



City of Panama City Planning and Economic Development Department
STAFF REPORT
Planning Board Applications for November 4, 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 20-8

Applicant/ Owner: SS McNeil, LLC Owner, Samuel McNeil, Applicant

Location of Property: 1028 Mulberry Ave

Parcel ID Numbers: 18574-000-000

Background: The applicant would like to change the land use and zoning to be able to build a duplex on the property.

Special Treatment Zone: Downtown North CRA

Wetlands: N/A.

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

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

Area of Subject Property: 0.16+/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
Change From:	Residential	Residential 1 R-1
Change To:	Mixed Use	Mixed Use 3 MU-3

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

Proposed Use of the property: The owner would like to use this property to build a duplex.

Directors' Report:

Utilities Director: Water and sanitary sewer is 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](#).
- 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.
 - 3) The floor area ratio shall not exceed 0.75.
 - 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.

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 single family homes 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

September 17, 2019
Date



Exhibit A

**FLUM
City of Panama City**

Legend

Future Landuse

- | | | | |
|--------------------|----------------------|--------------------|---------|
| 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 = 104 feet



Exhibit A

Zoning Change City of Panama City

Legend

Zoning Districts

- | | | | |
|------------------------|--------------------------------|---------------------|-------------------|
| Downtown District | Mixed Use - 1 | Recreation | Urban Residential |
| 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 = 104 feet