



# CITY COMMISSION MEETING 11-12-19

## Agenda Item

## Request Form

**ITEM:** Final reading of Ordinance 2695.1, voluntary annexation of 21.4 acres of property located at 5441 Nehi Rd.

**BACKGROUND INFORMATION:** The applicant is requesting an annexation, land use change and rezoning in order to have zoning that allows multifamily housing. These properties will help replace the massive loss of dwellings due to Hurricane Michael and create new housing for displaced families. David and Shelly Hickman, owner and James Slonina, applicant.

The Planning Board considered this item on July 8, 2019. The request was approved by three Board members, Brian Neubauer abstained for professional reasons.

**DEPARTMENT HEAD RECOMMENDATION:** Conduct a final reading of the request for annexation.

**ORDINANCE NO. 2695.1**

**AN ORDINANCE OF THE CITY APPROVING THE VOLUNTARY ANNEXATION OF 21.4 ACRES OF UNINCORPORATED PROPERTY LOCATED AT 5441 NEHI RD, BAY COUNTY, FLORIDA, INTO THE CITY, AS FURTHER DEFINED HEREINAFTER, AMENDING THE WARDS AND BOUNDARIES OF THE CITY TO INCLUDE SAID LAND AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** The City of Panama City, Florida, does hereby annex the following described unincorporated property into the municipal limits of the City of Panama City, Florida, to wit:

*COMMENCE AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 13 WEST, BAY COUNTY, FLORIDA. THENCE NORTH 87°51'55" WEST ALONG THE NORTH LINE OF SAID SECTION 17 FOR 3266.20 FEET; THENCE SOUTH 00°46'32" EAST FOR 687.00 FEET; THENCE SOUTH 05°40'51" EAST FOR 605.165 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 88°05'43" EAST FOR 1574.07 FEET; THENCE SOUTH 00°46'32" EAST FOR 600.53 FEET; THENCE NORTH 88°05'43" WEST FOR 1522.27 FEET TO THE EAST LINE OF NEHI ROAD, A COUNTY MAINTAINED ROADWAY; THENCE NORTH 05°40'51" WEST ALONG SAID EAST LINE FOR 605.165 FEET TO THE POINT OF BEGINNING.*

Parcel Identification Number: 05906-040-000

For Map of Property see "Exhibit A."

**SECTION 2.** The boundaries of the City of Panama City, Florida are hereby amended and redefined so as to include the above-described property.

**SECTION 3.** Ward Two (2) is hereby amended to reflect the inclusion of the above-described property in the aforesaid ward.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** This ordinance shall become effective upon its passage.

**PASSED, APPROVED, AND ADOPTED** at the regular meeting of the Mayor and City Commission of the City of Panama City, the 12<sup>th</sup> day of November, 2019.

**CITY OF PANAMA CITY, FLORIDA**

A Municipal Corporation,

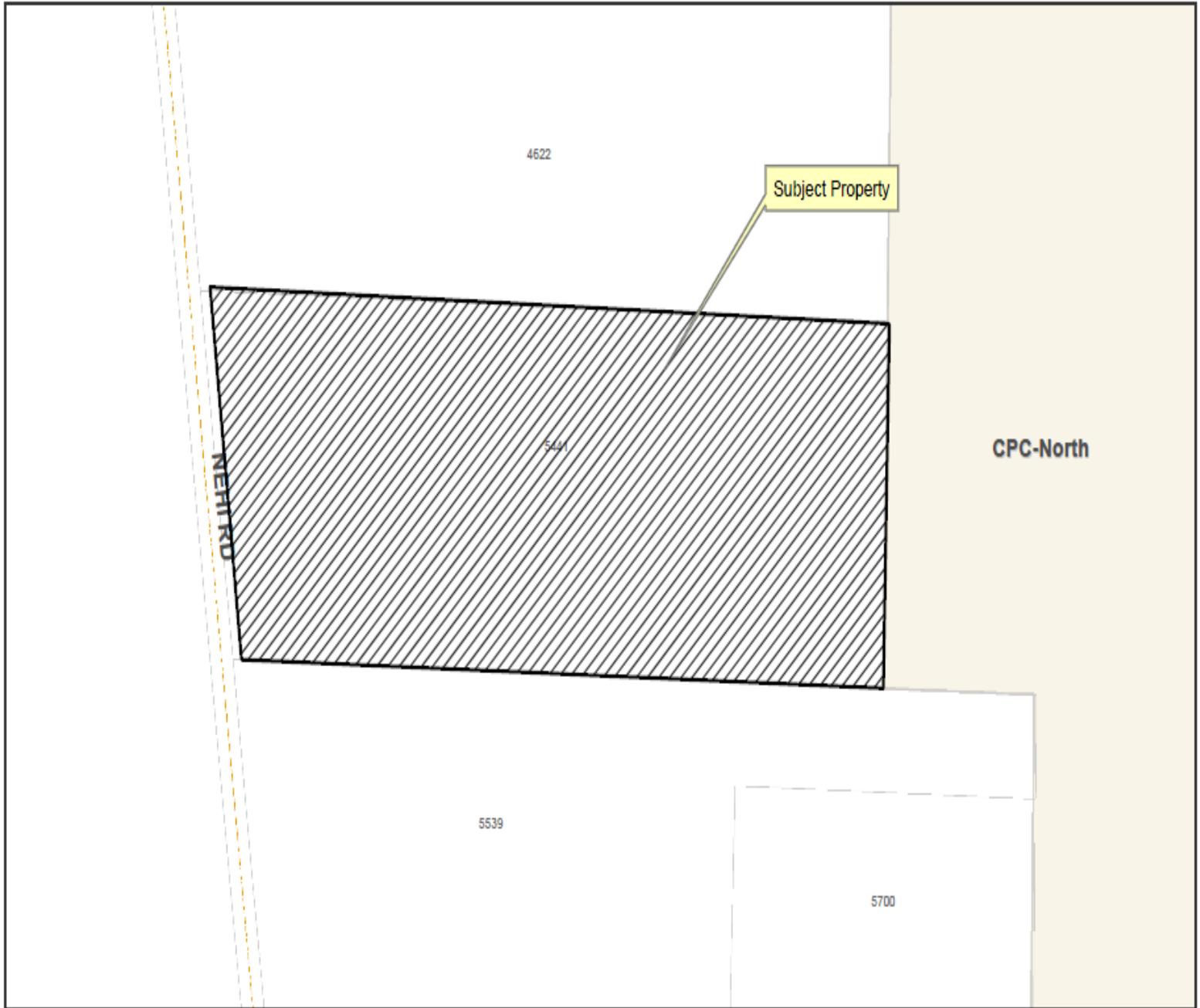
By \_\_\_\_\_

Greg Brudnicki, Mayor

ATTEST:

\_\_\_\_\_

T.D. Hachmeister, City Clerk-Treasurer



**Exhibit A:**

**Annexation  
City of Panama City**

**Legend**

-  Panama city Limits
-  Parcels



1 inch = 250 feet



City of Panama City Planning and Economic Development Department  
**STAFF REPORT**  
Planning Board Applications for July 8, 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 Three

**Type of Application:** Annex/LSLUA/Rezone

**Case Number:** PB 19-31

**Applicant/ Owner:** David And Shelly Hickman, owner and James Slonina, applicant.

**Location of Property:** 5441 Nehi Rd

**Parcel ID Numbers:** 05906-040-000

**Background:** The applicant is requesting an annexation, land use change and rezoning in order to have zoning that allows multifamily housing. These properties will help replace the massive loss of dwellings due to Hurricane Michael and create new housing for displaced families.

**Special Treatment Zone:** N/A

**Wetlands:** There are some wetlands in the Northeast corner and the Southeast corner.

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

**Flood Zone:** A in the NE and SE corners (*Source: 2009 FEMA maps*). X in the rest of the parcel (*Source: 2009 FEMA maps*)

**Area of Subject Property:** 21.4 +/- acres (*Source: Bay County Property Appraiser*).

|                     | Land Use               | Zoning                       |
|---------------------|------------------------|------------------------------|
| <b>Change From:</b> | Agriculture Timberland | Agriculture Timberland, AG-2 |
| <b>Change To:</b>   | Mixed Use              | Mixed Use-3, MU-3            |

**Current use of the property:** The property is currently a single family home.

**Proposed Use of the property:** The applicant is requesting an annexation, land use change and rezoning in order to have zoning that allows multifamily housing.

**Directors' Report:**

Utilities Director: Water and sanitary sewer are not 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 0.65 of the total parcel area or 65%.
    - 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 agricultural and commercial 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.

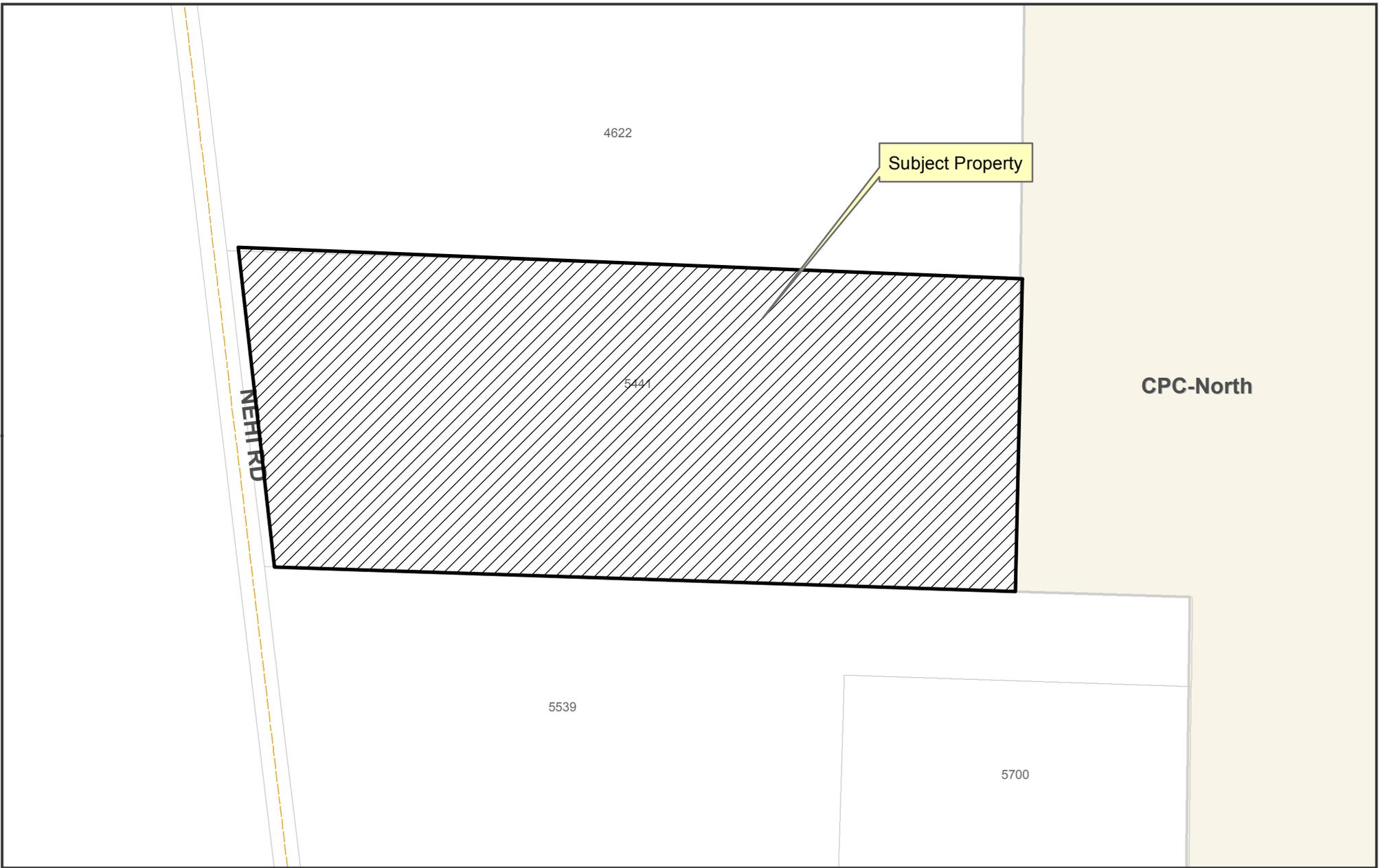
**Summary of Findings:**

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 June 13, 2019



**Exhibit A:**

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**Annexation  
City of Panama City**

**Legend**

 Panama city Limits

 Parcels

N



1 inch = 250 feet



**Exhibit A**

**FLUM  
City of Panama City**

**Legend**

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



1 inch = 250 feet



## Exhibit A

# Zoning Change City of Panama City

### Legend

#### Zoning Districts

|  |  |   |   |
|--|--|---|---|
|  Downtown District      |  Mixed Use - 1                  |  Recreation          |  Urban Residential 3 |
|  General Commercial - 1 |  Mixed Use - 2                  |  Residential - 1     |  Shoreline           |
|  General Commercial - 2 |  Mixed Use - 3                  |  Residential - 2     |  Water               |
|  Heavy Industry         |  Planned Unit Development (PUD) |  Silviculture        |  NOT ZONED           |
|  Light Industry         |  Preservation                   |  Urban Residential 1 |  Parcels             |
|  |  Public/Institutional           |  Urban Residential 2 |   |



1 inch = 250 feet