

ORDINANCE NO. 460

AN ORDINANCE OF THE CITY OF PORT ST. JOE , FLORIDA AMENDING THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP OF THE CITY OF PORT ST. JOE, FLORIDA, BY AND THROUGH PROCEDURES REQUIRED FOR SMALL-SCALE MAP AMENDMENTS PURSUANT TO AUTHORITY UNDER STATE STATUTES SECTION 163.3187, SPECIFICALLY CHANGING PORTIONS OF PARCEL I.D. NO. 03040-003 AND ALL OF PARCEL I.D. NO. 03038-002, 2.0 ACRES MORE OR LESS OF A TRACT OR PARCEL OF LAND LYING AND BEING PART OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 10 WEST, GULF COUNTY, FLORIDA, FROM PUBLIC USE TO LOW INTENSITY COMMERCIAL USE; PROVIDING FOR REPEAL OF ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, §163.3187, Florida Statutes, provides for the authority and procedure for the City Commission of Port St. Joe, Florida to amend its Future Land Use Map utilizing procedures applicable to small scale developments; and

WHEREAS, on October 20, 2010, the City of Port St. Joe filed its application for an amendment to the City of Port St. Joe Future Land Use Map for a small scale development consisting of approximately 2.0 acres; and

WHEREAS, in accordance with §163.3187(1)(f)(2), Florida Statutes, and §166.041(3)(c), Florida Statutes, notice was duly provided to the public of public hearings to be held on November 16, 2010 for the adoption of the amendment to the Future Land Use Map; then and

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

SECTION 1. APPROVAL

The application for the small scale amendment to the Future Land Use Map for the Property described in Exhibit "A" attached hereto and incorporated herein (the "Property"), is hereby approved and the land use designation for the Property described in Exhibit "B" attached hereto and incorporated herein, on the City of Port St. Joe Future Land Use Map is hereby changed from Public Use to **Low Intensity Commercial Use**. The application and all documentation submitted by the Applicant in support of it are hereby incorporated by reference.

SECTION 2. CONSISTENCY WITH CITY OF PORT ST. JOE COMPREHENSIVE PLAN

The Board of City Commissioners hereby finds and determines that the approval of the application and change in land use as set forth in Section 1 is consistent with the goals, objectives and policies of the City of Port St. Joe Comprehensive Plan.

SECTION 3. ENFORCEMENT

The City may enforce this Ordinance as authorized by law.

SECTION 4. FUTURE LAND USE MAP

Upon this Ordinance becoming effective, the City of Port St. Joe Future Land Use Map shall be amended to show the Property as having a land use of **Low Intensity Use**. The City Manager is hereby directed to revise the City of Port St. Joe Land Use Map to reflect this designation.

SECTION 5. REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

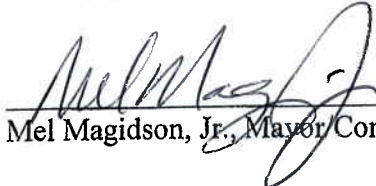
THIS ORDINANCE was adopted in open regular meeting after its second reading this 7th day of December, 2010.

THE CITY OF PORT ST. JOE BOARD
OF CITY COMMISSIONERS

Attest:



James A. Anderson
City Clerk/Auditor



Mel Magidson, Jr., Mayor/Commissioner

The following commissioners voted yea:
The following commissioners voted nay:

EXHIBIT "A"

Begin at the intersection of the Easterly right-of-way line of Garrison Avenue and the Southerly right-of-way line of Madison Street; thence run North along the right-of-way of Garrison Avenue 410 feet; thence run East 250 feet; thence run South 410 feet more or less to the Southerly right-of-way line of Madison Street; thence run Westerly along said right-of-way 205 feet more or less to the Point of Beginning.

CITY OF PORT ST. JOE

Small Scale FLUM Amendment Application

Applicant: City of Port St Joe

Acres: Approximately 2.0 acres

Current Land Use Designation: Public Use

Proposed Land Use Designation: General Commercial

Proposed Ordinance No. 460

I. SUMMARY

This Future Land Use Map (FLUM) amendment involves approximately 2.0 acres of land located at the corner of Garrison Avenue and Madison Streets in the southern part of the City.

The 2.0-acre site includes a 1.14-acre parcel known as the Tapper property. The Tapper property is owned by the City of Port St Joe. The City initially proposed to change the FLUM designation of the Tapper property from Public Use to General Commercial; however, when preparing the maps using the legal description of the Tapper property, it became clear that there would be "slivers" of Public Use around the 1.14-acre Tapper property (see Current FLUM).

According to the City Attorney, those "slivers" of Public Use should have been General Commercial in the FLUM. In order to correct such mistake, the City consulted with the Department of Community Affairs legal and planning staff, and decided to include the entire 2.0-acre site in the proposed FLUM. The remaining portion of the 2.0-acre site is owned by PTW LLC who also owns the adjacent lands designated as General Commercial; PTW LLC and the Tapper & Company Properties Management support the proposed FLUM amendment.

As stated earlier, the current FLUM designation of the 2.0-acre site is Public Use which allows 60% lot coverage and 60 ft building height limitation. The current FLUM designation would allow approximately 261,360 square feet (s.f.) of development on the property. The City proposes to change the FLUM designation of the site to General Commercial which allows 90% lot coverage and 60 ft building height limitation. The proposed FLUM designation would allow approximately 392,040 s.f. of development on the property.

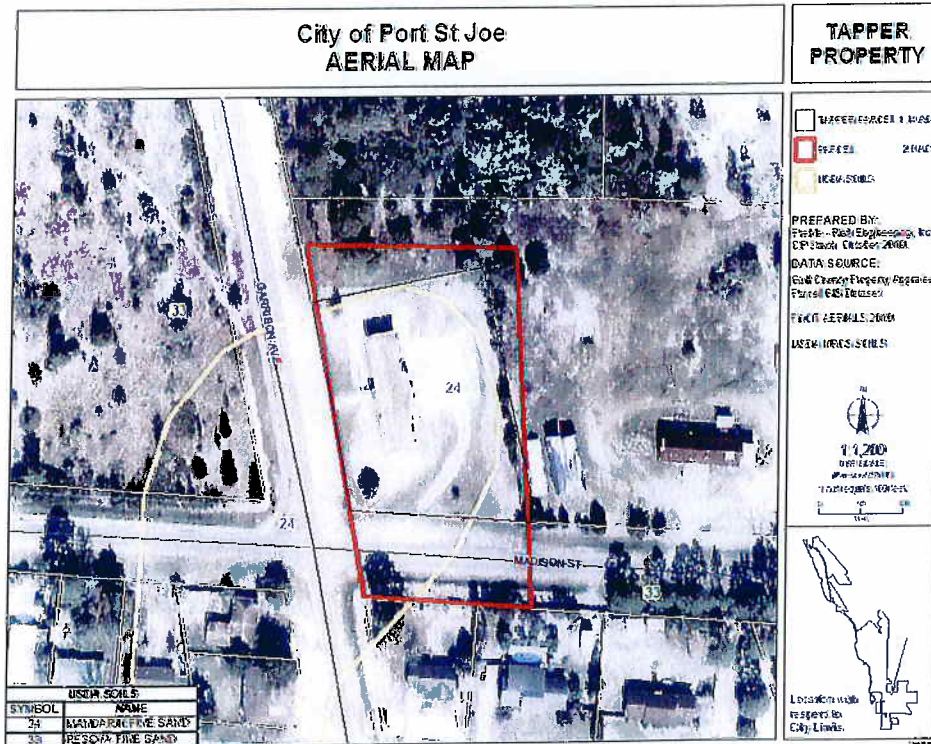
II. DATA AND ANALYSIS

a. Location of Subject Property

The 2.0-acre subject property is located at the corner of Garrison Avenue and Madison Streets in the southern part of the City.

b. Site Information

The subject property contains an approximately 5,396 square feet building which has been used as a physical therapy operation; the existing building will be renovated to be used as a funeral home.



c. Adjacent Land Uses

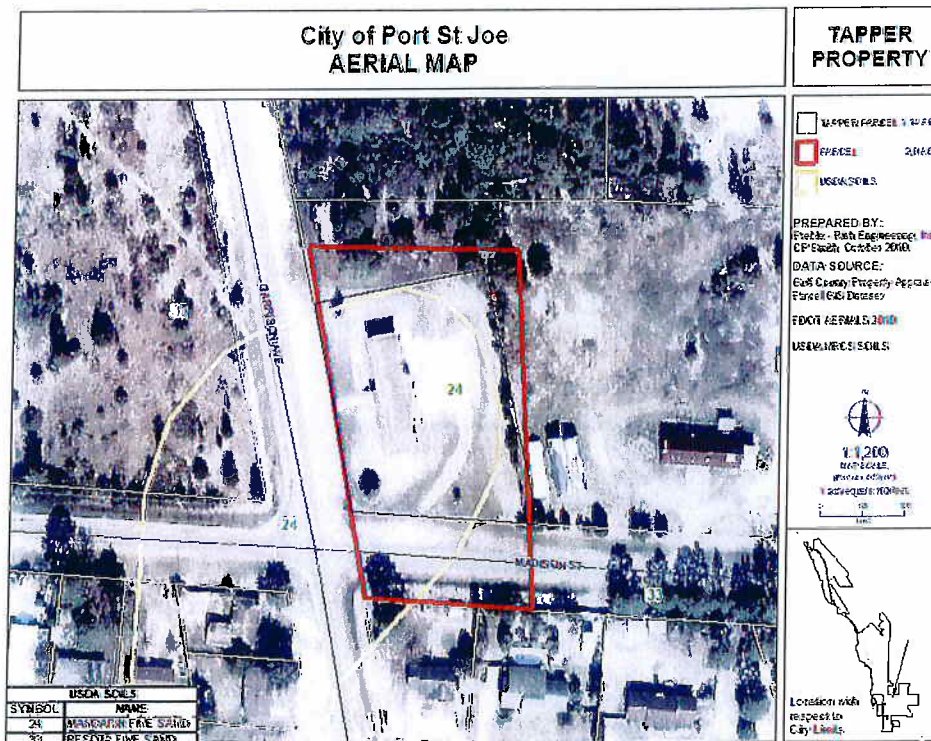
The subject property is bounded on three sides by commercial property as shown in the following table:

NORTH	General Commercial
SOUTH	Residential
EAST	General Commercial
WEST	Low Intensity Commercial

The proposed General Commercial designation is compatible with the adjacent uses.

d. Site Suitability

The subject property contains an existing building as shown in the following aerial map. The proposed amendment will not result in an increase in the maximum development potential of the site and will have no additional impacts on natural resources or public facilities.

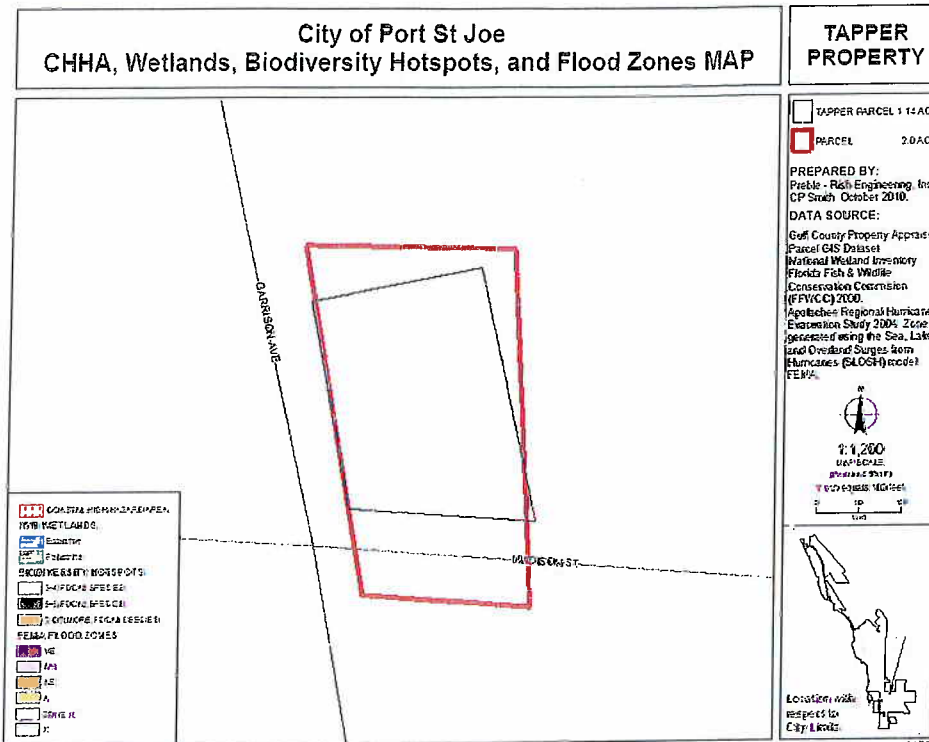


Soils

The soils of the site are Mandarin Fine Sand and Resota Fine Sand. The site contains no wetland areas.

Vegetation and Wildlife

Based on the data from the Florida Fish and Wildlife Conservation Commission, there are no listed species on the property. The proposed amendment will not result in additional impacts to vegetation and wildlife resources.



Flood Prone Areas

The map shows that the property is designated X which is an area that is determined to be outside the 1% and 0.2% annual chance (100-year and 500-year) flooding, out of a special flood hazard area.

d. Coastal High Hazard Area (CHHA)

As shown in the above map, the subject property is located outside the CHHA. The property is located in an area that may be impacted by a category 4-5 storm event.

e. Historic/Archaeological Resources

The Division of Historical Resources has indicated that there are no historic properties on this site. The proposed amendment will not result in additional impacts to historical and/or archaeological resources.

f. Availability of Public Facilities

The proposed amendment will not result in an increase in the maximum development potential of the site and will not generate additional impacts on public facilities. The site will continue to be served by the City of Port St Joe. As