



**City of Marathon Planning Commission**  
**Monday July 17, 2023**  
**9805 Overseas Hwy**  
**City Hall Council Chambers**  
**5:30 PM**

- 1. Call To Order**
  - 2. Pledge Of Allegiance**
  - 3. Roll Call**
  - 4. Approval Of 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 Marathon 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 Climate Controlled Storage Facility and Sixteen (16) Single Family Residential Units Consisting Of Five (5) Parcels Located At 775 107<sup>th</sup> Street Ocean Which Is Legally Described As Township 66 Range 33 Key Vaccas Part Government Lot 1 and Part Government Lot 2 Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Government Lot 1; 796 106<sup>th</sup> St Ocean Which Is Legally Described As Section 6 Township 66 Range 33 Key Vacca Part Government Lot 2 Part Parcel 3; 797 106<sup>th</sup> Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 2 Parcel 2; 630 107<sup>th</sup> Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 1, And Vacant Land 107<sup>th</sup> Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaccas Part Government Lot 1, Monroe County, Florida, Having Real Estate Numbers 00104260-000000, 00104430-000300, 00104430-000200, 00104240-000400 and 00104240-000100. Nearest Mile Marker 53.

2. Consideration Of A Request By H & R Marathon 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 Group Home Including Ten (10) Residential Units And Four (4) Affordable Housing Units, Dining Hall, Fitness Center, Storage And Commercial Kitchen; Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 And Part Government Lot 3 (AKA Part Of State Road No 5 (US 1)) And Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 (Part Old State Road), Monroe County, Florida, Having Real Estate Numbers 00100540-000000 And 00100640-000000. Nearest Mile Marker 53.

3. An Ordinance Of The City Of Marathon, Florida, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Updating Table 103.15.1 “Uses By Zoning District”; 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.

4. An Ordinance Of The City Of Marathon, Florida, Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Updating Section 104.25 “Hotels Or Motels”; 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.

5. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

6. An Ordinance Of The City Of Marathon Florida Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

**(Please note that one or more Marathon City Council members may participate in the meeting.)**



**City of Marathon Planning Commission**  
**Monday June 26, 2023**  
**9805 Overseas Hwy**  
**City Hall Council Chambers**

**MINUTES**

Sexton called the meeting of the Planning Commission to order on Monday June 26, 2023, 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. Mark Senmartin-present; Mary Ann Royse-present; Mike Cinque-absent; Andrew George-present; Matt Sexton-present.

Sexton called for an approval of the minutes from the last meeting. Senmartin moved to approve. Sexton seconded. The motion was approved 4-0.

The quasi-judicial statement was read into the record.

Shea suggested moving Item 2 to be heard last as it is a lengthy ordinance. Commissioners approved.

**Item 1** was read into the record: Consideration Of A Request For A Conditional Use Permit For Ruth Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” To Convert A Triplex Into A Single Family Residential With 11 Bedrooms; Located At 213 S. Anglers Dr; Which Is Legally Described As Lot 38 Sombrero Anglers Club South Boot Key PB6-87, Monroe County, Florida; Having Real Estate Number 00355418-000500, Nearest Mile Marker 50.

Amber Stonik presented the item with the help of visual aids.

Attorney Patrick Stevens presented the item on behalf of the applicant.

After a brief discussion between the commissioners and Attorney Stevens, Chairman Sexton opened the meeting to public speakers:

1. Rosemary Thomas
2. Daniel Samess
3. Mike Leonard
4. Jim Kelley

All public speakers were sworn in. All public speakers spoke against the project.

Additional conditions:

1. Rent the home as a single unit, no lockouts.

2. Landscaping/buffering at the rear and sides
3. Lighting contained on property.
4. No parking in the right of way.
5. Designate the area for garbage cans.
6. Reminder of the noise ordinance.
7. No commercial use such as a wedding venue.

George stated that he had ex-parte communications with Attorney Stevens.  
Sexton stated that he had ex-parte communications with several citizens.

After a lengthy discussion, Senmartin made a motion to approve Item 1 with the additional conditions.  
Sexton seconded.

The roll was called. The item was approved 3-1, Royse dissenting.

**Item 3** was read into the record: An Ordinance Of The City Of Marathon, Florida, Amending Chapter 107, Article 2 Entitled “Transfer Of Building Rights”, Specifically Section 107.17. Entitled “General Provisions”, Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity In Accordance With State Law.

Brian Shea presented the item.

The ordinance is to add criteria regarding additional transfers of Transferable Building Rights. The additional transfer can occur at the director’s discretion and by documenting the original sender site is compatible with the second receiver site.

There were no public speakers.

After a brief discussion, Sexton made a motion to approve Item 3. Senmartin seconded.

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

**Item 4** was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 108, Article 2 (“Nonconforming Structures”) By Deleting A Portion Of Section 108.15 Titled “Additional Standards For Nonconforming Sexually Oriented Businesses.”; Specifically, Subsection B Part 2 To Comport With Modern Constitutional Constraints; 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 After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Brian Shea presented the item.

This is a code clean-up item.

There were no public speakers.

Senmartin made a motion to approve Item 4. Royse seconded.

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

**Item 2** was read into the record: An Ordinance Of The City Of Marathon, Florida, Amending Chapter 107, Article 8 Entitled “Landscaping” Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity In Accordance With State Law.

Brian Shea presented the item.

There were no public speakers.

After a lengthy discussion Senmartin moved to approve Item 2 with the condition that Table 107.69.1 be changed to Optional for all Residential, and that Section 107.72, Residential Requirements, be stricken completely. There was not a second.

Sexton made a motion to approve Item 2 as presented. Royse seconded.

The roll was called. The vote was 2-2. Senmartin and George dissenting.

Royse moved to approve the item with changes and the addition of a cost study to be brought forward to City Council. Sexton seconded. The roll was called. The item was approved 4-0.

Motion and second to adjourn at 7:24 pm.

ATTEST:

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Matt Sexton-Planning Commissioner Chair

ATTEST:

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Lorie Mullins-Admin Assistant  
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.

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DRAFT



## PLANNING COMMISSION AGENDA STATEMENT

**Meeting Date:** July 17, 2023

**To:** Honorable Chair and Planning Commissioners

**From:** Erin Dafoe, Planner

**Agenda Item:** Consideration Of A Request By Marathon 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 Climate Controlled Storage Facility and Sixteen (16) Single Family Residential Units Consisting Of Five (5) Parcels Located At 775 107<sup>th</sup> Street Ocean; Which Is Legally Described As Township 66 Range 33 Key Vaccas Part Government Lot 1 and Part Government Lot 2 Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Government Lot 1, 796 106<sup>th</sup> St Ocean; Which Is Legally Described As Section 6 Township 66 Range 33 Key Vacca Part Government Lot 2 Part Parcel 3, 797 106<sup>th</sup> Street; Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 2 Parcel 2, 630 107<sup>th</sup> Street; Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 1, And Vacant Land 107<sup>th</sup> Street; Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaccas Part Government Lot 1, Monroe County, Florida, Having Real Estate Numbers 00104260-000000, 00104430-000300, 00104430-000200, 00104240-000400 and 00104240-000100. Nearest Mile Marker 53.

**APPLICANT/ OWNER:** Marathon LLC

**AGENT:** Jim Saunders

**LOCATION:** The project site consists of five parcels located at 630, 775 and Vacant Land 107<sup>th</sup> Street Ocean as well as 796 and 797 106<sup>th</sup> Street Ocean at nearest mile marker 53. See Figure 1.

**REQUEST:** A Conditional Use Permit approving a change of use and redevelopment to a climate-controlled storage facility and sixteen (16) single family residential units; having the real estate numbers 00104260-000000, 00104240-000100, 00104240-000400, 00104430-000300 and 00104430-000200.

**LOT SIZE:** Total acreage 5.12 acres or 223,188 square feet

**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Mixed Use (MU)	JJ’s Dog House, Specialty Hardware and Vacant Land
<b>West</b>	Residential Mobile Home (R-MH) and Mixed Use (MU)	Residential Housing and State-owned vacant land
<b>East</b>	Mixed Use (MU) and Residential High (RH)	Muffler Man, Storage Building and Residential Houses
<b>South</b>	N/A	Open Water

**EXISTING CONDITIONS:**

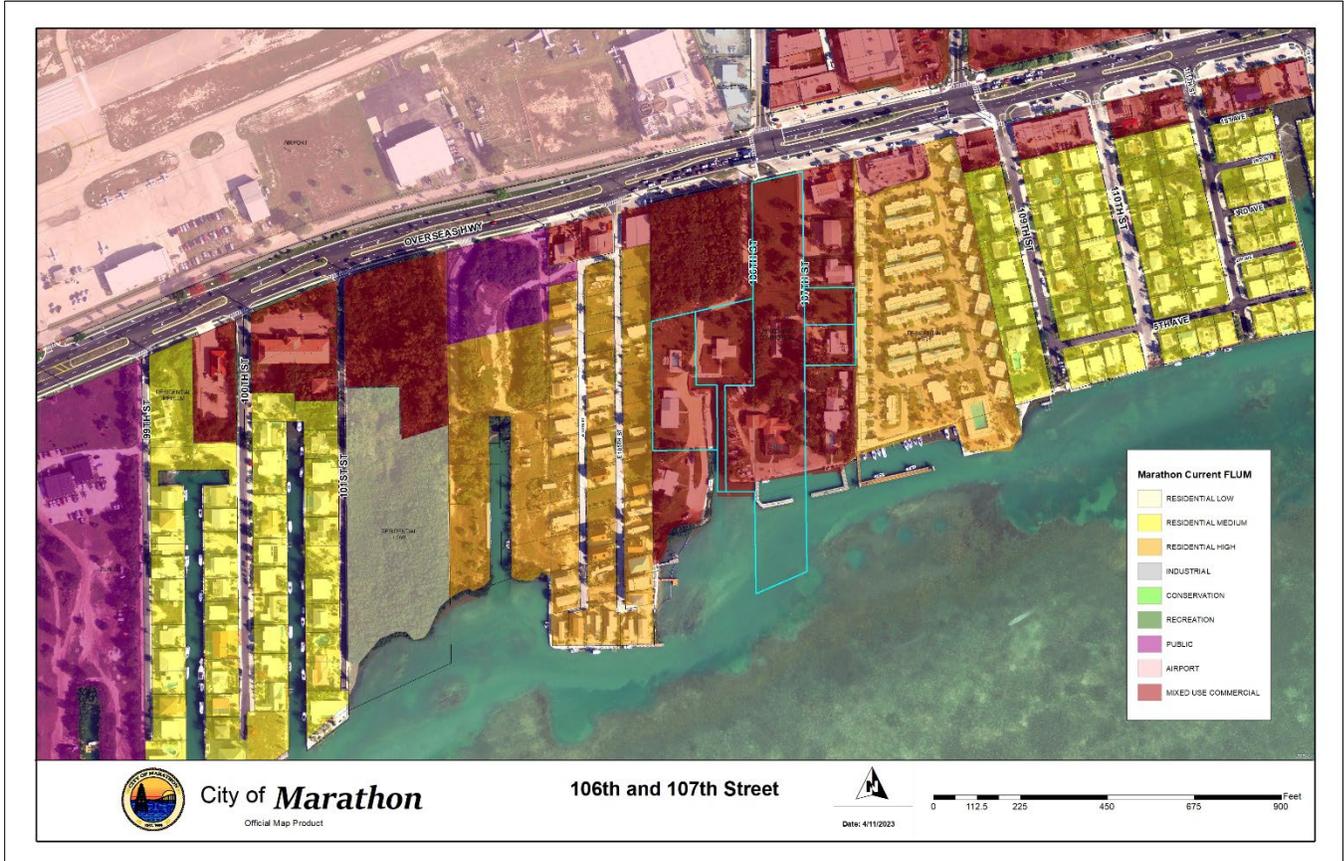
The project site consists of existing residential units and vacant land. It has been determined that nine (9) Market Rate Building Rights currently exist on the combined parcels. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

**Figure 1  
Project Site**



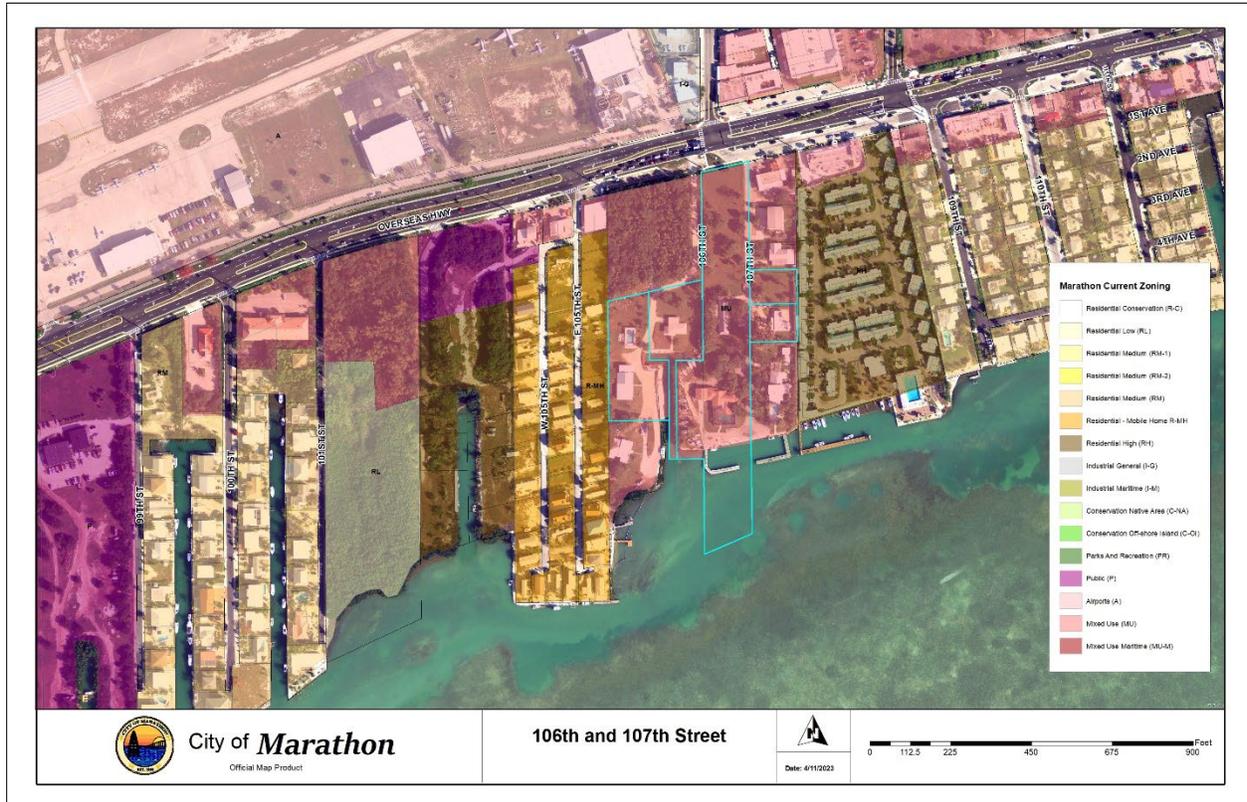
**FUTURE LAND USE MAP DESIGNATION:**  
Mixed Use Commercial (MU-C). See Figure 2.

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



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

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



**PROPOSED REDEVELOPMENT:**

The Applicant requests a change of use to develop a climate-controlled storage facility and sixteen (16) single family residential units. The existing single-family homes will be demolished. With the combined five parcels it has been determined that nine (9) market rate building rights exist. The project will be completed in phases.

**BACKGROUND:**

The proposed project seeks to redevelop property currently used as a single-family residential home to construct a new climate-controlled storage facility and demolish the existing residential units to build sixteen (16) new single family residential units. The total property size is 223,188 square feet.

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

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

## **CRITERIA**

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

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

The proposed project is for a climate-controlled storage facility and sixteen (16) single family residential units, an allowed use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

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

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

The project is surrounded by commercial development to the north and east with the exception of partially the property to the east which is residential and commercial and the property to the west which is residential.

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

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

#### **e. Policy 1-3.2.5 Maximum Height**

The maximum height of any new structure associated with the redevelopment of the property shall not exceed 42 feet, except as provided by the City Code, as amended. The conceptual elevation plans submitted demonstrate compliance with this requirement.

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

The proposed density is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. Based on the upland area of 5.12 acres, the proposed residential units and storage facility

utilize 75.8% of the density/intensity allowed for this site. The density for each of the proposed uses has been calculated independently.

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

The proposed new business promotes the revitalization of the city’s commercial area, with existing commercial to the north and east. The US 1 corridor will be enhanced with the proposed landscaping.

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

The redevelopment plan includes using nine existing transient building rights. The remaining will need to be obtained. The commercial floor area will be requested from the City’s available pool.

**City of Marathon Land Development Regulations**

- Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including the proposed climate-controlled storage facility.

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

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

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

<b>Marathon LLC</b>	
<b>Total 223,188 sq ft</b>	
<b>Market Rate (16)</b>	116,160
<b>Storage Facility</b>	<b>10,000</b>
<b>FAR (See Table 103.15.3)</b>	0.30
<b>Maximum allowed Square Footage</b>	32,108.4 sq ft
<b>Total Proposed</b>	10,000 sq ft

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

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

- Section 107.47 Parking

Parking for the site and the project is met with the proposed required sixty-seven parking spaces. The development provides eight exterior standard parking spaces for the storage facility, one exterior handicap space and eighty-six parking spaces located at residential units for a total of ninety-five spaces.

- Section 107.40 Maximum Height

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

- Sections 107.63 – 107.72 Landscaping

The landscape plan includes a list of native trees to provide shade and temperature reduction along the internal roadway. The parcel to the west is zoned Residential Mobile-Home, parcel to the east is zoned Residential High and a 15' wide buffer is required. Along US 1 corridor to the north the landscape planting will consist of a variety of native plant material varying in size and height to screen the storage building. A mix of canopy, understory and shrubs will be installed throughout the property.

- Sections 107.73 – 107.81 Open Space

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

- Sections 107.82 – 107.85 Fences and Screening

The project meets City screening and landscaping requirements.

- Sections 107.87 – 107.97 Stormwater Management

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

- Sections 107.98 – 107.102.5 Floodplain Management

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

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

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

The proposed project site is surrounded by other compatible commercial uses to the north and east as well as residential homes to the west.

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

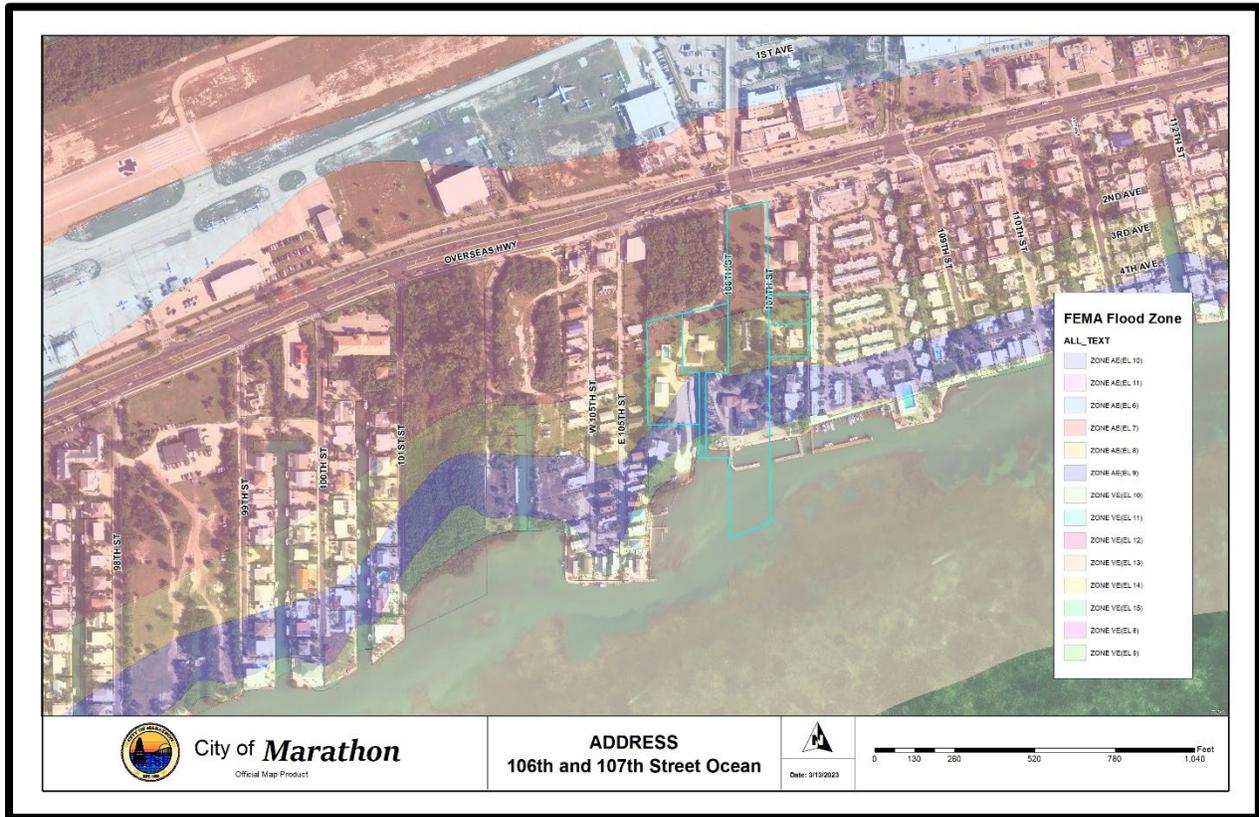
**C. The proposed use shall not adversely affect the health, safety, and welfare of the public;**

The proposed conditional use will enhance the community by providing additional indoor climate-controlled storage as well as new single-family homes. The project will not cause any negative impacts to the City’s health, safety, and welfare.

The existing structures will be demolished and new units to be built above FEMA’s minimum flood elevations (VE10, AE9, AE8 and AE7) as shown in Figure 4 and is therefore compliant. The commercial building will be flood proofed to meet requirements.

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

**Figure 4  
Flood Zones**



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

There will be no negative impacts on habitat, environment, or water quality parameters. The proposed stormwater management system shall retain water generated from rain events on site

thereby improving the quality of the near shore waters by treating and maintaining the stormwater on site. The shoreline is developed. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council.

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



All vegetation on site is a mix of non-invasive exotic plantings. Several native palms and trees will be replanted or preserved per Conceptual Landscape Plan that was submitted. Buffers will be installed as well as streetscape treatment along US 1 as a mixture of shrubs and canopy trees. Native vegetation must be mitigated per Section 106.10.

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

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

- The project exceeds 1 acre of development, and as such an FDEP general permit for NPDES will be required.
- Per the LDC, the stormwater criteria require retention of the runoff from a 25yr-72hr storm event. However, in lieu of these criteria, the minimum requirements will be the retention

of 1 ½” of runoff for all residential lots and then runoff from 4 ½ inch rainfall event for the roads and commercial lot.

- All runoff from the site shall be routed to the proposed retention swales. A detailed grading plan shall be required for review of construction plans.
- Any native vegetation removed must be mitigated per Section 106.10.

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

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

A traffic study was required as the project. Parking will be provided for staff and clients of the storage facility.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Housing	1 DU	9	0	1	1	1	0	1
Multifamily Housing	4 DU	24	0	2	2	1	1	2
<b>Total</b>		<b>33</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>3</b>
<i>Proposed</i>								
Single-Family Housing	16 DU	149	3	8	11	9	6	15
Mini-Warehouse	10,000 SF	15	1	0	1	1	1	2
<b>Total</b>		<b>164</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>10</b>	<b>7</b>	<b>17</b>
<b>Difference (Proposed - Existing)</b>		<b>131</b>	<b>4</b>	<b>5</b>	<b>9</b>	<b>8</b>	<b>6</b>	<b>14</b>

*Compiled by: KBP Consulting, Inc. (March 2023).*

The traffic will increase from previous use with the new redevelopment of the property. The project is not expected to adversely impact the operational characteristics of US1, nor will it inhibit the safe flow of traffic traveling through Marathon. The maneuverability on the site includes an interior road located between 106<sup>th</sup> and 107<sup>th</sup> Street connecting the streets so traffic may enter or exit either street to access the storage facility and residential units.

Provisions have been made as part of the redevelopment to address fire access. The proposed entrance from US1 to the site has been designed to accommodate fire and emergency vehicular access.

Bicycle racks have been provided on site. With the change of use for this project an FDOT access permit will be required.

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

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

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

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

Use	Code Citation	Requirement	Spaces Required
Mixed Use Development (Storage Facility)	107.47	1 per employee plus 2 visitors	3
Mixed Use Development (Residential Units)	107.47	4 spaces per six-bedroom unit	64
<b>Total Required</b>			<b>67</b>
<b>Total Provided</b>			<b>95</b>

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

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

The proposed use has no known impact on the health, safety, and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use. Appropriate screening and buffering measures will be required per code and site plan.

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

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

Section 107.39 requires that all dumpsters be fully enclosed and screened. The site plan indicates that all dumpsters are (hidden) screened.

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

**5. Utilities, with reference to location and availability;**

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows. The project will utilize existing space and will have no additional burden on City utilities or public services.

- Wastewater: Site is already connected to sewer. Sewer and other utilities will be provided to 799 106<sup>th</sup> Street with no loss of service.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study is being required to analyze the impact on transportation facilities. Furthermore, final site layout and traffic flow will be dependent on FDOT, City of Marathon Public Works, and City Fire Marshal analysis.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed development is a Mixed-Use commercial development. The scale and layout of the proposed building are consistent with the City Code.

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

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

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- 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.

**Section 104.53 Storage Facility, Self-Service**

Self-service storage facilities may be allowed pursuant to Table 103.15.1, subject to the following standards:

- A. Individual storage areas shall not exceed 400 square feet each.
- B. Storage of boats, recreational vehicles and similar equipment may be allowed, subject to the following standards:
  1. Storage shall occur only within a designated area, approved as part of the site plan.
  2. Storage areas shall not exceed 50 percent of the lot area of the site.
  3. Boats shall be stored on trailers with wheels.

4. Storage areas shall be completely screened from public rights-of-way or adjacent residential zoning districts, utilizing either the buildings associated with the storage facility or by an opaque masonry wall, or equivalent approved by the Director, a minimum of six (6) feet in height.

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

A unity of title for the parcels will be required.

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

### **CONCLUSION:**

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

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

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

### **RECOMMENDATION:**

Planning staff recommends approval of the proposed Conditional Use Permit allowing a storage facility and sixteen (16) single family residential homes to be constructed with the following conditions:

#### **Conditions of Approval**

1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
2. Additional landscape canopy and buffering be placed per site plan.
3. A sewer flow estimate from an engineer will be required to reassess any additional impact.
4. The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.
5. Per the LDR, the stormwater criteria require retention of the runoff from a 25yr-72hr storm event. However, in lieu of these criteria, the minimum requirements will be the retention of 1 ½" of runoff for all residential lots and then runoff from 4 ½ inch rainfall event for the roads and commercial lot.

6. All runoff from the site shall be routed to the proposed retention swales. A detailed grading plan shall be required for review of construction plans.
7. Any native vegetation removed must be mitigated per Section 106.10.
8. Since the project is changing use, an FDOT access permit is required.
9. A written agreement or letter must be supplied to the City stating that sewer and other utilities will be provided to 799 106<sup>th</sup> Street with no loss of service.
10. All conditions of the Fire Marshal must be met prior to permit issuance.
11. All required parking spaces must be shown on the final site plan prior to permit issuance.
12. A final lighting plan must be submitted prior to permit issuance.
13. A final landscape plan must be submitted prior to permit issuance.
14. Dumpsters are to be screened per code.
15. A unity of title is required for the properties.
16. Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
17. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
18. 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.
19. 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.
20. 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.
21. The Applicant must obtain and transfer seven (7) market rate housing units, 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 AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.
22. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
23. All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the final plat, the City may deem the applicant to be in default pursuant to Section 102.52 D.
24. Individual storage areas shall not exceed 400 square feet each.
25. Storage of boats, recreational vehicles and similar equipment may be allowed, subject to the following standards:
26. Storage shall occur only within a designated area, approved as part of the site plan.
27. Storage areas shall not exceed 50 percent of the lot area of the site.
28. Boats shall be stored on trailers with wheels.

29. Storage areas shall be completely screened from public rights-of-way or adjacent residential zoning districts, utilizing either the buildings associated with the storage facility or by an opaque masonry wall, or equivalent approved by the Director, a minimum of six (6) feet in height.



**PHASING PLAN**

**PHASE 1**

LANDSCAPE BUFFERS  
INTERNAL ROADS  
FIRE TRUCK TURNAROUNDS  
SEWER COLLECTION  
WATER DISTRIBUTION  
FIRE HYDRANTS  
ELECTRIC DISTRIBUTION  
DUMPSTER AREA  
OVERFLOW PARKING  
HOMES 1-4

DRAINAGE WILL BE PROVIDED AS DESIGNED BY PROFESSIONAL ENGINEER DURING DEVELOPMENT OF APPROPRIATE PHASE

**PHASE 2**

HOMES 8-13

**PHASE 3**

US-1/107<sup>th</sup> ST INTERSECTION IN CONJUNCTION WITH THE CITY OF MARATHON

OWNER WILL PROVIDE ANY REASONABLE EASEMENTS TO FACILITATE THIS POTENTIAL INTERSECTION REDESIGN

**PHASE 4**

HOMES 14-16

**PHASE 5**

STORAGE FACILITY

BASED ON MARKET CONDITIONS THE OWNER MAY CHOOSE TO COMBINE PHASES. IN THIS EVENT OWNER MUST INSTALL ALL ASSOCIATED INFRASTRUCTURE FOR THE PHASE.



PLANNING COMMISSION AGENDA STATEMENT

**Meeting Date:** July 17, 2023  
**To:** Honorable Chair and Planning Commissioners  
**From:** Erin Dafoe, Associate Planner

**Agenda Item:** Consideration Of A Request By H & R Marathon 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 Ten (10) Resident Group Home Including Four (4) Affordable Housing Units, Dining Hall, Fitness Center, Storage and Commercial Kitchen; Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 And Part Government Lot 3 (AKA Part Of State Road No 5 (US 1)) And Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 (Part Old State Road), Monroe County, Florida, Having Real Estate Numbers 00100540-000000 And 00100640-000000. Nearest Mile Marker 53.

**APPLICANT/ OWNER:** H & R Marathon LLC  
**AGENT:** Catherine Felton, Little Red Rooster

**LOCATION:** The project site is located at 14 125<sup>th</sup> Street Gulf and vacant land at nearest mile marker 53. See Figure 1.

**REQUEST:** A Conditional Use Permit approving the development of a ten (10) resident Group Home with the redevelopment of the existing building to four (4) affordable employee housing units and fitness center, a tiki with dining hall, commercial kitchen, and storage.

**LOT SIZE:** Total acreage 1.71 acres or 74,890 square feet and

**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	N/A	Open Water
<b>West</b>	Mixed Use (MU) and Residential High (RH)	Island Gift Shop and Bougainvillea Condominium
<b>East</b>	Residential Medium (RM)	Residential Housing
<b>South</b>	Mixed Use (MU)	Boat House

**EXISTING CONDITIONS:**

The project site consists of an existing commercial two-story building and vacant land. The existing FLUM is Mixed Use Commercial (MU-C) and Residential Medium (RM), and the zoning is Mixed Use (MU) and Residential Medium (RM). See Figures 2 and 3.

**Figure 1  
Project Site**



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

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



**ZONING MAP DESIGNATION:**

Mixed Use (MU) and Residential Medium (RM). See Figure 3.

**Figure 3  
Zoning Map**



**PROPOSED REDEVELOPMENT:**

The Applicant requests a change of use to develop a ten (10) resident group home/boarding house for injured military veterans with four (4) affordable employee housing units. The existing commercial building will be remodeled to include affordable units, physical therapy rooms, kitchen, and a lobby. A tiki to be constructed with a commercial kitchen, dining hall and storage for the residents.

**BACKGROUND:**

The proposed project seeks to redevelop property that was previously used as a school and vacant land. The total property size is 74,890 square feet.

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

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

## **CRITERIA**

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

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

The proposed project is for a 10 resident group home with four (4) affordable units, a commercial kitchen, fitness center, storage and dining hall, an allowed use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

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

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

The project is surrounded by commercial development to the south and east with the exception of the property to the east and west which is residential.

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

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

#### **e. Policy 1-3.2.5 Maximum Height**

The maximum height of any new structure associated with the redevelopment of the property shall not exceed 42 feet, except as provided by the City Code, as amended. The conceptual elevation plans submitted demonstrate compliance with this requirement.

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

The proposed density is consistent with the thresholds outlined in Table 1-1 of the Comprehensive Plan. Based on the upland area of 1.71 acres, the proposed ten resident group home and tiki

structure utilize 23.3% of the density allowed for this site. The density for each of the proposed uses has been calculated independently.

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

The proposed new business promotes the revitalization of the city’s commercial area, with existing commercial to the south and west. The US 1 corridor will be enhanced with the proposed landscaping.

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

The redevelopment plan would need 14 transient building rights which will need to be obtained. The additional commercial floor area will be requested from the City’s available pool.

**City of Marathon Land Development Regulations**

- **Section 103.09 – Mixed Use (MU)**

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including the group home.

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

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

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

<b>H &amp; R Marathon LLC</b>	
<b>Total 74,890 sq ft</b>	
<b>Market Rate (2)</b>	14,520
<b>Affordable (4)</b>	11,616
<b>FAR (See Table 103.15.3)</b>	0.75
<b>Maximum allowed</b>	36,565 sq ft
<b>Total Proposed</b>	21,848 sq ft

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

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

- Section 107.47 Parking

Parking for the site and the project is met with the proposed required parking spaces. The development provides twenty-eight exterior standard parking spaces, and four exterior handicap spaces for a total of thirty-two spaces.

- Section 107.40 Maximum Height

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

- Sections 107.63 – 107.72 Landscaping

The landscape plan includes a list of native trees to provide shade and temperature reduction along the internal roadway. The parcel to the west is zoned Residential High with a 20' wide buffer required, the parcel to the east is zoned Residential Medium and a 15' wide buffer is required. Both sides will have screening of a 6' opaque fence. Along US 1 corridor to the south the landscape planting will consist of a variety of native plant material varying in size and height as well as canopy trees. A mix of understory trees and shrubs will be planted in a variety of heights of maturity.

- Sections 107.73 – 107.81 Open Space

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

- Sections 107.82 – 107.85 Fences and Screening

The project meets City screening and landscaping requirements.

- Sections 107.87 – 107.97 Stormwater Management

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

- Sections 107.98 – 107.102.5 Floodplain Management

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

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

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

The proposed project site is surrounded by other compatible commercial uses to the west and south as well as residential homes to the east and west.

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

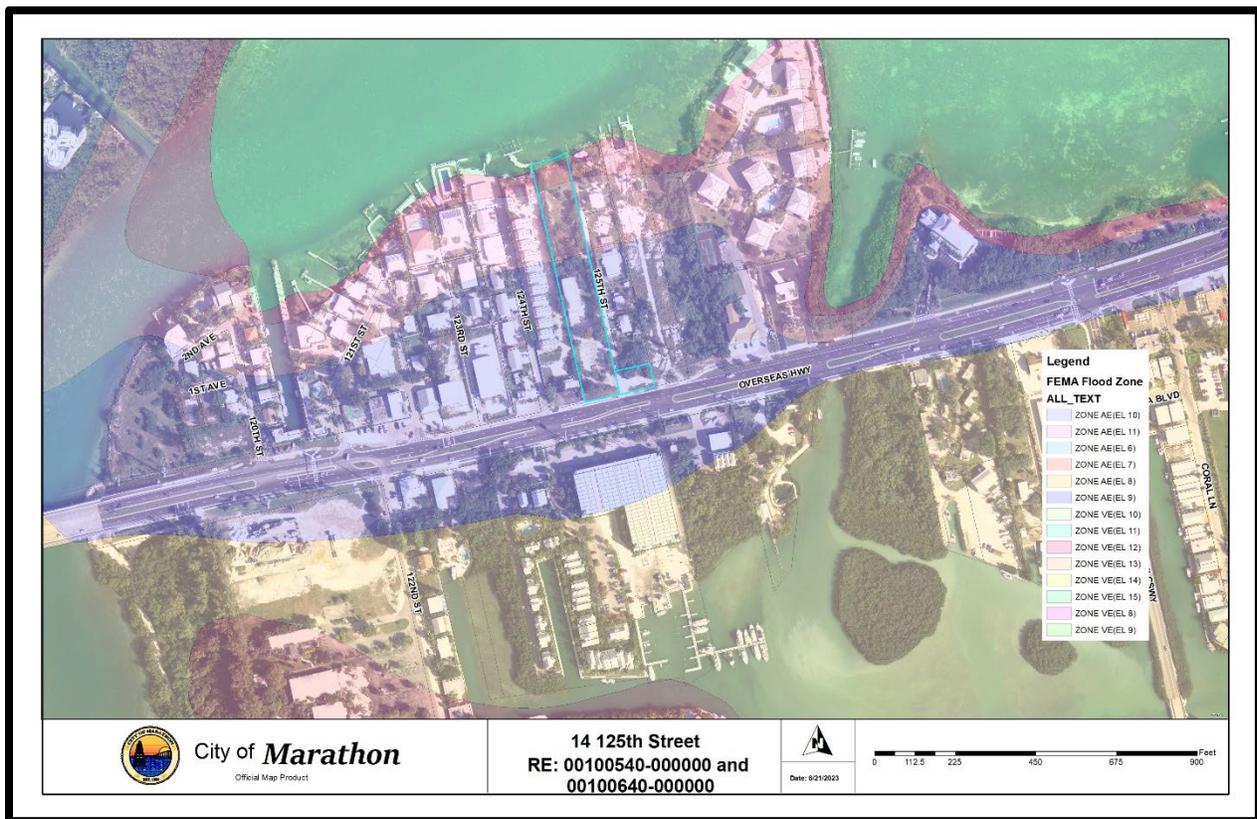
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed conditional use will enhance the community by providing affordable employee housing as well as new resident group home. The project will not cause any negative impacts to the City’s health, safety, and welfare.

The existing structures will be remodeled with additional units to be built above FEMA’s minimum flood elevations (AE9 and AE11) as shown in Figure 4 and is therefore compliant.

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

**Figure 4**  
**Flood Zones**



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

There will be no negative impacts on habitat, environment, or water quality parameters. The proposed stormwater management system shall retain water generated from rain events on site thereby improving the quality of the near shore waters by treating and maintaining the stormwater

on site. The shoreline is developed. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council.

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



All vegetation on site is a mix of non-invasive exotic plantings. Several canopy and understory trees will be planted per Conceptual Landscape Plan that was submitted. Buffers will be installed as well as streetscape treatment along US 1 as a mixture of shrubs and canopy trees. Native vegetation must be mitigated per Section 106.10.

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

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

- The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.
- An FDOT access permit and drainage permit/exemption is required for this project.

- The existing topographic information is insufficient to determine impacts to adjacent properties. Additional information will be required, along the property lines and off-site as part of permits.
- The drainage calculations shown are preliminary but are not adequate for the issuance of a permit. The EOR is encouraged to contact the city prior to submittal of construction plans.
- Any native vegetation removed must be mitigated per Section 106.10.

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

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

The applicant has provided a traffic analysis for the proposed development. Parking will be provided for staff and residents.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Small Office Building	6,128 SF	88	8	2	10	4	9	13
<b>Total</b>		<b>88</b>	<b>8</b>	<b>2</b>	<b>10</b>	<b>4</b>	<b>9</b>	<b>13</b>
<i>Proposed</i>								
Congregate Care Facility	10 DU	22	1	0	1	1	1	2
Multifamily Housing (Low-Rise)	4 DU	24	0	2	2	1	1	2
<b>Total</b>		<b>46</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>4</b>
<b>Difference (Proposed - Existing)</b>								
		<b>(42)</b>	<b>(7)</b>	<b>0</b>	<b>(7)</b>	<b>(2)</b>	<b>(7)</b>	<b>(9)</b>

*Compiled by: KBP Consulting, Inc. (May 2023).*

The traffic will decrease from the previous use with the new redevelopment of the property. The project is not expected to adversely impact the operational characteristics of US1, nor will it inhibit the safe flow of traffic traveling through Marathon.

Provisions have been made as part of the redevelopment to address fire access. The proposed entrance from US1 to the site has been designed to accommodate fire and emergency vehicular access.

Bicycle racks have been provided on site. With the change of use for this project an FDOT access permit will be required.

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

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

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

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

<b>Use</b>	<b>Code Citation</b>	<b>Requirement</b>	<b>Spaces Required</b>
Mixed Use Development  (Lobby, kitchen, and physical therapy rooms)	107.47	1 per employee plus 2 visitors	6
Mixed Use Development (housing)	107.47	1 space per one (1) bedroom apartment	14
<b>Total Required</b>			<b>20</b>
<b>Total Provided</b>			<b>32</b>

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

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

The proposed use has no known impact on the health, safety, and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use. Appropriate screening and buffering measures will be required per code and site plan.

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

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

Section 107.39 requires that all dumpsters be fully enclosed and screened. The site plan indicates that all dumpsters are (hidden) screened.

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

#### **5. Utilities, with reference to location and availability;**

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows. The project will utilize existing space and will have no additional burden on City utilities or public services.

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

Therefore, 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.
- Applicants 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;**

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

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

- 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.

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

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

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

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

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

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

The proposed development is a Mixed-Use commercial development. The scale and layout of the proposed building are consistent with the City Code.

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

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

A unity of title for the parcels will be required as well as the vacant land parcel be rezoned to Mixed Use (MU).

Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.

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.

Section 104.20 has specific conditions for group homes. A community residential group home may be allowed pursuant to Table 103.15.1, subject to the following standards:

- A. The home shall not be located within a radius of 1,000 feet of another existing small community residential group home unless otherwise approved as part of a conditional use permit.
- B. Such a home shall only be occupied by persons meeting the definition for a resident in Fla. Stat. 419.001 and are clients of the governmental agencies enumerated in Fla. Stat. 419.001 and not by persons found by a court to have committed a delinquent act.
- C. The establishment must conform to setback and height regulations for the zoning district.
- D. The home shall be located to assure the safe care and supervision of all clients.
- E. Pursuant to Fla. Stat. 419.001, homes with six (6) or fewer residents shall be deemed a single-family dwelling unit for the purposes of zoning and shall be allowed as a permitted use within all residential zoning districts. New residential dwelling units shall be subject to the requirements established in Article 1 "Building Permit Allocation System", of Chapter 107.
- F. Homes with seven (7) to 14 residents shall require conditional use approval.

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

**CONCLUSION:**

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

The proposed development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such

the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

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

### **RECOMMENDATION:**

Planning staff recommends approval of the proposed Conditional Use Permit allowing the development of a ten (10) resident group home for injured military veterans with four (4) affordable employee housing units with the following conditions:

#### Conditions of Approval

1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
2. 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. Applicants must obtain all outside agency approvals prior permit issuance and prior to project initiation.
5. 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.
6. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
7. A sewer flow estimate from an engineer will be required to reassess any additional impact.
8. 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.*
9. The project exceeds 1 acre of development, and as such an FDEP general permit for NPEDS will be required.
10. An FDOT access permit and drainage permit/exemption is required for this project.
11. The existing topographic information is insufficient to determine impacts to adjacent properties. Additional information will be required, along the property lines and off-site.
12. The drainage calculations shown are preliminary but are not adequate for the issuance of a permit. The EOR is encouraged to contact the city prior to submittal of construction plans.
13. Any native vegetation removed must be mitigated per Section 106.10.
14. A unity of title for parcels will be required.
15. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of

the structure.

16. 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.
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;

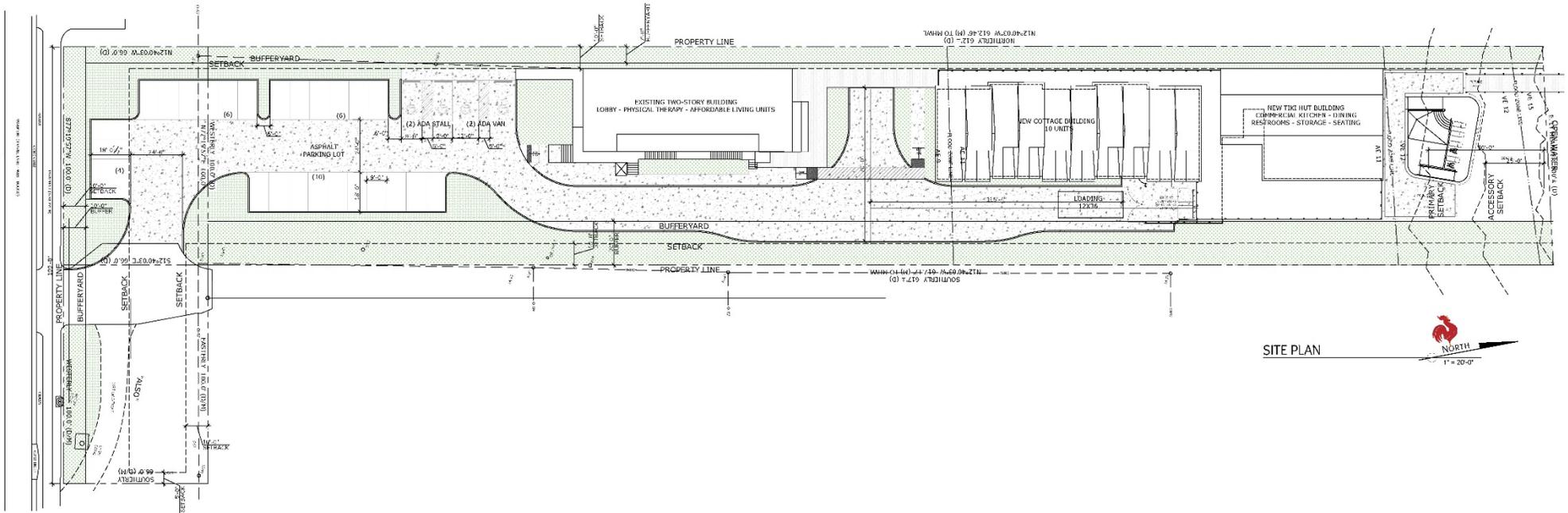
G. The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;

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 and transfer two (2) market rate housing units, additional commercial square footage and four (4) affordable housing units, 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 AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.
- 23. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.
- 24. All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the final plat, the City may deem the applicant to be in default pursuant to Section 102.52 D.
- 25. A community residential group home may be allowed pursuant to Table 103.15.1, subject to the following standards:
  - A. The home shall not be located within a radius of 1,000 feet of another existing small community residential group home unless otherwise approved as part of a conditional use permit.
  - B. Such a home shall only be occupied by persons meeting the definition for a resident in Fla. Stat. 419.001 and are clients of the governmental agencies enumerated in Fla. Stat. 419.001 and not by persons found by a court to have committed a delinquent act.
  - C. The establishment must conform to setback and height regulations for the zoning district.
  - D. The home shall be located to assure the safe care and supervision of all clients.
  - E. Pursuant to Fla. Stat. 419.001, homes with six (6) or fewer residents shall be deemed a single-family dwelling unit for the purposes of zoning and shall be allowed as a permitted use within all residential zoning districts. New residential dwelling units shall be subject to the requirements established in Article 1 "Building Permit Allocation System", of Chapter 107.
  - F. Homes with seven (7) to 14 residents shall require conditional use approval.

26. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of the group home residents from the Keys shall be initiated.

# SITE PLAN





**PLANNING COMMISSION AGENDA STATEMENT**

**Meeting Date:** July 17, 2023  
**To:** Planning Commission  
**From:** Brian Shea, Planning Director

**Agenda Item:** An Ordinance Of The City Of Marathon, Florida, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Updating Table 103.15.1 “Uses By Zoning District”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKGROUND AND REQUEST:**

The City of Marathon staff reviewed existing uses and recent reports and studies, and propose changing the requirement for open air markets from a conditional use application approval to a license approval.

The proposed Ordinance does the following:

Section 103.15. - Standards.

- A. *Uses:* Certain uses, whether permitted as of right, limited, accessory or conditional uses may affect adjacent properties, the neighborhood, or community, even if the site planning and development standards of the applicable zoning district are satisfied. Uses in bold on Table 103.15.1 have special criteria contained in Article 1 of Chapter 104 "Specific Use Regulations", which are intended to mitigate potential problems and hazards, and to ensure consistency with the Plan.
- B. *Zoning Districts:* The density, intensity, setbacks, and dimensional standards relative to each parcel are subject to the limitations of the zoning district as reflected in Tables 103.15.1 and 103.15.2.

**Table 103.15.1**  
**Uses by Zoning District**

Uses in bold have specific conditions listed in Chapter 104																
ZONING DISTRICT	C-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR

***											
Open-air markets									6	6	6
***											

**APPLICANT:** City of Marathon

**REQUEST:** The ordinance amends chapter 103, article 3, “Use and Intensity Tables”.

**AUTHORITY**

**Section 102.26. Planning Commission Recommendation.**

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

**Section 102.27. - Hearing(s) by Council.**

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

**Section 102.28. - Action by Council.**

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

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

**ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:**

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

**A. The need and justification for the change;**

The City of Marathon adopted the Economic Resiliency plan through Resolution 2021-65. The plan encouraged accessibility and the creation of farmers markets. In an effort to make this process less onerous staff is proposing the change from Conditional Use approval to requiring only the approval of a license for open air markets.

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

The proposed text amendment is consistent with the Comprehensive Plan and LDRs providing compliance with State law and consistency within current City code. The change is also consistent with the Economic Resiliency Plan adopted by the City of Marathon.

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

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

**CONCLUSION:**

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

**RECOMMENDATION:**

Staff recommends APPROVAL.



## PLANNING COMMISSION AGENDA STATEMENT

**Meeting Date:** July 17, 2023  
**To:** Planning Commission  
**From:** Brian Shea, Planning Director

**Agenda Item:** An Ordinance Of The City Of Marathon, Florida, Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Updating Section 104.25 “Hotels Or Motels”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

### **RECOMMENDATION:**

Staff recommends APPROVAL.

### **BACKGROUND AND REQUEST:**

The City of Marathon staff reviewed existing ordinances and their historical changes and previous conditional use approvals and have determined the hotel ordinance should be updated.

The proposed Ordinance

**APPLICANT:** City of Marathon

**REQUEST:** The ordinance amends chapter 103, article 3, “Use and Intensity Tables”.

### **AUTHORITY**

#### **Section 102.26. Planning Commission Recommendation.**

A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or

3. Denied

**Section 102.27. - Hearing(s) by Council.**

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

**Section 102.28. - Action by Council.**

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

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

**ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:**

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

**A. The need and justification for the change;**

The existing ordinance has a built-in mechanism for the City Council to review and amend it. In reviewing previously approved projects and development agreements, language changes were recommended. Additionally exact regulations required from the Comprehensive Plan that are not already within the ordinance are being added. Minor changes are also being proposed to reference the appropriate code sections as they pertain to dormitories and community workforce housing.

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

The proposed text amendment is consistent with the Comprehensive Plan and LDRs providing compliance with State law and consistency within current City code. The existing policy list items to be included.

**Policy 1-3.3.4 Encourage Redevelopment of Tourist/Resort/Campground Facilities**

The City shall continue to maintain Land Development Regulations that provide incentives and encourage the redevelopment of existing resort and tourist facilities in the City. These Regulations shall include, but not be limited to:

- a. Mandatory hurricane evacuation
- b. Provision of on-site/off-site employee housing

- c. Transportation
- d. Services/Amenities
- e. Protection of habitat
- f. Establish a motel/hotel/campground equivalency ratio
- g. Ensure compliance with 2010 wastewater standards
- h. Ensure that transient units remain transient through various mechanisms such as:
  - 1. Use of Development Agreements
  - 2. Deed restrictions prohibiting the use of Homestead Exemptions;
  - 3. Provision of a lobby/front desk; or
  - 4. Limiting the tenancy of each unit.

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

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

**CONCLUSION:**

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

**RECOMMENDATION:**

Staff recommends APPROVAL.

## [Section 104.25.] Hotels or Motels.

An existing hotel or motel may be redeveloped pursuant to Table 103.15.1, subject to the following standards:

### A. General Provisions:

~~1. Reserved.~~

12. Each hotel or motel shall comply with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and other transient uses.

23. Each hotel or motel shall establish and maintain shuttle transport services to airports and tourist attractions individually or in conjunction with other hotel or motel operators.

34. Except as provided in Subsection (a), all hotel or motels shall provide on- or off-site employee housing living space in an amount equal to a minimum of 20 percent (as may be adjusted from time to time by Council policy to reflect economic conditions) of the approved floor area in guest units; and such housing shall be of any of the following types as outlined in (b) below:

(a) An exception to the requirement for on- or off-site employee housing living space for hotel/motel redevelopment may be recommended by the Planning Director, the Planning Commission, and approved by the City Council as part of a conditional use and/or development agreement when the following criteria are met:

1. No increase in the number of hotel/motel transient units (unit as described in Subsection 104.25A.54. of the LDRs) ~~if existing hotel/motel unit density is non-conforming as defined in Chapter 108, Article 3 of the LDRs and as specifically outlined in Section 108.12 of the LDRs;~~
2. No use of transferable building rights (TBRs) (as described specifically in Subsection 107.14B. of the LDRs;
3. No significant change (+ or – 10%) in the current project floor area (Floor area as defined in Chapter 110, Article 3 of the LDRs);
4. No significant difference between the current and proposed uses of floor area;
5. No effort to move units off-site through TBRs as part of the proposed project, though they may be documented and preserved for future use; and
6. No significant change or increase in the size or type of project site amenities.

(b) Housing types:

1. Dormitory pursuant to Section 104.15;
2. Community Workforce Housing Unit pursuant to Section 104.13. Studio; or
- ~~3. One (1) or two (2) bedroom units.~~

45. All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.

5. All hotels or motels must provide a lobby for guests to check in/out.

### B. Redevelopment Criteria:

1. An existing hotel or motel room may be redeveloped to a unit not exceeding ~~1,500 square feet consisting of no more than two and one half (2½) bathrooms, three (3) bedrooms and one (1) other living area~~ six (6) bedrooms, subject to the following rates of redevelopment:
  - (a) A one (1) bedroom unit may redevelop as a one (1) bedroom unit, without a reduction in the number of units; and
  - (b) A one (1) bedroom unit may redevelop as a two (2) bedroom unit at the rate of 90 percent of the one (1) bedroom units being redeveloped as two (2) bedroom units; and
  - (c) A one (1) bedroom unit may redevelop as a three (3) bedroom unit at the rate of 85 percent of the one (1) bedroom units being redeveloped as three (3) bedroom units; and
  - (d) A one (1) bedroom unit may redevelop as a four (4) bedroom unit at the rate of 80 percent of the one (1) bedroom units being redeveloped as four (4) bedroom units; and
  - (e) A one (1) bedroom unit may redevelop as a five (5) bedroom unit at the rate of 75 percent of the one (1) bedroom units being redeveloped as five (5) bedroom units; and
  - (f) A one (1) bedroom unit may redevelop as a six (6) bedroom unit at the rate of 70 percent of the one (1) bedroom units being redeveloped as six (6) bedroom units.
2. The number of units reduced and not included in the redevelopment shall be tracked over time and registered with the City as Conditional Redevelopment Units and reflected in the data and analysis of the Comprehensive Plan as it is amended.
3. Existing hotel units, which exceed allocated densities, may redevelop provided: (1) the parcel has a stormwater management system which meets the requirements of Article 11, of Chapter 107; (2) the wastewater treatment system meets Best Available Treatment wastewater standards; and (3) the structures meet the shoreline setback criteria as established in Article 4 "Open Water, Surface Waters and Wetlands" of Chapter 106.
4. As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.
5. Redevelopment shall be clustered to the least environmentally sensitive portion of the property pursuant to Section 106.16 to protect existing habitat on site.
- ~~5.~~ The City may consider, at a future time, proposed amendments to the LDRs to authorize the construction of Conditional Redevelopment Units. Prior to the consideration of such amendment, the City must demonstrate that: (1) a significant reduction in Hurricane Clearance Time has been achieved for the mandatory evacuation of permanent residents; (2) the Conditional Redevelopment Units have been tracked; and (3) other environmental and land use issues have been addressed.
7. Notwithstanding the foregoing, the developer of a hotel or motel containing less than 12 units may convert existing, lawfully established accessory floor area in the hotel or motel to a second bedroom or third bedroom, as the case may be, to an adjacent existing hotel or motel unit without triggering the requirements of Subsections B.1 or B.4 above; provided, however, that the additional floor area hereunder shall not exceed 425 square feet per unit or 850 square feet in the aggregate per property.

(Ord. No. 2009-13, § 2, 3-31-2009; Ord. No. 2012-07, § 2, 8-14-2012)

**PLANNING COMMISSION AGENDA STATEMENT**



Meeting Date: July 17, 2023

From: Brian Shea

**Agenda Items:**

An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

-AND-

An Ordinance Of The City Of Marathon Florida Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**APPLICANT:** City of Marathon

**LOCATION:** The subject properties are located at 8877 Overseas Highway and 277 89<sup>th</sup> Street, Having Real Estate Numbers 00100890-000000 & 00349440-000000. Nearest Mile Marker 52.

**ADDRESS:** 8877 Overseas Highway and 277 89<sup>th</sup> Street

**REQUEST:** Amend The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C)

- AND-

Amend the Zoning Map for the subject properties from Residential Medium (RM) to Parks and Mixed Use (MU)

**LOT AREA:** The aggregated size of the parcels is approximately 1.65 acres (72,068 sq ft.)

# LOCATION MAP

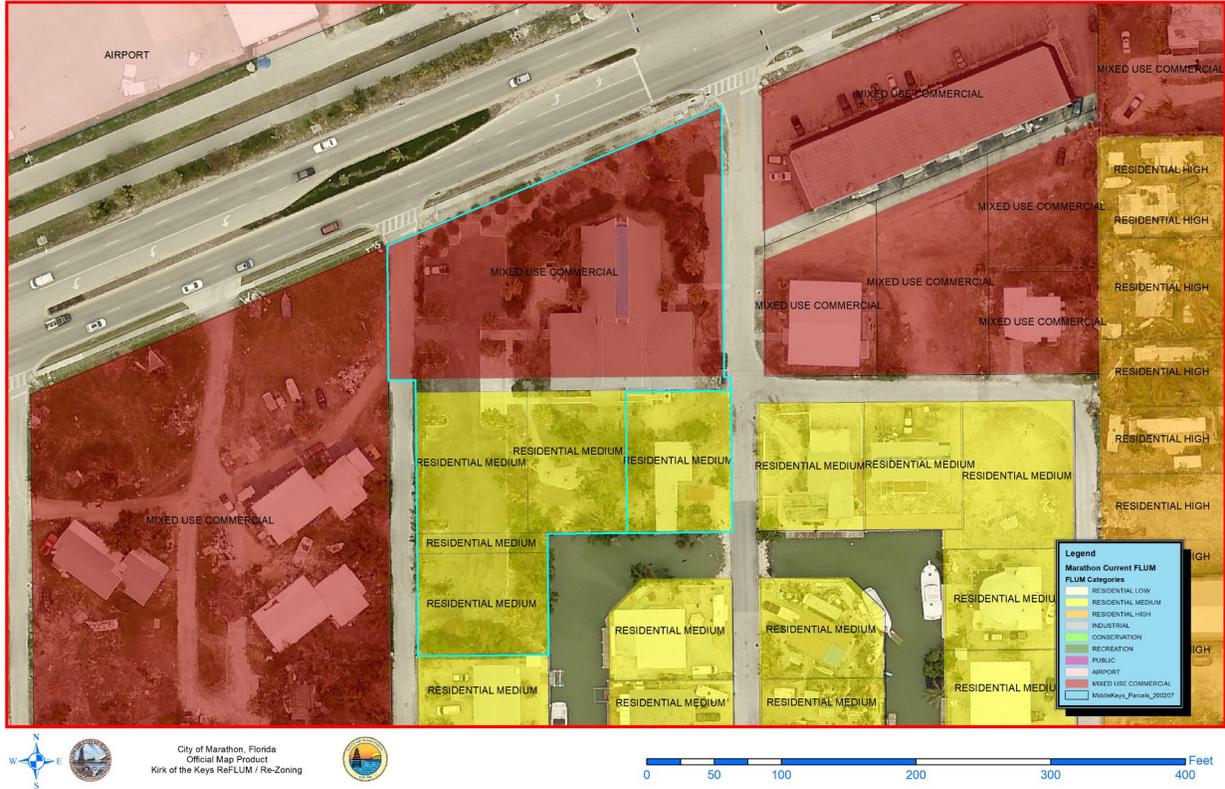


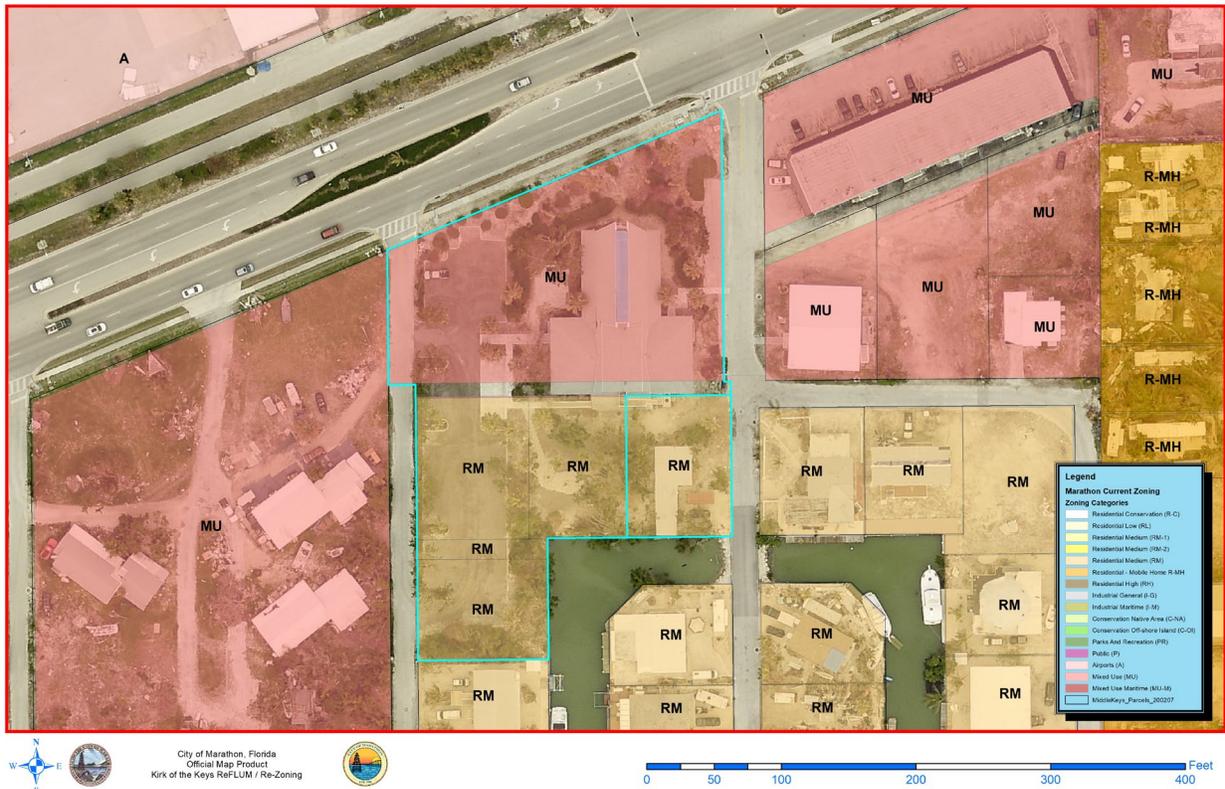
## BACKGROUND:

The parcels were zoned Improved Subdivision and Suburban Commercial under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) & Mixed-Use Commercial (MU-C) FLUM designations and were in turn zoned as Residential Medium (RM) and Mixed Use (MU) when the City adopted the current zoning maps in 2007. Of note is that lot 3 had been proposed as Suburban Commercial zoning under the County. The Applicant is requesting the re-designation of the FLUM map to Mixed Use Commercial (MU-C) and subsequent rezoning to make the entirety of the parcels Mixed Use (MU).

Pre 2005	Pre 2007	2005	2007
<b>OLD FLUM</b>	<b>OLD ZONING</b>	<b>CURRENT FLUM</b>	<b>CURRENT ZONING</b>
Commercial, Institutional, and Residential Medium	Suburban Commercial & Improved Subdivision	Mixed Use Commercial & Residential Medium	Mixed Use & Residential Medium

# Existing FLUM and Zoning





**Current and Proposed Future Land Uses and Zoning**

*Future Land Use Map Designation*

Current: Residential Medium (RM) & Mixed-Use Commercial (MU-C)  
 Proposed: Mixed Use Commercial (MU-C)

*Land Use (Zoning) District Designation*

Existing: Residential Medium (RM) & Mixed Use (MU)  
 Proposed: Mixed Use (MU)

*Use of Properties*

Existing: Kirk of the Keys Presbyterian Church & Manse  
 Proposed: Kirk of the Keys Presbyterian Church & Manse

**Surrounding FLUM, Zoning and Uses**

The property consists of currently two parcels, though historically was platted and replatted as multiple parcels. The property is located in an area that is a mix of commercial and residential.

Adjacent land use is single family residential. Surrounding zoning is Residential Medium to the South, Airport to the North, and Residential Medium and Mixed Use to the East and, Mixed Use West. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u><i>Existing FLUM</i></u>	<u><i>Existing Zoning</i></u>	<u><i>Existing Uses</i></u>
<b>North</b>	Airport	Airport	Airport
<b>East</b>	Residential Medium & Mixed-Use Commercial	Residential Medium And Mixed Use	Single family residential, Masonic Lodge, Commercial retail.
<b>South</b>	Residential Medium	Residential Medium	Single family residential
<b>West</b>	Mixed Use Commercial	Mixed Use	Seaward Landing

**Existing Habitat**

The properties are not listed as any habitat types other than developed land.

**FEMA**

The properties are within the AE 7 flood zones.

**DEVELOPMENT ANALYSIS:**

***Current FLUM: Residential Medium (RM)***

***Policy 1-3.1.4 Residential Medium*** of the Comprehensive Plan states “the principal purpose of the Residential Medium future land use category is to provide for medium density residential development. The Residential Medium future land use category is characterized by areas containing predominantly compact development on parcels with disturbed or scarified vegetation and areas that are appropriate for infill development ant that are served by existing infrastructure.”

***Residential Medium Allowable Density***

- Market Rate – 5 Units per acre
- Affordable – 10 units per acre
- Transient – 0
- Maximum Intensity (FAR) - 0
- Minimum Open Space Ratio 20%

***Proposed FLUM: Mixed Use Commercial***

***Policy 1-3.1.4 Recreation*** of the Comprehensive Plan states “the principal purpose of the Mixed-Use Commercial future 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 minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial 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.”

***Mixed Use Commercial Allowable Density***

Market Rate – 2-6 units per acre

Affordable – 10-15 units per acre

Transient – 5-25 units per acre

Maximum Intensity (FAR) – 0.15-0.60

Open space ratio – 20%

**ANALYSIS OF FLUM CHANGE REQUEST:**

**Consistency with Adopted Comprehensive Plan Goals, Objectives, and Policies.**

**The following excerpts from the City of Marathon Comprehensive Plan apply to the proposed development.**

Policy 1-1.1.1 states the City is to protect and enhance the “small town” atmosphere and to encourage mixed- use development patterns.

Policy 1-1.1.3 states the City is to protect viable and stable residential neighborhoods from inconsistent uses via LDR standards for landscaping, buffering, bulk restrictions, building height, setbacks, and separation between uses.

Policy 1-1.1.4 states the City shall continue to maintain LAND DEVELOPMENT REGULATIONS which implement the following techniques required to create a smooth land use transition where it is not feasible to separate incompatible land uses.

- a. Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light, glare, and pollution, and screening of physical features of a proposed development;
- b. Variable setbacks, based upon degree of difference in proposed use, density, intensity, scale, mass, or height;
- c. Placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage, or other features with potential negative impacts;
- d. Effective transitions of on-site densities, intensities, scale, mass, and height; and
- e. Other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

## FL State Statutes

Relevant criteria promulgated in Chapters 163, 380, can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
  - Wetlands
  - Estuaries
  - Living marine resources
  - Beaches / Dunes
  - Unique wildlife habitat
  - Water Quality
- Hazard Mitigation
  - CHHA
  - Hurricane Evacuation
- Ports
  - Marina Siting
- Historical Resources
- Public Use
  - Shoreline use and Access
  - water dependent and independent activity
- Infrastructure / Concurrency Management
  - Wastewater
  - Stormwater
  - Potable Water
  - Solid Waste
  - Transportation
- Land Acquisition
  - Conservation
  - CHHA
  - Public Services
- Affordable Housing

These bullet items will be utilized as the focus points for review of the proposed FLUM amendment and re-Zoning and for future comprehensive plan amendments.

### In General

This property is currently split zoned and was historically bisected by a platted road that was abandoned by Monroe County. The Church as it exists sites on both parcels. The manse will be redeveloped on the current vacant smaller parcel.

The proposed FLUM and Zoning amendments *are compatible* with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area. Therefore, it is staff's finding that the request is *in compliance* with this criterion.

### Natural Resources

The area proposed for a FLUM change is listed as developed land. The parcel is NOT within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies. There is a mangrove fringe along the canal, but preservation of the mangrove fringe is unaffected by the change in zoning and FLUM.

The proposed FLUM and Zoning amendments *are consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

## **Historical and Cultural Resources**

Protection of historical and cultural resources is crucial under the City's Comprehensive Plan, Chapters 163 and 380 F.S.

There are no known historical or cultural resources associated with the subject properties or within the area of the requested FLUM and Zoning changes. Therefore, the FLUM and Zoning changes would have no impacts on historical or cultural resources.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

## **Infrastructure**

### **• Wastewater infrastructure**

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The proposed FLUM and Zoning changes would not place any additional constraints on wastewater infrastructure capacity and would provide limited or no adverse impact resulting from additional nutrient loading.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

### **• Stormwater infrastructure**

Stormwater infrastructure capacity and means of water quality protection represent another of the backbone elements of the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The City of Marathon requires that all property owners retain their stormwater on site. All proposals for new developments, and redevelopments, must submit detailed civil engineering plans for review by the City Engineer. Proposals for redevelopment would have to obtain all required permits through other applicable agencies, such as the Department of Environmental Protection or the South Florida Water Management District.

Staff believes that the proposed FLUM and zoning changes would have a diminimus impact on stormwater infrastructure capacity and *is therefore consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

### **• Potable Water**

Monroe County's potable water facilities do not critically constrain the amount of future growth that can be accommodated in the County (see End Note 1). The current FCAA Consumptive Use Permit, when compared to current potable water consumption rates, will provide sufficient potable water to accommodate existing and committed development plus an additional 18,258 equivalent residential

units (ERU's) in unincorporated and incorporated Monroe County. The FKAA's Consumptive Use Permit has been renewed (see End Note 1). Costs of improvements to upgrade facilities for potable water supply, treatment, and distribution, in order to accommodate future growth impacts, would not be borne by the City, as this utility is private and would be in the FKAA's CIP, not the City's.

An increase in potable water demand is not expected as part of the proposed FLUM change, any increase would have a diminimus impact on potable water infrastructure capacity. The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Solid Waste**

Solid waste capacity is managed in the Florida Keys under haul-out contracts to mainland solid waste facilities. There are currently no limits on solid waste capacity that would be impacted by this FLUM proposal.

The proposed FLUM and Zoning changes would not impact concurrency levels of solid waste infrastructure capacity.

The proposed FLUM and Zoning amendment *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Transportation**

The requested FLUM change is not expected to have an adverse impact on roadway capacity.

Monroe County's roadway facilities do not critically constrain the amount of future growth that can be accommodated in the County or the City (see End Note 1). Although localized deficiencies characterize several segments of US 1, sufficient reserve capacity exists in the overall roadway system to accommodate existing and committed development plus an additional 5,738 residential units (see End Note 1). Only 2,550 were allocated to unincorporated Monroe County in 1992, of which 150 went to the City. Thus, there is reserve capacity on US 1 to accommodate planned growth in the City (see End Note 2).

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Affordable Housing**

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The existing zoning requires 4,356 square feet of uplands to build both an affordable unit. The proposed zoning would require only 2,904 square feet of upland to build both an affordable unit. The existing church uses up 26,600 square feet of upland based upon institutional intensity of the existing approximately 37,279 square foot mixed use area. The remaining approximate 35,431 square foot area can allow for up to 8 affordable units under current zoning and FLUM. The proposed change would allow up to 12 affordable units. This is a net increase of 4 affordable units.

The proposed FLUM and Zoning changes will have a positive increase on the potential for affordable housing projects. The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Hazard Mitigation**

- **Coastal High Hazard Areas**

The parcel is not within the Coastal High Hazard Area (CHHA). Any future development on site would have to comply with all provisions of the local City of Marathon Floodplain Ordinance, in accordance with the standards as set to be a participating community in the National Flood Insurance Program (NFIP).

#### **Policy 4- 1.17.6 Limit Redevelopment in CHHA**

The City shall limit redevelopment in areas within the CHHA shown by the Local Mitigation Strategy to be particularly susceptible to repeated damage. Criteria for assessing redevelopment potential for these properties shall be addressed within the Post Disaster Redevelopment Plan, to be prepared pursuant to Policy 4-1.22.3.

#### **Policy 4-1.20.1 Discourage Development in the High Velocity Area**

The City shall, through the Land Development Regulations, continue to encourage both residential and non-residential development away from the areas designated as high velocity storm surge areas through disincentives in the adopted BPAS.

While development in the CHHA is to be discouraged in the Comprehensive Plan, it can be permitted by the Land Development Regulations in cases where it cannot be avoided; in these cases, development is required to comply with local Floodplain Management Regulations related to Velocity zone construction. The City has recently revised its floodplain regulations to comply with all recent revisions to the construction standards typically applied in a VE (CHHA) zone.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Hurricane Evacuation**

The critical carrying capacity constraint at the present time is related to the requirement that hurricane evacuation clearance times for Monroe County be maintained at or below 30 hours through the Year 2002, and further reduced to 24 hours by 2010 (see End Note 1).

The Florida Department of Economic Opportunity in conjunction with sister state agencies and the participation of all local governments completed an analysis this year of current hurricane evacuation constraints. It was determined that under defined conditions, the County was able to maintain a 24-hour evacuation time while continuing the current ROGO and BPAS allocation formulas. Thus, for the ensuing ten (10) years the City will continue to be able to issue 30 residential allocations per year.

The proposed FLUM and zoning changes would have a neutral impact on hurricane evacuation times

with the BPAS system in place.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Ports – Marina Siting**

Staff believes that the proposed FLUM and Zoning change will have no adverse impact on ports management or the City’s Marina Siting Plan.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Public Use – Access to Water**

There is no public access to the water from this location. Staff believes that the proposed FLUM change will have no adverse impact on public access to water.

The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Land Acquisition**

Land acquisition in the Florida Keys is conducted by the City, County, State, and to a limited extent the federal government for the purposes of resource conservation and management, removal of properties in the CHHA from public ownership, and to provide for public services and facilities. The parcel is on the Florida Forever boundary map.

The proposed FLUM and Zoning change would have no impact on land acquisition efforts. The proposed FLUM and Zoning amendments *are therefore consistent* with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **SUMMARY:**

The Applicant requests a change in the FLUM and Zoning Map designations for the properties located at 8877 Overseas Hwy and 277 89<sup>th</sup> Street. Currently the properties are zoned as Residential Medium (RM) with FLUM designation of Residential Medium (RM).

The applicant is requesting a change to Mixed Use Commercial (MU-C) for the FLUM map and Mixed Use (MU) for the zoning map.

### **RECOMMENDATION:**

Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission recommend approval of the proposed FLUM and Zoning changes to Mixed Use Commercial (MU-C) (FLUM) and Parks and Mixed Use (MU) (Zoning).

Staff finds the proposed FLUM change and rezoning are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

**End Notes:**

1. The source of the future land use analysis based on carrying capacity limitations can be found in the Monroe County Comprehensive Plan Technical Document (Data and Analysis) Section 2.4 (pp. 2-86 – 2-95).
2. City of Marathon, Comprehensive Plan Data and Analysis, page 10.