

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

**IN RE: REQUEST TO ZONE 13 ACRES OF LAND AS PUBLIC
 FACILITIES**

Submitted by The City of Panama City Beach

**PROPERTY LOCATED adjacent to the northern boundary line of
the City east of State Road 79**

PANAMA CITY BEACH, FLORIDA

**QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE
1421**

01-ZN-18

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 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 the City, the owners of 13 acres of real property located adjacent to the northern boundary line of the City's corporate limits east of State Road 79, such property known and used as "Bay Parkway," to rezone such land from Bay County's designation of County Village Center to the City's designation of Public Facilities, 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 unanimously 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 properly advertised first reading on the captioned ordinance embodying the request on July 13, 2017, at which public comment was invited but not received. Competent substantial evidence in the form of staff and applicant testimony and documentation was received at this first hearing.
3. The City Council held a second reading and Quasi Judicial Hearing on the ordinance embodying the request on September 28. No public comment on the zoning ordinance was received at this hearing.
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 but none received.

FINDINGS OF FACT

5. Notice of the July 13, 2017 and October 26, 2017 hearings were properly given.
6. The City Planner is qualified to express opinions on the matters addressed herein related to the City's Comprehensive Plan and Land Development Code.
7. 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.

8. 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

9. 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.
10. The proposed zoning request complies with all procedural requirements of the City's Land Development Code.
11. The requested zoning 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 zoning 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.

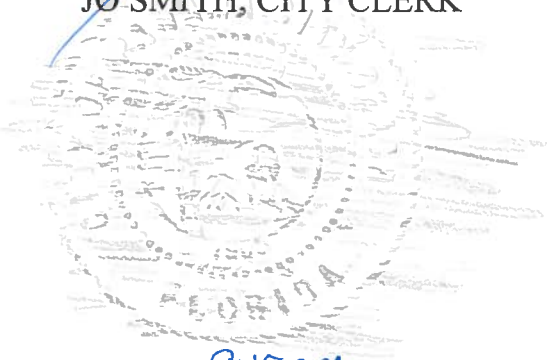
If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this 9th day of November, 2017.


MAYOR MIKE THOMAS

ATTEST:


JO SMITH, CITY CLERK



9:15 AM
11-13-17
JS