



# CITY COMMISSION MEETING 9-9-19

## Agenda Item

## Request Form

---

**ITEM:** First reading of Ordinance 2704.1 amending the Future Land Use Map of the City to reflect a land use designation of Mixed Use for the property located at 800 W 13th St.

**BACKGROUND INFORMATION:** The applicant is requesting a land use change and rezoning in order to sell the property to a developer for new housing/apartments. This property is currently vacant. Central Baptist Church, Inc, owner and Vince Price, applicant.

The Planning Board considered this item on August 12, 2019. The request was approved by three Board members, Ray Debuque abstained for professional reasons.

**DEPARTMENT HEAD RECOMMENDATION:** Conduct a first reading of the ordinance.

## **ORDINANCE NO. 2704.1**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF MIXED USE FOR A PARCEL OF PROPERTY LOCATED AT 800 W 13<sup>th</sup> ST, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY, FLORIDA;**

**WHEREAS**, the Legislature adopted Chapter 163, laws of Florida, which requires the City of Panama City to prepare and adopt and enforce a comprehensive plan; and

**WHEREAS**, the Panama City Planning Board held a Public Hearing to consider Proposed Comprehensive Plan Amendment PB 19-34 on August 12, 2019, and recommended the Amendment be approved by the Panama City Commission for adoption, and

**WHEREAS**, the City Commission of the City of Panama City held a first reading on September 9, 2019, and a Public Hearing and second reading on September 23, 2019, to adopt Comprehensive Plan Amendment PB 19-34, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; and,

**WHEREAS**, in exercise of its authority, the City Commission of the City of Panama City, Florida, finds it necessary and desirable to adopt and does hereby adopt Comprehensive Plan amendment PB 19-34, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Panama City, as follows:

### **Section 1: Purpose and Intent.**

The land use designation of the identified parcel shall be and hereby is changed from a Land Use designation of Public Institutional to Mixed Use as described in Small Scale Amendment PB 19-34, with said property having the following legal description:

The Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 5, Township 4 South Range 14 West.

Parcel Identification Number: 18152-010-000

For Map of Property see “Exhibit A.”

**Section 2: Comprehensive Plan Amendment.**

The City of Panama City Comprehensive Plan is hereby amended as set forth in and incorporated herein by reference, and consists of a Future Land Use Map Amendment.

**Section 3: Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance and the City of Panama City Comprehensive Plan shall remain in full force and effect.

**Section 4. Copy on File.**

An official, true and correct copy of all elements of the Panama City Comprehensive Plan as adopted and amended from time to time shall be maintained by the City Manager or his designee.

**Section 5: Effective Date of Amendment.**

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency (DEO) or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. (§163.3187, F.S.)

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the Mayor and City Commission of the City of Panama City, Florida, the 23rd day of September, 2019.

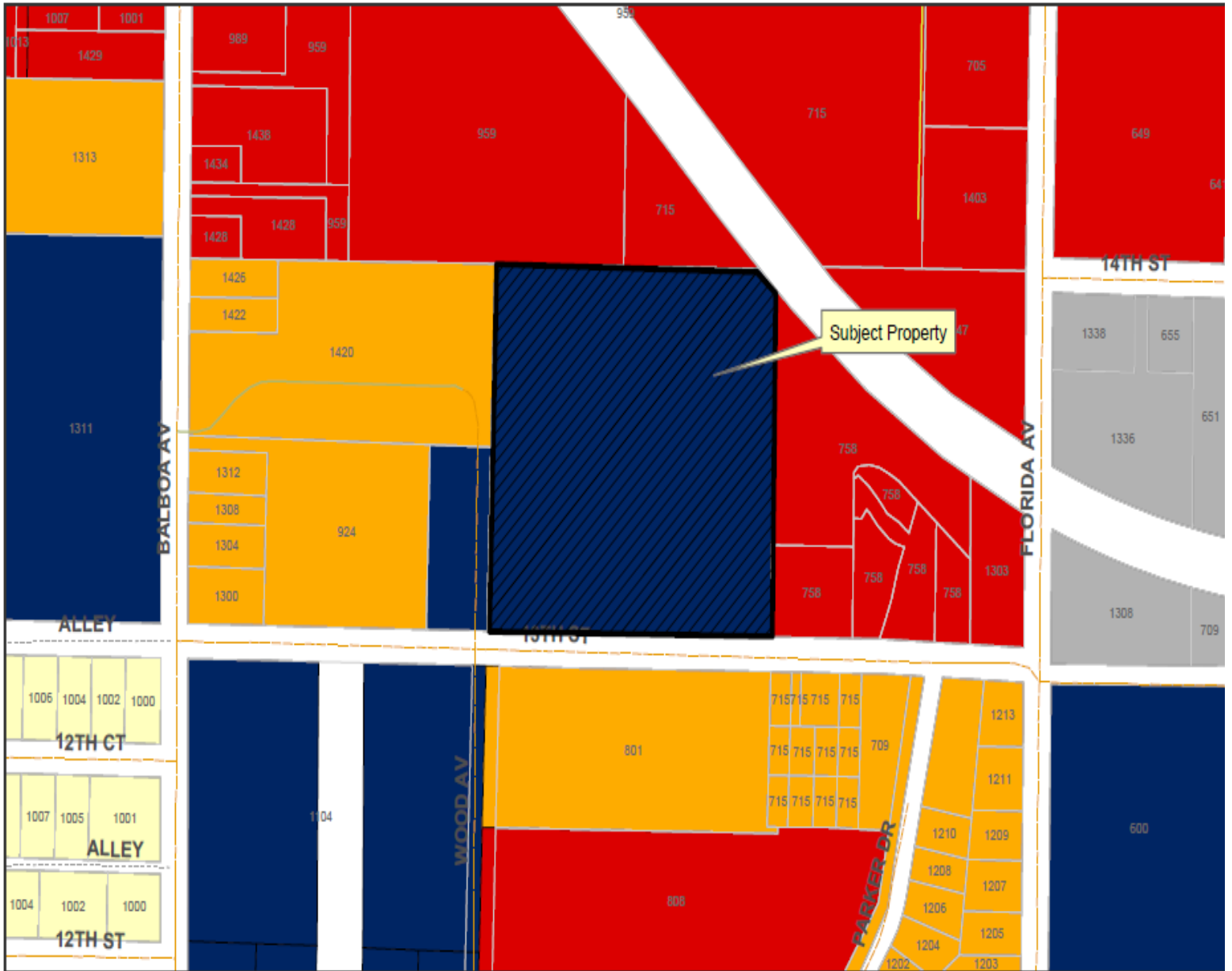
**CITY OF PANAMA CITY, FLORIDA  
A Municipal Corporation,**

By \_\_\_\_\_  
Greg Brudnicki, Mayor

**ATTEST:**

\_\_\_\_\_  
T.D. Hachmeister, City Clerk-Treasurer

**Exhibit A: Petition to Amend the Comprehensive Plan Future Land Use Map**



**Exhibit A**

**FLUM**  
City of Panama City

**Legend**

Downtown District	Industry	Residential Vested	Ditch
Residential	Mixed Use	Silviculture	Lake
General Commercial	Public/Institutional	Urban Community	Water
Preservation	Recreation	Urban Residential	Parcels
	Bay		



N



1 inch = 252 feet



City of Panama City Planning and Economic Development Department  
**STAFF REPORT**  
Planning Board Applications for August 12, 2019

Staff findings of consistency with the pertinent Florida Statutes, the Community Planning and Land Development Regulations (hereafter referred to as the LDRs) and the Comprehensive Plan (hereafter referred to as the Comp Plan) along with the staff recommendations are as follows:

## Request Two

**Type of Application:** SSLUA/Rezone

**Case Number:** PB 19-34

**Applicant/ Owner:** Central Baptist Church, Inc, owner and Vince Price, applicant.

**Location of Property:** 800 W 13<sup>th</sup> St

**Parcel ID Numbers:** 18152-010-000

**Background:** The applicant is requesting a land use change and rezoning in order to sell the property to a developer for new housing/apartments.

**Special Treatment Zone:** N/A

**Wetlands:** N/A

**Coastal High Hazard Area / Hurricane Vulnerability Zone:** N/A

**Flood Zone:** X (*Source: 2009 FEMA maps*)

**Area of Subject Property:** 10 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
<b>Change From:</b>	Public Institutional	Public Institutional, P/I
<b>Change To:</b>	Mixed Use	Mixed Use-3, MU-3

**Current use of the property:** The property is currently vacant.

**Proposed Use of the property:** The applicant is requesting a land use change and rezoning in order to sell the property to a developer for new housing/apartments.

**Directors' Report:**

Utilities Director: Water and sanitary sewer are available to this property.

**Comprehensive Plan Objectives and Policies:**

## Future Land Use Element

Policy 1.1.1: The City shall regulate land use through designation of land use districts on a Future Land Use Map. The Future Land Use Map shall be used to determine the location and extent of development within the City consistent with conservation of natural resources, availability of public facilities and services, and compatibility of adjacent land uses. Land Use districts depicted on the Future Land Use Map shall be described as follows. (In the following descriptions of Future Land Use categories, density standards shall apply to residential development and intensity standards shall apply to non-residential development.)

### **Sec. 104-32. - Mixed Use-3 (MU-3) zoning district.**

The purpose of this zoning district is to provide areas for medium- to high-density residential development, in combination with professional offices, educational, and low-intensity, neighborhood commercial uses.

- a) Development on parcels designated as Mixed use-3 (MU-3) on the zoning map shall:
  - 1) Have a density no greater than twenty dwelling units to the acre.
  - 2) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.
  - 3) Have a mixture of two or more uses within the same development. Such uses must be of the following categories: residential, office, retail, civic, educational, and light industrial.
  - 4) Provide off-street parking as specified in [chapter 108](#).
  - 5) Conform to the landscaping and buffering requirements as specified in chapter 107.
  - 6) No more than 70% of this zoning district, in combination with the MU-3 zoning districts, may be used for commercial, and 50% for low density residential uses. This analysis shall be made on a continuous basis and shall be assessed district wide. Individual projects that contain a mix of two or more uses shall be exempt from the percentages.
- b) The following bulk regulations shall apply to property zoned as MU-3:
  - 1) All structures shall have a maximum height limitation of 65 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.
  - 2) The impervious surface ratio shall be no greater than 0.75 of the total parcel area or 75%.
  - 3) The floor area ratio shall not exceed 0.75 or 75%.
  - 4) Minimum setbacks shall be:
    - Fifteen feet from the front parcel line.
    - Twenty feet from the rear parcel line.
    - Five feet from the side parcel lines.
    - Twenty feet from road side on **corner** lots.
    - Side setbacks may be decreased to 0 feet only when there is a common wall between units.Except, minimum setbacks for properties adjacent to an R-1 or R-2 zoning district shall be:
    - Fifteen feet from the front parcel line.
    - Thirty feet from the rear parcel line.
    - Twelve feet from the side parcel lines.
- c) The following uses are allowed in the MU-3 zoning district; all other uses are prohibited:
  1. Single-family detached dwellings on individual parcels;

2. Community residential homes shall be allowed when 6 or fewer residents are located in a single-family, residential dwelling provided that such homes are not located within 1,000 feet of one another and when the location of such homes does not substantially alter the nature and character of the area. Such use must be licensed by a state agency as listed in Section 419.001(1)(b) Florida Statutes.
3. Public and private schools grades K-12.
4. Public or noncommercial private recreation.
5. Accessory uses or structures as set forth in Chapter 104, Article IV and V.
6. Public utilities customarily found in residential areas;
7. Family day care homes pursuant to Section 125.0109, Florida Statutes;
8. Bed and Breakfast Inns;
9. Attached dwellings, up to 5 units attached.
10. Multi-family structures up to 20 dwelling units per acre.
11. Neighborhood-scale commercial uses, not to exceed 20,000 square feet of heated and cooled space in size per parcel. Such uses may include:
  - i. Professional office and personal services.
  - ii. Private child care or day care for children.
  - iii. Commercial recreational facilities.
  - iv. Grocery and convenience retail including, but not limited to, beauty parlor, barber shop, laundromat, dry cleaner, and other retail establishments meant to serve the immediate vicinity.
  - v. Athletic clubs, dance or music studios.
  - vi. Food establishments without a drive-through window.
  - vii. Other similar uses serving the neighborhood area.
12. Uses with drive-through structural components, except for those uses associated with a restaurant business.
13. Retail business.

**Land Development Regulations:**

Section 102-82(e)

Stipulates that a land use change requires the Planning Board to determine a positive finding for the proposed Comprehensive Plan Amendment and/or rezoning request on the following four (4) criteria:

1. *Not degrade the established level of services in the Comprehensive Plan or the minimum concurrency requirements.*

This impact is de minimis, which is not subject to concurrency review.

2. *In harmony with the general intent of the Comprehensive Plan. (Goals listed as applicable.)*

The goal of the Future Land Use Element of the Comprehensive Plan (Goal 1A) is to establish a defined pattern of land use guiding the provisions of public facilities and providing predictability in managing development. This request fits within the general intent of this Element.

The goal of the Utilities Element, Sanitary Sewer Sub-Element (Goal 4A) is to provide adequate sewage capacity and collection facilities to accommodate anticipated population demand.

The goal of the Utilities Element, Solid Waste Sub-Element (Goal 4B) is to ensure that adequate and efficient solid waste collection is available for the City.

The goal of the Utilities Element, Potable Water Sub-Element (Goal 4D) is to provide adequate, safe and sanitary water distribution capability to accommodate existing and future demand.

No level of service standards will be exceeded by this Future Land Use map amendment.

3. *Not exceed traffic limitations, create a fire hazard, or a hazard to the public health, welfare and safety.*

This impact is de minimis, which is not subject to concurrency review

4. *Compatible with adjacent land uses and districts, and not create a potential nuisance.*

The development is located in an area with public institutional, residential, and mixed use properties with surrounding land uses and zoning that match the Mixed Use land use. The proposed Land Use amendment/zoning change will not create a nuisance

**Pursuant to Section 102-82(e):**

The Planning Board shall not recommend approval of a plan amendment unless it makes a positive finding, based on competent evidence, on each of the following:

- (1) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (2) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (3) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (4) Changes in land use designations or districts must be compatible with adjacent land uses and districts, and one that will not become a potential nuisance.

**Summary of Findings:**

The request will not result in any deficiencies in concurrency standards. Existing development on the site is compatible with the development standards pertinent to the proposed Land Use and zoning designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



\_\_\_\_\_  
Tina Scibelli  
Planner I

Date July 8, 2019