

**CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH**

**IN RE: REQUEST TO ZONE 4.43 ACRES OF LAND TO CH
Submitted by Seahaven Construction LLC and Dennis Pledger
PARCEL NO. 3019-000-000 and 30185-002-000
PROPERTY LOCATED at 8752 Thomas Drive and 3011 Joan Avenue
PANAMA CITY BEACH, FLORIDA**

QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE 1375

No: 01-ZN-16

ORDER

The **CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH**, having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on January 14, 2016, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Upon original application of Seahaven Construction, LLC and Dennis Pledger, the owners of 4.43 acres of real property located at 8752 Thomas Drive and 3011 Joan Avenue, near the northwest corner of the intersection of Joan Avenue and Thomas Drive on the City's eastern City limits, to rezone such land from Bay County's designation of C3 to the City's designation of Commercial High Intensity, the City's Planning Board held a properly advertised Quasi-Judicial Hearing to consider the request on November 9, 2016. At the conclusion of the hearing, the Board unanimously recommended approval of the request, which recommendation was incorporated into the Planning Board's Order, Finding of Fact and Conclusions of Law dated November 20, 2015.
2. The City Council held a properly advertised first reading on the captioned ordinance embodying the request on December 10, 2015, at which public comment was invited but

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not received. No testimony or competent substantial evidence was received at this first hearing.

3. The City Council held a properly advertised second reading and Quasi Judicial Hearing on the ordinance embodying the request on January 14, 2015, which the Applicant did attend, and at which competent substantial evidence consisting of testimony and documentation was received. No public comment on the zoning ordinance was received at this hearing.
4. The City Planner testified that the requested zoning designation is consistent in all respects with the City's Comprehensive Plan and that the request complies with all the procedural requirements of the City's Land Development Code.
5. The City Planner testified the zoning designation requested would not result in an increase in impacts on local or state facilities, and was compatible with adjacent properties.

CONCLUSIONS OF LAW

6. Pursuant to Section 166.041(3)(c), Florida Statutes and Sections 10.04.03 and 10.07.02 of the City's Land Development Code, the City Council has jurisdiction to conduct a quasi-judicial hearing on this matter and determine whether the request should be granted by adoption of the captioned ordinance.
7. The proposed zoning request complies with all procedural requirements of the City's Land Development Code.
8. The requested rezoning designation is consistent with the City's comprehensive Plan, and maintaining the existing zoning classification is not necessary and will not accomplish a legitimate public purpose and best serve the public interests of the community as a whole.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject zoning request is hereby **GRANTED** and accordingly, the captioned Ordinance shall be **ADOPTED**.

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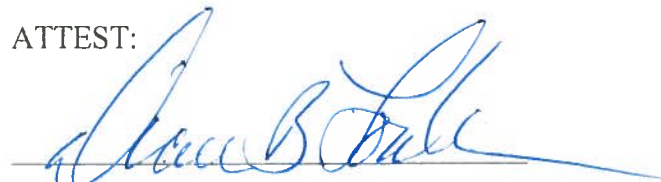
Parties with standing have the right to appeal this decision by certiorari to the Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this 28th day of January, 2016.


MAYOR GAYLE F. OBERST

ATTEST:


DIANE FOWLER, CITY CLERK

