



## CITY OF MARATHON, FLORIDA

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9805 Overseas Highway, Marathon, Florida 33050  
Phone: (305) 743-0033 Fax: (305) 743-3667

August 10, 2020

VIA FEDEX

Mr. Ray Eubanks  
Administrator Plans Review & Processing  
Florida Department of Economic Opportunity  
107 E. Madison Street  
Caldwell Building, MSC 160  
Tallahassee, Florida 32399

RE: **Transmittal of Ordinance 2020-XX (Proposed Comp Plan Amendment 2020-02)**

Dear Mr. Eubanks,

Ordinance 2020-xx is a proposed amendment to the City of Marathon Comprehensive Plan and is therefore subject to State Coordinated Review process pursuant to Section 163.3184(4), Florida Statutes.

The Ordinance included herein was approved for transmittal by the City of Marathon City Council on July 14, 2020. An Ordinance of the City Of Marathon, Florida proposing To Amend The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000;. This transmittal package contains one (1) hard copy and two (2) CD's of relevant documents including proposed Ordinance reviewed by the City Council, staff agenda reports, and other pertinent materials.

Having been transmitted by the City of Marathon, please accept this proposed adoption package on behalf of the Department of Economic Opportunity.

Copies of this transmittal have been sent to all appropriate review agencies.

Thank you in advance for your review. Should you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "George Garrett". The signature is written in a cursive style with a long horizontal line extending from the end.

George Garrett,  
Director of Planning  
City of Marathon

[garrettg@ci.marathon.fl.us](mailto:garrettg@ci.marathon.fl.us)

cc: Isabella Cosio Carballo, South Florida Regional Planning Council  
Deena Woodward, Department of State, Bureau of Historic Preservation  
Scott Sanders, Florida Fish and Wildlife Commission  
Comp Plan Review, Department of Agriculture and Consumer Services  
Plan Review, Department of Environmental Protection  
Terry Manning, South Florida Water Management District  
Shereen Yee Fong, Florida Department of Transportation  
Kylene Casey, Department of Education  
Christine Hurley, Monroe County Growth Management Director



CITY OF  
**MARATHON**, FLORIDA  
Planning Department

9805 Overseas Hwy, Marathon, FL 33050  
Phone (305) 743-0033 www.ci.marathon.fl.us

Office Use Only	
Recv'd: <u>Received</u>	By: _____
App#: <u>JAN 9 REC'D</u>	_____
#: _____	_____
Meeting Date: <u>Planning</u>	_____

**Comprehensive Plan Text or Map (FLUM) Amendment Application 2017**

**FEE: \$3,000.00.** The fee is payable upon application submittal.

\*Any additional meeting with mailed & published notice will be charged additional \$1,500.00

Please check:  Comprehensive Plan Text Amendment  Map Amendment (FLUM)

**Applicant Name:** MR. CHRIS STILES, STILES FAMILY PARTNERSHIP, LLC.

**Mailing Address:** 111 SOLDIER LANE, BERRYVILLE, VA., 22611

**Phone Number:** 540-327-9060 Phone (Alt): \_\_\_\_\_

**Email:** STILESCR@AOL.COM

*April 20 PC*

**Agent Name:** L. STEVEN HURLEY

**Mailing Address:** 11400 OVERSEAS HIGHWAY, STE 208, MARATHON, FL. 33050

**Phone Number:** 305-517-6469 Phone (Alt): \_\_\_\_\_

**Email:** SH@DDAI-ENGINEERS.COM

\*Property owner must submit a notarized letter authorizing the agent to act on his/her behalf.

**Property Owner Name:** SAME AS APPLICANT

**Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ Phone (Alt): \_\_\_\_\_

**Email:** \_\_\_\_\_

**Legal Description of Property:**

**SEE ATTACHED SURVEY**

**Key:** VACA Mile Marker: 52±

**RE Number:** 00335200-000000

*If in metes and bounds, attach a legal description on separate sheet.*

*Rm to MU-C FLUM  
to allow parking lot  
to remain.*



**Marathon Information System**  
**City Of Marathon**  
**CITY BOOKS**  
 1/30/2020 9:58:48 AM

**PAYMENT RECEIPT**  
**DEVELOPMENT APPLICATION**

Development Receipt

Date: 30 January 2020

RE: VACANT LAND

Paid By: Stiles Family

Real Estate #: 00335200-000000

PO Box 522592

Receipt #: DP2020-0014

MS, FL 33052

Project #: DP2020-0016

Received By: Lorie Mullins

Paid With: Check

Check #: 67

Amount: \$3,000.00

**\$: Three Thousand Dollars**

Receipt From: \_\_\_\_\_

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

67

**Stiles Family Partnership LLC**  
 PO BOX 522592  
 Marathon Shores, FL 33052

**Branch Bank & Trust Co**  
 Marathon, FL 33050  
 63-91/2631

12/23/2019

PAY TO THE ORDER OF City of Marathon

\$ \*\*3,000.00

Three Thousand and 00/100\*\*\*\*\* DOLLARS

MEMO  
 City of Marathon  
 C/O DDAI  
 11400 Overseas Hwy  
 Suite 208  
 Marathon FL 33050  
 Future Land Use Map Amendment



*Linda M. Krueger*  
 AUTHORIZED SIGNATURE MP

⑈000067⑈ ⑆263191387⑆0000244968228⑈

Security features included. Details on back.

**Property Description:**

Street Address of Property (if applicable), or General Location Description:

10701 6TH AVENUE, MARATHON, FL

Parcel Number(s): 00335200-000000

Land Use District: RESIDENTIAL MEDIUM (RM)

Zoning District: IMPROVED SUBDIVISION

Present Use of Property: EXISTING PARKING LOT

Proposed Use of Property: MIXED USE (MU), PARKING LOT TO REMAIN

Property Site Size: +/- 0.19 AC

Gross Floor Area in Sq Ft (Non-Residential Use): 0 (EXISTING PARKING LOT)

Number of Residential Units to be Built: 0

Number of Affordable or Employee Housing Units to be Built: 0

Number of Hotel-Motel, Recreational Vehicle, Institutional Residential or Campground Units to be built per Type: 0

Has an Application Been Submitted for this Site Within the Past Two Years?  Yes  No

If Yes, Name of the Applicant and Date of the Application:

\_\_\_\_\_  
Name Date

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

L. STEVEN HURLEY

\_\_\_\_\_  
Applicant or Agent Name (Please Print)

[Signature]  
Signature of Applicant or Agent

12-27-19  
Date

**NOTARY STATE OF FLORIDA,  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this 27 day of Dec., 2019, by Steven Hurley who is personally known or who produced \_\_\_\_\_ for identification.

[Signature]  
Signature of Notary Public – State of Florida

**NOTARY PUBLIC**  
MARK SENMARTIN  
MY COMMISSION # GG 020004  
EXPIRES: August 9, 2020  
Banded: The Budget Notary Services  
Commission Expires:

**CITY OF MARATHON PLANNING DEPARTMENT**

OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE CHRIS STILES  
Print name(s) of property owner(s)

Hereby Authorize: L. STEVEN HURLEY  
Print name of Agent

to represent me/us in processing an application for: MAP AMENDMENT (FLUM)  
Type of Application

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

CHRIS STILES  
(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

NOTARY STATE OF ~~FLORIDA~~ West Virginia  
COUNTY OF ~~MONROE~~ Jefferson  
The foregoing instrument was acknowledged before me on this 2nd day of January, 2020, by CHRIS STILES who is personally known or who produced DRIVERS LICENSE for identification.  
Madison Beam Signature of Notary Public - State of ~~Florida~~ West Virginia My Commission Expires August 15th 2024



CITY OF MARATHON PLANNING DEPARTMENT

Phone (305) 743-0033 | [planning@cityofmarathon.fl.us](mailto:planning@cityofmarathon.fl.us) | [www.cityofmarathon.fl.us/government/planning/](http://www.cityofmarathon.fl.us/government/planning/)

**Chapter 102, Article 6 – COMPREHENSIVE PLAN AMENDMENT**

**Explain how this application complies with the approval criteria listed below.**

Use additional sheets as necessary

1. Describe any potential impacts to the following Natural Resources arising from the proposed change

a. Wetlands

**SEE ATTACHED**

b. Estuaries

**SEE ATTACHED**

c. Living marine resources

**SEE ATTACHED**

d. Beaches / Dunes

**SEE ATTACHED**

e. Unique wildlife habitat

**SEE ATTACHED**

f. Water Quality

**SEE ATTACHED**

2. Describe any potential impacts to Historic Resources arising from the proposed change

**SEE ATTACHED**

3. Describe any potential impacts to City Infrastructure arising from the proposed change

a. Wastewater

**SEE ATTACHED**

b. Stormwater

**SEE ATTACHED**

c. Potable Water

**SEE ATTACHED**

d. Solid Waste

**SEE ATTACHED**

e. Transportation

**SEE ATTACHED**

4. Describe any potential impacts to Affordable Housing arising from the proposed change

SEE ATTACHED

5. Describe any potential impacts to the Coastal High Hazard Area arising from the proposed change.

SEE ATTACHED

6. Describe any potential impacts to Hurricane Evacuation arising from the proposed change.

SEE ATTACHED

7. Describe any potential impacts to Marina Siting or Ports arising from the proposed change.

SEE ATTACHED

8. Describe any potential impacts to the following public use items arising from the proposed change

a. Shoreline use and Access

SEE ATTACHED

b. Water dependant and independent activity

SEE ATTACHED

9. Describe any Land Acquisition associated with the proposed change

SEE ATTACHED





DAVID DOUGLAS ASSOCIATES, INC.

STILES 10701 6<sup>th</sup> STREET

## COMPREHENSIVE PLAN AMENDMENT - APPROVAL CRITERIA

- CHAPTER 102, ARTICLE 6

### 1. DESCRIBE ANY POTENTIAL IMPACTS TO THE FOLLOWING NATURAL RESOURCES ARISING FROM THE PROPOSED CHANGE

#### A. WETLANDS

The proposed development does not impact any wetlands. The area for the Comprehensive Plan Amendment (Comp Plan Amend) is upland property. See attached site plan.

#### B. ESTUARIES

There are no known estuaries on the development portion of the site.

#### C. LIVING MARINE RESOURCES

There are no known Living Marine Resources within the development portion of the site.

#### D. BEACHES / DUNES

There are no known Beaches/Dunes within the development portion of the site.

#### E. UNIQUE WILDLIFE HABITAT

There is no known Unique Wildlife Habitat within the development portion of the site.

#### F. WATER QUALITY

Currently there is no Storm Water Management facilities onsite. However there are existing Storm water basins within the local Rights of Ways which will remain.

### 2. DESCRIBE ANY POTENTIAL IMPACTS TO HISTORIC RESOURCES

There are no known Historic Resources on this parcel.

### 3. DESCRIBE ANY POTENTIAL IMPACTS TO THE CITIES INFRASTRUCTURE ARISING FROM THE PROPOSED CHANGE

#### Objective 3-1.1 Adopt Level of Service Standards

The City shall ensure that, at the time a development permit is issued, adequate wastewater treatment facilities, storm water facilities, storm water facilities, potable water and solid waste disposal facilities are available to support the development at adopted level of serviced standards, concurrent with the impacts of such development, in accordance with the following policies. §163.3180(1)(b) F.S.

NOTE: This is a Comp Plan Amend application. ALL future design will incorporate all current agency requirements.

#### A. WASTE WATER

Existing Sanitary Sewer infrastructure is available adjacent to the site. However there are no development plans for the site. The site will remain as a parking lot.

**B. STORM WATER**

Any future site design will comply with all current agency regulations.

**Policy 3-1.1.2 Adopt Storm water Management Level of Service Standards**

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

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

**C. POTABLE WATER**

Existing Potable Water infrastructure is available adjacent to the site. However there are no development plans for the site. The site will remain as a parking lot.

The future site design will incorporate all current regulations per the Department of Health and the Florida Keys Aqueduct Authority. This will include agency permitting as well.

**Policy 3-1.1.3 Adopt Potable Water Level of Service Standards**

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

TABLE 3-2 Potable Water LOS	
Measure	LOS Standard
Residential LOS	66.5 gal/cap/day
Non Residential LOS	0.35 gal/sq. ft./day
Overall LOS	100 gal/cap/day
Equivalent Residential Unit	149 gal/day
Minimum Pressure	20 PSI at customer service

Minimum Quality	Shall be defined by the USEPA (part 143 National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)
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Source: Monroe County 2010 Comprehensive Plan

#### D. SOLID WASTE

There are no future development plans for the referenced site. It will remain as a parking lot.

#### E. TRANSPORTATION

##### Policy 7-1.1.1 Adopt Level of Service Standards

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

The referenced site will remain as a parking lot. No additional traffic is anticipated.

#### 4. DESCRIBE ANY IMPACTS TO AFFORDABLE HOUSING

There are no plans for development of the site, it will remain as a parking lot.

#### 5. DESCRIBE ANY POTENTIAL IMPACTS TO THE COASTAL HIGH HAZARD AREA ARISING FROM THE PROPOSED CHANGE

##### Per Objective 4-1.17: Minimal Coastal Hazards

The City shall adopt Land Development Regulations which regulate development activities in a manner that minimizes the danger to life and property occasioned by hurricane events.

##### Policy 4-1.17.1: Coastal high-Hazard Area Defined

As defined in Chapter 163.3178 F.S., the coastal high-hazard area (CHHA) is that area below the elevation of the Category 1 storm surge line as established in the latest Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model developed for use originally by the National Hurricane Center South (Statewide Regional Evacuation Study Program, Volume 7-11, Book 3 of 3).

The property is located within flood Zone AE with Elevation of 7 NGVD according to the attached survey.

**6. DESCRIBE ANY POTENTIAL IMPACTS TO HURRICANE EVACUATION ARISING FROM THE PROPOSED CHANGE**

**Per Objective 4-1.21: Hurricane Evacuation**

The City shall maintain a hurricane evacuation time as required by the State and provide for a safe and efficient evacuation in the event of a hurricane and ensuring a safe and efficient Post Disaster Plan.

No additional development plans are anticipated for the property. It will remain as a parking lot.

**7. DESCRIBE ANY POTENTIAL IMPACTS TO MARINA SITING OR PORTS ARISING FROM THE PROPOSED CHANGE**

**Per Objective 4-1.12: Establish Marine Siting Criteria**

The City shall establish criteria for marina siting which shall meet or exceed State standards to protect marine resources.

The proposed Comprehensive Map Amendment (FLUM) does not include marina or dockage. The proposed does not impact the marine environment including sea life communities.

**8. DESCRIBE ANY POTENTIAL IMPACTS TO THE FOLLOWING PUBLIC USE ITEMS ARISING FROM THE PROPOSED CHANGE**

**A. SHORELINE USE AND ACCESS**

No proposed shoreline activities or uses are requested.

**B. WATER DEPENDENT AND INDEPENDENT ACTIVITY**

No proposed water dependent or independent activities are proposed within the proposed request.

**9. DESCRIBE ANY LAND ACQUISITION ASSOCIATED WITH THE PROPOSED CHANGE**

There are no known additional land acquisitions associated with this project.













Prepared by and return to:  
Wolfe Stevens PLLC  
2955 Overseas Highway  
Marathon, FL 33050

Doc # 2231975 Blk# 2979 Pg# 485  
Recorded 8/9/2019 10:48 AM Page 1 of 2

Deed Doc Stamp \$0.70  
Filed and Recorded in Official Records of  
**MONROE COUNTY KEVIN MADOK, CPA**

Parcel ID No.: 00335200-000000

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 23rd day of May, 2019 between

Stiles Family Partnership Number Two, a West Virginia Partnership,  
whose post office address is 111 Soldiers Lane, Berryville, VA 22611 Grantor, and

Stiles Family Partnership, LLC, A Florida limited liability company  
whose post office address is PO Box 522592 Marathon Shores, 33052 Grantee:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which Grantor has in and to the following described land, situate, lying and being in Monroe County, Florida to-wit:

**Lot 9, Block 3, KEY COLONY SUBDIVISION #4, according to the Plat thereof as recorded in Plat Book 4, Page 23, Public Records of Monroe County, Florida.**

There is no consideration given for this deed as ownership is being conveyed from a West Virginia partnership wholly owned by Christopher Stiles and Lori Stiles to a Florida limited liability company which is also wholly owned by Christopher Stiles and Lori Stiles.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantors, either in law or equity, for the use, benefit and profit of the said Grantee forever.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Stiles Family Partnership Number Two, a West Virginia partnership

[Signature]  
Witness Name: Desiree Baker

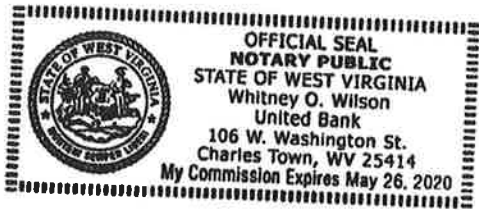
[Signature]  
By: Christopher R. Stiles - Managing Partner

[Signature]  
Witness Name: Julia Leonard

[Signature]  
By: Lori H. Stiles - Partner

STATE OF West Virginia  
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of July, 2019 by Christopher R. Stiles and Lori H. Stiles who is personally known to me or has produced Driver License as identification.



[Signature]  
Notary Public, State of ~~Florida~~ W.V.  
Printed Name: Whitney O. Wilson  
My Commission Expires: May 26, 2020



# CITY OF MARATHON, FLORIDA NOTICE OF PUBLIC HEARINGS

## YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Marathon Planning Commission and City Council will be holding a Public Hearing:

An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca , Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; 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 Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; 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:** Stiles Family Partnership, LLC. / Mr. Chris Stiles

**Project Location:** 10701 6<sup>th</sup> Ave Gulf

**Date of Hearing:** Monday, June 15, 2020, Planning Commission  
Tuesday, July 14, 2020, City Council

**Time of Hearing:** 5:30 PM

**Location of Hearing:** 9805 Overseas Highway  
City Hall Council Chambers

## LOCATION MAP



Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding applications are available from the City of Marathon Planning Department located at 9805 Overseas Highway, Marathon, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Council 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 or the City Council hearing due to disability should contact the City of Marathon at (305) 743-0033 at least two days prior thereto.

## PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: June 15, 2020

From: George Garrett, Planning Director

An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca , Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; 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:** Mr. Chris Stiles, Stiles Family Partnership LLC

**AGENT:** L. Steven Hurley

**LOCATION:** The subject property is located on 6<sup>th</sup> Avenue Gulf, nearest Mile Marker 52 and is legally described as Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000.

**ADDRESS:** 10701 6<sup>th</sup> Avenue

**REQUEST:** Amend the Zoning Map for the subject properties from Residential Medium (RM) to Mixed Use (MU).

**LOT AREA:** The aggregated size of the parcels is approximately .19 acres (8,250 sq./ft.)

### **BACKGROUND:**

These parcels were zoned as Suburban Commercial (SC) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed Use Commercial (MUC) designation along US1. The FLUM change is not addressed in this application. Existing use on the vacant property is a parking lot.

The applicants have stated that the FLUM and zoning designation should be the same as the adjacent owned commercial property that the parking lot is used for.

	Pre 2005	Pre 2007	2005	2007
	OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
	Suburban Commercial	Suburban Commercial	Residential Medium	Residential Medium

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

*Future Land Use Map Designation*

Current: Residential Medium (RM)  
Proposed: Mixed Use Commercial (MUC)

*Land Use (Zoning) District Designation*

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

*Use of Properties*

Existing: Residential  
Proposed: No plans at this time

**Surrounding FLUM, Zoning and Uses**

The property subject to the FLUM amendment is located on 6<sup>th</sup> Avenue Gulf and consists of one parcel. The property is located next to a property under the same ownership that is zoned Mixed Use. Adjacent land use to the East and North is Residential Medium. Across the street the zoning is Industrial General. 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>
<b>North</b>	Residential Medium (RM)	Residential Medium (RM)	Duplexes and SFR
<b>East</b>	Residential Medium (RM)	Residential Medium (RM)	Duplexes and SFR
<b>South</b>	Industrial (I)	Industrial General (IG)	Auto Repair and storage
<b>West</b>	Mixed Use Commercial (MUC)	Mixed Use (MU)	Storage and commercial.

**Existing Habitat**

The existing conditions maps indicate the properties are designated as developed. 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 flood zone.

**DEVELOPMENT ANALYSIS:**

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

*Policy 1-3.1.4 Residential Medium* of the Comprehensive Plan states “the principal purpose of the Residential Medium land use category is to provide for medium density residential development.”

***Residential Medium Allowable Density:***

Market Rate – 5 Units per acre

Affordable – 10 units per acre

**Proposed FLUM: Mixed Use Commercial (MUC)**

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

<sup>1</sup> 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 amendment and for future comprehensive plan amendments.

### **Natural Resources**

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

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. Similarly, no living marine resources adjacent to the subject area would be adversely impacted by the proposed change in the FLUM map.

The proposed FLUM 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 amendment is therefore consistent with these

provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

## **Infrastructure**

### **• Wastewater infrastructure**

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM change would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 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 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 change, any increase would have a diminimus impact on potable water infrastructure capacity. The proposed FLUM 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 change would maintain concurrency levels of solid waste infrastructure capacity. The proposed FLUM 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 change would maintain concurrency levels of transportation on U.S. Highway 1. The proposed FLUM 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 change would facilitate a potential for increased affordable housing on site. The Public FLUM category allows for a potential increase of 15 units per acre of affordable housing versus the RM FLUM category.

The proposed FLUM change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM 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 change results in a diminished hazard to public safety. Permanent residential would be replaced with non- residential and therefore represents decreased development in the CHHA on site. The proposed FLUM 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 change would have a positive impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM 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 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.

The proposed FLUM 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 change will have no adverse impact on public access to water. The proposed FLUM 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 change would have no impact on land acquisition efforts of the above mentioned entities so long a conservation easement is ensured. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **SUMMARY:**

The applicants have requested a change in the Zoning designation for the parcel located on 6<sup>th</sup> Avenue Gulf. Currently the property is designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

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 Zoning Map for this parcel from Residential Medium (RM) 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.

## PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: June 15, 2020

From: George Garrett, Planning Director

Agenda Item: 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 The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; 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:** Mr. Chris Stiles, Stiles Family Partnership LLC

**AGENT:** L. Steven Hurley

**LOCATION:** The subject property is located on 6<sup>th</sup> Avenue Gulf, nearest Mile Marker 52 and is legally described as Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000.

**ADDRESS:** 10701 6<sup>th</sup> Avenue

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

**LOT AREA:** The aggregated size of the parcels is approximately .19 acres (8,250 sq./ft.)

### BACKGROUND:

These parcels were zoned as Suburban Commercial (SC) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed Use Commercial (MU-C) designation along US1. The rezoning is not addressed in this application. Existing use on the vacant property is a parking lot.

The applicants have stated that the FLUM and zoning designation should be the same as the adjacent owned commercial property that the parking lot is used for.

	Pre 2005	Pre 2007	2005	2007
	OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING

	Suburban Commercial	Suburban Commercial	Residential Medium	Residential Medium
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**Current and Proposed Future Land Uses and Zoning**

*Future Land Use Map Designation*

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

*Land Use (Zoning) District Designation*

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

*Use of Properties*

Existing: Residential  
Proposed: No plans at this time

**Surrounding FLUM, Zoning and Uses**

The property subject to the FLUM amendment is located on 6<sup>th</sup> Avenue Gulf and consists of one parcel. The property is located next to a property under the same ownership that is zoned Mixed Use. Adjacent land use to the East and North is Residential Medium. Across the street the zoning is Industrial General. 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>
<b>North</b>	Residential Medium (RM)	Residential Medium (RM)	Duplexes and SFR
<b>East</b>	Residential Medium (RM)	Residential Medium (RM)	Duplexes and SFR
<b>South</b>	Industrial (I)	Industrial General (IG)	Auto Repair and storage
<b>West</b>	Mixed Use Commercial (MUC)	Mixed Use (MU)	Storage and commercial.

**Existing Habitat**

The existing conditions maps indicate the properties are designated as developed. 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 flood zone.



**DEVELOPMENT ANALYSIS:**

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

*Policy 1-3.1.4 Residential Medium* of the Comprehensive Plan states “the principal purpose of the Residential Medium land use category is to provide for medium density residential development.”

***Residential Medium Allowable Density:***

Market Rate – 5 Units per acre

Affordable – 10 units 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 <sup>1</sup>
<b>Retail</b>	
<i>Low Intensity</i>	<b>.60</b>
<i>Med Intensity</i>	<b>.45</b>
<i>High Intensity</i>	<b>.25</b>
<b>Office</b>	<b>.60</b>
<b>Commercial Recreation</b>	<b>.15</b>
<b>Institutional</b>	<b>.30</b>
<b>Outdoor Recreational</b>	<b>.15</b>
<b>Public Buildings and Uses</b>	<b>.45</b>
<b>Restaurant/Bar</b>	<b>.60</b>
<b>Industrial</b>	<b>.85</b>
<b>Light Industrial in MU</b>	<b>.30</b>

<sup>1</sup> 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
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- Land Acquisition
  - Conservation
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These bullet items will be utilized as the focus points for review of the proposed FLUM amendment and for future comprehensive plan amendments.

### **Natural Resources**

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

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. Similarly, no living marine resources adjacent to the subject area would be adversely impacted by the proposed change in the FLUM map.

The proposed FLUM 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 amendment is therefore consistent with these

provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

## **Infrastructure**

### **• Wastewater infrastructure**

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

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Staff believes that the proposed FLUM 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.

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- **Transportation**

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

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The proposed FLUM change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM 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).

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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.

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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 change results in a diminished hazard to public safety. Permanent residential would be replaced with non- residential and therefore represents decreased development in the CHHA on site. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

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The proposed FLUM change would have a positive impact on hurricane evacuation times with the BPAS system in place. The proposed FLUM 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 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.

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### **Public Use – Access to Water**

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The proposed FLUM change would have no impact on land acquisition efforts of the above mentioned entities so long a conservation easement is ensured. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **SUMMARY:**

The applicants have requested a change in the Future Land Use Map (FLUM) designation for the parcel located on 6<sup>th</sup> Avenue Gulf. Currently the property is designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

Staff finds the proposed FLUM change 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 Future Land Use Map for this parcel from Residential Medium (RM) to Mixed Use Commercial (MU-C).

**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.



## COUNCIL AGENDA STATEMENT



**Meeting Date:** July 14, 2020  
**To:** Honorable Mayor and Council Members  
**From:** George Garrett, Planning Director  
**Through:** Chuck Lindsey, City Manager

**Agenda Items:** An Ordinance Of The City Of Marathon, Florida Based On A Request By Mr. Chris Stiles To Amend The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; 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.

An Ordinance Of The City Of Marathon, Florida Based On A Request By Mr. Chris Stiles To Amend The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca , Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; 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:** Mr. Chris Stiles, Stiles Family Partnership LLC

**AGENT:** L. Steven Hurley

**LOCATION:** The subject property is located on 6<sup>th</sup> Avenue Gulf, nearest Mile Marker 52 and is legally described as Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000.

**ADDRESS:** 10701 6<sup>th</sup> Avenue

### Location Map



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

**LOT AREA:** The aggregated size of the parcels is approximately .19 acres (8,250 sq./ft.)

**BACKGROUND:**

These parcels were zoned as Suburban Commercial (SC) under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Residential Medium (RM) FLUM designation and were in turn zoned as Residential Medium (RM) when the City adopted the current zoning maps in 2007. The applicants are requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed Use Commercial (MU-C) designation along US1. The rezoning is not addressed in this application. Existing use on the vacant property is a parking lot.

The applicants have stated that the FLUM and zoning designation should be the same as the adjacent owned commercial property that the parking lot is used for.

	Pre 2005	Pre 2007	2005	2007
	OLD FLUM	OLD ZONING	CURRENT FLUM	CURRENT ZONING
	Suburban Commercial	Suburban Commercial	Residential Medium	Residential Medium

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

*Future Land Use Map Designation*

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

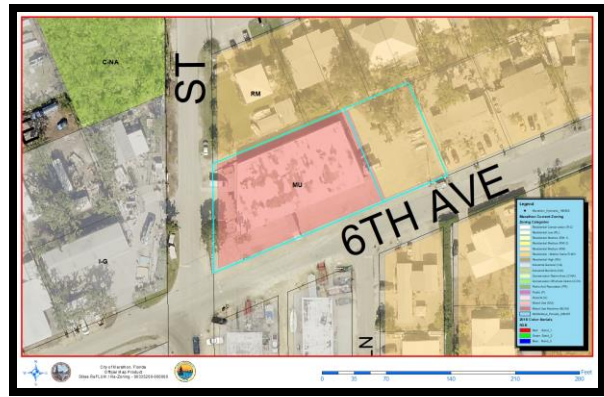
*Land Use (Zoning) District Designation*

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

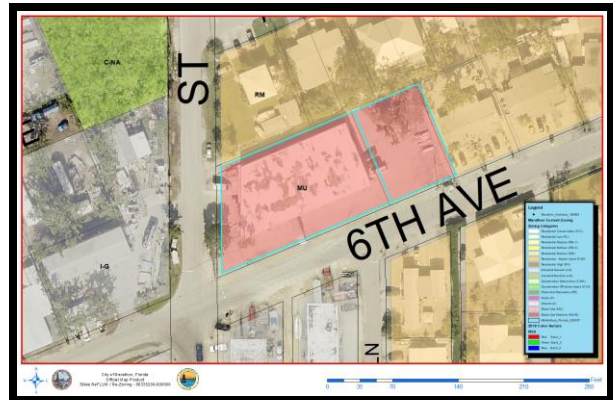
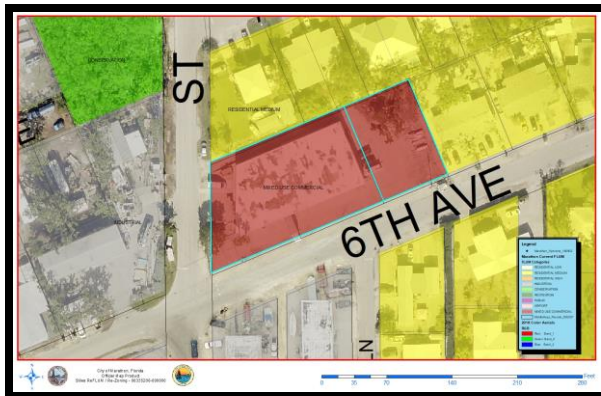
*Use of Properties*

Existing: Residential  
 Proposed: No plans at this time

**CURRENT FLUM & Zoning**



**PROPOSED FLUM and Zoning**



**Surrounding FLUM, Zoning and Uses**

The property subject to the FLUM amendment is located on 6<sup>th</sup> Avenue Gulf and consists of one parcel. The property is located next to a property under the same ownership that is zoned Mixed Use. Adjacent land use to the East and North is Residential Medium. Across the street the zoning is Industrial General. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<b><u>Existing FLUM</u></b>	<b><u>Existing Zoning</u></b>	<b><u>Existing Uses</u></b>
<b>North</b>	Residential Medium (RM)	Residential Medium (RM)	Duplexes and SFR
<b>East</b>	Residential Medium (RM)	Residential Medium (RM)	Duplexes and SFR
<b>South</b>	Industrial (I)	Industrial General (IG)	Auto Repair and storage
<b>West</b>	Mixed Use Commercial (MUC)	Mixed Use (MU)	Storage and commercial.

**Existing Habitat**

The existing conditions maps indicate the properties are designated as developed. 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 flood zone.

### **DEVELOPMENT ANALYSIS:**

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

**Policy I-3.1.4 Residential Medium** of the Comprehensive Plan states “the principal purpose of the Residential Medium land use category is to provide for medium density residential development.”

#### ***Residential Medium Allowable Density:***

Market Rate – 5 Units per acre

Affordable – 10 units per acre

#### **Proposed FLUM: Mixed Use Commercial (MU-C)**

**Policy I-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 <sup>1</sup>
<b>Retail</b>	
<i>Low Intensity</i>	.60
<i>Med Intensity</i>	.45
<i>High Intensity</i>	.25
<b>Office</b>	.60
<b>Commercial Recreation</b>	.15
<b>Institutional</b>	.30
<b>Outdoor Recreational</b>	.15
<b>Public Buildings and Uses</b>	.45
<b>Restaurant/Bar</b>	.60
<b>Industrial</b>	.85
<b>Light Industrial in MU</b>	.30

<sup>1</sup> 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 amendment and for future comprehensive plan amendments.

### **Natural Resources**

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

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. Similarly, no living marine resources adjacent to the subject area would be adversely impacted by the proposed change in the FLUM map.

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

### **Historical and Cultural Resources**

Protection of historical and cultural resources is crucial under the City's Comprehensive Plan,

Chapters 163 and 380 F.S.

There are no known historical or cultural resources associated with the subject properties or within the area of the requested FLUM and Zoning 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 subject property inclusive of the area of the proposed FLUM change is served by the Area 5 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes and determined that there would be no adverse impact on sewer capacity if the proposal were approved.

The proposed FLUM and Zoning changes would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM and Zoning amendments are, 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 changes 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 changes and 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 maintain concurrency levels of solid waste 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.

- **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 changes would maintain concurrency levels of transportation on U.S. Highway One. 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 change would facilitate a potential for increased affordable housing on site. The Public FLUM category allows for a potential increase of 15 units per acre of affordable housing versus the RM FLUM category.

The proposed FLUM and Zoning change will have the effect of enhancing 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 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. Permanent residential would be replaced with non- residential and therefore represents decreased development in the CHHA on site. 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 Change change would have a positive 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 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.

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 and Zoning 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 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 so long a conservation easement is ensured. The proposed FLUM and Zoning amendments are, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **SUMMARY:**

The applicants have requested a change in the Future Land Use Map (FLUM) designation for the parcel located on 6<sup>th</sup> Avenue Gulf. Currently the property is designated as Residential Medium (RM). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

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

### **RECOMMENDATION:**

The Planning Commission provides a unanimous (3/0 — Mike Leonard and Mike Cinque absent

with excused absences) recommendation of approval of the proposed FLUM and Zoning changes to Mixed Use-Commercial (FLUM) and Mixed Use (Zoning).

**Sponsored By:** Lindsey  
**Planning Commission Public Hearing Date:** June 15, 2020  
**City Council Public Hearing Dates:** July 14, 2020  
TBD  
**Enactment Date:** TBD

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2020-XXX**

**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 THE PROPERTY DESCRIBED AS BLOCK 3 LOT 9, KEY COLONY SUBDIVISION, KEY VACA, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00335200-000000; 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.**

**WHEREAS**, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend the City's Future Land Use Map (the "Map") to change the land use district designation of property owned by Mr. Chris Stiles, from Residential Medium (RM) to Mixed Use-Commercial (MU-C); and

**WHEREAS**, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed FLUM Map amendment on June 15, 2020 at a duly noticed public hearing, and has recommended approval of the proposed FLUM Map amendment to the City Council; and

**WHEREAS**, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Map amendment on July 14, 2020 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity (DEO) for review; and

**WHEREAS**, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and

**WHEREAS**, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South

Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

**WHEREAS**, the City Council desires to approve the proposed Map amendment, in accordance with State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT:**

**SECTION 1.** The above recitals are true, correct, and incorporated herein by this reference.

**SECTION 2.** The proposed FLUM Map designation change of the Property is approved in its first reading from its current designation of Residential Medium (RM) to Mixed Us-Commercial (MU-C) (See Attachment “A”).

**SECTION 3.** The City Council directs staff to transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the Department of Economic Opportunity, in its capacity as the State Land Planning Agency, as required by Chapters 163 and 380, *Florida Statutes*.

**SECTION 4.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5.** The effective date of this FLUM Amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF JULY 2020.**

**THE CITY OF MARATHON, FLORIDA**

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**Steve Cook, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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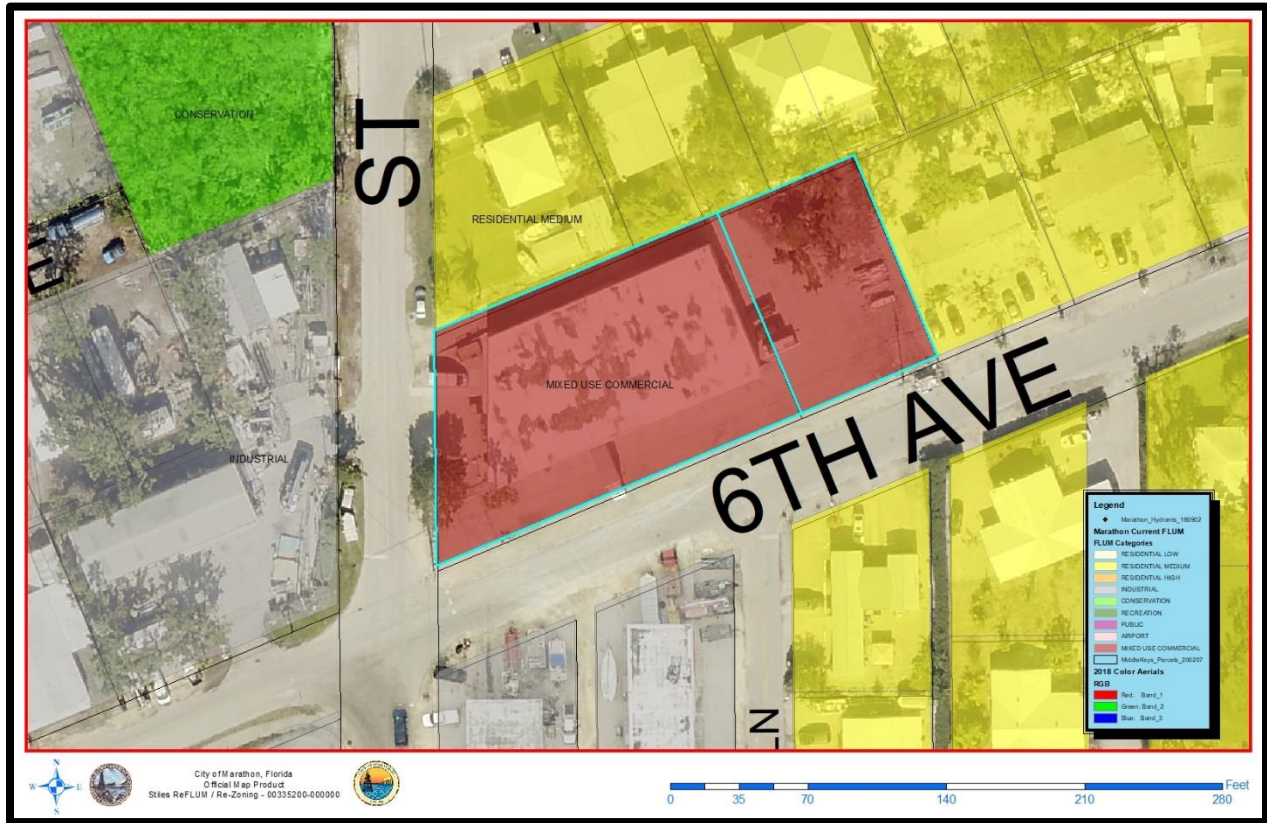
Diane Clavier, City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

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Dirk Smits, City Attorney

ATTACHMENT A



**Sponsored By:** Lindsey  
**Planning Commission Public Hearing Date:** June 15, 2020  
**City Council Public Hearing Dates:** July 14, 2020  
TBD  
**Enactment Date:** TBD

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2020-XXX**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE ZONING DESIGNATION FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE PROPERTY DESCRIBED AS BLOCK 3 LOT 9, KEY COLONY SUBDIVISION, KEY VACA , MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00335200-000000; 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.**

**WHEREAS**, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend the City's Zoning Map (the "Map") to change the land use district designation of property owned by Mr. Chris Stiles, from Residential Medium (RM) to Mixed Use (MU); and

**WHEREAS**, amending the Zoning Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed Zoning Map amendment on June 15, 2020 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

**WHEREAS**, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Map amendment on July 14, 2020 and again on **TBD** at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity (DEO) for review and final approval; and

**WHEREAS**, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and



**WHEREAS**, the City Council finds that approval of the proposed Zoning Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

**WHEREAS**, the City Council desires to approve the proposed Map amendment, in accordance with State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT:**

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** In accordance with State law, the City of Marathon Comprehensive Plan, the Zoning Map designation of the Properties are amended from their current designation of Residential Medium (RM) to Mixed Use (MU) See Attachment “A.”

**Section 3.** The City shall timely transmit the revised Zoning Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Economic Opportunity, in its capacity as the State Land Planning Agency (the “Department”), as required by Chapters 163 and 380, *Florida Statutes*.

**Section 4.** That upon its effective date, the revised Map shall replace the City’s Zoning Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

**Section 5.** The provisions of this Ordinance constitute a “land development regulation” as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department for approval pursuant to Sections 380.05(6) and (11), *Florida Statutes*.

**Section 6.** That this Ordinance shall be effective immediately upon approval by the Department pursuant to Chapter 380, *Florida Statutes*.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA**, this \_\_\_\_ day of \_\_\_\_ 2020.

**THE CITY OF MARATHON, FLORIDA**

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**Steve Cook, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

---

Diane Clavier  
City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

---

Dirk Smits  
City Attorney

# ATTACHMENT A

