



City of Marathon Planning Commission
Monday May 16, 2022
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

- 1. Call To Order**
 - 2. Pledge Of Allegiance**
 - 3. Roll Call**
 - 4. Minutes**
 - 5. Quasi-Judicial Statement**
 - 6. Items For Public Hearing**
 - 7. Adjournment**
-

5. Please be advised that some of the items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item, please inform the Boards clerk by filling out an available sign-up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. A Resolution Of The City Council Of Marathon, Florida, Approving Subject To Conditions, A Request By Van Fischer To Amend Map (FLUM) Located At 0 Avenue O, Coco Plum Key, Described As Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000. Nearest Mile Marker 52; And Providing For An Effective Date.

2. A Resolution Of The City Council Of Marathon, Florida, Approving Subject To Conditions, A Request By Van Fischer To Amend The Zoning For Property Located At 0 Avenue O, Coco Plum Key, Described As Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000. Nearest Mile Marker 52; And Providing For An Effective Date.

3. Consideration Of A Request By George Gleadall For A Variance Pursuant To Chapter 102 Article 20 From The Provisions Of Section 103.15 And Section 107.70; Seeking A Setback

Reduction Along The Side And Rear Property Lines; Located At 1696 74th Street; Which Is Legally Described As The Southerly Half Of Lot 17 Block A, Tropicana Subdivision, Key Vaca, Monroe County, Florida, Having Real Estate Number 00342710-000100.

4. A Resolution Of The City Of Marathon City Council, Marathon, Florida, Approving, Subject To Conditions, A Request Made By Candice Lee For A Conditional Use Permit For Property Located At 12535 Overseas Highway, Which Is Legally Described As 5 66 33 Part Government Lot 3 Crawl Key, Monroe County, Florida, Having Real Estate Number 00100390-040001, Nearest Mile Marker 53, And Providing For An Effective Date.

5. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use Commercial (MU-C) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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 Mobile Home (R-MH) To Mixed Use (MU) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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.



**City of Marathon Planning Commission
Monday April 18, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Landry called the meeting of the Planning Commission to order on Monday, April 18, 2022, at 5:30 pm.

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

The Pledge of Allegiance was recited.

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

Royce moved to approve the minutes of the March meeting. Pinto seconded. The roll was called. The minutes were approved 3-0. The minutes from February were corrected and approved 3-0.

Items 1 and 2 were read into the record.

1. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Mixed Use Commercial (MU-C) To Industrial (I-G) For Property Described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Number 00333450-000100; 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.

2. An Ordinance Of The City Of Marathon Florida Amending The Zoning From Mixed Use (MU) To Industrial (I-G) For Property Described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe Co., Florida, Having Real Estate Number 00333450-000100; 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.

Stonik presented the items.

Landry opened the meeting to public speakers.

- Jose Davalos, owner of the property, asked if his building rights on the property would be affected, which they will not.

Landry closed the meeting to public speakers.

Pinto moved to approve item 1. Royse seconded. The roll was called. The item was approved 3-0.

Landry moved to approve item 2. Royse seconded. The roll was called. The item was approved 3-0.

Items 3 and 4 were read into the record.

3. 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 Bk 3 Lot 6 Key Colony Subdivision 4 PB4-23, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335170-000000; 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.

4. An Ordinance Of The City Of Marathon, Florida Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As Bk 3 Lot 6 Key Colony Subdivision 4 PB4-23, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335170-000000; 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.

Dafoe presented the items. Outdoor storage is the proposed plan for the property, which would trigger a conditional use.

Landry opened the meeting to public speakers.

- Stephen Klein spoke against the items.

Landry closed the meeting to public speakers.

After a brief discussion, Pinto moved to approve item 3. Landry seconded. The roll was called. Item 3 was approved 2-1.

Pinto moved to approve item 4. Landry seconded. The roll was called. Item 4 was approved 2-1.

Items 5 & 6 were read into the record.

5. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Four, "Conservation And Coastal Element," And Intending To Modify Policy 4-1.4.2, "Maintain A 50 Foot Buffer Adjacent To Wetlands," Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

6. An Ordinance Of The City Of Marathon, Florida, Amending Chapter 106 "Natural And Historic Resources Protection", Article 4 "Open Water, Surface Waters And Wetlands", Updating Table 106.28.1 "Water Resource And Wetland Buffers"; 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.

Shea presented the items.

After a brief discussion, Royse moved to approve item 5. Pinto seconded. The roll was called. Item 5 was approved 3-0.

Pinto moved to approve item 6. Royse seconded. The roll was called. Item 6 was approved 3-0.

Item 7 was read into the record.

7. 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”, Updating Table 103.15.2 “Density, Intensity And Dimensions For Zoning Districts”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Stonik presented the item.

After a brief discussion, Pinto moved to approve the item. Royse seconded. The roll was called. The item was approved 3-0.

Item 8 was read into the record.

8. An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 17 “Appeals”, Amending Section 102.92 “Appeal Period” And Section 102.93 “Applicability” To Address Timeframes, 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.

Dafoe presented the item.

After a brief discussion, Royse moved to approve the item. Pinto seconded. The roll was called. The item was approved 3-0.

Item 9 was read into the record.

9. An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Amending Section 104.52 “Small Animal Shelter Or Animal Day Care”, 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.

After a brief discussion, Pinto moved to approve the item. Royse seconded. The roll was called. The item was approved 3-0.

Adjourned at 6:03 p.m.

ATTEST:

Lynn Landry – Planning Commission Chairman

ATTEST:

Lorie Mullins-Admin Assistant
City of Marathon Planning Department

DRAFT

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: May 16, 2022

From: Brian Shea, Planning Director

Agenda Items:

An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Low (RL) To Residential Medium (RM) For Property Described As Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000; 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 Low (RL) To Residential Medium (RM) For Property Described As Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000; 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: Van Fischer

LOCATION: The subject property is located on Avenue O and is legally described as Block 18 Lot 7 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000. Nearest Mile Marker 52

ADDRESS: 0 Avenue O, Coco Plum

REQUEST: Amend The Future Land Use Map (FLUM) From Residential Low (RL) To Residential Medium (RM)

- AND-

Amend the Zoning Map for the subject properties from Residential Low (RL) to Residential Medium-1 (RM-1)

LOT AREA: The aggregated size of the parcels is approximately 0.83 acres (36,154.80/ft.)

LOCATION MAP



BACKGROUND:

This parcel was zoned Suburban Residential under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Low (RL) FLUM designation and were in turn zoned as Residential Low (RL) when the City adopted the current zoning maps in 2007. The Applicant is requesting the re-designation of the FLUM map to Residential Medium and subsequent rezoning to make the parcel Residential Medium (RM).

Pre 2005 OLD FLUM	Pre 2007 OLD ZONING	2005 CURRENT FLUM	2007 CURRENT ZONING
Residential Low	Suburban Residential	Residential Low	Residential Low

Existing FLUM and Zoning



Current and Proposed Future Land Uses and Zoning

Future Land Use Map Designation

Current: Residential Low (RL)
 Proposed: Residential Medium (RM)

Land Use (Zoning) District Designation

Existing: Residential Low (RL)
 Proposed: Residential Medium-1 (RM-1)

Use of Properties

Existing: Vacant
 Proposed: Single Family home

Surrounding FLUM, Zoning and Uses

The property subject parcel is located on Ave O and consists of one parcel. The property is located in an area that is residential and conservation. Adjacent land use is single family residential and City and State conservation. Surrounding zoning is Residential Low to the South, Residential Medium-1 to the North, and Residential Low to the East. The following table correlates existing uses with the existing FLUM, zoning and uses.

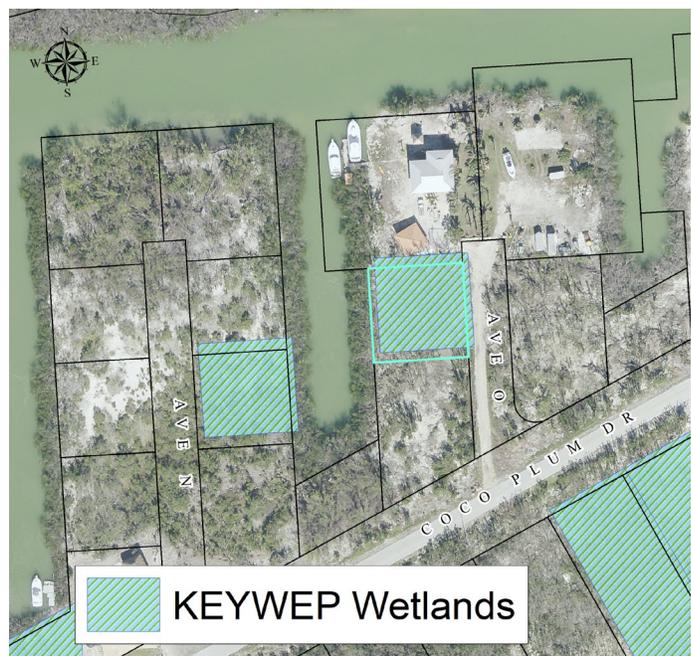
	<u>Existing FLUM</u>	<u>Existing Zoning</u>	<u>Existing Uses</u>
North	Residential Medium	RM-1	Single family residential
East	Residential Low	Residential Low	State of FL conservation
South	Residential Low	Residential Low	City of Marathon conservation
West	Residential Low	Residential Low	Vacant wetlands

Existing Habitat

The property is listed as in the Species Focus Area for Eastern Indigo Snake. The parcel is within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies. The property is listed as wetlands by the Keys Wetland Evaluation Procedure analysis data. A wetland evaluation ranked it as a 4.55 on the KEYWEP scale.

FEMA

The property is within the AE 7 and AE 8 flood zones.



DEVELOPMENT ANALYSIS:

Current FLUM: Residential Low (RL)

Policy 1-3.1.4 Residential Low of the Comprehensive Plan states “the principal purpose of the Residential Low land use category is to provide for low- density residential development. The Residential Low future land use category is characterized by partially developed areas with substantial native vegetation with limited infrastructure. Low intensity public utilities and institutional uses are allowed.”

Residential Low Allowable Density

Market Rate – 0.5 per acre
Affordable – 0.5units per acre
Transient – 0 units per acre
Maximum Intensity (FAR) -0
Open space ratio – 50%

Proposed FLUM: Residential Medium

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 lots with disturbed or scarified vegetation and areas that are appropriate for infill development ant that are served by existing infrastructure.”

Industrial Allowable Density

Market Rate – 5 Units per acre
Affordable – 10 units per acre
Transient – 0
Maximum Intensity (FAR) - 0
Minimum 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, 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
- 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

There are two upland parcels adjacent to this parcel that had zoning and FLUM amendments. All

other parcels in this area are designated Residential Low (RL) (FLUM) and zoned Residential Low (RL). The proposed Re-FLUM and re-Zoning converts the parcel to Residential Medium (RM) (FLUM) and Residential Medium-1 (RM-1) (Zoning). While the previous change did allow for a different zoning adjacent to this parcel, the incremental change of an area is not the intent. Nor are the lots characteristically similar.

The proposed FLUM and Zoning amendments *are not 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 *not in compliance* with this criterion.

Natural Resources

The area proposed for a FLUM change is listed as containing hammock habitat in the Species Focus Area for the Eastern Indigo Snake. The parcel is within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies. The property is listed as wetlands by the Keys Wetland Evaluation Procedure analysis data.

The proposed FLUM and Zoning amendments *are not 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 represents 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 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 (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 City has well over 200 developed or approved affordable housing units. The existing zoning requires 2 acres of uplands to build both an affordable and market rate unit. The proposed zoning would require only 10,000 square feet of upland to build both an affordable or market rate unit. This is roughly an 8 times increase in density.

The proposed FLUM and Zoning changes will have a limited effect 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 part of the parcel is within the Coastal High Hazard Area (CHHA). Any future development on site, if encroaching into this zone, 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 an impact on land acquisition efforts. The proposed FLUM and Zoning amendments *are therefore not 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 property located on Avenue O. Currently the property is zoned as Residential Low (RL) with FLUM designation of Residential Low (RL).

The applicant is requesting a change to Residential Medium (RM) for the FLUM map and Residential Medium-1 for the zoning map.

RECOMMENDATION:

Based on the above information, the Marathon Planning Department staff recommends that the Planning Commission recommend denial of the proposed FLUM and Zoning changes to Residential Medium (FLUM) and Residential Medium-1 (RM-1) (Zoning).

Staff finds the proposed FLUM change and rezoning are not 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.

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: May 16, 2022
To: City of Marathon Planning Commission
From: Brian Shea, Director of Planning

Agenda Item: Consideration Of A Request By George Gleadall For A Variance Pursuant To Chapter 102 Article 20 From The Provisions Of Section 103.15 And Section 107.70; Seeking A Setback Reduction Along The Side And Rear Property Lines; Located At 1696 74th Street; Which Is Legally Described As The Southerly Half Of Lot 17 Block A, Tropicana Subdivision, Key Vaca, Monroe County, Florida, Having Real Estate Number 00342710-000100.

RECOMMENDATION: Deny the variance request.

APPLICANT/ OWNER: George Gleadall

PROJECT LOCATION: The project is located on one (1) parcel located at 1696 74th St Ocean.

PROJECT SIZE: Total acreage .12 Acres or 5,365 square feet

EXISTING CONDITIONS:

This parcel has an existing single-family residence and a pool. There exists an unpermitted tiki structure which the applicant is seeking a variance to the setbacks in order to permit the structure.

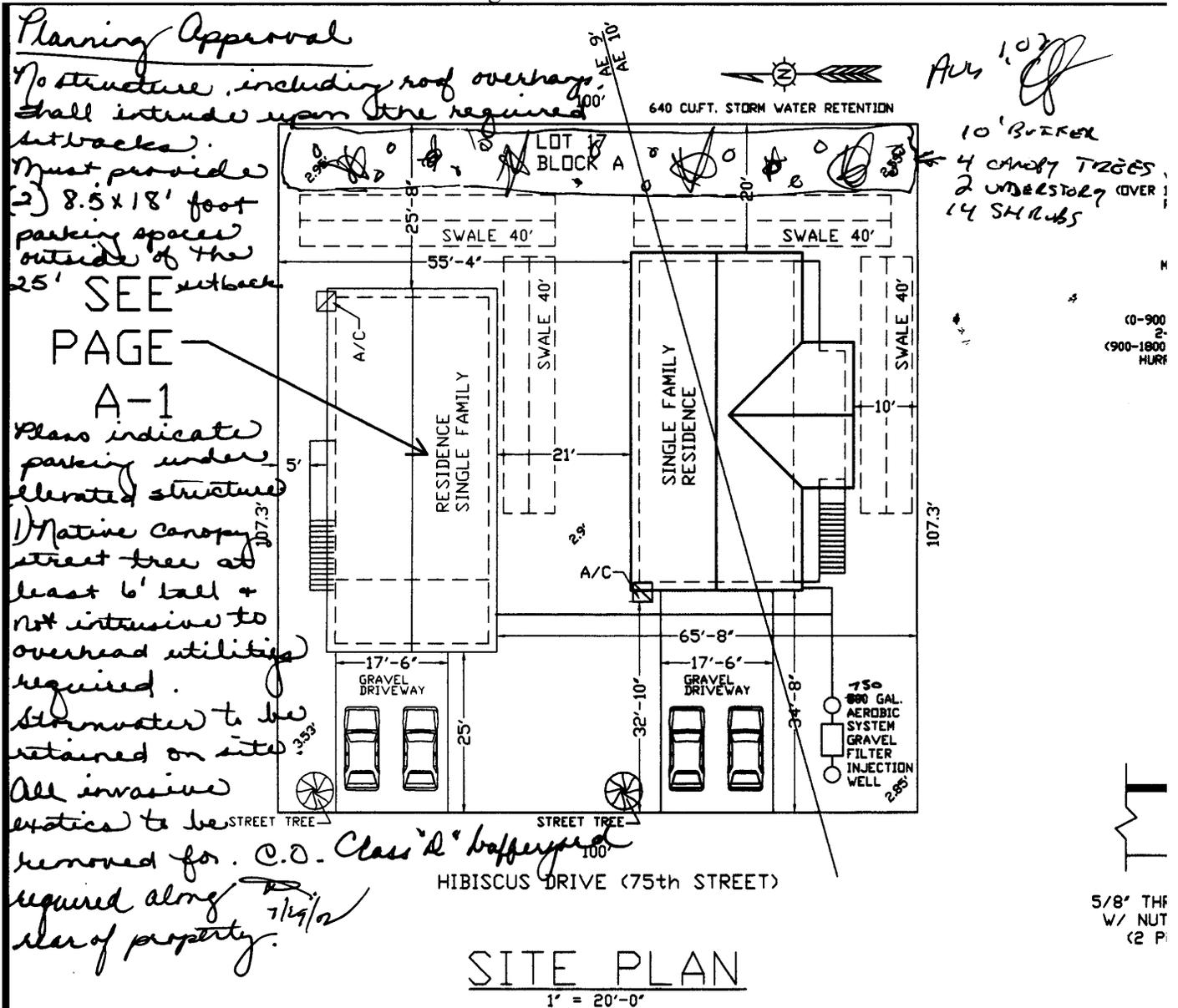
Figure 1 – Location Map



PROJECT PROPOSAL:

The Applicant is seeking a variance to the setbacks, in consideration of Section 103.15 and 107.70. Table 103.15.2 states the side setbacks for Mixed Use zoning are 0-10 feet from the side property line. The 0' setback is applied to fire rated commercial structures in the old town district. In this instance when the uses are single family uses within a MU zoning, the policy is to provide the 5' side setbacks. This results in the 10' fire separation between the single-family residences. The rear setback for an accessory structure on a landlocked parcel is 5'. However, as this property is zoned Mixed Use and borders a Residential Medium property, a high project boundary buffer exists. This buffer is required to be 20' in width, however this distance can be reduced by half through Technical Review Committee (TRC) approval per 107.70.A.2.(c). As this is a residential use adjacent to another residential use, the TRC would allow for the reduction to occur. This buffer is denoted in the original permits to build the two single family homes in Figure 2.

Figure 2 – 2002 Site Plan



BACKGROUND:

On October 22, 2021, the city received a code complaint that a “neighbor built a Tiki Hut right next to the property line, ignoring setbacks, and built it without the benefit of a permit.” An inspection occurred that day, and a notice of violation was subsequently issued that day. A subsequent complaint was filed on 11/10/2021 that the stormwater runoff from the tiki was falling into the neighbor’s yard. On December 2, 2021, Cosmos Construction applied for a permit to install the 144 square foot tiki hut (Exhibit A). The planning department pended the permit that same day stating that the structure as proposed did not meet the setbacks, and the permit scope should be revised to a demolition permit. The applicant requested on December 8th information on how to apply for a variance, and staff provided the link to the application on December 9th. On March 1, 2022, a Notice of Hearing was sent, and the case was set before the Code Board on March 17th. On March 10th, the applicant submitted the Variance request. The Code Board subsequently found the applicant in violation of building without a permit. The findings of fact state that “the Respondent(s) would be given ninety (90) days to obtain a variance. In the event the variance is not achieved within the allotted time frame of ninety (90) days, then sixty (60) days to obtain an after-the-fact building demolition permit with final inspections approved and permit closed out, before any fines would be levied, other than the costs of the hearing.”

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

This request is being evaluated in accordance with Section 102.120. The criteria contemplated for a variance under other circumstances are “hardship” criteria.

In accordance with Section 102.120 of the Code, staff has considered the applicants responses* (in red) and determined the Applicant has not met the following criteria (in blue):

*Responses have been edited for grammar and spelling only.

A. *Special Circumstances:*

The smaller and narrowness of total area of the property means that existing setbacks account for a significant portion of the property (45% is in setback). As a result, to place electrical equipment, I need to create a platform as permitted under 131-3(d)(4) in the rear yard (in side yard setback section). Furthermore, due to size of equipment and placing said equipment above FEMA flood heights, the platform is large. The special consideration is part of the equipment is solar panels, and if placed on the south side of property, the neighbor's tree line blocks a significant portion of sunlight (~80%) - which would result in a significant financial burden.

Therefore, limited placement options due to hardships created from high setback restrictions and geographical limitations of property to the south necessitate moving electrical platform to north side of property.

The lot is a standard 50' by 107.3' lot within the City of Marathon. As noted above two single family homes were redeveloped on the site in 2002. Subsequently the lot was split in half through the simple subdivision process. The resulting lot is not small enough to be considered by code as a “small lot” (smaller than 4,500 square feet) resulting in a reduced front and rear setback. There are no instances of the lot being exceptionally narrow or oddly shaped that would affect the placement of an accessory structure within the setbacks.

For the sake of clarity, the code sections being cited fall under Monroe County Code of Ordinances. These do not apply to the City of Marathon, nor does the application meet the requirements of the code sections being cited.

The County code section as written reads:

“(4) Accessory stairs and platforms to elevate electrical equipment on parcels developed with a residential dwelling unit built prior to March 15, 2012. Accessory structures, limited to stairs and platforms, may be permitted within a required side yard setback on a parcel developed exclusively with a residential use if the following provisions are met: a) the residential unit was issued a certificate of occupancy prior to March 15, 2012; b) the accessory structure is required to elevate electrical equipment at or above required flood elevations; c) the accessory structures shall be situated at least two (2) feet from the side yard property line; and d) the accessory structures must be constructed to avoid any off-site

discharge of stormwater from the subject parcel in accordance with Section 114-3. In no event shall the total combined area of all accessory structures occupy more than 80 percent of the required side yard setback area.”

The electrical platform as cited by this code section is depicted further in Exhibit B. The tiki does not meet the definition of an electrical platform. Marathon setback requirements state Every part of a required setback shall be open from its lowest point to the sky, unobstructed, except that certain building features and structures are allowed to project into required setbacks, provided that such structures do not require the placement of fill for foundations or for frame adjustments pursuant to the administrative variance approval criteria established in Article 20, Chapter 102 "Variance." No building features or structures shall encroach across adjacent property lines or result in the creation of or diversion of stormwater runoff that adversely affects adjacent properties.

B. *Hardships:*

The most significant hardship I seek to alleviate by relocating the electrical platform permitted under 131-3(d)(4) is the high tree line of my neighbor to the south. In placing my electrical platform along that tree line, my equipment would be significantly impaired and result in significant financial burden.

Furthermore, this area to the south is an existing permeable area for run off. In placing the electrical platform there, I would need to make other adjustments to this permeable surface area. In moving to north side, the majority of area to be covered by the electrical platform is existing concrete deck for pool and spa and so would result in a significant reduction in the impact to permeable surface area.

The electrical platform, as permitted under 131-3. (d)(4), the strict application of location restriction is causing undue hardship. Permitting a variance to the location restriction is desired.

Under the existing 131-3(d)(4) regulation, the electrical platform can be located on the north side of property. This would account for 50% of the electrical platform. Due to the FEMA mandated minimum height requirements, the platform needs to be wide and long for stability purposes. Therefore, the net ask for this variance request is for the remaining 50% of the electrical platform to be placed on top of existing pool and spa structure - which has no incremental impact to the environment. Again, the whole electrical platform is permitted under 131-3(d)(4) on the south side of the property.

There is no undue hardship in having to meet the standard setback requirements. The reference to solar panels on the tiki hut would be better resolved by their placement on the 624 square foot southern exposure of the roof that is elevated at 21'. The existing home is in an AE10 flood zone. The finished floor is at 11.9' and is therefore compliant to flood.

C. *No Detriment:*

There will be no detriment to the public good. No impact to natural resources, water flow will not be impacted, water retention will not be impacted. The post holes for the platform are associated with a deck under code regulation 131-3(e)(1).

As evidenced in the code complaints, the stormwater from the tiki is already not being retained on site and is spilling over onto the two neighboring properties.

D. *No Special Privileges:*

This request complies with code 131-3(d)(4) and 131-3(e)(1) and does not in any way seek the grant of special privilege.

The two neighboring properties had to abide by the same setback regulations when they applied for pool permits in 2016 and 2017. This included landscaping the buffer yard for the 75th street parcel.

E. *Use Authorized:*

Per code 131-3(d)(4), this variance is to grant an electrical platform which will be used to and maintain electrical equipment for the homeowner as per local, state, and federal mandates. The property is zoned Mixed Use Commercial, and this electrical platform will not undermine that zoning.

As noted above, 131-3(d)(4) is a Monroe County code section that does not apply. A tiki hut is considered an accessory structure, which is permitted as of right in the MU zoning district per table 103.15.1 but is subject to the setback regulations for that zoning district as set forth in table 103.15.2.

F. *Relevant Factors:*

1. Physical Characteristics of the proposed construction.

The proposed construction is wood and natural wood roofing consistent with architectural styles of the Florida Keys and south Florida. It is a proven design and constructed under the guidance of the Seminole Tribe of Florida in their traditional techniques. The electrical platform design has well proven its ability to sustain wind loads and flood. The size and dimensions are consistent with limitations imposed by FEMA flood regulations on height, which necessitates a large, more stable electrical platform.

A tiki constructed by the Seminole tribe of Florida is to be made of only native materials. As stated in the code hearing, and on the proposed plans, there are non-natural materials built into and proposed to be built into this structure. No engineering has been submitted for the tiki or solar panels to show compliance with Florida Building Code.

2. Whether the use of the property is dependent upon granting the variance.

The homeowner seeks to minimize their carbon footprint, having reduced their carbon footprint ~90% in recent years by employing electric cars, energy efficient lighting and telecommuting for employment, the move to Marathon was to further become carbon neutral. Establishing electrical independence and being able to provide clean energy to

support our lifestyle is our contribution to combat global warming and other stresses placed on the Florida Keys environment. We are working with the Florida Keys Electric Commission to receive funding for propose electrical equipment.

Failure to accomplish this goal would be viewed negatively to a broader audience as many in the community have expressed strong desire to proceed similar paths. The inability to decarbonize and gain energy independence is a key concern to many.

The use of the property is for a single-family residence. Granting or denying the variance has no effect on that existing use. As noted above accessory structures can be built so long as they meet code, including setbacks.

3. Whether granting the variance increases or decreases the danger to life and property.

The construction and architecture of the platform has been proven for 100's of years and is recognized as being able to withstand significant wind loads and flood damage. The location and construction of this electrical platform does not pose any significant threat.

Tiki huts permitted in the City of Marathon are required to be located at least 5' from adjacent structures. They are also required to be coated with a fire retardant yearly. This is done in an effort to reduce fire risks. The tiki as shown currently overhangs into the ac compressor, which poses a potential fire risk. Additionally adding electrical, batteries and panels to the structure furthers this risk. With the setback reduction, this places the risk closer to other properties, resulting in an increase of risk.

4. The importance to the community of the services to be provided if the variance is granted.

There are several.

First, the variance seeks to further demonstrate that citizens of the Florida Keys can reduce their carbon footprint and combat global warming in simple yet effective ways with the support of their local, state, and federal governments.

Secondly, this electrical platform will create employment for local residents in the construction, implementation and maintenance of the platform and electrical equipment

Finally, the added privacy created by a platform to conform with FEMA flood height regulations provides a privacy screen that prevents the homeowner from seeing directly into the private backyards of 3 neighbors to the north and east. This increased privacy is the key reason for the house to the north selling <40 days after construction of the electrical platform when the house had been on the market for 434 days previously. Additionally, to prove the positive impact of the electrical platform, the house sold for \$160k more than its estimated Zillow price. This has made that property owner extremely happy

This clearly demonstrates the positive impact to the community.

Correlation does not equal causation. There is no ability to legitimately deduce a cause-and-effect relationship between the construction of a tiki hut and the sale of a nearby property solely on the basis of an observed association or correlation between them. A variance for an accessory use to a principal use that is a single-family residence has no benefit to anyone but the owner of the property. Privacy screening may be accomplished by the planting of native vegetation which has the added benefit of habitat compensation, and acts as a food source for native fauna. Installation of solar panels can occur whether or not the variance is granted, and is beneficial to the applicant, and the community.

5. The compatibility of the proposed variance to the surrounding properties.

The variance seeks to move the electrical platform to the north side of property. The most significant impact to them is the incremental property values and privacy.

The added privacy created by a platform to conform with FEMA flood regulations provides a privacy screen that prevents the homeowner from seeing the private backyards to 3 neighbors to the north and east.

This increased privacy is the key reason for incremental property values. The house to the north selling in <40 days after construction when the house had been on the market for 434 days. Additionally, to prove the impact of the positive trait, the house sold for \$160k more than its estimated Zillow price.

From the east neighbor looking west towards the electrical platform, it is hardly noticeable as the significant growth of banana trees, palm trees and other natural vegetation obscures the bulk of the platform. The natural construction of the platform blends this structure into the environment and community

This clearly demonstrates the positive impact to the surrounding properties.

Only two properties exist on 74th street that abuts a property line, and this is because both were constructed in 1953 prior to County and City zoning regulations. As properties have redeveloped around town, they have been brought into compliance with the setback regulations.

6. The ability to safely access the property by regular and emergency vehicles if the variance is not granted.

There is a significant advantage to emergency personal and equipment in approving this variance request and moving the electrical platform to the north side of the property. On the north side, this structure has little impact the accessibility of the property. It is situated on top of a raised spa and inground pool. Equipment would not be able to traverse this area in any event. Further, the extensive 8-foot vertical clearance under the platform would not impact emergency workers from accessing areas in the backyard and navigating around said spa and pool.

However, it situated on the south side, this would block a significant pathway for emergency vehicles. Currently this area, has a few palm trees, but mostly small shrubs and gravel. It would be better for emergency vehicles and personal to keep the space to the south open in the event of an emergency.

Neither granting nor denying the variance will alter the ability of emergency vehicles to access the property.

7. The costs of provided governmental services if the variance is or not granted.
At this time, it is anticipated there are no costs associated with government services as related to this variance.

The only foreseeable cost would be fire service when the tiki hut catches fire.

RECOMMENDATION:

Staff recommends that Planning Commission deny the request for the variance.

**P-21-1462****Building Permit****Status:** Active**Date Created:** Dec 1, 2021**Applicant**

Cosmos Construction, LLC Jonathan Simpson
 jsimpson@cosgrp.com
 94000 Overseas Hwy
 Tavernier, FL 33070
 3053934993

Location

1696 74TH St
 MARATHON, Florida 33050

Owner:

GEORGE GLEADALL
 1696 74TH ST MARATHON, FL 33050

Property Owner Information**Property Owner's Name**

GEORGE GLEADALL

Owner Email

bdleadall@gmail.com

Owner Phone Number

5615045747

Project Information

If you are the Owner/Builder, please note that per Florida Statute 489.103 (7), you must appear in person at the Building Department Office. FIRST, please enter all the information and upload all the documents to create and save as a DRAFT, then you can bring the Owner/Builder affidavit to City Hall.

Office Hours: Monday through Friday from 8am - 5pm

Accurate Description of Work In Detail

Install Tiki (144 SF)

Contractor Type

Contractor

Structural Type

Wood-Frame

Type of Construction

New Construction

Type of Roof

--

Is this a new or replacement home?**Is the structure Ground Level?**

No

--

Exterior Wall / Finish

--

Occupancy Type

Residential

Sq Footage

144

Impact Sq. Footage

144

Total Project Valuation

3,000

Price/Sq Foot

20.8333

Construction Debris to be Removed By:

Applicant

Number of Units

1

NOA/Florida Product Approval to be Used:

Shutters

Doors

Windows

Roofing

Fence

Shed

Siding

Requested Permits

Abandonment of Onsite Septic System

Building

Building Sewer Connection

Concrete Restoration

Demolition

Dredging

Electrical

Elevator

Fencing

Fire Alarm System

Fire Outside Plumbing

Fire Sprinkler

Fire System

Hurricane Shutters

Irrigation

Marine

Mechanical

Plumbing

Pools/Spas

Propane Gas

Renovation/Remodel

Roof/Reroof

Security System

Site Work

Temp Trailer

Right of Way

Secondary Meter

Signs

Solar

Windows/Doors Replacement

Primary Contractor

Company Name

Cosmos Construction, LLC

Address

94000 Overseas Hwy

Alt. Phone

305393-4993

Email

jsimpson@cosgrp.com

Primary Contact Name

Jonathan Simpson

Primary Contact Phone Number

3053934993

Record ID

115454

Qualifier's Name

Jonathan Simpson

Site Work Permit

Site Work Contractor Name

--

Site Work Contractor Phone Number

--

Site Work Contractor Business Name

Cosmos Construction LLC

Email

--

Notifications and Signatures

Applicants Affidavit: I hereby certify that I have read and examined this application and know that same to be true and correct and that all work will be done in compliance with all applicable laws regulating construction and zoning. All provisions of laws and ordinances governing this type work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any local, state or federal laws regulating construction or the performance of construction.

Jonathan Simpson

12/01/2021

Inspection Provider

Would you like to use a private inspector?

No

Choose your registered private inspection provider

from the list.

Additional Conditions (added by Reviewer)

Additional Conditions

--

TCO Conditions

--

Acknowledgement

Total Review Hours

Total 1/2 hour increments reviewing

4

Special Stipulations

--

FEMA/FWS

Indigo Snake

N/A

Stock Island Tree Snail

N/A

Tree Cactus

N/A

Attachments

- pdf 1696 74th Permit Application.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:49 pm
- pdf 1696 74th _ Property Record Card.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:50 pm
- pdf 1696-74-Gleadall-Survey.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:39 pm
- pdf 1696 Tiki Plan.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:41 pm
- pdf 1696 Tiki Plan.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:40 pm
- pdf 1696 Tiki Plan.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:51 pm
- pdf 1696 Tiki Plan.pdf
 Uploaded by Cosmos Construction, LLC Jonathan Simpson on Dec 1, 2021 at 12:51 pm

History

Date	Activity
Nov 22, 2021 at 1:38 pm	Cosmos Construction, LLC Jonathan Simpson started a draft of Record P-21-1462
Dec 1, 2021 at 12:52 pm	Cosmos Construction, LLC Jonathan Simpson submitted Record P-21-1462
Dec 1, 2021 at 12:52 pm	approval step Intake Review was assigned to Joanna Williams on Record P-21-1462
Dec 1, 2021 at 12:53 pm	Joanna Williams changed Building from "true" to "false" on Record P-21-1462

Date	Activity
Dec 1, 2021 at 12:53 pm	Joanna Williams changed Site Work from "" to "true" on Record P-21-1462
Dec 1, 2021 at 12:54 pm	Joanna Williams changed Site Work Contractor Business Name from "" to "Cosmos Construction LLC" on Record P-21-1462
Dec 1, 2021 at 12:54 pm	Joanna Williams changed Total 1/2 hour increments reviewing from "" to "4" on Record P-21-1462
Dec 1, 2021 at 12:57 pm	Joanna Williams altered approval step Intake Review, changed status from Active to On Hold on Record P-21-1462
Dec 1, 2021 at 2:16 pm	Joanna Williams assigned approval step Code Approval to Ted Lozier on Record P-21-1462
Dec 1, 2021 at 2:22 pm	Joanna Williams assigned approval step Engineering Approval to Jared Weaver on Record P-21-1462
Dec 1, 2021 at 2:22 pm	Joanna Williams assigned approval step Utility Approval to Joshua Lane on Record P-21-1462
Dec 1, 2021 at 2:22 pm	Joanna Williams assigned approval step Development Approval to Brian Shea on Record P-21-1462
Dec 1, 2021 at 2:22 pm	Joanna Williams assigned approval step Code Approval to Ted Lozier on Record P-21-1462
Dec 1, 2021 at 2:52 pm	Joanna Williams assigned approval step Building Approval to Noe Martinez on Record P-21-1462
Dec 2, 2021 at 10:53 am	Joanna Williams altered approval step Intake Review, changed status from On Hold to Complete on Record P-21-1462
Dec 2, 2021 at 10:53 am	approval step FEMA/FWS was assigned to Jazmin Lopez on Record P-21-1462
Dec 2, 2021 at 11:10 am	Jazmin Lopez changed Stock Island Tree Snail from "" to "N/A" on Record P-21-1462
Dec 2, 2021 at 11:10 am	Jazmin Lopez changed Indigo Snake from "" to "N/A" on Record P-21-1462
Dec 2, 2021 at 11:10 am	Jazmin Lopez changed Tree Cactus from "" to "N/A" on Record P-21-1462
Dec 2, 2021 at 11:10 am	Jazmin Lopez waived approval step FEMA/FWS on Record P-21-1462
Dec 2, 2021 at 11:44 am	Brian Shea altered approval step Development Approval, changed status from Active to On Hold on Record P-21-1462
Dec 2, 2021 at 11:53 am	Joshua Lane waived approval step Utility Approval on Record P-21-1462
Dec 2, 2021 at 2:53 pm	Noe Martinez altered approval step Building Approval, changed status from Active to On Hold on Record P-21-1462
Dec 3, 2021 at 5:16 pm	Ted Lozier approved approval step Code Approval on Record P-21-1462
Dec 8, 2021 at 1:49 pm	Lorie Mullins added a guest: bgleadall@gmail.com to Record P-21-1462
Dec 10, 2021 at 4:42 pm	Jared Weaver waived approval step Engineering Approval on Record P-21-1462

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Intake Review	Complete	Dec 1, 2021 at 12:52 pm	Dec 2, 2021 at 10:53 am	Joanna Williams	-
FEMA/FWS	Skipped	Dec 2, 2021 at 10:53 am	Dec 2, 2021 at 11:10 am	-	-
Utility Approval	Skipped	Dec 2, 2021 at 10:53 am	Dec 2, 2021 at 11:53 am	Joshua Lane	-
 Code Approval	Complete	Dec 2, 2021 at 10:53 am	Dec 3, 2021 at 5:16 pm	Ted Lozier	-
Engineering Approval	Skipped	Dec 2, 2021 at 10:53 am	Dec 10, 2021 at 4:42 pm	Jared Weaver	-
 Development Approval	On Hold	Dec 2, 2021 at 10:53 am	Dec 2, 2021 at 11:44 am	Brian Shea	-
 Building Approval	On Hold	Dec 2, 2021 at 10:53 am	Dec 2, 2021 at 2:53 pm	Noe Martinez	-
 To Be Permitted	Inactive	-	-	-	-
 Permit Fee	Inactive	-	-	-	05/30/2022
 NOC Required	Inactive	-	-	-	-
 Silt Fence Inspection	Inactive	-	-	-	-

Label	Status	Activated	Completed	Assignee	Due Date
 Development Inspection	Inactive	-	-	-	-
 Site Work Inspection	Inactive	-	-	-	-
 CLOSE PERMIT	Inactive	-	-	-	-



CITY OF
MARATHON, FLORIDA
Building Department

****Code Violation****

After the Fact Building Application

Rec'd by: _____

All Owner Builders Must Apply In Person (F.S.489.103 (7))

Project #: _____ RE: 00342710-000100

Property Owner's Name: GEORGE GLEADALL

Property Owner's Mailing Address: 1696 74th ST OCEAN, MARATHON FL, 33050

Owner E-Mail: bgleadall@gmail.com Phone: 561 504 5747

Land Owner (Notarized Permission Letter): _____

Land Owner's Mailing Address: _____

Street Address of Proposed Construction: 1696 74th ST OCEAN, MARATHON, FL, 33050

Accurate Description of Work In Detail:
Install Tiki 144SF

General Remarks:

Is fill to be added to this property? Y N Amount of Material (in Cubic Yards) _____

Structure Being Altered or Constructed (Square Feet): _____ % of Entire Structure: _____

Structure Being Altered or Constructed (Linear Feet): _____ Total Project Contract Cost: \$ _____

Construction Debris to be Removed By: Applicant Specialty Contractor Name: _____

Agent Name: _____ Email: _____

Address: _____ Phone: _____

Architect/Engineer Name: _____ Email: _____

Address: _____ Phone: _____

Contractor's Name: _____ Email: _____

Address: _____ Phone: _____

Subcontractors to be Used: _____ Estimated Job Cost Portion

Electrical: _____ Phone: _____ \$ _____

Plumbing: _____ Phone: _____ \$ _____

Mechanical: _____ Phone: _____ \$ _____

Roofing: _____ Phone: _____ \$ _____

Required Notifications

In addition to the requirements of this permit, there may be DEED RESTRICTIONS and/or additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other government entities such as water management districts, state agencies or federal agencies.

If asbestos is present Contractors/Owner Builders shall inform the Department of Environmental Protection at 305-289-2310 and comply with Florida Statute 469.003. For all renovation or demolition work an asbestos affidavit is required to be signed and notarized.

The following statement does not apply to a direct contract to repair or replace an existing heating or air-conditioning system in an amount less than \$7,500. The applicant promises in good faith that the following statement will be delivered to the person whose property is subject to attachment.

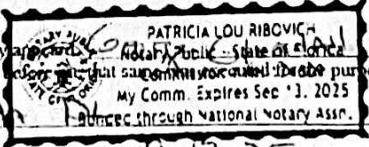
WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before commencing work or recording your Notice of Commencement. A notice of commencement must be recorded and filed in the City of Marathon Building Department before the first inspection.

APPLICANTS AFFIDAVIT: I hereby certify that I have read and examined this application and know that same to be true and correct and that all work will be done in compliance with all applicable laws regulating construction and zoning. All provisions of laws and ordinances governing this type work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any local, state or federal laws regulating construction or the performance of construction.

Owner: *George Gleadall*
 Signature
GEORGE GLEADALL
 Name (Please Print)
11/24/21
 Date

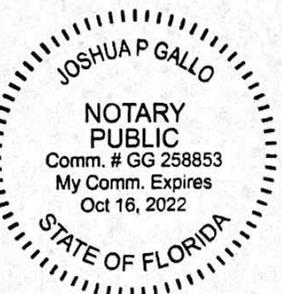
Contractor: *Jonathan Simpson*
 Signature
Jonathan Simpson
 Name (Please Print)
11/30/21
 Date

Owner:

NOTARY STATE OF Florida
 COUNTY OF Monroe
 Before me, this 24 day of Nov, 2021, personally appeared George Gleadall
 Who executed this foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.
 Personally Known or Produced ID. Florida
Patricia Lou Ribovic
 Signature of Notary Public -- State of FL

9-13-25
 My Commission Expires.

Contractor:

NOTARY STATE OF Florida
 COUNTY OF Monroe
 Before me, this 30 day of Nov, 2021, personally appeared Jonathan Simpson
 Who executed this foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.
 Personally Known or Produced ID. FL DL
Joshua P Gallo
 Signature of Notary Public -- State of Florida
Oct 16 2022
 My Commission Expires.



Building Official:

Signature _____ Date _____

CITY OF MARATHON BUILDING DEPARTMENT

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00342710-000100
 Account# 9040054
 Property ID 9040054
 Millage Group 50CM
 Location 1696 74TH St, MARATHON
 Address
 Legal BK A SLY 1/2 LOT 17 TROPICANA SUB PB3-137 OR1861-435 OR2099-2103 OR2319-187 OR2687-2269 OR3119-0977
 Description (Note: Not to be used on legal documents.)
 Neighborhood 1101
 Property SINGLE FAMILY RESID (0100)
 Class
 Subdivision TROPICANA SUB
 Sec/Twp/Rng 01/66/32
 Affordable No
 Housing



Owner

GLEADALL GEORGE
 5339 Park Place Cir
 Boca Raton FL 33486

GLEADALL ELENA
 5339 Park Place Cir
 Boca Raton FL 33486

Valuation

	2021	2020
+ Market Improvement Value	\$177,370	\$181,543
+ Market Misc Value	\$44,713	\$46,154
+ Market Land Value	\$122,952	\$122,952
= Just Market Value	\$345,035	\$350,649
= Total Assessed Value	\$345,035	\$350,649
- School Exempt Value	\$0	\$0
= School Taxable Value	\$345,035	\$350,649

Land

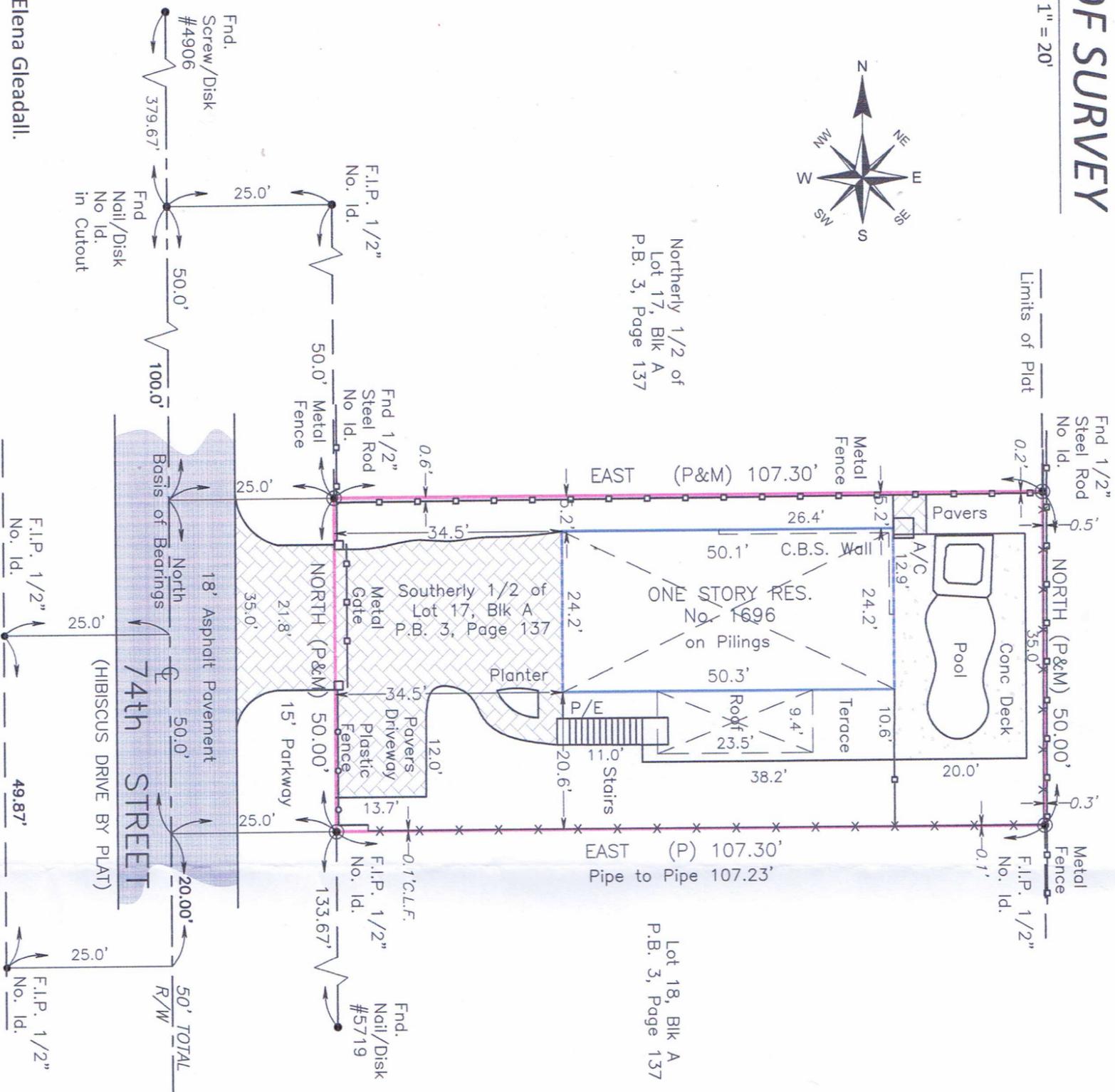
Land Use	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	Square Foot	0	0

Buildings

Building ID	35649	Exterior Walls	VINYL SIDING
Style	STILT 1 STORY	Year Built	2002
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	2007
Gross Sq Ft	2736	Foundation	CONC PILINGS
Finished Sq Ft	1200	Roof Type	GABLE
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	PLYWD/PR BD
Perimeter	148	Heating Type	FCD/AIR DUCTED
Functional Obs	0	Bedrooms	3

SKETCH OF SURVEY

SCALE: 1" = 20'

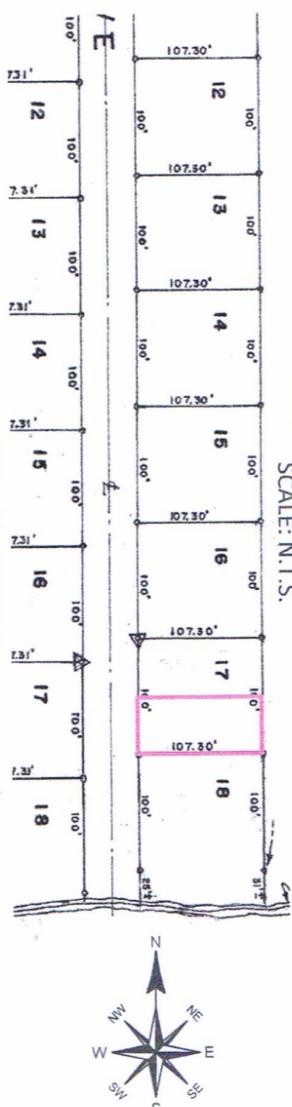


Northerly 1/2 of Lot 17, Blk A P.B. 3, Page 137

Lot 18, Blk A P.B. 3, Page 137

LOCATION MAP

SCALE: N.T.S.



LEGAL DESCRIPTION:

The Southerly 1/2 of Lot 17, Block A, TROPICANA SUBDIVISION, According to the Plat thereof, as recorded in Plat Book 3, at Page 137, of the Public Records of Monroe County, Florida.

NOTES:

- Lands shown hereon were not researched by the surveyor for easement, legal overlaps, or any other instruments of record.
- No utilities located.
- Fence ownership not determined by this survey.
- There may be additional restrictions/Easements that are not shown on this survey that may be found in the public records of this county.
- Surveyor makes no claims to subsurface features other than evidence of same as shown hereon.
- This drawing is the property of LINCOLN ITUREY, P.A. and shall not be used in whole or part without the written permission of LINCOLN ITUREY, P.A.
- Liability limited to survey fee charged.
- Legal description provided by client.
- Elevations when shown Refer to N.G.V.D. 1929.
- Riparian rights not determined by this survey.
- All Measurements and Distances are in U.S. Standard Feet.
- Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property.
- Location and identification of utilities on and/or adjacent to the property were not secured, as such information was not requested.
- Ownership is subject to opinion of title.
- This survey is performed for: GEORGE GLEADALL and ELENA GLEADALL, for the singular purpose of obtaining MORTGAGE and TITLE INSURANCE, and does not extend to any unnamed party.

WE HEREBY CERTIFY:

That the attached Boundary survey of the above described property is true and correct to the best of our knowledge and meets standards of practice set forth by the FLORIDA BOARD OF LAND SURVEYORS. Pursuant to Chapter 5-J-17 Florida Administrative Code.

LINCOLN ITUREY, P.S.M. No. 5719

This survey not valid without the original signature and seal of the appropriate registered Land Surveyor and Mapper.

PREPARED BY: **LINCOLN ITUREY, P.A.**

Professional Land Surveyors and Mappers LB. 8190

Mailing Address: P.O. BOX 755, LONG KEY, FLORIDA, 33001.

Office Address: 65821 OVERSEAS HIGHWAY, No. 255, LONG KEY, FLORIDA, 33001.

PHONE: (305) 664-2727 / (305)975-3141 (CEL.) Email = liturey@gmail.com

DATE: 07-11-2021 SCALE: 1" = 20' FB: FILE PG: FILE

PREPARED FOR: GEORGE GLEADALL and ELENA GLEADALL.

ADDRESS: 1696 74th STREET, MARATHON, FLORIDA, 33050.

COMMUNITY No.	PANEL No.	SUFFIX	DATE OF FIRM	ZONE	BASE ELEVATION
120681	1381	K	02-18-2005	AE	9/10
CLOSURE AT LEAST 1:7500			DRAWN BY: J.M. DRAWING No. 21-9399		

CERTIFIED TO:

George Gleadall and Elena Gleadall.

U.S. Bank N.A.

Cuningham Miller Rhyne PA.

Old Republic National Title Insurance Company.

- ABBREVIATIONS & LEGEND**
- A.S. = ALUMINUM SHED
 - A/C = AIR CONDITIONING PAD
 - BLK = BLOCK
 - BM = BENCH MARK
 - B/O = BOAT DAVIT
 - C.B.S. = CONCRETE BLOCK STRUCTURE
 - C.G. = CURB & GUTTER
 - C.S. = CONCRETE SLAB
 - EL. = ELEVATION
 - CL. = CLEAR
 - CONC. = CONCRETE
 - CH = CHORD DISTANCE
 - E.T.P. = ELECTRIC TRANSFORMER PAD
 - ENG. = ENGR/ARCHITECT
 - F.F.E. = FINISHED FLOOR ELEVATION
 - F.H. = FIRE HYDRANT
 - F.I.P. = FOUND 1/2" IRON PIPE
 - F.N. = FOUND NAIL
 - F.N.D. = FOUND NAIL & DISK
 - F.R. = FOUND REBAR
 - F.S. = FOUND SPIKE
 - L.P. = LIGHT POLE
 - L.A.R. = LIGHT ARCADE
 - L.A.R.D. = LIGHT ARCADE DISTANCE
 - M.A.E. = MAINTENANCE & DRAINAGE EASEMENT
 - M.S. = METAL SHED ON CONCRETE
 - M.E.S. = MEASURED
 - M.H. = MAINHOLE
 - M.H.W.L. = MEAN HIGH WATER LINE
 - NO.ID. = NOT IDENTIFICATION NUMBER
 - N.T.S. = NOT TO SCALE
 - O.E.L. = OVERHEAD ELECTRIC LINE
 - O.R.B. = OFFICIAL RECORDS BOOK
 - P.B. = PLAT BOOK
 - P.C.P. = PERMANENT CONTROL POINT
 - P.G. = PAGE
 - PL. = PLANTER
 - POB. = POINT OF BEGINNING
 - P.P. = POINT OF COMMENCEMENT
 - P.F. = POWER POLE
 - P.R.M. = PERMANENT REFERENCE MONUMENT
 - R. = RANGE
 - R.A. = RADIUS
 - R.W. = RIGHT OF WAY
 - SEC. = SECTION
 - REC. = RECORDED
 - RES. = RESIDENCE
 - S.I.P. = SET IRON PIPE No. Lb 5719
 - S.R. = SET ROD No. Lb 5719
 - T. = TOWNSHIP
 - U.P. = UTILITY EASEMENT
 - U.E. = UTILITY POLE
 - V.G. = VALLEY GUTTER
 - A. = CENTRAL ANGLE
 - C. = CENTER LINE
 - M. = MONUMENT LINE
 - (P) = PLAT
 - (P&M) = PLAT and MEASURE
 - (R&M) = RANG and MEASURE
 - (C.L.F.) = CHAIN LINE FENCE (C.L.F.)
 - (O.E.L.) = Overhead Electric
 - (E.L.) = EXISTING ELEVATION
 - (W.F.) = WOOD FENCE (W.F.)

NOTES:

FLORIDA KEYS ELECTRIC COOPERATIVE DOES NOT REQUIRE ELECTRIC METERS AND MAIN DISCONNECTS BE PLACED ABOVE FLOOD LEVELS. THE FOLLOWING REQUIREMENTS MUST BE FOLLOWED IF THE AUTHORITY HAVING JURISDICTION REQUIRES THE ELECTRIC METER TO BE PLACED ABOVE FLOOD LEVELS.

FKEC ACCESS REQUIREMENTS:

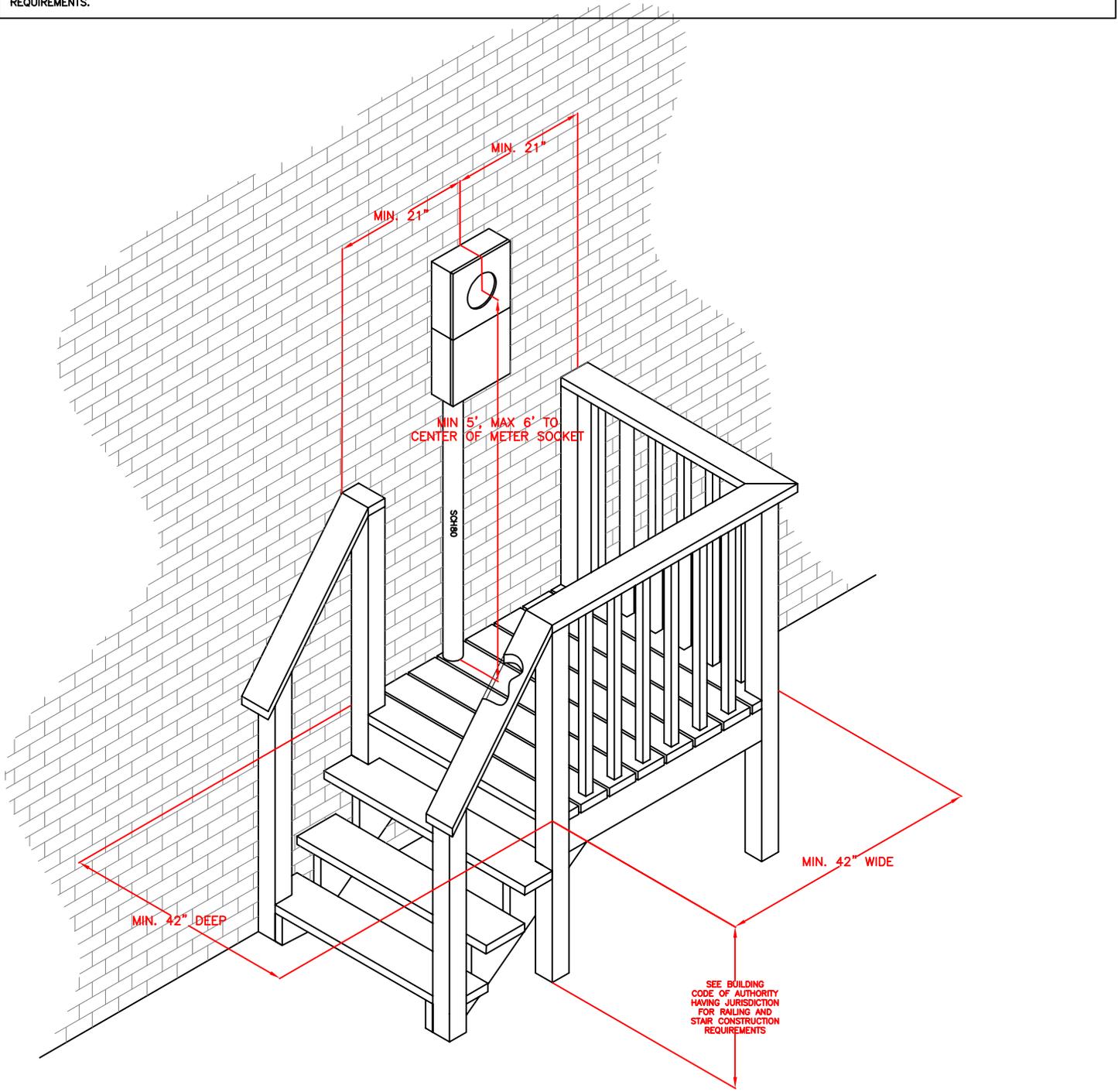
- TO ENSURE FKEC METER SERVICE AND LINE WORKERS HAVE SAFE ACCESS TO FKEC'S ELECTRIC METERS, FIXED STAIRS AND AN ADEQUATELY SIZED WORK AREA MUST BE PROVIDED FOR ANY METER SOCKET LOCATED GREATER THAN SIX FEET ABOVE GRADE.
- THIS WORK AREA MUST BE A MINIMUM OF 42 INCHES WIDE BY 42 INCHES DEEP CENTERED ON THE METER.
- IF STAIRS ARE DIRECTLY BEHIND THE METER, A MOVABLE GUARD MUST BE INSTALLED TO BLOCK A WORKER FACING THE METER FROM STEPPING BACKWARDS ONTO THE STAIRS.
- THE ELECTRIC METER MAY BE LOCATED WHERE FIXED OUTSIDE STAIRS HAVE BEEN CONSTRUCTED, INCLUDING STAIRS THAT LEAD TO A LANDING ON A PORCH OR DECK SERVING EITHER A FRONT OR REAR ENTRANCE OF THE DWELLING. IF FKEC DETERMINES THAT THE METER IS TO BE INSTALLED ON THE SIDE OF THE RESIDENCE, OR ON A PART OF THE BUILDING THAT IS NOT SERVED BY STAIRS, THEN STAIRS AND A PLATFORM THAT COMPLY WITH THE REQUIREMENTS OF BOTH THE AUTHORITY HAVING JURISDICTION AND THE SIZE OF THE WORK AREA DESIGNATED IN THIS GUIDANCE WILL BE REQUIRED TO BE CONSTRUCTED AND MAINTAINED.
- THE STAIRS AND THE LANDING, INCLUDING THE SPECIFIED WORK AREA, MUST BE MAINTAINED IN GOOD AND SOUND CONDITION AND MAY NOT BE REMOVED. EITHER THE REMOVAL OR FAILURE TO MAINTAIN THE STAIRS, LANDING, AND WORK AREA THAT PROVIDE ACCESS TO THE ELECTRIC METER COULD RESULT IN DISCONTINUANCE OF ELECTRIC SERVICE.

BUILDING REQUIREMENTS:

- CONSTRUCTION OF THE STAIRS AND LANDING ARE SUBJECT TO THE FLORIDA BUILDING CODE AND THE AUTHORITY HAVING JURISDICTION.
- FOR DETACHED ONE- AND TWO-FAMILY DWELLINGS AND ATTACHED SINGLE-FAMILY TOWNHOUSES, THE MINIMUM TREAD DEPTH IS 9 INCHES AND THE MAXIMUM RISER HEIGHT IS 8 INCHES. FOR ALL OTHER BUILDINGS, THE MINIMUM TREAD DEPTH IS 11 INCHES AND THE MAXIMUM RISER HEIGHT IS 7 INCHES.
- WHEN THE LANDING IS MORE THAN 30 INCHES ABOVE THE ADJOINING GRADE, GUARDRAILS, NOT LESS THAN 36 INCHES IN HEIGHT, ARE REQUIRED. THE STAIRS MUST HAVE A HANDRAIL ON AT LEAST ONE SIDE AND MUST BE MOUNTED BETWEEN 30 AND 38 INCHES IN HEIGHT. THE STAIRS MUST BE A MINIMUM OF 36 INCHES IN WIDTH.

ELECTRICAL REQUIREMENTS:

THE INSTALLATION MUST COMPLY WITH APPLICABLE REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE (NEC), THE FLORIDA BUILDING CODE, AND ALL AUTHORITY HAVING JURISDICTION CODE REQUIREMENTS.



6					
5					
4					
3					
2					
1	DIMENSION UPDATE TO 42"	12/21	404BR	PMA	PMA
NO.	REVISION	DATE	DWN.	CHECK	APPD.



FLORIDA KEYS
ELECTRIC
COOPERATIVE
ASSOCIATION INC.
TAVERNIER, FLORIDA
ENGINEERING SERVICES

DRAWN	366.E
DESIGN	366.E
CHECKED	-
APPD.	-
DATE	10/10/19

UNDERGROUND SVC REQs		
UNDERGROUND METER INSTALLATION REQUIREMENTS (ELEVATED PLATFORM)		
DWG. NO.	SHEET	SCALE
-	2 of 2	NONE
REV.	1	



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: May 16, 2022
To: Honorable Chair and Planning Commissioners
From: Erin Dafoe, Planner

Agenda Item: Consideration Of A Request By Candice Lee 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 Dog Boarding, Grooming, Daycare and Shaved Ice Store Located At 12535 Overseas Highway; Which Is Legally Described As 5 66 33 Part Government Lot 3 Crawl Key, Monroe County, Florida, Having Real Estate Number 00100390-040001. Nearest Mile Marker 53.

APPLICANT/ OWNER: Candice Lee/ LASH PROPERTIES LLC

AGENT: Candice Lee

LOCATION: The project site is located at 12535 Overseas Highway at nearest mile marker 53. See Figure 1.

REQUEST: A Conditional Use Permit approving a change of use to a dog grooming, daycare, boarding and shaved ice store to be located on the subject property, within an existing building; having the real estate number 00100390-040001.

LOT SIZE: Total acreage 0.53 acres or 23,225 square feet

SURROUNDING ZONING AND USES:

Table with 3 columns: Direction, Zoning, and Use. Rows include North (Mixed Use (MU), Vacant Land), West (Mixed Use (MU), Coral Lagoon Boat House Marina), East (Residential Medium (RM), Vaca Cove Resort), and South (Mixed Use (MU), Habitat for Humanity Houses).

EXISTING CONDITIONS:

The project site consists of an existing commercial development site that previously housed the Art Studio. 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 (MUC). 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 dog grooming, daycare, boarding and a shaved ice store. Generally, parking requirements would be limited to pick-up / drop-off area for clients, a limited number of spaces for staff and spaces for retail customers of the shaved ice store.

BACKGROUND:

The proposed project seeks to utilize vacated space in the former Art Studio building. Other than interior renovations and re-modeling there are no required changes to the exterior structure of the building. The total property size is 23,225 square feet. The gross commercial building square footage is 4,660. The proposed project will occupy 4,000 square feet. In general, staff sees no impacts from the development of the project, except minimally, for staff parking, retail parking for shaved ice customer and accommodations for the pickup and drop off of dogs at the facility.

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 dog daycare, boarding, grooming and shaved ice store, 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 with the exception of the properties to the north which is currently vacant land set to be developed into affordable housing and to the south which is Habitat for Humanity residential housing.

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 residential uses including affordable and/or commercial apartments as well as single-family homes. 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 project area, including the six commercial units with a maximum height of approximately thirty-five (35) less than the maximum height allowed under the City’s Comprehensive Plan.

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

The project exceeds the commercial intensity and residential density limitations of the City’s Comprehensive Plan. However, this project proposes no expansion of the existing developed area and would otherwise be considered as a legal non-conforming structure under the LDRs. The

proposed use is therefore consistent with the intent to protect existing structures and the uses they would allow, particularly within the Mixed Use (MU) FLUM and zoning districts.

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 west and east. Since the building was used previously for commercial use as the old Art Studio landscaping and buffering were already in place.

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

The project site was renovated within the past several years and complies to the maximum extent practicable with the current City regulations. As noted above, this project does not propose any expansion of existing structures

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 dog daycare, grooming, boarding and shaved ice store.

- 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. The proposed uses fall within the allowed intensities for the site. As it is not anticipated that the project will create any additional impacts on services or in requirements for parking, the project then meets the criteria set out above for improving such sites to the maximum extent practicable with diminimus changes in existing or new uses.

- Section 107.47 Parking

Parking for the site and the project is met utilizing existing parking in the front and side of the building. As noted by the applicant, the dogs will be dropped off and picked up. Parking will be mostly used by staff and customers of the shaved ice store.

- Section 107.40 Maximum Height

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

- Sections 107.63 – 107.72 Landscaping

Existing landscaping was upgraded during recent improvements to the overall building as the project site. No additional landscaping is required.

- 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

Landscaping exists on the project site. In this context, 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 buildings are all 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 north, south, 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 a dog daycare, boarding, grooming and shaved ice store which is an enhancement to the City's capacity to provide great social service benefits. The project will not cause any negative impacts to the City's health, safety, and welfare.

The existing structure are entirely above FEMA's minimum flood elevations (AE 9) 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 project only involves a change of use within an existing building. 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 landscape material providing buffering between adjacent land use districts and uses.

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

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

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

A traffic study was required. Parking will be provided for staff and clients of the shaved ice operation. Clients of dog grooming, daycare and boarding will be dropping off and picking up their dog for scheduled appointments. The shaved ice store will not be open during the dog daycare, grooming and boarding peak morning hours which will result in decreased vehicle trips than the

previous use. This projected decrease in vehicle trips is a theoretical benefit to the transportation network.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Previous</i>								
Art Studio	2,450 SF							
- Home School Students		160	0	0	0	0	0	0
- General Public Students		100	8	2	10	16	4	20
Retail Space	750 SF	41	1	1	2	3	2	5
Coffee Shop	800 SF	82	7	6	13	2	4	6
Miscellaneous Trips		30	2	1	3	1	2	3
Sub Total		413	18	10	28	22	12	34
<i>Proposed</i>								
Dog Groomer		38	2	1	3	1	2	3
Dog Kennel		46	3	2	5	2	3	5
Shaved Ice	400 SF	62	0	0	0	3	3	6
Sub-Total		146	5	3	8	6	8	14
Difference (Proposed - Previous)			(267)	(13)	(7)	(20)	(16)	(4)

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

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles are provided in the FDOT secondary Right-Of Way that provides access to the property.

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

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). Per Table 107.46.1 shaved ice falls under retail use which would require 1 parking space per 1,000 square feet gross foot area, plus 1 per employee at the largest shift. The dog use area of the project requires 1 space per 400 square feet of gross floor area. This would result in 6 required parking spaces, plus 1 per employee at the largest shift. The existing parking on site is sufficient for the proposed changes in use. The project will require limited parking as clients utilizing the facility will be dropping off and pickup up at scheduled times for their dogs. Staff will park on site as well as clients of the shaved ice store.

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 impacts to the health safety and welfare of the public. In an effort to reduce potential impact per Section 104.63 indoor boarding facilities shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the property line shall be subject to the noise regulations in Chapter 14 of the City Code. Appropriate screening and buffering measures are already in place. Per the plans there is no outdoor area at this time.

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

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

Section 107.39 requires that all dumpsters 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 thus have a de minimus impact.

- Wastewater: The applicant will need to install a hair trap before the sewage enters the city systems and provide proposed flows for the facility.
- Water: The Florida Keys Aqueduct Authority already provide potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: AS this is an interior renovation, no additional stormwater control measures would be required.
- Recreation and Open Space: This development will have no impact on recreational open space.
- Roadways: The applicant is redeveloping the site at a lower density and intensity than contained within the prior development, and therefore is assumed to have a de minimis impact on transportation facilities.

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

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

Landscaping has been completed to code per previous permit.

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

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

A 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. It will replace an existing sign already located at above the portion of the building proposed for the new dog facility and shaved ice store.

Therefore, with conditions, 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 generally 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 applicant proposed a new use in an existing building. All activities associate with the use will be located within the occupied space within the building. Activities associates with the new use should not affect other commercial ventures or the neighboring residential community.

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.

The applicant proposes a new use, a dog daycare, grooming, boarding and shaved ice store, at an existing location and in an existing building space. Section 104.63 title "Veterinary Clinic or Hospital" and Section 104.52 titled "Small Animal Shelter or Animal Daycare" have the following special requirements. This conditional use is being conditioned upon the proposed LDR amendments to section 104.52.

- Hours of operation, including times for feeding and use of outdoor areas by the animals, shall occur between 6 a.m. and 7 p.m.
- No boarding of animals as a stand-alone commercial use shall be permitted.
- Boarding of animals as a commercial use shall be permitted as accessory to a grooming or dog training use.
- Soundproofing Required: Any veterinary clinic or hospital with indoor boarding facilities shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the property line shall be subject to the noise regulations in Chapter 14 of the City Code.

Therefore, with the above conditions 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 condition of the Conditional Use approval will have to be met before any building permit will be approved.

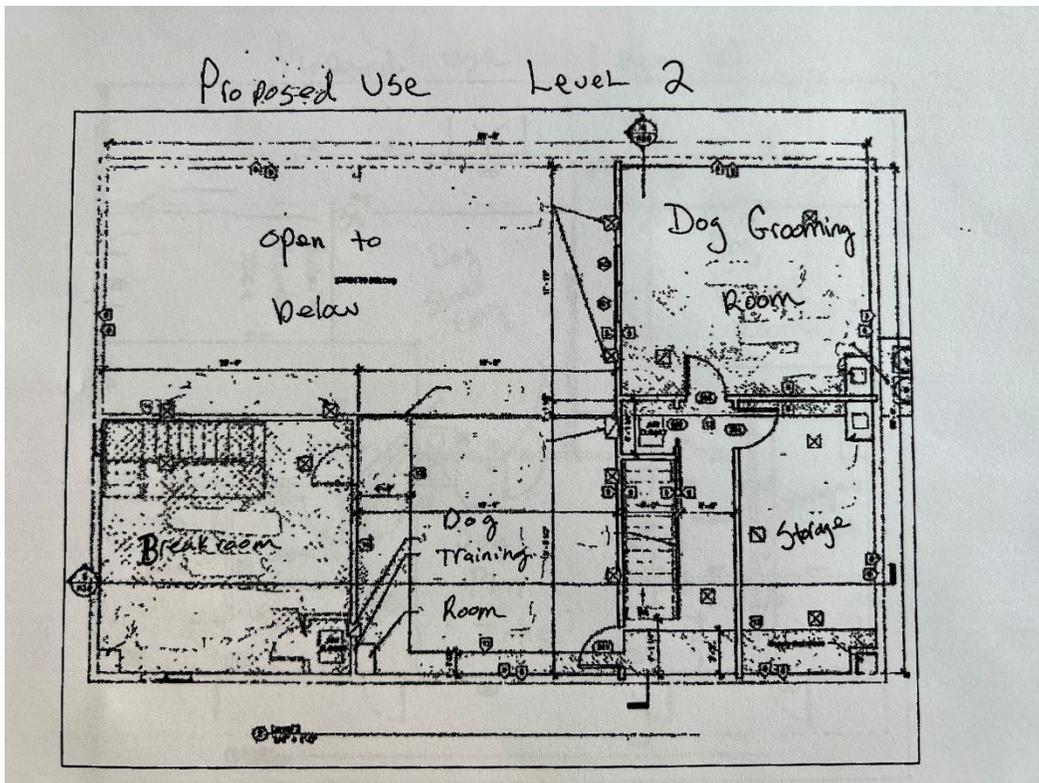
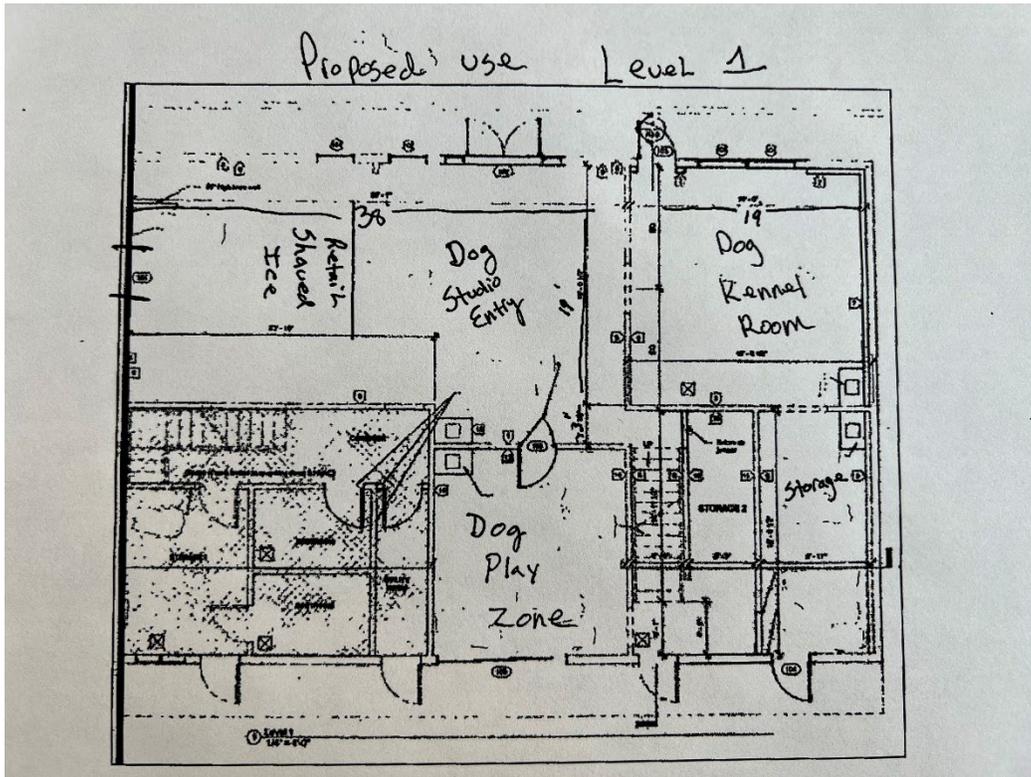
RECOMMENDATION:

Planning staff recommends approval of the proposed Conditional Use Permit allowing a dog daycare, grooming, boarding and shaved ice store 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. A hair trap will need to be installed before the sewage enters the City system and proposed flows for the facility must be provided.
3. Hours of operation, including times for feeding and use of outdoor areas by the animals, shall occur between 6 a.m. and 7 p.m.
4. No boarding of animals as a stand-alone commercial use shall be permitted.
5. Boarding of animals as a commercial use shall be permitted as accessory to a grooming or dog training use.
6. Soundproofing Required: Any veterinary clinic or hospital with indoor boarding facilities shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the property line shall be subject to the noise regulations in Chapter 14 of the City Code.

Floor Layout Plan



PLANNING COMMISSION AGENDA STATEMENT



MEETING DATE: May 16, 2022

FROM: Erin Dafoe, Planner

AGENDA ITEM: An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use Commercial (MU-C) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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 Mobile Home (R-MH) To Mixed Use (MU) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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/OWNER: City of Marathon

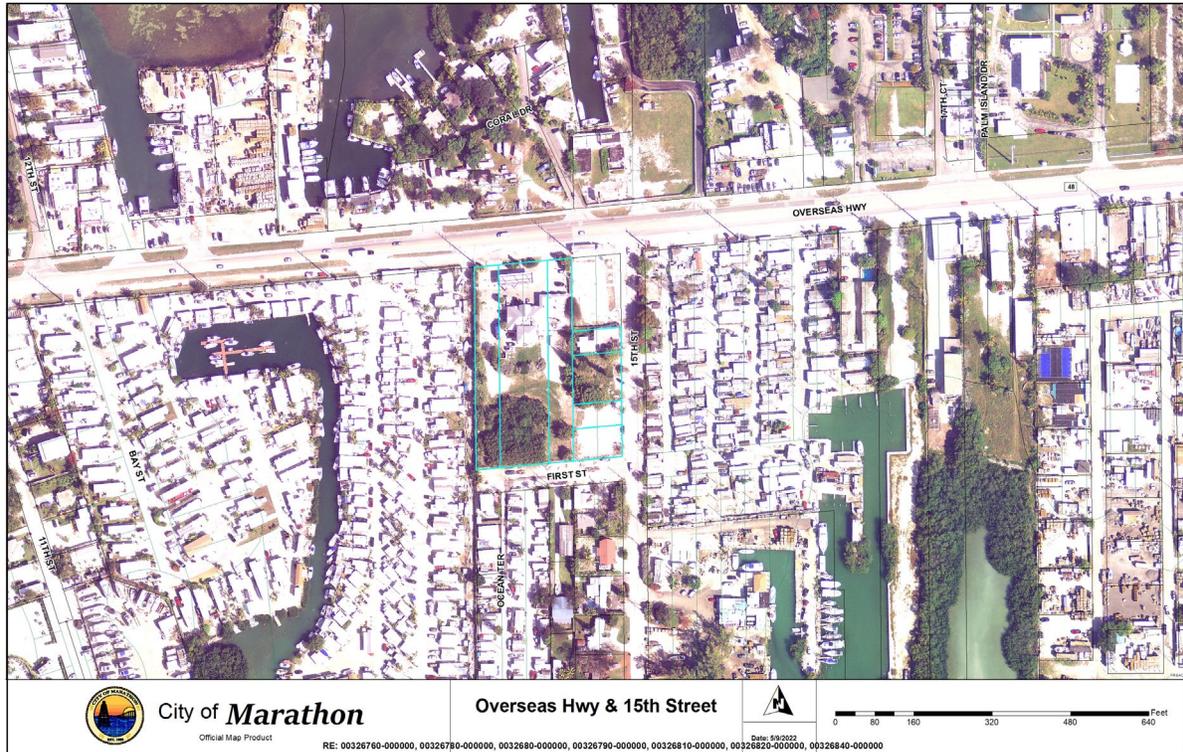
LOCATION: The subject property is located on Overseas Hwy and 15th Street Ocean, nearest Mile Marker 48 and is legally described as Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000

ADDRESS: 1415 Overseas Hwy
Vacant Land Overseas Hwy
1421 Overseas Hwy
263 15th Street Ocean
265 15th Street Ocean
325 15th Street Ocean

REQUEST: Amend the Zoning Map for the subject properties from Residential Mobile Home (RH) to Mixed Use (MU).

LOT AREA: The aggregated size of the parcels is approximately 2.51 acres (109,129 sq./ft.)

LOCATION MAP



BACKGROUND:

These parcels were zoned as Mixed Use and Residential Mobile Home under Monroe County. 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 City of Marathon is requesting the re-designation of the FLUM map and subsequent rezoning to make the parcel Mixed-Use Commercial (MU-C) for commercial retail and development. The FLUM & Zoning changes are addressed in this application.

Pre 2005	Pre 2007	2005	2007
OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
Mixed Use Commercial	Mixed Use and Residential Mobile Home	Residential High	Residential Mobile Home

Existing FLUM and Zoning



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 Land, Commercial Gas Station, Residential Quadplex
 Proposed: Vacant Land, Commercial Gas Station, Residential Quadplex

Surrounding FLUM, Zoning and Uses

The properties subject to the FLUM amendment are located on Overseas Hwy and 15th Street, consisting of seven parcels. The properties are located in an area with Residential Mobile Home and Mixed Use. Adjacent land use includes commercial uses businesses to the North and East, mobile homes, and vacant land to the west and south. 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 (MU-C)	Mixed Use (MU)	Captain Pips and Porky's Bayside
East	Residential High (RH) & Mixed-Use Commercial (MU-C)	Residential Mobile Home (R-MH) and Mixed Use	The Home Spot offices and Trailerama Mobile Home Park
South	Residential High (RH)	Residential Mobile Home (R-MH)	Vacant Land and Ocean Breeze Trailer Park
West	Residential High (RH)	Residential Mobile Home (R-MH)	Galway Bay Mobile Home Park

Existing Habitat

The existing conditions maps indicate the properties are designated as developed. The property is listed on the Species Focus Area for the Eastern Indigo Snake. 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.

FEMA

The properties are within the AE 7 & AE 8 flood zones.

DEVELOPMENT ANALYSIS:

Current FLUM: Residential High (RH)

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

Residential High Allowable Density:

Market Rate – 8 Units per acre

Affordable – 15-25 units per acre

Transient – 15-25 per acre

Proposed FLUM: Mixed Use Commercial (MU-C)

Policy 1-3.1.4 Mixed Use Commercial of the Comprehensive Plan states “the principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns within the City. This land use category is intended to provide for the commercial zoning district 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.”

Mixed Use Commercial Allowable Density

Market Rate – 2-6 Units per acre

Affordable – 10-15 units per acre

Transient – 10-25 units per acre

Commercial-Industrial Intensity Table

Type of Use	FAR ¹
Retail	
<i>Low Intensity</i>	.60
<i>Med Intensity</i>	.45
<i>High Intensity</i>	.25
Office	.60
Commercial Recreation	.15
Institutional	.30
Outdoor Recreational	.15
Public Buildings and Uses	.45
Restaurant/Bar	.60
Industrial	.85
Light Industrial in MU	.30

¹ The FAR for mixed use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided

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, 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

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

Natural Resources

There is no direct impact. It is not within Florida Forever boundaries. Only a few parcels are within the critical habitat areas for the Eastern Indigo Snake.

There are no associated wetlands, estuaries, beach areas or dunes associated with the area proposed for FLUM change. These are protected resources important to the tenants of Chapter 163, 9J-5, F.A.C., or the Principals for Guiding Development.

The proposed FLUM and Zoning amendment is 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 change. Therefore, the FLUM change would have no impacts 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 and Zoning 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 change would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM and Zoning amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

• Stormwater infrastructure

Stormwater infrastructure capacity and means of water quality protection represents 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.

Staff believes that the proposed FLUM and Zoning change would have a diminimus impact on stormwater infrastructure capacity.

- **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 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 (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 and Zoning change, any increase would have a diminimus impact on potable water infrastructure capacity. The proposed FLUM and Zoning amendment is, 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 change would maintain concurrency levels of solid waste infrastructure capacity. The proposed FLUM and Zoning amendment is, 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 change would maintain concurrency levels of transportation on U.S. Highway 1. The proposed FLUM and Zoning amendment is, 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 City has well over 200 developed or approved affordable housing units. The proposed FLUM and Zoning change would facilitate a potential for a decrease in affordable housing on site. The Mixed Use FLUM category allows for a potential decrease of 10 units per acre of affordable housing versus the RH FLUM category.

The proposed FLUM and Zoning change will have the effect of reducing the potential for affordable housing projects. However affordable housing is still a potential use on the site under the proposed zoning and FLUM. The proposed FLUM and Zoning amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

Hazard Mitigation

• Coastal High Hazard Areas

The subject parcel, closest to the Atlantic Ocean, is in a Coastal High Hazard Area (CHHA). Any future development on site, if encroaching into this zone, 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 change results in a diminished hazard to public safety. The proposed FLUM and Zoning amendment is, 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 change would have a positive impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM and Zoning amendment is, 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. Marinas are allowed under a conditional use permit in the Mixed Use (MU) zoning district under the City's Land Development Regulations; while no marina development is foreseeable, a Marina Operating Permit, consistent with the LDRs would be required, this would include obtaining coordination letters from external agencies, and all necessary Federal, State, and local approvals and permitting. This is a landlocked parcel, so a marina is not feasible.

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 of the

above-mentioned entities. The proposed FLUM and Zoning amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

SUMMARY:

The City of Marathon has requested a change in the FLUM designation for the parcels located on Overseas Hwy and 15th Street. Currently the property is designated as Residential High (RH). The City is requesting a change to Mixed Use-Commercial (MU-C), and subsequent rezoning of the parcel.

The City of Marathon has requested a change in the Zoning designation for the parcels located on Overseas Hwy and 15th Street. Currently the property is designated as Residential Mobile Home (R-MH). The City is requesting a change to Mixed Use (MU).

Staff finds the proposed rezoning 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 Council for transmittal of the request to amend the FLUM for this parcel from Residential High (RH) to Mixed Use Commercial (MU-C).

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).

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.