



**City of Marathon Planning Commission
Monday August 16, 2021
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, August 16, 2021, at 5:33 pm.

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

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Matt Sexton-present; Malloy Pinto-present; Mary Ann Royse-present; Lynn Landry-present.

Landry asked for a motion to approve the minutes of the last meeting. Pinto moved to approve. Landry seconded. The roll was called. The minutes were approved 5-0.

The quasi-judicial statement was read into the record.

Item 1 was read into the record. An Ordinance By The City Of Marathon, Florida, Amending Chapter 104, Article I (“General Provisions”) By Amending Section 104.62 To Limit Access Of Mobile Vendors On Sombrero Beach Road Immediately Adjacent To Sombrero Beach; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item.

Royse questioned why Sombrero Beach was excluded. Shea and Williams explained there have been multiple complaints from property owners and the complaints had escalated to the brandishing of a weapon in that area.

There were no public speakers.

Landry asked for a motion to approve. Pinto moved to approve. Sexton seconded. The roll was called. The item was approved 4-1. Royse dissenting.

Item 2 was pulled by staff. A Request For A Conditional Use And Plat Approval Permit Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits”

Respectively, For A Plat And Site Plan Approval As Submitted By Seaview Commons II For Vacant Land On The Corner Of Avenue A (Pescayo Avenue) And Avenue B, Which Is Described As Lots 5 And 6 Of Block 6, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers 00363550-000000 & 00363560-000000. Nearest Mile Marker 54.

Item 3 was read into the record. 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 And Re-Plats," And "Conditional Use Permits" Respectively, For A Plat And Site Plan Approval As Submitted By Novoa Angela C 2012 Irrevocable Trust 11/16/12 For Vacant Land On Avenue A (Pescayo Avenue), Which Is Described As Lots 1 Through 6 Of Block 5 And Bay Bottom Adjacent To Lots 1 Through 6 Of Block 5, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers 00363430-000000, 00363450-000000, 00363460-000000, 00363460-000100, 363470-000000, 00363480-000000, 00363490-000000, 00363490-000000, and 00363500-000000. Nearest Mile Marker 54.

Shea presented the item.

Cinque asked if the egress problem with Messina had been resolved. Shea stated the applicant is working with Messina to resolve.

Bart Smith, for the applicant, presented the item. Smith added a condition: all docks are required to run parallel to the lots, maximum out from land will be 5', except lots 5, 6, 7 which will be a maximum of 4' out from land.

The speakers were sworn in.

Torres, the applicant, answered questions regarding driveways and access.

Landry opened the meeting to public speakers. Michelle Perdomo spoke in favor of the item.

Landry closed the meeting to public speakers.

Landry asked for ex-parte communications.

Royse stated that Torres is building her home and she wanted to be transparent.

Landry spoke with Torres, but it would not affect his decision.

Cinque spoke with neighbor about the fence problem, but it would not affect his decision.

Pinto had none.

Sexton had none.

Sexton moved to approve the item with the additional condition that docks must run parallel to upland and be a maximum of 5' from upland, except for lots 5, 6, and 7 which will be no more than 4' from upland.

Pinto seconded.

The roll was called. The item was approved 5-0.

Item 4 was 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 Warehouse, Office, And Lab Space Not To Exceed 30,400 Square Feet, 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.

Shea presented the item.

The proposed square footage will not change the footprint of the building.

Williams asked for ex-parte communications.

Cinque had conversations with both sides, and it will not affect his decision.

Pinto was contacted by the applicant, and it will not affect her decision.

Royse was contacted by the applicant, and it will not affect her decision.

Landry had conversations with applicant and people living at Seawatch and it will not affect his decision.

Sexton had no communications.

Bart Smith, for the applicant, presented the item.

Landry opened the meeting to public speakers.

Nick Mulick spoke against the item.

Bart Valdes presented a power point and spoke against the item.

Sandra Walters, expert witness, was questioned by Mulick. Walters summarized her opinion that the project is not in compliance and not consistent with community character.

Ben Daughtry, applicant, was questioned by Smith. Daughtry summarized his opinion that the project is in compliance.

After discussion on ownership of the road, access to and from Seawatch, parking, widening the road, and adding a condition for no parking allowed within the easement for ingress and egress Cinque moved to approve the item with the additional condition regarding no parking in the easement.

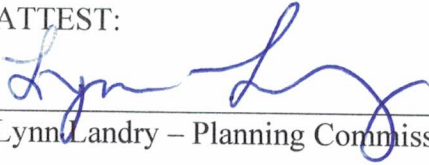
Royse seconded.

The roll was called. The item was approved 5-0.

Minutes for May and June meetings were approved.

Adjourned at 6:52pm.

ATTEST:



Lynn Landry – Planning Commission Chairman

ATTEST:



Lorie Mullins-Administrative Assistant
City of Marathon Planning Department

Audio-Video is available upon request.

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.)