



# CITY COMMISSION MEETING 1-28-20

## Agenda Item

## Request Form

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**ITEM:** Final reading of Ordinance 2720 amending the Zoning Map of the City to reflect a zoning designation of General Commercial-2, GC-2 for the property located at 1027 E Business Highway 98 and 1003 E 6<sup>th</sup> St.

**BACKGROUND INFORMATION:** The applicant has requested rezoning in order to be able to convert the property to multifamily residential. 1027 E Business Highway 98 is currently a nursing home and 1003 E 6<sup>th</sup> St is currently vacant.

Request for rezoning of 4.234 acres from General Commercial-1, GC-1 to General Commercial-2, GC-2, 1027 E Business Highway 98 and 1003 E 6<sup>th</sup> St, Mark Murphy Holdings LLC, Owner and Applicant.

The Planning Board considered this item on January 13, 2020.

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

## ORDINANCE NO. 2720

**AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 1027 E BUSINESS HIGHWAY 98 AND 1003 E 6<sup>TH</sup> ST, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY 4.234 ACRES, GENERAL COMMERCIAL 2, GC-2, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the owners of the parcel of property in the City have requested that the parcel as hereinafter described be zoned General Commercial 2, GC-2; and

**WHEREAS**, following a public hearing of this ordinance pursuant to the statutes provided and the presentation of competent and substantial evidence and a finding that the requested zoning is consistent with the Comprehensive Plan of the City and serves a public purpose, and that enactment of this ordinance would be proper;

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

**Section 1:** The following described parcel of real property within the municipal limits of the City of Panama City, Florida, is zoned General Commercial 2, GC-2, to-wit:

*A part of Watson Bayou and Block "62" of Bunker's Cove, H.L. Sudduth's Fourth Addition to Panama City, Florida as per map or plat thereof recorded in Plat Book 1, Page 72 of the Public Records of Bay County, Florida and being more particularly described as follows: Commence at the Southwest corner of said Block 62; thence Easterly 195.01 feet along the South line of said Block 62 and along a curve concave to the North and having a radius of 1112.92 feet (chord bearing and distance: South 88 degrees 44 minutes 4~seconds East, 194.76 feet) to the POINT OF BEGINNING; thence North 00 degree 11 minutes 22 seconds East, parallel with the East right-of-way line of Bonita Avenue, 341.70 feet to a point on the Northerly line of parcel "I-D" as recorded in official records Book 959, Page 954 of the public records of Bay County, Florida; thence North 69 degrees 30 minutes 00 seconds East, along said Northerly line, 250.15 feet; thence South 12 degrees 22 minutes 52 seconds East, 318.69 feet; thence South 17 degrees 07 minutes 55 seconds West, 55.55 feet to a point of the Northerly right-of-way line of State Road 30;*

*thence South 71 degrees 13 minutes 48 seconds West, along said right-of-way line 5.89 feet; thence southwesterly 241.27 feet along said right-of-way and along a curve concave to the Northwest, having a radius of 1105.92 feet (chord bearing and distance: south 77 degrees 34 minutes 37 seconds West, 240.79 feet); thence south 08 degrees 07 minutes 18 seconds East, along said right-of-way line 7.00 feet; thence Westerly 47.86 feet along said right-of-way line and along a curve concave to the North having a radius of 1112.92 feet (chord bearing and distance; South 84 degrees 50 minutes 03 seconds West, 47.86 feet to the POINT OF BEGINNING.*

*TOGETHER WITH (Official Records Book 1250, page 1413)*

*A 30 foot wide ingress and egress easement described as follows: commence at the Southwest comer of Block "62" of Bunker's Cove, H.L. Sudduth's Fourth Addition to Panama City, Florida as per map or plat thereof recorded in Plat Book 1 at Page 72 of the Public Records of Bay County, Florida; thence North 00 degrees 11 minutes 22 seconds East, along the West line of said Block 62, a distance of 221.88 feet to the POINT OF BEGINNING; thence continue North 00 degrees 11 minutes 22 seconds East 30.01 feet; thence South 88 degrees 37 minutes 49 seconds East, 101.39 feet; thence South 43 degrees 37 minutes 49 seconds East, 42.43 feet; thence South 88 degrees 37 minutes 49 seconds East, 63.99 feet; thence South 00 degrees 11 minutes 22 seconds West, 30.01 feet; thence North 88 degrees 37 minutes 49 seconds West, 77.04 feet; thence North 43 degrees 37 minutes 49 seconds West, 42.43 feet; thence North 88 degrees 37 minutes 49 seconds West, 88.35 feet to the POINT OF BEGINNING.*

*TOGETHER WITH (Official Records Book 1356, page 1896)*

*A 10 foot (10.00') wide power cable easement lying 5 feet (5.00') each side following described center line:*

*Commence at the Southwest comer of Block "62" of Bunker's Cove, H.L. Sudduth's Fourth Addition to Panama City, Florida as per map or plat thereof recorded in Plat Book 1 at Page 72 of the public records of Bay County, Florida; thence North 00 degrees 11 minutes 22 seconds East, along the West line of said Block 62, a distance of 227.18 feet to the POINT OF BEGINNING of the center line; thence South 86 degrees 49 minutes 50 seconds East, 143.84*

*feet; thence South 89 degrees 02 minutes 31 seconds East, 58.52 feet to the terminal point of this center line.*

*AND TOGETHER WITH that easement for the benefit of the subject property, subject to the terms and conditions therein, contained in the Reciprocal Easement Agreement recorded in Official Records Book 1618, page 901, of the Public Records of Bay County, Florida.*

*AND TOGETHER WITH that easement for the benefit of the subject property, subject to the terms and conditions therein, contained in the Reciprocal Easement Agreement recorded in Official Records Book 2644, page 10, of the Public Records of Bay County, Florida.*

*AND TOGETHER WITH that easement for the benefit of the subject property contained in the Easement for Ingress and Egress recorded in Official Records Book 1405, Page 1227 of the Public Records of Bay County, Florida.*

*Parcel Identification Number: 21236-000-000*

***A PART OF WATSON BAYOU AND BLOCK "62" OF BUNKER'S COVE. H. L. SUDDUTH'S FOURTH ADDITION TO PANAMA CITY, FLORIDA, AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1.***

***PAGE 72 OF THE PULBLIC RECORDS OF BAY COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:***

***COMMENCE AT THE SOUTHWEST CORNER OF SAID BLOCK 62; THENCE EASTERLY 242.87 FEET ALONG THE SOUTH LINE OF SAID BLOCK 62 AND ALONG A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1112.92 FEET (CHORD BEARING AND DISTANCE: NORTH 89° 51' 13" EAST, 242.38 FEET); THENCE NORTH 08 07' or 18" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 30, A DISTANCE OF 7.00 FEET, THENCE NORTHEASTERLY, 241.27 FEET ALONG SAID RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 1105.92 FEET (CHORD BEARING AND DISTANCE: NORTH 71 degrees 34' 37" EAST, 240.79 FEET); THENCE NORTH 71 degrees 13' 48" EAST ALONG SAID RIGHT OF WAY LINE, 5.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 17degrees 07' 55" EAST, 66.56 FEET; THENCE NORTH 12 degrees 22' 52" WEST, 318.69 FEET TO***

*A POINT ON THE NORTHERLY LINE OF PARCEL "I-D" AS RECORDED IN OFFICIAL RECORDS BOOK 952, PAGE 954 OF THE PUBUC RECORDS OF BAY COUNTY, FLORIDA; THENCE HORTH 69degrees 30' 00" EAST ALONG SAID NORTHERLY LINE, 163.50 FEET; THENCE SOUTH 3degrees 00' 00" EAST ALONG THE EAST LINE OF SAID PARCEL "I-D", A DISTANCE OF 309.00 FEET; THENCE SOUTH 18° 43' 00" EAST, 31.54 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 30; THENCE SOUTH 57° 39'32"WEST, ALONG SAID RIGHT OF WAY LINE, 94.41 FEET; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1076.07 FEET (CHORD BEARIHG AND DISTANCE: SOUTH 61° 10' 40" WEST, 131.89 FEET); THENCE SOUTH 71degrees 13' 48" WEST, ALONG SAID RIGHT OF WAY LINE,116.65 FEET TO THE POINT OF BEGINNING.*

*LESS AND EXCEPT THE FOLLOWING:*

*RETENTION POND PARCEL: A PART OF WATSON BAYOU (STATE OF FLORIDA DEED NO. 23092 (1036-03) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 62, BUNKER'S COVE, H.L. SUDDUTH'S FOURTH ADDITION TO PANAMA CITY, FLORIDA, AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 72 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE EASTERLY 242.87 FEET ALONG THE SOUTH LINE OF SAID BLOCK 62 AND ALONG A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1112.92 FEET (CHORD BEARING AND DISTANCE: NORTH 89degrees 51'13" EAST. 242.38 FEET); THENCE NORTH 08 degrees 07'18" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 30, A DISTANCE OF 7.00 FEET; THENCE NORTHEASTERLY, 241.27 FEET ALONG SAID RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 1105.12 FEET (CHORD BEARING AND DISTANCE: NORTH 77 degrees 34' 37" EAST, 240.79 FEET); THENCE NORTH 71° 13' 48" EAST ALONG SAID RIGHT OF WAY LINE, 5.89 FEET; THENCE NORTH 17 degrees 07' 55"*

*EAST 55.55 FEET; THENCE NORTH 12 degrees 22' 52" WEST, 253.62 FEET TO THE SOUTHERLY TOP OF BANK OF AN EXISTING RETENTION POND AND POINT OF BEGINNING; THENCE CONTINUE NORTH 12° 22' 52" WEST, 43.84 FEET TO THE EXISTING NORTHERLY TOP OF BANK OF SAID RETENTION POND: THENCE NORTH 70° 20' 37" EAST ALONG SAID NORTHERLY TOP OF BANK, 40.02 FEET TO THE NORTHEASTERLY CORNER OF SAID RETENTION POND; THENCE SOUTH 25° 57' 31" EAST ALONG THE EASTERLY TOP OF BANK OF SAID RETENTION POND, A DISTANCE OF 45.74 FEET TO THE SOUTHEASTERLY CORNER OF SAID. RETENTION POND; THENCE SOUTH 12degrees 25' 20" WEST ALONG THE SOUTHERLY TOP OF BANK OF SAID RETENTION POND A DISTANCE OF 51.42 FEET TO THE POINT OF BEGINNING.*

*Parcel Identification Number: 21236-020-000*

For Map of Property see "Exhibit A."

**Section 2:** The Official Zoning Map is amended to reflect the zoning of the above referenced property.

**Section 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4:** This Ordinance shall take effect upon the effective date of the corresponding comprehensive plan map amendment, to reflect the designated zoning adopted in this Ordinance of the above referenced parcel.

**PASSED, APPROVED, AND ADOPTED** at the regular meeting of the Mayor and City Commission of the City of Panama City, Florida the 28th day of January, 2020.

**CITY OF PANAMA CITY, FLORIDA**

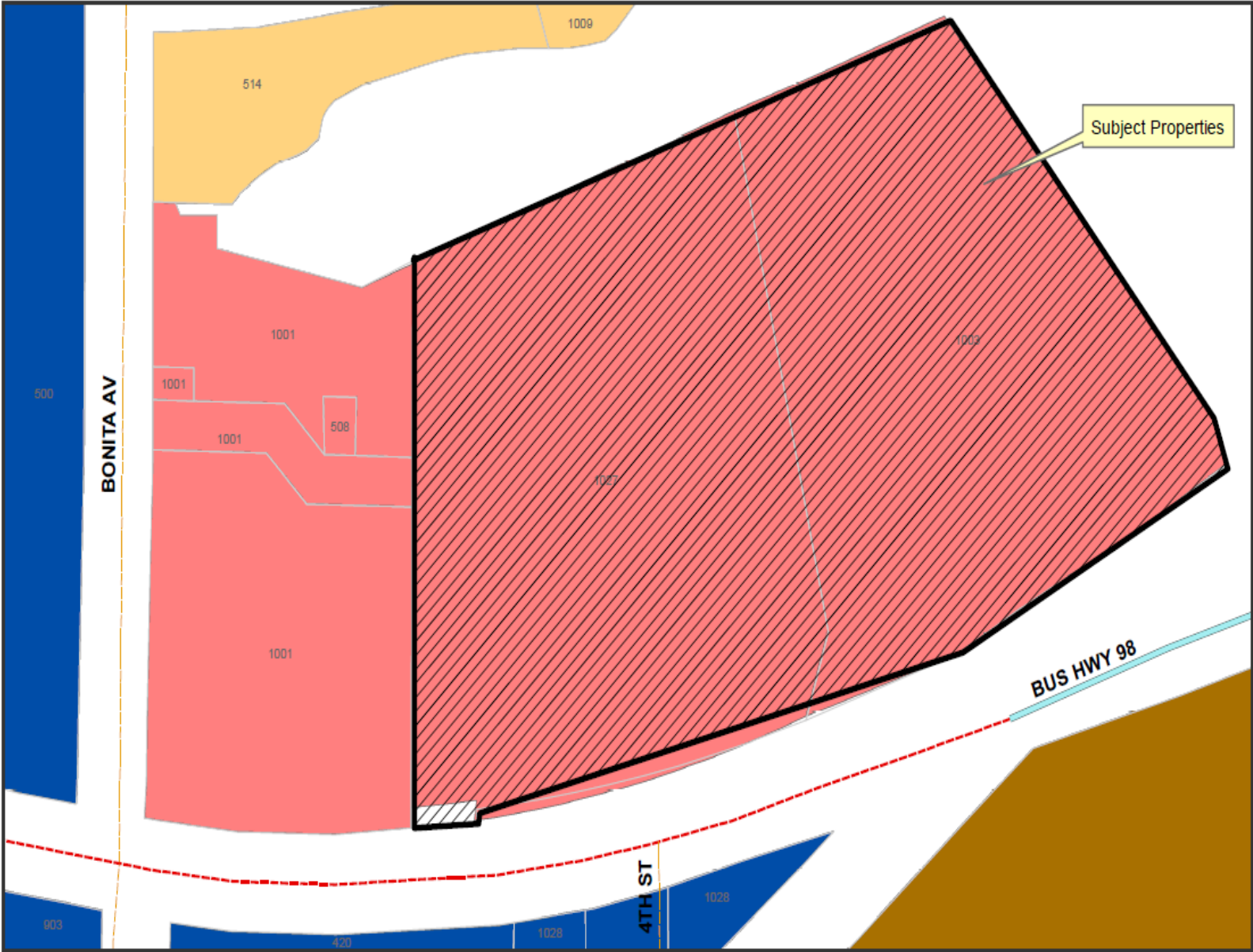
**A Municipal Corporation,**

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

**ATTEST:**

\_\_\_\_\_  
Brandy Waldron, Interim City Clerk-Treasurer


**Exhibit A: Petition to Rezone**



Subject Properties

**Exhibit A**  
**Zoning Map**  
**City of Panama City**

Legend			
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	



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1 inch = 86 feet





City of Panama City Planning and Economic Development Department  
**STAFF REPORT**  
Planning Board Applications for January 13, 2020

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:** Rezone

**Case Number:** PB 20-19

**Applicant/ Owner:** Mark Murphy Holdings LLC, Owner and Applicant

**Location of Property:** 1027 E Business Highway 98 and 1003 E 6<sup>th</sup> St

**Parcel ID Numbers:** 21236-000-000 and 21236-020-000

**Background:** The applicant has requested rezoning in order to be able to convert the property to multifamily residential.

**Special Treatment Zone:** Millville CRA.

**Wetlands:** Approximately ten percent of the parcels across the northern boundary.

**Coastal High Hazard Area / Hurricane Vulnerability Zone:** Approximately ten percent of the parcel across the northern boundary is in the Coastal High Hazard. Hurricane Evacuation Zone C.

**Flood Zone:** AE (*Source: 2009 FEMA maps*) approximately 50% of the parcels, X (*Source: 2009 FEMA maps*) across the rest of the parcels.

**Area of Subject Property:** 4.234 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
<b>Change From:</b>	General Commercial	General Commercial-1, GC-1
<b>Change To:</b>	General Commercial	General Commercial-2, GC-2

**Current use of the property:** 1027 E Business Highway 98 is currently a nursing home and 1003 E 6<sup>th</sup> St is currently vacant.

**Proposed Use of the property:** The owner would like to convert the property to multifamily residential.

**Directors' Report:**

Utilities Director: Water and sanitary sewer services are available.

## **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. 104-38. - General Commercial-2 (GC-2) zoning district.**

The purpose of this zoning district is to provide areas for neighborhood commercial activity including retail sales and services, professional offices and services, and other similar land uses. (a) Development on parcels designated as General Commercial-2 (GC-2) on the zoning map shall:

1. Confine ground and building lighting to the property and without causing direct light to protrude on adjacent properties.
2. Screen garbage receptacles, trash containers, and dumpsters from public view, using opaque materials.
3. Provide off-street parking as specified in Chapter 108.
4. Conform to the landscaping and buffering requirements as specified in Chapter 107.
5. Not include any residential development, except apartment complexes.
6. The exterior of building facades visible from Highway 98 or Harrison Avenue shall not be constructed of metal unless: i. such wall is not visible by a pedestrian standing within the vehicular right-of-way of Highway 98 or Harrison Ave; or ii. such wall is completely covered by one or more of the following materials: n Brick n Stone n Stucco n Synthetic stucco n Cementitious materials n Exterior insulation n Wood siding, provided finish system that such siding is (EIFS) applied with no panel exceeding twelve (12) inches in height n Other non-ferrous material may be permissible, if determined by the Planning Dept. as a matter of fact to be aesthetically comparable & at least as opaque, weather resistant, & permanent as the materials listed above (b)

The following bulk regulations shall apply to property zoned as GC-2:

- (1) No maximum height.
- (2) The impervious surface ratio shall be no greater than 0.90 of the total parcel area.
- (3) The floor area ratio shall not exceed 3.0.
- (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.

Except setbacks for developments that are adjacent to zoning districts which allow residential uses shall be:

- Fifteen feet from the front parcel line.
- Twenty Five feet from the rear parcel line.
- Twelve feet from the side parcel lines.

(c) The following uses are allowed in GC-2 zoning districts; all other uses are prohibited:

1. All uses allowable in the GC-1 zoning district
2. Shopping centers.
3. Vehicle dealers and repair shops (excluding scooter rental /sales).
4. Adult entertainment subject to the requirements of Chapter 7, Article III of the Municipal Code.

5. Big box retailers.
6. Printing, publishing or other similar establishments.
7. Business park.
8. Wholesaling, warehousing, and indoor storage of goods or materials.
9. Public utilities with exception to solid waste facilities and landfills.
10. Cannabis Dispensing Facilities, and
11. Other similar uses.

**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 Commercial 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:**

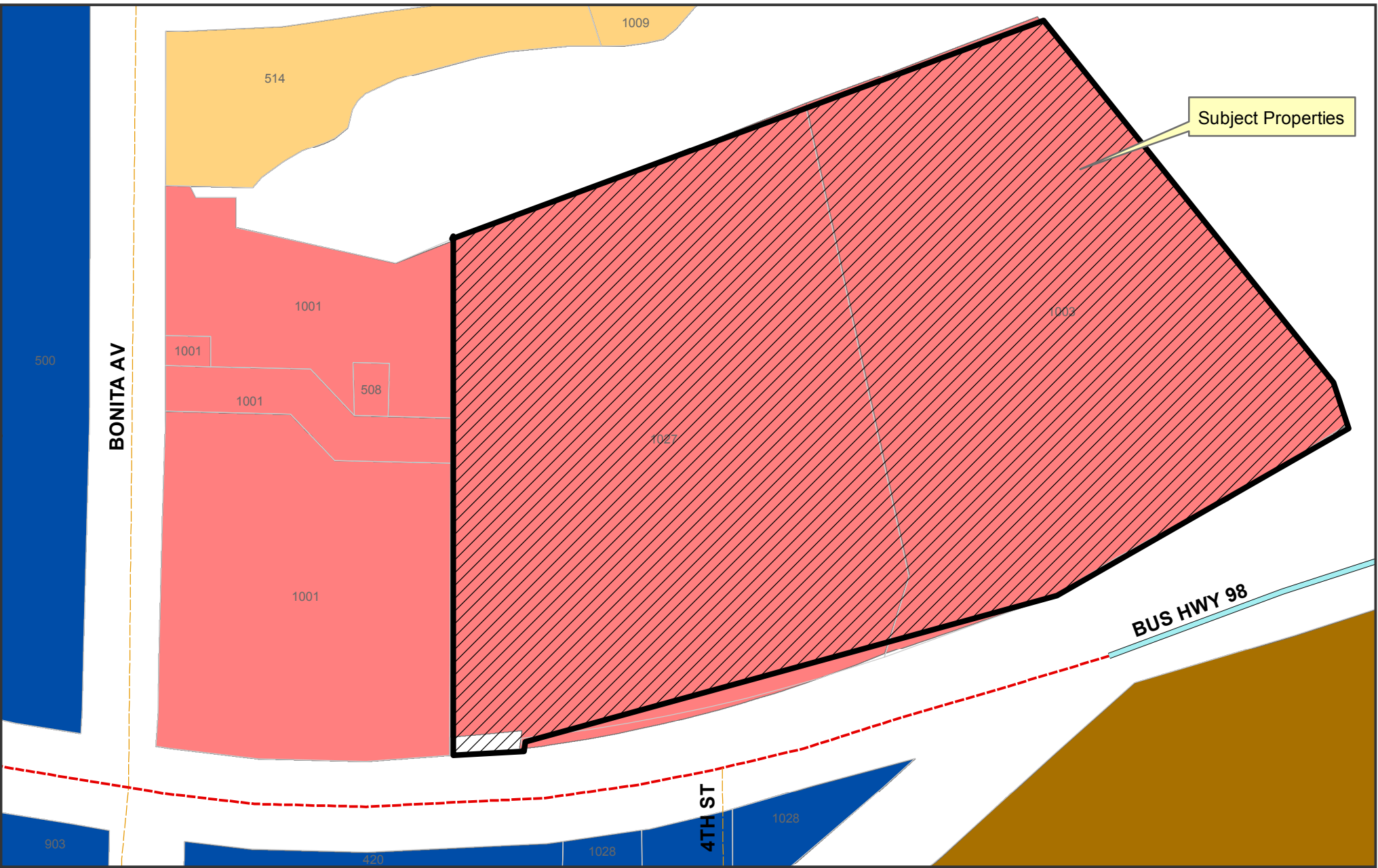
The request will not result in any deficiencies in concurrency standards. Existing development on the site is compatible with the development standards pertinent to the proposed Land Use and zoning designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



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Tina Scibelli  
Planner I

November 21, 2019  
Date



**Exhibit A**

**Zoning Map  
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 = 86 feet