

Sponsored by: Hernstadt
Introduction Date: November 21, 2011
Public Hearing Dates: January 10, 2012
Enactment date: February 14, 2012

CITY OF MARATHON, FLORIDA
RESOLUTION 2012-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, DENYING THE REQUEST BY KEYS WI-FI, INC. FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ENTITLED “CONDITIONAL USE PERMITS”, TO DEVELOP A WIRELESS SERVICES FACILITY AT PROPERTY LOCATED AT 273 64TH STREET, OCEAN, NEAREST MILE MARKER 51, WHICH IS LEGALLY DESCRIBED AS DAYS SUBDIVISION, KEY VACA, LOT 2, BLOCK 1, SECTION 11, TOWNSHIP 66, RANGE 32, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00340220-000000; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the purpose of the conditional use process is to provide the general public and the neighboring community with the opportunity to review and comment on proposed development which may have potential impacts beyond the limits of the project boundaries; and

WHEREAS, on the 21st day of November, 2011, the City of Marathon Planning Commission, and on the 13th day of December, 2011, the City of Marathon City Council (collectively the “City”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by Keys Wi-Fi, Inc. (the “Applicant”), for a conditional use permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (the “LDRs”); and

WHEREAS, at the conclusion of the Public Hearings a vote was taken by the City Council to approve Applicant’s request for a Conditional Use Permit, which motion failed because of a lack of a majority thus resulting in a denial of the requested Conditional Use Permit.

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.

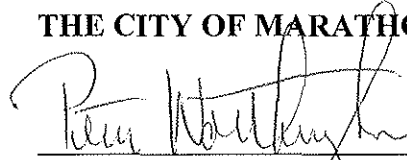
Section 2. The requested Conditional Use Permit is denied based on a failure of the Applicant to demonstrate compliance with the criteria set out in Section 104.66, F through H, of the LDRs.

Section 3. The Applicant's requested Conditional Use Permit has been processed in accordance with the applicable provisions of the LDRs; and the City has accorded the Applicant procedural due process; observed the essential requirements of the law; and supported its decision by substantial competent evidence of record

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10th DAY OF JANUARY, 2012.

THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

AYES: Cinque, Keating, Ramsay, Snead, Worthington
NOES: None
ABSENT: None
ABSTAIN: None

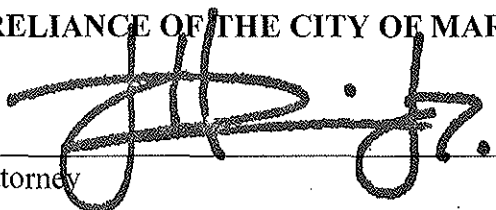
ATTEST:



Diane Clavier, City Clerk

(City Seal)

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



City Attorney