

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

IN RE: REQUEST TO ZONE .833 ACRES OF LAND TO CL
Submitted by Reliant South Construction Group, Inc.
PARCEL NO. 37237-050-000
PROPERTY LOCATED at 19942 Front Beach Road
PANAMA CITY BEACH, FLORIDA

QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE 1386

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 June 23, 2016, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Upon original application of Reliant South Construction Group, Inc., the owners of .833 acres of real property located at 19942 Panama City Beach Parkway, to rezone such land from Bay County's designation of Plaza Commercial to the City's designation of Commercial Low Intensity, the City's Planning Board held a properly advertised Quasi-Judicial Hearing to consider the request on May 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 May 17, 2016.
2. The City Council held a properly advertised first reading on the captioned ordinance embodying the request on June 9, 2016, at which public comment was invited but not received. No testimony or competent substantial evidence was received at this first

Reliant South Zoning
Ord. 1386

Page 1 of 3

01-ZN-16

hearing.

3. The City Council held a properly advertised second reading and Quasi Judicial Hearing on the ordinance embodying the request on June 23, 2016, 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 zoning designation is consistent with the City's comprehensive Plan, and maintaining the existing County 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**.

Parties with standing have the right to appeal this decision by certiorari to the Fourteenth

Reliant South Zoning
Ord. 1386


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 14th day of July, 2016.


MAYOR MIKE THOMAS

ATTEST:


DIANE FOWLER, CITY CLERK


Recd 7/18/16 7:30AM



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

LEGAL

2. MEETING DATE:

JULY 14, 2016

3. REQUESTED MOTION/ACTION:

APPROVE FORM OF ORDER FOR ORDINANCE 1386 ZONING

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

ZONING ORDINANCES ARE TYPE II APPLICATIONS FOR WHICH A QUASI JUDICIAL HEARING IS REQUIRED BY LAW.

FOR MATTERS REQUIRING A QUASI-JUDICIAL HEARING, THE CITY'S LAND DEVELOPMENT CODE REQUIRES DECISION MAKING BODIES TO ENTER AN ORDER WHICH CONTAINS FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ITS DECISION.

ON JUNE 23, 2016, THE CITY HELD A QUASI JUDICIAL HEARING ON ORDINANCE 1386, ULTIMATELY ACTING TO APPROVE THE ZONING OF A .833 PARCEL OF NEWLY ANNEXED LAND FROM COUNTY PLAZA COMMERCIAL TO CITY COMMERCIAL LOW INTENSITY. AN ORDER RECITING THE FACTS AND LAW ARISING FROM THAT HEARING ARE ATTACHED FOR YOUR REVIEW.

IF THE ORDER APPEARS ACCURATE, IT MAY BE APPROVED BY MOTION. IF ANY PORTION OF THE ORDER APPEARS INACCURATE OR INCOMPLETE, IT SHOULD BE PULLED FROM THE CONSENT AGENDA AND SO THAT THE ORDER MAY BE DISCUSSED AND AMENDED AS NECESSARY ON THE REGULAR AGENDA.