



City of Marathon Planning Commission
Monday December 18, 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**
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5. Please be advised that some 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. A Request By Patrick Stevens on behalf of Floridas Duck Key Properties LLC To Amend The Future Land Use Map From Residential High (RH) to Mixed Use Commercial (MU-C) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; and N1/2 Lot 4, Block 3; and S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, and 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.
2. A Request By Patrick Stevens on behalf of Floridas Duck Key Properties LLC to Amend Land Development Regulations Zoning Map From Residential Mobile Home (R-MH) to Mixed-Use (MU) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; and N1/2 Lot 4, Block 3; and S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, and 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.
3. Planning Commission Workshop to discuss potential redevelopment of the 33rd Street Corridor.



**City of Marathon Planning Commission
Monday November 20, 2023
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Sexton called the meeting of the Planning Commission to order on Monday November 20, 2023, at 5:38 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Planner Erin Dafoe, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mark Senmartin-present; Mary Ann Royse-present; Mike Cinque-present; Andrew George-absent; 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.

Sexton nominated Royse for Chairman.

Cinque seconded.

Motion was approved 4-0.

Sexton nominated Cinque for Vice Chairman.

Royse seconded.

Motion was approved 4-0.

The quasi-judicial statement was read into the record.

Item 1 was read into the record: Consideration Of A Request For A Conditional Use Permit For Scott Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" For Unification Of Two Residential Units Into A Single Family Residential Until With 11 Bedrooms And 11 Bathrooms; Located At 574 Sombrero Beach Road; Which Is Legally Described As Block 2 (Bottom Floor) Southerly And Northernly (Top Floor) Part Of Lot 17, Sombrero Beach Village Boot Key PB5-86, Monroe County, Florida; Having Real Estate Number 00355110-000000 And 00355110-000100, Nearest Mile Marker 50.

There were no ex-parte communications on the item.

Dafoe presented the item.

Royse added a condition to post a parking sign with maximum number of vehicles allowed. Senmartin added a condition that all lighting must be contained on the property.

After a brief discussion, Senmartin made a motion to approve the item with the 2 additional conditions. Royse seconded. The roll was called. The item was approved 4-0.

Shea presented the discussion item “Transportation Alternatives Grant Program”:

1. Completion of Coco Plum multi-use trail/turn-around
2. Installation of path lighting along Coco Plum trail
3. Grassy Key Birding Boardwalk Trail-Phase I

Good job!

Motion and second to adjourn at 5:58 pm.

ATTEST:

Matt Sexton-Planning Commissioner Chair

ATTEST:

Brian Shea-Planning Director

Audio-Video is available upon request.

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

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

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

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: December 18, 2023
To: Planning Commission
From: Amber Stonik, Senior Planner

Agenda Item:

A Request By Patrick Stevens (on behalf of Floridas Duck Key Properties LLC) To Amend The Future Land Use Map From Residential High (RH) to Mixed Use Commercial (MUC) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; and N1/2 Lot 4, Block 3; and S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, and 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.

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APPLICANT/OWNER/AGENT: Patrick Stevens

LOCATION: The subject properties are located at E. 105th St. Marathon, Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, 00332940-000100.

ADDRESS: 315 E 105TH St, 325 E 105TH St, 419 E 105TH St & 425 E 105TH St, near Mile Marker 52.5

Location Map



REQUEST: Amend the Future Land Use Map (FLUM) for the subject properties from Residential High (RH) to Mixed Use Commercial (MU-C).

Amend the Zoning Map for the subject properties from Residential Mobile Home (R-MH) to Mixed Use (MU).

LOT AREA: The aggregated size of the parcels is approximately 0.34 acres (14,842 sq./ft.)

BACKGROUND:

In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential High (RH) FLUM designation and were in turn zoned as Residential Mobile Home (R-MH) when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed-Use Commercial (MU-C) designation and existing and proposed uses. The rezoning is not addressed in this application. The properties are currently vacant.

The applicants have stated that the FLUM and zoning designation should be the same as the adjacent owned commercial property to the North and East.

	Pre 2007	2005	2007
Old FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
Mixed Use/Commercial	Suburban Residential	Residential High	Residential Mobile Home

Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Residential High (RH)
Proposed: Mixed Use Commercial (MU-C)

Land Use (Zoning) District Designation

Existing: Residential Mobile Home (R-MH)
Proposed: Mixed Use (MU)

Use of Properties

Existing: Vacant
Proposed: Parking lot or outdoor storage

Figure 1: Existing FLUM

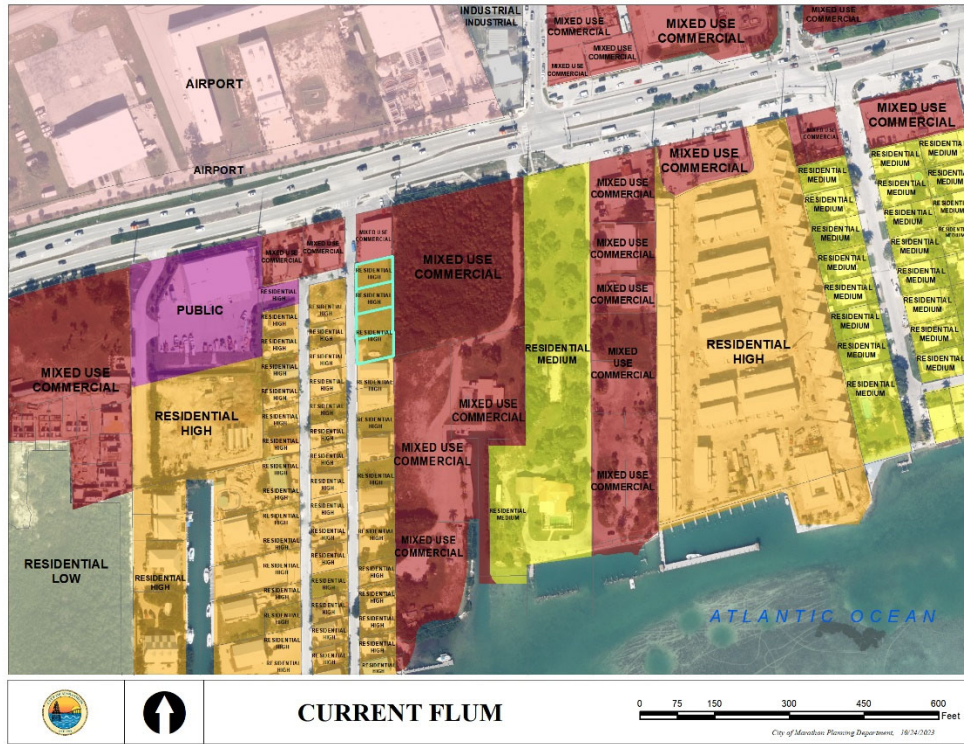
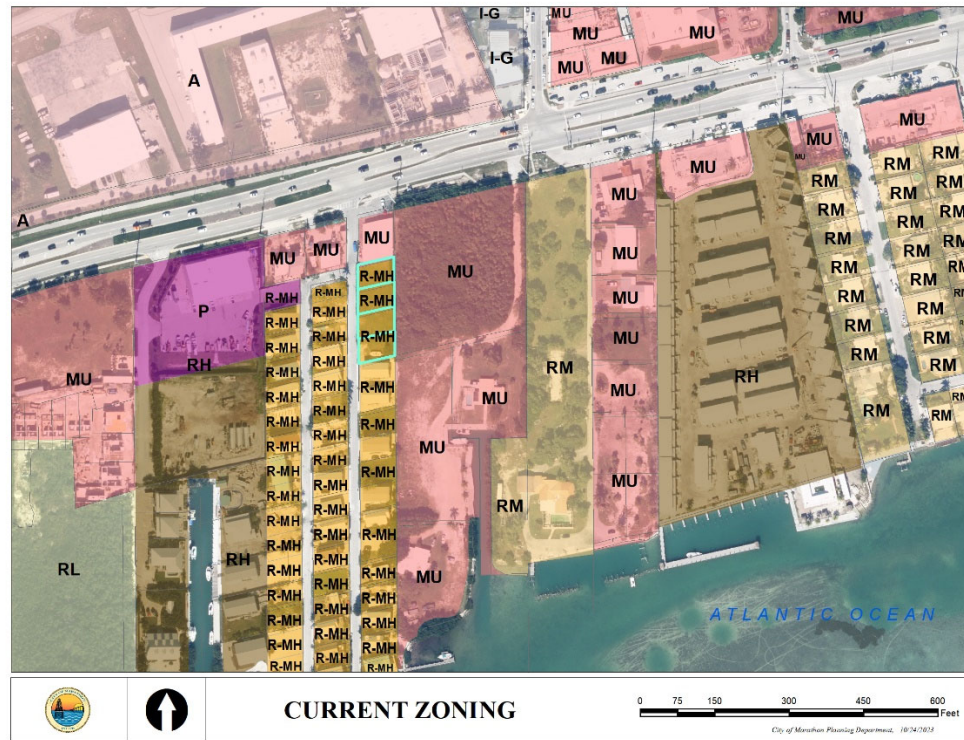


Figure 2: Existing Zoning



Surrounding FLUM, Zoning and Uses

The property subject to the FLUM amendment is located on E 105thrd Street and consists of four parcels. Adjacent land use to the North is commercial which is zoned Mixed-Use. To the South is a single-family home zoned Residential Mobile home. To the East is State of Florida-owned conservation land zoned Mixed-Use. Across the street there is vacant land and a single-family home zoned Residential Mobile Home. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Mixed Use Commercial (MUC)	Mixed Use (MU)	Retail
East	Mixed Use Commercial (MUC)	Mixed Use (MU)	Conservation
South	Residential High (RH)	Residential Mobile Home (R-MH)	Single-family home
West	Residential High (RH)	Residential Mobile Home (R-MH)	Single-family home and vacant lots

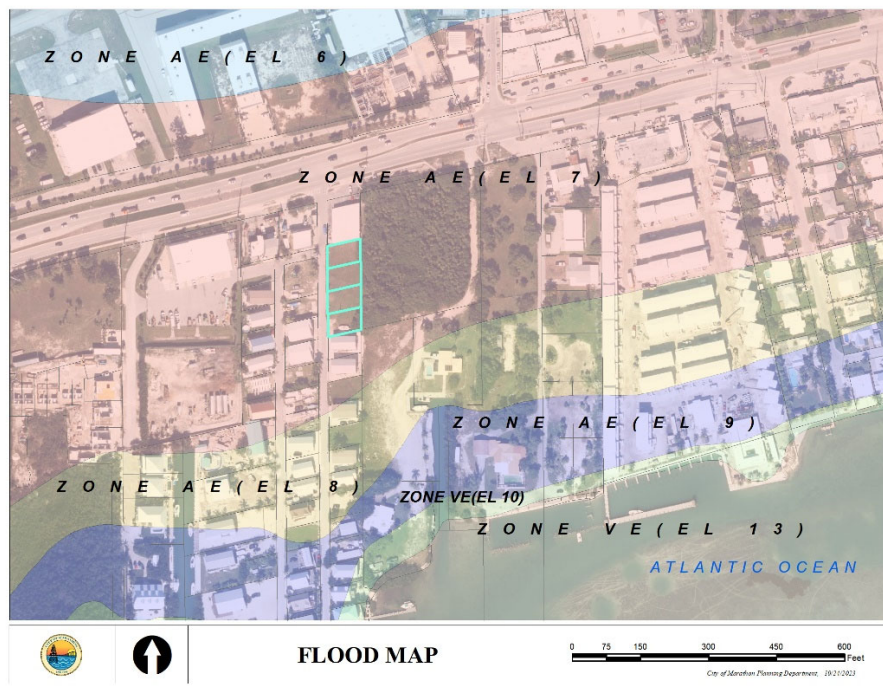
Existing Habitat

The existing conditions maps indicate the properties are designated as vacant. The parcels are 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.

FEMA

The properties are within the AE 7 Flood zone.

Figure 3: FEMA Flood Map



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

Other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

Consistency with FL State Statutes

Relevant criteria promulgated in Chapters 163, 380, and 9J-5 F.A.C. 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
- *Historical Resources*
- *Infrastructure / Concurrency Management*
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- *Affordable Housing*
- *Hazard Mitigation*

- CHHA
- Hurricane Evacuation
- *Ports*
 - Marina Siting
- *Public Use*
 - Shoreline use and access
 - Water-dependent and independent activity
- *Land Acquisition*
 - Conservation
 - CHHA
- Public Services

The above bullet items will be utilized as the focus points for the review of the proposed zoning amendment and for future comprehensive plan amendments.

Natural Resources

Direct impacts to natural resources would differ minimally as a result of the proposed FLUM and zoning change. These properties are not recognized as potential habitat to any state or federally listed animal species and are not within Florida Forever boundaries or critical habitat areas.

The proposed FLUM and zoning changes *are, therefore, consistent* with these provisions of the Comprehensive Plan and Chapters 16 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 change. Therefore, the FLUM and zoning changes would have no impact on historical or cultural resources. The proposed FLUM and zoning amendment *is, 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 subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM and zoning changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM and zoning changes would maintain concurrency levels of wastewater infrastructure

capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM amendment *is, 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 & South Florida Water Management District. Final plans submitted for permitting are required to provide existing and proposed elevations for review.

Staff believes that the proposed FLUM and zoning change 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. The current FKAA 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. 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 and zoning changes, any increase would have a di minimus 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 proposal.

The proposed FLUM and Zoning amendments *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. The proposed FLUM and Zoning changes would not affect concurrency levels of transportation on U.S. Highway 1. Staff are concerned about commercial traffic on the oneway street. Entrance to the site should be limited to the northern end of parcels so commercial traffic is not directed through the residential neighborhood.

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

Affordable Housing

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The City has well over 500 developed or approved affordable housing units. The proposed FLUM and zoning change would decrease the potential for increased affordable housing on-site. The Mixed Use FLUM category allows for a potential of 15 units per acre of affordable housing versus the RH FLUM category which allows for 15 to up to 25 units per acre. Therefore, excluding the potential for density bonus, the number of affordable units does not change.

The proposed FLUM and zoning change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM amendment and zoning change *is therefore consistent* with these provisions of the Comprehensive Plan and Chapters 163 and 380 F.S.

Hazard Mitigation

• Coastal High Hazard Areas

The subject parcels are not in a Coastal High Hazard Area (CHHA).

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. This property is not within the proposed LiMWA area.

The proposed FLUM and zoning change results in no adverse impact to public safety. The proposed FLUM and zoning amendments **are, therefore, consistent** with these provisions of the Comprehensive Plan and Chapters 163 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.

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. Additionally, 25,000 square feet of Commercial or CBPAS is available per period.

The proposed FLUM and zoning change would have no adverse impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM and zoning amendment **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 changes will have no adverse impact on ports management or the City's Marina Siting Plan. Marinas are allowed under a conditional use permit in the Mixed Use (MU) zoning district under the City's Land Development Regulations; however, as this property is landlocked, no marina development is foreseeable.

The proposed FLUM and zoning amendment **is, 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 and zoning change will have no adverse impact on public access to water. The proposed FLUM and zoning amendment **is, 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 carried out 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 parcels are not 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 applicants have requested a change in the Future Land Use Map (FLUM) designation for the parcels located on E 105th Street. Currently, the property is designated as Residential High (RH). The applicant is requesting a change to Mixed Use Commercial (MUC) and subsequent rezoning of the parcel.

The applicants have requested a change in the Zoning designation for the parcels located on E 105th Street. Currently, the property is designated as a Residential Mobile Home (R-MH). The applicant is requesting a change to Mixed Use (MU).

Staff finds the proposed FLUM and zoning changes 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:

Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission forward a recommendation to the Council for transmittal of the request to amend the Future Land Use Map for these parcels from Residential High (RH) to Mixed Use Commercial (MU-C). This designation is consistent with the uses north of the subject properties.

Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission forward a recommendation to Council for transmittal of the request to amend the Zoning Map for this parcel from Residential Mobile Home (R-MH) to Mixed Use (MU). This designation is consistent with the uses north of the subject properties.

Proposed site plan:

