



City of Marathon Planning Commission
Monday May 17, 2021
9805 Overseas Hwy
City Hall Council Chambers

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, May 17, 2021, at 5:30 pm.

In attendance: Attorney Steve Williams, Planning Director Brian Shea, City Manager George Garrett, Admin Assistant Lorie Mullins, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-absent; Matt Sexton-present; Susan Klock-present; Mike Leonard-present; Lynn Landry-present.

Landry asked for approval of the last meeting minutes.

Leonard moved to approve. Klock seconded. The roll was called. The minutes were approved 4-0.

The quasi-judicial statement was read into the record.

Public speakers were sworn in.

Item 1 was read into the record. Consideration Of A Request By Circle K Stores, Inc. For A Conditional Use Permit Pursuant To Chapter 102 Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Conditional Use Permits" For The Development Of A 5,200 Sq. Ft. Convenience Store With 14 Self-Service Fuel Positions On Property Located At 11100 & 11150 Overseas Highway, Which Is Legally Described As The South 150 Feet Of Lots 1 And 2 In Block 1 And The South 208.85 Feet Of Lots 3 And 4 Block 1 Of Key Colony Subdivision No. 3, Key Vaca, Marathon, Monroe County, Florida; Having Real Estate Numbers 00334560-000000 & 00334600-000000.

Brian Shea presented the item.

Bill Pfeffer, the engineer of record for the applicant, offered to answer questions.

After a brief discussion regarding an EPA study, traffic study, alternative energy vehicles, access to the shopping center, the possibility of adding some tropical décor, landscaping, and traffic flow at the pumps during an emergency, Leonard made a motion to approve the item with the removal of condition 5. Klock seconded.

The roll was called. The item was approved 4-0.

Items 2 and 3 were read into the record. Consideration Of A Request By Florida Keys Animal Encounters, LLC For A Conditional Use Permit Pursuant To Chapter 102 Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits”, For The Expansion Of The Previously Approved Sea Life Amusement Park And A Marine Educational Facility, To Include A 15,200 Square Foot Warehouse, Office, And Lab Space, At 11710 Overseas Highway, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.

Item 3. Consideration Of A Request By Florida Keys Animal Encounters, LLC For A Variance Pursuant To Chapter 102 Article 20 From The Provisions Of Section 106.28 Of The City Land Development Regulations (LDRs) Regulating The Minimum Setback For A Principal Structure On Property Located At 11710 Overseas Highway, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.

Williams asked for ex-parte communications.

Sexton had been contacted by the Chamber and applicant, and owners of Seawatch, by email and telephone communications.

Landry had contact with the applicant and an owner at Seawatch.

Bart Valdes representing Heidi Valdes, an owner at Seawatch, withdrew the request to continue.

Shea presented the items.

Bart Smith presented both items on behalf of the applicant.

Ben Daughtry, applicant, answered questions from the commissioners regarding setbacks, the size of the building, and how the reduction in setbacks would affect the proposed programs and uses.

Landry opened the meeting to public speakers.

- Nick Mulick representing organizations that object to the items.
- Bart Valdes wanted to submit a report by Sandra Walters to be added to the record. A vote was taken and passed that no new evidence will be added given the untimely request for submission. He proceeded to speak against the items. The report will be added to the minutes.
- Daniel Samess, Marathon Chamber of Commerce, spoke in favor of the items.
- Susan Tatgenhorst spoke against the items.
- Brian Bolon spoke against the items.
- Michael Echevarria spoke in favor of the items.
- Hiram Collazo spoke against the items.
- Richard Sweetham spoke against the items.
- Charlotte Quinn spoke in favor of the items.
- Bob Rehbock spoke against the items.
- Sylvia Eriksen spoke against the items.
- Julie Joyce-Rehbock spoke against the items.

- Michael Puto spoke in favor of the items.

Landry closed the meeting to public speakers.

Bart Smith addressed concerns of the public.

Nick Mulick stepped up to the podium to comment on Smith's comments, but Williams stopped him and asked Landry if he wanted to acknowledge Mulick's comments. Landry did not allow Mulick to speak again as public comments had been closed.

After a brief discussion between Smith, Daughtry, and commissioners,

Williams asked Brandon to display the site plan so that the square footage of the proposed building could be verified. Daughtry confirmed 15,200 sq ft. Smith's prior comment of a 7,600 sq ft was incorrect.

Landry asked Garrett why the City requires a 50' setback when the South Florida Water Management District only requires 25'. The City will possibly update the codes to match.

Leonard made a motion to approve item 3, the variance. Klock seconded.

The roll was called. The item was approved 4-0.

Landry asked about widening the road to Seawatch, which is owned by Aquarium Encounters who give Seawatch an easement. Daughtry had no objections to widening the road.

Klock moved to approve item 2 for the conditional use, with the condition of widening the road subject to the applications to ACOE/DEP. If ACOE/DEP denies the applications to widen the road it will not be fatal to this conditional use. Leonard seconded.

The roll was called. The item was approved 4-0.

Motion to adjourn.

Landry adjourned the meeting at 8:00 p.m.

ATTEST:



Lynn Landry – Planning Commission Chairman

ATTEST:



Lorie Mullins-Administrative Assistant
City of Marathon Planning Department

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

(Please note that one or more Marathon City Council members may participate in the meeting.)