

Sponsored by: Garrett

CITY OF MARATHON, FLORIDA
PLANNING COMMISSION
RESOLUTION 2014-001

PLANNING COMMISSION RESOLUTION 2014-01, APPROVING THE APPEAL BY DISCOUNT ROCK AND SAND, INC. OF THE PLANNING DIRECTOR'S DECISION TO DENY PERMIT APPLICATION NUMBERS P2013-0546 AND P2013-1848 FOR A STORMWATER COLLECTION SYSTEM AND A POLE BARN AS A PART OF THE OF A PROPOSED CONSTRUCTION AND DEMOLITION DEBRIS TRANSFER STATION TO BE LOCATED AT 10525 AVIATION BOULEVARD, MARATHON, FLORIDA; FURTHER IDENTIFIED BY REAL ESTATE NUMBER 00104170-001601; APPROXIMATE MILE MARKER 52; AND PROVIDING FOR EFFECTIVE DATE .

WHEREAS, it is within the purview of the Planning Director to approve, approve with conditions, approve with modifications, or deny requests for permits under authority established in Chapters 100 and 101 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, on June 11, 2013 the Planning Director completed and sent a letter to Discount Rock and Sand, Inc. denying permit application number P2013-0546 for a stormwater collection system which, as proposed, is integral to a proposed Construction and Demolition Debris Transfer Facility ("C & D Facility"); and

WHEREAS, the salient details and basis for the permit denial by the Planning Director was a determination that Construction and Demolition Debris Transfer Facilities are not a permitted use within the Industrial (I) land use (zoning) district specifically or any other land use district generally; and

WHEREAS, on July 22, 2013, Discount Rock and Sand, Inc. filed a Request for Appeal of the Director's decision dated June 11, 2013 as allowed under Chapter 103, Article 17 of the LDRs; and

WHEREAS, consultants for the Appellant understood that an application had also been made for a pole barn as part of the proposed C & D Facility; and

WHEREAS, when it was determined that such an application had not been made, the Appellant applied for a pole barn then identified in permit application P2013-1848; and

WHEREAS, the Planning Director rewrote his letter of June 11, 2013 in a letter dated November 26, 2013 denying permit numbers P2013-0546 and P2013-1848 for a stormwater collection system and pole barn respectively as part of a proposed C & D Facility; and

WHEREAS, the basis for denying permit application number P2013-00546 and P2013-1848 remained the same; and

WHEREAS, the original Request for Appeal was accepted as a Request to Appeal the Director's letter dated November 26, 2013; and

WHEREAS, an Appeal Hearing was scheduled before the Planning Commission dated December, 16, 2013; and

WHEREAS, due process was afforded the parties, the essential requirements of law were adhered to and competent and substantial evidence was presented.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Based on the competent and substantial evidence provided to the Planning Commission by the Appellant and by the City of Marathon Planning Department at its December 16, 2013 regular meeting, and made part of the record hereof, the Planning Commission finds that the Planning Director erred in his decision to deny permit numbers P2013-0546 and P2013-1848. Specifically, the Planning Commission:

Section 3. The Planning Commission approves the Request for Appeal by the Appellant over-turning the decision of the Planning Director in his determination letter dated November 26, 2013.

Section 4. This resolution shall take effect immediately upon its adoption and shall be filed with the City Clerk.

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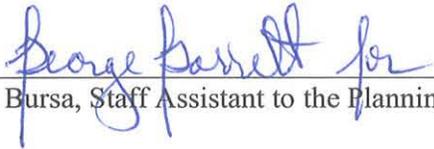
PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MARATHON, FLORIDA, THIS 21ST DAY OF JANUARY 2014.

THE PLANNING COMMISSION
CITY OF MARATHON, FLORIDA

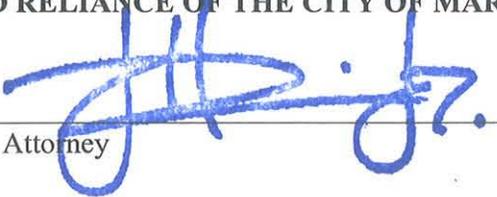

James Tashjian, Chair

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:


Karl Bursa, Staff Assistant to the Planning Commission

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


City Attorney