

ORDINANCE NO 1598

AN ORDINANCE REZONING FROM SINGLE FAMILY RESIDENTIAL (R-1C) TO COMMERCIAL MEDIUM INTENSITY (CM) CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONTAINING APPROXIMATELY 0.328 ACRES; LOCATED AT 800 AND 802 YOUNG STREET, PARCEL IDS 33824-000-000 AND 33823-000-000, 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.

WHEREAS, Jim Bishay, the owner of real property designated herein, has initiated this ordinance by filing a petition praying that said real property, being more particularly described below be rezoned from single family residential (R-1c) to commercial high intensity (CH); and

WHEREAS, on August 9, 2022, the City Council considered applicant's petition, voted in opposition to the rezoning, and remanded the issue to the Planning Board for further consideration; and

WHEREAS, on August 10, 2022, the Planning Board and the property owner agreed that rezoning the property to commercial medium intensity (CM) was the most consistent use with the City's Comprehensive Plan; and

WHEREAS, this ordinance changes only the zoning map designations of the real property described herein; and

WHEREAS, the Panama City Beach Planning Board reviewed the land use request, conducted a public hearing on August 10, 2022, and recommended approval of the request by a vote of 7-0; and

WHEREAS, after consideration of evidence adduced in a properly advertised public hearing conducted on October 13, , 2022, the City found the requested

change to be consistent with the currently applicable Comprehensive Growth Development Plan and to reasonably accomplish a legitimate public purpose.

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 situate within the municipal limits of the City of Panama City Beach, Florida, is rezoned from single family residential (R-1c) to commercial medium intensity (CM), to wit,

SEE ATTACHED AND INCORPORATED EXHIBIT "A"

and the City's Zoning 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 All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.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 immediately upon passage, and the land use changes approved herein shall take effect upon, and only upon, adoption by the City Council of Ordinance 1588 adopting a comprehensive plan amendment respecting the lands which are the subject of this ordinance, and that comprehensive plan amendment subsequently becoming effective as provided by law.

PASSED, APPROVED and ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 13th day of October, 2022.



Mark Sheldon, Mayor

ATTEST:



Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 13th day of October, 2022.



Mark Sheldon, Mayor

PUBLISHED in the Panama City News-Herald on the 27th day of September, 2022, and

POSTED on pcbfl.gov on the 20th day of September, 2022.



Lynne Fasone, City Clerk

EXHIBIT A

PARCEL 1: BEGINNING AT A POINT WHICH IS 200 FEET EAST AND 201.44 FEET SOUTH OF THE NORTHWEST CORNER OF THE SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 16 WEST; RUNNING THENCE SOUTH 50 FEET; THENCE EAST 72 FEET; THENCE NORTH 50 FEET; THENCE WEST 72 FEET TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT A POINT WHICH IS 200 FEET EAST AND 51.44 FEET SOUTH OF THE NORTHWEST CORNER OF THE SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 16 WEST; RUNNING THENCE SOUTH 150 FEET; THENCE EAST 72 FEET; THENCE NORTH 150 FEET; THENCE WEST 72 FEET TO THE POINT OF BEGINNING.

FLUM/Rezoning Request for 800 and 802 Young Street



FLUM Rezoning Request for 800 and 802 Young Street



**CITY OF PANAMA CITY BEACH
PLANNING BOARD MEETING MINUTES
August 10, 2022
MINUTES TO THE REGULAR MEETING**

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. Johns, Mr. Coleman, Mr. Morehouse, Mr. Register, Ms. Simmons and Chairman Wakstein. Mr. Coleman led the Pledge of Allegiance.

ITEM NO. 3 Approval of the July 13, 2022, Planning Board Meeting Minutes
Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. Mr. Scruggs made a motion to approve, and it was seconded by Mr. Johns. Ms. Chester called the roll.

Mr. Scruggs	Yes	Mr. Johns	Yes	Mr. Coleman	Yes
Mr. Morehouse	Yes	Mr. Register	Yes	Ms. Simmons	Yes
Chairman Wakstein	Yes				

ITEM NO. 4 Public Comments – Non-Agenda Items
There were no public comments.

Chairman Wakstein introduced and welcomed Mr. Lanie Smith as the City's new Code Enforcement Manager. Mr. Smith mentioned he is new to the position, but not to the City. He asked the Board for what they would like to see from Code Enforcement in the future.

Mr. Leonard announced that Mr. Silky has retired, and Ms. Chester is transitioning to that role.

ITEM NO. 5 Rehearing a request from Jim Bishay who is requesting approval for 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.

Mr. Leonard stated that the vote for the comprehensive plan amendment stands. The Board will consider the rezoning request that was not voted on at the last Planning Board meeting. The first reading of the zoning request for CH was denied by the City Council. This will leave the board to decide on the zoning for Tourist designation. The choices are CM, CL or no decision.

Mr. Davis explained that at the previous Planning Board meeting the Board heard the comprehensive plan request. There were three (3) absences with the vote being three (3) to one (1). According to the rule of quorum in the LDC it should have been an approval not denial of the request. Approval of Tourist for Future Land Use stands, but the Board did not hear the rezoning request at that time. Mr. Davis said that he asked for this to be reheard so the Board can determine the proper zoning. He further explained the choices were denial, or approval of CL or CM and the Board's decision will go back to the Council.

Chairman Wakstein explained the procedures for the quasi-judicial hearing and asked Ms. Chester to swear in any adversely affected parties or anyone wishing to give testimony.

Chairman Wakstein asked Mr. Leonard if all the notice requirements were met, and he stated they were satisfied. Ms. Chester was asked to call Jennings Act.

Mr. Johns, nothing to disclose. Mr. Coleman, nothing to disclose. Mr. Morehouse, nothing to disclose. Ms. Simmons visited the property and spoke with City staff. Mr. Register, nothing to disclose. Mr. Scruggs, nothing to disclose. Chairman Wakstein spoke with City staff and Mayor Sheldon.

Mr. Leonard reminded everyone that they are hearing a rezoning request of R-1c, Single Family Residential to CH, Commercial High Intensity. The zoning map was displayed and Mr. Leonard described the street as being narrow in width with a mixture of commercial and single-family residential zoning.

Chairman Wakstein asked the Board if there were any questions. Mr. Coleman asked if CM would allow the property owner to follow his intended plan. Mr. Leonard responded that he was unsure of the applicant's intended plans, but CM would allow everything CH does except townhomes.

Chairman Wakstein asked Mr. Bishay to present his application. Mr. Bishay was available via

Zoom and stated that he has no intention of developing townhomes. He explained that he decided on CH after discussion with Mr. Silky. He stated there are four lots, and R-1c would only allow two homes on the four lots to be developed. He explained there is a creek running through one parcel as well as one lot is 50' in width not 60'. Mr. Bishay continued that he is not looking for high density development, he is looking to be able to build on a 50' wide lot. He stated that the set-back will be larger than that of R-1c, but he would be able to have four homes. He commented that there is a short-term rental adjacent to the parcel. He also mentioned that he has spoken with some of the neighbors about changing the street from septic to sewer.

Chairman Wakstein asked if there were any questions of the applicant. Ms. Simmons asked Mr. Bishay if he would be able to do everything he was requesting if the property was a CM. He responded that he would.

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. Leonard explained to Mr. Bishay, the city recognizes the four lots were created before the Land Development Code, which created the minimum size for properties. There are four non-conforming lots and at least three of the lots are buildable without changing the zoning. Mr. Leonard asked if it mattered whether or not he would be able to have short-term rentals. Mr. Bishay responded that he would like to have the option to have short-term rentals.

Chairman Wakstein closed the public portion of the meeting and opened for board discussion. Mr. Scruggs suggested that if CM gives Mr. Bishay what he needs, then they should go with CM. Mr. Register agreed with Mr. Scruggs. Ms. Simmons commented that she discussed CM with City staff and that would allow the owner to do what he needs and not negatively impact the surrounding lots. Mr. Morehouse made a motion to approve the CM designation for the property. Mr. Coleman seconded the motion. Ms. Chester called roll.

Mr. Scruggs	Yes	Mr. Johns	Yes	Mr. Coleman	Yes
Mr. Morehouse	Yes	Mr. Register	Yes	Ms. Simmons	Yes
Chairman Wakstein	Yes				

ITEM NO. 6 Concurrency Report

Mr. Leonard introduced the item and explained that this is the annual update of public facilities and their level of service. He stated that any changes or edits can be made with the Board's approval.

Chairman Wakstein opened board discussion. Ms. Simmons asked for clarification if the Florida Natural Areas Inventory was previously done for the area, and she understood there was no natural scrub habitat. Mr. Leonard responded that there were a few in the area, but none within the city limits so it was not included. He further explained that the Florida Natural Areas Inventory information is helpful because there may be other plant or animal species that are protected. There was discussion of whether to delete "located on" from the 'Natural Resources' section of the report, it remained as written.

Mr. Morehouse made a motion to approve the concurrency report and it was seconded by Mr. Scruggs.

Mr. Scruggs	Yes	Mr. Johns	Yes	Mr. Coleman	Yes
Mr. Morehouse	Yes	Mr. Register	Yes	Ms. Simmons	Yes
Chairman Wakstein	Yes				

The meeting adjourned at 1:25 p.m.

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 Rezoning from R-1C to CH (Commercial-High Intensity) for 0.328 acres located at 800 and 802 Young Street. Parcel ID 33824-000-000 and 33823-000-000.

Submitted by: Jim Bishay

**ORDER RECOMMENDING APPROVAL OF A
REZONING REQUEST**

THE PLANNING BOARD 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 August 10, 2022 for a Rezoning from R-1C to CH for 0.328 acres hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jim Bishay (“The Applicant”) is the owner of approximately 0.328 acres located at 800 and 802 Young Street (the “Subject Property”).
2. The Applicant submitted a complete application for a Rezoning 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 Rezoning request.
5. The Planning Board conducted properly noticed, quasi-judicial hearing in which testimony of the Applicant and Staff was received. No adversely affected parties nor anyone from the public gave testimony.

CONCLUSIONS OF LAW

6. 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 quasi-

judicial hearing considering the Rezoning Request.

7. The Planning Board determined the CH zoning district would permit townhomes and such development is not currently present on Young Street and would be incompatible with existing development.
8. The Planning Board determined that single family residential dwellings used as short-term rentals are compatible with the development on Young Street but that the CM (Commercial - Medium Intensity) zoning district is a more appropriate zoning designation than CH.
9. The applicant modified his request at the meeting to a rezoning request of CM.
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 modified request for a Rezoning from R-1C to CM is consistent with the City's Comprehensive Plan by a vote of 7 to 0.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject modified Rezoning Request is hereby recommended for APPROVAL (7 – 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 ____ day of _____, 2022.

ATTEST:

CHAIRMAN, Josh Wakstein

Mel Leonard, Building and Planning Director

Govt Public Notices

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the following entitled ordinance shall be presented to the City Council of the City of Panama City Beach, Florida, for a public hearing and final adoption at its regular meeting to be conducted at 6:00 P.M. on THURSDAY, OCTOBER 13, 2022, or as soon thereafter as the matter may be heard, at City Hall located at 17007 Panama City Beach Parkway, Panama City Beach, Florida, to wit,

**ORDINANCE NO 1598
AN ORDINANCE REZONING FROM SINGLE FAMILY RESIDENTIAL (R-1C) TO COMMERCIAL MEDIUM INTENSITY (CM) CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONTAINING APPROXIMATELY 0.328 ACRES; LOCATED AT 800 AND 802 YOUNG STREET, PARCEL IDS 33824-000-000 AND 33823-000-000, 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 proceeding, and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring 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 (850) 233-5100 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8770 (Voice) or (800) 955-8771 (TDD).

ALL INTERESTED PERSONS desiring to be heard on the adoption of the aforesaid ordinance are invited to be present at the meeting. Copies of the ordinance 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
PCNH 9/27/22

