



**City of Marathon Planning Commission
Monday October 17, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Landry called the meeting of the Planning Commission to order on Monday, October 17, 2022, at 5:30 pm.

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

The Pledge of Allegiance was recited.

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

Landry called for an approval of the Minutes from the last meeting. Cinque moved to approve. Pinto seconded. The motion was approved 3-0.

The quasi-judicial statement was read into the record.

Item 1 was read into the record: Consideration Of A Request By Coastal Properties – Vaca Cut Annex 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 A Two (2) Story, Six (6) Unit Multi-Family Affordable Housing Unit Located At 11990 Overseas Highway, Which Is Legally Described As Block E Lots 4, 5 And 6 Hawaiian Village PB4-70 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00357680-000000. Nearest Mile Marker 53.

Stonik presented the item. Conditions include moving the parking to the back and a 10’ landscape buffer. Currently the City does not have wastewater capacity to accommodate this project. There will be no permits issued until that is resolved within the next year.

Matt Prince from D’Asign Source spoke on behalf of the applicant stating they are willing to accept the conditions.

There were no ex-parte communications on the item.

Pinto asked if the applicant has obtained the building rights, they have not. Cinque commented that approving the item prior to obtaining the development rights seems backwards. Shea responded that the approval of the conditional use enables any TBRs to be transferred to the site.

Pinto moved to approve the item. Landry seconded. The roll was called. The item was approved 2-1, Cinque dissenting.

Item 2 was read into the record: Consideration Of A Request By Coco Vista Community, LTD and VC Seaview, LTD. 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 Sixty-Four (64) Affordable Housing Units Located At 96 Coco Plum Dr. Which Is Legally Described As Block 7 Lot 9 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00363700-000000, Block 7 Lot 11 and Adjacent Canal Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00363720-000000 And Block 7 Lot 10 And Adjacent Canal Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00363710-000000. Nearest Mile Marker 54.

Shea presented the item. The PowerPoint addressed both items, 2 and 3. An emergency fire exit was added on the curve of Coco Plum Drive.

The Conditional Use permits were previously approved. There was a change to the statues which was adopted thus enabling these CUPs to be updated with added language ‘statutory’ when referring to obtaining building rights.

Cinque questioned the availability of 124 units. Shea responded that the statute says affordable housing does not have to comply with the Comp Plan requirements according to our code. Staff recommends approval of the conditional use permits with the condition that they use the statutory language to create that exemption based upon the code.

Bart Smith presented the item for the applicant. The applicant is asking to use the statutory language in order to not use any existing housing stock.

There were no ex parte communications on the item.

Landry asked if DEO must review and approve the process, which they do.

Pinto moved to approve the item. Landry seconded. The roll was called. The item was approved 2-1, Cinque dissenting.

Item 3 was read into the record: Consideration Of A Request By Coco Vista Community, LTD. 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 Sixty (60) Affordable Housing Units Located At 120 And 130 Pescayo Ave, Which Is Legally Described As Lot 7 Seaview Commons II-Ave A PB7-96 A Subdivision Being A Re-Plat Of Lots 5 And 6 Block 6 Coco Plum Beach PB4-166, Monroe County, Florida, Having Real Estate Number 00363551-000700. Nearest Mile Marker 54.

For this item Shea commented “Ditto everything.”

Smith did the same, “Ditto.”

The same conditions apply to Item 3 as in Item 2.

Copies of emails from the public objecting to Items 2 and 3 were given to the Commission to review and are attached to these minutes.

Pinto moved to approve. Landry seconded. The item was approved 2-1, Cinque dissenting.

Motion and second to adjourn at 5:52 pm.

ATTEST:

-Planning Commissioner Chair

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.)

Dear Planning Commission Members,

At the Planning Commission's next meeting on October 17, 2022, two conditional use requests on Coco Plum Drive will be considered. As a City of Marathon home owner residing on Coco Plum Drive, I write with concerns regarding these requests made by Coco Vista Community LTD and Seaview LTD. The first request is to develop sixty-four (64) affordable housing units at 96 Coco Plum Drive and the second is for sixty (60) affordable housing units at 120 and 130 Pescayo Ave. Together these two developments will add 109 new dwelling units to Coco Plum Drive (124 new units less 15 demolished units).

My first concern is the large number of new units that will be added to Coco Plum Drive. This is similar to adding one and a half new Bonfish Towers. Such a large growth will negatively impact the ability of existing residence to evacuate their homes in event of an emergency and it will notably change the current "small town" quiet character of Coco Plum Drive. Research shows that human-caused climate change will make hurricanes more frequent and wet. There is also an expected increase in the number of the most intense hurricanes. Hurricane Irma in 2017, Hurricane Michael in 2018 and Hurricane Ian last month foreshadow our future. Given this, we know that the residence on Coco Plum Drive will be evacuating our homes in advance of hurricanes and other emergencies in the future, and 200 additional vehicles (two vehicles per unit) will impede our ability to do so quickly putting the health and safety of all Coco Plum residents at risk.

I recognize the need for affordable workforce housing in Marathon, but these two developments are adding too many new dwellings to Coco Plum Drive. To ensure the safety of my neighbors and family and to ensure the character of Coco Plum Drive is protected, I urge the Planning Commission to significantly decrease the total number of new units across these two developments.

A second concern is the negative impact these two developments will have on flooding during heavy rainfall. Current statutes require post development runoff not exceed the pre-development runoff rate for a 25-year storm event. Unfortunately due to climate change, the past is no longer a good predictor of the future. We will see future storms bring greater rainfall than a 25-year storm event. In order to protect the safety of the residence in these new dwellings as well as those along Coco Plum Drive, and to preserve the surrounding real estate, the stormwater management plan for these developments should exceed a 25-year storm event runoff rates.

A third concern is the fact that Smith/Hawks, the independent firm contracted by the city to respond to the appeal filed by three Keys residents in 2018 (this is the appeal that claims adding the residents of the new units to the Phase 1 evacuation group is a violation of Florida Statute 380.0552(9)(a)2) is also the agent representing the applicants/owners of these two developments. My concern is that Smith/Hawks will be incentivized to work in the best interests of these applicant/owners and not in the best interest of the tax-payers of Marathon.

Sincerely,

Donald & Dolores Swatik

95 Coco Plum Dr, #3E

Marathon, FL 33050

Wade And Pamela Mayberry

95 Coco Plum Dr., Unit 5B

Marathon, FL 33050

October 17, 2022

Dear Planning Commission Members,

At the Planning Commission's next meeting on October 17, 2022, two conditional use requests on Coco Plum Drive will be considered. As a City of Marathon home owner residing on Coco Plum Drive, I write with concerns regarding these requests made by Coco Vista Community LTD and Seaview LTD. The first request is to develop sixty-four (64) affordable housing units at 96 Coco Plum Drive and the second is for sixty (60) affordable housing units at 120 and 130 Pescayo Ave. Together these two developments will add 109 new dwelling units to Coco Plum Drive (124 new units less 15 demolished units).

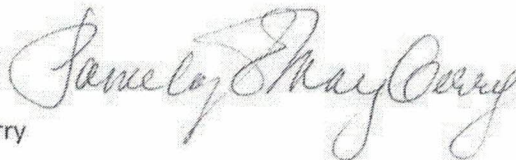
My first concern is the large number of new units that will be added to Coco Plum Drive. This is similar to adding one and a half new Bonefish Towers. Such a large growth will negatively impact the ability of existing residence to evacuate their homes in event of an emergency and it will notably change the current "small town" quiet character of Coco Plum Drive. Research shows that human-caused climate change will make hurricanes more frequent and wet. There is also an expected increase in the number of the most intense hurricanes. Hurricane Irma in 2017, Hurricane Michael in 2018 and Hurricane Ian last month foreshadow our future. Given this, we know that the residence on Coco Plum Drive will be evacuating our homes in advance of hurricanes and other emergencies in the future, and 200 additional vehicles (two vehicles per unit) will impede our ability to do so quickly putting the health and safety of all Coco Plum residents at risk.

I recognize the need for affordable workforce housing in Marathon, but these two developments are adding too many new dwellings to Coco Plum Drive. To ensure the safety of my neighbors and family and to ensure the character of Coco Plum Drive is protected, I urge the Planning Commission to significantly decrease the total number of new units across these two developments.

A second concern is the negative impact these two developments will have on flooding during heavy rainfall. Current statutes require post development runoff not exceed the pre-development runoff rate for a 25-year storm event. Unfortunately due to climate change, the past is no longer a good predictor of the future. We will see future storms bring greater rainfall than a 25-year storm event. In order to protect the safety of the residence in these new dwellings as well as those along Coco Plum Drive, and to preserve the surrounding real estate, the stormwater management plan for these developments should exceed a 25-year storm event runoff rates.

A third concern is the fact that Smith/Hawks, the independent firm contracted by the city to respond to the appeal filed by three Keys residents in 2018 (this is the appeal that claims adding the residents of the new units to the Phase 1 evacuation group is a violation of Florida Statute 380.0552(9)(a)2) is also the agent representing the applicants/owners of these two developments. My concern is that Smith/Hawks will be incentivized to work in the best interests of these applicant/owners and not in the best interest of the tax-payers of Marathon.

Sincerely,



Wade and Pamela Mayberry

Lorie Mullins

From: Chad Blankenbiller <cbb1210@gmail.com>
Sent: Monday, October 17, 2022 11:04 AM
To: Brian Shea; Planning
Cc: Tricia Blankenbiller
Subject: Coco Plum: Affordable Housing Developments

Dear Planning Commission Members,

At the Planning Commission's next meeting on October 17, 2022, two conditional use requests on Coco Plum Drive will be considered. As a City of Marathon home owner residing on Coco Plum Drive, I write with concerns regarding these requests made by Coco Vista Community LTD and Seaview LTD. The first request is to develop sixty-four (64) affordable housing units at 96 Coco Plum Drive and the second is for sixty (60) affordable housing units at 120 and 130 Pescayo Ave. Together these two developments will add 109 new dwelling units to Coco Plum Drive (124 new units less 15 demolished units).

First concern is the large number of new units that will be added to Coco Plum Drive. This is essentially equal to adding 1.5 new Bonefish Towers. This is too much too fast. Such a large growth will negatively impact the ability of existing residents to evacuate their homes in event of an emergency and it will forever change the character of Coco Plum Drive. With evacuation procedures in mind for future hurricane activity, we know that the residents on Coco Plum Drive will be evacuating our homes in advance of hurricanes and other emergencies in the future. +/-200 additional vehicles will impede the current residents ability to do so quickly putting the health and safety of all Coco Plum residents at risk.

We recognize the need for affordable workforce housing in Marathon, but these two developments are adding too many new dwellings to Coco Plum Drive. We urge the Planning Commission to significantly decrease the total number of new units across these two developments.

Second, is the negative impact these two developments will have on flooding during heavy rainfall. Current statutes require post development runoff not exceed the pre-development runoff rate for a 25-year storm event. We will most likely see future storms bring greater rainfall than a 25-year storm event. In order to protect the safety of the residence in these new dwellings as well as those along Coco Plum Drive, and to preserve the surrounding real estate, the stormwater management plan for these developments should exceed a 25-year storm event runoff rate.

Our third concern is the fact that Smith/Hawks, the independent firm contracted by the city to respond to the appeal filed by three Keys residents in 2018 (this is the appeal that claims adding the residents of the new units to the Phase 1 evacuation group is a violation of Florida Statute 380.0552(9)(a)2) is also the agent representing the applicants/owners of these two developments. My concern is that Smith/Hawks will be incentivized to work in the best interests of these applicants/owners and not in the best interest of the tax-payers of Marathon.

Sincerely,

Chad & Tricia Blankenbiller

Bonefish Yacht Club

95 Coco Plum Dr. 4D

Lorie Mullins

From: Cheryl Miller <clmiller509@gmail.com>
Sent: Sunday, October 16, 2022 9:52 PM
To: Planning
Cc: savecocoplum@aol.com
Subject: Seaview Commons Developments on Coco Plum Drive

Dear Planning Commission Members,

I respectfully write to you as a city of Marathon resident, registered voter and tax-paying homeowner who resides on Coco Plum Drive. I am surprised that the Planning Commission is meeting on Oct. 17, 2022 to consider Conditional Use Requests in light of the ongoing Marathon housing lawsuit and the advice from Marathon city Attorney Steve Williams. Attorney Williams was quoted in the August 11, 2022 Keys Weekly saying that he recommends 'pausing ongoing permitting at the affected sites ...' Attorney Williams continued, "'There is no 100% bulletproof answer. We're danged if we give (the permits) and danged if we don't. We face potential liability from either side. ... But I've got three judges in Miami who say 'don't.' And I'm inclined not to attempt to anger those judges.'" Instead of following Attorney Williams advice, the city recently permitted the clearing of dense vegetation from two proposed development sites on Coco Plum Drive. This action has negatively impacted and upset neighboring homeowners and may anger those Miami judges. I urge the Planning Commission to follow Attorney Williams advice now at this juncture and pause all related permitting processes until the housing lawsuit is resolved. Please do not attempt to further anger the Miami judges.

In the advent that the Planning Commission proceeds with business as usual, I write to express several concerns regarding the requests made by Coco Vista Community LTD and Seaview LTD. Specifically, I am concerned about the request to develop sixty-four (64) affordable housing units at 96 Coco Plum Drive and the request for sixty (60) affordable housing units at 120 and 130 Pescayo Ave. Together these two developments will add 109 new dwelling units (124 new units less 15 demolished units). This is a large number of new units on Coco Plum Drive. It is similar to adding one and a half new Bonefish Towers. Such a large growth will negatively impact the ability of existing residents to evacuate their homes in event of an emergency and it will notably change the current natural, highly vegetated, quiet "small town" character of the residential portion of Coco Plum Drive.

Research shows that human-caused climate change will make hurricanes more frequent and wet. There is also an expected increase in the number of the most intense hurricanes. Hurricane Irma in 2017, Hurricane Michael in 2018 and Hurricane Ian last month illustrate the increasing trend in hurricane intensity, frequency and rainfall, and foreshadow the future. Given this, we know that the residents on Coco Plum Drive will be evacuating our homes in advance of hurricanes and other emergencies in the near term, and 200 additional vehicles (two vehicles per unit) will impede our ability to do so quickly putting the health and safety of all Coco Plum residents at risk. I recognize the need for affordable workforce housing in Marathon, but these two developments are adding too many new dwellings to Coco Plum Drive. To ensure the safety of my family, our neighbors and the residents of these proposed dwellings, I urge the Planning Commission to significantly decrease the total number of new units across these two developments.

The 120 and 130 Pescayo Ave. request includes a residential density analysis in the section pertaining to land use patterns. The table lists "Bonefish Marina Condo" with 83 units and a density of 25.3 units per acre. It appears that "Bonefish Marina Condo" combines the 34 building units at Bonefish Yacht Club (BFYC) with the 48 dock slips at Bonefish Marina (BFM). BFYC and BFM are two separate entities, and although it is relevant to consider liveaboard residence for evacuation planning, the liveaboard "units" (or boats) are irrelevant to the land use and character analysis since they do not occupy any land space. Removing the dock slips from the unit count and using the total acreage of BFYC (which I believe is over 4 acres), the accurate residential building density for BFYC is approximately 8 units per acre, not 25.3. The proposed development at 120 and 130 Pescayo Ave. is more than double the residential building density of BFYC, the

immediate neighbor to the east, and it is many times greater than the single-family houses that are the immediate neighbors to the west.

The aforementioned residential density table also includes Bonefish Tower as a comparison. Bonefish Tower is the only structure of its kind on all the Keys. It is a true anomaly. Given the knowledge gained in the 50 years since the Towers construction, I do not believe the Planning Commission would permit a building like that now or in the future. Therefore, it is not a pertinent comparator and should be excluded from the land use and character analysis.

Although the information laid out above indicates that the proposed development is inconsistent with the areas land use and character, I ask the Planning Commission to expand their analysis to consider the scale of the building structure (building footprint and height) and the ratio of vegetated open acreage to building and hardscape area all in the context of the neighboring properties. By obtaining, sharing and reviewing these additional facts, the Planning Commission would be able to make a more informed determination as to whether or not the proposed developments are consistent with the current land use and character of the neighborhood.

I am also concerned about the impact these two developments will have on flooding during heavy rainfall. Stormwater management and flooding are already ongoing problems for the city of Marathon, and climate change is only going to exacerbate this. It is not prudent to use a runoff rate for a 25-year storm event, since the past no longer predicts the future. Instead, I strongly recommend the city of Marathon adopt and apply forward-thinking climate-resilient standards to these requests so the occupants of the new dwellings, some of whom will be Essential Workers, their neighbors, and the real estate assets in the area are safe and protected now and into the future.

A final concern is the fact that Smith/Hawks, the independent firm contracted by the city to respond to the ongoing housing lawsuit, is also the agent representing the applicants/owners of these two proposed developments. I am concerned Smith/Hawks will be incentivized to advance the interests of the applicant/owners instead of the interests of the Marathon tax-payers.

Circumstances and knowledge has notably changed since 2018 when the Planning Commission initially considered these two affordable housing requests. The Planning Commission now has an opportunity to change course. Thank you for thoughtfully considering my perspective.

Sincerely,

Cheryl Miller