

CITY COUNCIL AGENDA STATEMENT



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

**Agenda Item:** **Resolution 2021-117**, A Request For A Final Plat Approval Pursuant To Chapter 102 Article 10 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” 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.

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

**LOCATION:** The project site is located on eight properties on the north side of Pescayo Avenue and near the intersection with Coco Plum Drive. See Figure 1.

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



City of Marathon, Florida  
Official Map Product  
Pescayo Plat



0 75 150 300 450 600 Feet

**REQUEST:** The Applicant is seeking approval of a plat subdividing eight (8) parcels into eighteen (18) lots.

**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.

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.

Conditions of Approval from Conditional Use (for reference only)

- 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.

Sponsor: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2021-117**

**A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A FINAL PLAT APPROVAL PURSUANT TO CHAPTER 102 ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” 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 Plat 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 and Plat, 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**, on the 16<sup>th</sup> 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 and Plat pursuant to Chapter 102, Articles 10 and 13 of the LDRs; and

**WHEREAS**, and on the 14<sup>th</sup> 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 and Plat pursuant to Chapter 102, Articles 10 & 13 of the LDRs; and

**WHEREAS**, and on the 14<sup>th</sup> day of December, 2021, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for the final Plat pursuant to Chapter 102, Article 10 of the LDRs; 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 Plat; and

**WHEREAS**, the purpose of the Final Plat assures that the Applicant 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 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. 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.

**Section 3.** This resolution shall take effect immediately upon its adoption by the City of Marathon.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14<sup>TH</sup> DAY OF DECEMBER, 2021.**

**THE CITY OF MARATHON, FLORIDA**

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**John Bartus, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE  
CITY OF MARATHON, FLORIDA ONLY:**

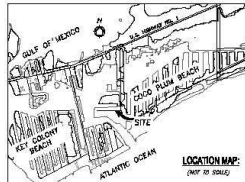
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Steve Williams, City Attorney

# EXHIBIT A. APPROVED 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



LOCATION MAP  
(NOT TO SCALE)

**SURVEYOR'S NOTES:**

UPLAND LOTS, DESCRIPTIONS AND NUMBERED BY THE CLIENT OR THEIR REPRESENTATIVE SUBDIVISION LINES DESCRIBED HEREIN ARE BASED ON THE SUBDIVISION RECORDS OF THE MONROE COUNTY, FLORIDA DEPARTMENT OF REVENUE. THE BEARING AND DISTANCE FOR THIS PLAT IS THE CENTRAL LINE OF A PLAT AS SHOWN ON PLAT BOOK 4, PAGE 169 AND FENCED BOUNDARY 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 EXPRESSED USE OF THE PROPERTY RESIDENTIAL WITH AN AGENCY STANDARD OF ONE FOOT (1.00) FEET, ADJACENT AND ADJACENT THROUGH A MEASUREMENT OF MEASUREMENTS TO MEET OR EXCEED UNDESIGNED IMPROVEMENTS, IF ANY WERE NOT LOCATED. STAIRWELL SHOWS 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.

**MEAN HIGH WATER LINE TABLE**

LINE	BEARING	DISTANCE
1	45.00°	11.31'
2	11.31°	11.31'
3	20.25°	11.31'
4	30.00°	11.31'
5	39.75°	11.31'
6	49.50°	11.31'
7	59.25°	11.31'
8	69.00°	11.31'
9	78.75°	11.31'
10	88.50°	11.31'
11	98.25°	11.31'
12	108.00°	11.31'
13	117.75°	11.31'
14	127.50°	11.31'
15	137.25°	11.31'
16	147.00°	11.31'
17	156.75°	11.31'
18	166.50°	11.31'
19	176.25°	11.31'
20	186.00°	11.31'
21	195.75°	11.31'
22	205.50°	11.31'
23	215.25°	11.31'
24	225.00°	11.31'
25	234.75°	11.31'
26	244.50°	11.31'
27	254.25°	11.31'
28	264.00°	11.31'
29	273.75°	11.31'
30	283.50°	11.31'
31	293.25°	11.31'
32	303.00°	11.31'
33	312.75°	11.31'
34	322.50°	11.31'
35	332.25°	11.31'
36	342.00°	11.31'
37	351.75°	11.31'
38	361.50°	11.31'
39	371.25°	11.31'
40	381.00°	11.31'
41	390.75°	11.31'
42	400.50°	11.31'
43	410.25°	11.31'
44	420.00°	11.31'
45	429.75°	11.31'
46	439.50°	11.31'
47	449.25°	11.31'
48	459.00°	11.31'
49	468.75°	11.31'
50	478.50°	11.31'
51	488.25°	11.31'
52	498.00°	11.31'
53	507.75°	11.31'
54	517.50°	11.31'
55	527.25°	11.31'
56	537.00°	11.31'
57	546.75°	11.31'
58	556.50°	11.31'
59	566.25°	11.31'
60	576.00°	11.31'
61	585.75°	11.31'
62	595.50°	11.31'
63	605.25°	11.31'
64	615.00°	11.31'
65	624.75°	11.31'
66	634.50°	11.31'
67	644.25°	11.31'
68	654.00°	11.31'
69	663.75°	11.31'
70	673.50°	11.31'
71	683.25°	11.31'
72	693.00°	11.31'
73	702.75°	11.31'
74	712.50°	11.31'
75	722.25°	11.31'
76	732.00°	11.31'
77	741.75°	11.31'
78	751.50°	11.31'
79	761.25°	11.31'
80	771.00°	11.31'
81	780.75°	11.31'
82	790.50°	11.31'
83	800.25°	11.31'
84	810.00°	11.31'
85	819.75°	11.31'
86	829.50°	11.31'
87	839.25°	11.31'
88	849.00°	11.31'
89	858.75°	11.31'
90	868.50°	11.31'
91	878.25°	11.31'
92	888.00°	11.31'
93	897.75°	11.31'
94	907.50°	11.31'
95	917.25°	11.31'
96	927.00°	11.31'
97	936.75°	11.31'
98	946.50°	11.31'
99	956.25°	11.31'
100	966.00°	11.31'
101	975.75°	11.31'
102	985.50°	11.31'
103	995.25°	11.31'
104	1005.00°	11.31'
105	1014.75°	11.31'
106	1024.50°	11.31'
107	1034.25°	11.31'
108	1044.00°	11.31'
109	1053.75°	11.31'
110	1063.50°	11.31'
111	1073.25°	11.31'
112	1083.00°	11.31'
113	1092.75°	11.31'
114	1102.50°	11.31'
115	1112.25°	11.31'
116	1122.00°	11.31'
117	1131.75°	11.31'
118	1141.50°	11.31'
119	1151.25°	11.31'
120	1161.00°	11.31'
121	1170.75°	11.31'
122	1180.50°	11.31'
123	1190.25°	11.31'
124	1200.00°	11.31'
125	1209.75°	11.31'
126	1219.50°	11.31'
127	1229.25°	11.31'
128	1239.00°	11.31'
129	1248.75°	11.31'
130	1258.50°	11.31'
131	1268.25°	11.31'
132	1278.00°	11.31'
133	1287.75°	11.31'
134	1297.50°	11.31'
135	1307.25°	11.31'
136	1317.00°	11.31'
137	1326.75°	11.31'
138	1336.50°	11.31'
139	1346.25°	11.31'
140	1356.00°	11.31'
141	1365.75°	11.31'
142	1375.50°	11.31'
143	1385.25°	11.31'
144	1395.00°	11.31'
145	1404.75°	11.31'
146	1414.50°	11.31'
147	1424.25°	11.31'
148	1434.00°	11.31'
149	1443.75°	11.31'
150	1453.50°	11.31'
151	1463.25°	11.31'
152	1473.00°	11.31'
153	1482.75°	11.31'
154	1492.50°	11.31'
155	1502.25°	11.31'
156	1512.00°	11.31'
157	1521.75°	11.31'
158	1531.50°	11.31'
159	1541.25°	11.31'
160	1551.00°	11.31'
161	1560.75°	11.31'
162	1570.50°	11.31'
163	1580.25°	11.31'
164	1590.00°	11.31'
165	1599.75°	11.31'
166	1609.50°	11.31'
167	1619.25°	11.31'
168	1629.00°	11.31'
169	1638.75°	11.31'
170	1648.50°	11.31'
171	1658.25°	11.31'
172	1668.00°	11.31'
173	1677.75°	11.31'
174	1687.50°	11.31'
175	1697.25°	11.31'
176	1707.00°	11.31'
177	1716.75°	11.31'
178	1726.50°	11.31'
179	1736.25°	11.31'
180	1746.00°	11.31'
181	1755.75°	11.31'
182	1765.50°	11.31'
183	1775.25°	11.31'
184	1785.00°	11.31'
185	1794.75°	11.31'
186	1804.50°	11.31'
187	1814.25°	11.31'
188	1824.00°	11.31'
189	1833.75°	11.31'
190	1843.50°	11.31'
191	1853.25°	11.31'
192	1863.00°	11.31'
193	1872.75°	11.31'
194	1882.50°	11.31'
195	1892.25°	11.31'
196	1902.00°	11.31'
197	1911.75°	11.31'
198	1921.50°	11.31'
199	1931.25°	11.31'
200	1941.00°	11.31'
201	1950.75°	11.31'
202	1960.50°	11.31'
203	1970.25°	11.31'
204	1980.00°	11.31'
205	1989.75°	11.31'
206	1999.50°	11.31'
207	2009.25°	11.31'
208	2019.00°	11.31'
209	2028.75°	11.31'
210	2038.50°	11.31'
211	2048.25°	11.31'
212	2058.00°	11.31'
213	2067.75°	11.31'
214	2077.50°	11.31'
215	2087.25°	11.31'
216	2097.00°	11.31'
217	2106.75°	11.31'
218	2116.50°	11.31'
219	2126.25°	11.31'
220	2136.00°	11.31'
221	2145.75°	11.31'
222	2155.50°	11.31'
223	2165.25°	11.31'
224	2175.00°	11.31'
225	2184.75°	11.31'
226	2194.50°	11.31'
227	2204.25°	11.31'
228	2214.00°	11.31'
229	2223.75°	11.31'
230	2233.50°	11.31'
231	2243.25°	11.31'
232	2253.00°	11.31'
233	2262.75°	11.31'
234	2272.50°	11.31'
235	2282.25°	11.31'
236	2292.00°	11.31'
237	2301.75°	11.31'
238	2311.50°	11.31'
239	2321.25°	11.31'
240	2331.00°	11.31'
241	2340.75°	11.31'
242	2350.50°	11.31'
243	2360.25°	11.31'
244	2370.00°	11.31'
245	2379.75°	11.31'
246	2389.50°	11.31'
247	2399.25°	11.31'
248	2409.00°	11.31'
249	2418.75°	11.31'
250	2428.50°	11.31'
251	2438.25°	11.31'
252	2448.00°	11.31'
253	2457.75°	11.31'
254	2467.50°	11.31'
255	2477.25°	11.31'
256	2487.00°	11.31'
257	2496.75°	11.31'
258	2506.50°	11.31'
259	2516.25°	11.31'
260	2526.00°	11.31'
261	2535.75°	11.31'
262	2545.50°	11.31'
263	2555.25°	11.31'
264	2565.00°	11.31'
265	2574.75°	11.31'
266	2584.50°	11.31'
267	2594.25°	11.31'
268	2604.00°	11.31'
269	2613.75°	11.31'
270	2623.50°	11.31'
271	2633.25°	11.31'
272	2643.00°	11.31'
273	2652.75°	11.31'
274	2662.50°	11.31'
275	2672.25°	11.31'
276	2682.00°	11.31'
277	2691.75°	11.31'
278	2701.50°	11.31'
279	2711.25°	11.31'
280	2721.00°	11.31'
281	2730.75°	11.31'
282	2740.50°	11.31'
283	2750.25°	11.31'
284	2760.00°	11.31'
285	2769.75°	11.31'
286	2779.50°	11.31'
287	2789.25°	11.31'
288	2799.00°	11.31'
289	2808.75°	11.31'
290	2818.50°	11.31'
291	2828.25°	11.31'
292	2838.00°	11.31'
293	2847.75°	11.31'
294	2857.50°	11.31'
295	2867.25°	11.31'
296	2877.00°	11.31'
297	2886.75°	11.31'
298	2896.50°	11.31'
299	2906.25°	11.31'
300	2916.00°	11.31'
301	2925.75°	11.31'
302	2935.50°	11.31'
303	2945.25°	11.31'
304	2955.00°	11.31'
305	2964.75°	11.31'
306	2974.50°	11.31'
307	2984.25°	11.31'
308	2994.00°	11.31'
309	3003.75°	11.31'
310	3013.50°	11.31'
311	3023.25°	11.31'
312	3033.00°	11.31'
313	3042.75°	11.31'
314	3052.50°	11.31'
315	3062.25°	11.31'
316	3072.00°	11.31'
317	3081.75°	11.31'
318	3091.50°	11.31'
319	3101.25°	11.31'
320	3111.00°	11.31'
321	3120.75°	11.31'
322	3130.50°	11.31'
323	3140.25°	11.31'
324	3150.00°	11.31'
325	3159.75°	11.31'
326	3169.50°	11.31'