



## CITY COUNCIL AGENDA STATEMENT

**Meeting Date:** June 14, 2022  
**To:** Honorable Mayor and Council Members  
**From:** George Garrett, City Manager  
**Through:** Brian Shea, Planning Director

**Agenda Item:** **Resolution 2022-47**, Consideration Of A Request By Candice Lee For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Dog Boarding, Grooming, Daycare and Shaved Ice Store Located At 12535 Overseas Highway; Which Is Legally Described As 5 66 33 Part Government Lot 3 Crawl Key, Monroe County, Florida, Having Real Estate Number 00100390-040001. Nearest Mile Marker 53.

**APPLICANT/ OWNER:** Candice Lee / LASH PROPERTIES LLC

**AGENT:** Candice Lee

**LOCATION:** The project site is located at 12535 Overseas Highway at nearest mile marker 53. See Figure 1.

**REQUEST:** A Conditional Use Permit approving a change of use to a dog grooming, daycare, boarding and shaved ice store to be located on the subject property, within an existing building; having the real estate number 00100390-040001.

**LOT SIZE:** Total acreage 0.53 acres or 23,225 square feet

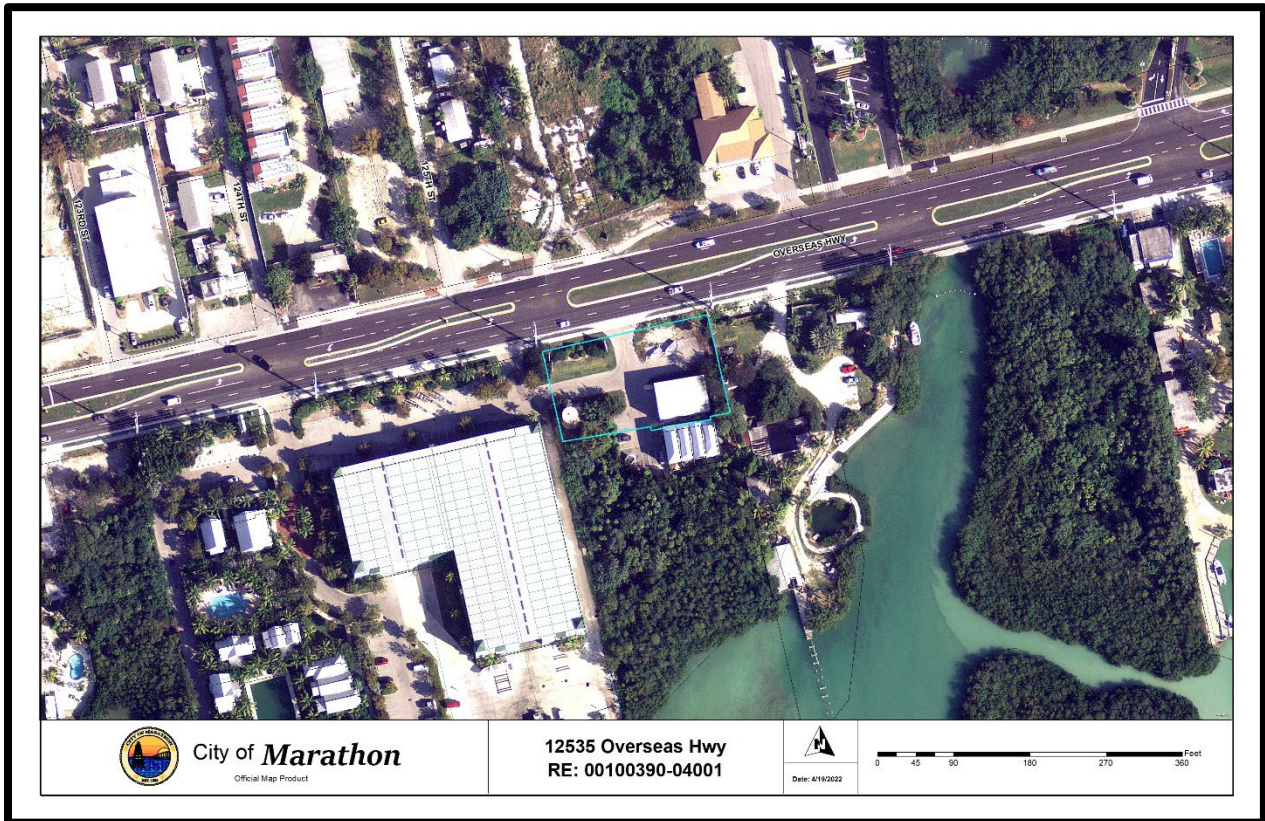
### **SURROUNDING ZONING AND USES:**

	<b><u>Zoning</u></b>	<b><u>Use</u></b>
<b>North</b>	Mixed Use (MU)	Vacant Land
<b>West</b>	Mixed Use (MU)	Coral Lagoon Boat House Marina
<b>East</b>	Residential Medium (RM)	Vaca Cove Resort
<b>South</b>	Mixed Use (MU)	Habitat for Humanity Houses

**EXISTING CONDITIONS:**

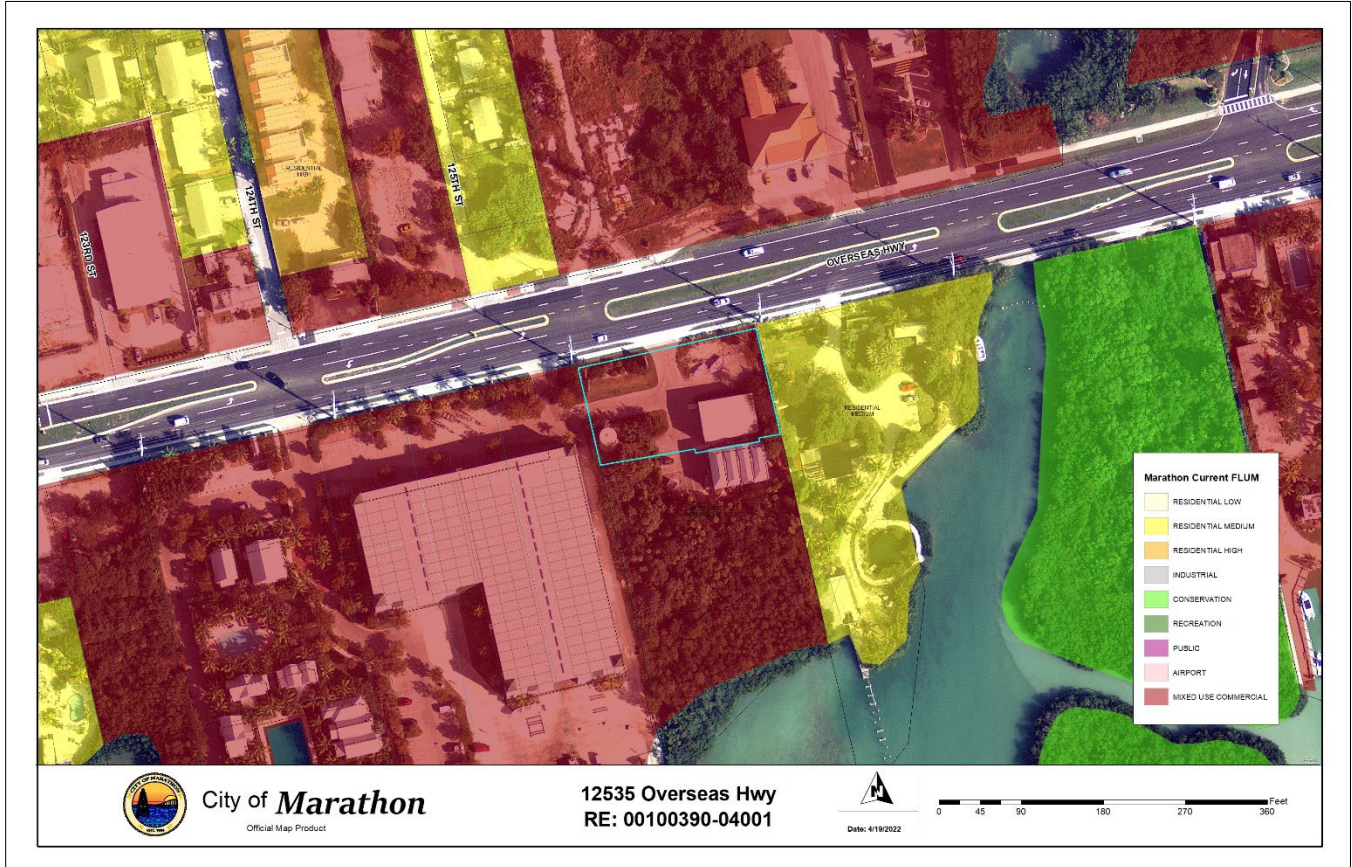
The project site consists of an existing commercial development site that previously housed the Art Studio. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

**Figure 1  
Project Site**



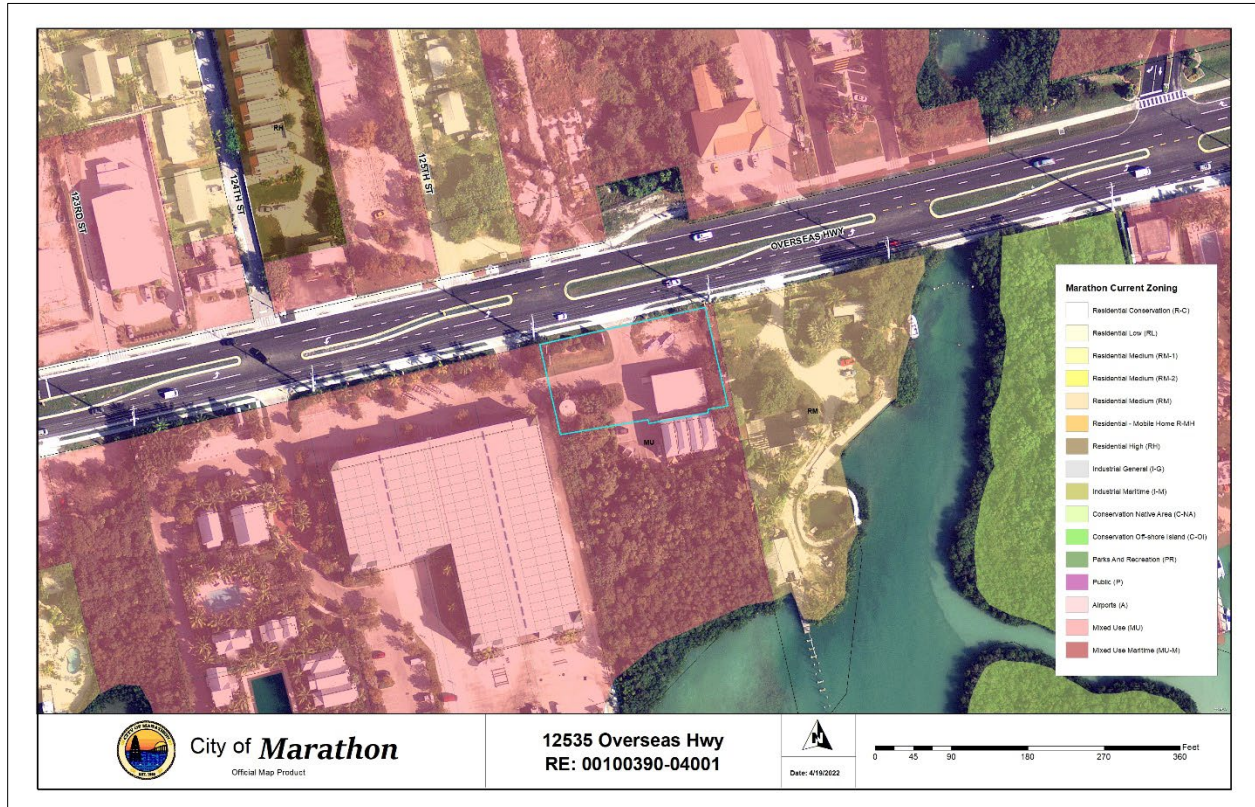
**FUTURE LAND USE MAP DESIGNATION:**  
Mixed Use Commercial (MUC). See Figure 2.

**Figure 2**  
**Future Land Use Map**



**ZONING MAP DESIGNATION:**  
Mixed Use (MU). See Figure 3.

**Figure 3**  
**Zoning Map**



**PROPOSED REDEVELOPMENT:**

The Applicant requests a change of use to develop dog grooming, daycare, boarding and a shaved ice store. Generally, parking requirements would be limited to pick-up / drop-off area for clients, a limited number of spaces for staff and spaces for retail customers of the shaved ice store.

**BACKGROUND:**

The proposed project seeks to utilize vacated space in the former Art Studio building. Other than interior renovations and re-modeling there are no required changes to the exterior structure of the building. The total property size is 23,225 square feet. The gross commercial building square footage is 4,660. The proposed project will occupy 4,000 square feet. In general, staff sees no impacts from the development of the project, except minimally, for staff parking, retail parking for shaved ice customer and accommodations for the pickup and drop off of dogs at the facility.

## **EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:**

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

### **CRITERIA**

#### **A. The proposed use is consistent with the Comprehensive Plan and LDRs;**

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed project is for a dog daycare, boarding, grooming and shaved ice store, an allowed use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

#### **City of Marathon Comprehensive Plan**

- a. “Policy 1-1.1.2 Adopt Compatibility for Residential and Non-Residential Review Criteria,”
- b. “Policy 1-1.1.3 Protect Residential Neighborhood Character,” and
- c. “Policy 1-1.1.4 Transition between Land Uses

The project is surrounded by commercial development with the exception of the properties to the north which is currently vacant land set to be developed into affordable housing and to the south which is Habitat for Humanity residential housing.

#### **d. Policy 1-3.1.4 Future Land Use Categories**

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation various commercial uses are permitting in addition to residential uses including affordable and/or commercial apartments as well as single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary for this project.

#### **e. Policy 1-3.2.5 Maximum Height**

The project area, including the six commercial units with a maximum height of approximately thirty-five (35) less than the maximum height allowed under the City’s Comprehensive Plan.

#### **f. Policy 1-3.2.7 Restrict Density and Intensity of Development**

The project exceeds the commercial intensity and residential density limitations of the City’s Comprehensive Plan. However, this project proposes no expansion of the existing developed area

and would otherwise be considered as a legal non-conforming structure under the LDRs. The proposed use is therefore consistent with the intent to protect existing structures and the uses they would allow, particularly within the Mixed Use (MU) FLUM and zoning districts.

g. Policy 1-3.3.1 b., e., and f. General Redevelopment Criteria

The proposed new business promotes the revitalization of the city's commercial area, with existing commercial to the west and east. Since the building was used previously for commercial use as the old Art Studio landscaping and buffering were already in place.

h. Policy 1-3.4.2 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The project site was renovated within the past several years and complies to the maximum extent practicable with the current City regulations. As noted above, this project does not propose any expansion of existing structures

### **City of Marathon Land Development Regulations**

- Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including the proposed dog daycare, grooming, boarding and shaved ice store.

- Table 103.15.1 Uses By Zoning District – Mixed Use (MU)

This redevelopment is consistent with Table 103.15.1, uses by Zoning District, via a Conditional Use Permit Application, as contained herein.

- Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. The proposed uses fall within the allowed intensities for the site. As it is not anticipated that the project will create any additional impacts on services or in requirements for parking, the project then meets the criteria set out above for improving such sites to the maximum extent practicable with diminimus changes in existing or new uses.

- Section 107.47 Parking

Parking for the site and the project is met utilizing existing parking in the front and side of the building. As noted by the applicant, the dogs will be dropped off and picked up. Parking will be mostly used by staff and customers of the shaved ice store.

- Section 107.40 Maximum Height

The project sites and associated existing structures are well below the forty-two (42) foot height limitation of the City's LDRs.

- Sections 107.63 – 107.72 Landscaping

Existing landscaping was upgraded during recent improvements to the overall building as the project site. No additional landscaping is required.

- Sections 107.73 – 107.81 Open Space

The project site meets the minimum open space requirements of twenty (20) percent and therefore meets the minimum requirements of the LDRs.

- Sections 107.82 – 107.85 Fences and Screening

Landscaping exists on the project site. In this context, the project meets City screening and landscaping requirements.

- Sections 107.87 – 107.97 Stormwater Management

The existing Stormwater Management Plan associated with this site demonstrates compliance with the requirements of the LDRs.

- Sections 107.98 – 107.102.5 Floodplain Management

The site buildings are all above FEMA minimum flood elevations therefore the project is compliant with this requirement of the LDRs.

The project as proposed meets the basic definition of development in the MU zoning district. Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

**B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;**

The proposed project site is surrounded by other compatible commercial uses to the north, south, east, and west.

Therefore, the request is *in compliance* with the requirements of these sections.

**C. The proposed use shall not adversely affect the health, safety, and welfare of the public;**

The proposed conditional use will enhance the community by providing a dog daycare, boarding, grooming and shaved ice store which is an enhancement to the City's capacity to provide great social service benefits. The project will not cause any negative impacts to the City's health, safety, and welfare.

The existing structure are entirely above FEMA's minimum flood elevations (AE 9) as shown in Figure 4 and is therefore compliant.

Therefore, the request is *in compliance* with the requirements of these sections.

**Figure 4  
Flood Zones**



- 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:**

There will be no negative impacts on habitat, environment, or water quality parameters. The project only involves a change of use within an existing building. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council.



**Figure 5**  
**FEMA – FWS Species Focus Area Maps**



All vegetation on site is landscape material providing buffering between adjacent land use districts and uses.

Therefore, the request is ***in compliance*** with the requirements of these sections.

**E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:**

**1. 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 cases of fire or catastrophe;**

A traffic study was required. Parking will be provided for staff and clients of the shaved ice operation. Clients of dog grooming, daycare and boarding will be dropping off and picking up their dog for scheduled appointments. The shaved ice store will not be open during the dog daycare, grooming and boarding peak morning hours which will result in decreased vehicle trips than the

previous use. This projected decrease in vehicle trips is a theoretical benefit to the transportation network.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<b>Previous</b>								
Art Studio	2,450 SF							
- Home School Students		160	0	0	0	0	0	0
- General Public Students		100	8	2	10	16	4	20
Retail Space	750 SF	41	1	1	2	3	2	5
Coffee Shop	800 SF	82	7	6	13	2	4	6
Miscellaneous Trips		30	2	1	3	1	2	3
<b>Sub Total</b>		<b>413</b>	<b>18</b>	<b>10</b>	<b>28</b>	<b>22</b>	<b>12</b>	<b>34</b>
<b>Proposed</b>								
Dog Groomer		38	2	1	3	1	2	3
Dog Kennel		46	3	2	5	2	3	5
Shaved Ice	400 SF	62	0	0	0	3	3	6
<b>Sub-Total</b>		<b>146</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>6</b>	<b>8</b>	<b>14</b>
<b>Difference (Proposed - Previous)</b>			<b>(267)</b>	<b>(13)</b>	<b>(7)</b>	<b>(20)</b>	<b>(16)</b>	<b>(4)</b>

*Compiled by: KBP Consulting, Inc. (April 2022).*

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles are provided in the FDOT secondary Right-Of Way that provides access to the property.

Therefore, the request is ***in compliance*** with the requirements of these sections.

**2. Off-street parking and loading areas where required, with particular attention to item 1 above;**

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). Per Table 107.46.1 shaved ice falls under retail use which would require 1 parking space per 1,000 square feet gross foot area, plus 1 per employee at the largest shift. The dog use area of the project requires 1 space per 400 square feet of gross floor area. This would result in 6 required parking spaces, plus 1 per employee at the largest shift. The existing parking on site is sufficient for the proposed changes in use. The project will require limited parking as clients utilizing the facility will be dropping off and pickup up at scheduled times for their dogs. Staff will park on site as well as clients of the shaved ice store.

Therefore, the request is ***in compliance*** with the requirements of these sections.

**3. The noise, glare, or odor effects of the conditional use on surrounding properties;**

The proposed use has no known impacts to the health safety and welfare of the public. In an effort to reduce potential impact per Section 104.63 indoor boarding facilities shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the property line shall be subject to the noise regulations in Chapter 14 of the City Code. Appropriate screening and buffering measures are already in place. Per the plans there is no outdoor area at this time.

Therefore, the request is **in compliance** with the requirements of this section.

**4. Refuse and service areas, with particular reference to locations, screening, and Items 1 and 2 above;**

Section 107.39 requires that all dumpsters be fully enclosed and screened. The site plan indicates that all dumpsters are (hidden) screened.

Therefore, the request is **in compliance** with the requirements of this section.

**5. Utilities, with reference to location and availability;**

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows. The project will utilize existing space and will thus have a de minimus impact.

- Wastewater: The applicant will need to install a hair trap before the sewage enters the city systems and provide proposed flows for the facility.
- Water: The Florida Keys Aqueduct Authority already provide potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: AS this is an interior renovation, no additional stormwater control measures would be required.
- Recreation and Open Space: This development will have no impact on recreational open space.
- Roadways: The applicant is redeveloping the site at a lower density and intensity than contained within the prior development, and therefore is assumed to have a de minimis impact on transportation facilities.

The Applicant has provided letters of coordination with all necessary utilities with the general determination that all required services may be provided and are adequate for the development of the new use at the project site.

Therefore, with the above conditions the request is **in compliance** with the requirements of these sections.

**6. Screening and buffering with reference to type, dimensions, and character;**

Landscaping has been completed to code per previous permit.

Therefore, the request is **in compliance** with the requirements of these sections.

**7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;**

A review of sign requirements at this stage in development approval is not necessary; however, signs for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs. It will replace an existing sign already located at above the portion of the building proposed for the new dog facility and shaved ice store.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.

**8. Required yards and other open space;**

Section 106.16 established required open space for the project. The parcel is generally developed; therefore, a twenty percent open space requirement applies and the site complies with this minimum requirement.

Therefore, the request is *in compliance* with the requirements of these sections.

**9. General compatibility with surrounding properties; and**

The applicant proposed a new use in an existing building. All activities associate with the use will be located within the occupied space within the building. Activities associates with the new use should not affect other commercial ventures or the neighboring residential community.

Therefore, the request is *in compliance* with the requirements of these sections.

**10. Any special requirements set forth in the LDRs for the particular use involved.**

The applicant proposes a new use, a dog daycare, grooming, boarding and shaved ice store, at an existing location and in an existing building space. Section 104.63 title "Veterinary Clinic or Hospital" and Section 104.52 titled "Small Animal Shelter or Animal Daycare" have the following special requirements. This conditional use is being conditioned upon the proposed LDR amendments to section 104.52.

- Hours of operation, including times for feeding and use of outdoor areas by the animals, shall occur between 6 a.m. and 7 p.m.
- No boarding of animals as a stand-alone commercial use shall be permitted.
- Boarding of animals as a commercial use shall be permitted as accessory to a grooming or dog training use.
- Soundproofing Required: Any veterinary clinic or hospital with indoor boarding facilities shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the property line shall be subject to the noise regulations in Chapter 14 of the City Code.

Therefore, with the above conditions the request is *in compliance* with the requirements of these sections.

## **CONCLUSION:**

The Conditional Use Approval process is intended 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. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community.

The proposed development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

All condition of the Conditional Use approval will have to be met before any building permit will be approved.

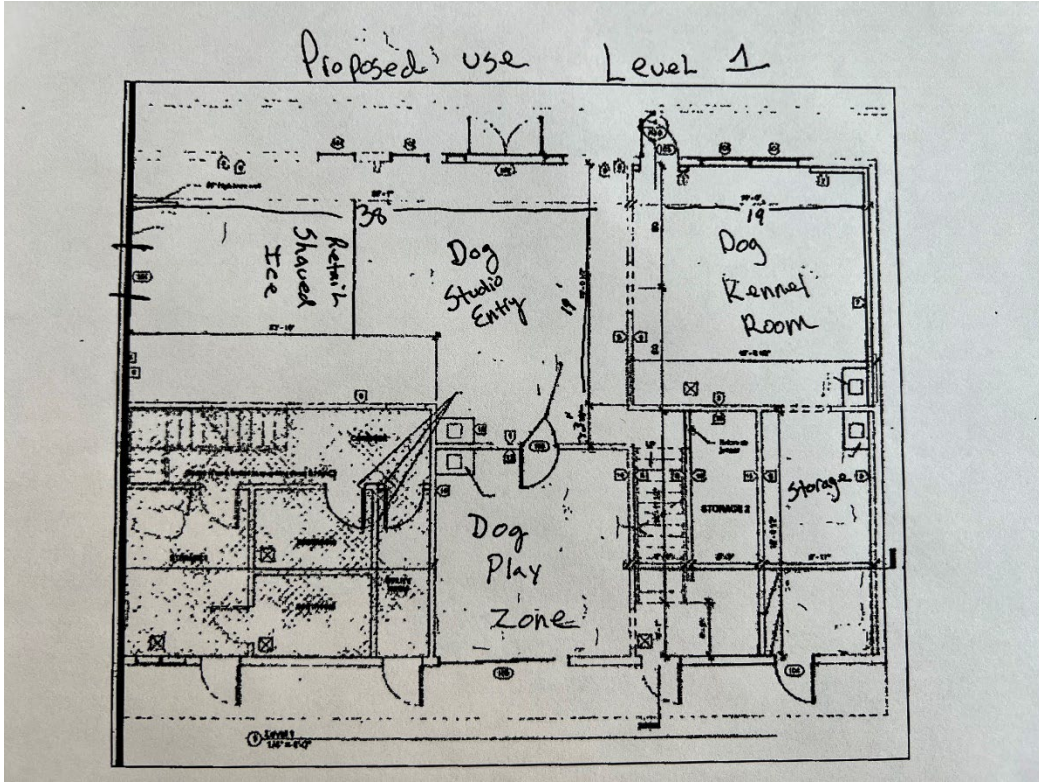
## **RECOMMENDATION:**

Planning Commission recommends approval of the proposed Conditional Use Permit allowing a dog daycare, grooming, boarding and shaved ice store to City Council (5-0). Planning staff recommends conditional approval to City Council. The proposed conditions of approval are listed below.

### Conditions of Approval

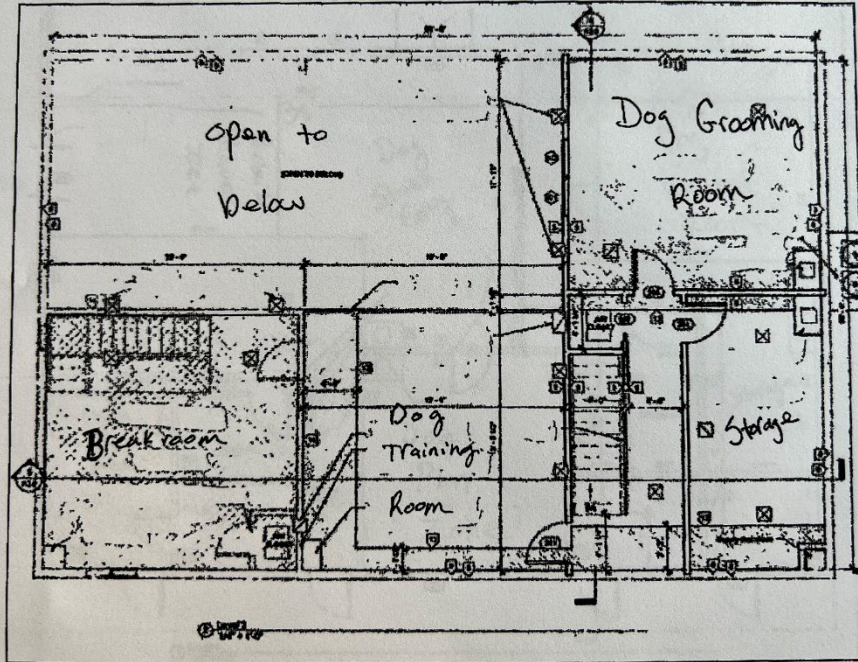
1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
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First Floor Layout Plan



# Second Floor Layout Plan

Proposed Use Level 2



**CITY OF MARATHON, FLORIDA  
RESOLUTION 2022-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA OF A REQUEST BY CANDICE LEE FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF A DOG BOARDING, GROOMING, DAYCARE AND SHAVED ICE STORE LOCATED AT 12535 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS 5 66 33 PART GOVERNMENT LOT 3 CRAWL KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00100390-040001. NEAREST MILE MARKER 53.**

**WHEREAS**, Candice Lee (The “Applicant”) filed an Application on April 11<sup>th</sup>, 2022, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, the applicant has requested a change of use to a dog grooming, daycare, boarding and shaved ice store to be located on the subject property, within an existing building; and

**WHEREAS**, the 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 16<sup>th</sup> day May 2022, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, on the 14<sup>th</sup> day June 2022, the City of Marathon City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) 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 decided 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, is consistent with its policy to encourage the development of residential properties in 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 22-2, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Candice Lee 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 execution.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14<sup>th</sup> DAY OF JUNE 2022.**

**THE CITY OF MARATHON, FLORIDA**

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**John Bartus, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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Steven Williams, City Attorney

**EXHIBIT “A”  
CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER 22-02**

**A DEVELOPMENT ORDER APPROVING A REQUEST BY CANDICE LEE FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF A DOG BOARDING, GROOMING, DAYCARE AND SHAVED ICE STORE LOCATED AT 12535 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS 5 66 33 PART GOVERNMENT LOT 3 CRAWL KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00100390-040001. NEAREST MILE MARKER 53.**

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**WHEREAS**, the applicant has requested a change of use to a dog grooming, daycare, boarding and shaved ice store to be located on the subject property, within an existing building; and

**WHEREAS**, the 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 16<sup>th</sup> day May 2022, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

**WHEREAS**, on the 14<sup>th</sup> day June 2022, the City of Marathon City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) 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 decided 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, is consistent with its policy to encourage the development of residential properties in Marathon, and will further the health, safety, and welfare of the residents of Marathon; and

## **FINDINGS OF FACT:**

1. The Applicant has proposed a new use, a dog daycare, grooming, boarding and shaved ice store, at an existing location and in an existing building space, and;
2. In accordance with Section 102.77 of the 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
  - e. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
    1. 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;
    2. Off-street parking and loading areas where required, with particular attention to item 1 above;
    3. The noise, glare, or odor effects of the conditional use on surrounding properties;
    4. Refuse and service areas, with particular reference to location, screening, and Items 1 and 2 above;
    5. Utilities, with reference to location and availability;
    6. Screening and buffering with reference to type, dimensions, and character;
    7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
    8. Required yards and other open space;
    9. General compatibility with surrounding properties; and

## **CONDITIONS IMPOSED:**

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

### Conditions of Approval

1. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
2. A hair trap will need to be installed before the sewage enters the City system and proposed flows for the facility must be provided.
3. Hours of operation, including times for feeding and use of outdoor areas by the animals, shall occur between 6 a.m. and 7 p.m.
4. No boarding of animals as a stand-alone commercial use shall be permitted.
5. Boarding of animals as a commercial use shall be permitted as accessory to a grooming or dog training use.

6. Soundproofing Required: Any veterinary clinic or hospital with indoor boarding facilities shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the property line shall be subject to the noise regulations in Chapter 14 of the City Code.

**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 permit is hereby GRANTED subject to the conditions specified herein.

**EFFECTIVE DATE:**

This development order shall not take effect for thirty (30) 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 \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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 Department of Economic Opportunity 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 pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Economic Opportunity. During those forty-five days, the Florida Department of Economic Opportunity 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**

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Diane Clavier, City Clerk