



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: July 11, 2022

To: Honorable Mayor and Council Members

From: George Garrett, City Manager

Through: Brian Shea, Planning Director

Agenda Item: **Resolution 2022-63**, Consideration Of A Request By Thomas Francis-Siburg 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 An Existing Convenience Store Providing Fuel Sales With The Addition Of A Car Wash At The Property Located At 6203 Overseas Highway, Ocean, Which Is Legally Described As Edmonds Acreage Tracts PB2-100 A Subdivision of Part Government Lot 1 Section 11 Township 66S Range 32E Key Vaca Part E1/2 Tract 10, Marathon, Monroe County, Florida, Having Real Estate Number 00338730-000600 & Sheryl Subdivision 2 Plat Book 4-43 Key Vaca Lots 1-2 and Part 3-4 Block C, Monroe County, Florida, Having Real Estate Number 00339960-000000. Nearest Mile Marker 50.

APPLICANT/ OWNER: Thomas Francis-Siburg/Land 10031, Land 1701, Land 7009, Land 8351, Land 2708, Land 8601, Land 4027, Land 113, and Land 2421 LLC

AGENT: Thomas Francis-Siburg & Owen Trepanier

LOCATION: The project site is located at and adjacent to 6203 Overseas Highway at approximately mile marker 50. See Figure 1.

REQUEST: A Conditional Use Approval for redevelopment of the subject property to include a Car Wash to the existing Convenience store which is being remodeled.

LOT SIZE:
Total acreage: 1.15 acres or 49,969 square feet

SURROUNDING ZONING AND USES:

	<i>Zoning</i>	<i>Use</i>
North	Mixed Use (MU)	Vacant Land
East	Mixed Use (MU)	Marathon Self Storage
South	Mixed Use (MU)	First Baptist Church of Marathon
West	Mixed Use (MU)	Office Building for Alex Landscaping

EXISTING CONDITIONS:

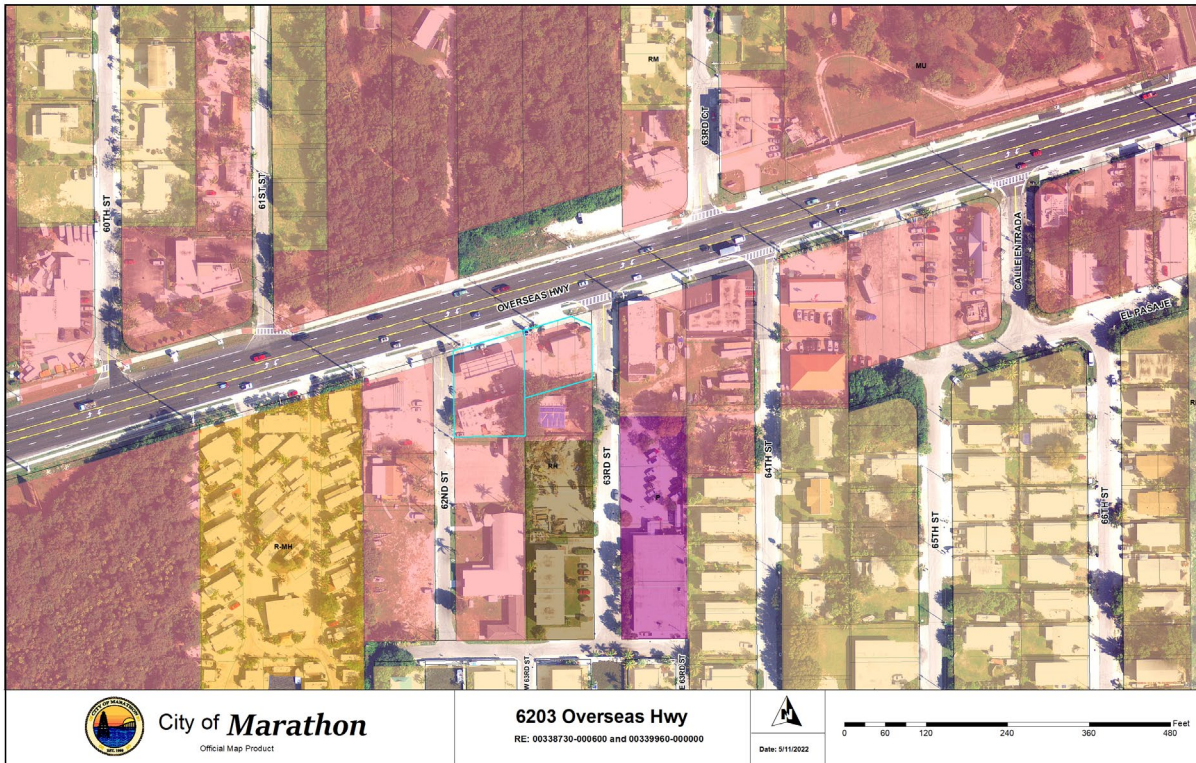
The project site consists of two (2) parcels in common ownership. The first parcel is developed with a 3,490 square foot building, with covered fuel pumps. The remaining parcel, formerly a hair salon is now vacant and cleared. The existing FLUM is Mixed Use Commercial (MU-C), and the Zoning is Mixed Use (MU). See Figures 2 & 3.

**Figure 1
Project Site**



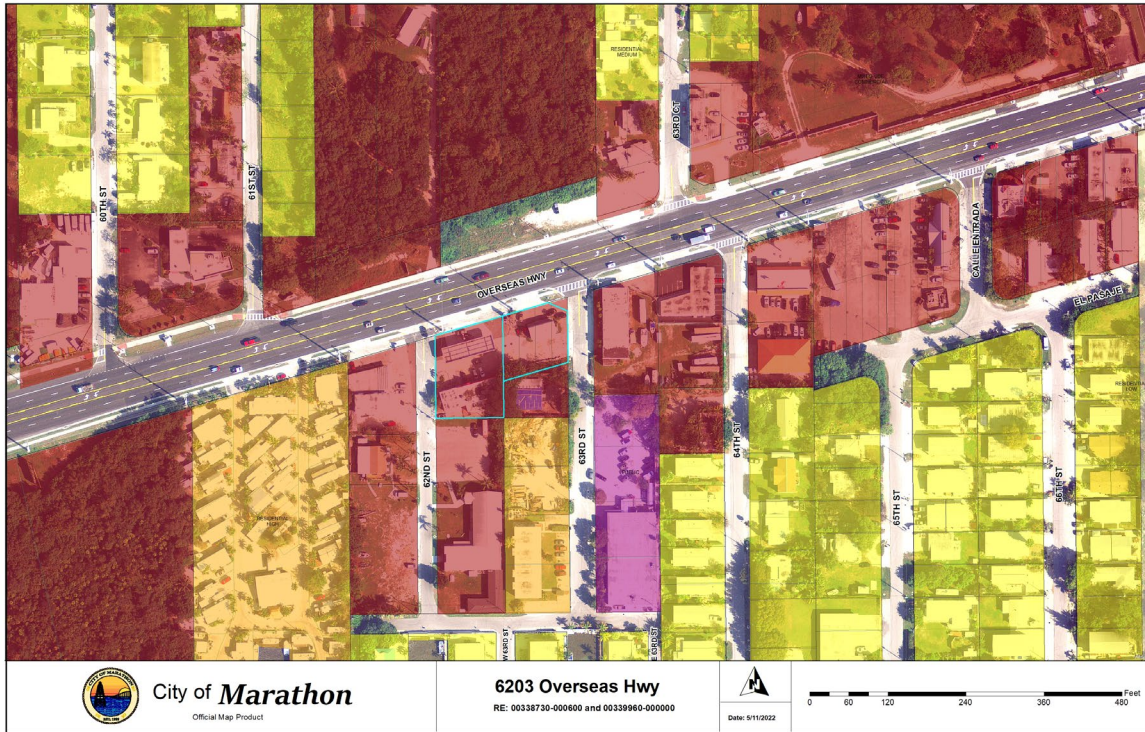
FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MU-C). See Figure 2.

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 a car wash in the adjoining parcel which will operate with the existing gas station and convenience store.

Commercial Floor Area

3,165 square feet (Convenience Store)

1,920 square feet (Covered Fuel Pumps (6))

Other Structures:

1,031 square feet (Car Wash)

CRITERIA

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

The proposed redevelopment 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 consists of the redevelopment of an existing commercial use and development of adjacent vacant parcels and is consistent with the Mixed-Use Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Fuel Sales uses are allowed as Conditional Uses in the MU district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

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. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use. In its review of this project, staff determined the overall development proposal to be consistent with a “retail, high intensity” use. As such, the following table reflects the proposed project intensity (shown as floor area (FA)) against the maximum intensity and floor area allowed under the constraints imposed on retail, high intensity development. The table also reflects the need for additional floor area that the applicant will have to acquire through the commercial building permit allocation system (CBPAS).

Dion’s Quik Chik and Car Wash			
Calculation of Intensity Limits & Requirements for CBPAS Application			
Use 1		Retail	
Intensity		High	
FAR (See Table 103.15.3)		0.25	
Site Area		9,630 sq ft	
Limits of FA Based on Intensity		2,407 sq ft	
Requested FA	FA Entitlements	FA Required Through CBPAS	% of FA Limit
1,031	1,188	0	42%

The project as proposed meets the basic definition of development in the MU zoning district and will not exceed any intensity constraints imposed on the type of proposed.

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 is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns and to recognize established mixed use development patterns within the City.” An existing conditional use (fuel sales) with the additional use of a car wash, which is consistent with the Mixed-Use classification.

The redevelopment of the site will result in significant improvement to the site development quality, including upgraded landscaping, stormwater management, and architecture. The improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon.

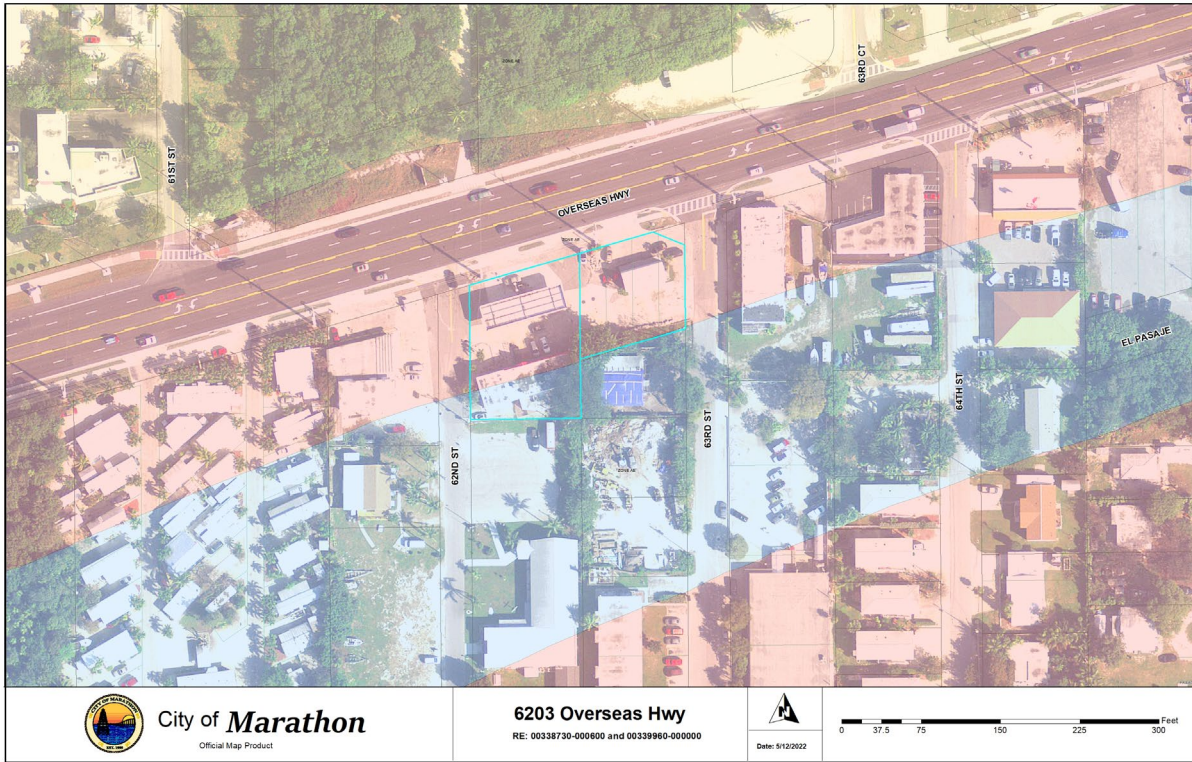
Therefore, with conditions, the request is ***in compliance*** with the requirements of these sections.

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

There is already a conditional use in place for the existing gas station. The proposed conditional use will include the newly constructed car wash which will enhance the community by providing an additional facility to the area for car cleaning. No new impacts are expected to arise with the redevelopment. The project will not cause any negative impacts to the City’s health, safety, and welfare.

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

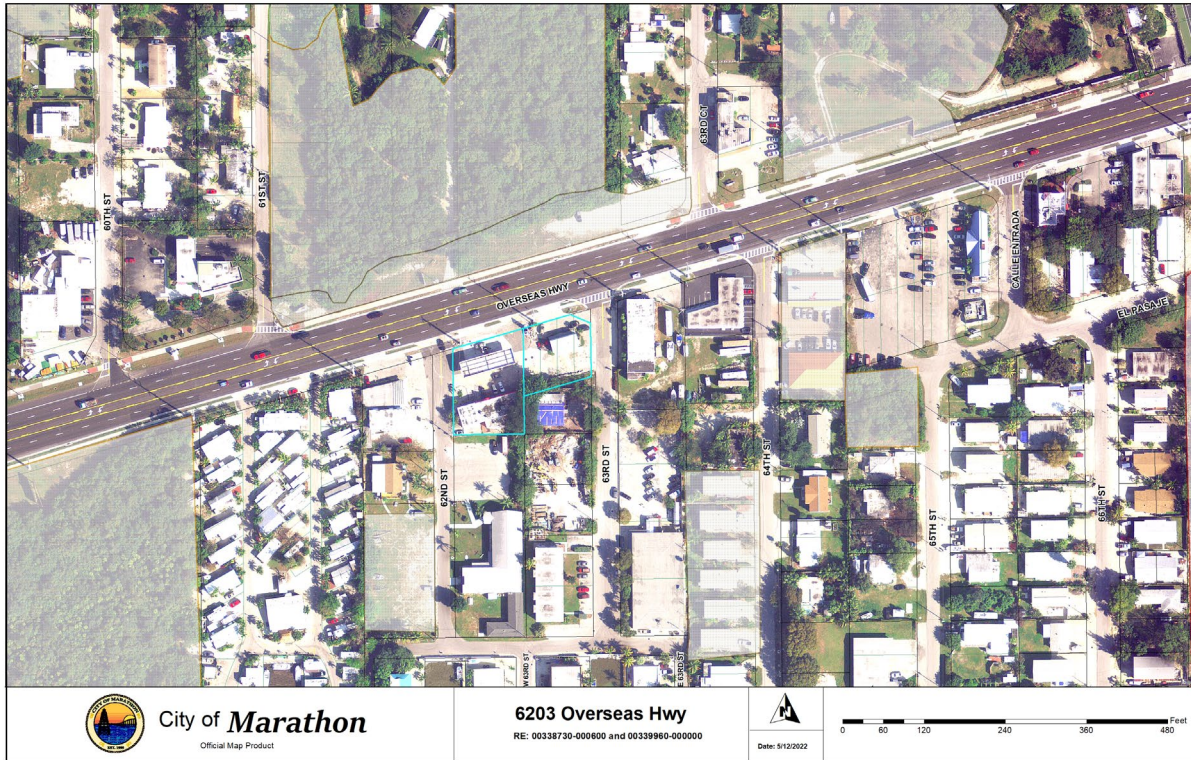
**Figure 5
Flood Zones**



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:

The existing conditions maps indicate the subject area is designated as developed. A site inspection showed the current conditions as scarified with an existing building and asphalt parking lot. These properties are not recognized habitat to any state or federally listed animal species and are not within Florida Forever boundaries or critical habitat areas.

Figure 6
FEMA-FWS Species Focus Area Map



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;

The applicant has provided a traffic analysis for the proposed redevelopment of the gas station with the additional development of the car wash. There is a projected increase in vehicles trips however this is considered minimal.

Ingress and egress to the property is being provided through existing curb cuts on U.S. 1, 62nd St. and 63rd St.

Table 1 Dion's Quik Chik Trip Generation Summary Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Existing								
Gas Station w/C-Store - Pass-By (59%/62%/56%)	8 FP	1,643 (969)	51 (32)	49 (30)	100 (62)	57 (32)	55 (31)	112 (63)
Small Office Building	726 SF	12	1	0	1	1	1	2
Salon	730 SF	10	1	0	1	0	1	1
Small Office Building	468 SF	8	1	0	1	0	1	1
Sub Total		704	22	19	41	26	27	53
Proposed								
Gas Station w/C-Store - Pass-By (59%/62%/56%)	8 FP	1,643 (969)	51 (32)	49 (30)	100 (62)	57 (32)	55 (31)	112 (63)
Small Office Building	726 SF	12	1	0	1	1	1	2
Automated Car Wash	1,030 SF	146	8	7	15	8	7	15
Sub-Total		832	28	26	54	34	32	66
Difference (Proposed - Existing)		128	6	7	13	8	5	13

Compiled by: KBP Consulting, Inc. (September 2021).

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on the site plan at time of building permit issuance. DOT parcel at corner acts as clear site triangle.

A unity of title is required in lieu of the unity of title the applicant can provide cross access easements in a form approved by the City attorney.

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 107.46 (Parking Schedule). The following table shows the parking requirement for the commercial uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Mixed Use Development (Convenience store, with fuel sales)	107.47	1 per 200 square feet GFA 1 per fueling position	15
Mixed Use Development (Car Wash)	107.47	1 per service bay, plus three stacking spaces	4

Total Required			19
Total Provided			19

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 19 required spaces, one handicapped space is required. Parking space sizes are 9' x 18' for 90-degree parking, and handicapped spaces are 12' x 21' as required by Code. Parking spaces for the car wash are provided as required with one per wash bay and three stack spaces.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional, and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The developer has provided a bike rack for the project.

Therefore, with the conditions noted above, 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 project consists of remodel of an existing commercial use with the addition of a car wash. New lighting will be constructed for this project. The applicant has provided detailed lighting plans which conform to the letter with the City of Marathon LDR's. Operational hours to run concurrently with Dion's convenience store and gas station. The applicant's detailed plans should achieve the net result of no detrimental noise, glare or odors being generated by any of the uses.

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 and recycling bins be fully enclosed and screened. The site plan does indicate that the dumpster is 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:

- Wastewater: Complete details for the carwash shall be submitted. The plans shall depict a treatment system to remove grease, grit, sand, and all other impurities prior to connection to the wastewater system.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.

- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study is being required to analyze the impact on transportation facilities. Furthermore, final site layout and traffic flow will be dependent on FDOT, City of Marathon Public Works, and City Fire Marshal analysis.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered by MU zone which result in no buffer necessary.

Section 107.71 A. requires that parcels with a MU zoning designation provide a Type 1 Streetscape Treatment for all parcels along US 1. The proposed landscape plan meets the minimum requirements.

Parking area landscaping is required by Section 107.66 of the Code. The City Biologist has reviewed the submitted parking area landscape plan and has found it to be in compliance.

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.

Therefore, 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 site is developed; therefore, a twenty percent open space requirement applies. According to calculations provided by the applicant, 21,687 square feet of proposed impervious area (including landscape area), or 20% of the site, is provided as open space. This meets the open space requirement.

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

9. General compatibility with surrounding properties; and

The project is a remodel of long-standing existing uses as well as a car wash developed in an area of the City which is relatively dense and intense. Adjacent uses include a commercial establishments and mixed uses. A convenience store with fuel sales and a car wash is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

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.

There are no additional sections set for Car Washes.

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

CONCLUSION:

The Conditional Use Approval 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 redevelopment consists of the enhancement of a long standing existing commercial use with an additional new car wash. 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.

RECOMMENDATION:

Planning Commission recommends approval of the proposed Conditional Use Permit allowing a car wash to City Council (3-0). Planning staff recommends conditional approval to City Council. The proposed conditions of approval are listed below.

Conditions of Approval

- 1) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 3) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 4) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 5) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 6) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
- 7) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 8) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 9) Complete details for the carwash shall be submitted. The plans shall depict a treatment system to remove grease, grit, sand, and all other impurities prior to connection to the wastewater system.
- 10) A unity of title is required in lieu of the unity of title the applicant can provide cross access easements in a form approved by the City attorney.
- 11) Operational hours to run concurrently with Dion's convenience store and gas station.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-63**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA OF A REQUEST BY THOMAS FRANCIS-SIBURG 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 AN EXISTING CONVENIENCE STORE PROVIDING FUEL SALES WITH THE ADDITION OF A CAR WASH AT THE PROPERTY LOCATED AT 6203 OVERSEAS HIGHWAY, OCEAN, WHICH IS LEGALLY DESCRIBED AS EDMONDS ACREAGE TRACTS PB2-100 A SUBDIVISION OF PART GOVERNMENT LOT 1 SECTION 11 TOWNSHIP 66S RANGE 32E KEY VACA PART E1/2 TRACT 10, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00338730-000600 & SHERYL SUBDIVISION 2 PLAT BOOK 4-43 KEY VACA LOTS 1-2 AND PART 3-4 BLOCK C, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00339960-000000. NEAREST MILE MARKER 50.

WHEREAS, Thomas Francis-Siburg (The “Applicant”) filed an Application on April 11th, 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 conditional use approval for the redevelopment of the subject property to include a car wash to the existing convenience store which is being remodeled; 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 27th day June 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 12th day July 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 Thomas Francis-Siburg 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 12th DAY OF JULY 2022.

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

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:

Steven Williams, City Attorney

**EXHIBIT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER 22-04**

A DEVELOPMENT ORDER APPROVING A REQUEST BY THOMAS FRANCIS-SIBURG 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 AN EXISTING CONVENIENCE STORE PROVIDING FUEL SALES WITH THE ADDITION OF A CAR WASH AT THE PROPERTY LOCATED AT 6203 OVERSEAS HIGHWAY, OCEAN, WHICH IS LEGALLY DESCRIBED AS EDMONDS ACREAGE TRACTS PB2-100 A SUBDIVISION OF PART GOVERNMENT LOT 1 SECTION 11 TOWNSHIP 66S RANGE 32E KEY VACA PART E1/2 TRACT 10, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00338730-000600 & SHERYL SUBDIVISION 2 PLAT BOOK 4-43 KEY VACA LOTS 1-2 AND PART 3-4 BLOCK C, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00339960-000000. NEAREST MILE MARKER 50.

WHEREAS, Thomas Francis-Siburg (The “Applicant”) filed an Application on April 11th, 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 conditional use approval for the redevelopment of the subject property to include a car wash to the existing convenience store which is being remodeled; 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 27th day June 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 12th day July 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 conditional use approval for redevelopment of the subject property to include a Car Wash to the existing Convenience store which is being remodeled.
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) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 3) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 4) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 5) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 6) The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;

- 7) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 8) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 9) Complete details for the carwash shall be submitted. The plans shall depict a treatment system to remove grease, grit, sand, and all other impurities prior to connection to the wastewater system.
- 10) A unity of title is required in lieu of the unity of title the applicant can provide cross access easements in a form approved by the City attorney.
- 11) Operational hours to run concurrently with Dion's convenience store and gas station.

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