



# CITY COMMISSION MEETING 11-12-19

## Agenda Item

## Request Form

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**ITEM:** Final Adoption Hearing of Ordinance 2702.1 amending the Future Land Use Map of the City to reflect a land use designation of Mixed Use for the properties located at 3701 Frankford Ave and 3602 Pacifica Ln.

**BACKGROUND INFORMATION:** The applicant is requesting a 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. The properties are currently vacant. Integrity of Tampa Bay LLC, owner and James Slonina, applicant.

**DEPARTMENT HEAD RECOMMENDATION:** Conduct a final hearing to vote to adopt the Future Land Use Amendment.

## **ORDINANCE NO. 2702.1**

**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 3701 FRANKFORD AVE and 3602 PACIFICA LN, 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 19-36 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 November 12, 2019, to adopt Comprehensive Plan Amendment PB 19-36, 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 19-36, 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 Industry to Mixed Use as described in Large Scale Amendment PB 19-36, with said property having the following legal description:

Commence at the Southeast corner of Section 24, Township 3 South, Range 15 West, Bay County, Florida; thence N00o23'08".E along the East line of said Section 24 for 2499.09 feet; thence N89°33'10"W along the South line of property conveyed to Apex. Metals and Engineering co., Inc. and a projection thereof for 31.02 feet to the intersection of said South line with the North R/W line of Calhoun Avenue; thence

continue N89°33'10"W along said South line for 266.83 feet to the Southwest corner of said property for the Point of Beginning; thence N00Degrees27'56"E for 499.96 feet to the Northwest corner of said property; thence N45Degrees29'33"W for 275.77 feet to the Southeast corner of property conveyed to Kaufmann America, Inc.; thence N89°33'52"W along the South line of said property for 307.01 feet to the East R/W line of Calhoun Avenue; thence Southerly and Easterly along the Easterly and Northerly R/W line of said Calhoun Avenue as follows:

Southerly along a curve concave to the West having a radius of 607.96 feet for an arc distance of 105.38 feet, The chord of said arc bearing S04°32'31"E for 105.24 feet; thence S00°25'25"W for 560.76 feet to the beginning of a curve concave to the Northeast having a radius of 27.00 feet; thence Southerly and Easterly along said curve for an arc distance of 41.09 feet, The chord of said arc bearing S43°10'19"E for 37.24 feet; Thence S86°46'03"E for 246.50 feet to the Beginning of a curve concave to the North having a radius of 2829.79 feet; thence Easterly along said curve for an arc distance of 223.80 feet, the chord of said arc bearing S89°02'00"E for 223.74 feet; thence leaving said R/W line, N00°27'56"E for 14.90 feet to the Point of Beginning.

**Parcel Identification Number: 26656-018-000**

Commence at the Southeast corner of Section 24, Township 3 South, Range 15 West, Bay County, Florida; thence N 00degrees23'08"E, along the East line of said Section 24 for 2499.09 feet; thence N89°33'10"W, along the South line of property conveyed to Apex Metals and Engineering Co., Inc. and a projection thereof for 31.02 feet to the intersection of said South line with the North right of way line of Calhoun Avenue; thence continue N89°33'10"W, along said South line for 266.83 feet to the Southwest corner of said property; thence N00degrees27'56"E, for 499.96 feet to the Northwest corner of said property for the Point of Beginning; thence S89°33'35"E, along the North line of said property for 299.89 feet to the West right of way line of Frankford Avenue; thence N00degrees26'32"E, along said West right of way line for 237.02 feet to the beginning of a curve concave to the Southwest having a radius of 582.76 feet; thence Northwesterly along said curving right of way line for an arc distance of 830.63 feet. The chord of said arc bearing N40degrees22'39"W, for 762.08 feet to the East line of property conveyed to Kaufmann America, Inc.; thence S00°25'53"W, for 621.96 feet to the Southeast corner of said property; thence S45°29'33"E, for 275.77 feet to the Point of Beginning.

**Parcel Identification Number: 26656-035-000**

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, large 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 large 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 12th day of November.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Nevin Zimmerman, City Attorney

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




**Exhibit A**


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**FLUM**  
City of Panama City

**Legend**

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



N  


1 inch = 250 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 Four

**Type of Application:** LSLUA/Rezone

**Case Number:** PB 19-36

**Applicant/ Owner:** Integrity of Tampa Bay LLC, owner and James Slonina, applicant.

**Location of Property:** 3701 Frankford Ave and 3602 Pacifica Ln

**Parcel ID Numbers:** 26656-035-000 and 26656-018-000

**Background:** The applicant is requesting a 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:** Approximately 1.7 acres of wetlands in the center of the two parcels.

**Coastal High Hazard Area / Hurricane Vulnerability Zone:** A small part of the northeast corner of each parcel is Hurricane Evacuation Zone A, The rest of the two parcels is in Hurricane Evacuation Zone B.

**Flood Zone:** Parcel 26656-035-000 is in Flood Zone AE (*Source: 2009 FEMA maps*), The east side and southwest side of parcel 26656-018-000 is in Flood Zone X and the rest of the parcel is in Flood Zone AE(*Source: 2009 FEMA maps*).

**Area of Subject Property:** 15.701 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
<b>Change From:</b>	Industry	Light Industrial, LI
<b>Change To:</b>	Mixed Use	Mixed Use-3, MU-3

**Current use of the property:** The properties are currently vacant.

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

**Directors' Report:**

Utilities Director: Water and sanitary sewer are only available from Pacifica Lane side. Water and sewer is available from Frankford Ave. but only by extending both lines.

**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 Five 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 Industrial and PUD 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:**

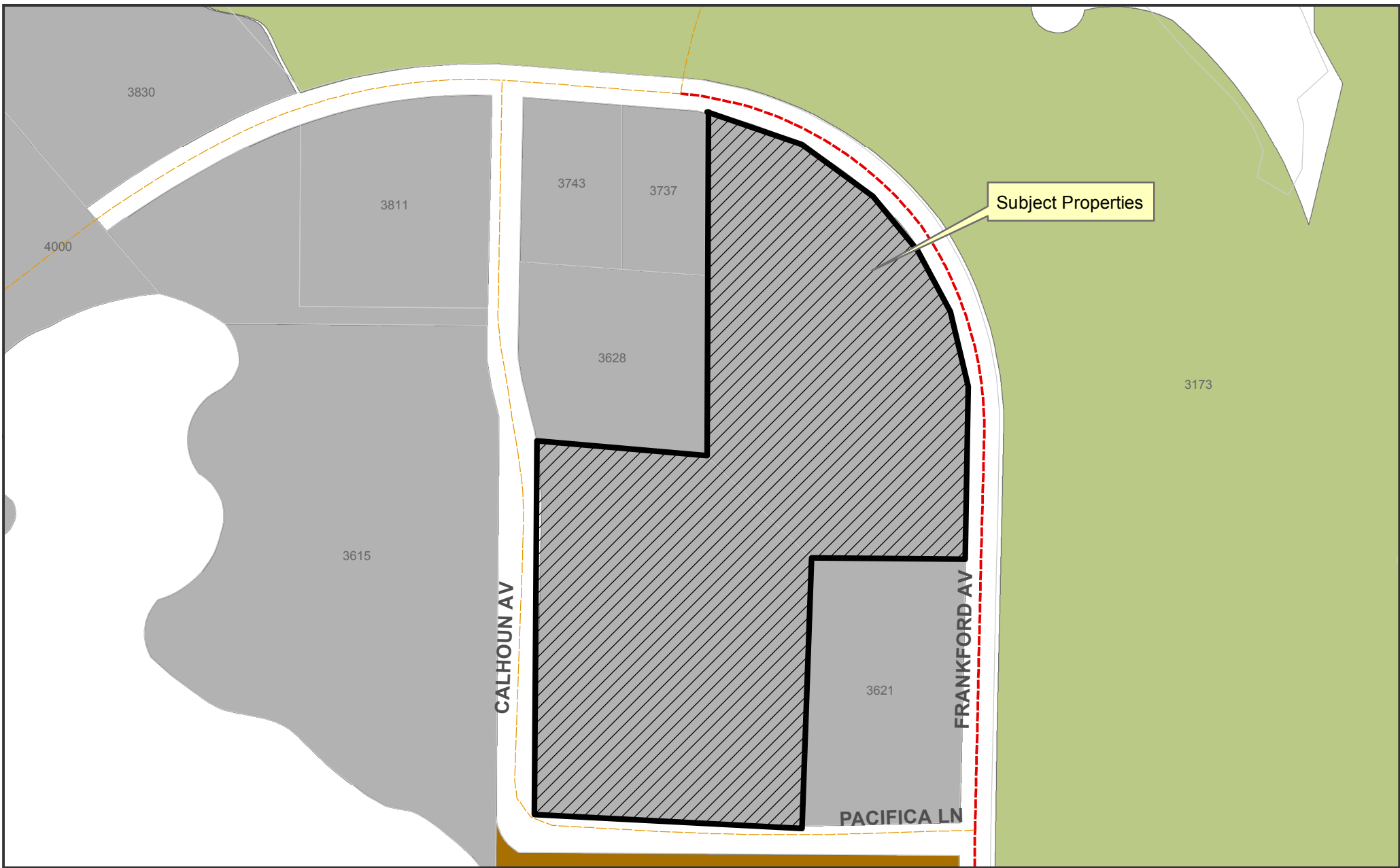
The request will not result in any deficiencies in concurrency standards. Existing development on the site is compatible with the development standards pertinent to the proposed Land Use and zoning designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



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Tina Scibelli  
Planner I

Date July 10, 2019



# Exhibit A

## Zoning Change City of Panama City

### Legend

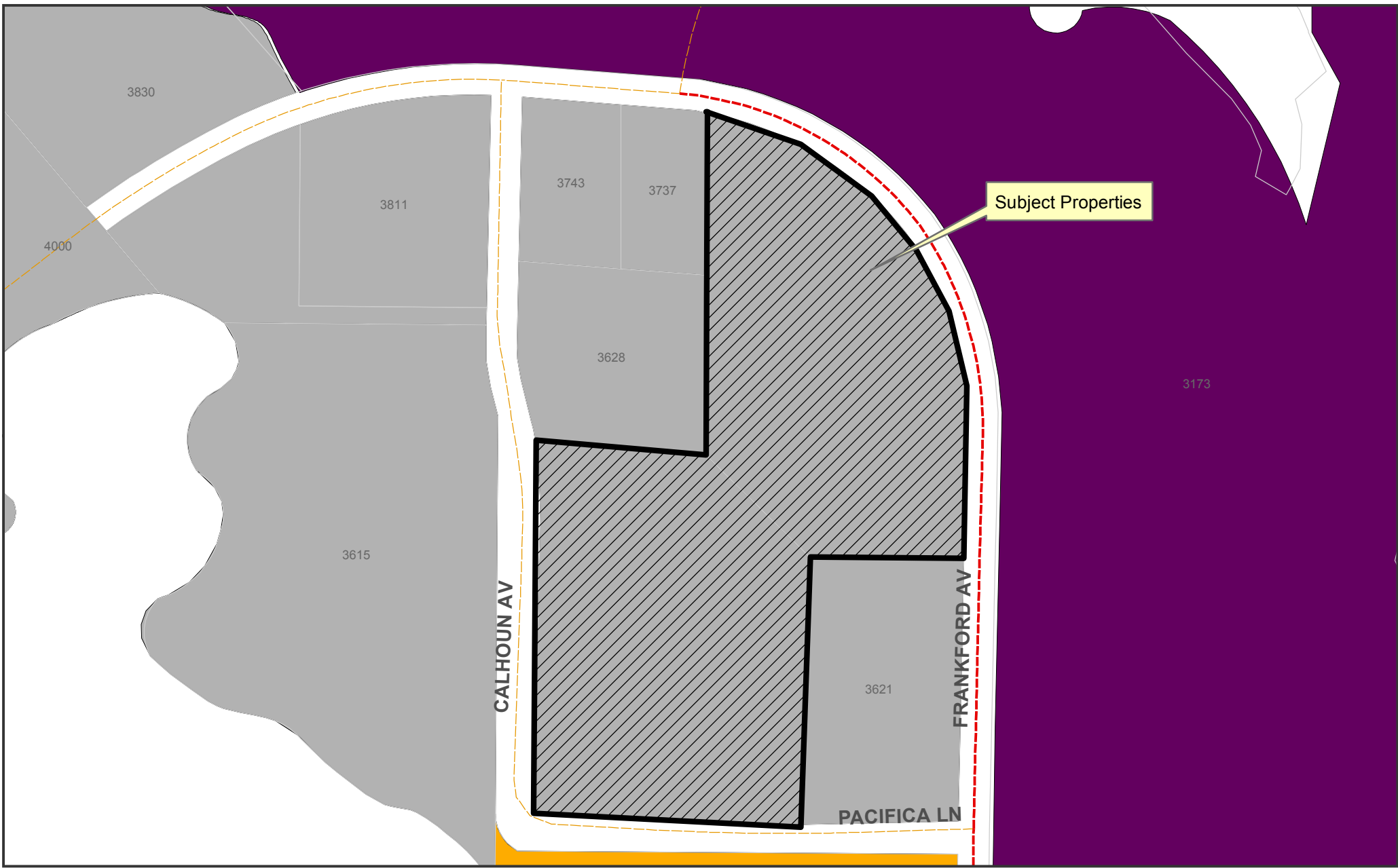
#### Zoning Districts

- Downtown District
- General Commercial - 1
- General Commercial - 2
- Heavy Industry
- Light Industry
- Mixed Use - 1
- Mixed Use - 2
- Mixed Use - 3
- Planned Unit Development (PUD)
- Preservation
- Public/Institutional

- Recreation
- Residential - 1
- Residential - 2
- Silviculture
- Urban Residential 1
- Urban Residential 2
- Urban Residential 3
- Shoreline
- Water
- NOT ZONED
- Parcels



1 inch = 250 feet



Subject Properties

**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	



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