM: Mixed Use Commercial (MU-C)

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

Mixed Use Commercial Allowable Density

Market Rate – 2-6 Units per acre

Affordable – 10-15 units per acre

Transient – 10-25 units per acre

Commercial-Industrial Intensity Table

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

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

ANALYSIS OF FLUM CHANGE REQUEST:

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

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

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

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

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

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

FL State Statutes

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

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water

- Solid Waste
- Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

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

Natural Resources

Direct impacts to natural resources would differ minimally as a result of the proposed FLUM change. This property is recognized potential habitat for the Eastern Indigo Snake, Key Tree Cactus, and the Stock Island Tree snail. Any development is subject to the requirements of the FEMA-FWS agreement. It is not within Florida Forever boundaries or critical habitat areas.

There are no associated wetlands, estuaries, beach areas or dunes associated with the area proposed for FLUM change. These are protected resources important to the tenants of Chapter 163, 9J-5, F.A.C., or the Principals for Guiding Development.

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

Historical and Cultural Resources

Protection of historical and cultural resources is crucial under the City's Comprehensive Plan, Chapters 163 and 380 F.S.

There are no known historical or cultural resources associated with the subject properties or within the area of the requested FLUM change. Therefore, the FLUM change would have no impacts on historical or cultural resources. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Infrastructure

• Wastewater infrastructure

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM change would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

• Stormwater infrastructure

Stormwater infrastructure capacity and means of water quality protection represents another of the backbone elements of the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The City of Marathon requires that all property owners retain their stormwater on site. All proposals for new developments, and redevelopments, must submit detailed civil engineering plans for review by the City Engineer. Proposals for redevelopment would have to obtain all required permits through other applicable agencies, such as the Department of Environmental Protection & South Florida Water Management District.

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

• Potable Water

Monroe County's potable water facilities do not critically constrain the amount of future growth that can be accommodated in the County (see End Note 1). The current FKAA Consumptive Use Permit, when compared to current potable water consumption rates, will provide sufficient potable water to accommodate existing and committed development plus an additional 18,258 equivalent residential units (ERU's) in unincorporated and incorporated Monroe County. The FKAA's Consumptive Use Permit has been renewed (see End Note 1). Costs of improvements to upgrade facilities for potable water supply, treatment, and distribution, in order to accommodate future growth impacts, would not be borne by the City, as this utility is private and would be in the FKAA's CIP, not the City's.

An increase in potable water demand is not expected as part of the proposed FLUM change, any increase would have a diminimus impact on potable water infrastructure capacity. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Solid Waste**

Solid waste capacity is managed in the Florida Keys under haul-out contracts to mainland solid waste facilities. There are currently no limits on solid waste capacity that would be impacted by this FLUM proposal.

The proposed FLUM change would maintain concurrency levels of solid waste infrastructure capacity. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Transportation**

The requested FLUM change is not expected to have an adverse impact on roadway capacity.

Monroe County's roadway facilities do not critically constrain the amount of future growth that can be accommodated in the County or the City (see End Note 1). Although localized deficiencies characterize several segments of US 1, sufficient reserve capacity exists in the overall roadway system to accommodate existing and committed development plus an additional 5,738 residential units (see End Note 1). Only 2,550 were allocated to unincorporated Monroe County in 1992, of which 150 went to the City. Thus, there is reserve capacity on US 1 to accommodate planned growth in the City (see End Note 2).

The proposed FLUM change would maintain concurrency levels of transportation on U.S. Highway One. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Affordable Housing

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The City has well over 200 developed or approved affordable housing units. The proposed FLUM change would facilitate a potential for increased affordable housing on site. The Public FLUM category allows for a potential increase of 15 units per acre of affordable housing versus the RM FLUM category.

The proposed FLUM change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Hazard Mitigation

- **Coastal High Hazard Areas**

The subject parcel is not in the Coastal High Hazard Area (CHHA).

Policy 4- 1.17.6 Limit Redevelopment in CHHA

The City shall limit redevelopment in areas within the CHHA shown by the Local Mitigation Strategy to be particularly susceptible to repeated damage. Criteria for assessing redevelopment

potential for these properties shall be addressed within the Post Disaster Redevelopment Plan, to be prepared pursuant to Policy 4-1.22.3.

Policy 4-1.20.1 Discourage Development in the High Velocity Area

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

• Hurricane Evacuation

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

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

The proposed FLUM change would have a positive impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Ports – Marina Siting

Staff believes that the proposed FLUM change will have no adverse impact on ports management or the City’s Marina Siting Plan. The subject property provides no opportunity for Marina development.

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

Public Use – Access to Water

There is no public access to the water from this location

Staff believes that the proposed FLUM change will have no adverse impact on public access to water. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Land Acquisition

Land acquisition in the Florida Keys is carried out by the City, County, State, and to a limited extent the federal government for the purposes of resource conservation and management, removal of properties in the CHHA from public ownership, and to provide for public services and facilities. The parcels are not on the Florida Forever boundary map.

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

SUMMARY:

The applicants have requested a change in the Future Land Use Map (FLUM) designation for the parcel located at 420 69th Avenue. Currently the property is designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

Staff finds the proposed FLUM change consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission forward a recommendation to Council for transmittal of the request to amend the Future Land Use Map for this parcel from Residential Medium (RM) to Mixed Use Commercial (MUC).

End Notes:

1. The source of the future land use analysis based on carrying capacity limitations can be found in the Monroe County Comprehensive Plan Technical Document (Data and Analysis) Section 2.4 (pp. 2-86 – 2-95).
2. City of Marathon, Comprehensive Plan Data and Analysis, page 10.

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: October 18, 2021

From: Amber Stonik, Planning Associate

Agenda Item:

An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 2, Lot 2 First Addition to Seacrest, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

APPLICANT/OWNER: Ed Sims, Gunnar Holdings LLC

LOCATION: The subject property is located on 69th Street, nearest Mile Marker 51 and is legally described as Block 2, Lot 2 First Addition to Seacrest, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000.

ADDRESS: 420 69th Street

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

LOT AREA: The aggregated size of the parcels is approximately 0.23 acres (10,000 sq./ft.)

BACKGROUND:

This parcel was zoned as Improved Subdivision (IS) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed-Use Commercial (MU-C) designation along US1. The FLUM change is not addressed in this application.

Pre 2005	Pre 2007	2005	2007
OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
Mixed Use Commercial	Improved Subdivision	Residential Medium	Residential Medium

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

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

Land Use (Zoning) District Designation

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

Use of Properties

Existing: Residential
Proposed: No plans at this time

Surrounding FLUM, Zoning and Uses

The property subject to the FLUM amendment is located on 69th Street and consists of one parcel. The property is located next to a property under the same ownership that is zoned Mixed Use on the North side. Adjacent land use to the South is Residential Medium. Across the street the zoning is Mixed Use. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Mixed Use Commercial (MUC)	Mixed Use (MU)	Vacant commercial
East	Residential Medium (RM)	Residential Medium (RM)	Single family residential
South	Residential Medium (RM)	Residential Medium (RM)	Single family residential
West	Mixed Use Commercial (MUC)	Mixed Use (MU)	Utility and commercial.

Existing Habitat

The existing conditions maps indicate the properties are designated as hammock which is potential habitat for the Eastern Indigo Snake, Key Tree Cactus, and the Stock Island Tree Snail. The parcel is not within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies.

FEMA

The properties are within the AE 6 flood zone.

DEVELOPMENT ANALYSIS:

Current FLUM: Residential Medium (RM)

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

Residential Medium Allowable Density:

Market Rate – 5 Units per acre
 Affordable – 10 units per acre

Proposed FLUM: Mixed Use Commercial (MUC)

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

Mixed Use Commercial Allowable Density

Market Rate – 2-6 Units per acre
 Affordable – 10-15 units per acre
 Transient – 10-25 units per acre

Commercial-Industrial Intensity Table

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

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

ANALYSIS OF FLUM CHANGE REQUEST:

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

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

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

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

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

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

FL State Statutes

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

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation

- CHHA
- Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

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

Natural Resources

Direct impacts to natural resources would differ minimally as a result of the proposed FLUM change. The property is recognized as potential habitat for the Eastern Indigo Snake, Key Tree Cactus, and the Stock Island Tree snail. Any development is subject to the requirements of the FEMA-FWS agreement. It is not within Florida Forever boundaries or critical habitat areas.

There are no associated wetlands, estuaries, beach areas or dunes associated with the area proposed for FLUM change. These are protected resources important to the tenants of Chapter 163, 9J-5, F.A.C., or the Principals for Guiding Development.

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

Historical and Cultural Resources

Protection of historical and cultural resources is crucial under the City’s Comprehensive Plan, Chapters 163 and 380 F.S.

There are no known historical or cultural resources associated with the subject properties or within the area of the requested FLUM change. Therefore, the FLUM change would have no impacts on historical or cultural resources. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Infrastructure

- **Wastewater infrastructure**

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM change would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Stormwater infrastructure**

Stormwater infrastructure capacity and means of water quality protection represents another of the backbone elements of the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The City of Marathon requires that all property owners retain their stormwater on site. All proposals for new developments, and redevelopments, must submit detailed civil engineering plans for review by the City Engineer. Proposals for redevelopment would have to obtain all required permits through other applicable agencies, such as the Department of Environmental Protection & South Florida Water Management District.

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

- **Potable Water**

Monroe County's potable water facilities do not critically constrain the amount of future growth that can be accommodated in the County (see End Note 1). The current FKAA Consumptive Use Permit, when compared to current potable water consumption rates, will provide sufficient potable water to accommodate existing and committed development plus an additional 18,258 equivalent residential units (ERU's) in unincorporated and incorporated Monroe County. The FKAA's Consumptive Use Permit has been renewed (see End Note 1). Costs of improvements to upgrade facilities for potable water supply, treatment, and distribution, in order to accommodate future growth impacts, would not be borne by the City, as this utility is private and would be in the FKAA's CIP, not the City's.

An increase in potable water demand is not expected as part of the proposed FLUM change, any increase would have a diminimus impact on potable water infrastructure capacity. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Solid Waste**

Solid waste capacity is managed in the Florida Keys under haul-out contracts to mainland solid waste facilities. There are currently no limits on solid waste capacity that would be impacted by this FLUM proposal.

The proposed FLUM change would maintain concurrency levels of solid waste infrastructure capacity. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Transportation**

The requested FLUM change is not expected to have an adverse impact on roadway capacity.

Monroe County's roadway facilities do not critically constrain the amount of future growth that can be accommodated in the County or the City (see End Note 1). Although localized deficiencies characterize several segments of US 1, sufficient reserve capacity exists in the overall roadway system to accommodate existing and committed development plus an additional 5,738 residential units (see End Note 1). Only 2,550 were allocated to unincorporated Monroe County in 1992, of which 150 went to the City. Thus, there is reserve capacity on US 1 to accommodate planned growth in the City (see End Note 2).

The proposed FLUM change would maintain concurrency levels of transportation on U.S. Highway 1. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Affordable Housing

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The City has well over 200 developed or approved affordable housing units. The proposed FLUM change would facilitate a potential for increased affordable housing on site. The Public FLUM category allows for a potential increase of 15 units per acre of affordable housing versus the RM FLUM category.

The proposed FLUM change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Hazard Mitigation

- **Coastal High Hazard Areas**

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

Policy 4- 1.17.6 Limit Redevelopment in CHHA

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

Policy 4-1.20.1 Discourage Development in the High Velocity Area

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

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

The proposed FLUM change results in a diminished hazard to public safety. Permanent residential would be replaced with non- residential and therefore represents decreased development in the CHHA on site. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

• Hurricane Evacuation

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

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

The proposed FLUM change would have a positive impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Ports – Marina Siting

Staff believes that the proposed FLUM change will have no adverse impact on ports management or the City’s Marina Siting Plan. Marinas are allowed under a conditional use permit in the Mixed Use (MU) zoning district under the City’s Land Development Regulations; while no marina development is foreseeable, a Marina Operating Permit, consistent with the LDRs would be required, this would

include obtaining coordination letters from external agencies, and all necessary Federal, State, and local approvals and permitting.

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

Public Use – Access to Water

There is no public access to the water from this location

Staff believes that the proposed FLUM change will have no adverse impact on public access to water. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Land Acquisition

Land acquisition in the Florida Keys is carried out by the City, County, State, and to a limited extent the federal government for the purposes of resource conservation and management, removal of properties in the CHHA from public ownership, and to provide for public services and facilities. The parcels are not on the Florida Forever boundary map.

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

SUMMARY:

The applicants have requested a change in the Zoning designation for the parcel located on 69th Street. Currently the property is designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

Staff finds the proposed rezoning consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

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

End Notes:

1. The source of the future land use analysis based on carrying capacity limitations can be found in the Monroe County Comprehensive Plan Technical Document (Data and Analysis) Section 2.4 (pp. 2-86 – 2-95).
2. City of Marathon, Comprehensive Plan Data and Analysis, page 10.

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TRUSTEE'S DEED FOR TRANSFERABLE DEVELOPMENT RIGHTS

THIS INDENTURE made this 12th day of May, A.D. 1987, between RICHARD C. BLACK and FLORIDA NATIONAL BANK (f/k/a Florida National Bank of Miami) as Trustees under the Last Will of Shirley Black, a/k/a S. Black, of the County of Dade, in the State of Florida, Grantor and MARIA CARRION, of the County of Monroe, in the State of Florida, Grantee

WITNESSETH that the said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, to him in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, her heirs and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida, to wit:

Lot 2, Block 2, FIRST ADDITION TO SEACREST SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 3 at Page 19, of the Public Records of Monroe County, Florida.

Subject to Grantor's reservation of rights to use the said property as and for a parking lot.

And the said Grantor does hereby warrant that it has good right and lawful authority to sell and convey the property and does warrant the title to the property for any of its acts, and will defend the title against the lawful claims of all persons claiming by, through or under it.

The use of the above described property is hereby restricted to non-residential uses permitted under Monroe County's Land Development Regulations.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in our Presence:

Ruthanna Valley
Maria A. Hernandez

Richard C. Black
RICHARD C. BLACK, as Trustee under the Last Will of Shirley Black, a/k/a S. Black, deceased

Ruthanna Valley
Maria A. Hernandez

FLORIDA NATIONAL BANK, f/k/a Florida National Bank of Miami, as Trustee under the Last Will of Shirley Black, a/k/a S. Black, deceased

By [Signature]

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, David B. Couch of Florida National Bank, Trustee and Richard C. Black, Trustee, to me well known and known to me to be the individuals described in and who executed the foregoing trustee's deed, and they acknowledged

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MONROE

CATLIN, SAXON, TUTTLE AND EVANS 800 ALFRED I. DUPONT BUILDING, 169 EAST FLAGLER STREET, MIAMI, FLORIDA 33131 • (305) 371-0575

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before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Miami, County of Dade, and State of Florida, this 13th day of May, A.D. 1987.

Anne Seble
Notary Public, State of Florida

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JAN 16, 1990
BONDED THRU GENERAL INS. UND.



Recorded in Official Records Book
in Monroe County, Florida
Record Verified
JERRY L. KOLBANE
Clerk of the Court

CATLIN, SAXON, TUTTLE AND EVANS 800 ALFRED I. DUPONT BUILDING, 169 EAST FLAGLER STREET, MIAMI, FLORIDA 33131 • (305) 371-9878