



City of Marathon Planning Commission
Monday September 19, 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 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 public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 7 (“Signs”) By Deleting Section 107.621(F)G Which Previously Required A Photometric Study To Be Conducted For Every Digital Sign; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For An Effective Date Upon The Final Approval Of This Ordinance By The State Department Of Economic Opportunity; And Providing For Inclusion In The Code Of Ordinances.
2. An Ordinance of The City Of Marathon, Florida, Amending Chapter 102 “Subdivision of Land/Plats and Replats”; Amending Table 102.46.1 And Adding Table 102.47.1; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

3. A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 13380, And 13440 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

4. Consideration Of A Request By Marathon Development Partners LLC 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 Nine (9) Duplexes On Properties Located At 57578 And 57468 Overseas Highway, Which Are Legally Described As Block 58, Lots 10, 11, 12, 13, 14, And 15, Crains Subdivision, Grassy Key, Monroe County, Florida, Having Real Estate Numbers 00374650-000000, 00374660-000000, 00374670-000000, 00374680-000000, 00374690-000000, And 00374700-000000. Nearest Mile Marker 57.5.



**City of Marathon Planning Commission
Monday June 27, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Landry called the meeting of the Planning Commission to order on Monday, June 27, 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-absent; Malloy Pinto-absent; Mary Ann Royse-present; Lynn Landry-present.

Minutes were amended and Cinque made a motion to approve as amended. Royse seconded. The roll was called. The minutes were approved 3-0.

Item 1 was read into the record.

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.

Dafoe presented the item.

There was a brief discussion on the amount of space for entering and exiting the car wash, and possible traffic congestion on US1 and the side street.

Thomas Francis-Siburg presented the item on behalf of the owner.

Landry opened the meeting to public speakers.

- Dr. Edward Noga. His concern is noise at all hours of the night with a 24-hour carwash.

Cinque mentioned the convenience store parking will be a problem with only 5 spaces and 1 handicap space.

After a brief discussion, Royce moved to approve the item with the condition that the hours of operation run concurrent with the convenience store. Landry seconded.

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

Adjourned at 5:57 p.m.

ATTEST:

Lynn Landry – Planning Commission Chairman

ATTEST:

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.)



**City of Marathon Planning Commission
Monday July 18, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Sexton called the meeting of the Planning Commission to order on Monday, July 18, 2022, at 5:30 pm.

In attendance: Planning Director Brian Shea, Planner Erin Dafoe, Attorney Steve Williams, Grants Coordinator Maria Covelli, Admin Assistant Lorie Mullins, and members of the public.

The Pledge of Allegiance was recited.

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

There was not a quorum to vote on the minutes from the June meeting, so it was postponed till the August meeting.

Maria Covelli presented a community development block grant that the city has applied for. The grant is available through the Department of Economic Opportunity. There was no discussion.

The quasi-judicial statement was read into the record.

Item 1 was read into the record.

1. Consideration Of A Request By Skocean LLC 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 Outdoor Boat Trailer Storage Yard Located At 8151 Overseas Highway; Which Is Legally Described As Block 3 Lots 1, 2, 3, and 45 Lida Subdivision First Addition, Key Vaca PB4-103, Monroe County, Florida, Having Real Estate Number 00348171-000000. Nearest Mile Marker 51.

Dafoe presented the item.

There was a brief discussion about the elevation of the racks, buffers, open air vs. enclosed space, hurricane plan.

Mike Card, the applicant, responded to the questions.

An image of the proposed rack was presented to the Commission and staff and is attached to these minutes.

There were no public speakers.

Royse moved to approve the item. Sexton seconded. The roll was called. The item was approved 3-0.

Items 2 and 3 were read into the record together.

2. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Recreation (R) For Property Described As Waloriss Sub PB3-113 (Park), Having Real Estate Number 00354681-000000; 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 From Residential Medium (RM) To Parks and Recreation (PR) For Property Described As Waloriss Sub PB3-113 (Park), Having Real Estate Number 00354681-000000; 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 as 'clean up' items.

Pinto moved to approve Item 2. Sexton seconded. The roll was called. The item was approved 3-0.

Royse moved to approve Item 3. Sexton seconded. The roll was called. The item was approved 3-0.

Item 4 was read into the record.

4. An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 "Development Application Review Procedures", Article 6 "Comprehensive Plan Amendment", Amending Figure 102.22.1 "Comprehensive Plan Amendment Review Process", And Article 7 "Land Development Text Amendment", Amending Figure 102.28.1 "Land Development Regulation Text Amendment Process", And Article 11 "Rezoning", Amending Figure 102.62.1 "Rezoning Review Process", And Article 13 "Conditional Use", Amending Figure 102.80.1 "Conditional Use Permit Review Process", And Article 17 "Appeals", Amending Figure 102.98.1 "Appeals Review Process", And Article 18 "Beneficial Use Determinations", Amending Figure 102.104.1 "Beneficial Use Determinations Process", And Article 19 "Vested Rights Determinations", Amending Figure 102.112.1 "Vested Rights Determinations", And Article 18 "Beneficial Use Determinations", Amending Section 102.104 "Final Determination By Council", And Article 19 "Vested Rights Determinations", Amending Section 102.110 "Final Determination"; And Amending Chapter 110 "Definitions", Article 2 "Acronyms"; To Update Language Pertaining To The Obsolete Department Of Community Affairs (DCA) To Reflect The Current Department Of Economic Opportunity (DEO); Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; 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 Department Of Economic Opportunity In Accordance With State Law.

Shea presented the item as a 'clean up' item, removing all references to DCA and replacing with current DEO.

Royse moved to approve the item. Sexton seconded. The roll was called. The item was approved 3-0.

Motion to adjourn approved at 5:51 p.m.

ATTEST:

Matt Sexton – Planning Commission Vice Chairman

ATTEST:

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.)



**City of Marathon Planning Commission
Monday August 15, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Royse called the meeting of the Planning Commission to order on Monday, August 15, 2022, at 5:30 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Grants Coordinator Maria Covelli, Admin Assistant Lorie Mullins, and members of the public.

The Pledge of Allegiance was recited.

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

There was not a quorum to vote on the minutes from the June or July meetings, so those will be postponed till the September meeting. There was not a quorum for the August meeting.

Maria Covelli presented a Florida Land and Recreation Grant that the city has applied for that will be available in 2023-2024.

Williams adjourned the meeting at 5:35pm

ATTEST:

Mary Ann Royse – Planning Commissioner

ATTEST:

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.)

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: September 19, 2022

From: City Manager

An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 7 (“Signs”) By Deleting Section 107.621(F)G Which Previously Required A Photometric Study To Be Conducted For Every Digital Sign; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For An Effective Date Upon The Final Approval Of This Ordinance By The State Department Of Economic Opportunity; And Providing For Inclusion In The Code Of Ordinances.

RECOMMENDATION:

Staff recommends APPROVAL

REQUEST:

On March 8, 2022, the Marathon City Council enacted Ordinance 2022-02 which repealed the previously enacted sign code and replaced it with one that comports with current constitutional constraints, however during the council meeting it was agreed upon that Section 107.621(f)g should be stricken from the final ordinance. However, the ordinance was transmitted without making this change, so a new ordinance is necessary to correct this error.

AUTHORITY:

Section 102.26. Planning Commission Recommendation.

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

Section 102.27. Hearing(s) by Council

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

Section 102.28. Action by Council.

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

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

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

A. The need and justification for the change;

The Planning Commission already approved the original ordinance, however this section was added in error, so this new ordinance is necessary to correct the error.

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

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

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

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

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL.



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: September 19, 2022
To: Planning Commission
From: Amber Stonik, Planning Associate
Through: George Garrett, City Manager

Agenda Item: Ordinance 2022-XXX, An Ordinance of The City Of Marathon, Florida, Amending Chapter 102 “Subdivision of Land/Plats and Replats”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

RECOMMENDATION:

Staff recommends APPROVAL.

BACKGROUND AND REQUEST:

The City of Marathon staff reviewed existing code and found inaccuracies that require text amendments.

The proposed Ordinance does the following:

~~Strikethrough~~ = deletion **bold underline** = addition

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

SECTION 2. Amend Chapter 102, Article 10 to read as follows:

Section 102.46 Simple Subdivision

A. Application Requirements: The submittal requirements and review procedure for all requests for a simple subdivision shall be in accordance with Chapter 102 and shall provide the following minimal information:

1. Proof of Ownership of the parcel or parcels proposed for simple subdivision or reconfiguration.
2. An independent survey of each of the proposed parcels or reconfigured parcels including an identification of the parent parcel in the survey.

B. Review and Approval Procedure

1. The Director or his designee shall review the applicant for the proposed simple subdivision taking the following criteria into consideration:

- a. The Simple Subdivision procedure is an administrative process conducted by the Director in coordination with other City staff including

the Public Works and Utilities Directors.

b. With the exception of the proposed subdivision of a parcel with a duplex residence, the resultant parcels of a simple subdivision or reconfiguration shall meet all the minimum lot area, density, intensity, clustering, and dimension requirements of the City’s Land Development Regulations.

c. Otherwise, the following requirements of the following subsections apply.

C. Notice

1. Notice is not required for a Simple Subdivision.

D. Approval of a Simple Subdivision is a ministerial function which should receive approval so long as all criteria in the review process are met.

E. Division of one (1) parcel into two (2) parcels: A legal lot of record may be divided into two (2) separate lots, parcels, tracts, or other subdivision of land, without complying with the subdivision requirements of this article, through the simple subdivision review process, provided all the conditions below are met:

1. The legal lot of record has frontage on and has direct access to an existing publicly maintained street. The access may be provided by a legally established joint driveway access to the public street in lieu of public street frontage for both lots upon approval by the City and City Attorney. The minimum lot area to allow subdivision, the minimum resulting lot area and street-front lot width for all Land Use Districts are as follows:

Table 102.46.1

Minimum/~~Maximum~~ **Simple** Subdivided Lot Area & Front Lot Width

Land Use District	Minimum Existing Lot Area (Sq. Ft.)	Minimum Subdivided Lot Area (Sq. Ft.)	<u>Minimum Subdivided Lot Area (Sq. Ft.)</u>	Street-Front Lot Width (Ft.)
A	NA	NA	<u>NA</u>	NA
C-NA	12 8 Acres	4 Acres	<u>348,479</u>	NA
C-OI	30 20 Acres	10 Acres	<u>871,199</u>	NA
I-G	26,136 8,712	8,712 4,356	<u>17,423</u>	NA
I-M	26,136 8,712	8,712 4,356	<u>17,423</u>	NA
MU	21,780 14,520	7,260	<u>14,519</u>	NA
MU-M	21,780 14,520	7,260 14,520	<u>14,519</u>	NA
P	13,068 3,484	4,356 1,742	<u>8,711</u>	NA

PR	12 <u>8</u> Acres	4 Acres	348,479	NA
RH	16,335 <u>10,890</u>	5,445	10,879	75
RL	2 <u>4</u> Acres	2 Acres	87,119	NA
RL-C	12 <u>8</u> Acres	4 Acres	348,479	NA
R-MH	16,335 <u>10,890</u>	5,445	10,879	NA
RM	26,136 <u>17,424</u>	8,712	17,423	100
RM-1	32,670 <u>20,000</u>	10,890 <u>10,000</u>	21,779	100
RM-2	26,136 <u>17,424</u>	8,712	17,423	100

Section 102.47 Minor And Major Subdivision

A. Application Requirements: The submittal requirements and review procedure for all minor and major subdivision development plans shall be in accordance with Chapter 102 and shall provide the following minimal information:

The preliminary subdivision plan for both a minor or major subdivision (and plat) shall be submitted on black or blue line prints drawn at an acceptable scale such as 50 feet to the inch on sheets no larger than 34 by 44 inches. The principal difference between a Minor and Major Subdivision lies in whether the subdivision proposes the approval of new streets which may be dedicated to the City of Marathon (or remain as private streets). The plan drawing shall include the following:

1. All materials required under Section 102.01 "Application Forms", except as modified by specific requirements below.
2. A boundary survey of the lands to subdivided and platted. However, a new boundary survey for a re-plat is required only when the replat affects any boundary of the previously platted property or when improvements which may affect the boundary of the previously platted property have been made on the lands to be re-platted. The boundary survey must be performed and prepared under the responsible direction and supervision of a professional surveyor and mapper preceding the initial submittal of the plat to the City. This subsection does not restrict a legal entity from employing one professional surveyor and mapper to perform and prepare the boundary survey and another professional surveyor and mapper to prepare the plat.
 - a. Every plat offered for recording pursuant to the provisions of this part shall be prepared by a professional surveyor and mapper. The plat must be signed and sealed by that professional surveyor and mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all the survey requirements of this part. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the statement required by this section, along with the printed name, address, and certificate of authorization number of the legal entity, if any. A professional surveyor and mapper practicing independently of a legal entity

must include his or her address.

3. A title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown in the proposed subdivision and subsequent plat or re-plat is in the name of the person, persons, corporation, or executing the dedication. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.
4. The title under which the subdivision is to be recorded, the names of the developer, the engineer, the surveyor, architect and land planner, the tax parcel number(s) and Section, Township, and Range.
 - a. Every subdivision shall be given a name by which it shall be legally known. For the purpose of this section, that name is the "primary name." The primary name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is further divided as an additional unit or section by the same developer or the developer's successors in title. In that case, the additional unit, section, or phase shall be given the primary name followed by the unit, section, or phase number. Words such as "the," "re-plat," or "a" may not be used as the first word of the primary name. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," or "phase." If the word "re-plat" is not part of the primary name, then it may be of a different size and type. The primary name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.
 - b. Any change in a plat, except as provided in s. 177.141, shall be labeled a "re-plat," and a re-plat must conform with this part. After the effective date of this act, the terms "amended plat," "revised plat," "corrected plat," and "re-subdivision" may not be used to describe the process by which a plat is changed.
5. A location map to show the relationship of the proposed development to existing community facilities, developments, and streets.
6. North point, scale, and date.
7. The location of present property and section lines, boundaries of incorporated areas, land description, existing streets and/or driveways within 150 feet of the property boundaries, buildings, wetlands, and other natural resources.
8. Existing utilities, including sanitary sewer, water, stormwater, electricity lines, telephone, gas, cable television, etc., within the parcel and immediately adjacent to it.
9. Contours of the land at one-foot intervals. Contours shall be based on National Geodetic Vertical Datum 1929 or later.
10. Subsurface conditions of the parcel.
11. Approximate location of the 100-year floodplain and data used to establish

its location.

12. The names and boundaries of all adjoining subdivisions. The names of record owners and City tax parcel numbers of all adjoining parcels of un-subdivided land. Adjoining land uses, in accordance with the City of Marathon Future Land Use Map shall also be shown.

13. A statement of utility plan indicating types and provider of services.

14. The location of all existing lots must be shown. Proposed lot lines and areas must be shown as well and meet the standards set out in Table ~~102.46.1~~ **102.47.1**

Table 102.47.1
Minimum Minor and Major Subdivision Lot Area & Front Lot Width

<u>Land Use District</u>	<u>Minimum Existing Lot Area (Sq. Ft.)</u>	<u>Minimum Subdivided Lot Area (Sq. Ft.)</u>	<u>Street-Front Lot Width (Ft.)</u>
<u>A</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>C-NA</u>	<u>12 Acres</u>	<u>4 Acres</u>	<u>NA</u>
<u>C-OI</u>	<u>30 Acres</u>	<u>10 Acres</u>	<u>NA</u>
<u>I-G</u>	<u>13,068</u>	<u>4,356</u>	<u>NA</u>
<u>I-M</u>	<u>13,068</u>	<u>4,356</u>	<u>NA</u>
<u>MU</u>	<u>21,780</u>	<u>7,260</u>	<u>NA</u>
<u>MU-M</u>	<u>21,780</u>	<u>7,260</u>	<u>NA</u>
<u>P</u>	<u>5,226</u>	<u>1,742</u>	<u>NA</u>
<u>PR</u>	<u>12 Acres</u>	<u>4 Acres</u>	<u>NA</u>
<u>RH</u>	<u>16,335</u>	<u>5,445</u>	<u>75</u>
<u>RL</u>	<u>6 Acres</u>	<u>2 Acres</u>	<u>NA</u>
<u>RL-C</u>	<u>12 Acres</u>	<u>4 Acres</u>	<u>NA</u>
<u>R-MH</u>	<u>16,335</u>	<u>5,445</u>	<u>NA</u>
<u>RM</u>	<u>26,136</u>	<u>8,712</u>	<u>100</u>
<u>RM-1</u>	<u>30,000</u>	<u>10,000</u>	<u>100</u>
<u>RM-2</u>	<u>26,136</u>	<u>8,712</u>	<u>100</u>

APPLICANT: City of Marathon

REQUEST: The ordinance amends Chapter 102 “Subdivision of Land/Plats and Replats”

AUTHORITY

Section 102.26. Planning Commission Recommendation.

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

Section 102.27. - Hearing(s) by Council.

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

Section 102.28. - Action by Council.

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

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

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

A. The need and justification for the change;

Change of **Table 102.46.1**, Minimum/Maximum Subdivided Lot Area & Front Lot Width. This change corrects mathematical errors created in revision of this section by Ordinance 2017-02, enacted February

28, 2017. This change corrects the mathematical errors and clarifies the table's purpose.

Add **Table 102.47.1**, Minimum Minor and Major Subdivision Lot Area & Front Lot Width. This table corrects an inaccurate table reference in Section, 102.47 and clarifies the requirements for Minor and Major Subdivisions.

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

The proposed text amendment is consistent with the Comprehensive Plan and LDRs providing compliance with State law and consistency within current City code.

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

The proposed text amendments further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by code consistency.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL.

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 19, 2022
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

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

APPLICANT/ OWNER: Manny Roman Casa Marabella LLC

AGENT: Amie Owens, Don Horton Construction

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

**Figure 1
Project Site**



REQUEST: Preliminary Plat approval for the subject property having RE 00099610-000000 to allow for the subdivision of the single parcel into three parcels. Previous preliminary plat and Conditional Use Permit approved by Resolution 2021-58 on August 10, 2021.

FUTURE LAND USE MAP DESIGNATION:

Mixed Use Commercial (MU-C). See Figure 2.

**Figure 2
Future Land Use Map**



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

Figure 3
Zoning Map



LOT SIZE:
Total acreage: Approx. 80,215 sq. ft. of uplands.

SURROUNDING ZONING AND USES:

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

EXISTING CONDITIONS:

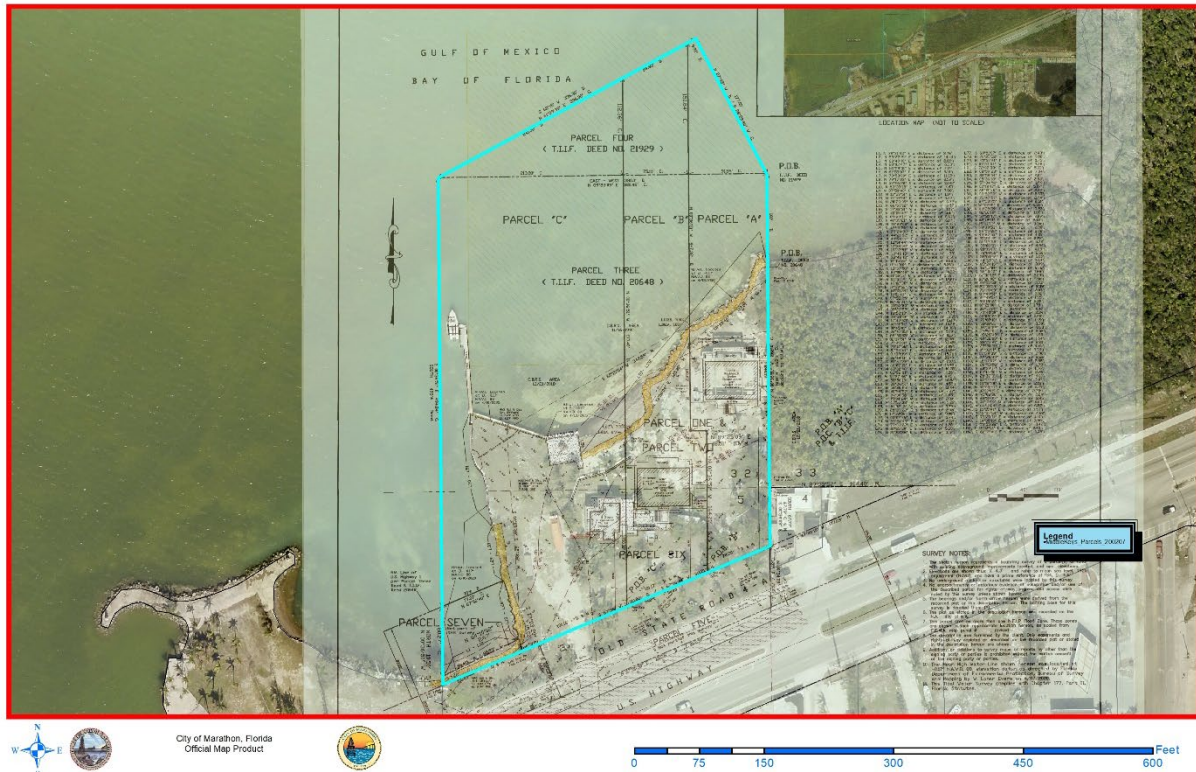
The project site consists of a large lot with three homes on the property.

PROPOSED REDEVELOPMENT:

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

See Figure 4 for Site Plan layout.

**Figure 4
Proposed Redevelopment Site Plan**



BACKGROUND:

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

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

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

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

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Using the property area, the proposed use can have up to 11 residential units, however the applicant is just subdividing the lot so that each of the existing 3 residential units is on its own lot. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use.

Development Type	Proposed	Maximum Allowed
Residential Units		
Market Rate	3	11

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

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

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

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed use development patterns within the City.” The project as originally approved included mixed use development of transient RV rights, affordable housing, and commercial retail, which is consistent with the Mixed-Use classification. At this juncture, the previously approved RV Park component was separated from the rest of the development and is now being proposed to be platted into seven single family lots.

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

Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Plats and subdivisions are permitted only when approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a

project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

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

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

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

The proposed conditional use does not adversely affect the health, and welfare of the public. The impacts on surrounding properties as a result of the proposed development should be positive.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Two of the existing structures meet floodplain compliance. The third is PreFIRM (built in 1962) but is proposed to be redeveloped so that it will meet current floodplain requirements.

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

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

The existing conditions maps indicate the subject area is designated as Developed Land. Portions of the land are flagged as undeveloped land. The State-owned land next door is also listed as hammock. However, the existing and proposed development will have no impact on the neighboring hammock.

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

Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs. The applicant has previously coordinated with DOT for the removal of native vegetation in the US 1 ROW and replacement plantings within this area.

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

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

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

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

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

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on the site plan at time of DOT permit issuance.

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

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

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

Parking requirements are outlined in Section 107.46 (Parking Schedule). The following table shows the parking requirement for the residential uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	6
Total Required			6
Total Provided			6

The existing buildings provide sufficient parking space per the code.

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

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

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

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

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

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

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

5. Utilities, with reference to location and availability;

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

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

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

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

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

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30'; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5'.

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

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

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

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

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

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

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

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

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is considered developed; therefore, a twenty percent open space requirement applies. To the greatest extent possible, the Applicant will be required to protect Regulated Trees, pursuant to Chapter 106, Article 2 of the LDRs. According to the existing survey the lots well exceed the 20% open space requirement. When the one existing preFIRM structure is replaced, the plans will be reviewed to make sure the open space requirement is continued to be met.

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

9. General compatibility with surrounding properties; and

The project is subdivision of one parcel into three for the existing use of the three homes. Adjacent uses include commercial establishments. A redevelopment of residential dwellings is expected to be fully compatible with these uses. The proposed redevelopment of the PreFIRM home will be an improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 42’ as measured from the crown of the roadway or unimproved grade. The buildings are below 42’.

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

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

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

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

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

CONCLUSION:

The proposed development plat allows for the subdivision of the lot into three individual lots, one for each home. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

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

Planning Commission previously recommended conditional approval of the subdivision to City Council (4-0) on July 19, 2021.

Conditions of Approval

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

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give consideration to the evaluation

criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

RECOMMENDATION:

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

Conditions:

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



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: September 19, 2022

To: Honorable Chair and Planning Commissioners

From: Erin Dafoe, Planner

Agenda Item: Consideration Of A Request By Marathon Development Partners LLC. 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 Nine (9) Duplexes On Properties Located At 57578 And 57468 Overseas Highway, Which Are Legally Described As Block 58, Lots 10, 11, 12, 13, 14, And 15, Crains Subdivision, Grassy Key, Monroe County, Florida, Having Real Estate Numbers 00374650-000000, 00374660-000000, 00374670-000000, 00374680-000000, 00374690-000000, And 00374700-000000. Nearest Mile Marker 57.5.

APPLICANT/ OWNER: Marathon Development Partners LLC/Mark Gerenger

AGENT: David deHaas Grosseck

LOCATION: The project site is located at 57478 Overseas Highway at nearest mile marker 57.5. See Figure 1.

REQUEST: A Conditional Use Permit approving the construction of 18 market rate dwelling units; having the real estate numbers 00374650-000000, 00374660-000000, 00374670-000000, 00374680-000000, 00374690-000000, and 00374700-000000.

LOT SIZE: Total acreage: approximately 6.26 acres of which 4.08 acres lies within the MU zoning district and 2.17 acres lies within the RL zoning district. Within the MU district, 2.46 acres is above mean high water. Within the RL zoning district, 1.64 acres is above mean high water.

Density accruing to the MU zoning district is 14.76 residential units. Density accruing to the RL zoning district is 0.82 residential units.

The property has five (5) residential entitlements and 1,780 commercial square footage from previous development on the property.

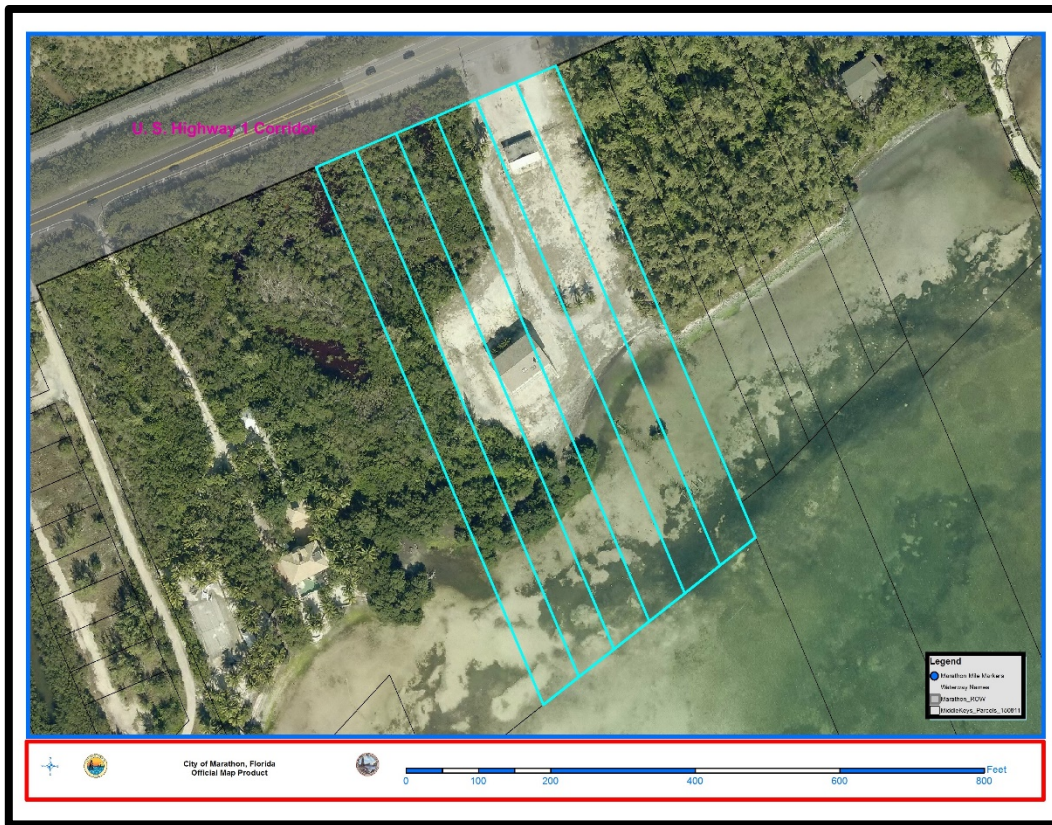
SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Conservation Native Area	Vacant Wetlands
West	Residential Low (RL)	Vacant, Residential Homes
East	Residential Low (RL)	Vacant, Residential Homes
South	N/A	Atlantic Ocean

EXISTING CONDITIONS:

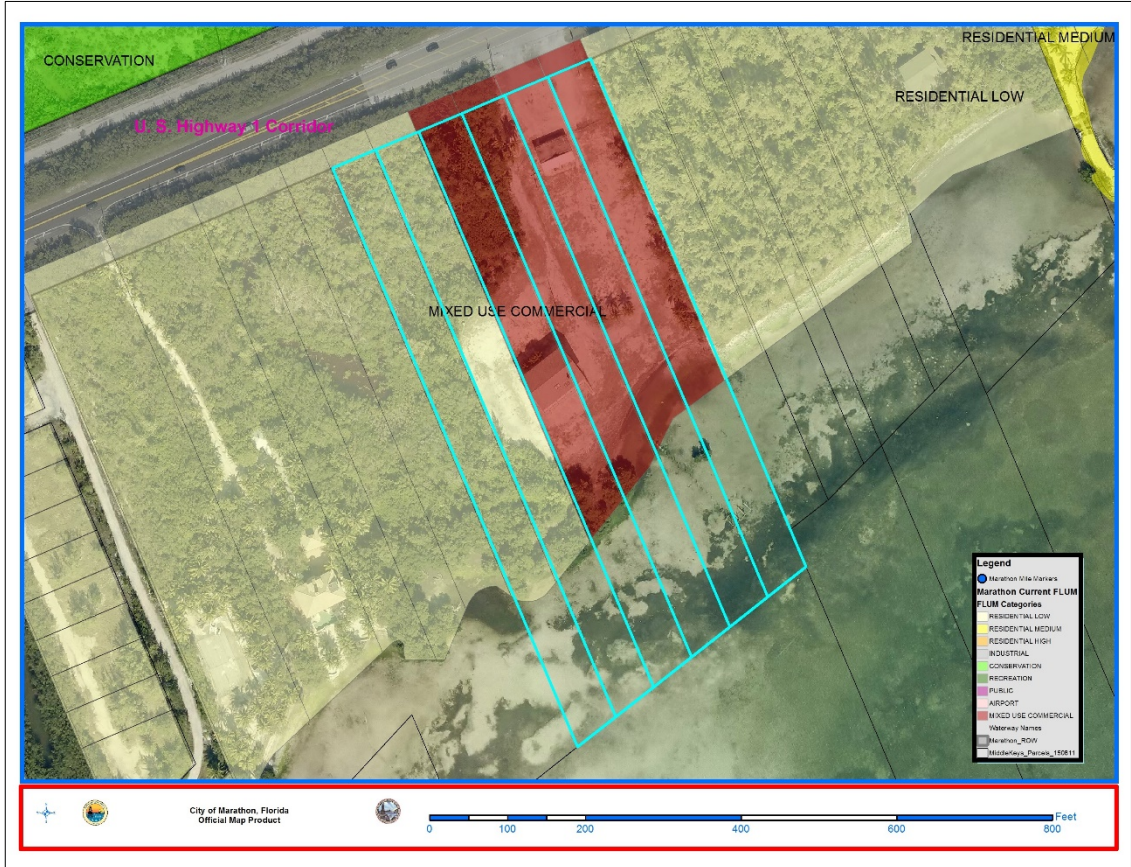
The project site consists of six parcels. Some are vacant land, one of which is heavily vegetated, the remaining contain two structures that were heavily damaged from Hurricane Irma and have since been abandoned. The existing FLUM is Mixed Use Commercial (MU-C) and Residential Low (RL). The zoning is Mixed Use (MU) and Residential Low (RL). See Figures 2 and 3.

**Figure 1
Project Site**



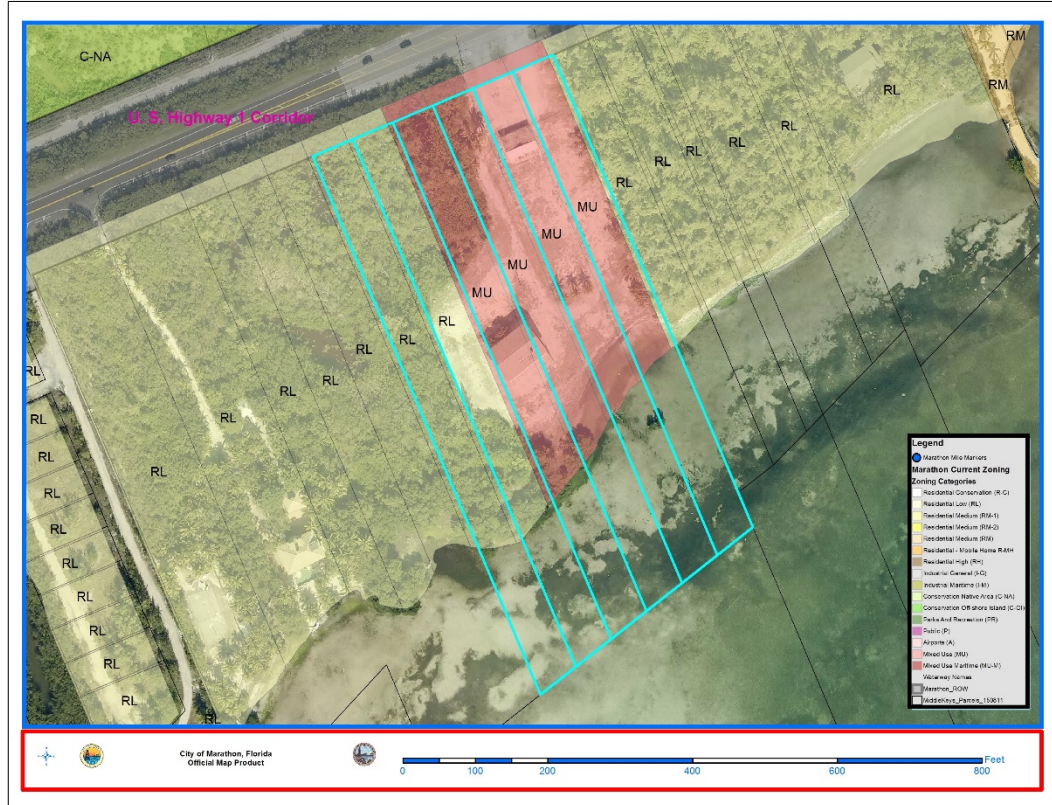
FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MU-C) and Residential Low (RL). See Figure 2.

Figure 2
Future Land Use Map



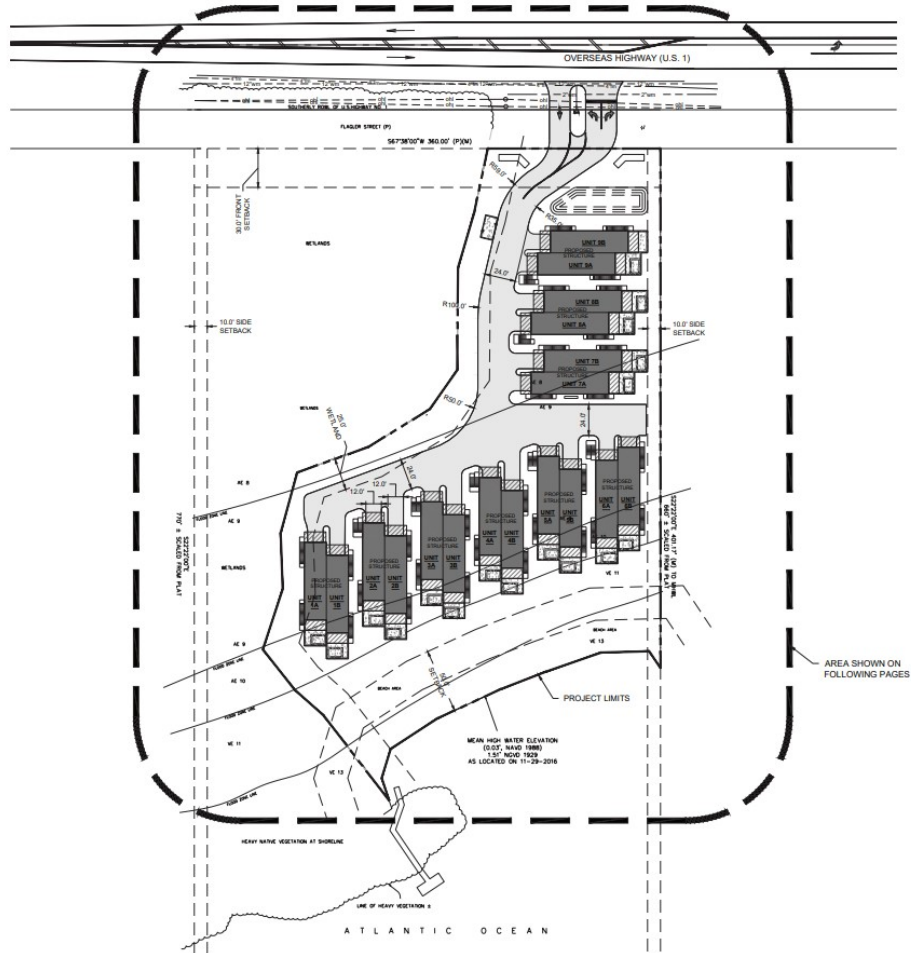
ZONING MAP DESIGNATION:
Mixed Use (MU) and Residential Low (RL). See Figure 3.

Figure 3
Zoning Map



PROPOSED REDEVELOPMENT:

The Applicant requests a change of use to construct 18 market rate units. This property came forward for approvals for 7 Duplexes as part of Resolution 2018-124.



BACKGROUND:

The proposed project seeks a redevelopment of the property to include the construction of 18 market rate units in the Mixed Use and Residential Low zoning classification.

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 consists of the authorization of a mixed residential development, including eighteen (18) residential housing units within the Mixed-Use 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 multifamily residential uses are permitted only where approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. The existing upland area is 92,911sq. ft. which according to the MU Zoning District allows for up to fourteen units. To achieve eighteen units on site the applicant would have to transfer density through the TDR process. The comprehensive plan policy number 1-3.5.16 states that the density cannot be increased through this process beyond 20%. With a maximum 20% increase to density up to fourteen units can be built on site.

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

- To achieve eighteen (18) units a TDR must occur. Without TDR approval only fourteen units can be built on site.

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

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns and to recognize established mixed use development patterns within the City.” The proposed project includes mixed use development residential housing, which is consistent with the Mixed-Use classification.

The existing land use pattern in the project vicinity consists of residential homes and vacant land to the east and west; the ocean to the south; and vacant wetland to the north.

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

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

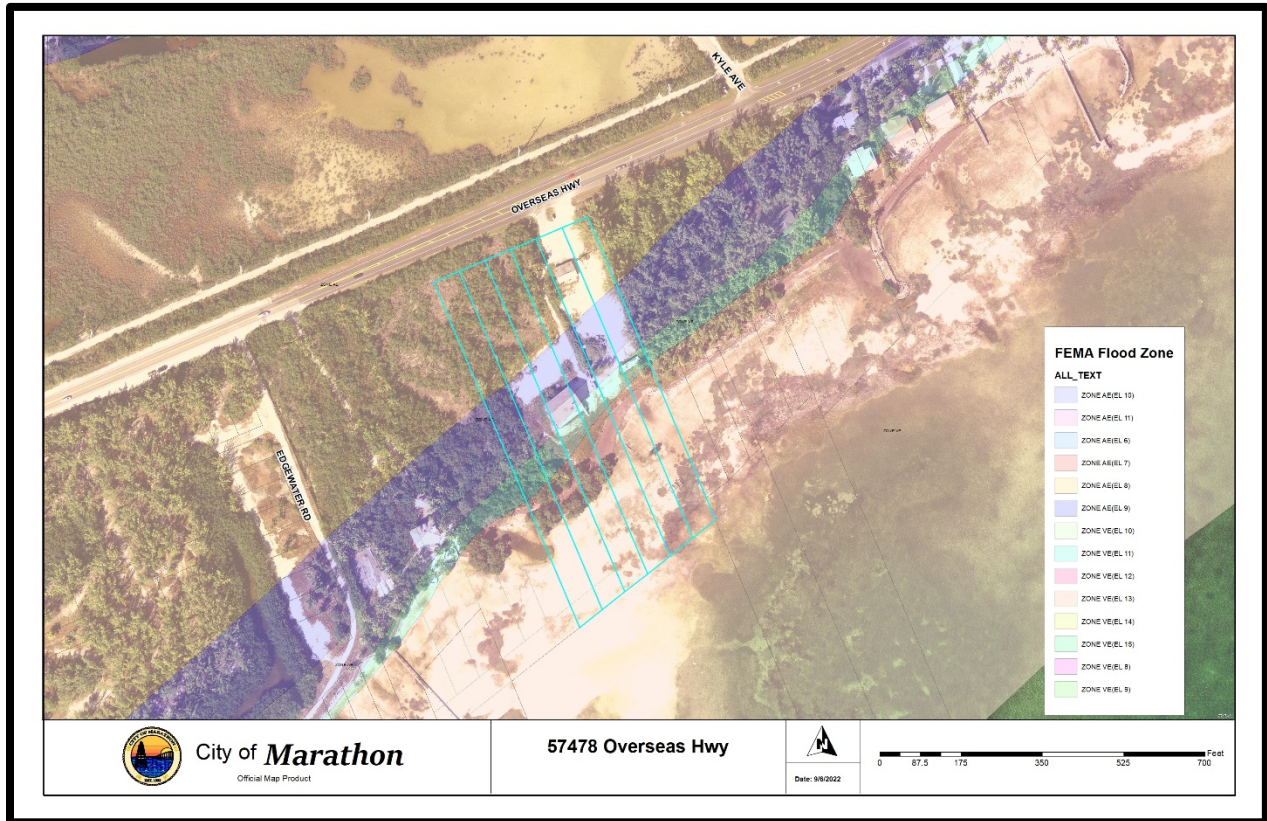
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed use is the development of an existing use which has not had any known impact to the health, safety, and welfare of the public. No new impacts are expected to arise with the redevelopment.

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 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:

The existing conditions maps indicate the subject area is designated as developed, although there are portions that are heavily wooded and thus undeveloped. These areas contain buttonwoods and wetlands. A site inspection showed the current conditions as scarified with a commercial structure, and a residential structure on site. A portion of the property is recognized as possible habitat for a state or federally listed animal species, the eastern indigo snake. Figure 5 shows that this portion falls under the category of buttonwoods. As the applicant is not proposing any alteration to this area, the assessment guides would result in a determination of not likely adversely affect the species.

Figure 5
FEMA – FWS Species Focus Area Maps



- undertaken, and the information poster posted on site.
- A final Landscape/mitigation plan must be submitted prior to permit issuance.
- A conservation easement must be recorded for the wetland portions of the site prior to permit issuance.

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

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

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. The “Trip Generation Analysis” schedule provided by the traffic engineer shows that 18 Single Family Residences will create 170 net new daily trips. The submitted study finds that the proposed increase in units will not have an adverse impact on the operating characteristics of U.S. 1, nor will it inhibit the safe flow of traffic traveling through the City of Marathon.

Land Use	Size	Daily Trips
Proposed Single Family Residences	18	170

Ingress and egress to the properties is currently provided by an asphalt driveway. This driveway has an easement agreement to allow the neighboring property owner to access it. The trip generation analysis of the traffic study shows that with the analyzed 18 units, the daily trips generated would be 170.

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). For single family residences, two parking spaces are required for each unit. The submitted site plan shows the parking spaces to be located under the townhomes. A final site plan showing the number and dimensions of the spaces will be required prior to permit issuance.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. All residences have parking underneath. The applicant has also provided an additional parking space around the club house area. Parking space sizes are 9' x 18' for 90-degree parking.

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

- The final site plan must show the required parking spaces with dimensions located under the homes prior to permit issuance.

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

The proposed project consists of redevelopment of an existing residential use. The existing residential and commercial use does not have any adverse effect through noise, glare, or odors; and the proposed use reduces these effects, therefore the proposed density increase should have a de minimis impact.

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

- Although not suitable for turtle nesting, all lighting requirements for turtle nesting beaches will be required.

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 does not indicate that the dumpsters are screened and located for easy access and waste removal.

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

- The final site plan must show that the dumpsters are screened and located for easy access and waste removal.

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 thus have a de minimus impact.

- Wastewater: The applicant will provide wastewater and sewage collection and disposal via the existing force main in the area, additional taps can be added if needed. This project will constitute a minor expansion, resulting in a de minimis impact.
- Water: The Florida Keys Aqueduct Authority already provide potable water for the facility.
- Solid Waste: Marathon Garbage Service can provide service of solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.

However, a final stormwater plan will be required for building permit issuance.

- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.

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

- Must connect with the existing low-pressure force main.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- A site-specific exfiltration test will be required for review of the construction plans for the project.
- The HWT in this area is tidal influenced and is established at elevation 2.0 NAVD. Exfiltration trench calculations shall be adjusted accordingly.
- Site shall be graded so that all runoff is diverted to the proposed stormwater system.
- Erosion control measures shall be implemented and maintained during the entire construction period.
- An FDOT access management permit is required for this project.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the east by properties zoned RL. There is a high project boundary buffer requirement for portions of the project area adjacent to parcels zoned RL. The City Biologist must approve the final landscape plans. The buffer may be reduced in half through TRC review with the addition of denser vegetation.

Buffer Type	Minimum Width	Canopy Tree	Understory Tree	Non-Deciduous	Shrub	Screening
H-High	20 feet	10	5	5	30	Yes

Section 107.71 C. requires that all multifamily residential developments provide one of two types of buffers along the entire street frontage. The project is located along US1, so a Streetscape type 1 is required.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0-30'; interior side yards 10'; and rear setbacks have a 20' setback from the property line.

Table 106.28.1 outlines that the setback of principal structures on a canal are 50' as measured from MHWL or mangrove fringe whichever is further landward.

This plan shows a 30' setback on the front yards, 10'setback side yard setback nearest the RL parcel and 50' rear yard setback.

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

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

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- A conservation easement must be recorded for the wetland portions of the site prior to permit issuance.

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

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

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

Therefore, with conditions, 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. For the scarified portion of the site, a twenty percent open space requirement applies. The applicant exceeds the open space and proposes recording of a conservation easement over the wetland areas, resulting in an overall open space of 226,096 square feet of pervious area (including landscape area).

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

9. General compatibility with surrounding properties; and

The project is a redevelopment of property that has needed improvement and maintenance. Adjacent uses include other residential dwelling units. A redevelopment of the property into residential units is expected to be fully compatible with these uses. More so than previously existing uses of RV and boat storage, or historically the chicken farm. The proposed project represents improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

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

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

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

The property currently has five (5) building rights. The proposed development is set in phases with phase one being three (3) duplexes or six (6) units. To achieve this an additional building right would be required.

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

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

The proposed development meets all applicable criteria set forth in this section.

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

- Applicant must apply for and obtain allocations more than what has been determined to be on site.
- Applicant must do a unity of title for all six parcels.
-

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:

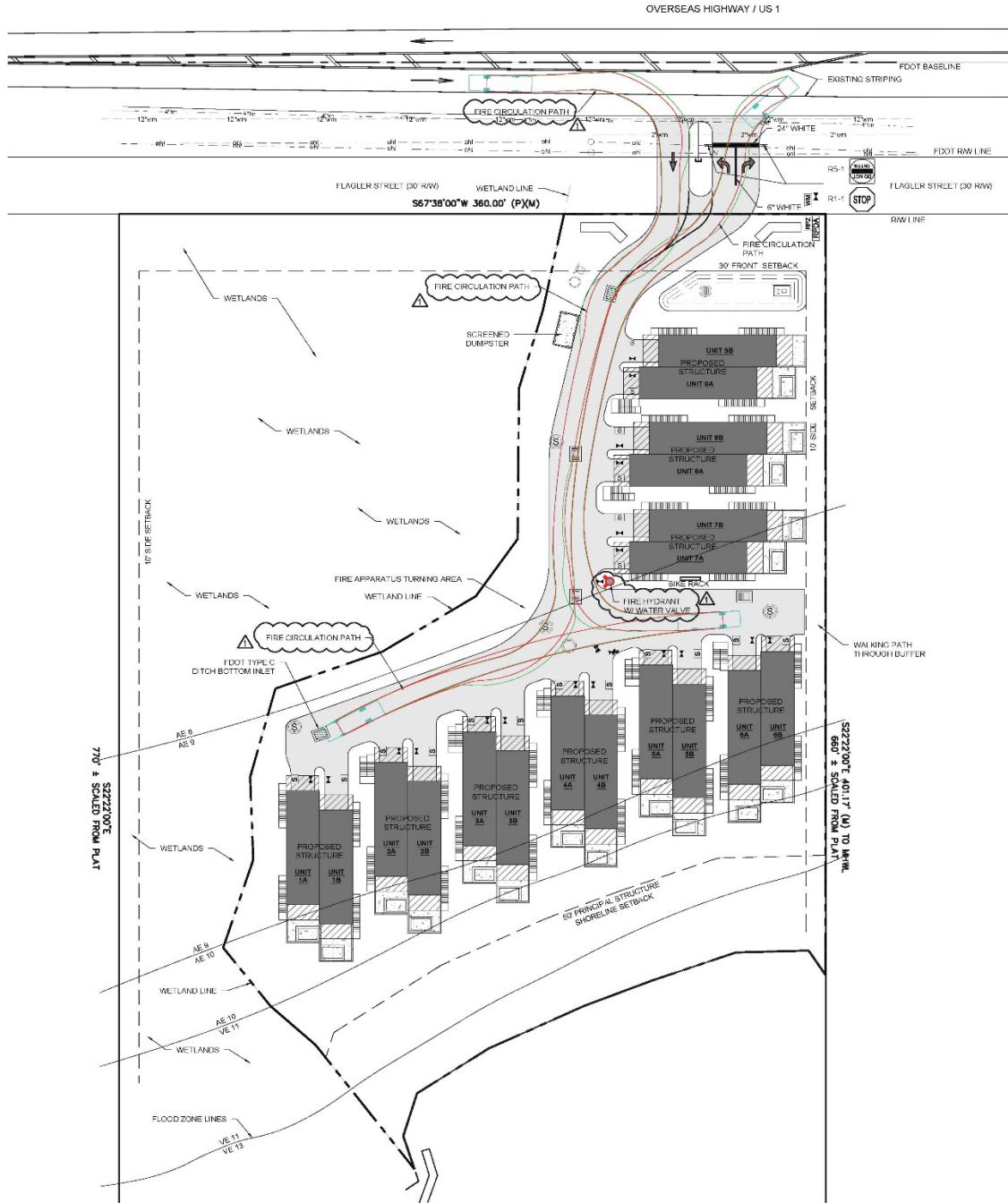
Planning staff recommends conditional approval of the mixed development project known as Marathon Development Partners, LLC to the Planning Commission. The proposed conditions of approval are listed below.

Conditions of Approval

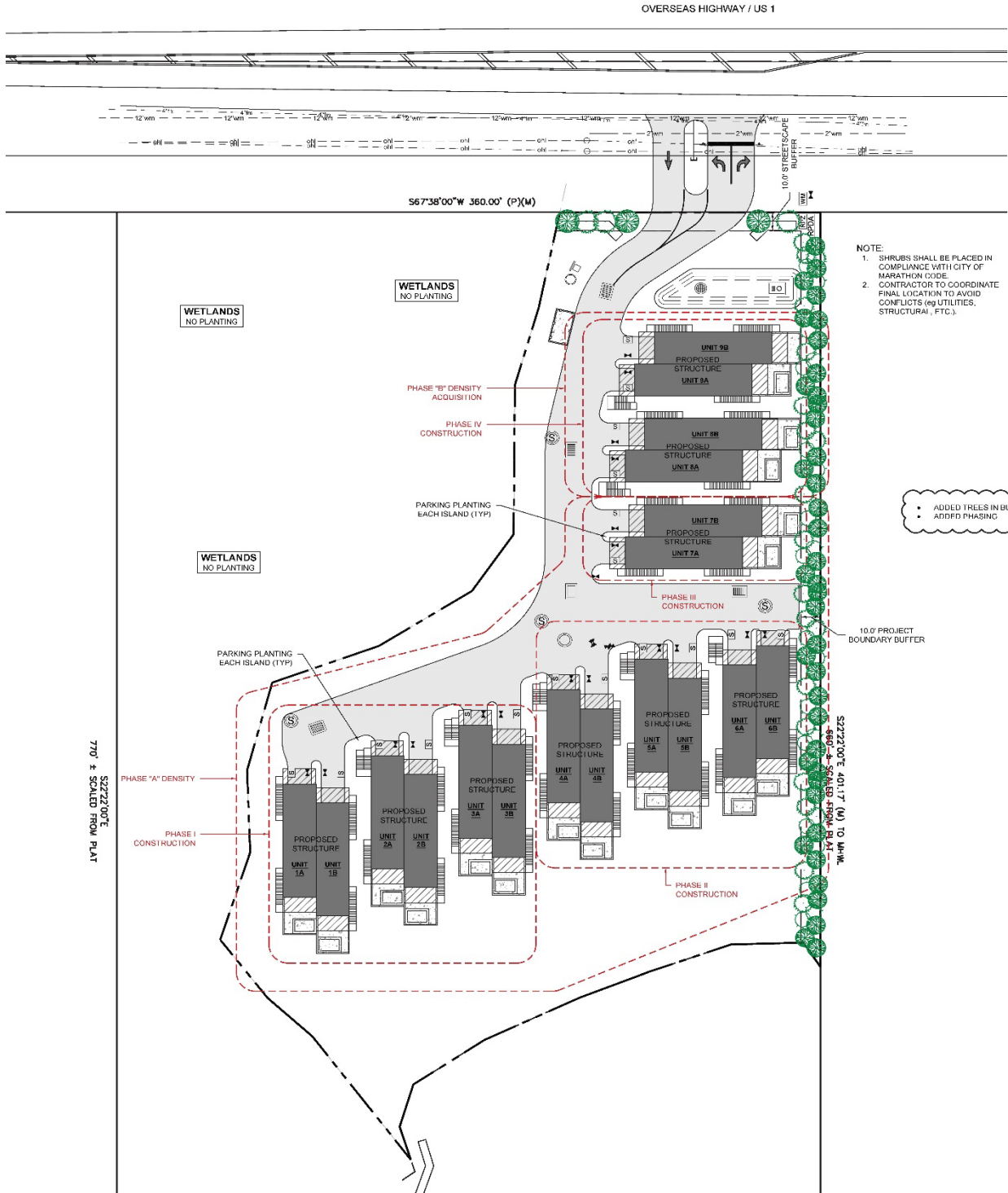
1. All conditions of the Fire Marshal must be met prior to permit issuance.
2. A final lighting plan must be submitted prior to permit issuance.
3. Although not suitable for turtle nesting, all lighting requirements for turtle nesting beaches will be required.
4. The final site plan must show that the dumpsters are screened and located for easy access and waste removal.
5. A unity of title is required for the parcels.
6. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
7. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
8. A conservation easement must be recorded for the wetland portions of the site prior to permit issuance.
9. Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
10. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
11. Two (2) side yards are required for stacked duplexes.
12. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.

13. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
14. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
15. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of sixty square feet in size.
16. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
17. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year from the effective date;
18. The Applicant must obtain and transfer the housing units more than what the City has recognized as legally established on the property, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY MARKET RATE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.
19. To achieve eighteen units a TDR must occur. Without TDR approval only fourteen units can be built on site.
20. Must connect with the existing low-pressure force main.
21. A site-specific exfiltration test will be required for review of the construction plans for the project.
22. The HWT in this area is tidal influenced and is established at elevation 2.0 NAVD. Exfiltration trench calculations shall be adjusted accordingly.
23. Site shall be graded so that all runoff is diverted to the proposed stormwater system.
24. Erosion control measures shall be implemented and maintained during the entire construction period.
25. An FDOT access management permit is required for this project.

Site Plan



Landscape Plan



NOTE:
 1. SHRUBS SHALL BE PLACED IN COMPLIANCE WITH CITY OF MARATHON CODE.
 2. CONTRACTOR TO COORDINATE FINAL LOCATION TO AVOID CONFLICTS (eg UTILITIES, STRUCTURAL, ETC.).

• ADDED TREES IN BUFFERS
 • ADDED PHASING

52722'00"E
 770' ± SCALED FROM PLAN

52722'00"E 401.7' (N) TO JUNK