

CITY COUNCIL AGENDA STATEMENT



**Meeting Date:** November 10, 2020

**To:** Honorable Mayor and Council Members

**From:** George Garrett, Planning Director

**Agenda Item:** A Request For An Amendment Of A Conditional Use For A Plat And Site Plan Approval As Submitted By G98 Development, LLC, For A Portion Of 11<sup>th</sup> Street Ocean, Which Is Described As Being A Part Of Government Lot 1, Section 8, Township 66 South, Range 32 East, Marathon, Monroe County, Florida, Having Real Estate Numbers 00319960-000000 & 00319970-000000. Nearest Mile Marker 47.5.

**APPLICANT/ OWNER:** G98 Development LLC

**AGENT:** William E. Niemann

**LOCATION:** The project site is located at 453, 455, 457 And 543 11th Street, nearest mile marker 47.5. See Figure 1.

**Figure 1**  
**Project Site**



**REQUEST:** A Conditional Use Permit for the amendment of the authorization of development of the subject property having the real estate numbers 00319960-000000 and 00319970-000000 to include the replat of the property.

**FUTURE LAND USE MAP DESIGNATION:**

Residential High (RH). See Figure 2.

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



**ZONING MAP DESIGNATION:**  
Residential Mobile Home (R-MH). See Figure 3.

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



**LOT SIZE:**  
Total acreage: Approx. 88,836 sq. ft. of which 50,572 is uplands.

**SURROUNDING ZONING AND USES:**

	<u><b>Zoning</b></u>	<u><b>Use</b></u>
<b>North</b>	Residential Mobile Home	Ocean Breeze West
<b>East</b>	Residential Mobile Home, Mixed Use	Residential Neighborhood of 11 <sup>th</sup> street, Galway Bay, Marathon Nautical Gifts and future self-storage building.
<b>South</b>	Residential Mobile Home, Mixed Use	Marathon Animal Shelter, Lazy Days, Waters Edge Marina
<b>West</b>	NA	Boot Key Channel

## EXISTING CONDITIONS:

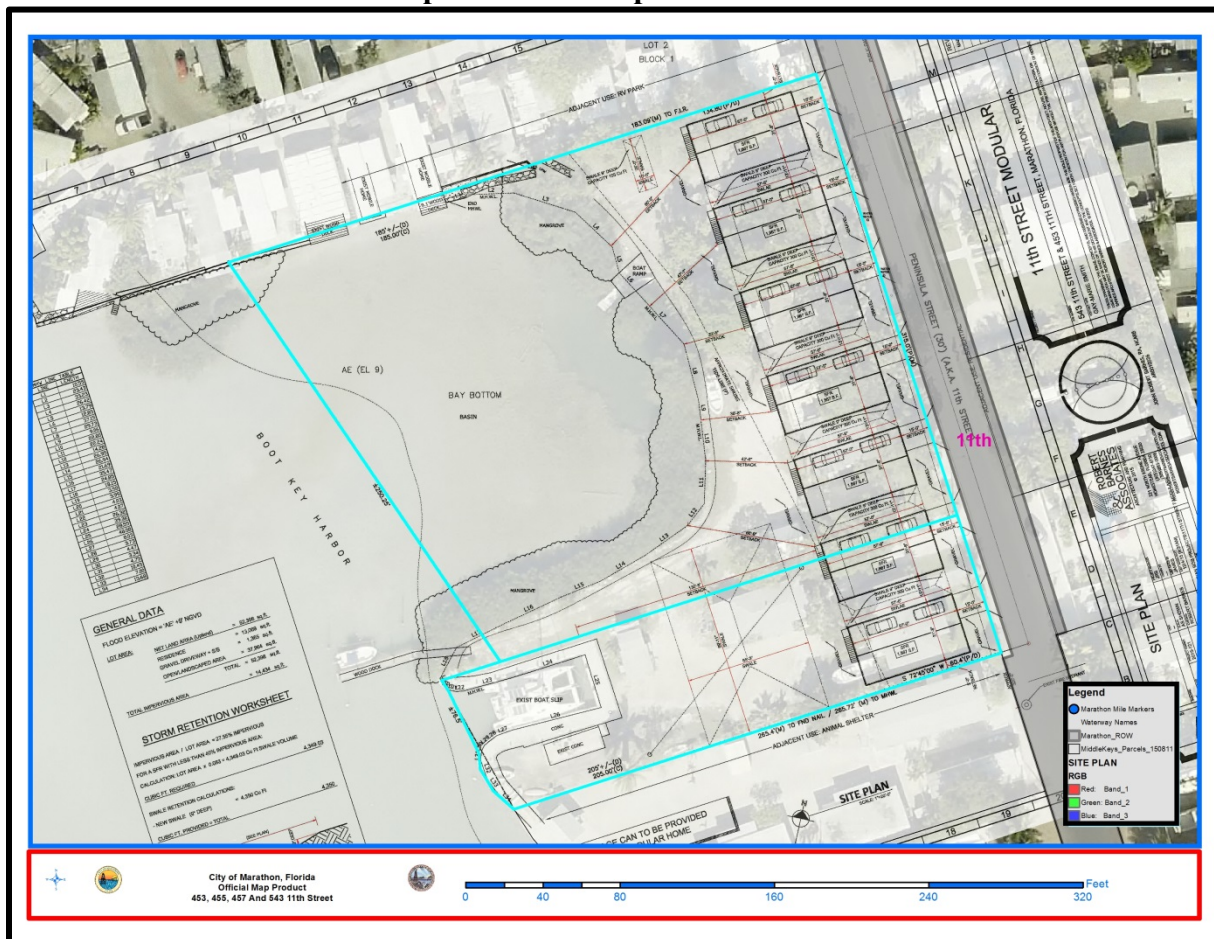
The project site consists of vacant lots that had contained seven residential units and the parcels serve as project site for redevelopment of seven residential units. The conditional use was approved under Resolution 2016-20 and extended under Resolution 2019-16.

## PROPOSED REDEVELOPMENT:

Residential Units: 7 Market Rate Units

See Figure 4 for Site Plan layout.

**Figure 4**  
**Proposed Redevelopment Site Plan**



## BACKGROUND:

The proposed project is the redevelopment of seven residential units to now include the platting of individual lots for each unit, as well as common area. This report addresses the Conditional Use application associated with the Conditional Use Permit.

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

**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 Residential Mobile Home (R-MH) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed to “establish areas of high-density residential uses characterized by mobile homes in mobile home parks, permanent RVs, and transient RVs where they have previously existed in the District, designated within the Residential High (RH) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the development of existing developed land within the Residential High Zoning District. Section 103.15, Table 103.15.2, “Uses by Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Market Rate residential units are allowed at a maximum of 8 units per acre and at numbers greater than three (3) are only approved through the Conditional Use Permit process. Conditional Use Permit 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 R-MH district based on the types of uses proposed. Using the property area, the proposed use can have up to 9 residential units, however the applicant is just replacing the existing 7 residential units. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use.

<b>Development Type</b>	<b>Proposed</b>	<b>Maximum Allowed</b>
<b>Residential Units</b>		
Market Rate	7	9
Affordable	0	0

The project as proposed meets the basic definition of development in the RMH 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 is located within the Residential High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential High future land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High future land use category is characterized by high density compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure.” The proposed project includes development of an existing residential high district into the same conditional use, which is consistent with the Residential High classification.

The existing land use pattern in the project vicinity consists of residential and commercial uses to the east; open water to the west; commercial uses to the south; and residential uses directly north.

Otherwise, the development 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, 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 does not adversely affect the health, and welfare of the public. The impacts on surrounding properties as a result of the proposed development should be positive.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

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

**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 Land. A small portion of the property is recognized as having Mangroves. However, the proposed development will have no impact on the existing mangrove fringe.

In addition, the parcels are not within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit.

Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

Therefore, it is staff’s opinion that the request is ***in compliance*** with the requirements of these sections so long as the development is conditioned on provision of final landscaping and mitigation plans subject to approval of the City Biologist and final stormwater plans subject to City approval.

- A final landscaping and mitigation plan, subject to approval of the City Biologist, must be submitted prior to permit approval.
- A final stormwater plan must be submitted prior to permit approval.

**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 proposed redevelopment of the existing seven units currently do not impede the flow of traffic through Marathon. The Level of Service for U.S. 1 is a Level of Service A. Any change in traffic generation, positive or negative would not impact the overall LOS for U.S. 1 in the project area.

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.

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

- Clear sight triangles must be shown on the site plan at time of building permit issuance.

**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 residential uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	14
Total Required			14
Total Provided			14

The proposed site plan provided by the applicant shows the residential structures maintaining the required residential parking spaces.

The developer proposes provisions and arrangements for off-street parking and loading areas, with particular attention to ingress and egress, automobile, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

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 project consists of development of seven multi-family dwellings planned for future development. The applicant is not proposing an exterior lighting plan. If in the future the applicant proposes exterior lighting, they must provide detailed lighting plans which conform to the letter with the City of Marathon LDR's. 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 indicates that the dumpster is (hidden) screened. However, the applicant proposes individual garbage containers similar to what is existing on site. Should a shared dumpster be proposed it must be screened according to Code.

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**: The applicant must coordinate with Wastewater Utilities Department for connection requirements. This project is replacing units already assessed, resulting in a de minimus impact.
- **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 development will have a de minimus impact on recreation and open space.
- **Roadways**: The applicant is developing the site with the same intensity that currently exists; therefore, resulting in a de minimus impact on transportation facilities.
- **Educational Facilities**: This redevelopment will have a de minimus impact on educational facilities since existing uses are 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.
- A stormwater plan is required that provides the calculations for the retention of the 25 year/72 hour storm. Calculations require a routing analysis to ensure the system can handle the runoff during the peak of the event.
- Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge.
- City approval of the modified connection to the City Wastewater Utility will be required.

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

Section 107.71 C. requires that all single family and two-family residential uses shall be required to provide a minimum of two canopy trees for every 100 linear feet of property frontage along local streets. The proposed tree coverage for the 314 linear feet of frontages meets the minimum requirements.

Table 103.15.2 outlines setback requirements in the RMH district as follow: front yard 10’; side yards 5’; and, rear yard 10’.

Table 106.28.1 outlines setbacks requirements for a Principal structure on open water where original slope landward has been significantly altered by filling but a mangrove fringe exists that is contiguous from side lot line to side lot line and is at least ten (10) feet wide at the root zone; have a setback requirement of thirty (30) feet from MHWL or the landwards extent of the mangrove root system. A resource buffer distance is set at a 30 foot minimum from MHWL, since that is further landward than the root system.

This plan shows a 15’ setback on the front yard, 5’ setback on the northern and southern side yards, 32.42’ setback on the nearest shoreline.

<b>Setback</b>	<b>Required</b>	<b>Required Landscape</b>	<b>Proposed</b>	<b>Compliant</b>
Front	10	10	15	Y
North Side	5	N/A	5	Y
South Side	5	N/A	5	Y
Shoreline	30	N/A	32.42	Y

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

- Native Canopy Street trees must be planted according to Code.
- Applicant shall meet the minimum width and planting requirements per Table 107.70.2.

**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, particularly for the non-residential portion of the project.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted along with final landscaping plans, and will include verification from the landscape architect that all provisions of the article are met.

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 parcel is generally considered developed; therefore, a twenty percent open space requirement applies. To the greatest extent possible, the Applicant will be required to protect Regulated Trees, pursuant to Chapter 106, Article 2 of the LDRs. According to the submitted plans, 14,434 square feet of impervious area is proposed on site. This amounts to roughly 73% open space on site, this exceeds 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 development of long-standing existing uses in an area of the City which is relatively dense and intense. Adjacent uses include commercial and residential establishments. A development of residential dwellings 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.

Section 107.40 restricts the height of buildings to 42' as measured from the crown of the roadway or unimproved grade. The site plans show that buildings are below 42'.

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.**

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- Plans must show a 10' interior setback between residential units.

- Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.
- ~~A unity of title must be filed to combine the two properties into one.~~

Therefore, with the conditions note above, 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 development consists of the replacement and enhancement of a long standing existing residential use. 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:**

The Planning staff recommends conditional approval of the multi-family residential project known as G98 Development LLC to the Planning Commission. The proposed conditions of approval are listed below.

### Conditions of Approval

1. A final landscaping and mitigation plan, subject to approval of the City Biologist, must be submitted prior to permit approval.
2. A final stormwater plan must be submitted prior to permit approval.
3. City approval is required for the stormwater management system prior to Building Permit Approval.
4. A stormwater plan is required that provides the calculations for the retention of the 25 year/72 hour storm. Calculations require a routing analysis to ensure the system can handle the runoff during the peak of the event.
5. Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge.
6. City approval of the modified connection to the City Wastewater Utility will be required.
7. Native Canopy Street trees must be planted according to Code.
8. Applicant shall meet the minimum width and planting requirements per Table 107.70.2.
9. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
10. Plans must show a 10' interior setback between residential units.

11. Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.
- ~~12. A unity of title must be filed to combine the two properties into one.~~
13. Clear sight triangles must be shown on the site plan at time of building permit issuance.
14. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

## **ANALYSIS OF PLAT APPROVAL REQUEST:**

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

Per code streets, internal park and open space areas, recreation space, protected habitat areas requiring conservation easements may all be the basis for density reductions in the platted lot area if they are included in the overall density calculations for the subdivision and subsequent plat. Such reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document. Equally, if lot area reductions are allowed as part of the subdivision and platting process, the plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations.

## **RECOMMENDATION:**

With the following conditions, the Planning staff recommends approval of the proposed final plat.

### Conditions:

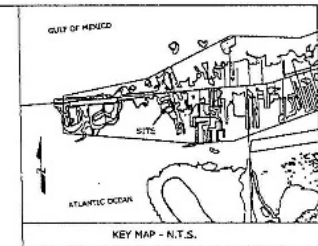
1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. Reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document.
5. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations
6. All conditions of the Conditional Use must be met prior to building permit issuance.



**Attachment B: Proposed Plat**

**GOOSE'S COVE**  
 A SUBDIVISION, BEING A RE-PLAT OF  
 LOTS 3, 4, 5 & 6, BLOCK 1, "RIGGS' SUBDIVISION"  
 PLAT BOOK 2, PAGE 68

BEING A PART OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 66 SOUTH, RANGE 32 EAST  
 CITY OF MARATHON, HOG KEY, MONROE COUNTY, FLORIDA  
 JUNE 2020



**LEGAL DESCRIPTION:**

Lot 6, Block 1, RIGGS SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 68, Public Records of Monroe County, Florida, located in Section 8, Township 66 South, Range 32 East, commonly called Hog Key.

**TOGETHER WITH:**

A Parcel of low bottom land and flood land in West Key Harbor at Hog Key, Monroe County, Florida, being a portion of Lot 6, Block 1, RIGGS SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 68, Public Records of Monroe County, Florida, and more particularly described as follows:  
 Commencing at the intersection of the South line of Section 8, Township 66 South, Range 32 East, and the Southwesterly right of way line of Northside Street, run Northwesterly along the Southwesterly right of way line of Northside Street for a distance of 343.00 feet to a corner, said point being at the Northeast corner of Lot 6, Block 1, of said RIGGS SUBDIVISION; thence at right angles and Southwesterly along the Northwesterly line of said Lot 6 for a distance of 73.77 feet to the Point of Beginning of the low bottom land hereinafter described; from said Point of Beginning continue Southwesterly along the Northwesterly line of Lot 6, extended, for a distance of 257.00 feet, more or less, to the edge of an existing drainage; thence westerly the edge of said existing drainage in a Southwesterly direction for a distance of 75.00 feet, more or less, to where said edge of drainage intersects the Southwesterly line of Lot 6, extended; thence run Northwesterly along the Southwesterly line of Lot 6, extended Southwesterly, for a distance of 206.50 feet, more or less, to the approximate spring tide line; thence westerly to the approximate spring tide line in a Northwesterly direction for a distance of 75.00 feet, more or less, back to the Point of Beginning.

**AND**

Lot 3, 4 and 5, Block 1, RIGGS SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 68, Public Records of Monroe County, Florida,

**TOGETHER WITH:**

A Parcel of low bottom land in West Key Harbor Westerly of and adjacent to Lots 3, 4 and 5, Block 1, of RIGGS SUBDIVISION, as recorded in Plat Book 2, Page 68, of Hog Key, Monroe County, Florida, and more particularly described as follows:  
 Commencing at the intersection of the South line of Section 8, Township 66 South, Range 32 East, and the westerly right of way line of Northside Street, run Northwesterly along the westerly right of way line of Northside Street for a distance of 343.00 feet to a corner, being at right angles and Southwesterly for a distance of 73.77 feet to the POINT OF BEGINNING of the low bottom land hereinafter described; thence at right angles and Southwesterly for a distance of 170 feet, more or less, to the edge of an existing drainage; thence run Northwesterly along the edge of said existing drainage for a distance of 220 feet, more or less, to a point on the North line of Lot 3, Block 1, of said RIGGS SUBDIVISION; thence Southwesterly parallel to the North line of Lot 3, extended Southwesterly for a distance of 145 feet, more or less, to a point on the approximate spring tide line; thence westerly to the approximate spring tide line in a Southwesterly direction for a distance of 258 feet, more or less, back to the POINT OF BEGINNING. Lots 3 and 5 being in Section 8, Township 66 South, Range 32 East, Monroe County, Florida.

**DEDICATION:**

KNOW ALL PERSONS BY THESE PRESENTS, THAT G98 DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION ABOVE, IN THE CITY OF MARATHON, HOG KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "GOOSE'S COVE".

THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO: RE-PLAT OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION ABOVE IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

HAVE DECLARED THAT NO ENCUMBRANCES ENCLUMBER THESE LOTS.

**OWNERS ACKNOWLEDGMENT:**

IN WITNESS WHEREOF, G98 DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DOES HEREBY SET THEIR HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 WITNESS SIGNATURE  
 \_\_\_\_\_  
 WITNESS SIGNATURE

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
 COUNTY OF MONROE  
 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020,  
 BY \_\_\_\_\_, HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC STATE OF \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
 COUNTY OF MONROE  
 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020,  
 BY \_\_\_\_\_, HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC STATE OF \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:**  
 THE HOLDER OF THAT CERTAIN MORTGAGE OF REAL ESTATE AND SECURITY AGREEMENT DATED \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND RECORDED IN OFFICIAL RECORDS DOCUMENT NUMBER \_\_\_\_\_, PAGE \_\_\_\_\_, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, DOES HEREBY RATIFY, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON.

SIGNATURE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_  
 NOTARY ACKNOWLEDGMENT:  
 STATE OF FLORIDA  
 COUNTY OF MONROE  
 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020,  
 BY G98 DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC STATE OF \_\_\_\_\_  
 PRINTED NAME: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

**TITLE CERTIFICATION:**

WE, \_\_\_\_\_, A TITLE COMPANY, DULY LICENSED IN THE STATE OF FLORIDA, HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY; THAT WE FIND THE TITLE TO THE PROPERTY AS SET FORTH TO BE UNENCUMBERED, UNLESS A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**APPROVAL OF MARATHON CITY COUNCIL:**

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL, OFFICIALLY APPROVED THIS PLAT OF "GOOSE'S COVE" ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY RESOLUTION NO. \_\_\_\_\_ PROVIDED THAT THIS PLAT IS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF MONROE COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS FROM SAID DATE.

CITY OF MARATHON, FLORIDA

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
 MICHELLE COLDIRON, MAYOR DIANE CLAVIER, CITY CLERK

**APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:**

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "GOOSE'S COVE" ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BY: \_\_\_\_\_

JEFF SMITH, CHAIRMAN

**APPROVAL BY CITY OF MARATHON OFFICIALS:**

APPROVED:

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
 CITY ENGINEER CITY SAIL MARSHAL

**APPROVAL OF THE CLERK OF THE CIRCUIT COURT:**

THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF CITY OF MARATHON, FLORIDA, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND WAS FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND RECORDED IN PLAT BOOK \_\_\_\_ ON PAGE \_\_\_\_ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

BY: \_\_\_\_\_

KEVIN MADOCK, CPA, CLERK OF COURT

**SURVEYOR'S NOTES:**

1. THE MEAN HIGH WATER ELEVATION, L.I.F. NO. 1029-01.1, NAVD 83M, AS SHOWN HEREON WAS ESTABLISHED BY EXTENDING THE ELEVATION PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION MEAN HIGH WATER SURVEY PROCEDURAL APPROVAL FOR TIDE POINT NO. 1317, ACCESSED 06/15/2015, APPROVED FOR FILING 07/07/2015, MEAN HIGH WATER SURVEY FILE NUMBER: 8821.
2. THE BEARING BAZIS FOR THIS PLAT IS THE CENTERLINE OF PENINSULA STREET (A.K.A., 11TH STREET), SAID LINE BEARS S 17°15'00" E AND ALL OTHER BEARINGS ARE RELATIVE THEREIN.
3. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
4. SQUARE FOOTAGES ARE PLUS OR MINUS (.1).
5. THE RIPARIAN LINES SHOWN HEREON WERE ESTABLISHED USING THE BUREAU OF SURVEYING AND MAPPING'S STUDY ENTITLED "GUIDELINES FOR RIPARIAN RIGHTS" REVISED FEBRUARY 26, 2013 THROUGH THE GENERALLY ACCEPTED METHOD OF APPORTIONING CANAL CENTERLINE FROM THE ANGLE BISECTIONS OF THE END OF THE CANAL BY PROPORTIONAL SHORELINE/CANAL LINES (PROPORTIONAL DIVERSITY). THESE RIPARIAN LINES ARE THE SURVEYOR'S DETERMINATION, HOWEVER ONLY THE COLLECTOR CAN RISE ON THE ACTUAL RIPARIAN RIGHTS.
6. THE ACTUAL EDGE OF CANAL FILLS INSIDE THE CANAL LIMITS BY THE PREVIOUS PLAT, RESULTING IN AN EXCESS OF LAND BETWEEN THE PLATTED LINES AND THE ACTUAL SHORELINE.
7. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DESCRIPTION OF THE SUBDIVIDED LANDS DESIGNATED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPERPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**REVIEW AND APPROVAL OF THE CITY SURVEYOR:**

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF MARATHON.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "GOOSE'S COVE" AS SHOWN ON THIS AND ACCOMPANYING SHEETS NUMBERED 1 THROUGH 1 OF 2 IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREBY SUBDIVIDED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT CONFORMS WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.09(1)(b) OF SAID CHAPTER 177.

**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYOR AND MAPPER, L.S. 7646  
 127 INDUSTRIAL ROAD, BIG KEY, FL 33043  
 OFFICE (305) 872 - 1246  
 FAX (305) 872 - 5622

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ROBERT E. REECE, P.S.M.  
 FLORIDA REGISTERED SURVEYOR NO. 13,5622  
 REECE & WHITE LAND SURVEYING, INC.  
 D/B/A REECE & ASSOCIATES  
 CERTIFICATE OF AUTHORIZATION NO. 18,704

SHEET 1 OF 2  
 NOT VALID WITHOUT SHEET 2

**PLAT BOOK PAGE**





**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-XX**

**APPROVAL OF A CONSIDERATION OF A REQUEST BY G98 DEVELOPMENT LLC FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “CONDITIONAL USE PERMITS”, SEEKING THE AUTHORIZATION FOR A RE-PLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” PARTICULARLY, FOR A PART OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 66 SOUTH, RANGE 32 EAST, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00319960-000000 & 00319970-000000. NEAREST MILE MARKER 47.5.**

**WHEREAS**, G98 Development LLC filed an Application on August 21<sup>st</sup>, 2020 for approval to Re-Plat property located at 453, 455, 457 And 543 11th Street, having Real Estate Numbers 00319960-000000 & 00319970-000000, into seven (7) single family residential lots, and one (1) common area lot pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**; the Applicant is required to go through the Conditional Use process as part of the Platting process; 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 19<sup>th</sup> day of October 2020 the City of Marathon Planning Commission (the “Commission”) reviewed and recommended approval of the final re-plat with several conditions; and

**WHEREAS**, on the 10<sup>th</sup> day of November 2020, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the final Re-plat documents were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Article 10 of the City LDR’s; 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

**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,

**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 2020-08, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to G98 Development LLC subject to the Conditions imposed. The City Manager 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 the Department of Economic Opportunity pursuant to Chapters 163 and 380, *Florida Statutes*.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10<sup>TH</sup> DAY OF NOVEMBER 2020.**

**THE CITY OF MARATHON, FLORIDA**

---

**Steve Cook , 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:**

---

Steve Williams, City Attorney



**CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER # 2020-08**

**A DEVELOPMENT ORDER APPROVING A REQUEST BY G98 DEVELOPMENT LLC FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “CONDITIONAL USE PERMITS”, SEEKING THE AUTHORIZATION FOR A RE-PLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” PARTICULARLY, FOR A PART OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 66 SOUTH, RANGE 32 EAST, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00319960-000000 & 00319970-000000. NEAREST MILE MARKER 47.5.**

**WHEREAS**, G98 Development LLC filed an Application on August 21<sup>st</sup>, 2020 for approval to Re-Plat property located at 453, 455, 457 And 543 11th Street, having Real Estate Numbers 00319960-000000 & 00319970-000000, into seven (7) single family residential lots, and one (1) common area lot pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**; the Applicant is required to go through the Conditional Use process as part of the Platting process; 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 19<sup>th</sup> day of October 2020 the City of Marathon Planning Commission (the “Commission”) reviewed and recommended approval of the final re-plat with several conditions; and

**WHEREAS**, on the 10<sup>th</sup> day of November 2020, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the final Re-plat documents were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Article 10 of the City LDR’s; 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

**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,

**FINDINGS OF FACT:**

1. The applicant will develop subdivide the parcel through the platting process into single family residence lots with the following determinations:
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;
    3. The noise, glare or odor effects of the conditional use on surrounding properties;
    4. Refuse and service areas, with particular reference to location;
    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. A final landscaping and mitigation plan, subject to approval of the City Biologist, must be submitted prior to permit approval.
2. A final stormwater plan must be submitted prior to permit approval.
3. City approval is required for the stormwater management system prior to Building Permit Approval.
4. A stormwater plan is required that provides the calculations for the retention of the 25 year/72 hour storm. Calculations require a routing analysis to ensure the system can handle the runoff during the peak of the event.
5. Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge.
6. City approval of the modified connection to the City Wastewater Utility will be required.
7. Native Canopy Street trees must be planted according to Code.
8. Applicant shall meet the minimum width and planting requirements per Table 107.70.2.
9. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
10. Plans must show a 10' interior setback between residential units.
11. Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.
- ~~12. A unity of title must be filed to combine the two properties into one.~~
13. Clear sight triangles must be shown on the site plan at time of building permit issuance.
14. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

## **VIOLATION OF CONDITIONS:**

The applicant understands and acknowledges that it must comply with all of 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 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

\_\_\_\_\_  
Chuck Lindsey  
City Manager

This Development Order was filed in the Office of the City Clerk of this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 Community Affairs 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 Community Affairs. During that 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 \_\_\_\_\_, 2020.

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



**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY G98 DEVELOPMENT LLC FOR A RE-PLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” PARTICULARLY, FOR A PART OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 66 SOUTH, RANGE 32 EAST, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00319960-000000 & 00319970-000000. NEAREST MILE MARKER 47.5.**

**WHEREAS**, G98 Development LLC filed an Application on August 21<sup>st</sup>, 2020 for approval to Re-Plat property located at 453, 455, 457 And 543 11th Street, having Real Estate Numbers 00319960-000000 & 00319970-000000, into seven (7) single family residential lots, and one (1) common area lot pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

**WHEREAS**, on the 19<sup>th</sup> day of October 2020 the City of Marathon Planning Commission (the “Commission”) reviewed and recommended approval of the final re-plat with several conditions; and

**WHEREAS**, on the 10<sup>th</sup> day of November 2020, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the preliminary Re-plat documents were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Article 10 of the City LDR’s; and

**WHEREAS**, on the TBD day of TBD, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the final Re-plat documents were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Article 10 of the City LDR’s; and

**WHEREAS**, due process was afforded to the parties, the essential requirements of law were adhered to and competent and substantial evidence was presented, the Council voted to approve the Final Re-Plat; and

**WHEREAS**, the purpose of the Final Plat assures that G98 Development LLC has complied with all subdivision and plat filing requirements of Chapter 102, Articles 10 and Florida Statutes Chapter 177.

**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 final plat, an unsigned copy of which is attached hereto as Exhibit “A”, is hereby approved for signature and recordation and otherwise has complied with or must meet all conditions of the re-Plat as follows:

1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. Reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document.
5. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations
6. All conditions of the Conditional Use must be met prior to building permit issuance.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**THE CITY OF MARATHON, FLORIDA**

---

**Steve Cook, 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:**

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Steve Williams, City Attorney

# EXHIBIT A

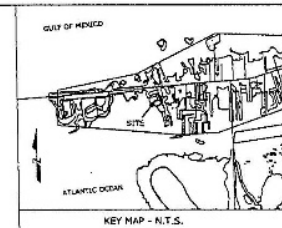
## Final Plat of Property

### (Original Re-plat to be attached at final adoption & signature)

# GOOSE'S COVE

## A SUBDIVISION, BEING A RE-PLAT OF LOTS 3, 4, 5 & 6, BLOCK 1, "RIGGS SUBDIVISION" PLAT BOOK 2, PAGE 68

### BEING A PART OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 66 SOUTH, RANGE 32 EAST CITY OF MARATHON, HOG KEY, MONROE COUNTY, FLORIDA JUNE 2020



**LEGAL DESCRIPTION:**

Lot 3, Block 1, RIGGS SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 68, Public Records of Monroe County, Florida, located in Section 8, Township 66 South, Range 32 East, commonly called "Goose Cove".

**TOGETHER WITH:**

A Parcel of bay stream land and flood sand in Hog Key Harbor on Hog Key, Monroe County, Florida, being West-half of Lot 6, Block 1, RIGGS SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 68, Public Records of Monroe County, Florida, and more particularly described as follows: Commencing at the intersection of the South line of Section 8, Township 66 South, Range 32 East, and the Southwesterly right-of-way line of Perdida Street, said Southwesterly right-of-way line of Perdida Street, run Northwesterly along the Southwesterly right-of-way line of Perdida Street for a distance of 391.02 feet to a curve, said curve being at the Northeast corner of Lot 6, Block 1, of said RIGGS SUBDIVISION, thence at right angle North and Southwesterly along the westerly line of said Lot 6 for a distance of 77.74 feet to the Point of Beginning of the bay stream land hereinafter described; from said Point of Beginning Southwesterly along the Northwesterly line of Lot 6, extended, for a distance of 207.00 feet, more or less, to the edge of an existing channel; thence easterly along the edge of said existing channel in a Southwesterly direction for a distance of 75.00 feet, more or less, to where said edge of channel intersects the Southwesterly line of Lot 6, extended; thence run Northwesterly along the Southwesterly line of Lot 6, extended Southwesterly, for a distance of 205.28 feet, more or less, to the approximate spring line; thence easterly to the approximate spring line in a Northwesterly direction for a distance of 75.00 feet, more or less, back to the Point of Beginning.

**AND**

Lot 3, 4 and 5, Block 1, RIGGS SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 68, Public Records of Monroe County, Florida,

**TOGETHER WITH:**

A Parcel of bay bottom land in Hog Key Harbor West-half of and adjacent to Lot 3, 4 and 5, Block 1, of RIGGS SUBDIVISION, as recorded in Plat Book 2, Page 68, of Hog Key, Monroe County, Florida, and more particularly described as follows: Commencing at the intersection of the South line of Section 8, Township 66 South, Range 32 East, and the westerly right-of-way line of Perdida Street, run Northwesterly along the westerly right-of-way line of Perdida Street for a distance of 391.02 feet to a curve, said curve being at the Northeast corner of Lot 6, Block 1, of said RIGGS SUBDIVISION, thence at right angle North and Southwesterly along the westerly line of said Lot 6 for a distance of 77.74 feet to the Point of Beginning of the bay bottom land hereinafter described; from said Point of Beginning, continue Southwesterly for a distance of 175 feet, more or less, to the edge of an existing channel; thence run Northwesterly following the edge of said existing channel for a distance of 225 feet, more or less, to a point on the North line of Lot 3, Block 1, of said RIGGS SUBDIVISION, extended Southwesterly; thence run Northwesterly along the North line of Lot 3, extended Southwesterly for a distance of 185 feet, more or less, to a point on the approximate spring line; thence easterly to the approximate spring line in a Southwesterly direction for a distance of 125 feet, more or less, back to the Point of Beginning. Lot 3, 4 and 5, Block 1, of said RIGGS SUBDIVISION, extended Southwesterly; thence run Northwesterly along the North line of Lot 3, extended Southwesterly for a distance of 185 feet, more or less, to a point on the approximate spring line; thence easterly to the approximate spring line in a Southwesterly direction for a distance of 125 feet, more or less, back to the Point of Beginning.

**DEDICATION:**

KNOW ALL PERSONS BY THESE PRESENTS, THAT OUR DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION ABOVE, IN THE CITY OF MARATHON, ON HOG KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, THE FOLLOWING:

THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO: REPLAT OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION ABOVE IN ORDER TO CREATE MORE SUSTAINABLE STRETS FOR CONSTRUCTION.

HAVE DECLARED THAT NO EASEMENTS ENCOMBER THESE LOTS.

**OWNERS ACKNOWLEDGMENT:**

IN WITNESS WHEREOF, OUR DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DOES HEREBY SET THEIR HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

WITNESS SIGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY \_\_\_\_\_ HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY \_\_\_\_\_ HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:**

THE HOLDER OF THAT CERTAIN HOA/PAGE OF REAL ESTATE AND SECURITY AGREEMENT DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND RECORDED IN \_\_\_\_\_ OFFICIAL RECORD BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, DOES HEREBY CONSENT TO THE PLAT AND DEDICATION CERTIFICATE HEREON.

SIGNATURE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY OUR DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY OUR DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT:**

STATE OF FLORIDA  
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY OUR DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

MY COMMISSION EXPIRES: \_\_\_\_\_

**TITLE CERTIFICATION:**

WE, \_\_\_\_\_ A TITLE COMPANY, QUAL LICENSED IN THE STATE OF FLORIDA, HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED TO OUR DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**APPROVAL OF MARATHON CITY COUNCIL:**

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL, OFFICIALLY APPROVED THIS PLAT OF "GOOSE'S COVE" ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY RESOLUTION NO. \_\_\_\_\_ PROVIDED THAT THIS PLAT IS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF MONROE COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS FROM SAID DATE.

CITY OF MARATHON, FLORIDA

BY: MICHELLE GOLDSON, MAYOR BY: DIANE CLAVIER, CITY CLERK

**APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:**

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "GOOSE'S COVE" ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BY: \_\_\_\_\_

**APPROVAL BY CITY OF MARATHON OFFICIALS:**

APPROVED:

BY: \_\_\_\_\_ BY: \_\_\_\_\_

**APPROVAL OF THE CLERK OF THE CIRCUIT COURT:**

THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF CITY OF MARATHON, FLORIDA, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND WAS FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND RECORDED IN PLAT BOOK \_\_\_\_ ON PAGE \_\_\_\_ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

BY: \_\_\_\_\_

KEVIN MARCOCK, CPA, CLERK OF COURT

**SURVEYOR'S NOTES:**

1. THE MEAN HIGH WATER ELEVATION, LIP NOV 2020 (N.T.S.) NAVD 1988, AS SHOWN HEREON WAS ESTABLISHED BY EXTENDING THE ELEVATION PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION MEAN HIGH WATER SURVEY PROFESSIONAL APPROVAL FOR TIDE POINT NO. 3117, ACCESSED 04/15/2015, APPROVED FOR FILING 02/02/2016, MEAN HIGH WATER SURVEY FILE NUMBER: 3061.
2. THE BEARING BACKS FOR THIS PLAT IS THE CENTERLINE OF PENNSYLVANIA STREET (A.K.A. 11TH STREET), SAID LINE BEARS S 17°15'00" E AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. ALL ANGLES ARE BY UNLESS OTHERWISE NOTED.
4. SQUARE FOOTAGES ARE PLUJ OR MINUS (+/-).
5. THE BOUNDARY LINES SHOWN HEREON WERE ESTABLISHED USING THE BUREAU OF SURVEYING AND MAPPING'S STUDY ENTITLED "GULF COASTS FOR BOUNDARY RIGHTS" REVISED FEBRUARY 26, 2013 THROUGH THE GENERALLY ACCEPTED METHOD OF APPROPRIATING CANALS, CENTERLINE FROM THE ANGLE BISECTIONS OF THE END OF THE CANAL BY PROPORTIONAL SHOULDER/CANAL CHAINS (PROPORTIONAL DIVISIONS); THESE BOUNDARY LINES ARE THIS SURVEYOR'S DETERMINATION, HOWEVER ONLY THE COULDS CAN BE USED ON THE ACTUAL BOUNDARY RIGHTS.
6. THE ACTUAL EDGE OF CANAL FALLS INSIDE THE CANAL LIMITS BY THE PREVIOUS PLAT, RESULTING IN AN EXCESS OF LAND BETWEEN THE PLATTER LINES AND THE ACTUAL SHOULDER.
7. NOTICE: THIS PLAT, AS DESCRIBED IN ITS GRAPHIC FORM, IS THE OFFICIAL EDITION OF THE SUBDIVIDED LANDS DELINEATED HEREIN AND WITH IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**REVIEW AND APPROVAL OF THE CITY SURVEYOR:**

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF MARATHON.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "GOOSE'S COVE", AS SHOWN ON THIS AND ACCOMPANYING SHEETS NUMBERED 1 THROUGH 2 OF 2 IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT COMPILED WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.01(1) OF SAID CHAPTER 177.

**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYOR AND MAPPER, LD 7616  
 127 INDUSTRIAL ROAD, BOG FINE KEY, FL 31643  
 OFFICE: (205) 872-1245  
 FAX: (205) 872-5822

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ROBERT E. REECE, P.S.M.  
 FLORIDA REGISTERED SURVEYOR NO. LS 5632  
 REECE & WHITE LAND SURVEYING, INC.  
 DUNA REECE & ASSOCIATES  
 CERTIFICATE OF AUTHORIZATION NO. LD 7604

# GOOSE'S COVE

A SUBDIVISION, BEING A RE-PLAT OF  
 LOTS 3, 4, 5 & 6, BLOCK 1, "RIGGS SUBDIVISION"  
 PLAT BOOK 2, PAGE 68

BEING A PART OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 66 SOUTH, RANGE 32 EAST  
 CITY OF MARATHON, HOG KEY, MONROE COUNTY, FLORIDA  
 JUNE 2020

### LEGEND (UTILITIES):

- = 4" PVC SEWER
- ⊙ = SANITARY CLEAN-OUT
- ⊕ = SANITARY MANHOLE
- ⊗ = WATER METER
- ⊛ = ADDED UTILITY POLE

### LEGEND (CONTROL):

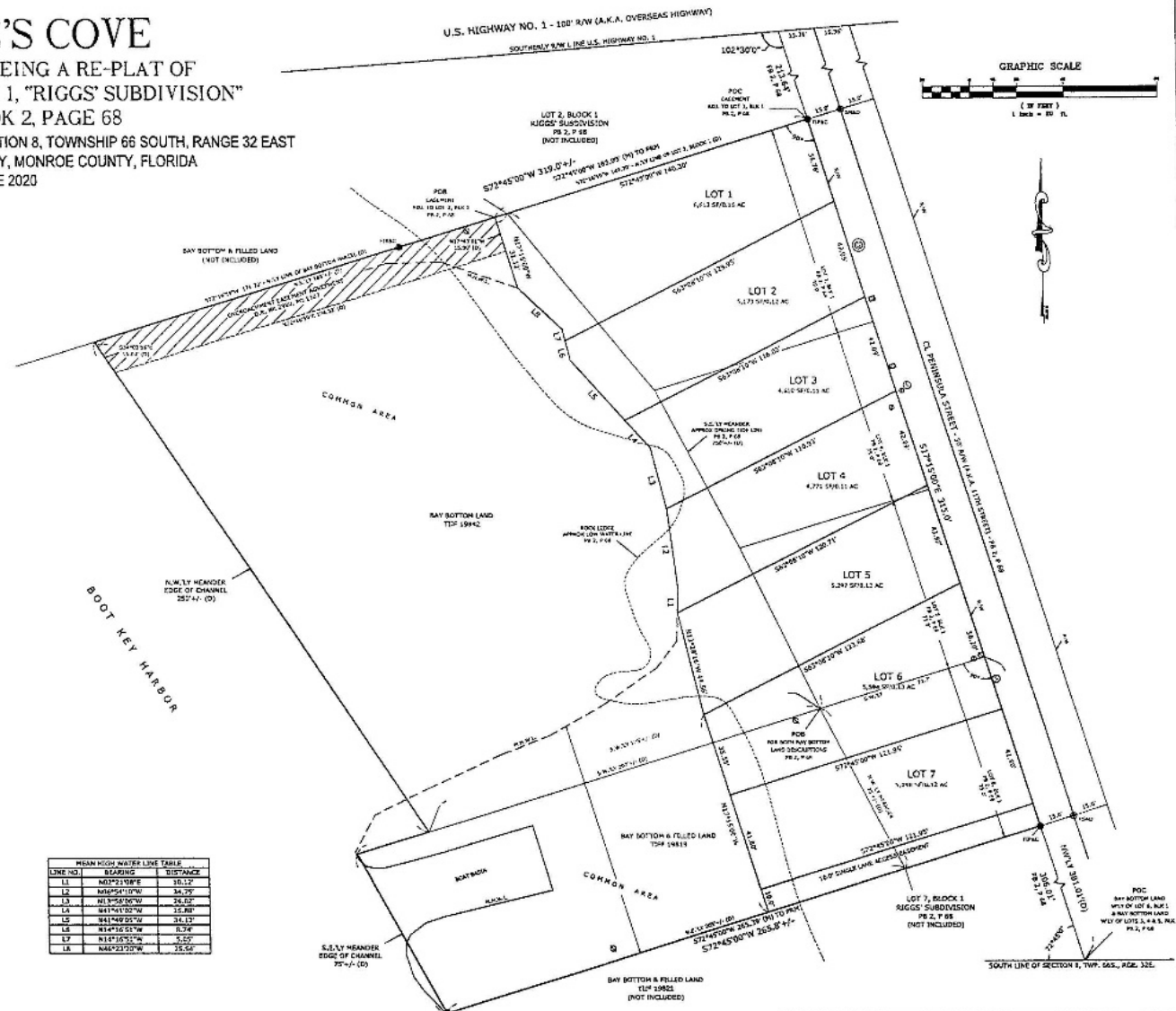
- ⊙ = PERMANENT REFER LINE MONUMENT (SEE FIELD, SEE DESCRIPTION FOR TYPE AND SIZING)
- ⊙ = PERMANENT CONTROL POINT (SEE FIELD, SEE DESCRIPTION FOR TYPE AND SIZING)

### ABBREVIATIONS:

- AC = ACRES
- ∠ = ANGLE
- CA = CENTERLINE
- CR = CURVE RADIUS
- CRS = CURVE DISTANCE
- CL = CENTERLINE
- CONC = CONCRETE
- CP = CURVE POINT
- CS = CENTERLINE
- CSL = CENTERLINE
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.S.S.L.T. HEANDER  
 EDGE OF CHANNEL  
 75'-1" (0)

LINE NO.	BEARING	DISTANCE
L1	N02°21'00"E	30.12'
L2	N05°51'00"W	34.75'
L3	N1°58'00"W	34.82'
L4	N41°45'00"W	12.80'
L5	N41°49'00"W	24.12'
L6	N14°16'00"W	6.74'
L7	N14°16'00"W	5.52'
L8	N40°22'00"W	25.62'

**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYORS AND MAPPERS, L.L.P.  
 227 INDUSTRIAL ROAD, BIG FLAME KEY, FL 33445  
 OFFICE (305) 672-1243  
 FAX (305) 672-5622



SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1

PLAT BOOK PAGE