

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

**IN RE: REZONING 39.82 ACRES OF LAND FROM RECREATION to  
R-1B  
Submitted by Hombre Development, LLC  
PARCEL NO. 34810-000-000  
PROPERTY LOCATED east of Glades Trail  
PANAMA CITY BEACH, FLORIDA**

**QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE 1423**

**01-RZ-18**

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**ORDER**

The **CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH**, having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearings held on this matter on July 13, September 28 and October 26, 2017, hereby makes the following Findings of Fact and Conclusions of Law.

**PROCEDURAL HISTORY**

1. Upon original application of Hombre Development, LLC to rezone the zoning designation of approximately 39.82 acres of real property located east of Glades Trail from Recreation and R-1B, the City's Planning Board held a properly advertised Quasi-Judicial Hearing to consider the request on June 12, 2017. At the conclusion of the hearing, the Board recommended approval of the request, which recommendation was incorporated into the Planning Board's Order, Finding of Fact and Conclusions of Law dated June 14, 2017.
2. The City Council held a first reading and public hearing on the captioned

ordinance embodying the request on July 13, 2017, during which public comment was requested and received.

3. The City Council held a second reading and Quasi-Judicial Hearing on the ordinance embodying the request on September 28, 2017, during which competent substantial evidence consisting of staff testimony and documentation was received. Public comment was invited at this public hearing but none was received.
4. The City Council held a third reading and Quasi-Judicial Hearing on the ordinance to ensure all notice requirements for adoption of the ordinance were met, during which public comment was requested and received.

#### **FINDINGS OF FACT**

4. Notice of the July 13, 2017 and October 26, 2017 hearings were properly given.
5. The City Planner is qualified to express opinions on the matters addressed herein related to the City's Comprehensive Plan and Land Development Code.
6. The City Planner testified that the requested zoning designation is consistent in all respects and is compatible with the City's Comprehensive Plan and that the request complies with all the procedural requirements of the City's Land Development Code.
8. The Applicant gave testimony and displayed maps showing the proposed use of the property if rezoned.
9. Public comment was received but no evidence was presented to establish that maintaining the existing zoning classification with respect to the subject property will accomplish a legitimate public purpose.

**CONCLUSIONS OF LAW**

- 10. Pursuant to Section 166.041(3)(c), Florida Statutes and Sections 10.04.03.B and 10.07.02.B 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.
- 11. The proposed rezoning request complies with all procedural requirements of the City’s Land Development Code.
- 12. The proposed rezoning designation is consistent with the City’s comprehensive Plan, and will accomplish a legitimate public purpose and best serve the public interests of the community as a whole.

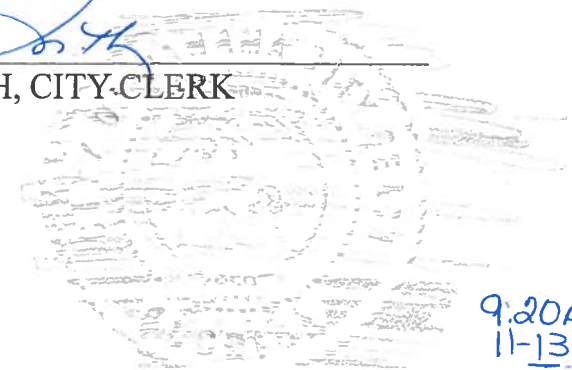
**THEREFORE, IT IS ORDERED AND ADJUDGED** that the subject rezoning request is hereby **GRANTED** and accordingly, the captioned Ordinance shall be **ADOPTED**.

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 9<sup>th</sup> day of November, 2017.   
MAYOR MIKE THOMAS

ATTEST:  
  
JO SMITH, CITY CLERK



9:20AM  
11-13-17