

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 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 and Plat pursuant to Chapter 102, Articles 10 and 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 and Plat pursuant to Chapter 102, Articles 10 & 13 of the LDRs; and

WHEREAS, and on the 14th 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 14TH DAY OF DECEMBER, 2021.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Zieg, Cook, Woofsey, Gonzalez, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

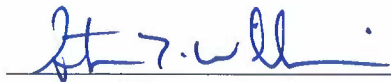
ATTEST:



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

