

ORDINANCE NO 1590

AN ORDINANCE AMENDING ORDINANCE 1688, KNOWN AS “THE 2021 AMENDED AND RESTATED CITY OF PANAMA CITY BEACH GROWTH DEVELOPMENT PLAN;” ACTING UPON THE APPLICATION OF SAKHSAMS INVESTMENTS, INC. TO CHANGE THE FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM SINGLE FAMILY RESIDENTIAL TO TOURIST; DESIGNATING FOR TOURIST LAND USE A CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONSISTING OF APPROXIMATELY 1.716 ACRES; SAID PARCELS LOCATED AT 14602 FRONT BEACH ROAD, PARCEL ID 33960-000-000 AND PARCEL ID 33960-010-000; AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; AMENDING THE CITY’S FUTURE LAND USE MAP TO DESIGNATE THE PARCELS FOR TOURIST LAND USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

WHEREAS, the City of Panama City Beach City Council adopted “The 2021 Amended and Restated City of Panama City Beach Growth Development Plan” (the Comprehensive Plan”) on November 10, 2021, by Ordinance No. 1688; and

WHEREAS, Sakhsams Investments, Inc. (the “Applicant”) submitted an application requesting an amendment to the Comprehensive Plan; and

WHEREAS, the Panama City Beach Planning Board reviewed the land use request, conducted a public hearing on July 13, 2022, and recommended approval of the request by a vote of 4-0; and

WHEREAS, on ^{September 22, 2022} _____, as required by Section 163.3187, Florida Statutes, the City Council conducted a properly noticed adoption hearing and adopted this Ordinance in the course of that hearing; and

WHEREAS, all conditions required for the enactment of this Ordinance to amend the City of Panama City Beach Comprehensive Growth Development Plan to make the respective FLUM designation for the subject parcel have been met.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1. The following described parcel of real property situated within the municipal limits of the City of Panama City Beach, Florida, is designated for Tourist land use under the Comprehensive Plan, to wit,

SEE ATTACHED AND INCORPORATED EXHIBIT "A"

and the City's Future Land Use Map is amended accordingly.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. This ordinance shall take effect as provided by law.

PASSED, APPROVED and ADOPTED at the special meeting of the City Council of the City of Panama City Beach, Florida, this 22 day of September, 2022.

CITY OF PANAMA CITY BEACH, FL



Mark Sheldon, Mayor

ATTEST:



Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 22 day of September, 2022.



Mark Sheldon, Mayor

PUBLISHED in the Panama City News-Herald on the 6th day of September, 2022.

POSTED on pcbfl.gov on the 9th day of August, 2022.



Lynne Fasone, City Clerk

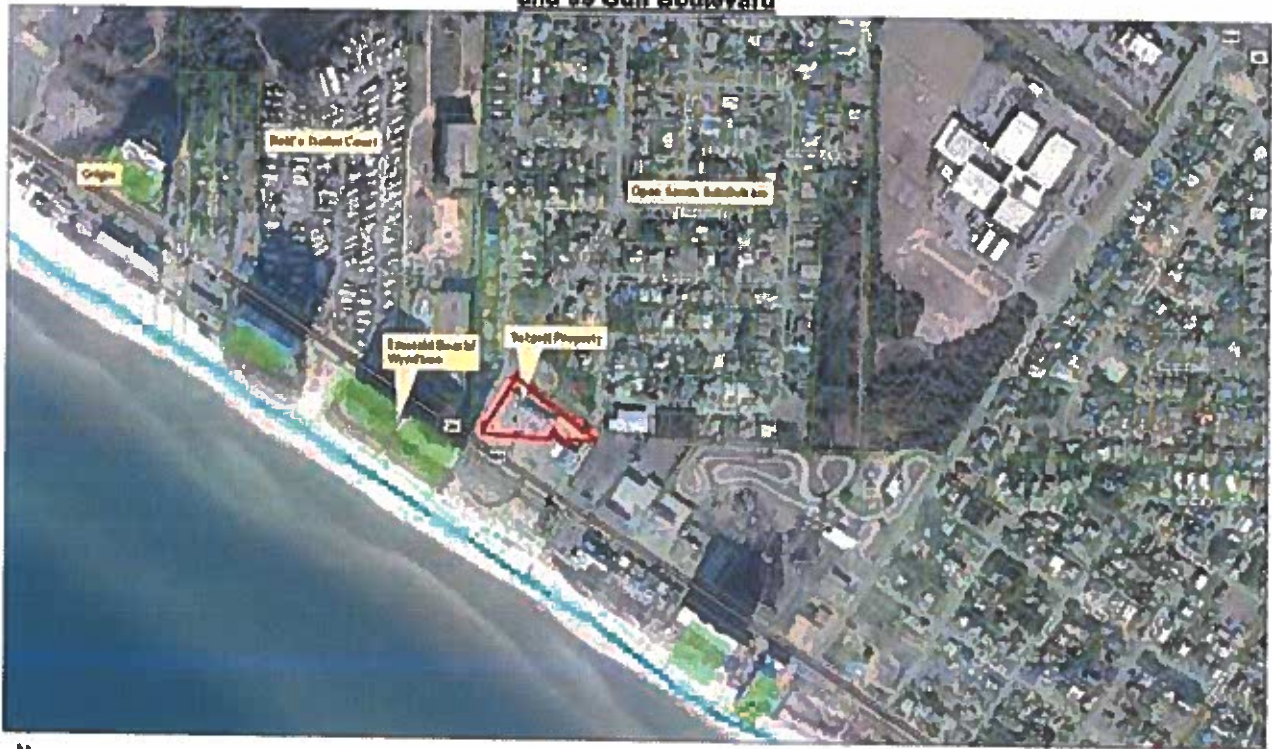
EXHIBIT A

THAT CERTAIN TRIANGULAR PARCEL APPEARING ON THE PLAT OF OPEN SANDS, AS PER PLAT RECORDED IN PLAT BOOK 8, PAGE 67, IN THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, MARKED "RESERVED" AND BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE EAST HALF OF SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 16 WEST, ON THE EAST BY POINSETTIA DRIVE AND THE WEST LINE OF LOT 1, BLOCK K, OF SAID PLAT (SAID LOT 1 NOW OCCUPIED BY SHORT STREET), ON THE NORTHWEST BY GULF BOULEVARD, ACCORDING TO SAID PLAT.

LESS AND EXCEPT:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 16 WEST, AND THE EASTERLY R/W LINE OF GULF BOULEVARD AND RUN N33°32'02"E, ALONG SAID R/W, 250 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID R/W 451.52 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A DELTA OF 149°37'15", RADIUS OF 35.57 FEET; THENCE CONTINUE ALONG SAID CURVE, FOR AN ARC DISTANCE OF 92.89 FEET TO THE P.T.; THENCE RUN S01°37'46"W ALONG THE WESTERLY R/W OF SHORT STREET, 474.18 FEET; THENCE S10°20'03"W ALONG SAID STREET 101.00 FEET TO SOUTH LINE OF SAID SECTION 21; THENCE DEPARTING SAID R/W RUN N52°32'21"W, 357.08 FEET TO THE POINT OF BEGINNING; BEING PART OF "RESERVED LOT", BLOCK K, OPEN SAID SUBDIVISION AS RECORDED IN PLAT BOOK 8, PAGE 67, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

**FLUM/Rezoning Request for 14802 Front Beach Road
and 89 Gulf Boulevard**



0 0.0475 0.095 0.19 Miles

**FLUM/Rezoning Request for 14602 Front Beach Road
and 99 Gulf Boulevard**





DATA AND ANALYSIS

- I. **APPLICANT:** Sakhsams Investments, Inc.
- II. **PROJECT LOCATION:** Parcel ID# 33960-000-000 and 33960-010-000
- III. **REQUEST:** This request is for a Small-Scale Plan Amendment and Rezoning. The applicant is requesting a Future Land Use Map change from Single Family Residential Future Land Use designation to Tourist and a Rezoning from R-1c to CH for the subject parcels.
- IV. **REASON FOR REQUEST:** According to the applicant the parcels have been used for commercial purposes for 38 years and the current designation is the result of a scrivener's error.

Based on the attached 1977 City Zoning Map, the parcels appear to have been zoned T-3 (Tourist 3) which is the equivalent of today's CH (Commercial High Intensity) zone. Sometime between 1977 and 1988, the City's official Zoning Map was altered as a result of a scrivener's error.

- VI. **SITE EVALUATION:**
 - A. **IMPACT ON PUBLIC FACILITIES:**
 1. **Transportation Facilities:**

The adjacent section of Front Beach Road is currently over capacity. If the rezoning is approved, the applicant will be required to make a fair share contribution to address roadway capacity at the time of any proposed expansion or redevelopment.

2. Potable Water:

The City receives treated County water via two subaqueous transmission mains located near the Hathaway and State Road 79 bridges crossing St. Andrew Bay and West Bay. Water is stored in ground level tanks and re-pumped on demand to meet the City's water needs. The City's current available pumping and transmission capacity is approximately 37.8 MGD. The Contract with the County has been designed to increase capacity by approximately 4% per year in order to continue to have capacity available for growth. Additionally, the City has two (2) - 7 million gallon storage tanks at its West Bay storage and pumping facility, and 2, 4 and 5 million gallon storage tanks at its McElvey Road storage and pumping facility near the St. Andrew Bay delivery point, which gives the City an additional 25 million gallons of working reserve for peak hour and fire flow demands.

It is conservatively estimated the average citizen consumes 125 gallons per day for planning purposes. Daily water demand for January 1, 2021 through December 31, 2021 were comparable with 2020, ranging from 9.183 million gallons per day (MGD) to 17.58 MGD on a monthly average, with an annual average of 13.49 MGD. The maximum single-day demand was 19.75 MGD which occurred over Memorial Day holiday weekend in May 2021 which is 14% higher than the peak day over the 2020 Memorial Day weekend.

The County's projected available capacity to supply potable water to the City in 2020 is 30.90 MGD, leaving an excess monthly average capacity ranging from 13.32 MGD to 21.72 MGD with an annual average excess of 17.41 MGD. The excess on the single-day maximum was 12.00 MGD.

The City has also implemented a reclaimed water utility system making highly treated effluent from the wastewater system available for irrigation to new subdivisions and commercial developments. With the implementation of this reclaimed water system, it is estimated that the 2% of total potable water consumption previously used by similar developments will be replaced by reclaimed water in these new subdivisions.

3. Sanitary Sewer:

The City's wastewater treatment plant 1 (WWTP No. 1) provides Advanced Wastewater Treatment (AWT) quality effluent, with an accompanying wetlands effluent discharge system in a 2,900-acre facility containing 2,000 acres of receiving wetlands. Currently, the operating permit allows 14 MGD maximum monthly average (10 MGD annual average) treatment and 14 MGD maximum monthly average disposal capacity. Monthly average plant flows for January 1, 2021 through December 31, 2021 ranged from 5.326

MGD to 10.34 MGD with an annual average of 7.725 MGD for 2021. The City's reclaimed water system has been in operation since 2006 and provided average flows between 1.36 and 4.10 MGD of irrigation water per month during CY 2021, depending on the time of year and demands, to residential and commercial areas of the City or an annual average rate of 2.71 MGD per month.

The wastewater system has been growing at a faster rate than the water system since a significant portion of the City utility service area had municipal water service, but no sewer service for many years. The City has systematically constructed sewer collection systems in older neighborhoods, with eight being completed since 2003. Based on previous historic growth rates of wastewater generation, it is anticipated that there will be a 4% yearly growth in wastewater generation within the City's service area (from the Hathaway Bridge to the West Bay Bridge to the Phillips Inlet Bridge). Accordingly, the City has planned for facilities to be upgraded to coincide with the increased demand. A site for a second wastewater treatment facility has been purchased and preliminary planning for development has begun. Once completed, the second facility will provide additional capacity and will be interconnected with the existing system for enhanced reliability and load sharing.

B. SITE SUITABILITY:

1. Wetlands: According to information supplied by Bay County GIS there are no wetlands located on the subject site.
2. Plant and Wildlife Resources: Information regarding natural resources is based on information from the Florida Natural Areas Inventory "FNAI", which is a non-profit organization administered by Florida State University. This group is involved in gathering, interpreting, and disseminating information critical to the conservation of Florida's biological diversity.

According to information supplied by FNAI, there are no threatened or endangered species located on the subject site.

3. Flood Zones:

According to information supplied by FEMA, the site is located in Flood Zone X, which is defined as an area determined to be located outside of the 100 and 500-year floodplains.

C. COMPATABILITY WITH SURROUNDING LAND USES:

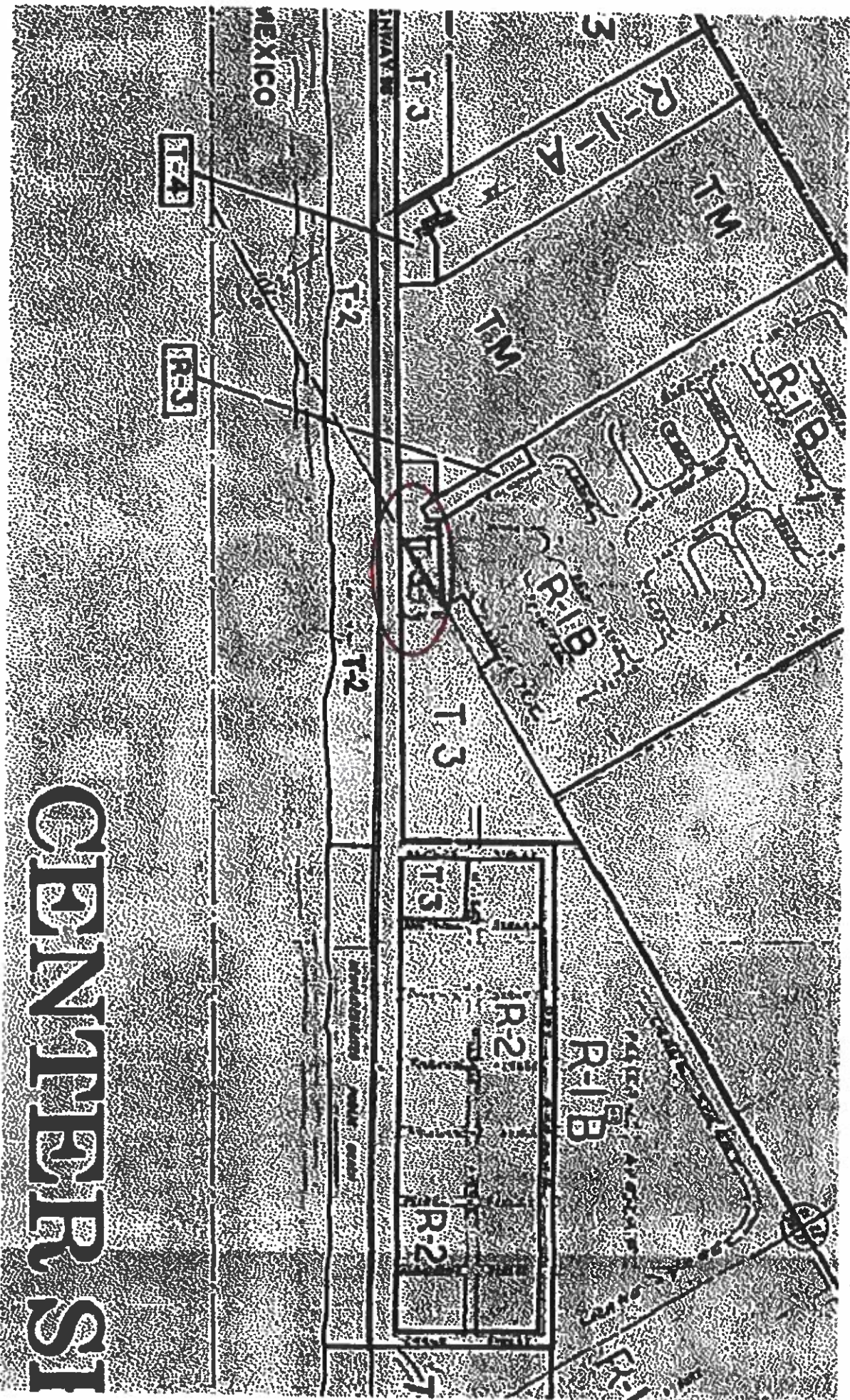
Compatibility is generally defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

The existing use or future commercial uses of the site are compatible with the surrounding commercial and vacant parcels.

CONCLUSION:

Based on the attached 1977 City Zoning Map, the parcels appear to have been zoned T-3 (Tourist 3) which is the equivalent of today's CH (Commercial High Intensity) zone. Sometime between 1977 and 1988, the City's official Zoning Map was altered as a result of a scrivener's error.

Staff has no objections to the request.



- Legend**
- Parcel, 2011 Features
 - Major Road
 - Minor Road
 - Zoning, PCB
 - Panama City Beach Zoning
 - Commercial - Low Density (CL1)
 - Commercial - Medium Density (CM1)
 - Single Family, High Density Manufactured Home (SFM1)
 - Single Family, Low Density (SFL1)
 - Single Family, Medium Density (SFM2)
 - Planned Unit Development (PUD)
 - Single Family, High Density (SFM3)
 - Residential - Zone of Law (R1)
 - Light Industry (LI1)
 - Recreation (R)
 - Conservation (C)
 - Agricultural and Rural Residential (AR)
 - Neighborhood (NT)
 - Unsettled Neighborhood (UN)
 - Unsettled Medium-Density (UM)
 - Commercial - High Density (CH)
 - Public Facilities (PF)



Prepared by The
City of Panama City Beach
Planning Department



CITY OF PANAMA CITY BEACH
Building and Planning Department
 116 S. Arnold Road, Panama City Beach, FL 32413
 850-233-5100 ext. 2313 Fax: 850-233-5049
 Email: achester@pcb.gov

REQUEST FOR ZONING or REZONING – LDC Section 10.02.10

Applicant:
 Name(s): Sakhsams Investments, Inc., by its agent, Michael S. Burke, Esq.
 Address: 16215 Panama City Beach Parkway
 City: Panama City Beach State: FL Telephone: 850-236-4444 Fax: 850-236-1313
 Email: mburke@burkeblue.com

Name of Acting Agent: Michael S. Burke, Esq.
 Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Parcel Number of Property for Zoning or Rezoning: 33960-000-000 & 33960-010-000
 (Information from Property Appraiser's Office)

Address/Location of Property for Zoning or Rezoning: 14602 Front Beach Road, Panama City Beach, FL 32413

Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of ten (10) copies.

Small Scale Amendment: \$1500.00 Large Scale Amendment: \$2100.00 Date Collected 6/17/22
 If a plan amendment is necessary, please provide an analysis of the consistency of the proposed amendment with all requirements of the Comprehensive Plan and LDC.

The procedure for review of application is found in Sections 10.02.01 and 10.02.10 of the LDC.

Basic Submittal Requirements - LDC Section 10.02.02

Name: Sakhsams Investment, Inc. c/o Michael S. Burke, Esq.

Address: 16215 Panama City Beach Parkway Email Address: mburke@burkeblue.com

City: Panama City Beach State: FL Telephone: 850-236-4444 Fax: 850-236-1313

Date of Preparation: _____ Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) _____

A vicinity map showing the location of the property.

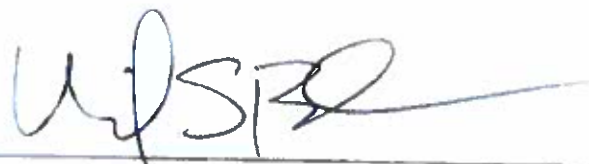
Present Zoning Designation: R-1c Requested Zoning Designation: CH Future Land Use Map: SFR

Deed Restrictions or Private Covenants apply to this property: Yes (Please submit a copy) X No

Applicant's Signature(s):

Michael S. Burke, Esq.

Print Name of Applicant



Signature

Date: **June 11, 2022**

Print Name of Applicant

Signature

Date:

FEES:

Rezoning Application Fee: \$900.00 _____

Small Scale Amendment Fee: \$1500.00 Includes the rezoning fee.

Large Scale Amendment Fee: \$2100.00 _____ Includes the rezoning fee.

Date Collected: _____

**CITY OF PANAMA CITY BEACH
PLANNING BOARD MEETING MINUTES
July 13, 2022
MINUTES TO THE REGULAR MEETING**

DRAFT

The meeting was called to order by Chairman Wakstein at 1:00 p.m. and Ms. Chester was asked to call the roll. Members present were Mr. Scruggs, Mr. Morehouse, Ms. Simmons, and Chairman Wakstein. Mr. Johns, Mr. Coleman, and Mr. Register were absent. Chairman Wakstein led the Pledge of Allegiance.

ITEM NO. 3 Approval of the May 11, 2022, Planning Board Meeting Minutes

Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. Ms. Simmons made a motion to approve, and Mr. Morehouse seconded the motion. Ms. Chester called the roll.

Mr. Scruggs	Yes	Ms. Simmons	Yes
Mr. Morehouse	Yes	Chairman Wakstein	Yes

ITEM NO. 4 Public Comments – Non-Agenda Items

Tom Trossen, 107 Heron Turn, The Glades HOA President commented he was representing majority of the residents speaking on behalf of their concerns for the plans of development for 267 units, apartments. He stated that he had made a presentation to the city council and wanted to inform this board in hopes they would address the use of Coyote Pass as an access street for the multi-family development. Mr. Trossen stated the plans were not submitted, but the city was aware of the proposed development. The board did not comment.

Molly Allen, 16211 Lullwater Drive, commented the changes and development occurring in Panama City Beach and the Pier Park area has had an impact on Lullwater Lake. She commented the stormwater drainage problems were causing the lake to be drained. She explained the state owns the lake but asked the board what their goal was to save the natural resources. The board did not comment.

ITEM NO. 5 Jim Bishay is requesting approval for a Small-Scale Plan Amendment and Rezoning Request for a Future Land Use Map change from Single Family Residential to a Future Land Use Map Designation to Tourist and a Rezoning from R-1c (Single Family Residential) to CH (Commercial High Intensity). The subject parcels are located at 800 and 802 Young Street and is approximately .328 acres.

Chairman Wakstein explained the procedures for the quasi-judicial hearing, asking Mr. Leonard if all the notice requirements were met, and he stated they were satisfied. Ms. Chester was asked to call Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Morehouse, nothing to disclose. Ms. Simmons visited the property and spoke with an Engineer on site regarding the lot lines. Chairman Wakstein, nothing to disclose.

All persons who wish to give testimony were sworn in by Ms. Chester.

Mr. Bishay, owner of the property commented the four parcels are currently zoned R-1c and there is one that currently has a creek running through: therefore, unsure of the development on the parcel. He explained the current zoning would only allow for small homes and would not be able to use as short-term rental properties. Mr. Bishay also commented as individual parcels they do not meet the building requirements for R-1c, but the change in zoning to CH would allow for the development of four rental properties. Ms. Simmons asked if there were plans to divide into four individual lots, Mr. Bishay replied yes, but that currently only three of the lots were buildable since the one lot had water. Ms. Simmons asked if a roadway would be provided for the last two lots, Mr. Bishay commented yes. Ms. Simmons asked if the current creek would be protected, Mr. Bishay commented yes, they would have to build up the lot to build, but plan to preserve the creek. Mr. Scruggs asked what the current minimum lot width was. Mr. Bishay replied 50x72, which was not buildable, and he would have to create buildable lots on the two parcels.

Mr. Leonard commented staff did not have any issues with the request and there were fewer single-family residential in this area as CH, surrounded the residential. He explained CH zoning allows for the lots to be smaller. He also stated this would not be considered spot zoning and that staff supported the request, stating it is appropriate for the entire area. Mr. Leonard commented currently the lots were non-conforming since they did not meet the required minimum lot size. Ms. Simmons commented the staff report did not mention the wetlands on the property and the possibility of a variance for the lot sizes and short-term rental. Mr. Leonard explained GIS maps used for staff

report are not development purposes, and the lots were approved platted lot sizes and a variance is not given for the benefit of short-term rental.

Chairman Wakstein called for any adversely affected parties to speak at this time and there was no comment from anyone. No public comment. Chairman Wakstein opened board discussion.

Mr. Davis requested the staff file be included in the record. He explained the board needed to have two considerations on this item, the first for the Comprehensive Plan change and then the Rezoning Request. Mr. Scruggs made a motion to approve the request for the Small-Scale Comprehensive Plan Amendment from Single Family Residential to Tourist and Mr. Morehouse seconded the motion. Ms. Chester called the roll.

Mr. Scruggs	Yes	Ms. Simmons	No
Mr. Morehouse	Yes	Chairman Wakstein	Yes

Chairman Wakstein opened the discussion for the Rezoning Request and Mr. Davis interrupted and explained the majority of the board did not vote for the request; therefore, it would be presented to city council as a not being recommended and the rezoning request would no longer be available for consideration by the board.

ITEM NO. 6 Sakhsams Investment, Inc. is requesting approval for a Small-Scale Plan Amendment and Rezoning Request for a Future Land Use Map change from Single-Family Residential to a Future Land Use Map Designation to Tourist and a Rezoning from R-1c (Single-Family Residential) to CH (Commercial High Intensity). The subject parcel is located at 14602 Front Beach Road.

Chairman Wakstein asked if all the notice requirements were met. Mr. Leonard replied yes. Ms. Chester was asked to call Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Morehouse, nothing to disclose. Ms. Simmons visited the property. Chairman Wakstein, nothing to disclose.

All persons who wish to give testimony were sworn in by Ms. Chester.

Mike Burke, 16215 Panama City Beach Parkway is representing the owner of the Open Sands Plaza and explained the back portion of the property was zoned R-1c but had been labeled incorrectly on the zoning map. He stated the property has been operating as a CH property for the past forty years and the owner wanted to correct the error on the map to be consistent with the use and front portion of the property zoned CH.

Mr. Leonard commented staff had no objection to the request and explained the error that had occurred during the process of the map changes in 1995-96. He stated the parcel was originally zoned T3-A, which was Tourist and in the updating of the maps that occurred in the approval/adoption of the Land Development Code in 2012 this parcel was not updated correctly on the zoning map.

Chairman Wakstein called for any adversely affected parties to speak at this time.

John Hughes, 258 Poinsettia Drive commented his property was the most affected by this request and asked the board to not change the zoning; stating this could have negative impacts on property values within the area and that the parcel had never been utilized as commercial property. Mr. Leonard identified the parcel for the request and Mr. Hughes commented he was mistaken in the location but requested the board vote no on the request.

Chairman Wakstein called for any public comments at this time.

Kurt Andersson, 217 Poinsettia Drive commented he had spoken with tenants of the building, and they had not heard of any changes from the owner of the property. He requested the board limit the zoning change to CL or CM, which would limit the intense and use on the property. Mr. Andersson commented there was currently too much development, which brought more tourist traffic to the area.

Tom Trossen, 107 Heron Turn commented he agreed with the request for a lesser zoning to limit the development on the property.

Tommy Jacques, 501 Palm Avenue, commented the traffic through the community from June until September is awful and this change would allow for development to increase traffic.

Mr. Leonard explained the height limitation is the same for all commercial zonings. CL, CM or CH because the property is in an FBO-2 district which limits the height maximum to forty-five (45) feet. He explained the CL zoning would not allow for a restaurant and there are currently several within the plaza and the development does not meet the qualifications of a shopping center. Mr. Leonard explained there is not much difference between the CM and CH; therefore, to be consistent with the front portion of the parcel and correcting the error, staff supported the CH request.

Mike Burke asked the staff report and all exhibits be made a part of the record. He commented if a lesser zoning were approved it would create more problems than solutions; therefore, to be consistent with the original zoning he asked the board to approve the request for CH zoning. The staff report and exhibits were made part of the record.

Chairman Wakstein closed the public portion of the meeting and opened for board discussion. Mr. Davis asked the board to vote on each request separately.

Mr. Scruggs made a motion to approve the Small-Scale Comprehensive Plan Amendment from Single-Family Residential to Tourist and Mr. Morehouse seconded the motion. Ms. Chester call roll.

Mr. Scruggs	Yes	Ms. Simmons	Yes
Mr. Morehouse	Yes	Chairman Wakstein	Yes

Mr. Morehouse made a motion to approve the Rezoning Request from Single-Family Residential (R-1c) to Commercial High Intensity (CH) and Mr. Scruggs second the motion. Ms. Chester called the roll.

Mr. Scruggs	Yes	Ms. Simmons	Yes
Mr. Morehouse	Yes	Chairman Wakstein	Yes

Ms. Chester commented both requests were recommended for approval to City Council.

The meeting adjourned at 2:03 pm.

DATED this _____ day of _____, 2022.

Josh Wakstein, Chairman

ATTEST:

Andrea Chester, Secretary

PLANNING BOARD OF THE CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR a Small-Scale Comprehensive Plan Amendment to the Future Land Use Map from Single Family Residential to Tourist and a Rezoning from R-1C to CH for 1.72 acres located at 14602 Front Beach Road. Parcel ID 33960-010-000 and 33960-000-000.

Submitted by: Saksams Investments, Inc.

ORDER RECOMMENDING APPROVAL OF A FUTURE LAND USE MAP AMENDMENT AND REZONING

THE PLANNING BOARD OF THE CITY OF PANAMA CITY BEACH, having received testimony and reviewed the exhibits produced at the Legislative Hearing held on this matter on July 13, 2022 for a Small-Scale Future Land Use Map Amendment and a Quasi-Judicial Hearing held for a Rezoning request related to approximately 1.72 acres hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. Saksams Investments, Inc. ("The Applicant") is the owner of approximately 1.72 acres located at 14602 Front Beach Road (the "Subject Property").**
- 2. The Applicant submitted a complete application for Small Scale Plan Amendment and a Rezoning Request pursuant to section 10.02.10.**
- 3. Staff submitted a detailed written analysis of the Applicant's request and presented competent substantial evidence that the Applicant had met the conditions for Planning Board review pursuant to section 10.02.10, 10.07.00 and 10.08.00.**
- 4. The Applicant presented competent substantial evidence in support of the Future Land Use Map Amendment and the Rezoning request.**
- 5. The Applicant demonstrated the subject property was originally zoned for commercial use and was changed on the City Zoning Maps sometime between 1995 to 1996.**

6. The Applicant further demonstrated that rezoning the property back to a commercial zoning district would be consistent with the applicant's adjoining parcel which is already zoned as CH (Commercial – High Intensity) and both parcels have been a single, unified development for several years.
7. The subject property is located within an FBO-2 Overlay district which restricts the maximum building height to 45 feet even with a CH zoning which allows a maximum building height of 65 feet outside of an FBO Overlay District.
8. The Planning Board conducted properly noticed, legislative and quasi-judicial hearings in which testimony of the Applicant, Staff, an adversely affected party and the public was received.

CONCLUSIONS OF LAW

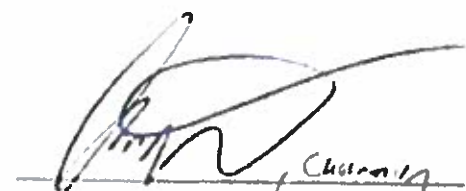
9. Pursuant to Section 166.041(3)(c), Florida Statutes and Sections 8.03.03(A) and (C), 10.02.10, 10.04.03, 10.04.04, 10.07.00 and 10.08.00 of the City's Land Development Code, the Planning Board has jurisdiction to conduct a legislative hearing considering the Future Land Use Map Amendment and a quasi-judicial hearing considering the application for a Rezoning request.
10. Based upon the testimony of the Applicant, the City staff report, the documents submitted in support of the applications, the Planning Board finds the request for a Small-Scale Future Land Use Map Amendment is consistent with the City's Comprehensive Plan by a vote of 4 to 0.
11. Based upon the testimony of the Applicant, the City staff report, the documents submitted in support of the applications, the Planning Board finds the request for a Rezoning Request is consistent with the City's Comprehensive Plan and should be rezoned to CH to be consistent with the applicant's property that is also part of the single, unified development. The Planning Board's recommendation was a vote of 4 to 0.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject Small-Scale Future Land Use Map Amendment and Rezoning Request is hereby recommended for **APPROVAL (4 – 0)**.

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 12th day of August, 2022.

ATTEST:


CHAIRMAN, Josh Wakstein


Mel Leonard, Building and Planning Director

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner PO Box 631244 Cincinnati, OH 45263-1244
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

PROOF OF PUBLICATION

P C Beach City Of
City of Panama City Beach - Legals
17007 Panama City Beach PKWY
Panama City Beach FL 32413-5225

STATE OF FLORIDA, COUNTY OF BAY

The Panama City News Herald, a newspaper printed and published in the city of Panama City, and of general circulation in the County of Bay, State of Florida, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated or by publication on the newspaper's website, if authorized, on:

09/06/2022

and that the fees charged are legal.
Sworn to and subscribed before on 09/06/2022

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the following entitled ordinances shall be presented to the City Council of the City of Panama City Beach, Florida, for a public hearing and final approval at its regular meeting to be conducted at 9:30 A.M. on THURSDAY, SEPTEMBER 22, 2022, or on some thereafter of the month may be heard, of City Hall located at 17007 Panama City Beach Parkway, Panama City Beach, Florida, to wit:

ORDINANCE NO 198
AN ORDINANCE AMENDING ORDINANCE 198, KNOWN AS "THE 2011 AMENDED AND RESTATED CITY OF PANAMA CITY BEACH GROWTH DEVELOPMENT PLAN," ACTING UPON THE APPLICATION OF SARASWATI INVESTMENTS, INC. TO CHANGE THE FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM SINGLE FAMILY RESIDENTIAL TO TOURIST, DESIGNATING FOR TOURIST LAND USE A CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONSISTING OF APPROXIMATELY 1.716 ACRES, SAID PARCEL LOCATED AT 1407 FRONT BEACH ROAD, PARCEL ID 3206-06-000 AND PARCEL ID 3206-06-000, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE AMENDING THE CITY'S FUTURE LAND USE MAP TO DESIGNATE THE PARCELS FOR TOURIST LAND USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

ORDINANCE NO 199
AN ORDINANCE REZONING FROM SINGLE FAMILY RESIDENTIAL (R-1C) TO COMMERCIAL HIGH INTENSITY (C-1) THAT CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONTAINING APPROXIMATELY 1.716 ACRES, LOCATED AT 1407 FRONT BEACH ROAD, PARCEL ID 3206-06-000 AND PARCEL ID 3206-06-000, ALL AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requesting a special accommodation to participate in this meeting because of a disability or physical impairment should contact the Panama City Beach City Clerk, at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413 or by phone at (904) 730-5100 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, and you require TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 935-8779 (Voice) or (800) 935-8771 (TDD).

ALL INTERESTED PERSONS desiring to be heard on the adoption of the attached ordinances are urged to be present at the meeting. Copies of the ordinances may be obtained or inspected at the office of the City Clerk, Panama City Beach, Florida, at the City Hall, CITY OF PANAMA CITY BEACH, FL.

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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Notary Public
State of Wisconsin