Sponsor: Garrett

CITY OF MARATHON, FLORIDA RESOLUTION 2024-96

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A CONDITIONAL USE PERMIT AND PLAT APPROVAL PURSUANT TO CHAPTER 102 ARTICLE 10 AND ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED "SUBDIVISION OF LAND/PLATS "CONDITIONAL USE PERMITS" **AND RE-PLATS," AND** RESPECTIVELY, FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY KEY VACA LLC AND JOHN AND PHYLLIS STRITTAR FOR A PORTION OF LAND WHICH IS DESCRIBED AS SECTION 10, TOWNSHIP 66, RANGE 32, KEY VACAS BAY BOTTOM & FILL BAY BOTTOM ADJACENT TO PART OF LOT 2 & ALL OF LOT 3 OF THOMPSON SUBDIVISION (A/K/A PARCEL E & BAY BOTTOM PARCEL B), AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 2 & ADJACENT BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS PB2-24 KEY VACA PART OF LOTS 2& 3 (PARCEL B & PARCEL F) & FILLED BAY BOTTOM & CANAL BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 3, HAVING REAL ESTATE NUMBERS 00103280-000000, 00327120-001000, 00327130-000200, AND 00327130-001000. NEAREST MILE MARKER 50

WHEREAS, Key Vaca LLC and John and Phyllis Strittar (Applicant) filed an Application on July 1, 2024 for a Conditional Use Permit for approval of a preliminary plat and site plan for the property into nine (9) single-family residential lots pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

WHEREAS, the Council duly considered the Applicant's request and made a determination that the request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

WHEREAS, the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with

surrounding land uses and on the basis of all zoning, subdivision, and other ordinances applicable to the proposed location and zoning district; and

WHEREAS, on the 16th day of September 2024, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 8th day of October 2024, the City Council (the "Council") conducted properly advertised public hearings (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, the City Council made a determination that the Applicant's request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

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 2024-04 a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Key Vaca LLC and John and Phyllis Strittar, subject to the Conditions imposed. 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 by the City of Marathon and after review and approval by Florida Commerce pursuant to Chapters 163 and 380, *Florida Statutes*.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS $8^{\rm TH}$ DAY OF OCTOBER 2024.

THE CITY OF MARATHON, FLORIDA

Robyn Still, Mayor

AYES:

Gonzalez Smith, Matlock, Landry, Still

NOES:

None

ABSENT:

None

ABSTAIN:

None

ATTEST

Diane Clavier, City Clerk

City Seal)

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

Steve Williams, City Attorney

ATTACHMENT "A" CITY OF MARATHON, FLORIDA CONDITIONAL USE DEVELOPMENT ORDER # 2024-04

APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT AND PRELIMINARY PLAT APPROVAL AS SUBMITTED BY KEY VACA LLC AND JOHN AND PHYLLIS STRITTAR FOR A REPLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATION (LDRS) ENTITLED "SUBDIVISION OF LAND/PLATS AND RE-PLATS," FOR A PORTION OF LAND WHICH IS DESCRIBED AS SECTION 10, TOWNSHIP 66, RANGE 32, KEY VACAS BAY BOTTOM & FILL BAY BOTTOM ADJACENT TO PART OF LOT 2 & ALL OF LOT 3 OF THOMPSON SUBDIVISION (A/K/A PARCEL E & BAY BOTTOM PARCEL B), AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 2 & ADJACENT BAY **BOTTOM AND THOMPSON SUBDIVISION & ADAMS PB2-24 KEY** VACA PART OF LOTS 2& 3 (PARCEL B & PARCEL F) & FILLED BAY BOTTOM & CANAL BAY BOTTOM AND THOMPSON SUBDIVISION & ADAMS SUBDIVISION PB2-24, KEY VACA PART OF LOT 3, HAVING REAL ESTATE NUMBERS 00103280-000000, 00327120-001000, 00327130-000200, AND 00327130-001000. NEAREST MILE MARKER 50

WHEREAS, Key Vaca LLC and John and Phyllis Strittar filed an Application on October 21, 2022 for a Conditional Use Permit and Plat pursuant to Chapter 102, Articles 10 and 13 of the Code of Ordinances for the City of Marathon ("City Code"); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

WHEREAS, the Council duly considered the Applicant's request and made a determination that the request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

WHEREAS, the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision, and other ordinances applicable to the proposed location and zoning district; and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit determining that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

WHEREAS, on the 16th day of September 2024, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 8th day of October 2024, the City Council (the "Council") conducted properly advertised public hearings (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS; the City Council made a determination that the Applicant's request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

FINDINGS OF FACT:

- 1. The applicant will develop and subdivide the parcels through the platting process into single-family residential lots with the following determinations:
- 2. In accordance with Section 102.77 of the City Code, the Commission and Council considered and determined the Applicant met the following criteria:
 - a. The proposed use is consistent with the Comprehensive Plan and LDRs;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public; and
 - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
- 3. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
- 4. Off-street parking and loading areas where required, with particular attention to item 1 above;
- 5. The noise, glare, or odor effects of the conditional use on surrounding properties;
- 6. Refuse and service areas, with particular reference to location, screening, and Items 1 and 2 above;
- 7. Utilities, with reference to location and availability;
- 8. Screening and buffering with reference to type, dimensions, and character;

- 9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
- 10. Required yards and other open space;
- 11. General compatibility with surrounding properties; and

CONDITIONS IMPOSED:

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

Conditions of Approval

- 1. Acquisition of any additional development rights, as authorized through this development approval is the responsibility of the developer.
- 2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
- 3. The applicant shall comply with NFPA 1 and NFPA 101 requirements.
- 4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by the Utilities department and pay any assessments due resulting from change in use;
- 5. The applicant will provide the required number of parking spaces per the LDRs
- 6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
- 7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

VIOLATION OF CONDITIONS:

The applicant understands and acknowledges that it must comply with all 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 Applicant or its successor or designee is in non-compliance with this Resolution 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.

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; and
- 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;
 - (c) Supported its decision by substantial competent evidence of record; and

3. The Application for a conditional use is hereby GRANTED subject to the conditions specified herein.

EFFECTIVE DATE:

This development order shall not take effect for five (5) days following the date it is filed with the City Clerk, and during that time, the 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.

Date

Brian Shea

Director of Planning

This Development Order was filed in the Office of the City Clerk of this 16 day of Chober 2024.

Diane Clavier, City Clerk

NOTICE

Under the authority of Section 102.79(c) of the City of Marathon Land Development Regulations, this development order shall become null and void with no further notice required by the City, unless a business license has been issued for the use or a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within one (1) year from the date of conditional use approval, or the date when the Florida Commerce waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the City Council.

In addition, please be advised that, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Commerce. During those forty-five days, Florida Commerce may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

and Clavel

A true and correct copy of the above and for	foregoing Resolution was furnished, via U.S.	certified
mail, return receipt requested, addressed to	11100 OVERSEAS HWY.	_,
this 10 day of 2024 .	Marathon, PL 33050	

Diane Clavier City Cler

EXHIBIT 1. APPROVED PRELIMARY PLAT

LEGAL DESCRIPTION:

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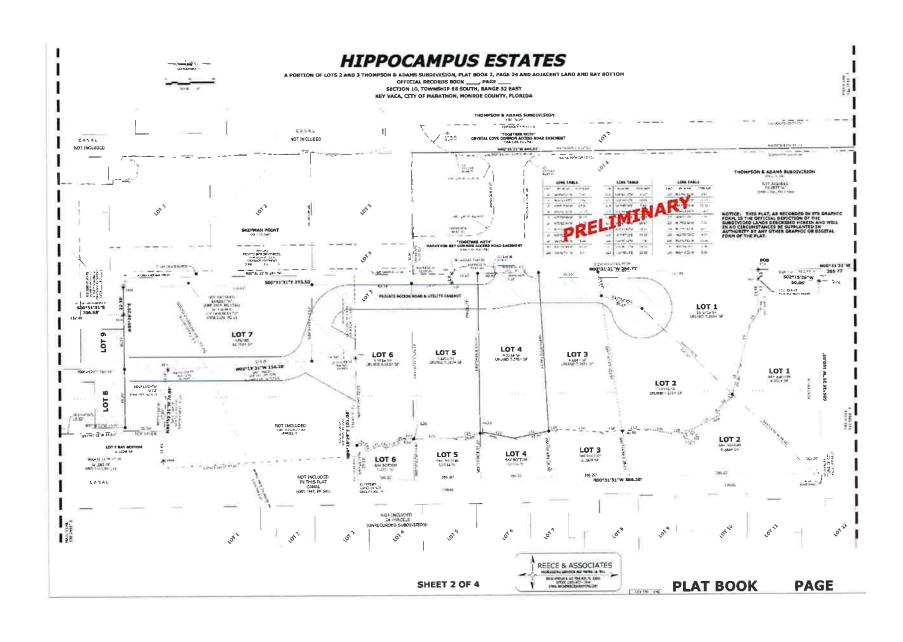
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