



CITY COMMISSION MEETING 1-14-20

Agenda Item

Request Form



ITEM: Final reading of Ordinance 2710.1 amending the Future Land Use Map of the City to reflect a land use designation of Mixed Use located at 418 W Baldwin Rd.

BACKGROUND INFORMATION: The applicant would like to change the land use and zoning to be able to build an office building. The property is currently vacant. Rick Toalson , Owner and Applicant.

The Planning Board considered this item on November 4, 2019. The request was approved unanimously.

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

ORDINANCE NO. 2710.1

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 418 W BALDWIN RD, 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 20-6 on November 4, 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 December 10, 2019, and a Public Hearing and second reading on January 14, 2020, to adopt Comprehensive Plan Amendment PB 20-6, 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 20-6, 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 Residential to Mixed Use as described in Small Scale Amendment PB 20-6, with said property having the following legal description:

A PORTION OF LOT 124, ST. ANDREWS BAY DEVELOPMENT COMPANY'S PLAT OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 124; THENCE S88°52'56"W, ALONG THE NORTH LINE OF SAID LOT 124, A DISTANCE OF 50.01 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE AVENUE; THENCE CONTINUE S88°52'56"W, ALONG SAID NORTH LINE, 316.02 FEET TO THE POINT OF BEGINNING; THENCE S00degrees01'59"W, 280.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BALDWIN ROAD; THENCE N88°52'46"W, ALONG SAID RIGHT OF WAY LINE, 120.00 FEET; THENCE N00degrees01'59"E, 280.00 FEET TO THE NORTH LINE OF SAID LOT 124; THENCE N88°52'56"E, ALONG SAID NORTH LINE, 120.00 FEET TO THE POINT OF BEGINNING.

Parcel Identification No. : 11782-040-000

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 14th 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 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	Preservation	Urban Community	Water
	Public/Institutional	Urban Residential	Parcels
	Recreation	Bay	



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1 inch = 163 feet



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 One

Type of Application: SSLUA/Rezone

Case Number: PB 20-6

Applicant/ Owner: Rick Toalson , Owner and Applicant

Location of Property: 418 W Baldwin Rd

Parcel ID Numbers: 11782-040-000

Background: The applicant would like to change the land use and zoning to be able to build an office building.

Special Treatment Zone: Not in any special treatment zones.

Wetlands: Approximately 95% of the property is wetlands.

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

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

Area of Subject Property: 0.771+/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
Change From:	Residential	Residential 1 R-1
Change To:	Mixed Use	Mixed Use 2 MU-2

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

Proposed Use of the property: The owner would like to use this property to construct an office building.

Directors' Report:

Utilities Director: Water is available to property. Sewer is only available to this property by installing a private pump station to force main. Sewer will be determined by force main PSI. The applicant will be required to execute a copy of the City's grinder pump/low sewer agreement before connection.

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. 104-33. - Mixed use-2 (MU-2) 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-2 (MU-2) on the zoning map shall:
 - 1) Have a density no greater than ten 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 105](#), article V.
 - 5) Conform to the landscaping and buffering requirements as specified in [chapter 105](#), article II.
- b) The following bulk regulations shall apply to property zoned as MU-2:
 - 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.
 - 3) The floor area ratio shall not exceed 0.65.
 - 4) Minimum setbacks shall be:
Fifteen feet from the front parcel line.
Twenty feet from the rear parcel line.
Seven feet from the side parcel lines.
Except, minimum setbacks for properties adjacent to an R-1, R-2 or MU-1 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-2 zoning district; all other uses are prohibited:
 - 1) All uses allowable in the UR-1 zoning district.
 - 2) Uses with drive-through structural components, except for those uses associated with a restaurant business.
 - 3) 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 16, 2019
Date



Exhibit A

**FLUM
City of Panama City**

Legend

Future Landuse

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



1 inch = 163 feet



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
- Shoreline
- Water
- NOT ZONED
- Parcels



1 inch = 163 feet