



City of Marathon Planning Commission
Monday October 17, 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. 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.
2. 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.

3. Consideration Of A Request 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 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.



**City of Marathon Planning Commission
Monday September 19, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Landry called the meeting of the Planning Commission to order on Monday, September 19, 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-present; Malloy Pinto-present; Mary Ann Royse-present; Lynn Landry-present.

Landry called for an approval of the Minutes from the June meeting. Royse moved to approve. Sexton seconded. The motion was approved, however, Cinque noticed that Sexton was absent for that meeting. A second motion was made by Landry to approve and seconded by Royse. The motion was approved 3-0.

Landry called for an approval of the Minutes from the July meeting. Royse moved to approve. Sexton seconded. The motion was approved 3-0.

There was no quorum for the August meeting.

The quasi-judicial statement was read into the record.

Item 1 was read into the record: 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.

Shea presented the clean-up item. There were no questions. Landry moved to approve. Cinque seconded. The item was approved 5-0.

Item 2 was read into the record: 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.

Stonik presented the clean-up item. There were no questions. Pinto moved to approve. Sexton seconded. The item was approved 5-0.

Item 3 was read into the record: A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 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.

Shea presented the item, which was presented last year, but the plat expired. Royse asked about density and the existing 3 homes on the single lot. The lot currently has density for 11 units.

There were no ex parte communications on the item.

Sexton moved to approve. Cinque seconded. The item was approved 5-0.

Item 4 was read into the record: 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.

Dafoe presented the item.

There was a brief discussion on density, transfers of density, conservation easement, and unity of title.

David DeHaas Grosseck representing the applicant, made himself available for questions.

After a brief discussion on the existing building rights, transfers required to obtain the total building rights required for the project and affordable units, and condo association/maintenance Landry asked for ex-parte communications and there were none.

Royse made a motion to approve the item. Landry seconded. The item was approved 3-2, Cinque and Sexton dissenting.

Motion and second to adjourn at 5:52 pm.

ATTEST:

Lynn Landry – 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: October 17, 2022
To: Honorable Chair and Planning Commissioners
From: Amber Stonik, Planning Associate

Agenda Item: 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.

APPLICANT/ OWNER: Coastal Properties- Vaca Cut Annex LLC

AGENT: D’Assign Source LLC Amber Schmidt

LOCATION: The project site is located at 10990 Overseas Highway at approximately Mile Marker 53. See Figure1.

REQUEST: Approval of a Conditional Use Permit for development of the subject property providing for construction of one two story multifamily affordable housing unit consisting of six units.

LOT SIZE: Total acreage: 0.402 acres or 17,500 square feet

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Residential Medium	Residential Neighborhood
East	Residential Medium & Mixed Use	Single Family Homes, Multi-family Dwelling/Commercial
South	Mixed Use	Church and vacant land
West	Mixed Use	Vacation rental units

Figure 2: Project Site



The existing FLUM is Mixed Use Commercial (MU-C), and the Zoning is Mixed Use (MU).

Figure 3: Future Land Use Map



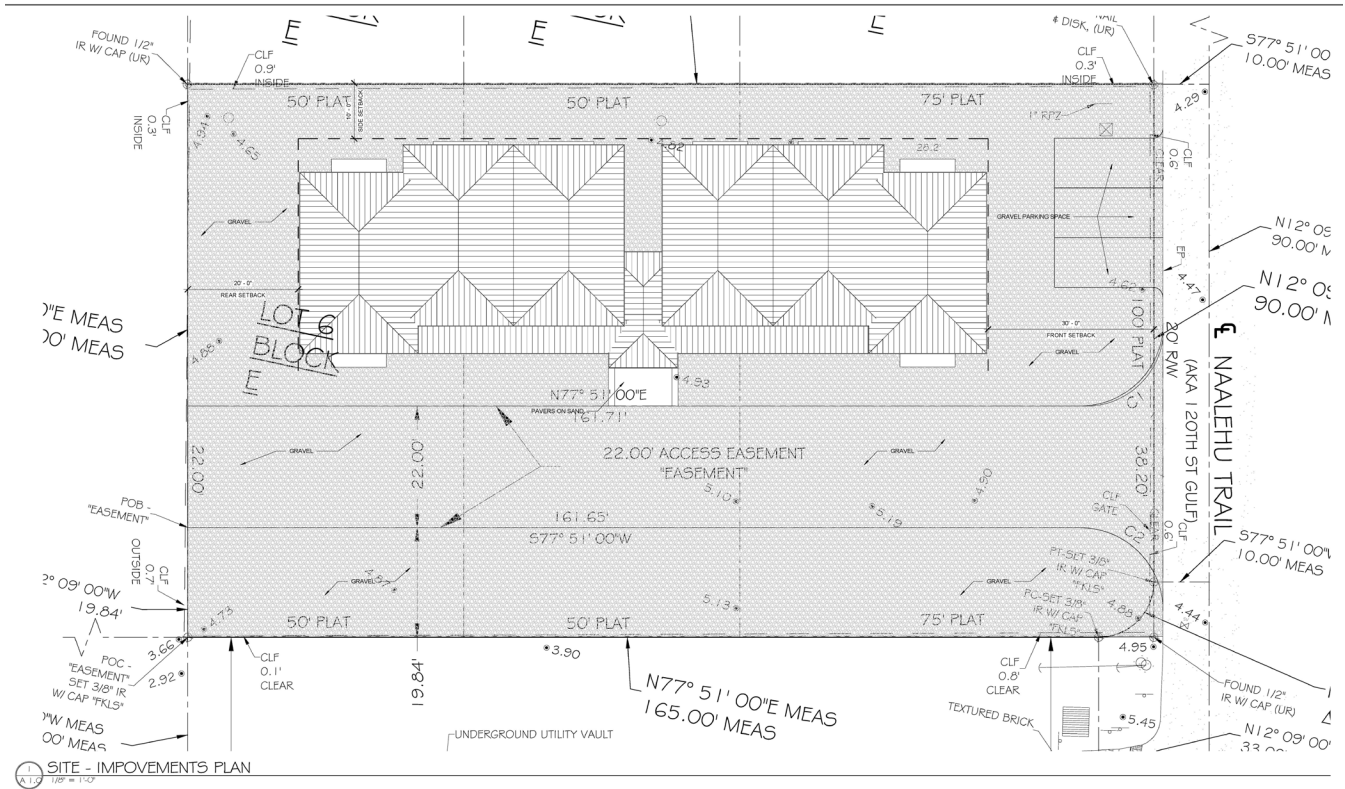
Figure 4: Zoning Map



PROPOSED DEVELOPMENT:

The applicant requests a conditional use to develop a two-story multifamily building consisting of 6 affordable units.

Figure 5: Proposed Development Site Plan



BACKGROUND:

The proposed project is a development of a single multifamily building consisting of six affordable housing units. Multifamily dwellings are permitted only by Conditional Use Approval in Mixed Use zoning areas; therefore, a Conditional Use Approval is required for project approval. Historically, this site has been utilized for the storage of vehicles, vessels, construction equipment and construction materials. This report addresses the Conditional Use application. **All conditions of the Conditional Use approval will have to be met prior to building permit issuance.**

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

The proposed redevelopment project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district “provides for land uses that have a strong pedestrian-oriented character, with a mixture and concentration of specialty shopping, transient lodging, retail, personal service, restaurant, cultural, fishing industry, affordable housing and entertainment uses in the Old Town area.”

The proposed project is consistent with the Mixed-Use Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Multifamily dwellings (5+) are allowed as Conditional Uses in the MU district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. In its review of this project, staff determined the overall development proposal to be consistent with allowed density for affordable units.

This proposal is for six affordable housing units in a two-story multifamily dwelling on 17,500 sq ft of uplands. Minimum lot area per unit for affordable housing is 2,904 sq ft. This project requires a minimum lot size of 17,424 sq ft. The parcel is 17,500 sq ft and will not exceed any density constraints imposed on the type of residential construction proposed.

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

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

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

The existing land use pattern in the project vicinity consists of single-family residential homes to the North on 1st Ave gulf. To the East across 120th St gulf there is a multifamily dwelling/ commercial and other single-family homes. To the West is a multi-unit vacation rental property.

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 affordable residential units in a multifamily dwelling which as proposed should have no adverse impact to the health, safety, and welfare of the public. The project will incorporate the required standards of landscape and open space by the City of Marathon.

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

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

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

This property contains no recognized habitat to any state or federally listed animal species and is not within Florida Forever boundaries or critical habitat areas.

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.

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

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

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

The applicant has provided a traffic analysis for the proposed development. There is a projected increase in vehicles trips however this is considered minimal.

Vaca Cut Annex Trip Generation Analysis US 1 - Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed</i> Multifamily Housing (Low-Rise)	6 DU	36	0	2	2	2	1	3

*Compiled by: KBP Consulting, Inc. (August 2022).
Source: ITE Trip Generation Manual (11th Edition).*

Ingress and egress to the property is being provided through 120th Street (Naalehu Trail).

As indicated in the Table above, the proposed residential development is anticipated to generate 36 net new daily vehicle trips, two (2) net new AM peak hour vehicle trips (both outbound), and three (3) net new PM peak hour vehicle trips (2 inbound and 1 outbound).

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

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

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

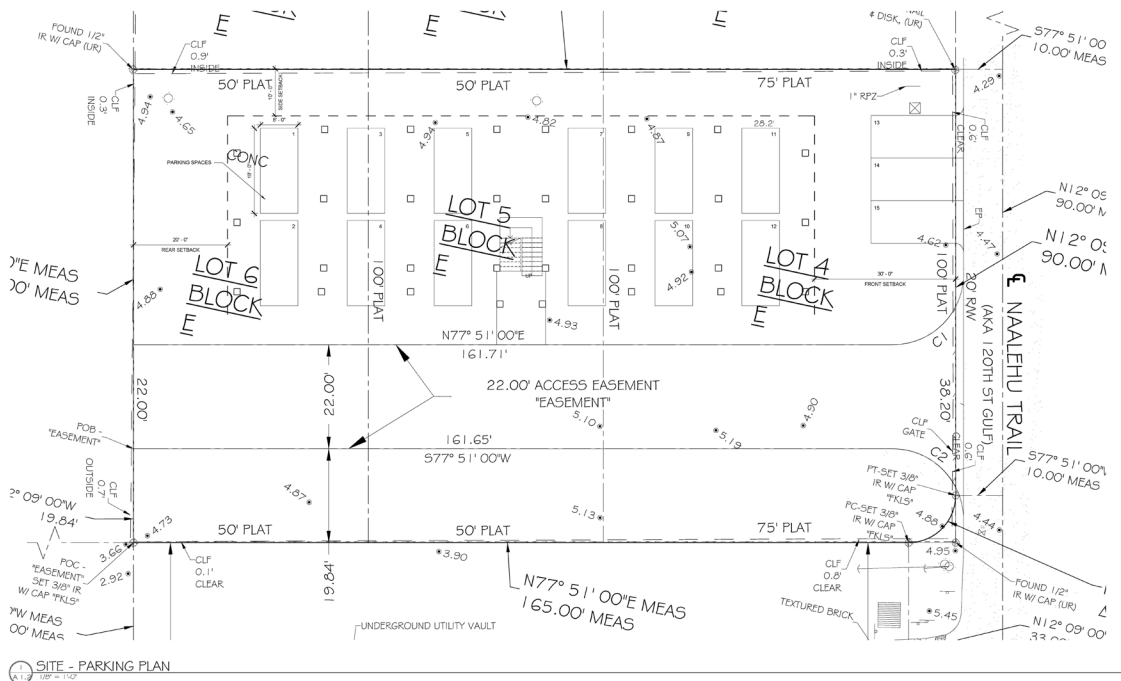
Parking requirements are outlined in Section 107.46 (Parking Schedule). The following table shows the parking requirement for two-bedroom Multifamily dwellings as requested in this application.

Use	Code Citation	Requirement	Spaces Required
Multiple-family Dwelling Two or more bedroom units	107.47	1.5 per dwelling unit, plus 1 per 10 bedrooms	10
Total Required			10
Total Provided			15

The design of all parking areas shall conform to current standards under the Americans with Disabilities Act (ADA).

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

Figure 6: Parking Plan



REQUIRED PARKING:
1 1/2 PER UNIT X 4 UNITS = 9 SPACES
PROPOSED PARKING:
15 STANDARD SPACES

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

- City approval is required for bike racks prior to Building Permit Approval.

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

The proposed project consists of construction of one two-story multifamily building. The proposed use does not have any adverse effect through noise, glare, or odors; therefore, the proposed density should have a de minimis impact.

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

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

Refuse is to be contained in individual containers with standard refuse and recycling pick up.

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

5. Utilities, with reference to location and availability;

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

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

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- Applicant must obtain all outside agency approvals.
- City approval of the connection to the City Wastewater Utility will be required. *However, the Utilities Department has stated that the existing vacuum main that services that property has no more capacity and is maxed out. They are therefore unwilling to add any more load on this line until the Fairfield Hotel lift station is completed and on-line. Based on existing contracts this should occur within one year. Until this work is complete no permit can be issued.*

- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the North by properties zoned Residential Medium (RM). There is a high project boundary buffer requirement for portions of the project area adjacent to parcels zoned RM. The final landscape plans must be approved by the City Biologist.

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

The applicant is proposing a reduced to 10 ft landscape buffer that contains additional plantings. This has been approved by TRC review with conditions:

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

Section 107.71 C. requires that all multifamily residential developments provide Type 1 Streetscape buffer along the entire street frontage. The project is adjacent to 120th St Gulf and US 1. The final landscape plan must show compliance with the buffer standards. Current site plan graphics do not meet requirements due to parking spaces being proposed in the 10ft landscape buffer of the street frontage on 120th St.

Parking area landscaping is required by Section 107.66 of the Code.

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

Setback	Required	Required Landscape	Proposed	Compliant
Front	30	10	30	No
Side	10	20	10	No
Rear	20	NA	20	Yes
Side US frontage	10	10	22	Yes

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.
- Extra volume is required for the swale to make up for lost volume from the additional plantings.

- No parking spots can be located along the entire street frontage. Parking must be relocated prior to permit issuance.
- A ten-foot-wide landscape buffer is required for the entire street frontage consisting of two (2) canopy trees and two (2) understory trees per 100 linear feet and site plan must meet this 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 as no sign are being proposed. Each unit will be equipped with an exterior wall sconce. The proposed use does not have any adverse effect through noise, glare, or odors; therefore, the proposed use should have a de minimis impact.

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

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is disturbed/scarified; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant, 10,352 square feet of proposed impervious area and or 41% of the site, is provided as open space. This meets the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is a multi-family dwelling. Adjacent uses are multi-family, single-family units, and vacation rental units. The new multi-family dwelling is expected to be fully compatible with these uses. The proposed project is expected to increase compatibility with surrounding properties.

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

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

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this proposed development:

- Two (2) side yards are required for stacked duplexes.
- Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.

- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

Additionally, the project must meet all criteria of Section 104.03 pertaining to affordable housing.

- Dwelling units shall contain less than or equal to 1,800 square feet of habitable space.
- Occupancy of affordable housing units is limited to those meeting the following income requirements:
 - A. Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
 - B. Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
 - C. Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;
 - D. Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
 - E. Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
 - F. For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;
 - G. The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;
 - H. The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and
 - I. If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
 - J. Annual income qualification, lease, or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for

owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.

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

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

CONCLUSION:

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

The proposed development consists of the development of six (6) affordable rate residential units in an area zoned Mixed Use (MU). As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public health, safety, or welfare.

RECOMMENDATION:

Planning staff recommends that the Planning Commission forward a recommendation of conditional approval of the multifamily 6-unit affordable housing project to the City Council provided that **all conditions are met prior to permit issuance**. The proposed conditions of approval are listed below.

Conditions of Approval

- 1) Ingress and egress shall only occur from 120th St. Gulf
- 2) As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
- 3) City approval is required for the stormwater management system prior to Building Permit Approval.
- 4) Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
- 5) City approval of the connection to the City Wastewater Utility will be required. *However, the Utilities Department has stated that the existing vacuum main that services that property has no more capacity and is maxed out. They are therefore unwilling to add any more load on this line until the Fairfield Hotel lift station is completed and on-line. Based on existing contracts this should occur within one year. Until this work is complete no permit can be issued.*
- 6) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.
- 7) A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.

- 8) Sufficient parking for two spaces per unit and additional visitor parking.
- 9) City approval is required for bike racks prior to Building Permit Approval.
- 10) All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- 11) Applicant must obtain all outside agency approvals.
- 12) No parking spots can be located along the entire street frontage.
- 13) The design of all parking areas shall conform to current standards under the Americans with Disabilities Act (ADA).
- 14) No parking spots can be located along the entire street frontage. Parking must be relocated prior to permit issuance.
- 15) A ten-foot-wide landscape buffer is required for the entire street frontage consisting of two (2) canopy trees and two (2) understory trees per 100 linear feet and site plan must meet this prior to permit issuance.
- 16) The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- 17) 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.
- 18) 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.
- 19) Dwelling units shall contain less than or equal to 1,800 square feet of habitable space.
- 20) Occupancy of affordable housing units is limited to those meeting the following income requirements:
 - A. Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
 - B. Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
 - C. Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;
 - D. Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
 - E. Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
 - F. For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money

Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;

G. The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;

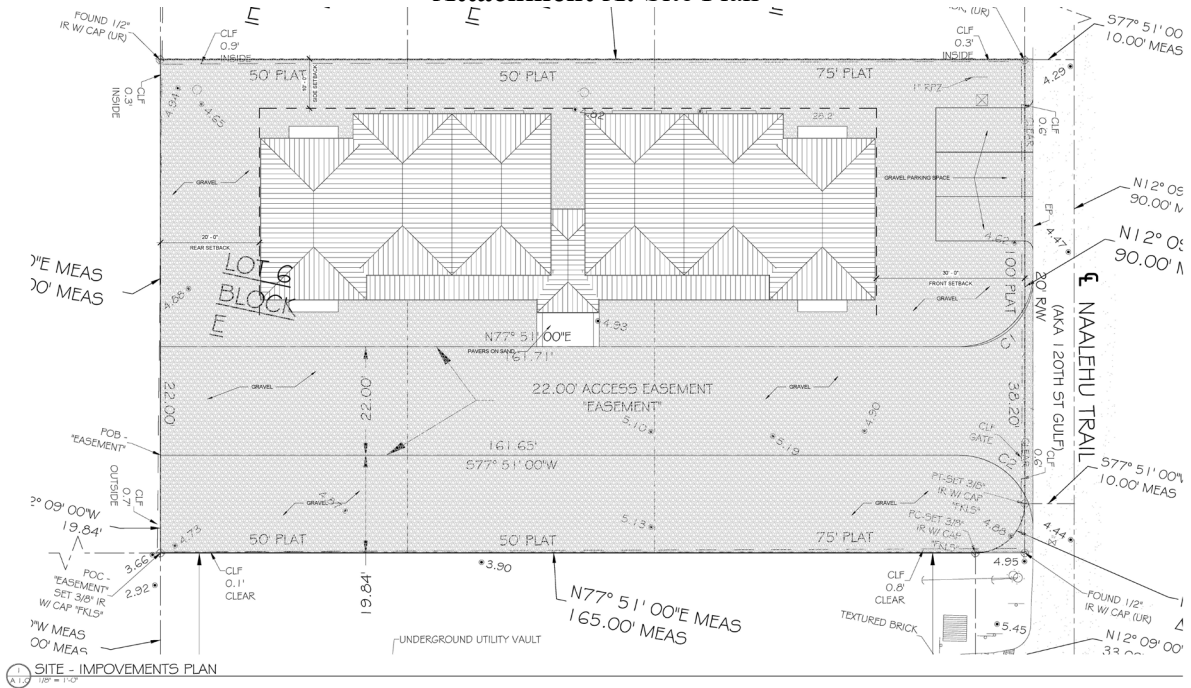
H. The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and

I. If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.

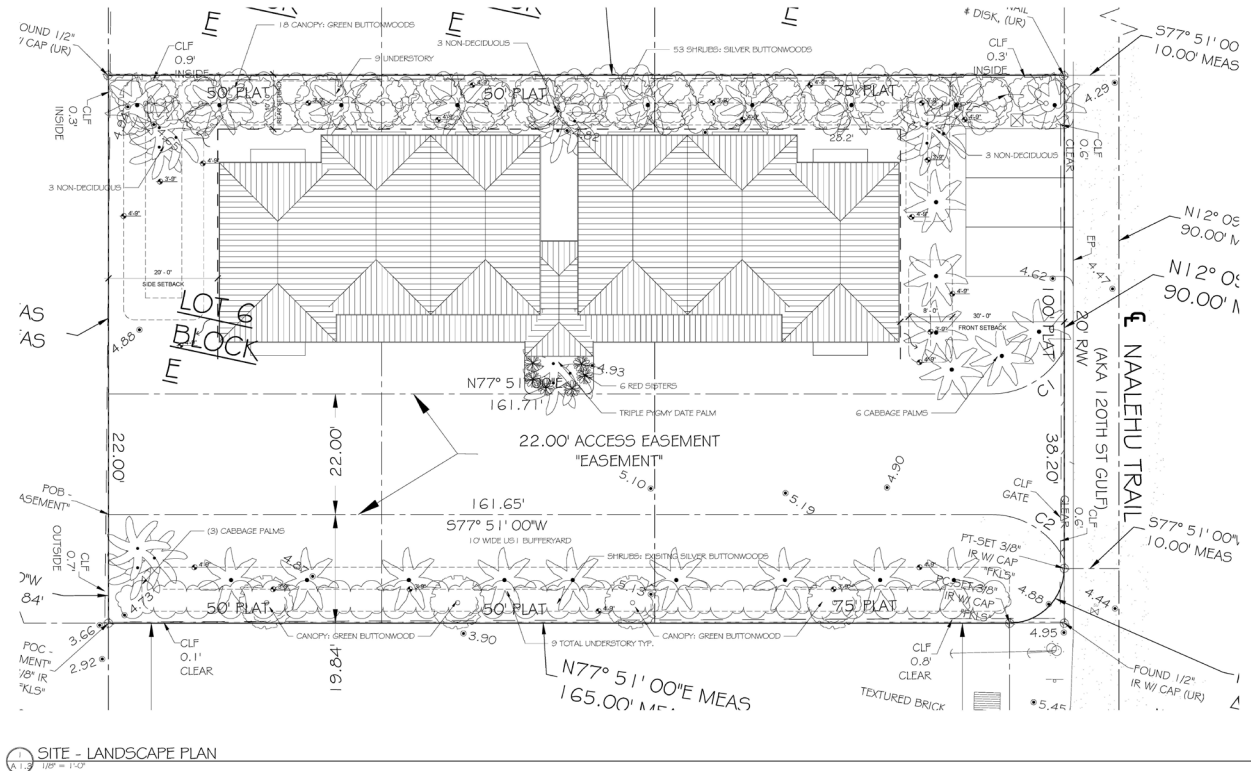
J. Annual income qualification, lease, or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.

- 21) Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
- 22) The Applicant must obtain a minimum of six (6) affordable residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.**
- 23) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 24) Extra volume is required for the swale to make up for lost volume from the additional plantings.

Attachment A: Site Plan



Attachment B: Landscape Plan



Attachment C: Elevation Plan



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: October 17, 2022
To: Planning Commission
From: Brian Shea, Planning Director

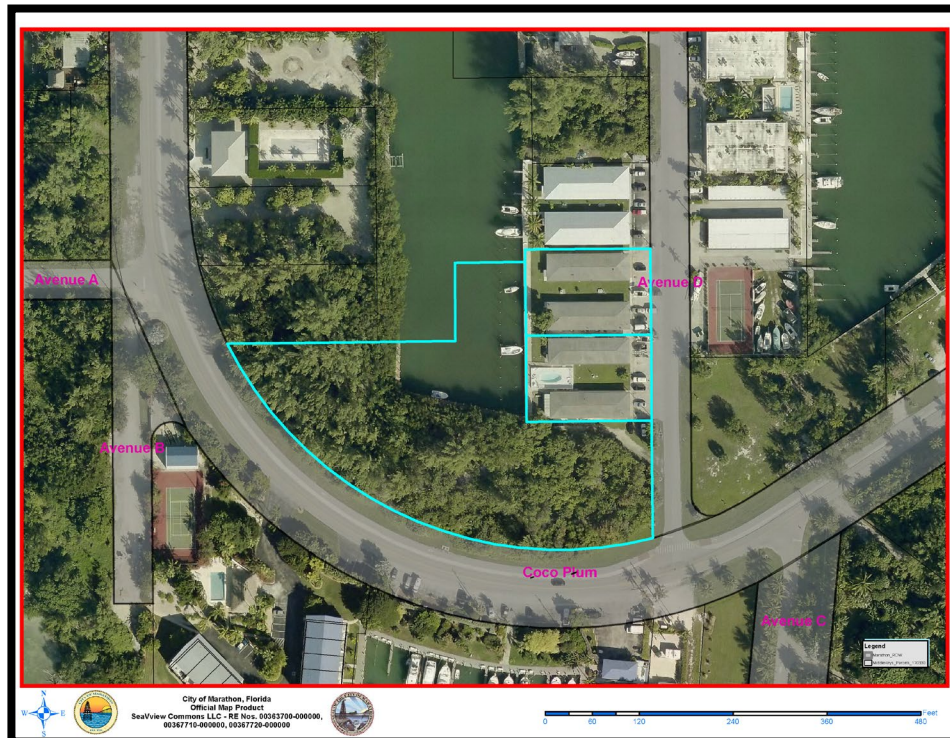
Consideration Of A Request By Coco Vista Community, LTD. And VC Seaview, LTD. For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of Sixty-Four (64) Affordable 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.

APPLICANT/ OWNER: Coco Vista Community Limited and Seaview Commons LLC

AGENT: Bart Smith, Smith/Hawks

LOCATION: The project site is located on three properties located at 100 Avenue D and an adjacent vacant property on Coco Plum Road. See Figure 1.

Figure 1
Project Site



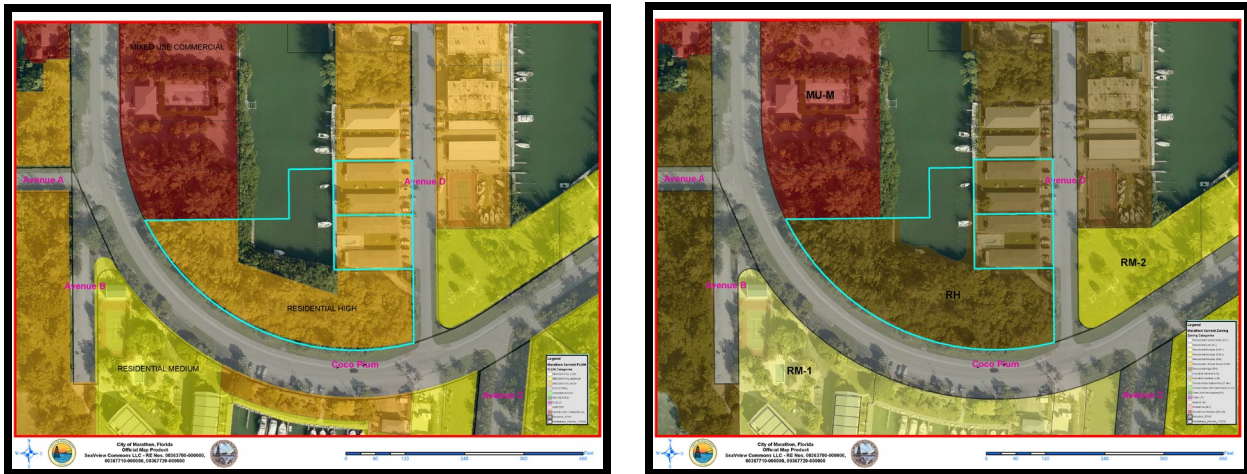
REQUEST: Approval of a Conditional Use Permit and Development Agreement for the Approval for redevelopment of the subject properties 00367700-000000, 00367710-000000, 00367720-000000, providing for the demolition of four apartment buildings containing fifteen residential units and providing for the development of sixty-four (64) affordable units.

Affordable Units: 64 multi-family residential units in five (5) buildings;
 Leasing Office: 1 Site Managers Office

All current tenants have been evaluated for meeting FHFC / LIHTC project criteria for income limits. Of the fifteen units on the existing site, all but one will income qualify for the redevelopment project. The Applicant will accommodate those individuals at other locations during the construction phase of the project.

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

**Figure 2 A & B
 Future Land Use & Zoning Maps**



LOT SIZE:
 Total acreage: 3.20 acres or 139,583 square feet

Upland Acres: 2.693 Acres
 Submerged Acres: 0.507 Acres

SURROUNDING ZONING AND USES:

	<u><i>FLUM</i></u>	<u><i>Use</i></u>
North	RH & MU-M	Avenue D - Residential Apartments & Single Family Homes Coco Plum Road – Single Family Homes & Mixed Marine Light Industrial
East	RH & RM-2	Multi- and single family residences
West	RH	Vacant Lands & Pescayo Village Plat (SFRs)
South	RM & RH	Bonefish Yacht Club, 2Js Properties LLC, & In-Ter Nos Properties LLC

EXISTING CONDITIONS:

The project site consists of three (3) parcels. Two parcels on Avenue D have existing multi-family development; each with two ground level apartments consisting of four units per building on each lot for a total of fifteen (15) units (The site managers unit equate to a double unit).

Market Rate Units: 15 Apartment efficiencies

PROPOSED REDEVELOPMENT:

Affordable Units: 64 multi-family residential units in five (5) buildings
Leasing Office: 1 Site Managers Office

All current tenants have been evaluated for meeting FHFC / LIHTC project criteria for income limits. Of the fifteen units on the existing site, all but one will income qualify for the redevelopment project. The Applicant will accommodate those individuals at other locations during the construction phase of the project.

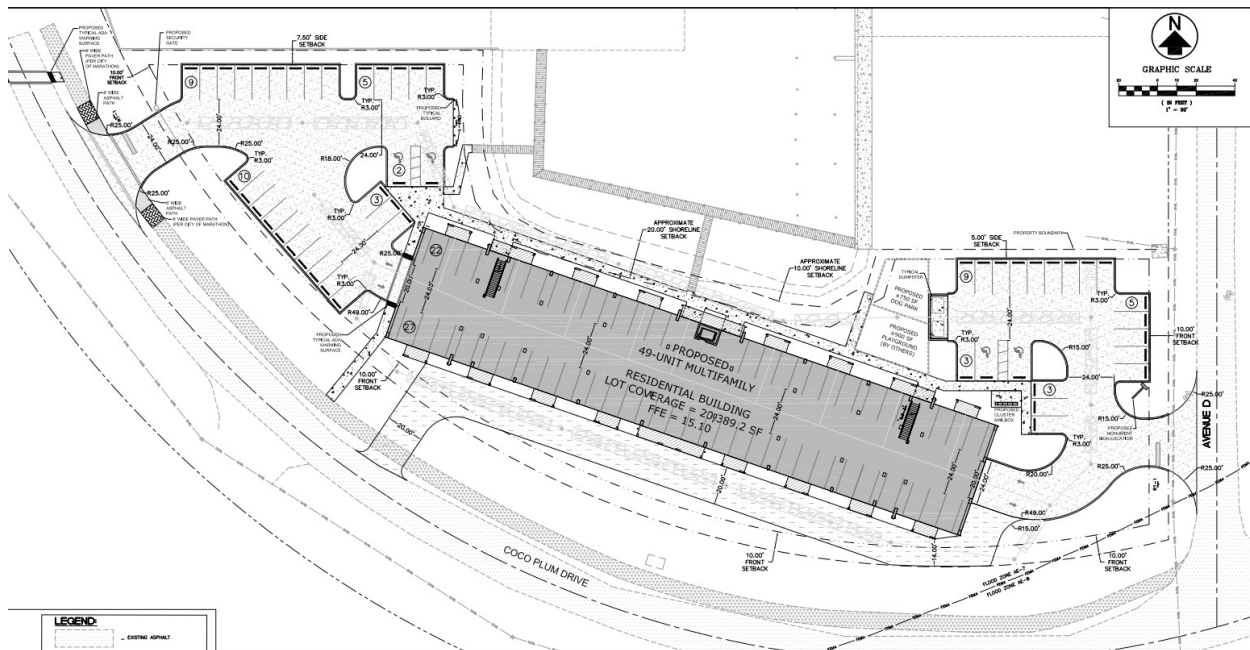
BACKGROUND:

The proposed project consists of a redevelopment of two properties on Avenue D in Coco Plum with two four unit ground level apartments each. In addition, the project will include a vacant parcel adjacent to the developed parcels which has frontage on Avenue D, but consists mostly of frontage on Coco Plum Road. There were previous redevelopment plans for the site, which did not come to fruition.

The current project will include a total of sixty-four (64) apartments in five (5) buildings. The new structures will be elevated to meet minimum flood requirements and to accommodate parking under the structure. The project applicant proposes in addition, a robust vegetative buffer between the building site area and Coco Plum Road. The City has agreed that the applicant can enhance landscaping as part of the development within the approximately thirty (30) foot area between the project southwesterly property line and the bike path the parallels Coco Plum Road.

At this juncture, the site plan has been adjusted to reflect the vehicular exit being relocated further up Coco Plum, and an emergency only vehicle exit at the bend. The entrance will remain for the purposes of emergency access only.

Figure 3
Proposed Redevelopment Site Plan
Coco Plum Road Exit Has Been Eliminated For General Access



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

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

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

The proposed project consists of the creation of affordable housing and is consistent with the Residential High Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Multifamily Residential uses 5+ are allowed as Conditional Uses in the Residential High district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RH district based on the types of uses proposed. This site has the density potential for 67 affordable residential units. The applicant is proposing 64 affordable units. The calculation is based on an allowed affordable residential density within the Residential

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

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 Residential High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that “the principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High land Use category is characterized by high density compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure.

The existing land use pattern in the project vicinity consists of multi-family residential development to the North on Avenue D and South across Coco Plum Road. Further, there is a mixed residential, commercial, and marine development pattern on Coco Plum Road leading to the East on Avenue E and beyond, the development is characterized by Single Family residences. Avenue E is isolated from Avenue D by a 200 foot wide canal. To the West lie vacant properties across Coco Plum Road and the small single family residential subdivision of Pescayo Village. This project is consistent with allowed densities on Pescayo Road and Ave D. The project, as proposed, is slightly under allowed densities for an affordable housing project. Staff believes that the density of the project is consistent with the FLUM and Zoning and the general character of development in the immediate surrounding area.

The development of the site will result in significant improvement to the site development quality, including upgraded landscaping (including the removal of invasive species), 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 affordable residential use which as proposed should have no adverse impact to the health, safety and welfare of the public. The project will incorporate the required standards of landscape and open space by the City of Marathon, as well as the requirements set forth by Florida Housing Finance Corporation (FHFC) for Low Income Housing Tax Credit Projects (LIHTC).

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.

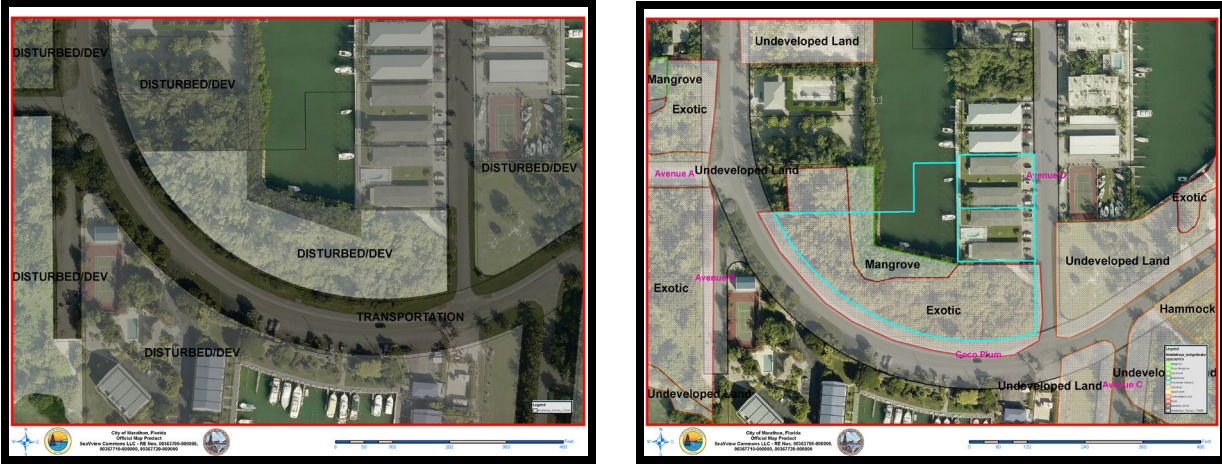
D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as Disturbed / Undeveloped Land. The FEMA_FWS Species Focus Area Maps indicate that the property is characterized by Exotics and mangroves at the canal edge. More recent and detailed assessments indicate that the majority of the property as indicated is characterized by exotics with mangroves at the waters wedge, but that there are quite a number of native trees as well. However the proposed development will increase the native vegetation on site as part of the landscaping plan. See Figures 4 A, B, & C

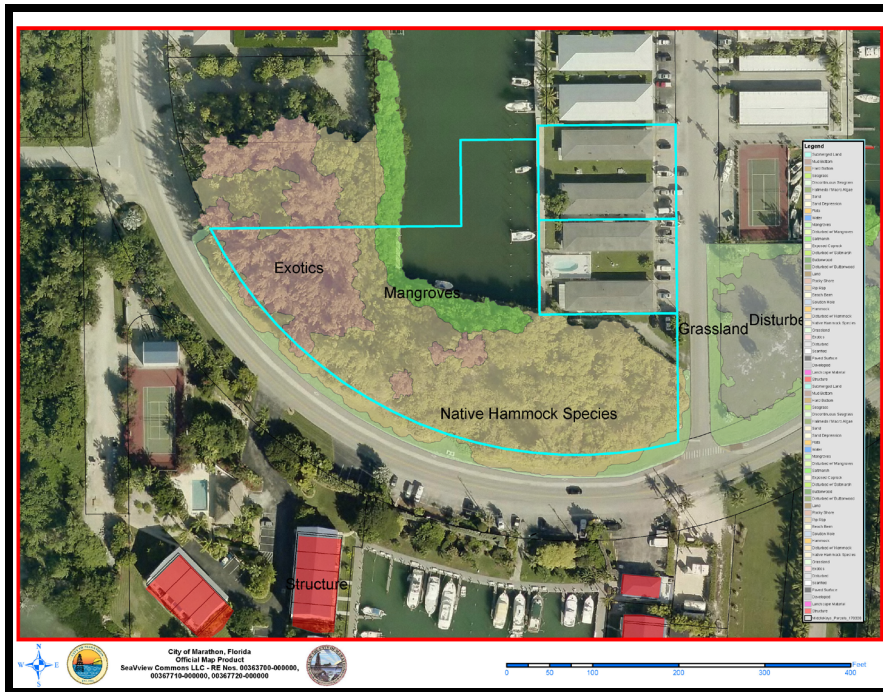
Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

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

**Figure 4A, 4B, and 4C
Adopted Habitat Maps / FEMA-FWS SFAs**



**Figure 5 C
Recent Habitat Assessment Maps**



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.

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

- Existing native canopy and understory trees should be transplanted if possible or mitigated for if necessary within the proposed and finally approved landscape plan.
- If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.

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

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

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. The “Trip Generation Analysis” schedule provided in the Traffic Study indicates that there will be an increase in trip generation from the existing use to the proposed use for the apartments. The traffic study determined that a level 2 traffic study was required based on the expected trip generation for the project. The updated study, based on the elimination of trips directly onto Coco Plum Road, finds that the proposed increase in units will not have an adverse impact on the operating characteristics of either Coco Plum Road or Avenue D, nor will it inhibit the safe flow of traffic traveling through the City of Marathon.

Ingress and egress to the properties is currently proposed to be located both on Avenue D and Coco Plum Road. However, the Applicant is limiting the access on the curve of Coco Plum as emergency access only.

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

- As part of the permit application, all conditions of the Fire Marshal regarding ingress and egress must be met prior to permit issuance. In addition, all fire hydrants must be in place prior to any of the proposed buildings “going vertical.”

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

Parking requirements are outlined in Section 107.46 (Parking Schedule). The applicant has proposed parking spaces to be located primarily under the townhome structures. The applicant proposes 112 off street parking spaces for tenants under the proposed apartment buildings (2 spaces per tenant). In addition, the Applicant has proposed visitor parking and adequate ADA parking. All tenant parking will reside under each residential building.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 112 required spaces, 5 handicapped spaces are required. The additional ADA spaces must be designated on the final site plan. Parking space sizes are 9’ x 18’ for 90 degree parking, and

handicapped spaces are 12' x 22' required by Code.

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

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

- City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
- City approval is required for bike racks prior to Building Permit Approval.

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

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

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

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

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The site plan indicates that the dumpsters are screened, and located for easy access and waste removal.

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

5. Utilities, with reference to location and availability;

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

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

within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.

- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Required yards and other open space;

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

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

9. General compatibility with surrounding properties; and

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

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

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

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

Section 104.48 Residential Dwelling Units contains special requirements. Additionally the project

must meet all criteria of Section 104.03 pertaining to affordable housing. These conditions must be met to receive FHFC funds.

The following criteria are applicable to this redevelopment from 104.48:

- 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 following criteria are applicable to this proposed development from 104.03:

- Dwelling units shall contain less than or equal to 1,800 square feet of habitable space. Occupancy of affordable housing units is limited to those meeting the following income requirements:
- Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
- Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
- Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;
- Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
- Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
- For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household

(that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;

- The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;
- The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and
- If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
- Annual income qualification, lease or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.

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

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

CONCLUSION:

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

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

RECOMMENDATION:

Planning staff recommends that the Planning Commission forward a recommendation of conditional

approval of the Residential Development to the City Council. The proposed conditions of approval are listed below.

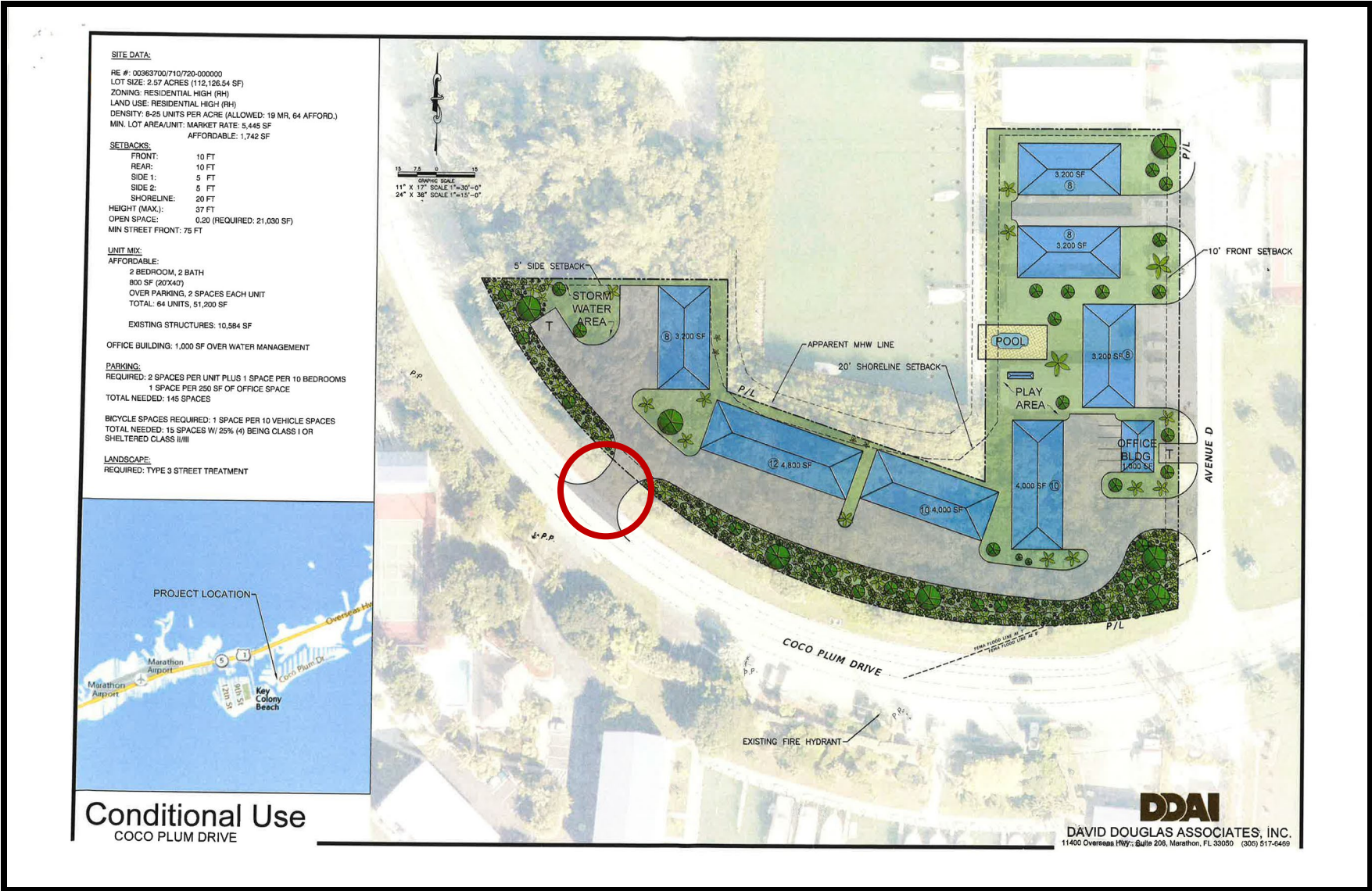
Conditions of Approval

1. Ingress and egress shall only occur from Pescayo Avenue and Avenue B.
2. As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
3. City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
4. Bike racks must be shown on the final site plan and approved prior to Building Permit Approval.
5. City approval is required for the stormwater management system prior to Building Permit Approval.
6. Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
7. City approval of the final engineering and connection to the City Wastewater Utility will be required.
8. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.
9. A Transplantation / Mitigation plan must be approved for any native trees destroyed as part of proposed construction. This Plan must be provided and approved prior to the initiation of site development.
10. If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
11. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
12. Sufficient parking for two spaces per unit and additional visitor parking.
13. City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
14. City approval is required for bike racks prior to Building Permit Approval.
15. Caution signs during left or right turns at the Coco Plum Drive intersection with Pescayo Avenue and Avenue B.
16. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
17. Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
18. Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
19. Dwelling units shall contain less than or equal to 1,800 square feet of habitable space. Occupancy of affordable housing units is limited to those meeting the following income requirements:

20. Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
21. Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
22. Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;
23. Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
24. Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
25. For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;
26. The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;
27. The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and
28. If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
29. Annual income qualification, lease, or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.
30. The Applicant must obtain sixty-four (64) affordable residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process, including statutory, prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.**
31. The Conditional Use Development Order will constitute the Certificate of Concurrency for

the project. The determination will be valid for one year.

Attachments:
Attachment A: Proposed Site Plan
Coco Plum Road Exit Has Been Eliminated For General Access



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: October 17, 2022
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: Consideration Of A Request 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 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.

RECOMMENDATION:

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

APPLICANT/ OWNER: Coco Vista Community Limited

AGENT: Bart Smith, Smith/Hawks

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

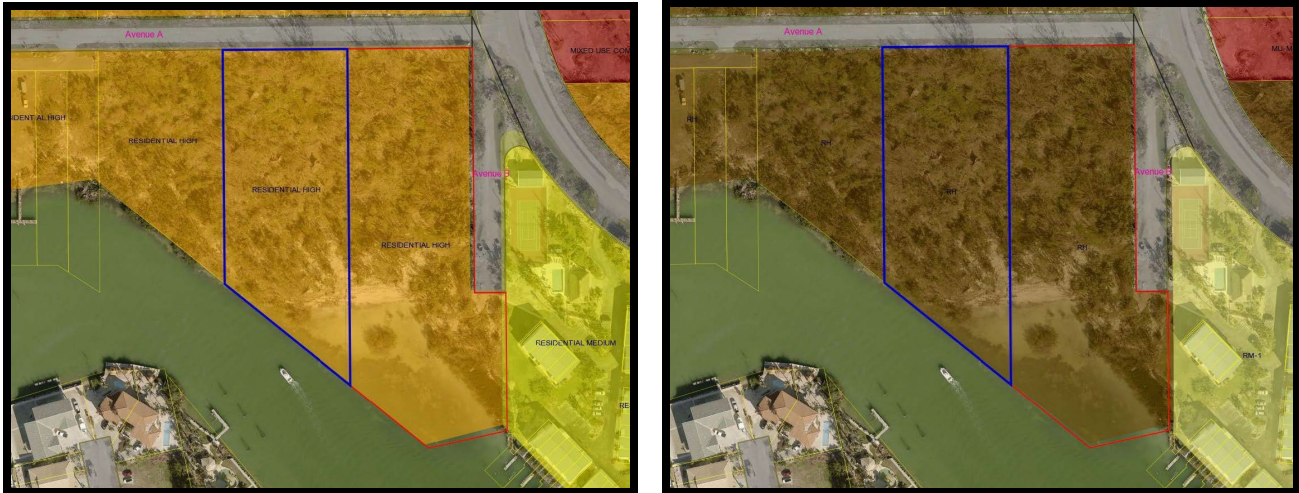
REQUEST: Approval of a Conditional Use Permit for development of the subject properties (RE No 00363551-000700), providing for construction of units as follows:

Affordable Units: 60 multi-family residences in two (2) buildings with thirty (30) units in each.
Leasing Office: 1 Site Managers Office

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

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

**Figure 2 A & B
Future Land Use & Zoning Maps**



LOT SIZE:

Prior to the plat approval the total acreage: 5.10 acres or 222,156 square feet

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

The resulting lot (00363551-000700) for the affordable housing is 104,800 square feet.

SURROUNDING ZONING AND USES:

	<u>FLUM</u>	<u>Use</u>
North	RH / MU-M	Pescayo – Vacant Land / Commercial Fishing / Marine Industry
East	RH & RM	Multi-family / Condominium / Affordable (Approved)
West	RH	Vacant Lands & Pescayo Village Plat (SFRs)
South	RH	Seaview Commons single family lots

EXISTING CONDITIONS:

The project site consists of one (1) parcel. The parcel has been previously cleared of exotic vegetation. There are some remaining native hammock trees and palm trees.

PROPOSED DEVELOPMENT:

Affordable Units: 60 multi-family, two bedroom +/- affordable residential units in two (2) buildings
Leasing Office: 1 Site Managers Office

BACKGROUND:

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

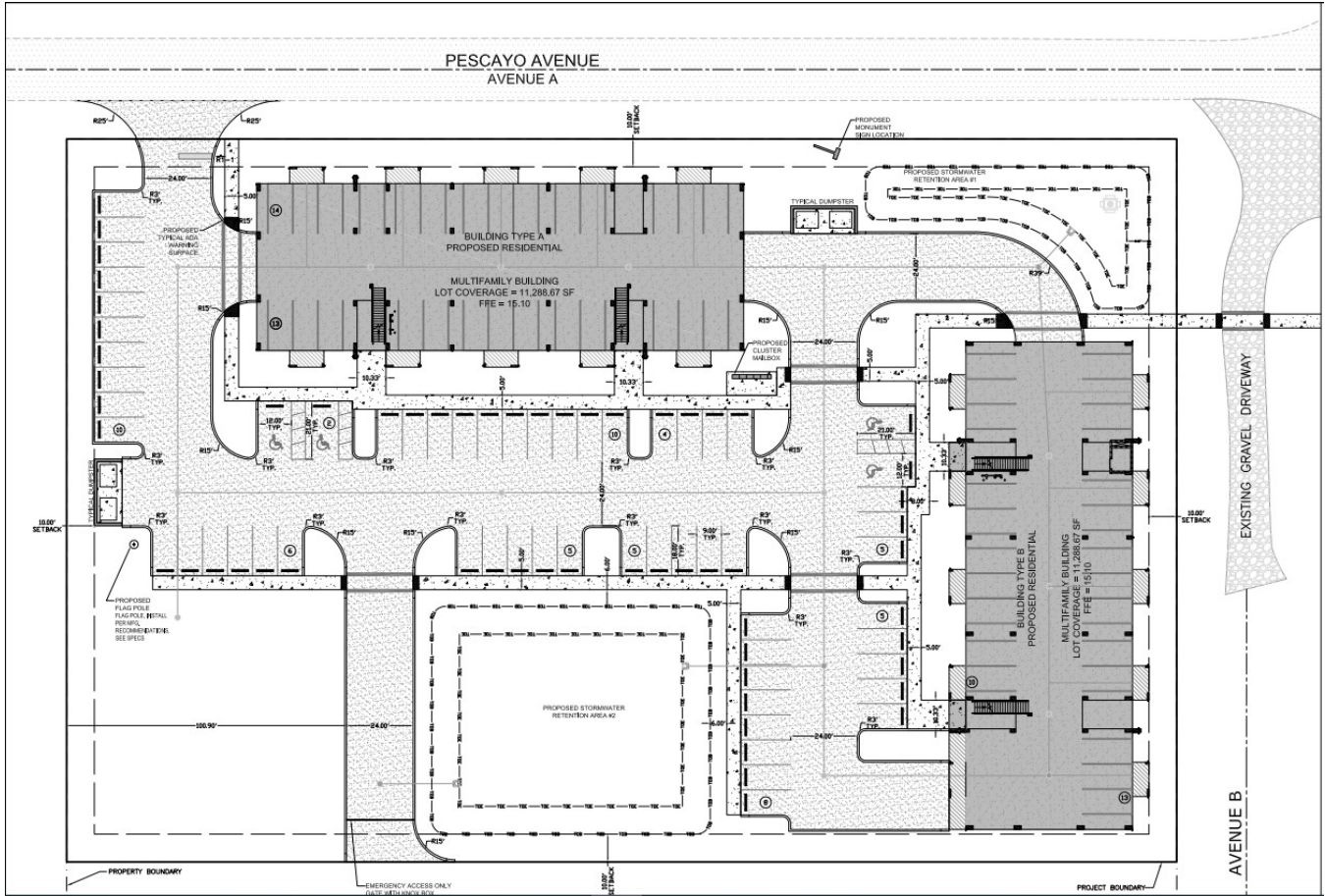
The proposed project will include a total of sixty residential units: 60 - two-bedroom apartments.

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

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

See Figure 3.

**Figure 3
Proposed Development Site Plan
Pescayo Avenue**



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

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

The proposed development project is located within the Residential High (RH) Zoning District. Per Chapter

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

The proposed project consists of the creation of affordable housing and is consistent with the Residential High Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Multifamily Residential uses are allowed by Conditional Use Permit in the Residential High district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

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

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

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

Chapter 1 – Future Land Use Element

Goal 1-1 Manage Growth

Objective 1-1.1 Protect Community Character

Policy 1-1.1.1 Enhance and Preserve Existing Community Character

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

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

Goal 1-2 Adequate Public Facilities and Services

Objective 1-2.1 Ensure Levels of Service

Policy 1-2.1.2 Ensure Availability of Public Facilities and Services

The City shall not issue a development order or permit for any development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that the public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities

operate at or above adopted level of service (LOS) standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service for public facilities serving the development below adopted LOS standards.

1-3 Manage Growth

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

Policy 1-3.1.4 Future Land Use Categories

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

Residential High

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

Objective 1-3.2 Regulate Density and Intensity

Policy 1-3.2.1 Allocated Density Defined

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

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

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

Note:

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

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

Chapter 3 – Infrastructure Element

Goal 3-1 Provide Need Public Facilities

Objective 3-1.1 Adopt Level of Service Standards

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

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

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

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

Policy 3-1.1.2 Adopt Stormwater Management Level of Service Standards

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

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

Policy 3-1.1.3 Adopt Potable Water Level of Service Standards

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

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

Source: Monroe County 2010 Comprehensive Plan

Policy 3-1.1.4 Adopt Solid Waste Level of Service Standards

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

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

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

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

Policy 7-1.1.1 Adopt Level of Service Standards

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

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

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

The proposed project is located within the Residential High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that “the principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High Land Use category is characterized by high density compact development on lots with disturbed or scarified

vegetation and areas that are appropriate for infill development and that are served by existing infrastructure.

The existing land use pattern in the project vicinity consists of multi-family residential development to the North on Avenue D and South across Coco Plum Road on Avenue C (west side). Further, there is a mixed residential, commercial, and marine development pattern on Coco Plum Road leading to the East.

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

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

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

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

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

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

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

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

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

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

impacts.

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

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

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

The existing conditions maps indicate the subject area is designated as Disturbed / Undeveloped Land. The FEMA_FWS Species Focus Area Maps indicate that the property is characterized by Exotics and mangroves at the canal edge. More recent and detailed assessments indicate that most of the property as indicated is characterized by exotics with mangroves at the waters wedge, but that there are quite a number of native trees as well. The site has been recently cleared of all exotic vegetation. The proposed development will increase the native vegetation on site as part of the landscaping plan.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parking requirements are outlined in Section 107.46 (Parking Schedule). The applicant has proposed parking spaces to be located primarily under the townhome structures. The applicant proposes approximately 120 off- street parking spaces for tenants under the proposed apartment buildings (2 spaces per tenant) and the proposed addition of six (6) market rate units on the water amounting to twelve (12). In addition, the Applicant has proposed visitor parking and adequate ADA parking. All tenant parking will reside under each residential building.

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

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

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

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

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

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

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

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

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The site plan indicates that the dumpsters will be screened and located for easy access and waste removal.

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

5. Utilities, with reference to location and availability;

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

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

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

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.

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

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned RH and is bordered to the West by properties zoned Residential High (RH) and properties to the north zoned RH as well. The zoning across Coco Plum to the east is Residential Medium (RM).

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

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

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

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

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

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

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

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

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

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

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

8. Required yards and other open space.

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

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

9. General compatibility with surrounding properties; and

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

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

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

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

Section 104.48 Residential Dwelling Units contains special requirements. Additionally, the project must meet all criteria of Section 104.03 pertaining to affordable housing. These conditions must be met to receive FHFC funds.

The following criteria are applicable to this proposed development from 104.48:

- 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 following criteria are applicable to this proposed development from 104.03:

- Dwelling units shall contain less than or equal to 1,800 square feet of habitable space. Occupancy of affordable housing units is limited to those meeting the following income requirements:
- Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
- Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
- Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;

- Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
- Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
- For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;
- The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;
- The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and
- If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
- Annual income qualification, lease, or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.

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

With regard to workforce and affordable housing, Chapter 2 – Housing Element, addresses the absolute need for workforce and affordable housing within the City and County in general. The proposed project seeks to support those Goals and Objectives as noted in Goals and Objectives highlighted below:

GOAL 2-1 CONSERVE HOUSING STOCK

To achieve a balanced and affordable range of housing stock; to encourage the diversification and distribution of the housing stock; to eliminate substandard structures; and to conserve good quality housing stock. 9J-5.010(3)(a)

Objective 2-1.1 Develop a Housing Program

Within one year of the effective date of the Plan, the City provide the framework for a housing program that encourages the creation and preservation of affordable housing for all current and anticipated future residents of the City. 9J-5.010(3)(b)1

Objective 2-1.2 Provide Information

The City shall provide for exchange of information related to job training, job creation and economic solutions in an effort to improve access to affordable housing. 9J-5.010(3)(c)8

Objective 2-1.3 Improve Housing Conditions

The City shall continue to eliminate substandard housing and blighted areas and shall continue to improve structural and aesthetic housing conditions. 9J-5.010(3)(b)2

Objective 2-1.5 Ensure Adequate Housing Sites

Through the Land Development Regulations, the City shall ensure distribution of adequate housing sites for all residents of Marathon, including very low, low, moderate, and market income housing through the implementation of the following policies. 9J-5.010(3)(b)3

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

First, staff wants to make clear what those HUD limits are for 2022.

FY 2022 Income Limit	Persons in Household							
	1	2	3	4	5	6	7	8
Middle Income (160%)	\$114,800	\$131,200	\$147,600	\$164,000	\$177,200	\$190,300	\$203,400	\$216,500
Mil Monthly Rent	\$2,870	\$3,280	\$3,690	\$4,100	\$4,430	\$4,758	\$5,085	\$5,413
Moderate Income (120%)	\$86,100	\$98,400	\$110,700	\$123,000	\$132,900	\$142,725	\$152,550	\$162,375
Moi Monthly Rent	\$2,153	\$2,460	\$2,768	\$3,075	\$3,323	\$3,568	\$3,814	\$4,059
Median Income (100%)	\$71,750	\$82,000	\$92,250	\$102,500	\$110,750	\$118,938	\$127,125	\$135,313
MI Monthly Rent	\$1,794	\$2,050	\$2,306	\$2,563	\$2,769	\$2,973	\$3,178	\$3,383
Low Income (80%)	\$57,400	\$65,600	\$73,800	\$82,000	\$88,600	\$95,150	\$101,700	\$108,250
LI Monthly Rent	\$1,435	\$1,640	\$1,845	\$2,050	\$2,215	\$2,379	\$2,543	\$2,706
Very Low Income (50%)	\$35,900	\$41,000	\$46,150	\$51,250	\$55,350	\$59,450	\$63,550	\$67,650
VLI Monthly Rent	\$898	\$1,025	\$1,154	\$1,281	\$1,384	\$1,486	\$1,589	\$1,691
Ext. Low Income (30%)	\$21,550	\$24,600	\$27,700	\$30,750	\$33,250	\$37,190	\$41,910	\$46,630
ELI Monthly Rent	\$539	\$615	\$693	\$769	\$831	\$930	\$1,048	\$1,166

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

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

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

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

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

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

So, staff believes that there is still a significant need for workforce housing, regardless of the number of units and projects that have some before the City recently and are either built or in various stages of construction. The largest demand is in the lower income categories, but the demand stretches across the range of HUD categories.

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

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

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

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

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

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

Based on this review of the available information, City staff indicates that the project meets the obligation to help establish necessary workforce and affordable housing within the city. Therefore, with the conditions noted

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

CONCLUSION:

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

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

RECOMMENDATION:

Planning staff recommends approval with Conditions.

Conditions of Approval

1. Ingress and egress shall only occur from Pescayo Avenue and Avenue B.
2. As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
3. City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
4. Bike racks must be shown on the final site plan and approved prior to Building Permit Approval.
5. City approval is required for the stormwater management system prior to Building Permit Approval.
6. Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
7. City approval of the final engineering and connection to the City Wastewater Utility will be required.
8. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.
9. A Transplantation / Mitigation plan must be approved for any native trees destroyed as part of proposed construction. This Plan must be provided and approved prior to the initiation of site development.
10. If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
11. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
12. Sufficient parking for two spaces per unit and additional visitor parking.
13. City approval is required for ADA compliant parking spaces prior to Building Permit Approval.
14. City approval is required for bike racks prior to Building Permit Approval.
15. Caution signs during left or right turns at the Coco Plum Drive intersection with Pescayo Avenue and Avenue B.
16. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
17. Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
18. Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
19. Dwelling units shall contain less than or equal to 1,800 square feet of habitable space. Occupancy of affordable housing units is limited to those meeting the following income requirements:
20. Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
21. Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
22. Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;
23. Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
24. Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
25. For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less

deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;

26. The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;
27. The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and
28. If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
29. Annual income qualification, lease, or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.
30. The Applicant must obtain sixty (60) affordable residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process, including statutory, prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.**
31. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.