

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 14, 2021
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-93**, 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.

RECOMMENDATION:

Staff recommends approval of the project with the recognized conditions and limitations.

APPLICANT/ OWNER: Novoa Angela C 2012 Irrevocable Trust 11/16/12

AGENT: Guillermo Torres / Bart Smith of Smith Hawks

LOCATION: The project site is located on eight properties on the north side of Pescayo Avenue and near the intersection with Coco Plum Drive.

REQUEST: Approval of a Conditional Use Permit for development of the subject properties (RE No 00363430-000000, 00363450-000000, 00363460-000000, 00363460-000100, 363470-000000, 00363480-000000, 00363490-000000, 00363490-000000, and 00363500-000000), providing for construction of units as follows:

Affordable Units: Three (3) Duplex residences
Market Rate Units: Fifteen (15) Market Rate Residential Units

The site is currently vacant and largely scarified (cleared of exotic vegetation).

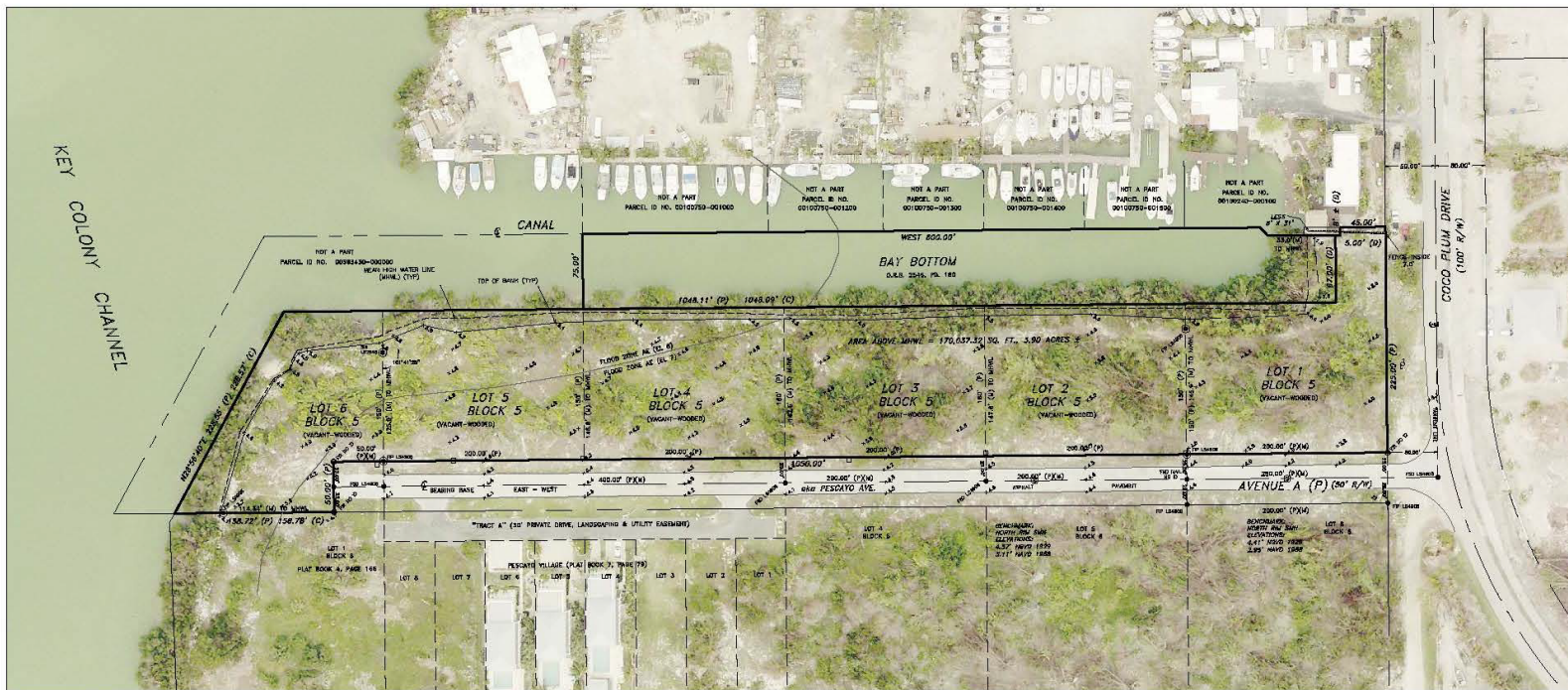
Figure 1 Project Site Survey

LEGAL DESCRIPTION OFFICIAL RECORDS BOOK 2649, PAGE 691:

All of Lots 1 through 8, Block 5, of COCO PLUM BEACH SUBDIVISION, according to the Plat thereof, recorded in Plat Book 4, Page 168, of the Public Records of Monroe County, Florida, LESS An 8 foot wide strip of land in a part of Section 4, Township 68 South, Range 33 East, on Coco Plum Beach, Monroe County, Florida, and every more particularly described by reference to the plat of said subdivision, and the north-west corner of said Lot 1, Block 5, of "COCO PLUM BEACH SUBDIVISION", as recorded in Plat Book 4, page 168, of the Public Records of Monroe County, Florida, less that 48 feet to the front of a strip of land hereinafter described; from said front of said strip of land, continue along West 31 feet, more or less, to the alternate of a point thereon, measure the distance of said point to a boundary line of said strip of land, to a point which is 8 feet, measured at that angle to the preceding corner, thence bear East 31 feet, more or less, to a point which is bearing South then the angle of bearing; thence East 8 feet, back to the Point of Beginning.

MAP OF BOUNDARY AND TOPOGRAPHIC SURVEY

LOTS 1, 2, 3, 4, 5 AND 8, BLOCK 5 OF COCO PLUM BEACH, PLAT BOOK 4, PAGE 168 AND ADJACENT BAY BOTTOM LOCATED IN SECTIONS 4 AND 8, TOWNSHIP 68 SOUTH, RANGE 33 EAST OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. CITY OF MARRIOTT, FAT DEER KEY, MONROE COUNTY, FLORIDA



LEGEND:

- P.R.M.
- P.C.P.
- F.M.
- ⊕ CENTERLINE
- SANITARY STRUCTURE

ABBREVIATIONS: P.P. = FOUND 3/4" IRON PIPED PIN - FOUND SCREW & BUSH; L.S. = LICENSED SURVEYED BUSINESS; L.E. = LICENSED SURVEYOR; (M) = MEASURED; O.R.B. = OFFICIAL RECORDS BOOK; P.B. = PAGE; (P) = PLAT; (C) = PERMANENT CONTROL POINT; P.P.M. = PERMANENT REFERENCE MONUMENT; P.M. = PROFESSIONAL SURVEYOR AND MAPPER; R/W = RIGHT-OF-WAY; S.H. = SET 1/2" IRON ROD AND CAP, 7846; TYP. = TYPICAL

CERTIFIED TO:

QUALING AND SONS TRUSTS
THE ANNEA C. JORDAN 2012 IRREVOCABLE TRUST VIA 11-16-12

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 11-12, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 473.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE REQUIREMENTS OF FLORIDA GOVERNMENT FORM # SUPPLEMENT (10) (CHECKBOX), 10S(4)(6)(7)(8)(9)(10), SCHEDULE "P" HAS NOT BEEN PROVIDED.

[Signature]
Robert E. Reece
Professional Surveyor and Mapper
State of Florida License No. 0038

REECE & ASSOCIATES
PROFESSIONAL SURVEYOR AND MAPPER, L.S. 7348
1577 INDUSTRIAL BLVD., W. PINE CREST, FL 32642
PHONE: (904) 872-1348
FAX: (904) 872-1348
EMAIL: info@reecemapping.com

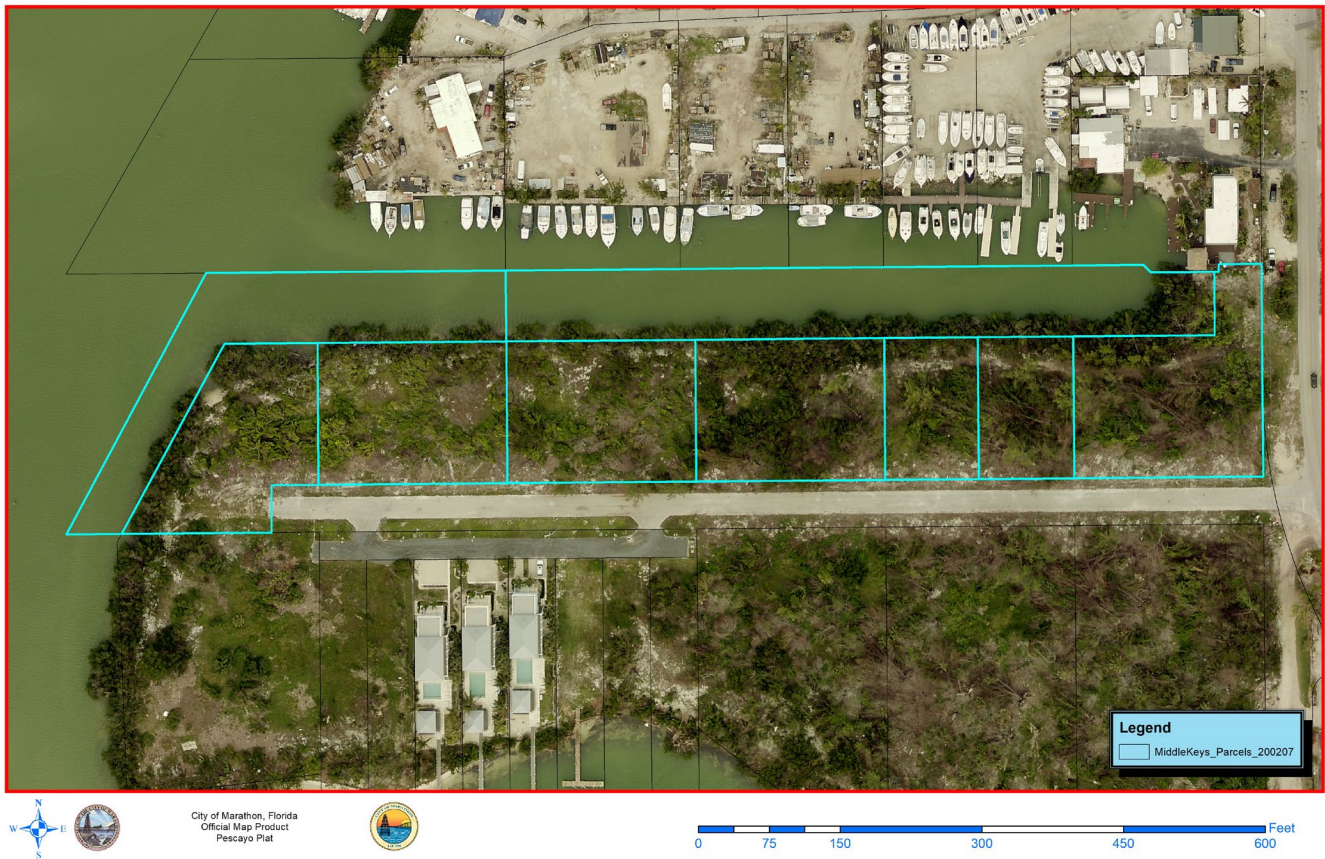
SURVEYOR'S NOTES:

1. LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE.
2. THE BOUNDARY LINE OF THE CENTERLINE OF AVENUE A AT EAST-WEST AS DERIVED FROM PLAT BOOK 4, PAGE 168 AND FOUND SURVEY MONUMENTATION FROM THE PLAT OF COCO PLUM BEACH.
3. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
4. UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
5. THE EXPECTED USE OF THE PROPERTY RESIDENTIAL WITH AN ACCURACY STANDARD OF ONE FOOT IN 7,500 FEET. ACCURACY WAS VERIFIED THROUGH A REPRODUCTION OF MEASUREMENTS TO NEAR OR CLOSED CLOSURE.
6. UNDERGROUND IMPROVEMENTS, IF ANY WERE NOT LOCATED.
7. SYMBOLS SHOWN HEREON AND IN THE LEGEND MAY HAVE BEEN ENLARGED FOR CLARITY. THESE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
8. THE LOCATION OF THE MEAN HIGH WATER LINE AS SHOWN HEREON IS BASED ON THE MEAN HIGH WATER ELEVATION OF -0.20' OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83), BY EXTENDING THE TIDAL DATUM FOR POINT IDENTIFICATION 3118, MARRIOTT AS SUPPLIED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEY AND MAPPING ON 07-30-2018. LOCATION OF SAND LINE ESTABLISHED USING THE NATIONAL TIDODIC SURVEY VERTICAL CONTROL DATA. THIS SURVEY WAS MADE WITH A PUBLISHED ELEVATION OF 6.57 FEET (NAVD83). A CLOSED DIFFERENTIAL LEVEL LOOP WAS PERFORMED TO ESTABLISH THE MEAN HIGH ELEVATION. THE UPLAND PROPERTY DOES NOT ADJUT SEASIDE/SHORELINE SUMMERED LAND AND THEREFORE THIS MEAN HIGH WATER LINE DOES NOT APPLICABLE TO COMPLY WITH CHAPTER 177, FLORIDA STATUTES.
9. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
10. SURVEY PROPERTY IS LOCATED IN FLOOD ZONES AS (Z) AND AS (X) BY FEMA MAP NUMBER 13070-D, PANEL NUMBER 12004, WITH AN EFFECTIVE DATE OF 02-18-2005. APPROXIMATE FLOOD ZONE LINES SHOWN ON THIS SURVEY ARE THE MINIMUM HORIZONTAL POSITIONAL ACCURACY FOR GANSMAP HYDROGRAPHIC AND TOPOGRAPHIC FEATURES USED IN THE NATIONAL FLOOD HAZARD LAYER AND IS THE NATIONAL STANDARD FOR SPATIAL DATA ACCURACY WITH A RADIAL ACCURACY OF 16 FEET RESULTING IN A 95% CONFIDENCE LEVEL.

LOCATION MAP:
(NOT TO SCALE)

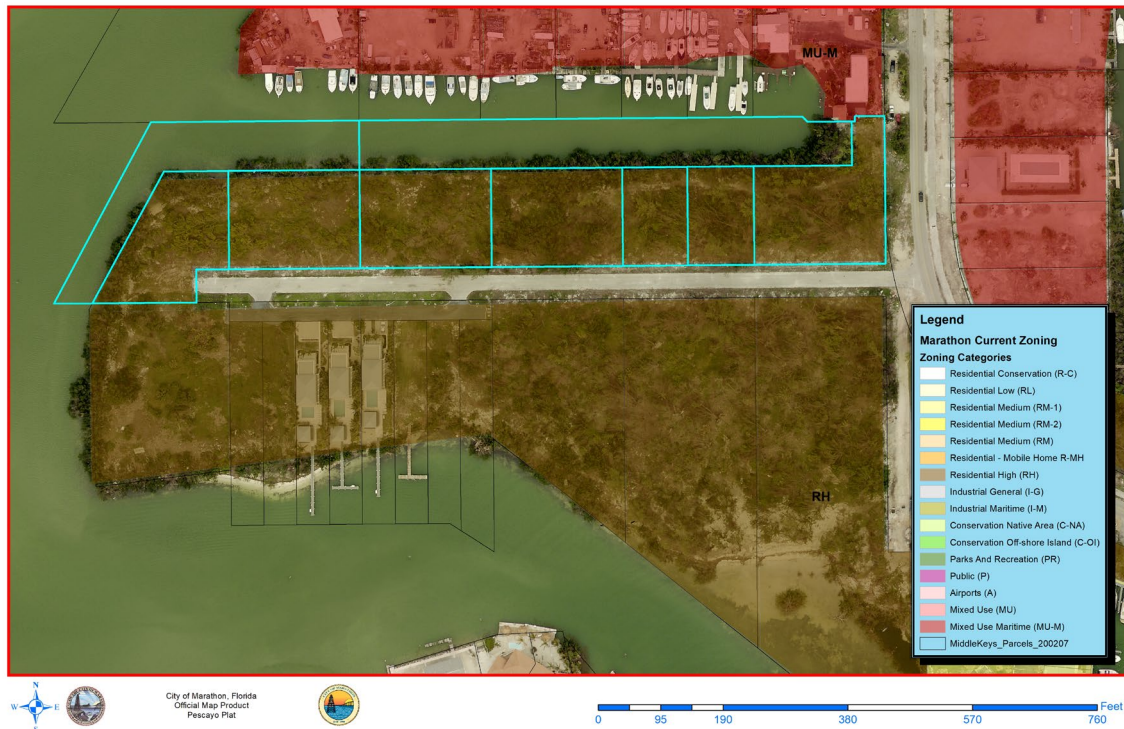
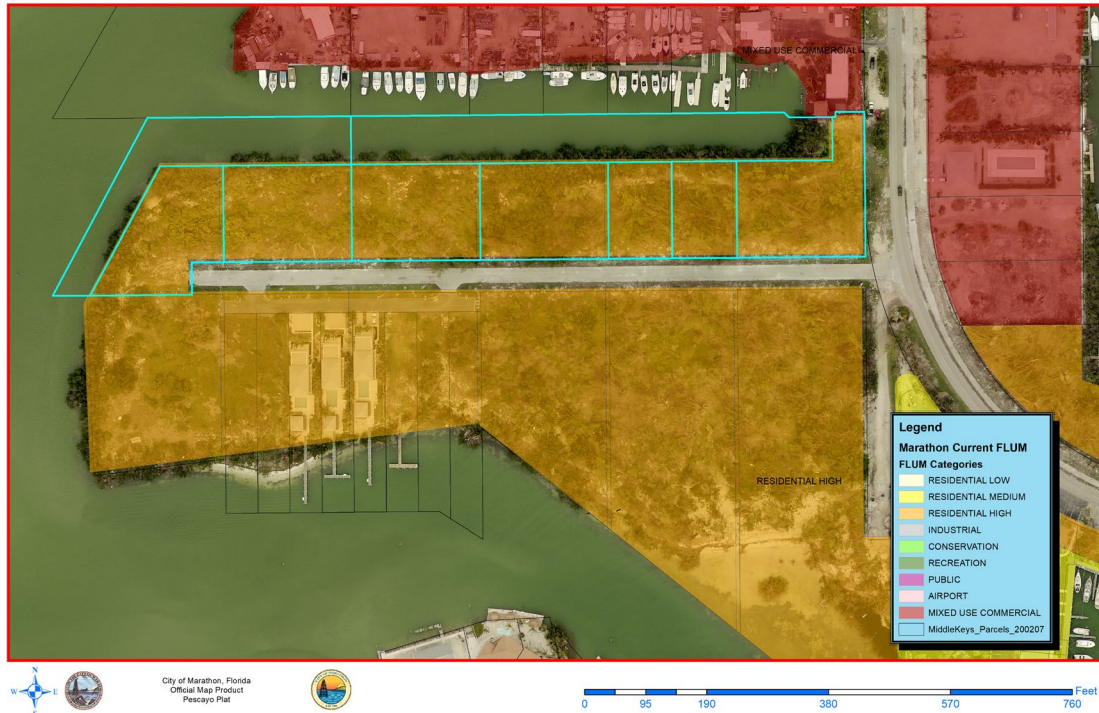
GRAPHIC SCALE:
1 inch = 60 feet
(Extended Display Scale)

Figure 2
Project Site Aerial



FUTURE LAND USE MAP DESIGNATION:
Residential High (RH). See Figure 2 A & B.

Figure 3 A & B
Future Land Use & Zoning Maps



LOT SIZE:

Total acreage: 3.90 acres or approx. 169,884 square feet

SURROUNDING ZONING AND USES:

	<u><i>FLUM</i></u>	<u><i>Use</i></u>
North	MU-M	Commercial Fishing / Marine Industry
East	RH RM	Multi-family / Condominium / Affordable (Approved)
West	NA	Bonefish Harbor Channel/ KCB
South	RH	Pescayo plat homes, and Seaview Commons II

EXISTING CONDITIONS:

The project site consists of eight (8) parcels. The parcels have previously applied for permits for the removal of invasive exotic vegetation. One of the existing parcels is the adjacent bay bottom along the North and West of Pescayo Avenue.

PROPOSED DEVELOPMENT:

Affordable Units: Three (3) Duplex residences
Market Rate Units: Fifteen (15) Market Rate Residential Units

BACKGROUND:

The proposed project consists of a development of eight properties on Pescayo Avenue in Coco Plum Subdivision

The proposed project will include a total of eighteen lots with a total of 21 units proposed on the lots.

All structures will be elevated to meet minimum flood requirements and to accommodate parking under the structure.

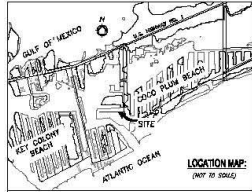
See Figure 4 for the proposed Plat of the parcels.

Figure 4 Proposed Plat Pescayo Avenue

COCO PLUM ESTATES

A REPLAT OF LANDS AS DESCRIBED AS A PART OF LOT 1, BLOCK 5 AND ALL OF LOTS 2, 3, 4, 5 AND 6, BLOCK 5 OF COCO PLUM BEACH, A SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 166 TOGETHER WITH ADJACENT BAY BOTTOM LOCATED IN SECTIONS 4 AND 5, TOWNSHIP 66 SOUTH, RANGE 33 EAST OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA

JUNE, 2021



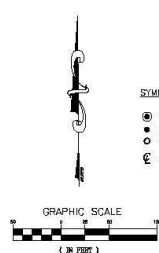
SURVEYOR'S NOTES:

LANDS SHOWN HEREON WERE FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE. SURVEYED LANDS DESCRIBED HEREON BY THE UNDERSIGNED.
THE MEASUREMENTS FOR THIS PLAT ARE THE CENTERLINE OF WAYPLATE A AT FIRST-NIGHT AS SHOWN FROM PLAT BOOK 4, PAGE 166 AND POINT SURVEY INFORMATION FROM THE PLAT OF GOOD PLUM BEACH.
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
THE EXERCISED USE OF THE PROPERTY HEREON WITH AN ADJACENT STRONGHOLD OF ONE FOOT (30.48) FEET, ACCORDING AND REFERRED THROUGH A REFERENCE OF MEASUREMENTS TO BEST OF EXERCISE UNDERGROUND IMPROVEMENTS, IF ANY WERE NOT LOCATED.
STAIRS SHOWN HEREON ARE TO BE ENLARGED FOR CLARITY, THESE STAIRS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
THE LOCATION OF THE MEAN HIGH WATER LINE AS SHOWN HEREON IS BASED ON THE MEAN HIGH WATER SURVEY OF 1987 OF THE SOUTH AMERICAN SURVEY, SECTION OF LOW CHANNEL, AS ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY BY SURVEY AND MAPPING, ON 07-30-2018. LOCATION OF SAID LINE ESTABLISHED UNDER THE NATIONAL GEODETIC SURVEY SERVICE CONTROL LINE "Y" DAT 1987 WITH A PUBLISHED ELEVATION OF 5.67 FEET (EMSL). A CLOSED DIFFERENTIAL LEVEL LOOP WAS PERFORMED TO ESTABLISH THE MEAN HIGH WATER LINE. THE UPLOADED PROPERTY DOES NOT MEET GOVERNMENT SURVEYED LAND STANDARDS.
ABBREVIATIONS: P.P. = POUND 3/4" IRON PIPES; F.S.D. = FOUND SCREW & DRILL; L.B. = LOCATED SURVEYING BENCHMARK; L.S. = LOCATED SURVEYING; M.O. = MEASURED ORIGIN; O.P. = OPTION RECORDS BOOK; P.S. = PLOTTED (P) IN PLAT; P.C.P. = PERMANENT CONTROL; P.M. = PERMANENT REFERENCE MONUMENT; P.S. = PLOTTED (P) IN PLAT; C.S. = CONTROL SURVEY; M.O. = MEASURED ORIGIN; O.P. = OPTION RECORDS BOOK; P.S. = PLOTTED (P) IN PLAT; TYPICAL.

LINE	LENGTH	BEARING
L1	84.30	87°00'00"E
L2	3.58	183°52'00"E
L3	21.77	183°52'00"E
L4	28.84	183°52'00"E
L5	17.28	183°52'00"E
L6	11.48	183°52'00"E
L7	6.48	183°52'00"E
L8	13.38	183°52'00"E
L9	8.64	183°52'00"E
L10	61.90	183°52'00"E
L11	13.38	183°52'00"E
L12	18.18	183°52'00"E
L13	18.18	183°52'00"E
L14	27.84	183°52'00"E
L15	27.84	183°52'00"E
L16	27.84	183°52'00"E
L17	27.84	183°52'00"E
L18	27.84	183°52'00"E
L19	27.84	183°52'00"E
L20	27.84	183°52'00"E
L21	27.84	183°52'00"E
L22	27.84	183°52'00"E
L23	27.84	183°52'00"E
L24	27.84	183°52'00"E
L25	27.84	183°52'00"E
L26	27.84	183°52'00"E
L27	27.84	183°52'00"E
L28	27.84	183°52'00"E
L29	27.84	183°52'00"E
L30	27.84	183°52'00"E
L31	27.84	183°52'00"E
L32	27.84	183°52'00"E
L33	27.84	183°52'00"E
L34	27.84	183°52'00"E
L35	27.84	183°52'00"E
L36	27.84	183°52'00"E
L37	27.84	183°52'00"E
L38	27.84	183°52'00"E
L39	27.84	183°52'00"E
L40	27.84	183°52'00"E
L41	27.84	183°52'00"E
L42	27.84	183°52'00"E
L43	27.84	183°52'00"E
L44	27.84	183°52'00"E
L45	27.84	183°52'00"E
L46	27.84	183°52'00"E
L47	27.84	183°52'00"E
L48	27.84	183°52'00"E
L49	27.84	183°52'00"E
L50	27.84	183°52'00"E

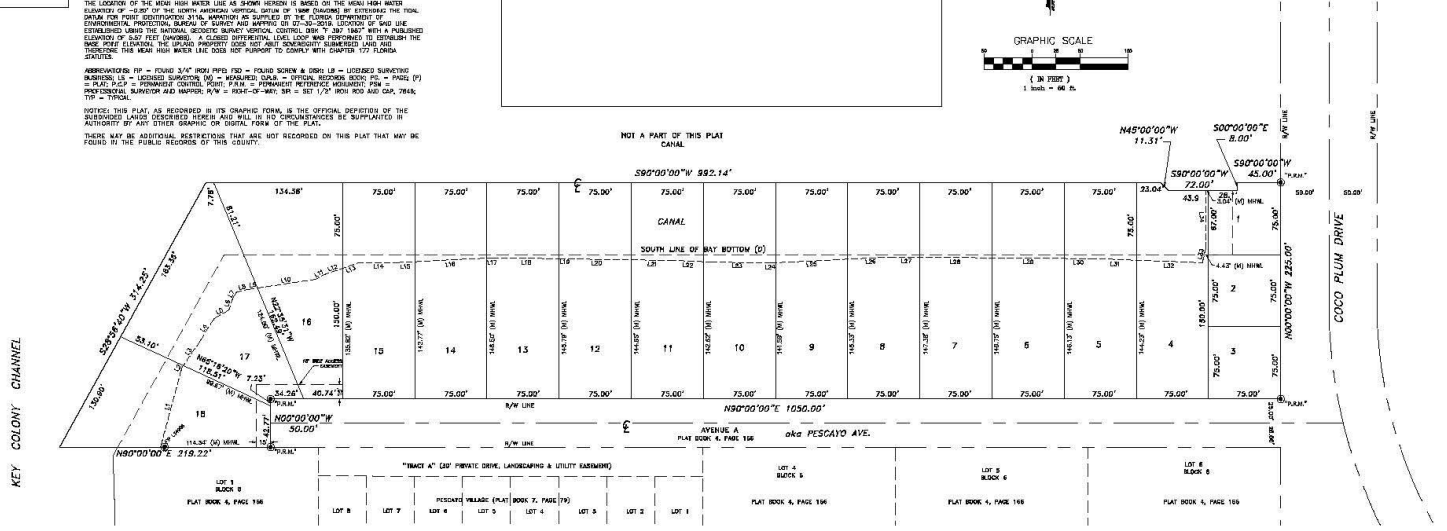
NOTICE: THIS PLAT, AS DESCRIBED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEFINITION OF THE SUBDIVISION LANDS DESCRIBED HEREON AND WILL BE SO CONSTRUED UNLESS SUPPLEMENTED IN ACTIVITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PLACEHOLDER LEGAL DESCRIPTION:
[Empty box for legal description]



REECE & ASSOCIATES
PROFESSIONAL SURVEYOR AND MAPPING, LP 7846
127 INDUSTRIAL ROAD, SUITE 107, FT. SMITH,
ARIZONA 85127-1548
PHONE (520) 872-1548
EMAIL: info@recesurveying.com

- SYMBOL LEGEND:**
- P.R.M.
 - P.S.P.
 - SR
 - CENTERLINE



DEDICATION:
KNOW ALL MEN BY THESE PRESENTS, THAT THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF MARATHON, FLA. (M.A. KEY, MONROE COUNTY, FLORIDA) HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "COCO PLUM ESTATES"
THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO, REPLAT THE HEREIN DESCRIBED PROPERTY IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.
OWNERS ACKNOWLEDGMENT:
IN WITNESS WHEREOF, THE SAID TORRES, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY DALENE TORRES, MARATHON MEMBER, THIS _____ DAY OF _____, 2021.
BY: DALENE TORRES, MARATHON MEMBER
NOTARY ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF MONROE
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DALENE TORRES, MARATHON MEMBER OF TWO (2) TO BE KNOWN TO BE THE INDIVIDUAL DESCRIBED IN OR HAVE PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING OWNERS ACKNOWLEDGMENT, AND WHO DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICER, FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY.
WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES: _____

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:
I, THE HOLDER OF THIS CERTAIN MORTGAGE OF REAL ESTATE AND SECURITY AGREEMENT DATED _____ AND RECORDED IN OFFICIAL RECORDS _____ COUNTY, FLORIDA, DO HEREBY RAISE, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON.
IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ AND ATTESTED BY ITS SECRETARY.
THIS _____ DAY OF _____, 2021.
BY: _____ PRIME NAME: _____
AS: _____ SECRETARY
ATTEST: _____ SECRETARY
NOTARY ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF MONROE
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____ TO BE KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CONSENT TO DEDICATION, AND THE SAID DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICERS, FOR AND IN BEHALF OF SAID CORPORATION.
WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES: _____

TITLE CERTIFICATION:
STATE OF FLORIDA
COUNTY OF MONROE
I, _____ A TITLE INSURANCE CORPORATION DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY THAT WE FROD THE TITLE TO THE PROPERTY IS CLEARED TO CURRENT TAXES PAID, THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.
BY: _____ TITLE EXAMINER
DATE: _____
APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:
IT IS HEREBY ORDERED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "COCO PLUM ESTATES" ON THE _____ DAY OF _____, 2021, BY RESOLUTION NO. _____ OF THE CITY OF MARATHON, FLORIDA.
BY: _____ LUIS LANDRY, CHAIRMAN
APPROVAL OF MARATHON CITY COUNCIL:
IT IS HEREBY ORDERED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "COCO PLUM ESTATES" ON THE _____ DAY OF _____, 2021, BY RESOLUTION NO. _____ OF THE CITY OF MARATHON, FLORIDA.
BY: _____ LUIS DONDELE, MAYOR
APPROVAL BY CITY OF MARATHON OFFICIALS:
APPROVED: _____ CARLOS SOLIS, CITY ENGINEER
BY: _____ JOHN JOHNSON, CITY FIRE MARSHALL

APPROVAL OF THE CLERK OF THE CIRCUIT COURT
THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ON THE _____ DAY OF _____, 2021, AND WAS FILED FOR RECORD THIS _____ DAY OF _____, 2021, AT _____ A.M./P.M. AND RECORDED ON PAGE _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.
BY: _____ HEVY MARQUEZ, CLERK OF COURT
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 MAPPING EMPLOYED BY THE CITY OF MARATHON.
BY: _____ DATE: _____
SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "COCO PLUM ESTATES", AS SHOWN ON THIS "SHEET", IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREIN SURVEYED UNDER MY DIRECTOR 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 177.081(7) OF SAID CHAPTER 177.
INFORMATION ONLY
BY: ROBERT E. REECE, P.S.M.
FLORIDA REGISTERED SURVEYOR NO. LS 9632
REECE & ASSOCIATES
CERTIFICATE OF AUTHORIZATION NO. LS 2846
127 INDUSTRIAL ROAD, SUITE 9, BAY PINE BEACH, FLORIDA 33845
DATE: _____

PLAT BOOK _____ PAGE _____

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 High (RH) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district “is intended to establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes designated within the Residential High (RH) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the creation of market rate and affordable housing and is consistent with the Residential High 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 Single Family residences and duplexes are permitted as of right in the Residential High district. Plats and subdivisions however require Conditional Use approval. 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 RH district based on the types of uses proposed. Assuming that the number of market rate units is static. This site has the potential for thirty-one (31) market rate residential units or up to 97 affordable residential units (based on an allowed range in the Residential High FLUM of from 15 to 25 units per acre). The applicant is proposing 15 market rate units, and 6 affordable units through the creation of 3 duplexes. The calculation is based on an allowed affordable residential density within the Residential High zoning district.

The project as proposed meets the basic definition of development in the RH zoning district and will not exceed any density constraints imposed on the type of residential construction proposed.

The Applicant cites the City Comprehensive Plan in the following Goals, Objectives, and Policies as justifying the case for the approval of this project:

Chapter 1 – Future Land Use Element

Goal 1-1 Manage Growth

Objective 1-1.1 Protect Community Character

Policy 1-1.1.1 Enhance and Preserve Existing Community Character

In order to enhance and preserve the existing community character, the City shall adopt Land Development Regulations to reflect the following desired development patterns that:

- a. Protect and enhance the “small town” atmosphere;
- b. Encourage mixed-use development patterns;
- c. Protect, enhance, and acknowledge the commercial fishing industry and its historical contributions to the City;
- d. Protect and enhance the “Keys” character; and
- e. Protect, enhance, and increase the number of affordable housing units.

Goal 1-2 Adequate Public Facilities and Services

Objective 1-2.1 Ensure Levels of Service

Policy 1-2.1.2 Ensure Availability of Public Facilities and Services

The City shall not issue a development order or permit for any development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that the public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities operate at or above adopted level of service (LOS) standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service for public facilities serving the development below adopted LOS standards.

1-3 Manage Growth

Objective 1-3.1 Managing Future Development and Redevelopment through Future Land Use Designations

Policy 1-3.1.4 Future Land Use Categories

The following land use categories, depicted on the *Future Land Use Map*, describe the type and extent of land use permitted in specified locations in the City. The Land Development Regulations will contain more detail about permitted land uses within the Future Land Use categories.

Residential High

The principal purpose of the Residential High land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High 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. Lawfully established RV parks where a majority of the recreational vehicles have been converted into permanent structures are also allowed within the residential high land use category (See Objective 1-3.3 and 1-3.4 and the Policies therein.) The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. 9J-5.006(3)(c)1 and 7

Objective 1-3.2 Regulate Density and Intensity

Policy 1-3.2.1 Allocated Density Defined

Allocated densities for the Future Land Use districts, as shown in Table 1-1, are the number of residential units allocated per gross acre of land pursuant to the Plan.

SEE TABLE 1-1 / Future Land Use Densities and Intensities*

TABLE 1-1 Future Land Use Densities and Intensities*						
Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25		0	N/A	0.05 - 0.10	0.5
Industrial (I)	0		0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Facilities (PF)	0		0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25		0	5 – 15	0.15 - 0.50	0.2
Residential High (RH)	8	15 - 25	15-25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5		0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.

For properties consisting of hammocks, pinelands, or disturbed wetlands within the Mixed-Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.

Opens space shall be increased based upon the requirement for a habitat evaluation and shall conform to Table 4-1 of the Coastal and Conservation Element.

The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

Chapter 3 – Infrastructure Element

Goal 3-1 Provide Need Public Facilities

Objective 3-1.1 Adopt Level of Service Standards

Policy 3-1.1.1 Adopt Wastewater Management System(s) Level of Service Standards

The City hereby adopts the LOS standards for wastewater management systems as currently required by Federal and State regulations as follows:

TABLE 3-1: Florida Statutory Treatment Standards				
	Mg/L			
	BOD	TSS	TN	TP
On-Site Systems (BAT) Community Wastewater Collection and Treatment Systems	10	10	10	1
Design flows less than or equal to 100,000 gpd (BAT)	10	10	10	1
Design flows greater than 100,000 gpd (AWT)	5	5	3	1

Source: Draft Monroe County Sanitary Wastewater Master Plan, CH2MHill, March 2000

Policy 3-1.1.2 Adopt Stormwater Management Level of Service Standards

The City hereby adopts LOS standards for stormwater management as currently mandated by State agencies, as defined in the City’s adopted Stormwater Management Master Plan as follows:

- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with 24-hour duration;
- b. Stormwater treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 62-25, Section 25.025, FAC, with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 62, Section -302.500, F.A.C; and
- c. Stormwater facilities which directly discharge into ‘Outstanding Florida Waters’ (OFW) shall provide an additional treatment pursuant to Chapter 62-25.025 (9), FAC. Stormwater facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, F.A.C.

Policy 3-1.1.3 Adopt Potable Water Level of Service Standards

The City hereby adopts LOS standards for potable water as follows:

TABLE 3-2 Potable Water LOS	
Measure	LOS Standard
Residential LOS	66.5 gal/cap/day
Non-Residential LOS	0.35 gal/sq. ft./ day
Overall LOS	100 gal/cap/day
Equivalent Residential Unit	149 gal/day
Minimum Pressure	20 PSI at customer service
Minimum Quality	Shall be as defined by the USEPA (part 143 National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)

Source: Monroe County 2010 Comprehensive Plan

Policy 3-1.1.4 Adopt Solid Waste Level of Service Standards

The City hereby adopts LOS standards for solid waste management as follows:

TABLE 3-3 Solid Waste LOS	
Measure	LOS Standard
Residential Collection Frequency	Minimum 1 time/2 weeks for Domestic refuse Minimum 1 time/2 weeks for Yard trash
Disposal Quantity	5.44 lbs./capita/day or 12.2 lbs./day/ ERU (equivalent residential unit) 6.37 pounds/acre/day (non-residential unit)

Goal 7-1 Provide Motorized and Non-motorized Transportation Systems

Objective 7-1.1 Adopt Level of Service Standards for City Roads

Policy 7-1.1.1 Adopt Level of Service Standards

For all City roads, the City hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measure by peak hour traffic volume. The City shall maintain the level of service on City roads with five percent (5%) of LOS D.

City staff concurs with the applicant that they have acknowledged the appropriate project standards and that they have been met as iterated above and that the proposed development is in compliance with the Comprehensive Plan and the Land Development Regulations. Further, the Standards have been met well within the density limits prescribed in the City of Marathon Comprehensive Plan. Therefore, the request is in compliance with the requirements of this section and the Goals, Objectives, and Policies noted.

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 land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High 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 existing land use pattern in the project vicinity consists of multi-family residential development to the East on Avenue D and South across Coco Plum Road on Avenue C (west side). Further, there is a mixed residential, commercial, and marine development pattern on Coco Plum Road leading to the North.

Further to the east, on Avenue E and beyond, the development is characterized by Single Family residences. Avenue E is isolated from Avenue D by a 200-foot-wide canal.

To the South lies vacant properties and the small single-family residential subdivision of Pescayo Village.

This project is consistent with allowed densities on Pescayo Avenue, Avenue C. (west side) and Ave D. The project, as proposed, is well under the allowed densities for market rates and affordable housing. Staff believes that the density of the project is consistent with the FLUM and Zoning and the general character of development in the immediate surrounding area, including the previously approved redevelopment of Seaview Commons I and Seaview Commons II. The proposed project density is approximately 5 units per acre overall. By comparison, the following developments have established residential densities as follows (Seaview Commons I & II Redevelopment is included in the table):

Development	Acres	No of Units	Density (Units / Acre)
Coco Plum Terraces	1.90	42	22.2
Sunset Courts	0.38	8	21.1
Seaview Commons (Current)	0.40	8	20
Seaview Commons I	2.69	64	23.8
Seaview Commons II	3.85	66	17.1
Bonefish Marina Condo	3.28	83	25.3
Bonefish Towers	2.16	75	34.7

The development of the site will result in significant new development on Pescayo Avenue, including landscaping, the further removal of invasive species, stormwater management, wastewater, and creation of an aesthetic architecture. The improvements will add new affordable housing units to the City. That said, the proposed project will provide a mix of affordable housing and single-family residences.

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 use is the development of a mixed market rate / affordable residential use which as proposed should have no adverse impact to the health, safety, and welfare of the public.

Stormwater will be managed on-site and the project will connect to the City wastewater treatment system, thus alleviating any potential for water quality impacts. From the standpoint of on-site impacts, there do not appear to be any significant life-safety impacts.

Plans submitted with the project are suitable for Conditional Use Permit approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit process and 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 Disturbed / Undeveloped Land. The FEMA_FWS Species Focus Area Maps indicate that the property is characterized by Exotics and mangroves at the canal edge. More recent and detailed assessments indicate that most of the property as indicated is characterized by exotics with mangroves at the waters wedge, but that there are quite a number of native trees as well. The site has recently applied for permits to clear all the invasive exotic vegetation. The proposed development will increase the native vegetation on site as part of the landscaping plan.

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.

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.

Further improvements to water quality are expected to arise from wastewater improvements to the site when the project connects to the City's wastewater utility.

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

- Existing native canopy and understory trees should be transplanted if possible or mitigated for if necessary within the proposed and finally approved landscape plan.
- If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- The project shall be required to develop on-site stormwater controls which help to improve nearshore water quality
- The project will be required to connect to the City's wastewater utility, similarly helping to improve nearshore water quality.

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 is proposing single family residences well below the potential for the site. The largest portion of all trips will leave Pescayo Avenue or Coco Plum traveling toward U.S. 1 and then return to those streets. Very few trips will be generated to and from Coco Plum Blvd traveling east.

Ingress and egress to the properties is currently proposed to be from driveways on Pescayo Avenue and Coco Plum. Of the three lots on Coco Plum, only two will have driveway access onto Coco Plum, the third will access Pescayo avenue. Visibility in either direction from Pescayo to Coco Plum Drive is reasonable. With speeds limited to 30 miles per hour on Coco Plum Drive, staff believes that ingress and egress from Pescayo Avenue can be accomplished safely.

Average Vehicle trips									
ITE Code	Description	Variable Input	Weekday	AM Total	AM Entry	AM Exit	PM Total	PM Entry	PM Exit
210	Single Family	21	273	32	8	24	25	15	10

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 applicant has proposed parking spaces to be located primarily under the home structures. Each single-family residence is required to have 2 parking spaces. The applicant is proposing these spaces to be located under the home.

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 a residential use on an existing site that is mostly vacant. The proposed use does not have any adverse effect through noise, glare, or odors; therefore, the proposed density increase should have a de minimis impact.

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.

Single family residences do not meet the requirements for dumpsters as laid out in Section 107.39. As such each shall have individual garbage collection through Marathon Garbage Service.

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 will provide wastewater and sewage collection and disposal through cooperation with the Utilities Department. This project will constitute a minor expansion, resulting in a de minimis 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 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, the single-family residences will be assessed through permitting and impact fees.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

At this juncture, all necessary initial letters of coordination have been received.

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.
- Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
- City approval of the connection to the City Wastewater Utility will be required.
- 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 RH and is bordered to the South by properties zoned Residential High (RH) and properties to the north zoned MUM as well. There is a medium project boundary buffer requirement for portions of the project area adjacent to parcels zoned MUM. The final landscape plans must be approved by the City Biologist.

Buffer Type	Minimum Width	Canopy Tree	Understory Tree	Non-Deciduous	Shrub	Screening
M-Medium	15 feet	4	2	2	16	No

Section 107.71 C. requires that all residential developments provide Type 3 Streetscape buffer along the entire street frontage. The project is adjacent to Coco Plum Drive and Pescayo Avenue. Each single-family residence will be required to have one canopy for every 50’ of street frontage.

Table 103.15.2 outlines setback requirements in the RH district as follow: front yard 10 feet’; side yards 5 feet; and rear setbacks have a 20’ setback from the property line, or Mean High Water Line, or landward extent of the mangrove root system. The Applicant has complied with all setback standards.

Setback	Required	Required Landscape	Proposed	Compliant
Front	10	10	10	Yes
Side	5	15	>15	Yes
Rear	20	NA	20	Yes

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

- A Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives with each building permit.

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

No signs or street lighting are being proposed for this development.

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

8. Required yards and other open space.

Section 106.16 established required open space for the project. The site is characterized by exotics and some native hammock species; therefore, a twenty percent open space requirement applies. According to calculations provided

by the applicant far 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 the development of affordable and market rate housing in an area of the City which is relatively intense in residential and light industrial/marine uses. A development of new residential units is expected to be fully compatible with the surrounding 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. Additionally, the affordable units must meet all criteria of Section 104.03 pertaining to affordable housing.

The following criteria are applicable to this proposed development:

- Two (2) side yards are required for stacked duplexes.
- Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

The proposed development meets all applicable criteria set forth in this section. Therefore, the request is **in compliance** with the requirements of these sections.

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 development of six (6) new workforce and fifteen (15) market rate residential units in a residentially zoned neighborhood, zoned Residential High (RH). 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 staff recommends approval with Conditions. Planning Commission voted to recommend approval 5-0.

Conditions of Approval

- 1) Ingress and egress shall only occur from Pescayo Avenue and Coco Plum Drive.
- 2) As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
- 3) City approval is required for the stormwater management system prior to Building Permit Approval.
- 4) Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
- 5) City approval of the final engineering and connection to the City Wastewater Utility will be required.
- 6) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees prior to permit issuance.
- 7) If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 8) A Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives as part of the permit process.
- 9) Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
- 10) Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court.
- 11) The Applicant must obtain a minimum of six (6) affordable and fifteen (15) market rate residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.**
- 12) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 13) Docks shall be constructed as T docks that runs parallel to the shoreline and the parallel dock cannot begin more than five (5) feet from the shoreline except for lots 5, 6 and 7 which cannot begin more than four (4) feet from the shoreline. In no instance shall the permitted structure over water shall not substantially interfere with the riparian rights of other property owners nor substantially obstruct a navigable channel or the navigation rights of other property owners.

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.

RECOMMENDATION:

With the following conditions, the Planning staff recommends approval of the proposed final plat. Planning Commission voted to recommend approval 5-0.

Conditions:

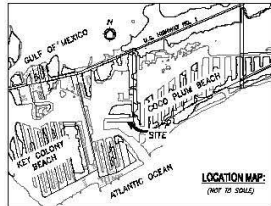
1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
3. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations
4. All conditions of the Conditional Use must be met prior to building permit issuance.

Attachments: Proposed Plat

COCO PLUM ESTATES

A REPLAT OF LANDS AS DESCRIBED AS A PART OF LOT 1, BLOCK 5 AND ALL OF LOTS 2, 3, 4, 5 AND 6, BLOCK 5 OF COCO PLUM BEACH, A SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 166 TOGETHER WITH ADJACENT BAY BOTTOM LOCATED IN SECTIONS 4 AND 5, TOWNSHIP 36 SOUTH, RANGE 33 EAST OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CITY OF MARATHON, FT DEER KEY, MONROE COUNTY, FLORIDA

JUNE, 2021



SURVEYOR'S NOTES:

UPWARD LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE. SUBMERGED LANDS DESCRIPTION AUTHORIZED BY THE UNDERGROUND.

THE BEARING ANGLES FOR THIS PLAT IS THE COMBINATION OF ANGLE A AT BENT-POINT AS DERIVED FROM PLAT BOOK 4, PAGE 166 AND FOUND SURVEY INFORMATION FROM THE PLAT OF COCO PLUM BEACH. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.

THE EXPECTED USE OF THE PROPERTY REPRESENTED, WITH AN ASSURANCE OF MERCHANTABILITY OF SAID FOOD IS 12,750 SQ. FEET. ACCURACY WAS VERIFIED THROUGH A REDUNDANT OF MEASUREMENTS TO MEET OF FOOD CODES.

UNDESIGNED IMPROVEMENTS, IF ANY, WERE NOT LOCATED.

STAKEHOLDERS SHOWN HEREON AND IN THE LEGEND MAY HAVE BEEN ENLARGED FOR CLARITY. THESE STAKEHOLDERS HAVE BEEN PLACED AT THE CENTER OF THE FIELD LOCATOR AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.

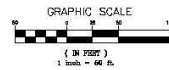
THE LOCATION OF THE MEAN HIGH WATER LINE AS SHOWN HEREON IS BASED ON THE MEAN HIGH WATER ELEVATION OF 30.02' OF THE NORTH ATLANTIC OCEAN SURFACE OF 1989 (NAVD83) BY EXCESSING THE TIDE DATA FOR POINT IDENTIFICATION 3116, MONROE COUNTY AS SUPPLIED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SURFACE OF SURVEY AND MAPS OF 15-20-2016. LOCATION OF SAID LINE ESTABLISHED USING THE NATIONAL GEODETIC SURVEY OPTICAL CONTROL SURV "307 1960" WITH A PUBLISHED ELEVATION OF 14.27 FEET (MHW). A COVERED OPERATIONAL LEVEL LOOK WAS PERFORMED TO ESTABLISH THE MEAN HIGH WATER ELEVATION. THE LEGAL PROPERTY DOES NOT ABUT, ADJACENTLY SUBMERGED LANDS AND THEREFORE THE MEAN HIGH WATER LINE DOES NOT APPLY TO COMPLY WITH CHAPTER 177, FLORIDA STATUTES.

ABBREVIATIONS: P.P. = PLUMB 5/16" IRON PIPED TIE - FOUND SCREW & DRILL IS - UNLOCATED SURVEYING BUSINESS; LS = LOCATED SURVEYING; M = MEASURED; O.A. = OFFICIAL RECORDS BOOK NO. = PAGE (P) IN PLAT BOOK IN FURNISHED CONTROL; P.P.M. = PERMANENT PNEUMATIC MEASUREMENT; P.M. = PROFESSIONAL SURVEYOR AND MAPPER; P/W = POINT-OF-WAY; SR = SET 1/2" IRON ROD AND CAP, 7/8" TIP - TYPICAL.

NOTICE: THIS PLAT AS RECORDED IN ITS DIGITAL FORM, IS THE OFFICIAL DEVIATION OF THE SUBMERGED LANDS DESCRIBED HEREON AND WILL IN NO CIRCUMSTANCES BE SUPPLEMENTED 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.

PLACEDHOLDER LEGAL DESCRIPTION:

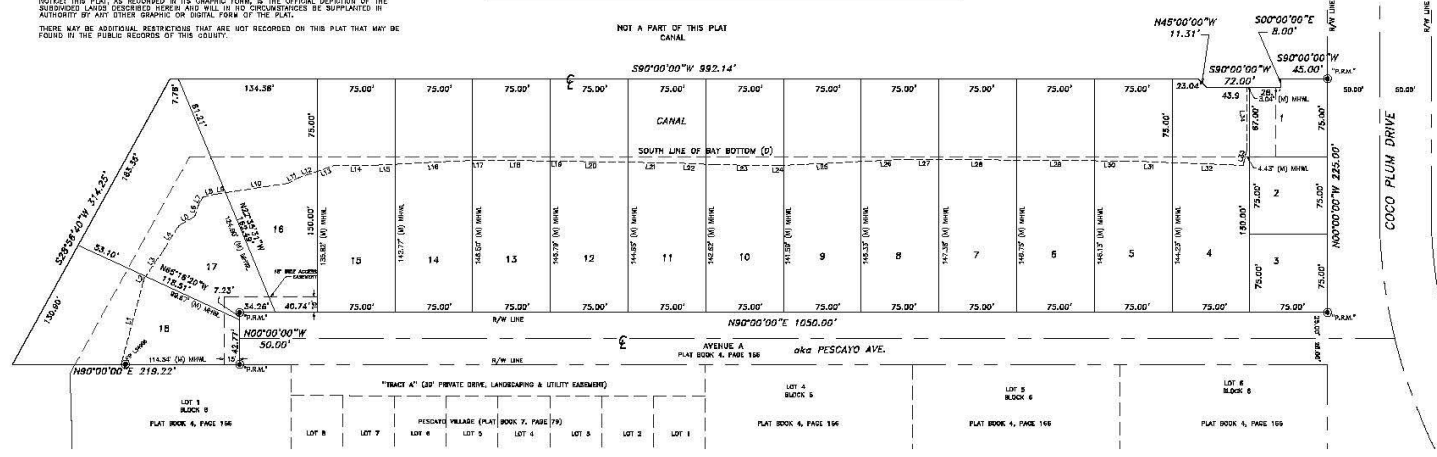


SYMBOL LEGEND:

- P.P.M.
- P.C.P.
- SR
- CENTERLINE

LINE	LENGTH	BEARING
1.1	81.331	S153°48'00"W
1.2	15.438	S83°03'00"E
1.3	30.271	S83°53'00"E
1.4	38.814	S102°00'00"E
1.5	18.339	S50°01'00"E
1.6	11.444	S107°02'00"E
1.7	9.448	S101°00'00"E
1.8	13.781	S127°00'00"E
1.9	48.201	S41°22'00"E
1.10	30.271	S83°53'00"E
1.11	11.444	S107°02'00"E
1.12	18.339	S50°01'00"E
1.13	15.438	S83°03'00"E
1.14	11.444	S107°02'00"E
1.15	18.339	S50°01'00"E
1.16	15.438	S83°03'00"E
1.17	9.448	S101°00'00"E
1.18	13.781	S127°00'00"E
1.19	48.201	S41°22'00"E
1.20	30.271	S83°53'00"E
1.21	38.814	S102°00'00"E
1.22	30.271	S83°53'00"E
1.23	15.438	S83°03'00"E
1.24	11.444	S107°02'00"E
1.25	18.339	S50°01'00"E
1.26	9.448	S101°00'00"E
1.27	13.781	S127°00'00"E
1.28	48.201	S41°22'00"E
1.29	30.271	S83°53'00"E
1.30	38.814	S102°00'00"E
1.31	30.271	S83°53'00"E
1.32	15.438	S83°03'00"E
1.33	11.444	S107°02'00"E
1.34	18.339	S50°01'00"E

KEY COLONY CHANNEL



DEDICATION:
KNOW ALL MEN BY THESE PRESENTS, THAT THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF MARATHON, DA WACA KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "COCO PLUM ESTATES" THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO, REPLAT THE HEREDIN DESCRIBED PROPERTY IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

OWNERS ACKNOWLEDGMENT:
IN WITNESS WHEREOF, THE SAID TRD AND HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON HIS BEHALF BY GUILLELMO TORRES, MANAGING MEMBER, THIS _____ DAY OF _____, 2021.

NOTARY ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF MONROE
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN OR HAVE PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING CONSENT ACKNOWLEDGMENT, AND WHO DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICER, FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES:

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:
I, THE HOLDER OF THIS CERTAIN MORTGAGE OF REAL ESTATE AND SECURITY AGREEMENT DATED _____ OF THE PUBLIC RECORDS OF _____ COUNTY, FLORIDA, DOES HEREBY RATIFY, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON. IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ DAY OF _____, 2021.

NOTARY ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF MONROE
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____ TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CONSENT TO DEDICATION AND THE EACH DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICERS, FOR AND IN BEHALF OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES:

TITLE CERTIFICATION:
STATE OF FLORIDA
COUNTY OF MONROE
I, _____ TITLE EXAMINER, DATE _____, HAVE EXAMINED THE TITLE TO THE HEREDIN DESCRIBED PROPERTY THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED TO CURRENT TAXES PAID, THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:
IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "COCO PLUM ESTATES" ON THE _____ DAY OF _____, 2021.

APPROVAL OF MARATHON CITY COUNCIL:
IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "COCO PLUM ESTATES" ON THE _____ DAY OF _____, 2021. BY RESOLUTION NO. _____ OF MARATHON COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS FROM SAID DATE.

APPROVAL BY CITY OF MARATHON OFFICIALS:
BY: _____ LUIS GONZALEZ, MAYOR
BY: _____ CARLOS SOLIS, CITY ENGINEER
BY: _____ JOHN JOHNSON, CITY FIRE MARSHAL

APPROVAL OF THE CLERK OF THE CIRCUIT COURT
THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ON THE _____ DAY OF _____, 2021, AT _____ AM/PM AND RECORDED ON PAGE _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

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 "COCO PLUM ESTATES", AS SHOWN ON THIS SHEET IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECORDED HEREON UNDER SAID SUBDIVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT COMPLIES WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES AND FURTHER THAT THE FOREGOING REFERENCE DOCUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.08(1?) OF SAID CHAPTER 177.

INFORMATION ONLY
BY: _____ ROBERT E. REECE, P.S.M.
FLORIDA REGISTERED SURVEYOR NO. LS 9632
REECE & ASSOCIATES
CERTIFICATE OF AUTHORIZATION NO. LS 7648
127 INDUSTRIAL ROAD, SUITE 8, BO DEER KEY, FLORIDA 33043

PLAT BOOK _____ PAGE _____

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-93**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF 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.

WHEREAS, Novoa Angela C 2012 Irrevocable Trust 11/16/12 (Applicant) filed an Application on July 10, 2021 for a Conditional Use Permit for approval of a plat and site plan for the property into eighteen (18) residential lots pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined 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, the Council duly considered the Applicant's request and made a determination that the 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; and

WHEREAS, on the 16th day of August, 2021, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 14th day of September, 2021, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) 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 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 2021-12, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Novoa Angela C 2012 Irrevocable Trust 11/16/12, 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 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 14TH DAY OF SEPTEMBER, 2021.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, 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

**ATTACHMENT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2021-12**

APPROVAL OF 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.

WHEREAS, Novoa Angela C 2012 Irrevocable Trust 11/16/12 (Applicant) filed an Application on July 10, 2021 for a Conditional Use Permit for approval of a plat and site plan for the property into eighteen (18) residential lots pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined 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, the Council duly considered the Applicant's request and made a determination that the 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; and

WHEREAS, on the 16th day of August, 2021, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearings”)

regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 14th day of September, 2021, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) 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 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 City 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 Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
3. 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;
4. Off-street parking and loading areas where required, with particular attention to item 1 above;
5. The noise, glare or odor effects of the conditional use on surrounding properties;
6. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
7. Utilities, with reference to location and availability;
8. Screening and buffering with reference to type, dimensions and character;

9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
10. Required yards and other open space;
11. General compatibility with surrounding properties; and

CONDITIONS IMPOSED:

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

Conditions of Approval

- 1) Ingress and egress shall only occur from Pescayo Avenue and Coco Plum Drive.
- 2) As part of the permit application, all conditions of the Fire Marshal must be met prior to permit issuance, and hydrants must be operational prior to buildings going vertical.
- 3) City approval is required for the stormwater management system prior to Building Permit Approval.
- 4) Applicant must obtain all outside agency approvals prior permit issuance and prior to project initiation.
- 5) City approval of the final engineering and connection to the City Wastewater Utility will be required.
- 6) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees prior to permit issuance.
- 7) If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 8) A Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives as part of the permit process.
- 9) Applicant must obtain all outside agency approvals, this includes but is not limited to SFWMD, FDOT, ACOE, and DEP.
- 10) Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court.
- 11) The Applicant must obtain a minimum of six (6) affordable and fifteen (15) market rate residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.**
- 12) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 13) Docks shall be constructed as T docks that runs parallel to the shoreline and the parallel dock cannot begin more than five (5) feet from the shoreline except for lots 5, 6 and 7 which cannot begin more than four (4) feet from the shoreline. In no instance shall the permitted structure over water shall not substantially interfere with the riparian rights of other property owners nor substantially obstruct a navigable channel or the navigation

rights of other property owners.

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

Brian Shea
Director of Planning

This Development Order was filed in the Office of the City Clerk of this ____ day of _____, 2021.

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 _____, 2021.

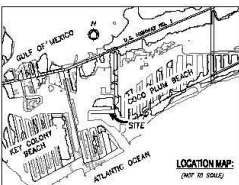
Diane Clavier City Clerk

EXHIBIT 1. APPROVED PRELIMINARY PLAT

COCO PLUM ESTATES

A REPLAT OF LANDS AS DESCRIBED AS A PART OF LOT 1, BLOCK 5 AND ALL OF LOTS 2, 3, 4, 5 AND 6, BLOCK 5 OF COCO PLUM BEACH, A SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 169, TOGETHER WITH ADJACENT BAY BOTTOM LOCATED IN SECTIONS 4 AND 5, TOWNSHIP 66 SOUTH, RANGE 35 EAST OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA

JUNE, 2021



SURVEYOR'S NOTES:

UPLAND LOTS DESCRIBED AND NUMBERED BY THE CLIENT OR THEIR REPRESENTATIVE SUBMERGED LANDS DESCRIBED AND NUMBERED BY THE UNDERGROUND.
THE BEARING BASE FOR THIS PLAT IS THE CENTRELINE OF AVENUE A AT EAST-WEST AS SHOWN FROM PLAT BOOK 4, PAGE 169 AND POINT BOUNDARY INTERSECTION FROM THE PLAN OF COCO PLUM BEACH.
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
THE EXPRESSED USE OF THE PROPERTY INCIDENTAL WITH AN AGENCY STANDARD OF ONE FOOT (1.00) FEET, ADJACENT AND ADJURED THROUGH A MEASUREMENT OF MEASUREMENTS TO MEET OR EXCEED UNDERGROUND IMPROVEMENTS, IF ANY WERE NOT LOCATED.
STAIRWELL SHOWN HEREON AND IN THE LEGEND MAY HAVE BEEN ENLARGED FOR CLARITY, THESE STAIRWELLS HAVE BEEN POSITIONED AT THE CENTER OF THE FEEL LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
THE LOCATION OF THE HIGH WATER LINE AS SHOWN HEREON IS BASED ON THE HIGH WATER WATER ELEVATION OF -1.00' OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD83) BY CORRECTING THE TIDE DATA FOR FIRST CORRECTION BY TIDE MEASUREMENT AS SUPPLIED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF SURVEY AND MAPPING OF 07-30-2018 LOCATIONS OF SAID LINE ESTABLISHED UNDER THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CONTROL DATE 7-20-1987 WITH A PUBLISHED ELEVATION OF 2.00 FEET. HOWEVER, A CLOSED DIFFERENTIAL LEVEL LOOK-ALIKE INSTRUMENT IS ESTABLISHED THE TRUE HIGH WATER LINE. THE WATER PROPERTY CONTROL INSTRUMENT, HOWEVER, DOES NOT ESTABLISH THE TRUE HIGH WATER LINE DOES NOT APPEAR TO CORRELATE WITH CHAPTER 177, FLORIDA STATUTES.

AMERICAN IP = FOUND 3/4" IRON PIPE FIT = FOUND SINKER & IRON LB = LOCATED SURVEYED IN CENTER, IS = LOCATED SURVEYED, 1/4" WOODEN STAKE = LOCATED SURVEYED, IS = PINE (P) = FURNISHED CORNER, 1/2" PINE = FURNISHED RETAINING, 1/4" WOODEN STAKE = FOUND (P) = PROFESSIONAL SURVEYOR AND MAPPER, N/W = NORTH-OF-WAY, S/E = SET 1/4" IRON ROD AND CAP, 7/8", 1/2" = STAKE

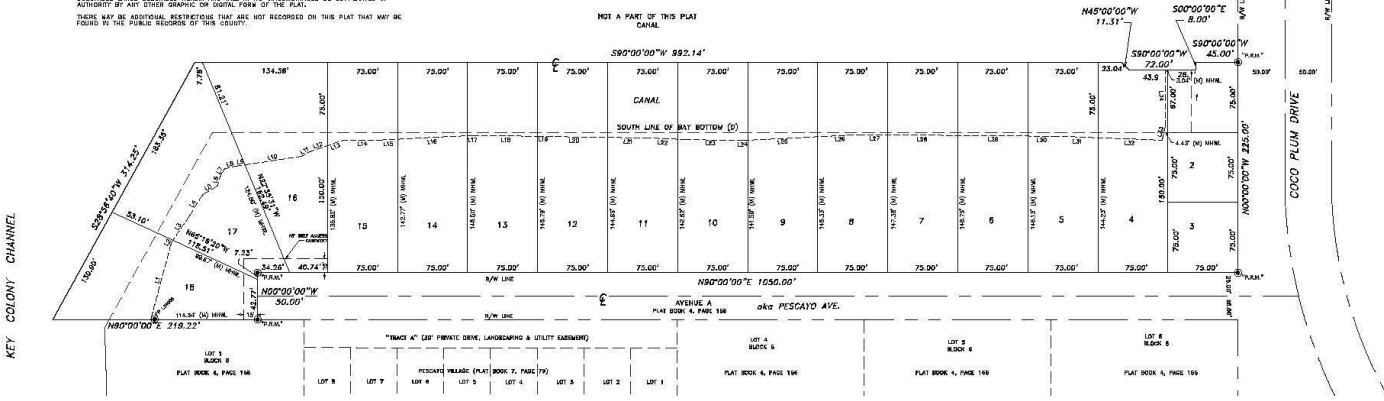
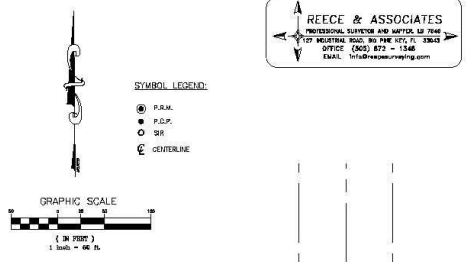
NOTICE: THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPOSITION OF THE APPROVED LINES DESCRIBED THEREIN AND WILL BE CONSIDERED AS SUCH UNLESS OTHERWISE SPECIFIED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

MEAN HIGH WATER LINE TABLE

LINE	DATE	REMARKS
1	11/13/18	11/13/18 (A)
2	11/13/18	11/13/18 (A)
3	11/13/18	11/13/18 (A)
4	11/13/18	11/13/18 (A)
5	11/13/18	11/13/18 (A)
6	11/13/18	11/13/18 (A)
7	11/13/18	11/13/18 (A)
8	11/13/18	11/13/18 (A)
9	11/13/18	11/13/18 (A)
10	11/13/18	11/13/18 (A)
11	11/13/18	11/13/18 (A)
12	11/13/18	11/13/18 (A)
13	11/13/18	11/13/18 (A)
14	11/13/18	11/13/18 (A)
15	11/13/18	11/13/18 (A)
16	11/13/18	11/13/18 (A)
17	11/13/18	11/13/18 (A)
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90	11/13/18	11/13/18 (A)
91	11/13/18	11/13/18 (A)
92	11/13/18	11/13/18 (A)
93	11/13/18	11/13/18 (A)
94	11/13/18	11/13/18 (A)
95	11/13/18	11/13/18 (A)
96	11/13/18	11/13/18 (A)
97	11/13/18	11/13/18 (A)
98	11/13/18	11/13/18 (A)
99	11/13/18	11/13/18 (A)
100	11/13/18	11/13/18 (A)

PLACEHOLDER LEGAL DESCRIPTION:



DEDICATION:
FROM ALL MEN BY THESE PRESENTS, THAT TWO OWNER OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF MARATHON, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "COCO PLUM BEACH".
THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO, REPLAY THE HEREIN DESCRIBED PROPERTY IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

OWNERS ACKNOWLEDGMENT:
BY WHOMSE WHOMSE, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY GUILLEN TORRES, MANAGING MEMBER,
THIS _____ DAY OF _____, 2021.

NOTARY ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF MONROE
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED GUILLEN TORRES, MANAGING MEMBER OF TSD TO ME KNOWN TO BE THE PERSONAL, INTERESTED IN OR HAVE PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING OWNERS ACKNOWLEDGMENT, AND WHO DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SAID OFFICER, FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY.
WITNESSE MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES _____

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:
I, THE HOLDER OF THAT CERTAIN MORTGAGE OF REAL ESTATE AND SECURITY AGREEMENT DATED _____ PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BOOK _____ HERBERT PAINE, APPROVE, CONSENT AND CONSENT TO THIS PLAT AND THE DEDICATION THEREOF.
I, WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ AND ATTESTED BY ITS SECRETARY, THIS _____ DAY OF _____, 2021.

NOTARY ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF MONROE
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____ SECRETARY OF _____ DESCRIBED IN AND WHO EXECUTED THE FOREGOING CONSENT TO DEDICATION, AND THE EACH DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICERS, FOR AND IN BEHALF OF SAID CORPORATION.
WITNESSE MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES _____

TITLE CERTIFICATION:
STATE OF FLORIDA
COUNTY OF MONROE
I, _____ TITLE INSURANCE CORPORATION DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY, THAT WE HAVE THE TITLE TO THE PROPERTY IS VESTED TO CURRENT SAID PART THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:
IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "COCO PLUM BEACH" ON THE _____ DAY OF _____, 2021. BY: _____ LYNZ LANDRY, CHAIRMAN

APPROVAL OF MARATHON CITY COUNCIL:
IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "COCO PLUM BEACH" ON THE _____ DAY OF _____, 2021. BY: _____ CITY OF MARATHON, FLORIDA

APPROVAL BY CITY OF MARATHON OFFICIALS:
APPROVED: _____ CARLOS SOLIS, CITY ENGINEER
BY: _____ JOHN JOHNSON, CITY FIRE MARSHAL

APPROVAL OF THE CLERK OF THE CIRCUIT COURT:
THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ON THE _____ DAY OF _____, 2021, AT _____ AM PM AND RECORDED ON PAGE _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

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 "COCO PLUM BEACH", AS SHOWN ON THIS SHEET 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 COMPLY WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT SURVEY MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.28(1)(2) OF SAID CHAPTER 177.

INFORMATION ONLY
BY: _____ ROBERT C. REECE, P.S.M.
FLORIDA REGISTERED SURVEYOR NO. LS 5632
REECE & ASSOCIATES
CERTIFICATE OF AUTHORIZATION NO. LS 2646
121 HILTON ROAD, SUITE 8, 388 FINE KEY, FLORIDA 33043

PLAT BOOK _____ PAGE _____