

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2008-127**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING THE RANKINGS OF THE COMMERCIAL BUILDING PERMIT ALLOCATION SYSTEM (CBPAS) FOR PERIOD 2, YEAR 4 PURSUANT TO CHAPTER 107 ARTICLE 1 OF THE CITY OF MARATHON CITY CODE**

**WHEREAS**, on the 12<sup>th</sup> day of August, 2008, the City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the commercial floor area allocations for Period 2, Year 4 pursuant to Chapter 107 Article 1 of the City Code (the “Code”).

**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.** Based upon the information and documented evidence presented by City Staff and members of the public, the City Council hereby finds:

(1) The Public Hearing was properly advertised and held, as required by law, and the Applicant(s) and all interested parties concerned in the matter were given an opportunity to be heard; and

(2) Based upon the Staff Report attached as “Exhibit A”, Staff recommended that the City Council award Commercial Floor Area allocations to the applicants ranked one (1) and two (2), as set forth in Attachment “A” to the Staff Report; and

(3) Based upon the Staff Report and the Staff’s recommendations, the Council approves the Commercial Floor Area allocations to the applicants ranked one (1) and two (2) of the CBPAS applications for Period 2, Year 4, as set forth in Attachment “A” to the Staff Report.

**Section 3.** Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:


(1) The CPBAS applications for Period 2, Year 4 have been processed in accordance with Chapter 107 Article 1 of the Code.

- (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.
  
- (3) The above allocations are awarded.

**Section 4.** That this Resolution shall become effective immediately upon its adoption.


**PASSED AND APPROVED** by the City Council of the City of Marathon, Florida, this 12<sup>th</sup> day of August, 2008.

**THE CITY OF MARATHON, FLORIDA**

  
Edward P. Worthington, Mayor

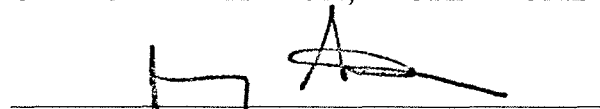
AYES: Bull, Cinque, Tempest, Vasil, Worthington  
NOES: None  
ABSENT: None  
ABSTAIN: None

**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

**Attachment A:  
Ranking of CBPAS Applications for Period 2, Year 4  
January 14, 2008 to July 13, 2008**

	Score	NROGO Number	CityView Number	Name	Square Feet Requested	Date Entered	Time Entered	Expansion?	Perseverance Points	Date Last Perseverance Point Received	RE NUMBER	SUBDIVISION	BLOCK	LOT
1	33	C-08/05/21-01	DP2008-0035	First Florida Keys Properties Inc	4642	5/21/2008	8:00AM	NO			00103730-000000 00324210-000000	Marameade		Part of 2
2	31	C-08/07/09-01	DP2008-0048	Martha Lopez & Jose Ferro	1800	7/9/2008	1:30PM	NO			00363250-000000	Coco Plum Beach	2	22

**Attachment B:  
NROGO Applications By Points  
Period 1, Year 3**

<b>Name</b>		<b>First Florida Keys Properties, Inc.</b>	<b>Lopez &amp; Ferro</b>			
<b>CBPAS Number</b>		C-08/05/21-01	C-08/07/09-01			
<b>CityView Number</b>		DP2008-0035	DP2008-0048			
<b>Square Feet Requested</b>		4642sf	1800sf			
<b>Date Entered</b>		5/21/2008	7/9/2008			
<b>Time Entered</b>		8:00am	1:30pm			
<b>RE NUMBER</b>		00103730,00324210	00363250-000000			
<b>CRITERIA</b>						
<i>Known Habitat</i>	0					
<i>Probable or Potential Habitat</i>	0					
<i>Wide Ranging Habitat</i>	0					
<i>100ft Turtle Nesting</i>	0					
<i>CBRS Offshore Island</i>	0					
<i>Environmental Habitat Group</i>	0,1,2,3,4	4	4			
<i>AE Flood Zone</i>	9	9	9			
<i>VE Flood Zone</i>	5					
<i>Platted, Scarified or dist. w/ roads</i>	13		13			
<i>Platted, Scarified or dist. w/o roads</i>	9					
<i>Unplatted, scarified, or dist. w/ roads</i>	12					
<i>Unplatted, scarified, or dist. w/o roads</i>	5					
<i>Infill Lot adjacent to US1 w/ paved roads, water &amp; electric</i>	15	15				
<i>Infill Lot adjacent to or w/in 500ft of US1 w/ paved roads, water, electric &amp; sewer</i>	17					
<i>Infill Lot adjacent to US1 w/ water, electric and sewer service</i>	20					
<i>Local Business Owner</i>	1pt/2yrs					
<i>Building Lot Dedication or Cash in Lieu</i>	2,5,2/lot,4,6					
<i>Extinguish Development Rights</i>	5					
<i>Affordable Housing w/ non-residential development</i>	5,7,9					
<i>Transportation Impacts</i>	5	5	5			
<b>TOTAL</b>		<b>33</b>	<b>31</b>			