

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

IN RE: REZONING 1.3 ACRES OF LAND FROM R-1A TO CL
Submitted by
TOM AND CATHERINE LANDS, 314 Sundial Street
MARK STEWART, 316 Sundial Street
NANCY YOUNG, 318 Sundial Street
STARRY KNIGHT PROPERTIES, LLC, 320 Sundial Street
AMY GROSS, 322 Sundial Street
PARCEL NOS. 38390-000-000, 38390-010-000, 38391-000-000,
38389-000-000, 38388-000-000
PANAMA CITY BEACH, FLORIDA

QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE 1473

03-RZ-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 September 27, 2018, hereby makes the following Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. Upon original application, the owners of 314, 316, 318, 320 and 322 Sundial Street, jointly submitted applications to rezone such land from R-1a to CH. The request involves approximately 1.3 acres of real property.
2. The City's Planning Board held a properly advertised Quasi-Judicial Hearing to consider the request on August 13, 2018. At the conclusion of

the hearing, the Board recommended approval of a rezoning of the land to CL, which recommendation was incorporated into the Planning Board's Order, Finding of Fact and Conclusions of Law dated September 17, 2018.

3. The City Council held a first reading on the captioned ordinance embodying the request on September 13, 2018.
4. The City Council held a second reading and Quasi-Judicial Hearing on the ordinance embodying the request on September 27, 2018, 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.

FINDINGS OF FACT

5. Notice of the September 27, 2018 hearing was 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 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 testified that the purpose of the request was to permit short term rentals of the property, and indicated the property was surrounded by currently commercially zoned property.
9. No competent substantial 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 25th day of October, 2018.

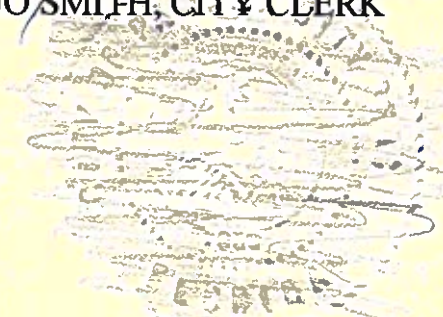


MAYOR MIKE THOMAS

ATTEST:



JO SMITH, CITY CLERK



DS
10/25/18
11:26 AM



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Legal

2. MEETING DATE:

October 25, 2018

3. REQUESTED MOTION/ACTION:

Approve form of Order for the owners of 314, 316, 318, 320 and 322 Sundial Street.

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)

Rezoning 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 September 27, the City held a quasi-judicial hearing on the rezoning request of the owners of 314, 316, 318, 320 and 322 Sundial Street, ultimately acting to approve the rezoning of 1.3 acres from R-1A to CL. 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 so that the Order may be discussed and amended as necessary on the Regular Agenda.