

Sponsored by: Puto
Introduction Date: February 18, 2014
Public Hearing Dates: March 11, 2014
Enactment Date: April 8, 2014

CITY OF MARATHON, FLORIDA
RESOLUTION 2014-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING 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 18th day of February, 2014, the City of Marathon Planning Commission, and on the 11th day of March, 2014, 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 passed unanimously.

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 adopts and incorporates by reference the Planning Department staff report, which expert report is considered competent substantial evidence. The requested Conditional Use Permit is approved with conditions in accordance with Section 104.66, F through H of the LDRs as consistent with the City of Marathon Comprehensive Plan and Land Development Regulations. The Conditions follow:

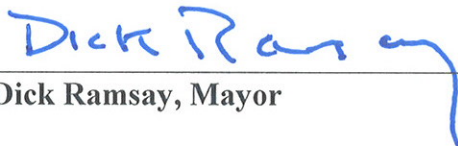
- A large over-dense vegetative buffer (both in initial height and numbers) shall be utilized to create visual separation between the proposed project and the residential development to the south.
- A physical barrier, either a concrete block wall or solid fence shall be constructed on the project property (lease) lines.
- There shall be limited lighting not to exceed that required by the FAA and the FCC.
- Signage shall be limited to that absolutely necessary for site security.

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, THE 8th DAY OF APRIL, 2014.

THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Bull, Bartus, Keating, Senmartin, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None

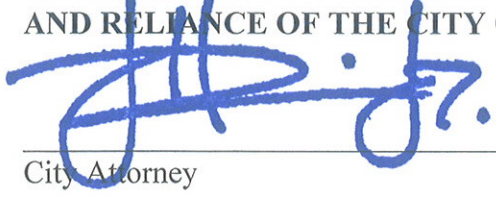
ATTEST:



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