

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-177**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY SEASCAPE, LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT, PURSUANT TO SECTION 9.5-69 OF THE CITY OF MARATHON CODE, AUTHORIZING THE REDEVELOPMENT OF AN EXISTING HOTEL KNOWN AS SEASCAPE VILLAS, LOCATED AT 1075 75TH STREET OCEAN, NEAREST TO MILE MARKER 51, AND IS LEGALLY DESCRIBED AS 12 66 33 KEY VACCAS PT SW ¼ OF SW ¼ SEC 1 PT GOV LOT 1 SEC 12 AND 12 66/32 KEY VACCAS PT SE ¼ OF SW ¼ SEC 1, MONROE COUNTY, HAVING REAL ESTATE NUMBER'S 00101190-000000 AND 00103810-000000.

WHEREAS, on September 18, 2006, the City of Marathon Planning Commission and on October 24, 2006, the City of Marathon City Council, conducted properly advertised public hearings regarding the request submitted by Seascape, LLC (the "Applicant"), for an amendment to a major conditional use permit pursuant to Sections 9.5-69 of the City Code (the "Code"); and

WHEREAS, the purpose of the amendment to the major conditional use permit is to allow the Applicant to redevelop the existing hotel and single-family residence (the "Proposed Use") at the Property.

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby approves Development Order Number 2006-15, a copy of which is attached hereto as Exhibit "A", granting an amendment to a major conditional use to the Applicant for the Proposed Use. The Director of Planning is authorized to sign the Development Order on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 14th day of November, 2006.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Mearns, Pinkus, Tempest, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None

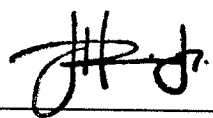
ATTEST:



Diane Clavier
City Clerk

(City Seal)

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



City Attorney



CITY OF MARATHON, FLORIDA
MAJOR CONDITIONAL USE
DEVELOPMENT ORDER # 2006-15

RECEIVED
APR 25 2007

BY: _____

A DEVELOPMENT ORDER APPROVING THE REQUEST BY SEASCAPE, LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT, PURSUANT TO SECTION 9.5-69 OF THE CITY OF MARATHON CODE, AUTHORIZING THE REDEVELOPMENT OF AN EXISTING HOTEL KNOWN AS SEASCAPE VILLAS, LOCATED AT 1075 75TH STREET OCEAN, NEAREST TO MILE MARKER 51, AND IS LEGALLY DESCRIBED AS 12 66 33 KEY VACCAS PT SW ¼ OF SW ¼ SEC 1 PT GOV LOT 1 SEC 12 AND 12 66/32 KEY VACCAS PT SE ¼ OF SW ¼ SEC 1, MONROE COUNTY, HAVING REAL ESTATE NUMBER'S 00101190-000000 AND 00103810-000000 (THE "PROPERTY"); PROVIDING FOR A TERM OF THE APPROVAL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Seascape, LLC (the "Applicant") owns the Property and applied for an Amendment to a Major Conditional Use approval to redevelop the existing hotel and one single-family residence on property which is located in the Suburban Residential (SR) land use district (the "Amendment Application"); and

WHEREAS, the City of Marathon Planning Commission (the "Commission"), in accordance with the provisions of Sections 9.5-22 and 9.5-69 of the City of Marathon Land Development Regulations (the "LDR's"), met to review the Amendment Application to determine its compliance with the applicable regulations on September 18, 2006; and

WHEREAS, the Commission recommended conditional approval of the Amendment Application to the City of Marathon City Council (the "Council"); and

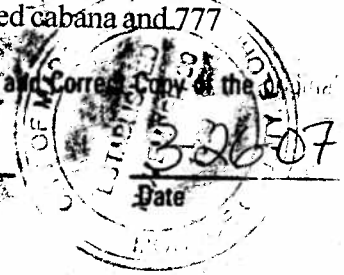
WHEREAS, the Council, in accordance with the provisions of Sections 9.5-21 and 9.5-69 of the LDR's, met to review the Amendment Application to determine its compliance with the applicable regulations on October 24, 2006; and

WHEREAS, the Council has duly considered the recommendation of the Commission, and the information and documentary evidence submitted by the Applicant and does hereby find and determine as provided below.

FINDINGS OF FACT:

1. Based on the submitted site plan, the Property is 4.21 acres. Currently the site is operating as an eleven (11) unit resort, with one (1) single-family dwelling unit and 675 square feet of commercial floor area. The Applicant is proposing to redevelop the Property into a hotel with ten (10) units, one (1) single-family residence, a swimming pool with associated cabana and 777 square feet of commercial space.

I certify this document to be a True and Correct Copy of the Original
Diane Clavel
City Clerk/City of Marathon



2. In accordance with Section 9.5-65 of the Code, the Commission and Council considered and determined the Applicants met the following criteria:
- The Proposed Use is consistent with goals, objectives and policies of the City Comprehensive Plan (the "Plan") and Chapter 9.5 of the Code;
 - The Proposed Use is consistent with the character of the immediate vicinity of the parcel proposed for development;
 - The design of the Proposed Use minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties;
 - The Proposed Use will not have an adverse effect on the value of surrounding properties;
 - The public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, hurricane shelter, drainage systems, refuse disposal, water and sewers, and schools are adequate; and
 - The Proposed Use complies with all additional standards imposed on it by the particular provisions of Chapter 9.5 of the Code, authorizing such use and by all other applicable requirements of the Code.

CONDITIONS IMPOSED:

Granting approval of the Amendment Application is subject to the following conditions:

- Signage will be limited to that consistent with a residential district.
- The Applicant will obtain approval of the stormwater plan from the City and the South Florida Water Management District.
- The wastewater treatment system will meet 2010 standards.
- Modifications as requested by the Fire Department will be provided.
- All invasive exotic vegetation, including Brazilian Pepper and Australian Pine, must be removed from the site.
- The Applicant must provide additional verification of the site survey.
- A unity of title is required for the development.
- There must be full entrances to the resort from both 76th Street Ocean and 75th Street.

VIOLATION OF CONDITIONS:

The Applicants understand and acknowledge that they must comply with all of the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicants or their successor or designee is in non-compliance with this Development Order or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

I certify this document to be a True and Correct Copy of the original.

Hane Clavier

City Clerk/City of Marathon



CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the City Code, and will not be detrimental to the community as a whole;
2. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence of record; and
3. The Application for an amendment to a major conditional use is hereby GRANTED subject to the conditions contained herein.

RECORDING:

The Applicants shall at their sole cost and expense, record a certified copy of this Development Order in the Public Records of Monroe County, Florida within five (5) days of receipt of same from the City. The Applicants shall provide the City with proof of the recording of the Development Order in accordance with the provisions of this paragraph.

EFFECTIVE DATE:

The Director of Planning shall sign this Development Order, and it shall not take effect for thirty (30) days following the date it is rendered/filed with the City Clerk. During that time, the major conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this Development Order until said appeal is resolved.

11-16-06
Date

J. Gross
Fred Gross
Planning Director

This Development Order was filed in the Office of the City Clerk of this 16 day of November 2006.

Diane Clavier
Diane Clavier, City Clerk

I certify this document to be a True and Correct Copy of the original.
Diane Clavier
City Clerk/City of Marathon

