



**City of Marathon Planning Commission**  
**Monday June 27, 2022**  
**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 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 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. Consideration Of A Request By Andrew Wendt For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Boat Storage Building And Motel Located At 12565 Overseas Highway; Which Is Legally Described As Section 5 Township 66 Range 33 Part Government Lot 2 And The Easterly 5 Feet Of Part Lots 1-2 Fat Deer Key, And Part Lot 2 Section 5 Township 66 Range 33 Fat Deer Key, Monroe County, Florida, Having Real Estate Numbers 00100350-000000 And 00100350-000200. Nearest Mile Marker 53. **PULLED BY APPLICANT**
2. Consideration Of A Request By Thomas Francis-Siburg For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of An Existing Convenience Store Providing Fuel Sales With The Addition Of A Car Wash

At The Property Located At 6203 Overseas Highway, Ocean, Which Is Legally Described As Edmonds Acreage Tracts PB2-100 A Subdivision Of Part Government Lot 1 Section 11 Township 66S Range 32E Key Vaca Part E1/2 Tract 10, Marathon, Monroe County, Florida, Having Real Estate Number 00338730-000600 & Sheryl Subdivision 2 Plat Book 4-43 Key Vaca Lots 1-2 And Part 3-4 Block C, Monroe County, Florida, Having Real Estate Number 00339960-000000. Nearest Mile Marker 50.



**City of Marathon Planning Commission  
Monday May 16, 2022  
9805 Overseas Hwy  
City Hall Council Chambers**

**MINUTES**

Landry called the meeting of the Planning Commission to order on Monday, May 16, 2022, at 5:30 pm.

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

The Pledge of Allegiance was recited.

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

Royse moved to approve the minutes of the April meeting with the correction to “Royse” spelling. Pinto seconded. The roll was called. The minutes were approved 4-0. Cinque was absent last month.

**Items 1 and 2 were read into the record.**

An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Low (RL) To Residential Medium (RM) For Property Described As Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000; 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.

-AND-

An Ordinance Of The City Of Marathon Florida Amending The Zoning From Residential Low (RL) To Residential Medium (RM) For Property Described As Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000; 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.

Shea presented the items.

Royse asked for clarification on the difference in the parcels that were recently rezoned. Shea stated the parcel that was approved for rezoning was upland, whereas this parcel is wetland.

There was a brief discussion on the existing development of surrounding properties.

The owner of the property, John Nichols, presented the items. Nichols has owned the property since 2004 and disagrees with staff regarding the wetland designation.

Sexton asked if Nichols was in possession of a building right. Nichols replied that he only wants to preserve his property value and believes his property is compatible with the other lots in the neighborhood and should be buildable.

There were no public speakers.

After a brief discussion, Cinque moved to approve Item 1. Sexton seconded.

The roll was called. The item was denied 3-2.

Pinto moved to deny Item 2. Royse seconded.

The roll was called. The item was denied 3-2.

**Item 3 was read into the record.**

Consideration Of A Request By George Gleadall For A Variance Pursuant To Chapter 102 Article 20 From The Provisions Of Section 103.15 And Section 107.70; Seeking A Setback Reduction Along The Side And Rear Property Lines; Located At 1696 74<sup>th</sup> Street; Which Is Legally Described As The Southerly Half Of Lot 17 Block A, Tropicana Subdivision, Key Vaca, Monroe County, Florida, Having Real Estate Number 00342710-000100.

Pinto recused herself (see attached).

Shea presented the item.

There were no questions.

Gleadall presented the item.

There were no public speakers.

After a brief discussion regarding County Code vs. City Code, fire retardant, and permitting Royse moved to deny the item. Sexton seconded.

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

**Item 4 was read into the record.**

Consideration Of A Request By Candice Lee For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Dog Boarding, Grooming, Daycare and Shaved Ice Store Located At 12535 Overseas Highway; Which Is Legally Described As 5 66 33 Part Government Lot 3 Crawl Key, Monroe County, Florida, Having Real Estate Number 00100390-040001. Nearest Mile Marker 53.

Dafoe presented the item.

There was a brief discussion and questions regarding guidelines to regulate the number of dogs per square foot of commercial space, the noise ordinance, and fencing an outside area for the dogs.

Lee went to the podium to answer the questions and concerns of the commission.

There were no public speakers.

Cinque moved to approve the item. Pinto seconded.

The roll was called. The item was approved 5-0.

**Items 5 and 6 were read together for the record.**

An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use Commercial (MU-C) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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

-AND-

An Ordinance Of The City Of Marathon Florida Amending The Zoning From Residential Mobile Home (R-MH) To Mixed Use (MU) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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.

Dafoe presented the item as a clean-up of zoning on US1 back to Mixed Use.

Landry moved to approve item 1. Cinque seconded. The roll was called. The item was approved 5-0.

Landry moved to approve item 1. Cinque seconded. The roll was called. The item was approved 5-0.

Adjourned at 6:40 p.m.

ATTEST:

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Lynn Landry – Planning Commission Chairman

ATTEST:

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Lorie Mullins-Admin 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.)**

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Pinto, Mallory Morton		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Of Marathon Planning Commission		
MAILING ADDRESS 1342 74th Street Ocean		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:		
CITY Marathon	COUNTY Monroe	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY	<input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 05/16/2022		NAME OF POLITICAL SUBDIVISION:		
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE		

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Mallory Morton Pinto, hereby disclose that on May 16, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, George Barry Gleadall ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

George Barry Gleadall and his wife, Elana Gleadall are my real estate clients with whom I have a professional relationship.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

05/16/2022  
Date Filed

Mallory Pinto  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.





PLANNING COMMISSION AGENDA STATEMENT

**Meeting Date:** June 27, 2022  
**To:** Honorable Chair and Planning Commissioners  
**From:** Erin Dafoe, Planner

**Agenda Item:** Consideration Of A Request By Andrew Wendt For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Boat Storage Building and Motel Located At 12565 Overseas Highway; Which Is Legally Described As Section 5 Township 66 Range 33 Part Government Lot 2 And The Easterly 5 Feet of Part Lots 1-2 Fat Deer Key, and Part Lot 2 Section 5 Township 66 Range 33 Fat Deer Key, Monroe County, Florida, Having Real Estate Numbers 00100350-000000 and 00100350-000200. Nearest Mile Marker 53.

**APPLICANT/ OWNER:** Andrew Wendt

**AGENT:** Barbara Mitchell

**LOCATION:** The project site is located at 12565 Overseas Highway at nearest mile marker 53. See Figure 1.

**REQUEST:** A Conditional Use Permit approving a change of use and redevelopment to a boat storage building and relocation of the motel to be located on the subject property, within an existing building; having the real estate number 00100350-000000 and 00100350-000200.

**LOT SIZE:** Total acreage 2.61 acres or 113,025 square feet

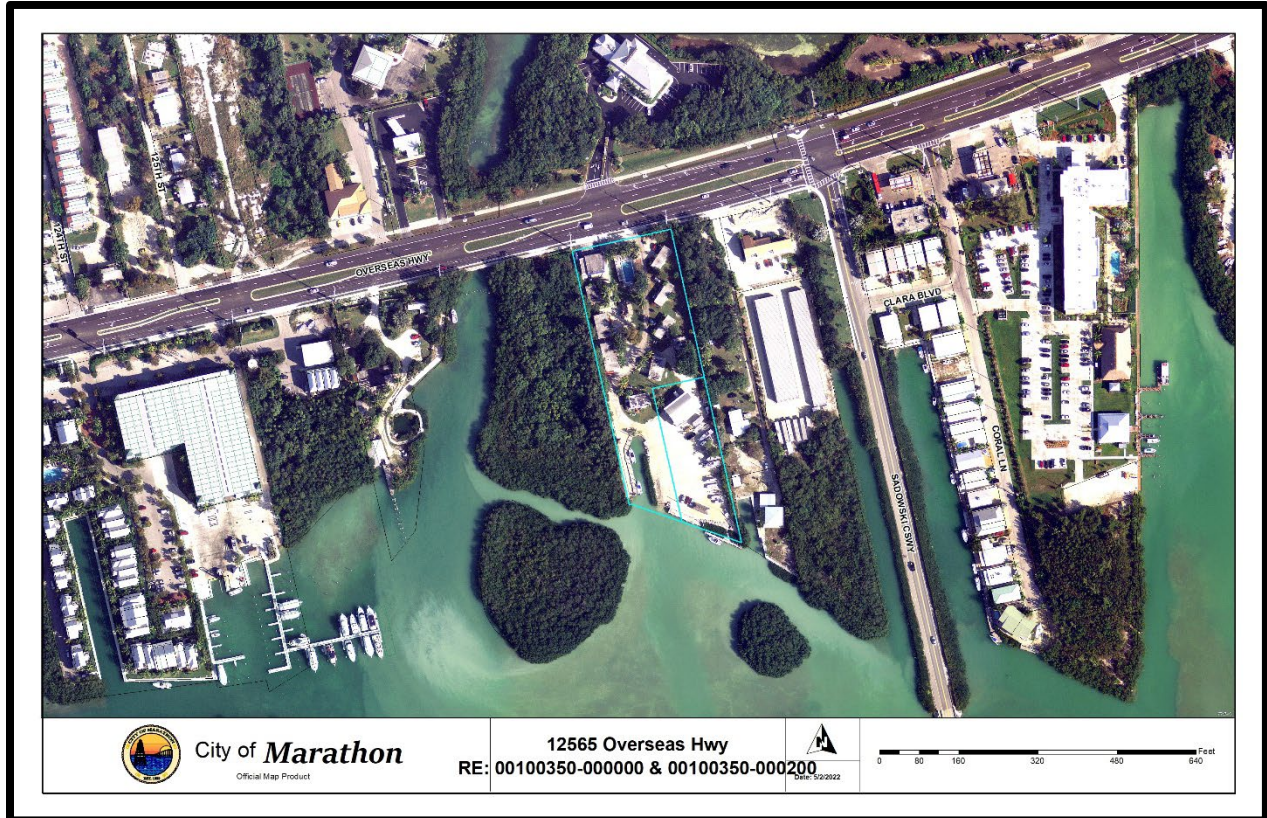
**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Mixed Use (MU)	Former Iberia Bank Building
<b>West</b>	Conservation Native Area (C-NA)	Conservation Land Area
<b>East</b>	Mixed Use (MU)	Bonefish Storage
<b>South</b>	Water	Open Water

**EXISTING CONDITIONS:**

The project site consists of an existing commercial development site that houses the Bonefish Motel, Marina & RV sites, and a retail store. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

**Figure 1  
Project Site**



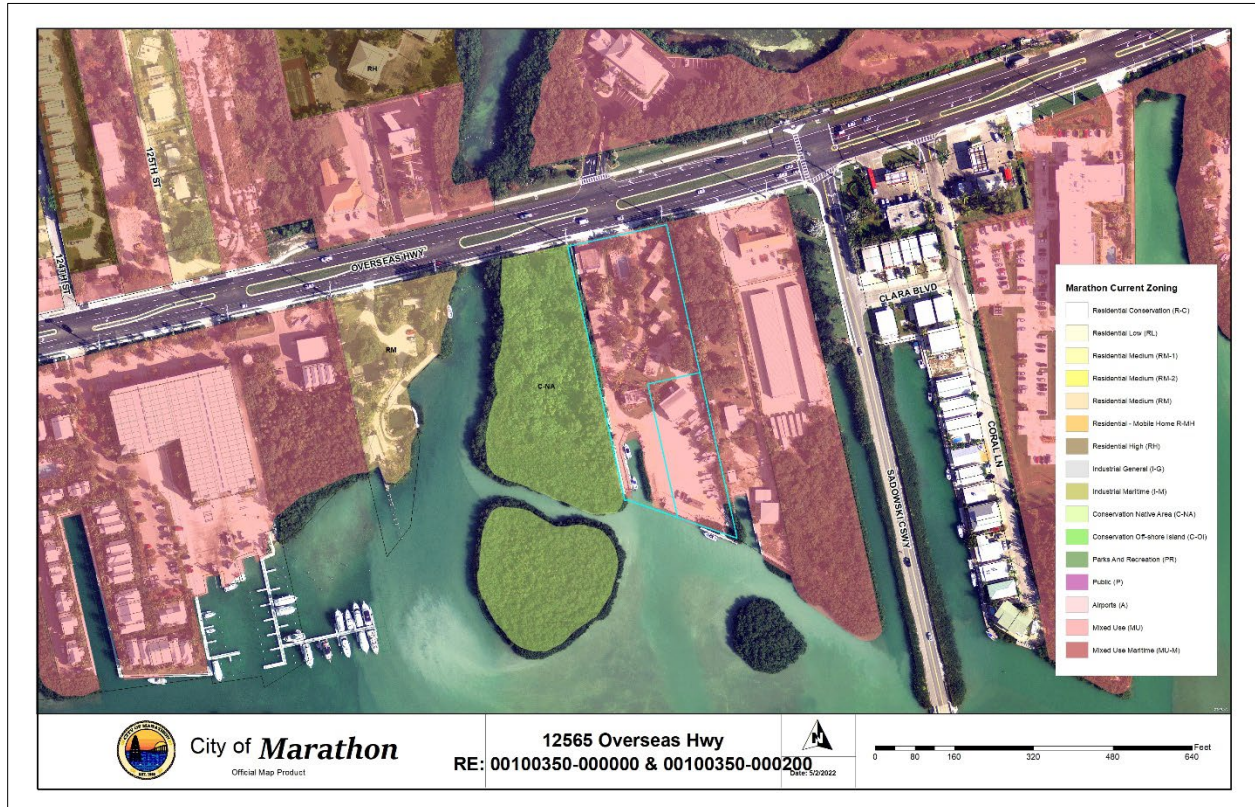
**FUTURE LAND USE MAP DESIGNATION:**  
Mixed Use Commercial (MUC). See Figure 2.

**Figure 2**  
**Future Land Use Map**



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

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



**PROPOSED REDEVELOPMENT:**

The Applicant requests a change of use to develop a boat storage building, removing the RV sites, seven of the motel rooms and dive shop. The existing two-story building will be relocated to the shoreline and renovated to include five one-bedroom motel suites, an office, a lobby/retail area, and one deed restricted employee housing unit.

**BACKGROUND:**

The proposed project seeks to redevelop property currently used as commercial retail, marina, RV site, and motel to construct a new boat storage building and relocate the current motel to another spot on the property. The total property size is 113,025 square feet. The gross commercial building square footage is 56,777. The residential square footage is 11,306.

**EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:**

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

## **CRITERIA**

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

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed project is for indoor boat storage, marina and motel, an allowed use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

### **City of Marathon Comprehensive Plan**

- a. “Policy 1-1.1.2 Adopt Compatibility for Residential and Non-Residential Review Criteria,”
- b. “Policy 1-1.1.3 Protect Residential Neighborhood Character,” and
- c. “Policy 1-1.1.4 Transition between Land Uses

The project is surrounded by commercial development with the exception of the property to the west which is a conservation land area.

#### **d. Policy 1-3.1.4 Future Land Use Categories**

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation various commercial uses are permitting in addition to commercial, transient, and permanent residential uses as well as marinas and storage facilities. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary for this project.

#### **e. 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. The conceptual elevation plans submitted demonstrate compliance with this requirement.

#### **f. Policy 1-3.2.7 Restrict Density and Intensity of Development**

The proposed density is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. Based on the upland area of 2.595 acres, the combined residential (permanent and transient), the final retail and the proposed boat barn utilize 76.9% of the density allowed for this site. The density for each of the proposed uses has been calculated independently.

g. Policy 1-3.3.1 b., e., and f. General Redevelopment Criteria

The proposed new business promotes the revitalization of the city’s commercial area, with existing commercial to the north and east. The shoreline will be improved with new docks and repairs to the existing seawall. The existing mangrove fringe will remain. A portion of the aging boat basin that has silted in shall be filled to provide for maneuverability of the required travel lift. It is expected the water quality of the adjacent Bonefish Bay will be improved. The US 1 corridor will be enhanced with the proposed landscaping. An apartment for the onsite manager is included.

h. Policy 1-3.4.2 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The redevelopment plan includes using five of the twenty-five existing transient building rights. The remaining will be transferred off site. The deed restricted affordable unit shall be requested from the City’s available pool of allocations, if available. If not, then either the market rate will be converted to an affordable unit or an in lieu of fee shall be paid. The commercial floor area will be requested from the City’s available pool.

**City of Marathon Land Development Regulations**

- Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including the proposed boat storage barn, marina, and the existing motel.

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

This redevelopment is consistent with Table 103.15.1, uses by Zoning District, via a Conditional Use Permit Application, as contained herein.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Table 103.15.3 further qualifies the allowed range of intensities based on the use. The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided. As such, the following table reflects the proposed project density and intensity (shown as floor area (FA)) against the maximum intensity and floor area allowed under the constraints imposed on the development. The table also reflects the need for additional floor area that the applicant will have to acquire through the commercial building permit allocation system (CBPAS).

<b>Bonefish Motel and Marina</b>	
<b>Total 116,725 sq ft</b>	
<b>Affordable (1)</b>	2,596
<b>Transient (5)</b>	8,710
<b>FAR (See Table 103.15.3)</b>	0.75
<b>Maximum allowed</b>	76,289.25 sq ft
<b>Total Proposed</b>	56,777 sq ft

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

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

- Section 107.47 Parking

Parking for the site and the project is met with the proposed required thirty-one parking spaces. The development provides eighteen exterior standard parking spaces, two exterior handicap spaces and eleven interior standard parking spaces located within the boat storage building for a total of thirty-one spaces.

- Section 107.40 Maximum Height

The project sites and associated existing structures are well below the forty-two (42) foot height limitation of the City's LDRs.

- Sections 107.63 – 107.72 Landscaping

The parcel to the east is zoned Mixed Use so no buffers are required. The landscape plan includes a list of native trees to provide shade and temperature reduction along the internal roadway. The parcel to the west is zoned Conservation Native and a 20' wide buffer is required. Current buffer planting will remain however a secondary layer of planting will be done. Along US 1 corridor to the north the landscape planting will consist of a variety of native plant material varying in size and height to screen the boat building. Canopy trees cannot be installed due to the proximity of the overhead power service lines however, a mix of understory tree and palms shall be installed on a series of berms.

- Sections 107.73 – 107.81 Open Space

The project site meets the minimum open space requirements of twenty (20) percent and therefore meets the minimum requirements of the LDRs.

- Sections 107.82 – 107.85 Fences and Screening

Landscaping and fencing exist on the project site. In this context, the project meets City screening and landscaping requirements.

- Sections 107.87 – 107.97 Stormwater Management

The existing Stormwater Management Plan associated with this site demonstrates compliance with the requirements of the LDRs.

- Sections 107.98 – 107.102.5 Floodplain Management

The site building will be located above FEMA minimum flood elevations. The commercial building will be flood proofed as required. Therefore, the project is compliant with this requirement of the LDRs.

The project as proposed meets the basic definition of development in the MU zoning district. Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

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

The proposed project site is surrounded by other compatible commercial uses to the north and east. Marine access to this site is via a marked channel. The channel provides access to Vaca Cut.

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

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

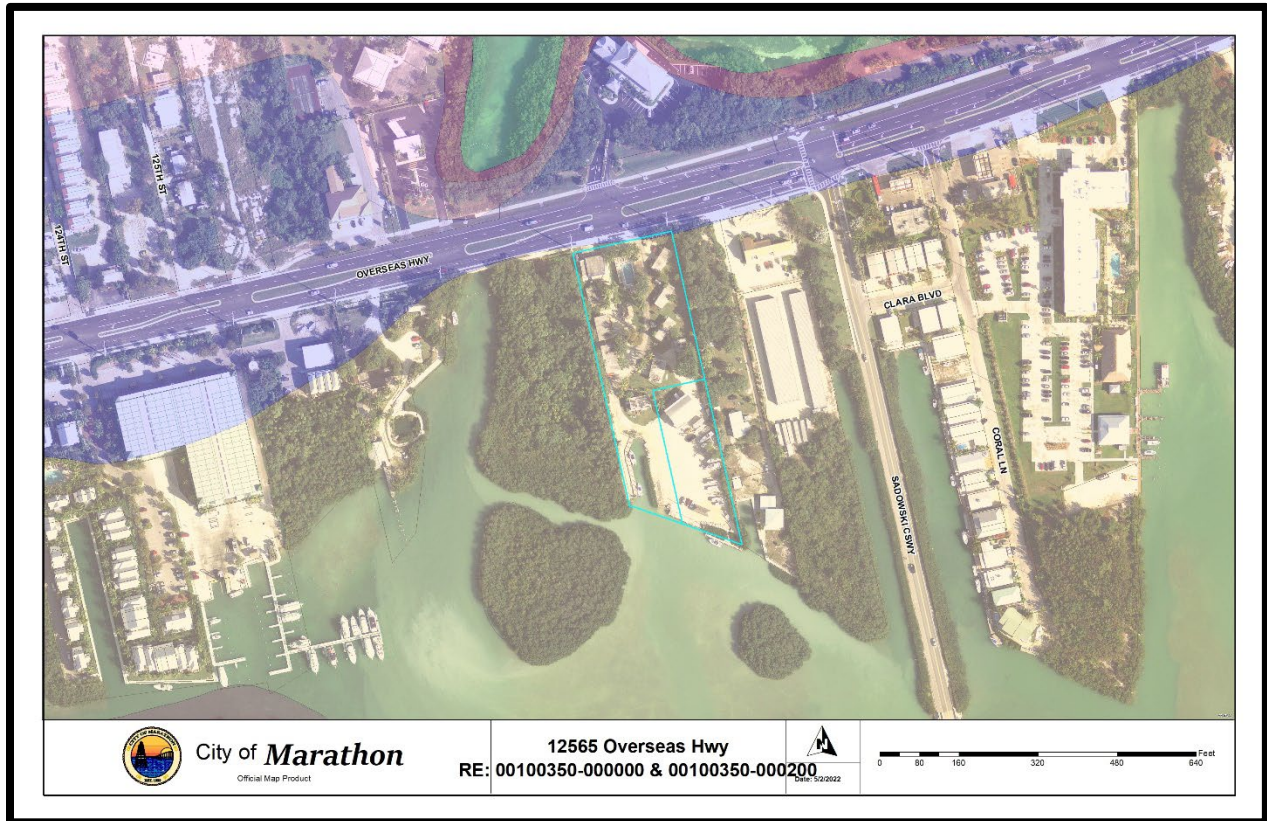
The proposed conditional use will enhance the community by providing additional indoor boat storage as well as an employee apartment. The project will not cause any negative impacts to the City's health, safety, and welfare.

The existing structure that will be moved will be located above FEMA's minimum flood elevations (AE 8) as shown in Figure 4 and is therefore compliant. The commercial building will be flood proofed to meet requirements.

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



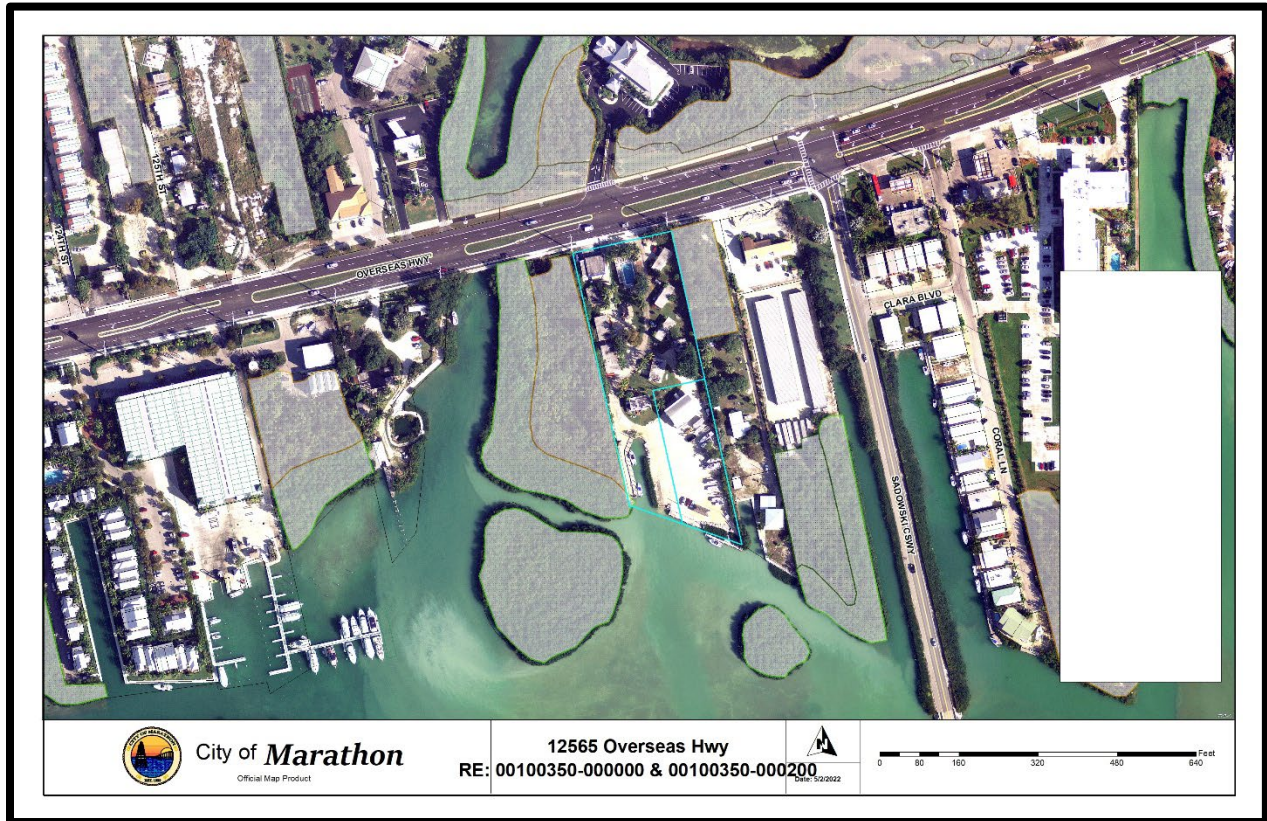
**Figure 4  
Flood Zones**



**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:**

There will be no negative impacts on habitat, environment, or water quality parameters. The proposed stormwater management system shall retain water generated from rain events on site thereby improving the quality of the near shore waters by treating and maintaining the stormwater on site. The shoreline is developed. The current seawalls and docks will be replaced. The mangroves along the waters edge shall remain, with the exception of fringe of mangroves located in the boat basin. These mangroves will be mitigated as it is part of the redevelopment, to fill a portion of the boat basin. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council.

**Figure 5**  
**FEMA – FWS Species Focus Area Maps**



All vegetation on site is a mix of non-invasive exotic plantings. Several native palms and trees will be removed per Conceptual Landscape Plan that was submitted. There is native vegetation established along the upland portion of the property perimeter. These plants will remain. Native vegetation must be mitigated per Section 106.10.

Project design requires containing all storm water on the property as required by Code.

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

- Prior to commencement of any work, the City must be provided with copies of the FDEP and USACOE permit for filling of the existing boat basin, removal of existing boat ramp, and all other impacts in jurisdictional areas.
- The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.

- Per the LDC, the stormwater criteria require retention of the runoff from a 25yr-72hr storm event. This property is adjacent to open water, and as such we would not require the retention of 11 inches of rainfall, however in lieu of this criteria, enhanced water quality is requested with a direct overflow to open water. The treatment volume should retain 4 inches of rainfall, which is approximately 2” of runoff.
- All runoff from the site shall be routed to the proposed retention swales. A detail grading plan shall be required for review of construction plans.
- Any native vegetation removed must be mitigated per Section 106.10.

**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 was required as the project. Parking will be provided for staff and clients of the motel and boat storage building.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<b>Existing / Approved Development</b>								
Motel	12 Occ. Rooms	64	2	4	6	3	3	6
Recreational Vehicle Site	13 Occ. Sites	50	2	3	5	4	2	6
Commercial Area	2,370 SF	129	4	2	6	8	8	16
Single-Family Housing	2 DU	19	0	1	1	1	1	2
<b>Sub Total</b>		<b>262</b>	<b>8</b>	<b>10</b>	<b>18</b>	<b>16</b>	<b>14</b>	<b>30</b>
<b>Proposed Development</b>								
Marina								
- Dry Slips	125 Berths	162	1	3	4	8	5	13
Motel	5 Occ. Rooms	27	1	1	2	1	1	2
Multifamily Housing (Low-Rise)	1 DU	6	0	0	0	1	0	1
<b>Sub Total</b>		<b>195</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>10</b>	<b>6</b>	<b>16</b>
<b>Difference (Proposed - Existing)</b>		<b>(67)</b>	<b>(6)</b>	<b>(6)</b>	<b>(12)</b>	<b>(6)</b>	<b>(8)</b>	<b>(14)</b>

*Compiled by: KBP Consulting, Inc. (April 2022).*

The traffic will actually decrease from previous use with the new redevelopment of the property. The project is not expected to adversely impact the operational characteristics of US1 but improve it. The maneuverability on the site includes an interior road located along the east property line to provide access for parking for the motel building as well as parking for patrons accessing their boats. The boat storage building will accommodate boats over 45’ in length as well as boats 35’ and smaller. The larger boats will arrive to the site from the water with the travel lift. The trailer will then exit the site in the manner in which it arrived. The proposed maneuverability is designed

to limit the interaction between cars and boats being towed on their trailers. The boat slips will be leased on long term leases. Daily ingress and egress of individual trailered boats is not anticipated nor encouraged. The existing boat ramp will not be for public use.

Provisions have been made as part of the redevelopment to address fire access. The proposed entrance from US1 to the site has been designed to accommodate fire and emergency vehicular access. A fire suppression system will be designed for the dock area, motel, and the boat barn building.

Bicycle racks have been provided on site. The motel, as an amenity will provide bicycles for use by their guests. With the change of use for this project an FDOT access permit will be required.

Section 107.43 requires site triangles where the access drive intersects with the street.

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

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The project provides adequate parking spaces as required.

<b>Use</b>	<b>Code Citation</b>	<b>Requirement</b>	<b>Spaces Required</b>
Mixed Use Development (Boat Barn, Office, and Retail)	107.47	1 per 5 dry slips	25
Mixed Use Development (Motel and Affordable Unit)	107.47	1 space per efficiency unit  1 space per one (1) bedroom apartment	6
<b>Total Required</b>			<b>31</b>
<b>Total Provided</b>			<b>31</b>

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. Appropriate screening and buffering measures are already in place. This buffer is established and shall be augmented as shown on the landscape plan to provide a secondary level of planting as well as additional native plant material of varying sizes and heights to screen the boat storage building.

Therefore, with the conditions above, 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 be fully enclosed and screened. The site plan indicates that all dumpsters are (hidden) screened.

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. The project will utilize existing space and will have no additional burden on City utilities or public services.

- Wastewater: Site is already connected to sewer. A sewer flow estimate from engineer will be required to reassess any additional 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 is being required to analyze the impact on transportation facilities. Furthermore, final site layout and traffic flow will be dependent on FDOT, City of Marathon Public Works, and City Fire Marshal analysis.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

The Applicant has provided letters of coordination with all necessary utilities with the general determination that all required services may be provided and are adequate for the development of the new use at the project site.

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

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

A landscape plan has been submitted for this application. The plan addresses the required buffers, parking lot and US 1 corridor for plantings.

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

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

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.

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

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

**8. Required yards and other open space;**

Section 106.16 established required open space for the project. The parcel is generally developed; therefore, a twenty percent open space requirement applies and the site complies with this minimum requirement.

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

**9. General compatibility with surrounding properties; and**

The proposed development is a Mixed-Use commercial development. The current motel and RV site use will be decreased from twenty-five units to five motel rooms. A boat storage building will be constructed. The existing dockage/seawall in the marina will be upgraded. The surrounding development is either a self-storage facility, one single-family home or native vegetation. The building will be elevated as required by City Code. The current motel building will be relocated to the shoreline and reused. The existing single-family home will be removed and located elsewhere in the City. The scale and layout of the proposed building 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.**

Section 104.25 Hotels or Motels: This site received Conditional Use and Development Agreement approval in 2013, specifically Resolution #2013-02. The conditions of these approvals, including landscape buffering and employee housing, have been met as part of the redevelopment that occurred during that time. This project, Anglers Boathouse, will

retain five of the motel rooms and transfer the remaining transient entitlements off-site. The five motel rooms will consist of one-bedroom, a small living area and kitchenette.

Section 104.30 Marinas: This site has a marina operating permit #M-53. It is classified by the City as an existing marina. The redevelopment proposes an upland storage building for the storage of recreational boats. Outdoor storage of boats will not be allowed. Maintenance or repair activities are not requested, nor desired by the Owner. A travel lift for the movement of boats will be required. The adjacent waters provide a minimum of 4' at mean low water with continuous access to a marked channel for access to Vaca Cut. The dockage provided is for a temporary use, boats will be placed in the water and then driven to other locations. A signage program to inform boaters of environmental concerns and considerations shall be developed on posted on site.

A unity of title for the parcels will be required.

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

### **CONCLUSION:**

The Conditional Use Approval process 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.

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

### **RECOMMENDATION:**

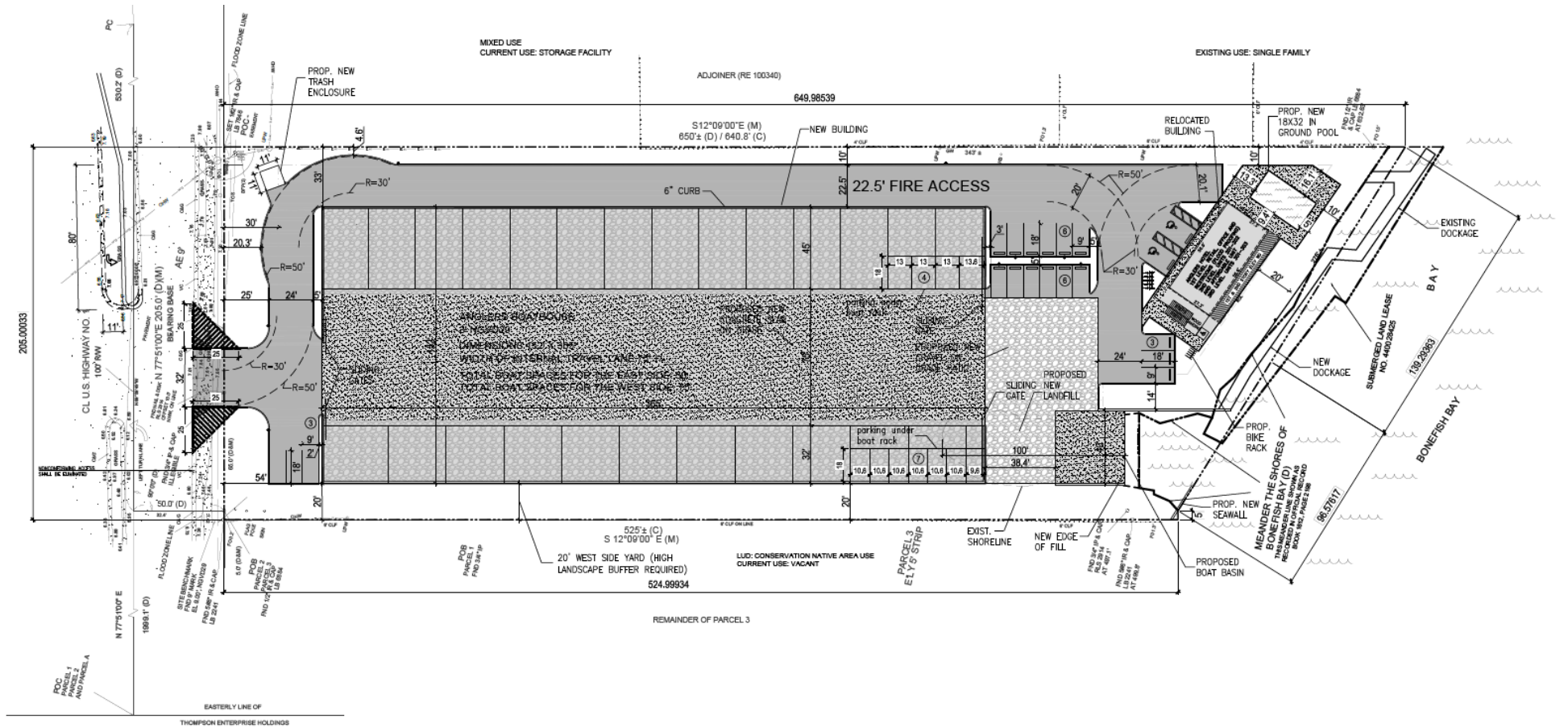
Planning staff recommends approval of the proposed Conditional Use Permit allowing a boat storage building to be constructed, marina upgrades and relocation of current motel with the following conditions:

#### Conditions of Approval

1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
2. Additional landscape canopy and buffering be placed per site plan.
3. A sewer flow estimate from engineer will be required to reassess any additional impact.

4. Prior to commencement of any work, provide the City with copies of the FDEP and USACOE permit for filling of the existing boat basin, removal of existing boat ramp, and all other impacts in jurisdictional areas.
5. Per the LDC, the stormwater criteria requires retention of the runoff from a 25yr-72hr storm event. This property is adjacent to open water, and as such we would not require the retention of 11 inches of rainfall, however in lieu of this criteria, enhanced water quality is requested with a direct overflow to open water. The treatment volume should retain 4 inches of rainfall, which is approximately 2' of runoff.
6. All runoff from the site shall be routed to the proposed retention swales. A detail grading plan shall be required for review of construction plans.
7. Note that the project exceeds 1 acre of development, and as such an FDEP general Permit for NPEDS will be required.
8. Since the project is changing use, an FDOT access permit is required.
9. Any native vegetation removed must be mitigated per Section 106.10.
10. A unity of title for parcels will be required.







PLANNING COMMISSION AGENDA STATEMENT

**Meeting Date:** June 27, 2022  
**To:** Honorable Chair and Planning Commissioners  
**From:** Erin Dafoe, Planner

**Agenda Item:** Consideration Of A Request By Thomas Francis-Siburg For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“the Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of An Existing Convenience Store Providing Fuel Sales With The Addition of A Car Wash At The Property Located At 6203 Overseas Highway, Ocean, Which Is Legally Described As Edmonds Acreage Tracts PB2-100 A Subdivision of Part Government Lot 1 Section 11 Township 66S Range 32E Key Vaca Part E1/2 Tract 10, Marathon, Monroe County, Florida, Having Real Estate Number 00338730-000600 & Sheryl Subdivision 2 Plat Book 4-43 Key Vaca Lots 1-2 and Part 3-4 Block C, Monroe County, Florida, Having Real Estate Number 00339960-000000. Nearest Mile Marker 50.

**APPLICANT/ OWNER:** Thomas Francis-Siburg/Land 10031, Land 1701, Land 7009, Land 8351, Land 2708, Land 8601, Land 4027, Land 113, and Land 2421 LLC

**AGENT:** Thomas Francis-Siburg & Owen Trepanier

**LOCATION:** The project site is located at and adjacent to 6203 Overseas Highway at approximately mile marker 50. See Figure 1.

**REQUEST:** A Conditional Use Approval for redevelopment of the subject property to include a Car Wash to the existing Convenience store which is being remodeled.

**LOT SIZE:**  
 Total acreage: 1.15 acres or 49,969 square feet

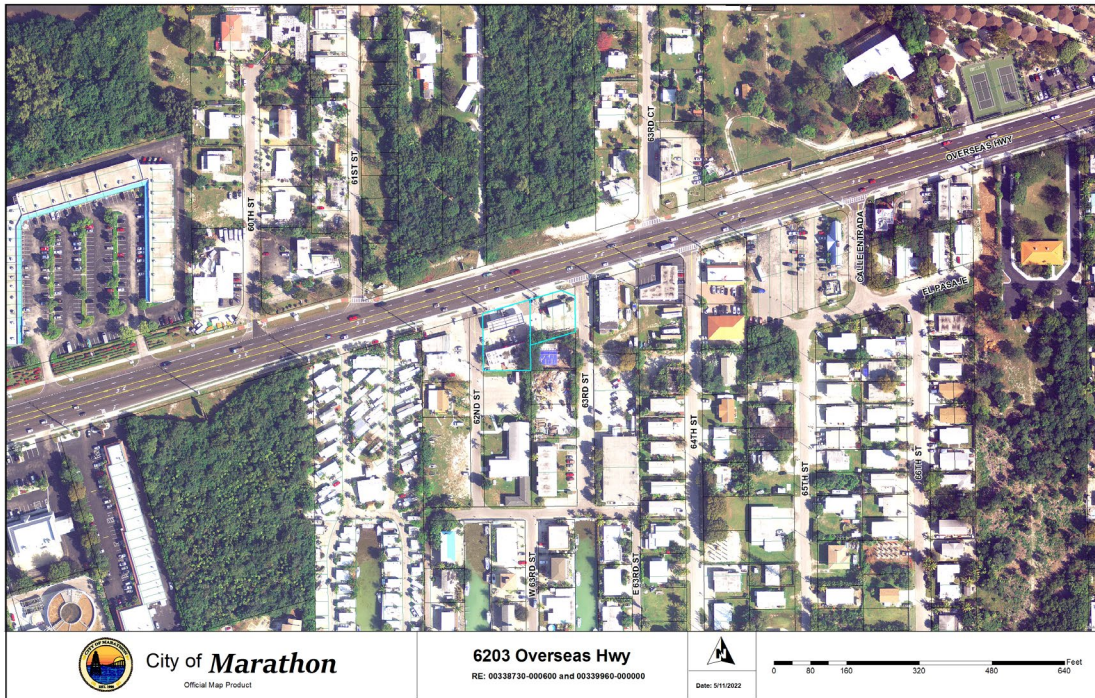
**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Mixed Use (MU)	Vacant Land
<b>East</b>	Mixed Use (MU)	Marathon Self Storage
<b>South</b>	Mixed Use (MU)	First Baptist Church of Marathon
<b>West</b>	Mixed Use (MU)	Office Building for Alex Landscaping

**EXISTING CONDITIONS:**

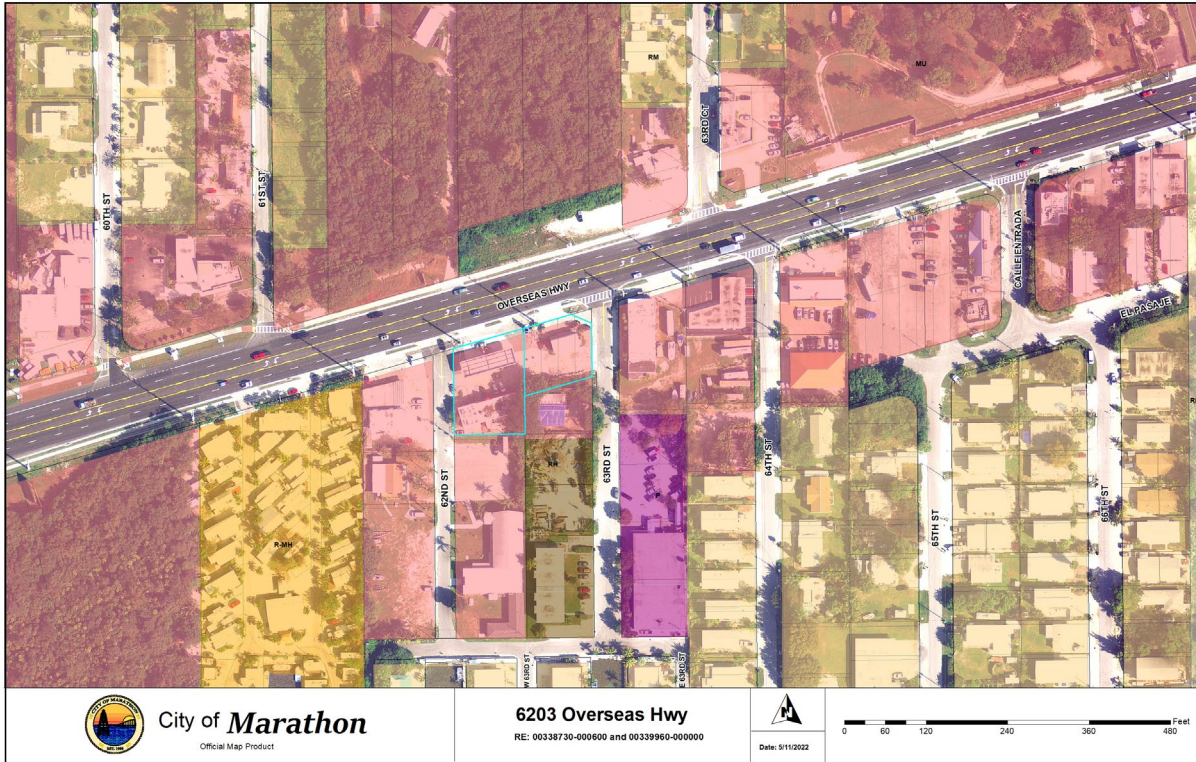
The project site consists of two (2) parcels in common ownership. The first parcel is developed with a 3,490 square foot building, with covered fuel pumps. The remaining parcel, formerly a hair salon is now vacant and cleared. The existing FLUM is Mixed Use Commercial (MU-C), and the Zoning is Mixed Use (MU). See Figures 2 & 3.

**Figure 1  
Project Site**



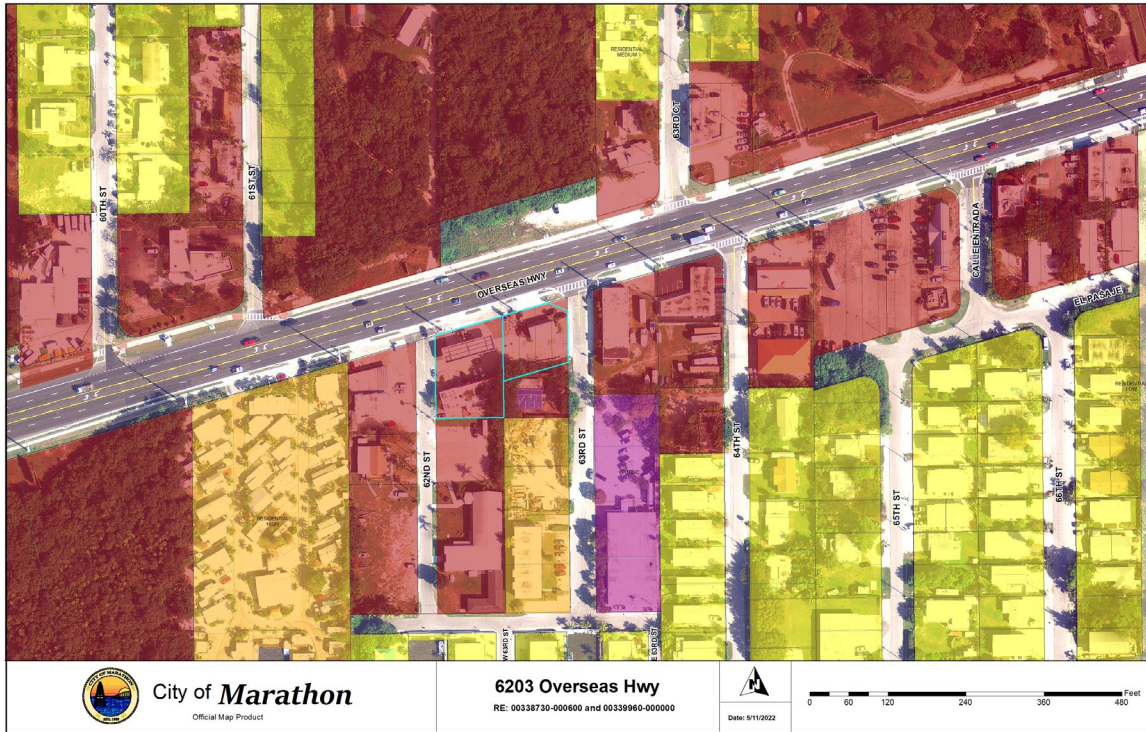
**FUTURE LAND USE MAP DESIGNATION:**  
Mixed Use Commercial (MU-C). See Figure 2.

**Figure 2**  
**Future Land Use Map**



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

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



**PROPOSED REDEVELOPMENT:**

The applicant requests a change of use to develop a car wash in the adjoining parcel which will operate with the existing gas station and convenience store.

Commercial Floor Area

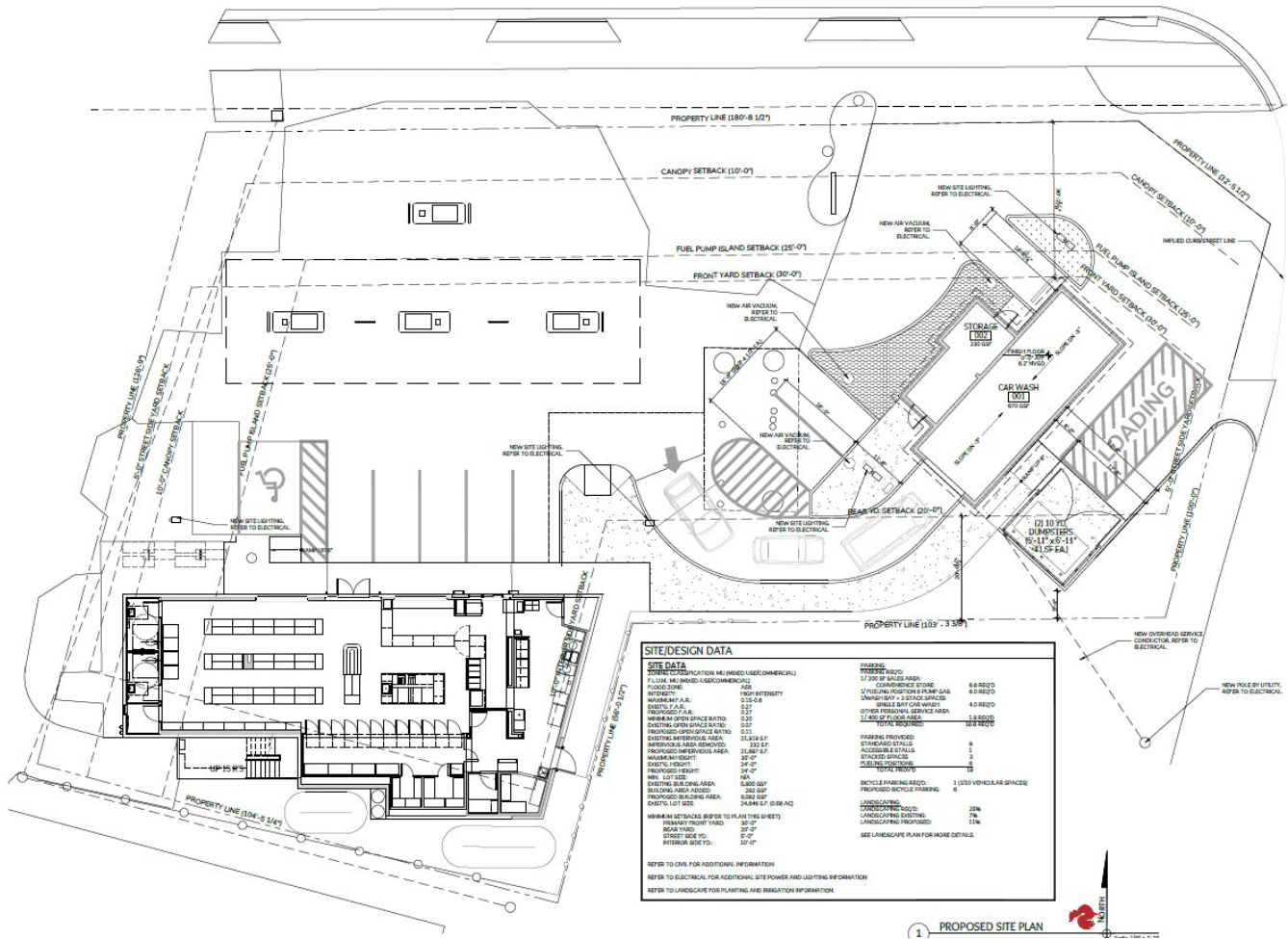
3,165 square feet (Convenience Store)

1,920 square feet (Covered Fuel Pumps (6))

Other Structures:

1,031 square feet (Car Wash)

**Figure 4  
Proposed Redevelopment Site Plan**



**BACKGROUND:**

The proposed project is a redevelopment of commercial property to include the remodel of the existing convenience store providing fuel service in the Mixed-Use zoning classification as well as the addition of a car wash. Car Washes are permitted only by Conditional Use Approval in Mixed Use zoning areas; therefore, a Conditional Use Approval is required for project approval. This report addresses the Conditional Use application. **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 redevelopment project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s “Main Street.” The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed project consists of the redevelopment of an existing commercial use and development of adjacent vacant parcels and is consistent with the Mixed-Use 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 Fuel Sales uses are allowed as Conditional Uses in the MU 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 MU district based on the types of uses proposed. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use. In its review of this project, staff determined the overall development proposal to be consistent with a “retail, high intensity” use. As such, the following table reflects the proposed project intensity (shown as floor area (FA)) against the maximum intensity and floor area allowed under the constraints imposed on retail, high intensity development. The table also reflects the need for additional floor area that the applicant will have to acquire through the commercial building permit allocation system (CBPAS).

<b>Dion’s Quik Chik and Car Wash</b>			
<b>Calculation of Intensity Limits &amp; Requirements for CBPAS Application</b>			
<b>Use 1</b>		Retail	
<b>Intensity</b>		High	
<b>FAR (See Table 103.15.3)</b>		0.25	
<b>Site Area</b>		9,630 sq ft	
<b>Limits of FA Based on Intensity</b>		2,407 sq ft	
<b>Requested FA</b>	<b>FA Entitlements</b>	<b>FA Required Through CBPAS</b>	<b>% of FA Limit</b>
1,031	1,188	0	42%

The project as proposed meets the basic definition of development in the MU zoning district and will not exceed any intensity constraints imposed on the type of proposed.

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

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

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns and to recognize established mixed use development patterns within the City.” An existing conditional use (fuel sales) with the additional use of a car wash, which is consistent with the Mixed-Use classification.

The redevelopment of the site will result in significant improvement to the site development quality, including upgraded landscaping, stormwater management, and architecture. The improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon.

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

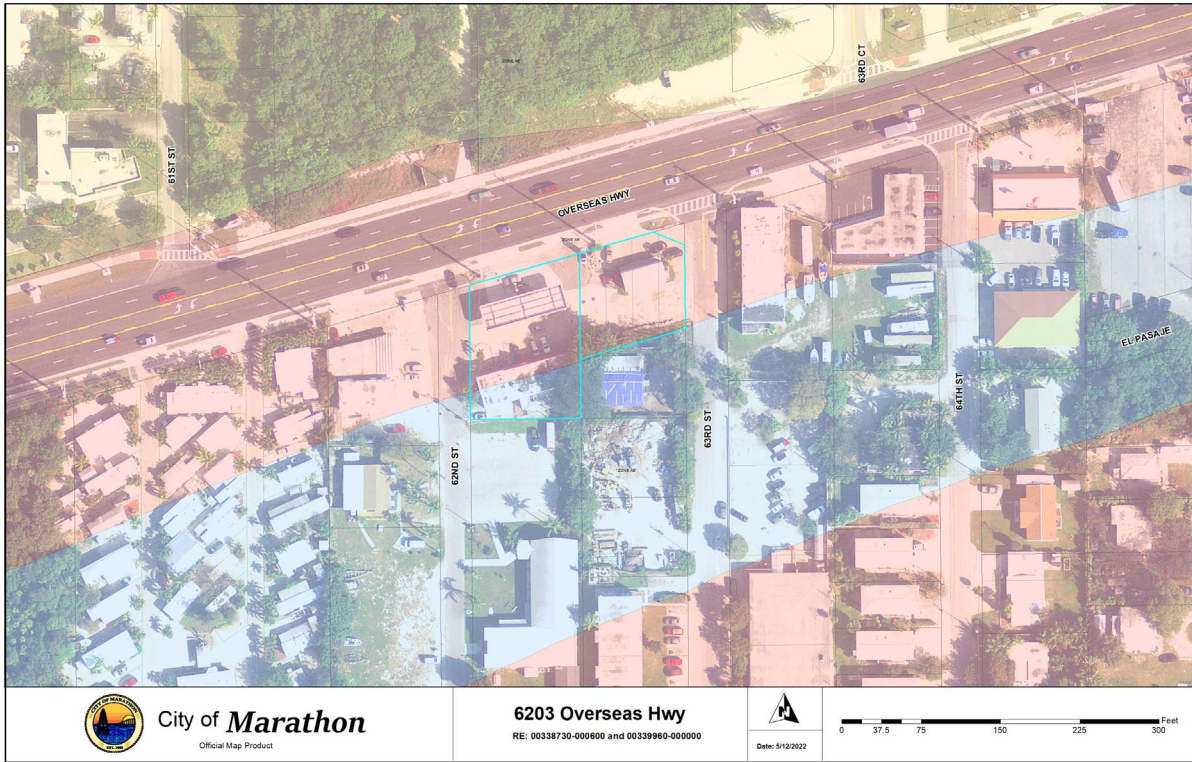
**C. The proposed use shall not adversely affect the health, safety, and welfare of the public;**

There is already a conditional use in place for the existing gas station. The proposed conditional use will include the newly constructed car wash which will enhance the community by providing an additional facility to the area for car cleaning. No new impacts are expected to arise with the redevelopment. The project will not cause any negative impacts to the City’s health, safety, and welfare.

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



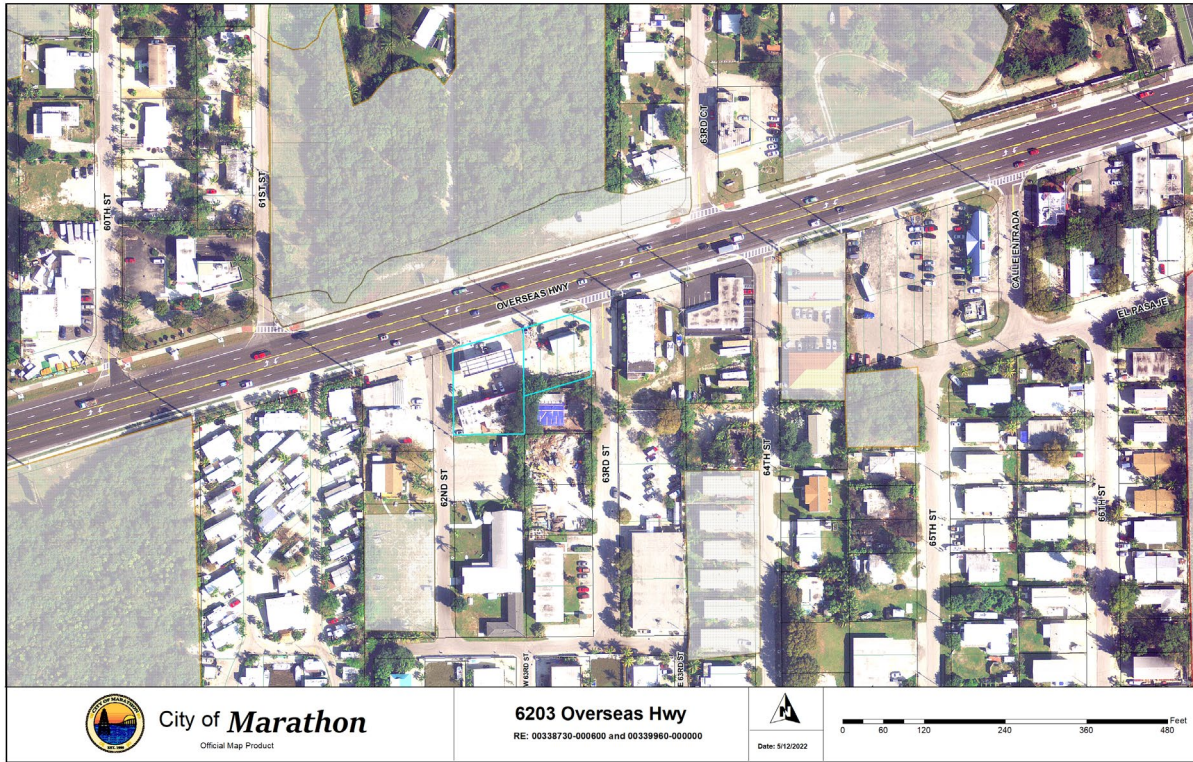
**Figure 5  
Flood Zones**



**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 existing conditions maps indicate the subject area is designated as developed. A site inspection showed the current conditions as scarified with an existing building and asphalt parking lot. These properties are not recognized habitat to any state or federally listed animal species and are not within Florida Forever boundaries or critical habitat areas.

**Figure 6**  
**FEMA-FWS Species Focus Area Map**



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;**

The applicant has provided a traffic analysis for the proposed redevelopment of the gas station with the additional development of the car wash. There is a projected increase in vehicles trips however this is considered minimal.

Ingress and egress to the property is being provided through existing curb cuts on U.S. 1, 62<sup>nd</sup> St. and 63<sup>rd</sup> St.

Table 1 Dion's Quik Chik Trip Generation Summary Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<b>Existing</b>								
Gas Station w/C-Store - Pass-By (59%/62%/56%)	8 FP	1,643 (969)	51 (32)	49 (30)	100 (62)	57 (32)	55 (31)	112 (63)
Small Office Building	726 SF	12	1	0	1	1	1	2
Salon	730 SF	10	1	0	1	0	1	1
Small Office Building	468 SF	8	1	0	1	0	1	1
<b>Sub Total</b>		<b>704</b>	<b>22</b>	<b>19</b>	<b>41</b>	<b>26</b>	<b>27</b>	<b>53</b>
<b>Proposed</b>								
Gas Station w/C-Store - Pass-By (59%/62%/56%)	8 FP	1,643 (969)	51 (32)	49 (30)	100 (62)	57 (32)	55 (31)	112 (63)
Small Office Building	726 SF	12	1	0	1	1	1	2
Automated Car Wash	1,030 SF	146	8	7	15	8	7	15
<b>Sub-Total</b>		<b>832</b>	<b>28</b>	<b>26</b>	<b>54</b>	<b>34</b>	<b>32</b>	<b>66</b>
<b>Difference (Proposed - Existing)</b>		<b>128</b>	<b>6</b>	<b>7</b>	<b>13</b>	<b>8</b>	<b>5</b>	<b>13</b>

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

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on the site plan at time of building permit issuance. DOT parcel at corner acts as clear site triangle.

A unity of title is required in lieu of the unity of title the applicant can provide cross access easements in a form approved by the City attorney.

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 following table shows the parking requirement for the commercial uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Mixed Use Development (Convenience store, with fuel sales)	107.47	1 per 200 square feet GFA 1 per fueling position	15
Mixed Use Development (Car Wash)	107.47	1 per service bay, plus three stacking spaces	4

<b>Total Required</b>			<b>19</b>
<b>Total Provided</b>			<b>19</b>

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 19 required spaces, one handicapped space is required. Parking space sizes are 9' x 18' for 90-degree parking, and handicapped spaces are 12' x 21' as required by Code. Parking spaces for the car wash are provided as required with one per wash bay and three stack spaces.

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 developer has provided a bike rack for the project.

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

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

The proposed project consists of remodel of an existing commercial use with the addition of a car wash. New lighting will be constructed for this project. The applicant has provided detailed lighting plans which conform to the letter with the City of Marathon LDR's. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses.

Therefore, 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 does indicate that the dumpster is screened.

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: Complete details for the carwash shall be submitted. The plans shall depict a treatment system to remove grease, grit, sand, and all other impurities prior to connection to the wastewater system.
- 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 is being required to analyze the impact on transportation facilities. Furthermore, final site layout and traffic flow will be dependent on FDOT, City of Marathon Public Works, and City Fire Marshal analysis.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- 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;**

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered by MU zone which result in no buffer necessary.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed landscape plan meets the minimum requirements.

Parking area landscaping is required by Section 107.66 of the Code. The City Biologist has reviewed the submitted parking area landscape plan and has found it to be in compliance.

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

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

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

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 developed; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant, 21,687 square feet of proposed impervious area (including landscape area), or 20% of the site, is provided as open space. This meets 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 a remodel of long-standing existing uses as well as a car wash developed in an area of the City which is relatively dense and intense. Adjacent uses include a commercial establishments and mixed uses. A convenience store with fuel sales and a car wash is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

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.**

There are no additional sections set for Car Washes.

Therefore, 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 redevelopment consists of the enhancement of a long standing existing commercial use with an additional new car wash. 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 that the Planning Commission forward a recommendation of conditional approval of the Convenience Store Providing Fuel Service and Car Wash to the City Council. The proposed conditions of approval are listed below.

Conditions of Approval

- 1) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 3) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 4) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 5) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 6) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 7) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 8) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 9) Complete details for the carwash shall be submitted. The plans shall depict a treatment system to remove grease, grit, sand, and all other impurities prior to connection to the wastewater system.
- 10) A unity of title is required in lieu of the unity of title the applicant can provide cross access easements in a form approved by the City attorney.