



City of Marathon Planning Commission
Monday December 19, 2022
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

1. **Call To Order**
 2. **Pledge Of Allegiance**
 3. **Introduction Of Members**
 4. **Roll Call**
 5. **Nominations**
 6. **Approval Of Minutes**
 7. **Quasi-judicial Statement**
 8. **Items For Public Hearing**
 9. **Adjournment**
-

7. 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.

8. Items For Public Hearing

1. An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 104, "Specific Use Regulations," Article 1, "General Provisions," Section 104.64, "Waterfront Walkways And Docks:"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; And Providing For An Effective Date. **PULLED**
2. Consideration Of A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By QOF, Inc. For A Plat Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulation (LDRS) Entitled "Subdivision Of Land/Plats And Re-Plats," Particularly, 4800 Overseas Hwy Unit 14 Which Is Described As Thompson And Adams Subdivision PB2-24, Part Lot 4 And Adjacent Filled Bay

Bottom And Adjacent Bay Bottom (A/K/A Parcel D & Bay Bottom Parcel A), Section 10, Township 66 South, Range 32 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00327140-000200. Nearest Mile Marker 50.

3. Consideration Of A Request By David Crum 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 Restaurant/Bar, Marina/Boat Rentals, Retail Shop/Convenience Store, and Affordable Housing Units At The Property Located At Vacant Land Overseas Highway, Which Is Legally Described As 11 66 32 Key Vaccas Part Government Lot 2 and Bay Bottom North Of And Adjacent To Part Lot 2, Marathon, Monroe County, Florida, Having Real Estate Number 00103770-000000. Nearest Mile Marker 50.



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

MINUTES

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

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

The Pledge of Allegiance was recited.

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

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

The quasi-judicial statement was read into the record.

Item 1 was read into the record: Consideration Of A Request By Coastal Properties – Vaca Cut Annex LLC. For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Two (2) Story, Six (6) Unit Multi-Family Affordable Housing Unit Located At 11990 Overseas Highway, Which Is Legally Described As Block E Lots 4, 5 And 6 Hawaiian Village PB4-70 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00357680-000000. Nearest Mile Marker 53.

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

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

There were no ex-parte communications on the item.

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

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

Item 2 was read into the record: Consideration Of A Request By Coco Vista Community, LTD and VC Seaview, LTD. For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of Sixty-Four (64) Affordable Housing Units Located At 96 Coco Plum Dr. Which Is Legally Described As Block 7 Lot 9 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00363700-000000, Block 7 Lot 11 and Adjacent Canal Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00363720-000000 And Block 7 Lot 10 And Adjacent Canal Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00363710-000000. Nearest Mile Marker 54.

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

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

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

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

There were no ex parte communications on the item.

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

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

Item 3 was read into the record: Consideration Of A Request By Coco Vista Community, LTD. For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of Sixty (60) Affordable Housing Units Located At 120 And 130 Pescayo Ave, Which Is Legally Described As Lot 7 Seaview Commons II-Ave A PB7-96 A Subdivision Being A Re-Plat Of Lots 5 And 6 Block 6 Coco Plum Beach PB4-166, Monroe County, Florida, Having Real Estate Number 00363551-000700. Nearest Mile Marker 54.

For this item Shea commented “Ditto everything.”

Smith did the same, “Ditto.”

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

Pinto moved to approve. Landry seconded. The item was approved 2-1, Cinque 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: December 19, 2022
To: Planning Commission
From: Amber Stonik, Planning Associate

Agenda Item: Consideration Of A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By QOF, Inc. For A Plat Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulation (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” Particularly, 4800 Overseas Hwy Unit 14 Which Is Described As Thompson And Adams Subdivision PB2-24, Part Lot 4 And Adjacent Filled Bay Bottom And Adjacent Bay Bottom (A/K/A Parcel D & Bay Bottom Parcel A), Section 10, Township 66 South, Range 32 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00327140-000200. Nearest Mile Marker 50.

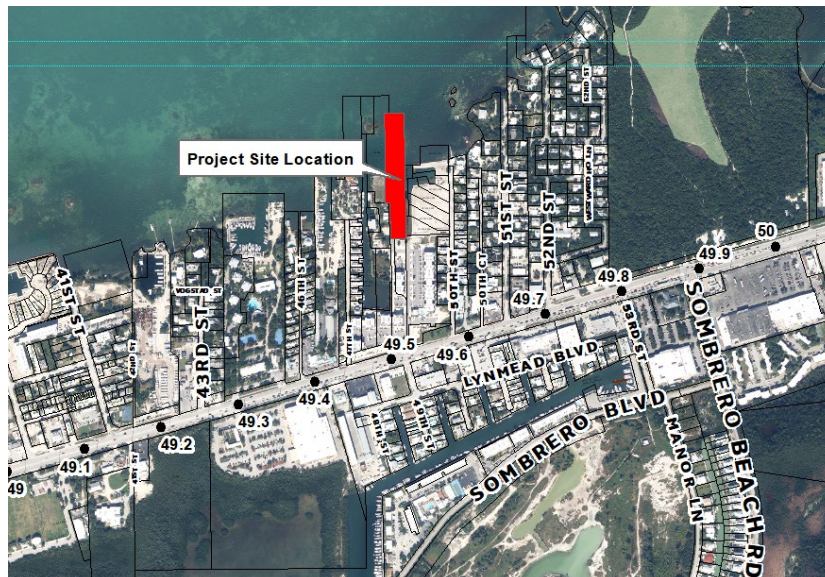
RECOMMENDATION:

The planning staff recommends conditional approval of the QOF, Inc preliminary plat proposing five individual lots for single family residences.

APPLICANT/ OWNER: QOF, Inc

AGENT: Barbara Mitchell

LOCATION: The project site is located at 4800 Overseas Hwy Unit 14, Marathon – Nearest Mile Marker 50.



SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	Florida Bay	N/A
East	Mixed Use	Residential homes of 50 th street
South	Mixed Use	Residential homes, and Crystal Cove Apts.
West	Mixed Use, Residential High	Vacant land, Residential homes, Residential homes of 47 th street

EXISTING CONDITIONS:

The project site consists of the remains of one 1960s ground level single family resident, with dock. This will be demolished.

PROPOSED REDEVELOPMENT:

The proposed Shipman Point Plat Subdivision is a re-plat of a portion of Los 3 and 4, and adjacent Bay Bottom, of the Thompson & Adams Subdivision. The proposed development is five single family homes on individually platted lots. **See Figure 3. Proposed Redevelopment Site Plan.**

BACKGROUND:

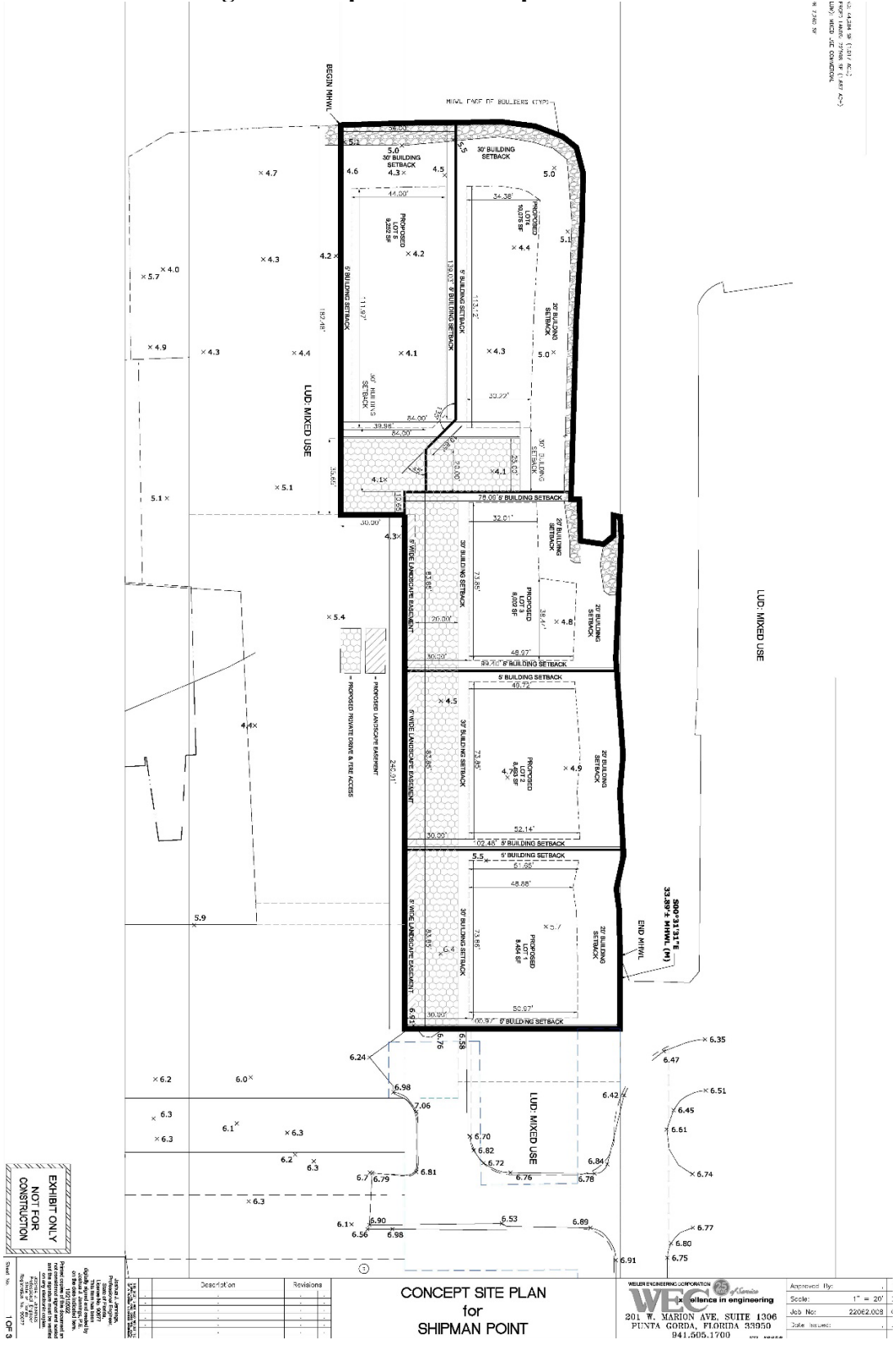
The proposed project consists of the development of five single family properties with access through private shared driveway provided by the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City in 2018/2019 when the Residences at Crystal Cove were approved for permitting.

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

Figure 3: Proposed Redevelopment Site Plan



CRITERIA

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

Consistent with the Comprehensive Plan

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

The proposed project consists of the proposed plat consisting of five single family lots within the Mixed-Use Zoning District. The surrounding properties are zoned Mixed Use and are a mix of residential uses including single-family, multi-family and deed restricted affordable apartments. Access to the site is via a common access easement to Overseas Highway. The easement is shown on the survey and designated as Crystal Cove Common Access Road Easement. It also provides utility access. This section of US 1 is four lanes with a center turning lane.

The proposed subdivision to be known as Shipman Point will not increase the density that is currently allowable on this site. This subject parcel would support up to six market rate homes, fifteen multifamily, affordable units or unto twenty-five transient units based upon the gross upland area of the parcel (1.017 acres). The proposed plat reduces the potential market rate density by 20% with the anticipated five single family market rate homes. The smallest parcel exceeds the minimum parcel size by 10%, the largest parcel exceeds the minimum size by 28%. This furthers the Comprehensive Plan policy of retention of a small-town atmosphere. The proposed platted lots are consistent with the character of the neighborhood.

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

This project proposes to develop a residential site. Non-residential uses are not contemplated for these lots. Currently, the site contains one single-family, non-elevated home and is designated as “Disturbed” on the city habitat maps. The existing single-family home will be removed.

b. Policy 1-1.1.3 Protect Residential Neighborhood Character

The proposed Shipman Point Plat effectively removes the potential for high density multi-family or transient residential development on this parcel. The ability to efficiently design multi-family residences is significantly reduced with the side yard setbacks required for each lot. There is one existing market rate entitlement attached to the existing single-family home. The remaining four lots will have a building right for one market rate unit per lot that shall be transferred to the site.

Landscape buffers are not required for this site as the zoning designation is the same on all property boundaries. Where possible, existing plant material shall remain to provide buffering from the adjacent parcels.

c. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential neighborhood. The proposed subdivision consists of five single-family lots. All the lots are waterfront. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot.

e. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation there are various residential uses including permanent single-family, affordable and/or commercial apartments as well as mobile homes. Commercial or transient residential uses are permitted. The residential project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

f. Policy 1-3.2 Maximum Height

The maximum height of any new structure associated with the redevelopment of the property shall not exceed 42 feet, except as provided by City Code, as amended. For purposes of determination of grade of the Property, grade for all structures the highest existing onsite grade is 5.5 feet NGVD resulting in a maximum building height of 47.5 feet NGVD except those exceptions provided for in Section 107.41 of the City Code.

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

The proposed subdivision to be known as Shipman Point will not increase the density that is currently allowable on this site. This subject parcel would support up to six market rate homes, fifteen multifamily, affordable units or unto twenty-five transient units based upon the gross upland area of the parcel (1.017 acres). The proposed plat reduces the potential market rate density by 20% with the anticipated five single family market rate homes. The smallest parcel exceeds the minimum parcel size by 10%, the largest parcel exceeds the minimum size by 28%. Residential density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The submitted plat proposes a density equivalent to 5 market rate units per acre.

h. Policy 1-3.3.1 a., c, and h. General Redevelopment Criteria

The site is considered disturbed. Over the past thirty years, landscaping consisting of native and non-native plant material have been planted on the site. As part of the site planning for each home, reuse of existing material is anticipated to the greatest extent practicable. The interior access drive has been designed to retain an existing landscape hedge. The shoreline along the open water and the canal are protected with riprap. A mangrove fringe exists along a portion of the canal. There is an existing dock on the proposed Lot 5. The building permit process for the single-family homes is as-of-right. At the time of building permit application, compliance with all applicable City building regulations shall be demonstrated.

i. Policy 1-3.4.1 Established Densities and Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The redevelopment plan includes constructing market rate building units at a rate of one per lot. Four market rate units will require Transfer Building Right (TBR). The developer either has or will acquire these rights. The existing market rate entitlement will be transferred to one of the new lots upon approval of the final plat and the assignment of new Property Real Estate Number(s).

Consistent with the City Land Development Regulations

a. Section 103.09 – Mixed Use

The MU District is intended to accommodate a wide range of uses and activities. Market rate, permanent residential housing is permitted as of right. The proposed density of 5 units per acre is compliant with the regulation density of six units per acre for this district.

b. Table 103.15.1 Uses By Zoning District

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

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

The subject project site contains 44,284+/- square feet of upland and 72,598 square feet of bay-bottom. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district. For residential uses, the units per acre are: six (6) market rate, fifteen (15) affordable, and up to twenty-five (25) transient residential units. Commercial uses, although permitted, are not contemplated for this subdivision.

The proposed project, a subdivision of one parcel into five lots, will exceed the minimum lot size of 7,260 square feet required for market rate development, the equivalent density is approximately 5 units per acre.

The required setbacks in the MU district range from 0 to 30' for the front, 0 to 10' for the sides with a 20' shoreline setback along the canal and a 30' setback from the altered open water shoreline. As illustrated on the Conditional Use site plan, the proposed buildable areas demonstrate compliance with the setback requirements.

The Land Development Regulations do not address a minimum street frontage. Lots 1 through 3 are 83.85' wide and approximately 100' deep. Lots 4 and 5, the open water lots, are between 50 and 60' with a depth of 180' +/- . Frontage is along a private drive.

Table 103 .15 .2 lists the density for permitted uses in the MU Zoning district. For residential uses, the City's Code allows six (6) market rate, fifteen (15) affordable, and twenty-five (25) transient and a commercial floor area of 60% with eligibility for density bonus of up to 75%.

The applicant is proposing to subdivide into 5 single family lots. Based upon these uses the proposed density is within Code requirements.

The required setbacks in the MU district range from 0 to 30 feet. As illustrated on the site plan the proposed setbacks are consistent with this zoning standard. Each proposed lot will have to maintain the 20% open space on site per open space ratios in the LDR requirements table 103.15.2.

d. Section 107.00 Building Permit Allocation System

New BPAS allocations will not be required for this project. One market rate entitlement exists on the property. The developer currently has or will acquire existing transferrable building rights (TBRs).

e. Section 107.47 Parking

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

f. Section 107.40 Maximum Height

This application is for approval of a five-lot subdivision for single-family homes. The plans for these homes have not been developed at this time. The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The surrounding properties have a zoning designation of Mixed Use. Therefore, district landscape buffers are not required. Code states that one canopy tree is required for every 50 feet of linear street frontage. Final landscape plans will be prepared and submitted at the time of Building Permits. However, as mentioned earlier in this report, the site contains an existing planting palette of palms and trees - both native and non-native. The access road has been designed to take advantage of an existing hedge along the western property line. **See Figure 4.**

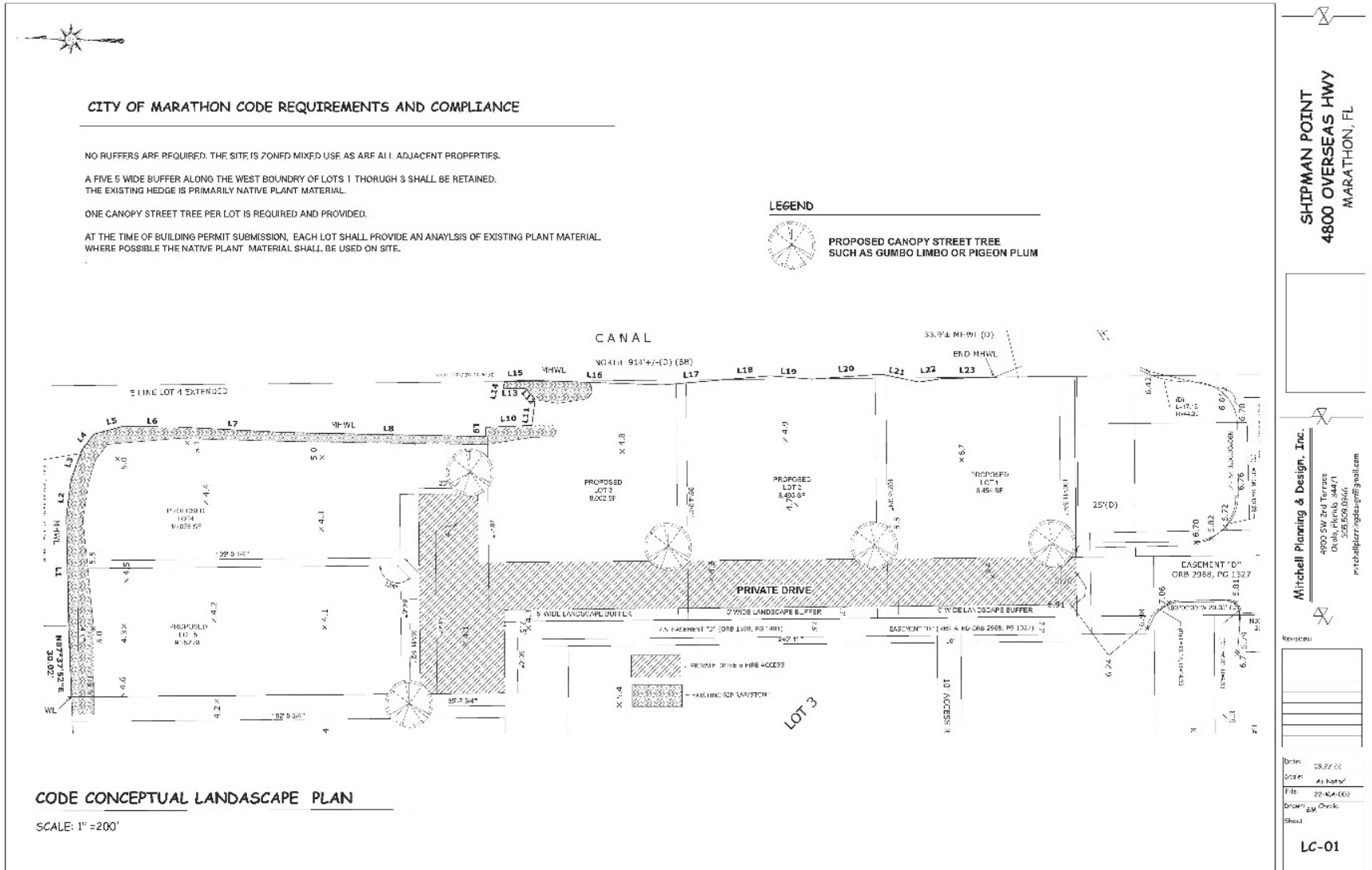
h. Section 107.73 – 107.81 Open Space

The required open space ratio for this site is 20%. Upon approval of the Plat of Subdivision, each lot will be required to provide the required open space pursuant to the Land Development Regulations in effect at the time of building permitting. The open space analysis in the following chart reflects the square footage of the required setback area for the primary use (aka single-family residence) on each lot. The following Table provides a summary, numbers are in square feet:

Lot #	Gross Lot Area	Buildable Area	Open Space Area	Open Space %
1	8,454	3,775	3,079	36.4%
2	8,493	3,796	3,022	35.6%
3	8,002	3,145	3,126	39.0%
4	10,075	3,514	5,475	54.3%
5	9,252	4,962	3,521	34.9%

The proposed open space ratios are well within City Code requirements. Actual open space may differ when accessory structures are permitted as some accessory structures are allowed along a portion of the shoreline setback.

Figure 4: Conceptual Landscape Plan



i. 107.82 – 107.85 Fences & Screening

Any fencing or screening shall be developed by the individual lot owner upon submission of Building Permit applications.

j. 107.98 – 107.102.5 Stormwater Management

The Stormwater Management Plan provided demonstrates compliance with this requirement, based upon the buildable area of each lot as noted above. The Building Permit for each residence will demonstrate compliance, once the actual footprints and impervious areas are determined

k. Sections 107.98 – 107 Floodplain Management

Pursuant to the current FEMA FIRM maps, Lots 1 through 3 are located in the AE9 flood zone. Lots 4 and 5 are located in the AE 9, VE 11, VE 12, and VE 14 flood zones. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations. See Figure 5.

Figure 5: FEMA Flood Zones



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.” Parcels immediately surrounding the proposed single-family residential community are or are in the process of being developed with residential uses. Immediately to the west is a property that has been developed with residential uses since the 1960’s. To the south is the Residences at Crystal Cove. This is a multi-family development, recently completed, and is comprised of four apartment buildings that offer deed restricted affordable housing. To the east, across the canal is a residential community currently under development it includes seven lots, recently platted, for single family homes. To the north is the Florida Bay. This application proposed the development of five, fee simple, residential lots are with entitlements transferred from within the City.

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

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

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

The proposed conditional use does not adversely affect the health, and welfare of the public. The proposed residential development will connect to the City’s wastewater treatment system. Stormwater management be improved on site, and all construction with comply with the current Building Code.

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

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

The existing conditions maps indicate the subject area is designated as Developed Land. Figure 7 shows that a portion falls under the category of undeveloped land. Though found within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit, “undeveloped land” falls out of the consideration in the species assessment guides thus having “no impact” on the species concern, the Eastern Indigo Snake. **See Figure 6.**

Figure 6: FEMA-FWS Focus Area Habitat



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 access to the site is via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City in 2018/2019 when the Residences at Crystal Cove were approved for permitting. The roadway is private and provides access from the site to US 1. The travel way is paved, and utility easements have been revised and recorded in accordance with the site modifications.

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

Provisions have been made as part of the subdivision layout to address fire access. The proposed access road within the subdivision terminates in a T-turnaround. A fire hydrant is existing near the entrance of the subdivision. The Fire Chief has been contacted for coordination purposes as part of the Technical Review Committee review and has provided the condition below.

Table 1 Trip Generation Summary Shipman Point - Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Detached Housing	1 DU	9	0	1	1	1	0	1
<i>Proposed</i>								
Single-Family Detached Housing	5 DU	47	1	3	4	3	2	5
Difference (Proposed - Existing)		38	1	2	3	2	2	4

Compiled by: KBP Consulting, Inc. (September 2022).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition).

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

- The applicant must meet NFPA1 and NFPA 101 including fire hydrant location, emergency access.

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the parcel:

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	10

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

- The applicant will provide the required number of parking spaces per the LDRs.

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

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

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

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

The Plat of Subdivision proposes an internal access road for collection of garbage, recycling, and other services. A landscape plan has been submitted for this application. The adjacent properties are zoned the same; therefore, no district buffers are required. Each lot will install a street tree as required. The existing landscape hedge that exists along the western property line shall be maintained as a privacy buffer with the adjacent landowner.

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 developer will need to provide the additional sewer infrastructure required to serve these new parcels. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.
- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.
- Recreation and Open Space: This redevelopment already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

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

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the west by properties zoned MU, where no project boundary buffers are necessary.

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

This plan shows a 30' setback on the front yard, 10' setback on the western side and 15' on the eastern side yard, and 20' rear yard setback.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30'	N/A	30'	Y
Sides	0-10'	N/A	10'	Y
Rear from MHWL	20'	N/A	20'	Y

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

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

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

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

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally developed; therefore, a twenty percent open space requirement applies. The individually proposed lots will have to maintain a 20% open space requirement.

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

9. General compatibility with surrounding properties; and

The proposed development is for a single-family residential community. The surrounding neighborhood is mixed with single-family and multi-family residential uses. The buildings will be elevated as required by City Code, providing consistency with parcels that are redeveloped. The scale and layout of the proposed lots are consistent with the City Code.

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

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

In addition to other requirements of the LDRs and pursuant to Table 103.15.1, all residential dwelling units, except mobile homes, shall comply with the following:

- A. Two (2) side yards are required for stacked duplexes.
- B. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- C. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- D. 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.
- E. 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.

F. 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.

Therefore, with the conditions noted 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 development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such the development is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

The Planning staff recommended conditional approval of the project known as Shipman Point to the Planning Commission.

Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant must meet NFPA1 and NFPA 101 including fire hydrant location, emergency access in accordance with fire protection requirements as outlined by the City Fire Marshal;
3. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
4. The applicant will provide the required number of parking spaces per the LDRs.
5. The developer will need to provide additional sewer infrastructure required to serve the new parcels. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
6. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.
7. City approval is required for the stormwater management system prior to Building Permit Approval.
8. Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.

9. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees prior to permit issuance.
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. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date.

ANALYSIS OF PLAT APPROVAL REQUEST:

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

Per code streets, internal park and open space areas, recreation space, protected habitat areas requiring conservation easements may all be the basis for density reductions in the platted lot area if they are included in the overall density calculations for the subdivision and subsequent plat. Such reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document. Equally, if lot area reductions are allowed as part of the subdivision and platting process, the plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations. The applicant is proposing no such reductions.

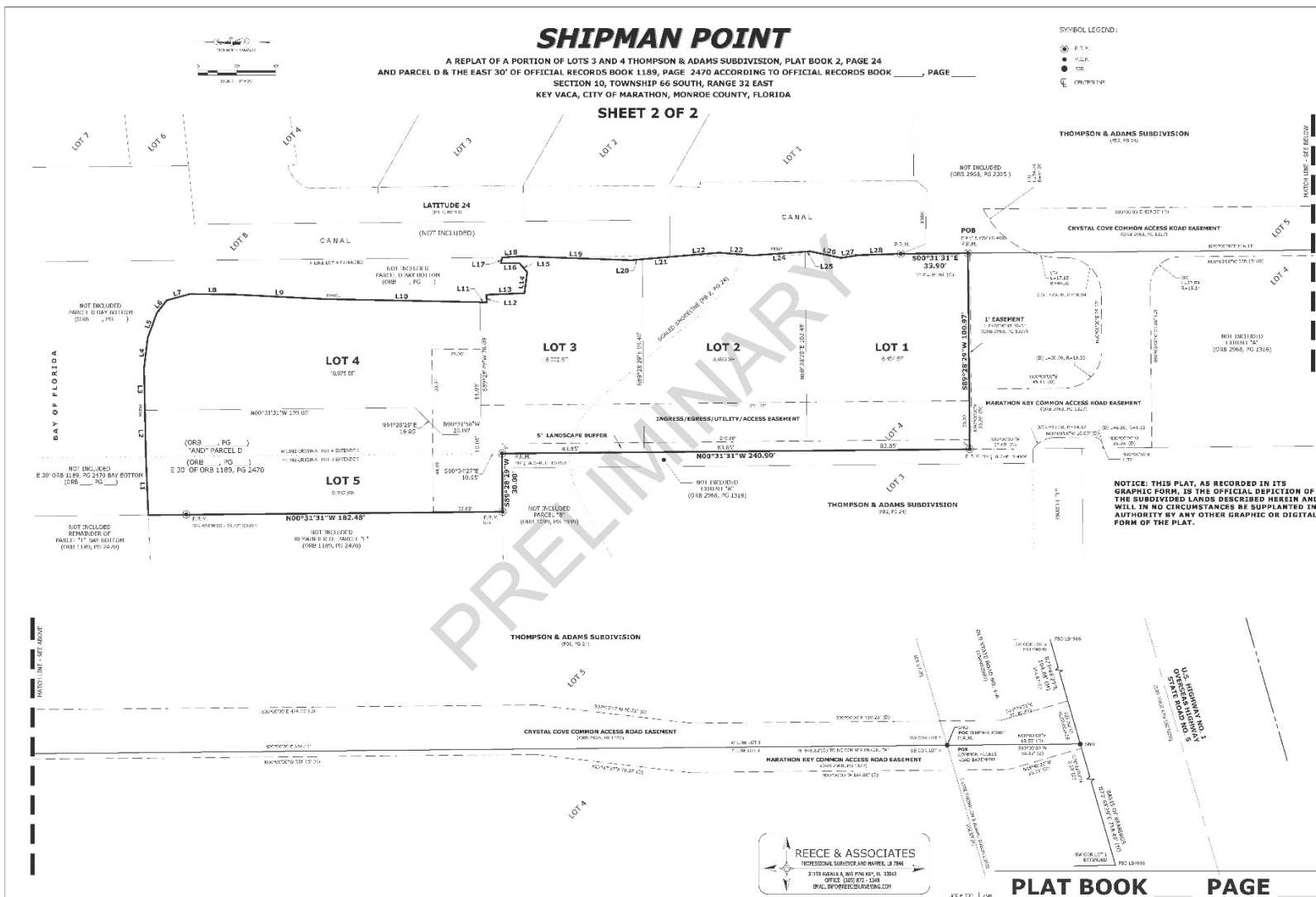
RECOMMENDATION:

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

Conditions:

1. All conditions of the Conditional Use must be met prior to building permit issuance.
2. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
3. Access to the site will be via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City.

Attachment A: Proposed Preliminary Plat





PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: December 19, 2022
To: Honorable Chair and Planning Commissioners
From: Erin Dafoe, Planner

Agenda Item: Consideration Of A Request By David Crum 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 Restaurant/Bar, Marina/Boat Rentals, Retail Shop/Convenience Store and Affordable Housing Units At The Property Located At Vacant Land Overseas Highway, Which Is Legally Described As 11 66 32 Key Vaccas Part Government Lot 2 and Bay Bottom North Of And Adjacent To Part Lot 2, Marathon, Monroe County, Florida, Having Real Estate Number 00103770-000000. Nearest Mile Marker 50.

APPLICANT/ OWNER: David Crum

AGENT: David Crum & Catherine Felton

LOCATION: The project site is located at Vacant Land Overseas Highway at approximately mile marker 50. See Figure 1.

REQUEST: A Conditional Use Approval for the development of a restaurant/bar, marina/boat rentals, retail shop/convenience store and affordable housing units.

LOT SIZE:
Total size: Approximately 237,581 square feet
184,814 square feet of Bay Bottom
188,766 square feet of Upland

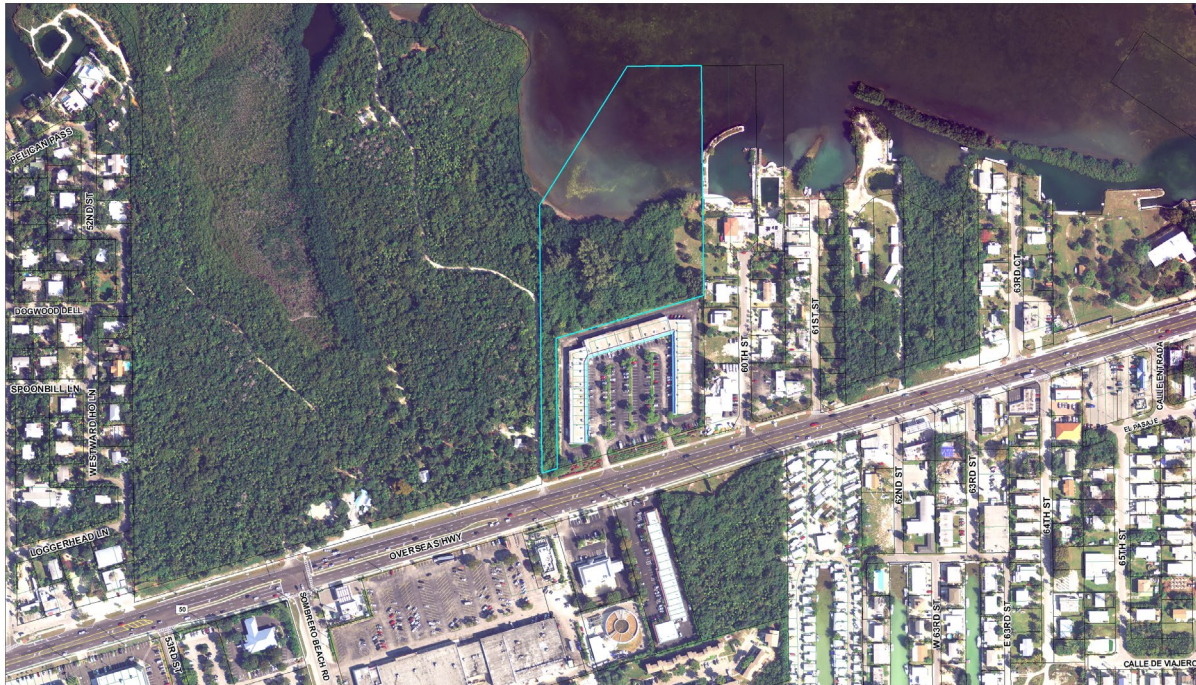
SURROUNDING ZONING AND USES:

Table with 3 columns: Direction, Zoning, and Use. Rows include North (N/A, Gulf Of Mexico), East (Residential Medium (RM), Residential Homes), South (Mixed Use (MU), Gulfside Village), and West (Conservation Native Area (C-NA), Crain Point).

EXISTING CONDITIONS:

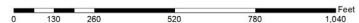
The project site consists of undeveloped vacant land. The existing FLUM is Mixed Use Commercial (MU-C), and the Zoning is Mixed Use (MU). See Figures 2 & 3.

**Figure 1
Project Site**



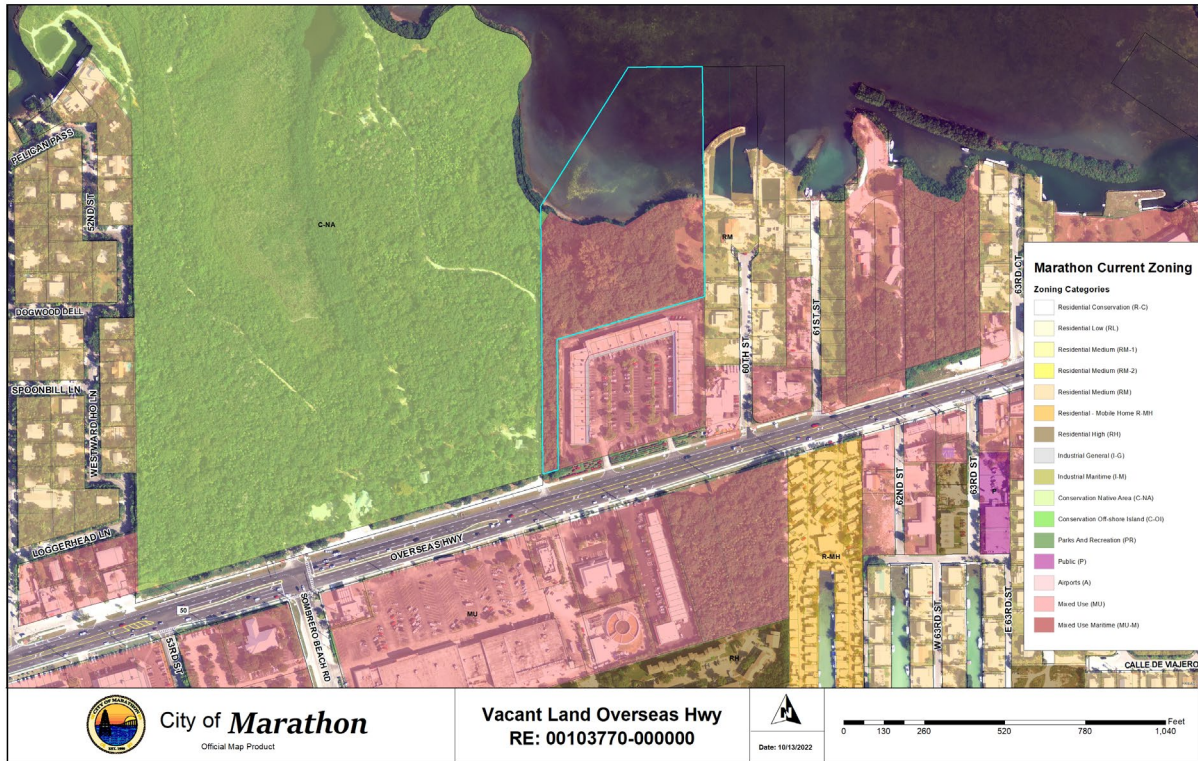
City of *Marathon*
Official Map Product

Vacant Land Overseas Hwy
RE: 00103770-000000



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

Figure 3
Zoning Map

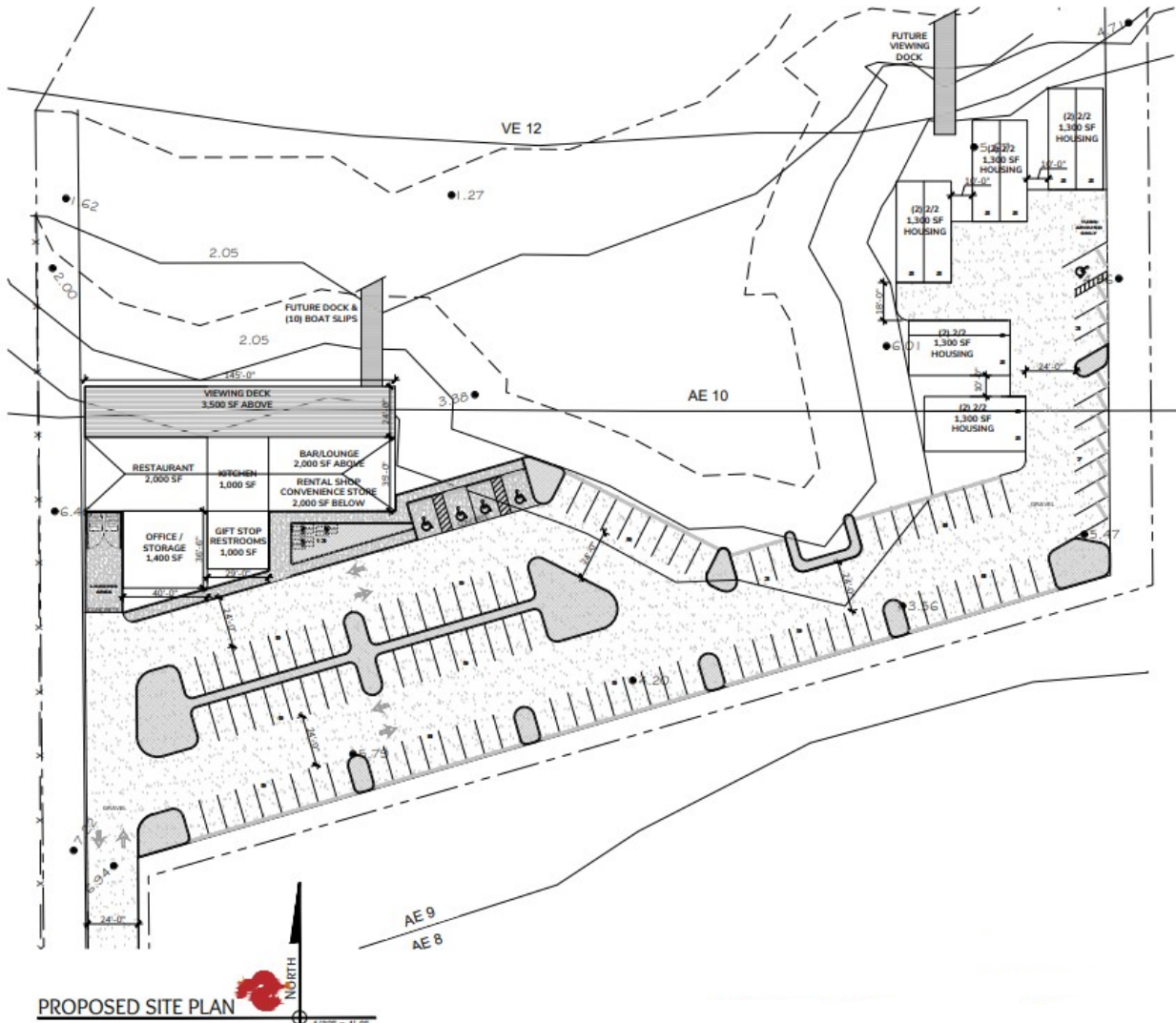


PROPOSED DEVELOPMENT:

The applicant requests the development of a Restaurant/Bar, Marina, Retail/Office Space and Affordable Housing Units.

Affordable Units: 10 Units
 Marina: 10 Slips
 Commercial: 9,500 square feet (Restaurant)
 1,400 square feet (Small office space)
 3,000 square feet (Retail Space)

**Figure 4
Proposed Site Plan**



BACKGROUND:

The proposed project is a new development of vacant land to include a restaurant/bar, boat rentals and affordable housing units. A Conditional Use Approval is required for project approval. This report addresses the Conditional Use application. **All conditions of the Conditional Use approval will have to be met before any building permit will be approved.**

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

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

The proposed project consists of the development of a restaurant/bar, boat rentals and affordable housing units and is consistent with the Mixed-Use Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that multifamily residential uses are allowed as Conditional Uses in the MU district. Marinas are also a Conditional Use in MU zoning. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use. In its review of this project, staff determined the overall development proposal to be consistent with a “restaurant/bar” use. As such, the following table reflects the proposed project intensity (shown as floor area (FA)) against the maximum intensity and floor area allowed under the constraints imposed on retail, high intensity development. The table also reflects the need for additional floor area that the applicant will have to acquire through the commercial building permit allocation system (CBPAS). The ten (10) affordable units require 2,904 sq ft each for a total of 29,040 sq ft. The remaining upland after deducting the affordable units is 159,726 sq ft.

Caroline's on the Water			
Calculation of Intensity Limits & Requirements for CBPAS Application			
Use 1		Restaurant/Bar	
Intensity		Low	
FAR (See Table 103.15.3)		0.75	
Site Area		159,726 sq ft	
Limits of FA Based on Intensity		119,794 sq ft	
Requested FA	FA Entitlements	FA Required Through CBPAS	% of FA Limit
11,900	0	11,900	9%

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

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

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

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns and to recognize established mixed use development patterns within the City.” This land use category is intended to provide for the commercial zoning districts where various types of commercial, retail, and office uses may be permitted at intensities which are consistent with the community character and the natural environment and to provide for various types of residential uses, including employee housing and commercial apartments. Whenever and wherever possible, the maintenance and enhancement of commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry shall be encouraged within this land use category. Heavy industrial uses and similarly incompatible uses shall be prohibited. Lawfully established RV parks where the majority of the RVs spaces are maintained and rented as transient spaces are also allowed within the Mixed-Use Commercial future land use category.” The proposed project includes development of similar uses which is consistent with the Mixed-Use classification.

The existing land use pattern in the project vicinity consists of residential to the east, commercial uses to the south, Gulf of Mexico to the north, and conservation to the west.

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

Therefore, 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;

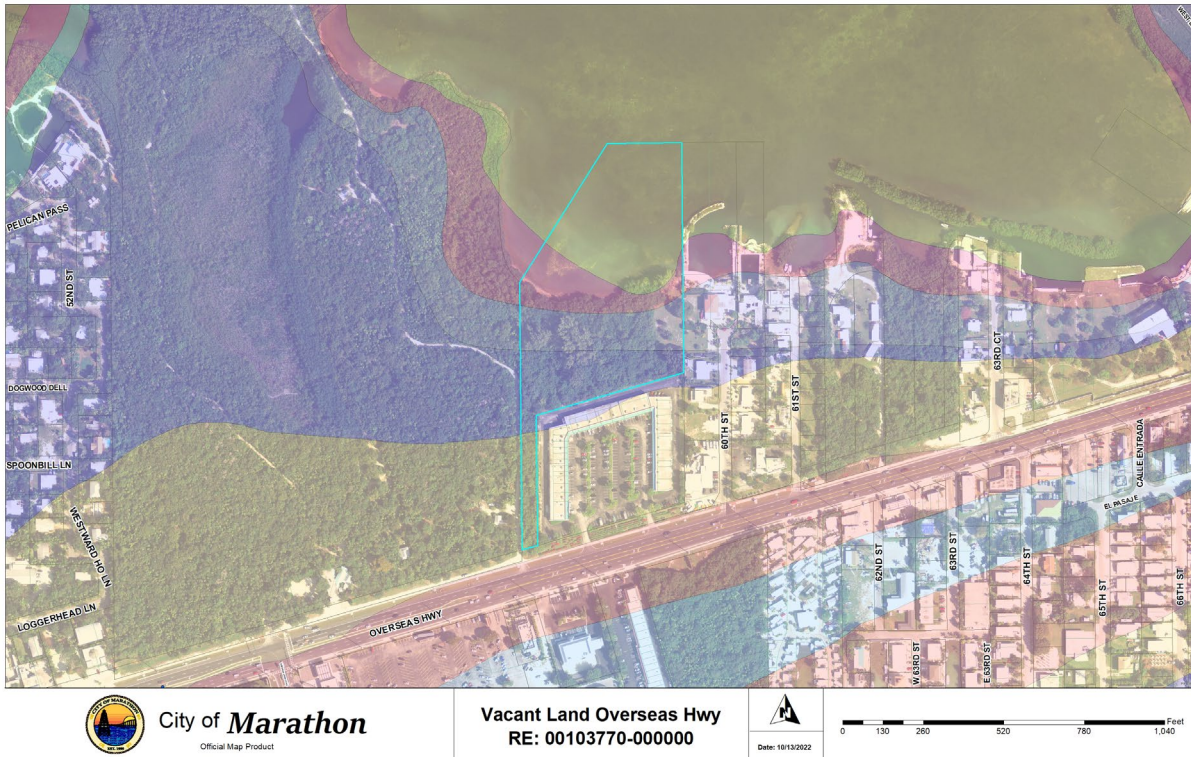
The proposed use is the creation of both commercial and residential use which has not had any known impact to the health, safety, and welfare of the public. Additionally, the creation of the office and restaurant space are not expected to create any adverse impacts to the health, safety, and welfare of the public as well as the affordable housing units.

The marina will also be required to meet the following criteria as additional protections for health, safety, and welfare:

- Will not have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;
- Will not restrict the free use of the waterways and navigable waters;
- Will not have a material adverse effect upon the flow of water or tidal currents in the surrounding waters;
- Will not have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area;
- Will not have a material adverse effect upon the natural beauty and recreational advantages of the City;
- Will not have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including shorelines, so as to be contrary to the public interest;
- Will not have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development;
- Will not have a material adverse effect on the community character or safety, health, and welfare of the general public; or
- Will not be inconsistent with adopted State plans (i.e., manatee protection plans), the City of Marathon Comprehensive Plan, other formally adopted natural resource management plans, or any other City ordinances or regulations.

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.

Flood Zones



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

- Marina Operating Permit will be required.

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 undeveloped. A site inspection showed the current conditions as disturbed low hardwood hammock habitat, open land, a mangrove dominated wetland fringe and Gulf of Mexico submerged bottom. The uplands are highly impacted by over 90% invasive exotic vegetation. A portion of the property is recognized as possible habitat for a state or federally listed animal species, the eastern indigo snake as well as the stock island tree snail and keys tree cactus. Figure 7 shows that this portion falls under the category of mangroves and hammock as well as exotic. Should any development necessitate the removal of existing native vegetation within these areas an impact determination will be made using the Species Assessment Guides.

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

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

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. The “Trip Generation Analysis” schedule provided by the traffic engineer shows that combined uses will create 1,004 net new daily trips. The submitted study finds that the proposed increase in units will not have an adverse impact on the operating characteristics of U.S. 1, nor will it inhibit the safe flow of traffic traveling through the City of Marathon.

Land Use	Size	Daily Trips	Mid-Day Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed Development</i>								
Multifamily Housing (Low-Rise)	10 DU	60	4	2	6	3	2	5
Marina	10 Berths	26	1	1	2	1	1	2
Small Office Space	1,400 SF	20	2	2	4	1	2	3
Retail Space	2,000 SF	109	14	12	26	7	6	13
Restaurant	9,500 SF	789	48	31	79	50	24	74
Total		1,004	69	48	117	62	35	97

Ingress and egress to the properties is an existing curb cut with Crane Point Hammock. The site plan proposes adding a driveway. The trip generation analysis of the traffic study shows that with the analyzed units and commercial, the daily trips generated would be 1,004.

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

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

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

Use	Code Citation	Requirement	Spaces Required
Mixed Use Development (Restaurant)	107.47	1 per 3 seats, plus required stacking spaces, plus 1 per every 2 employees on the largest shift	50
Viewing Deck Restaurant	107.47	1 per 3 seats, plus required stacking spaces, plus 1 per every 2 employees on the largest shift	15
Bar/Lounge	107.47	10 per 1,000 sq ft GFA	20
Viewing Deck Bar/Lounge	107.47	10 per 1,00 sq ft	21
Convenience Store	107.47	1 per 200 sq ft of sales area	3
Retail Sales & Service	107.47	3 per 1,000 sf of GFA, plus 1 per employee at largest shift	5
Marina	107.47	1 per 2 wet slips	5
Residential Housing Units	107.47	2 per dwelling unit	20
Total Required			124
Total Provided			130

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 124 required spaces, five handicapped space is required. Parking space sizes are 9' x 18' for 90-degree parking, and handicapped spaces are 12' x 21' as required by Code.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional, and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The developer has provided 13 proposed bicycle parking spaces.

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

- The final site plan must show the required parking spaces with prior to permit issuance.
- The final site plan must show the bicycle racks on site prior to permit issuance.

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

The proposed project consists of a new development of a restaurant/bar, marina, retail, and residential housing. New lighting will be constructed for this project. The applicant must provide detailed lighting plans which conform to the letter with the City of Marathon LDR's. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses.

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

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

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The final site plan must show the dumpster located on a pad and will have to be screened.

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

- The final site plan must show that the dumpsters are screened.

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 engineering drawings to support force main connection along US 1.
- 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 developing the site with a higher intensity than was contained within the development; therefore, a traffic study is being required to analyze the impact on

transportation facilities. Furthermore, final site layout and traffic flow will be dependent on FDOT, City of Marathon Public Works, and City Fire Marshal analysis.

- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- The Conditional Use Development Order will constitute the Certificate of 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 MU and is bordered to the East by property zoned RM, and to the West by property zoned C-NA. There is a high project boundary buffer requirement for portions of the project area adjacent to parcels zoned RM and C-NA. 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

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. Access driveway to be located closer to the mixed used property but may vary to protect native vegetation.

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

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

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- A Final Site Plan must show a six-foot tall masonry wall or six-foot tall opaque fence, such as vinyl or wood.

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

A review of sign requirements at this stage in development approval is not necessary; however, signs

for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs.

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

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

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is disturbed with exotics; therefore, a twenty percent open space requirement applies. This results in 37,753 square feet of pervious area (including landscape area).

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

9. General compatibility with surrounding properties; and

The project is a development of property that is disturbed with exotics. Adjacent uses include a commercial establishment and other residential dwelling units. A development of the property into a mix of affordable residential units and commercial with marina and restaurant is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of 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 final site plan must show the buildings height.

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 104.03 Affordable Housing contains special requirements.

The following criteria are applicable to this redevelopment:

- 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.

Section 104.30 Marina contains special requirements.

The following criteria are applicable to this redevelopment:

- Prior to the issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by City staff, reports, monitoring, bonding, easements, guaranteed survival of non-affected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the Comprehensive Plan.
- Prior to the issuance of the Certificate of Occupancy, the marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.

- It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the City Manager.

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

Therefore, with the conditions noted 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 development consists of the enhancement of property, as well as the development of new affordable residential units and commercial uses on site. As such the development, including the overall upgrading and improvement of the sites, 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 at both project sites, 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 Restaurant/Bar, Marina, Retail/Office Space and Affordable housing units to the City Council. The proposed conditions of approval are listed below.

Conditions of Approval

- 1) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 2) The final site plan must show the required parking spaces with prior to permit issuance.
- 3) The final site plan must show the bicycle racks on site prior to permit issuance.
- 4) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 5) The applicant will provide engineering drawings to support force main connection along US 1.
- 6) Permit site plan must meet 25yr-72hr storm event per storm water code Section 107.88.
- 7) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 8) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 9) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

- 10) Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, Stock Island Tree Snail and Keys Tree Cactus, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 11) A final Landscape/mitigation plan must be submitted prior to permit issuance.
- 12) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- 13) A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- 14) Prior to the issuance of the Certificate of Occupancy, the marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.
- 15) Prior to the issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by City staff, reports, monitoring, bonding, easements, guaranteed survival of non-affected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the Comprehensive Plan.
- 16) It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the City Manager.
- 17) The applicant must obtain Allocations for affordable units.
- 18) Dwelling units shall contain less than or equal to 1,800 square feet of habitable space.
- 19) 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;
- 20) 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;

- 21) 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;
- 22) 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
- 23) If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
- 24) 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.
- 25) A Final Site Plan must show a six-foot tall masonry wall or six-foot tall opaque fence, such as vinyl or wood.