



# CITY COMMISSION MEETING 2-25-20

## Agenda Item

## Request Form

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**ITEM:** First reading of Ordinance 2722.1 amending the Future Land Use Map of the City to reflect a land use designation of General Commercial for the property located at 2012 Lisenby Ave.

**BACKGROUND INFORMATION:** The applicant would like to update the zoning designation of the property to reflect the existing use of the property as regional office and commercial. The current use of the property is general commercial. James Feltman, Owner and Applicant.

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

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

## ORDINANCE NO. 2722.1

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF GENERAL COMMERCIAL FOR A PARCEL OF PROPERTY LOCATED AT PARCEL # 14148-103-000, 2012 LISEBY AVE, 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 20-21 on January 13, 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 February 11, 2020, and a Public Hearing and second reading on February 25, 2020, to adopt Comprehensive Plan Amendment PB 20-21, 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 20-21, 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 Mixed Use to General Commercial as described in Small Scale Amendment PB 20-21, with said property having the following legal description:

*Lot 5, in Block "B", according to the plat of NORTHSIDE ESTATES, as recorded in Plat Book 14, Page 72, in the Office of the Circuit Court of Bay County, Florida.*

Parcel Identification No. : 14148-103-000  
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 25th day of February, 2020.

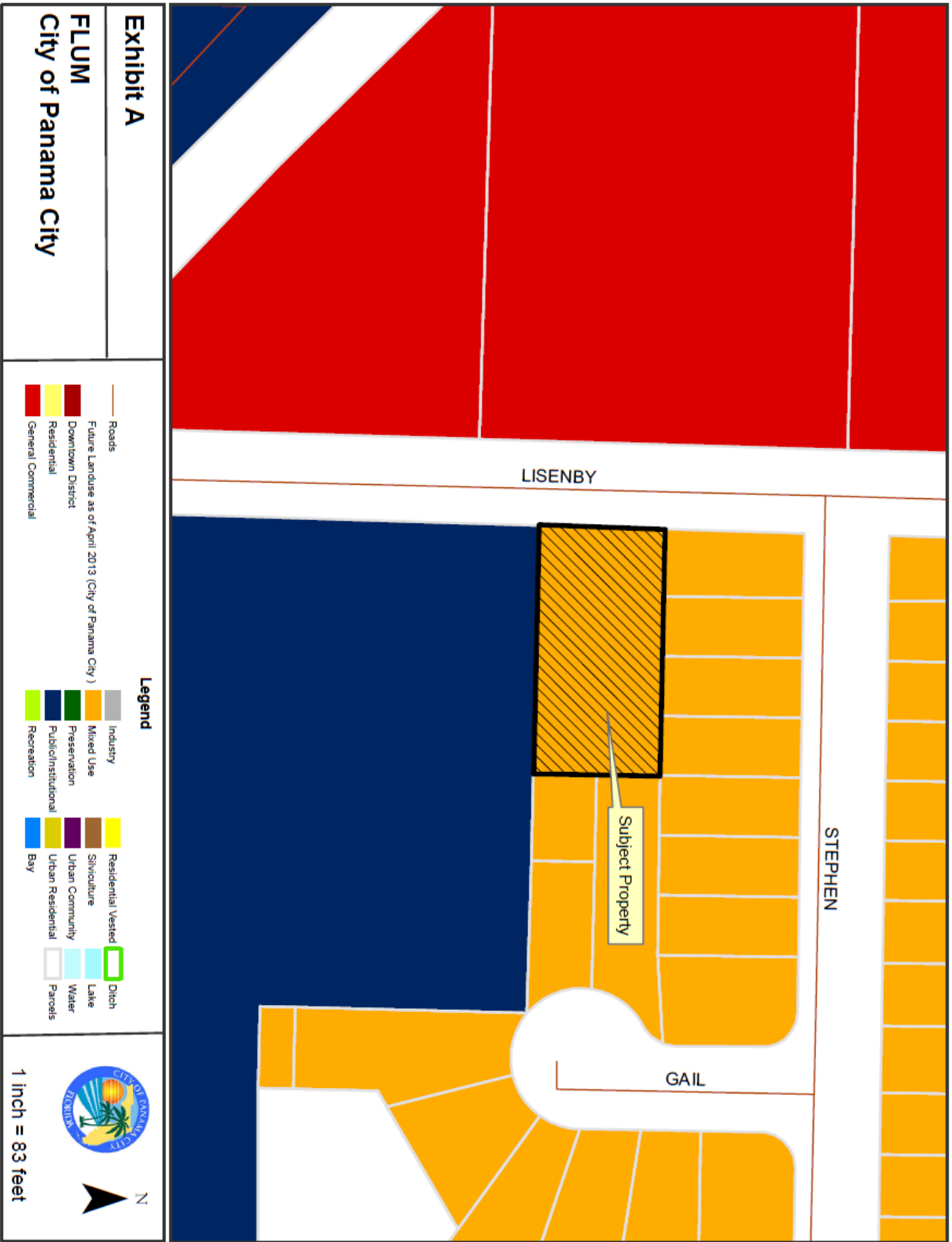
**CITY OF PANAMA CITY, FLORIDA  
A Municipal Corporation,**

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

**ATTEST:**

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

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





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 Four

**Type of Application:** SSLUA/Rezone

**Case Number:** PB 20-21

**Applicant/ Owner:** James Feltman, Owner and Applicant

**Location of Property:** 2012 Lisenby Ave.

**Parcel ID Numbers:** Parcel #14148-103-000

**Background:** The applicant would like to update the Future Land Use Map to reflect the existing use of the property as regional office and commercial.

**Special Treatment Zone:** N/A

**Wetlands:** N/A

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

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

**Area of Subject Property:** 0.349 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
<b>Change From:</b>	Mixed Use (MU)	Residential-1 (R-1)
<b>Change To:</b>	General Commercial (GC)	General Commercial-2 (GC-2)

**Current use of the property:** The current use of the property is as regional office and commercial.

**Proposed Use of the property:** The owner would like to continue to use the property as it is currently used.

#### Directors' Report:

Utilities Director: Water is available. Sanitary sewer is not 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 (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. The following bulk regulations shall apply to property zoned as GC-2:
1. The impervious surface ratio shall be no greater than 0.90 (or 90%) of the total parcel area.
  2. The floor area ratio (FAR) may not exceed 3.0 (or 300%).
  3. No maximum height.
  4. Minimum setbacks shall be:
    - i. 15 feet from the front parcel line.
    - ii. 20 feet from the rear parcel line.
    - iii. 5 feet from the side parcel lines.
  5. Minimum setbacks for development adjacent to zoning districts that allow residential uses shall be:
    - i. 15 feet from the front parcel line.
    - ii. 25 feet from the rear parcel line.
    - iii. 12 feet from the side parcel lines.
- B. The following uses are allowed in the GC-2 zoning district; 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.
- C. Additional Requirements.
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.

**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 subject property is not proposed to change uses from its current use. There is not a concern of potential nuisances. This rezoning application will correct an oversight in the Future Land Use Map and zoning designation as this property has historically been utilized as regional commercial.

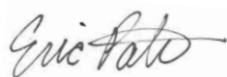
**Pursuant to Section 102-82(e):**

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:**

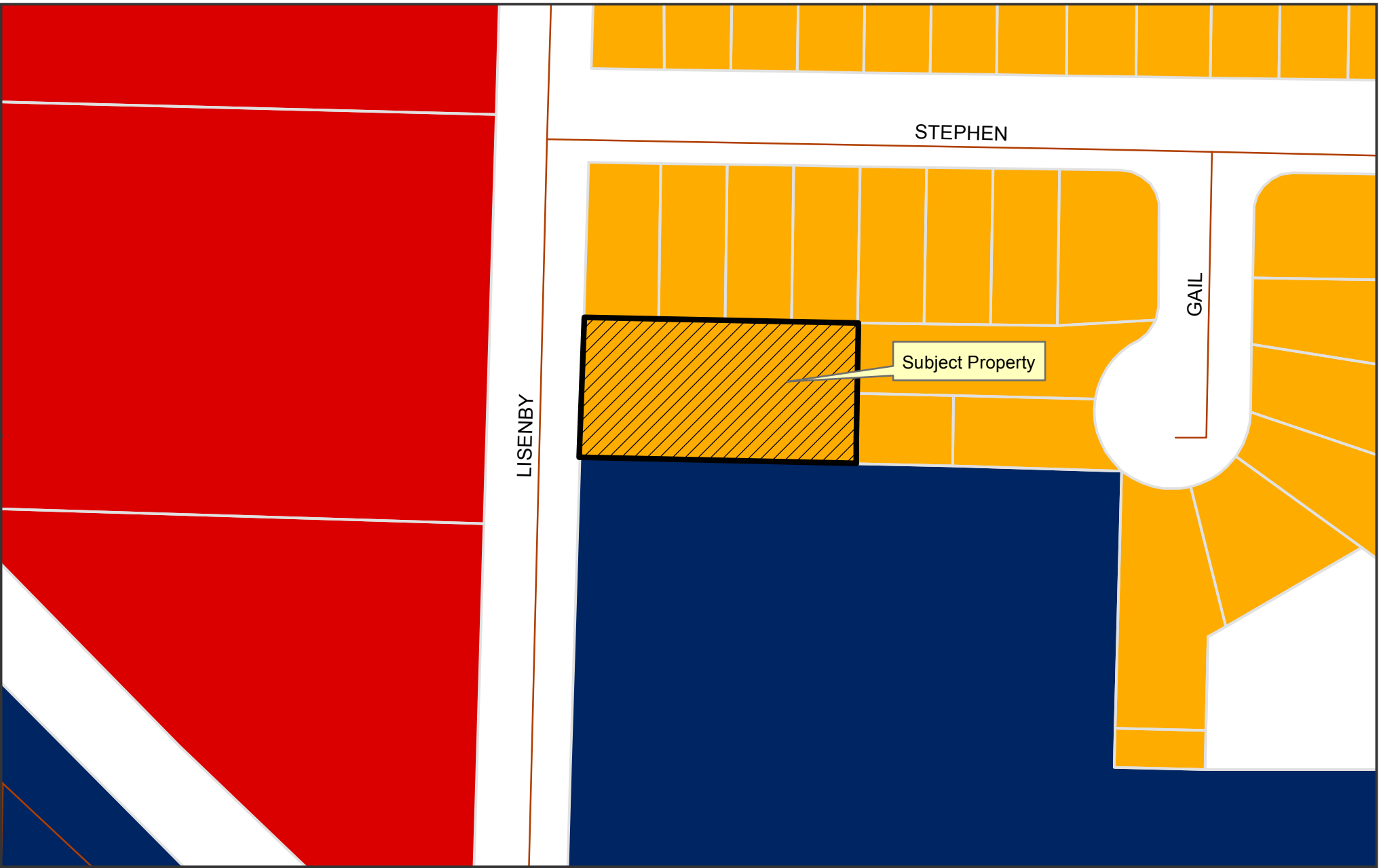
The request will not result in any deficiencies in concurrency standards. Existing development on the site is compatible with the development standards pertinent to the proposed Land Use and zoning designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



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Eric Pate  
Senior Planner

November 22, 2019  
Date



**Exhibit A**

**FLUM  
City of Panama City**

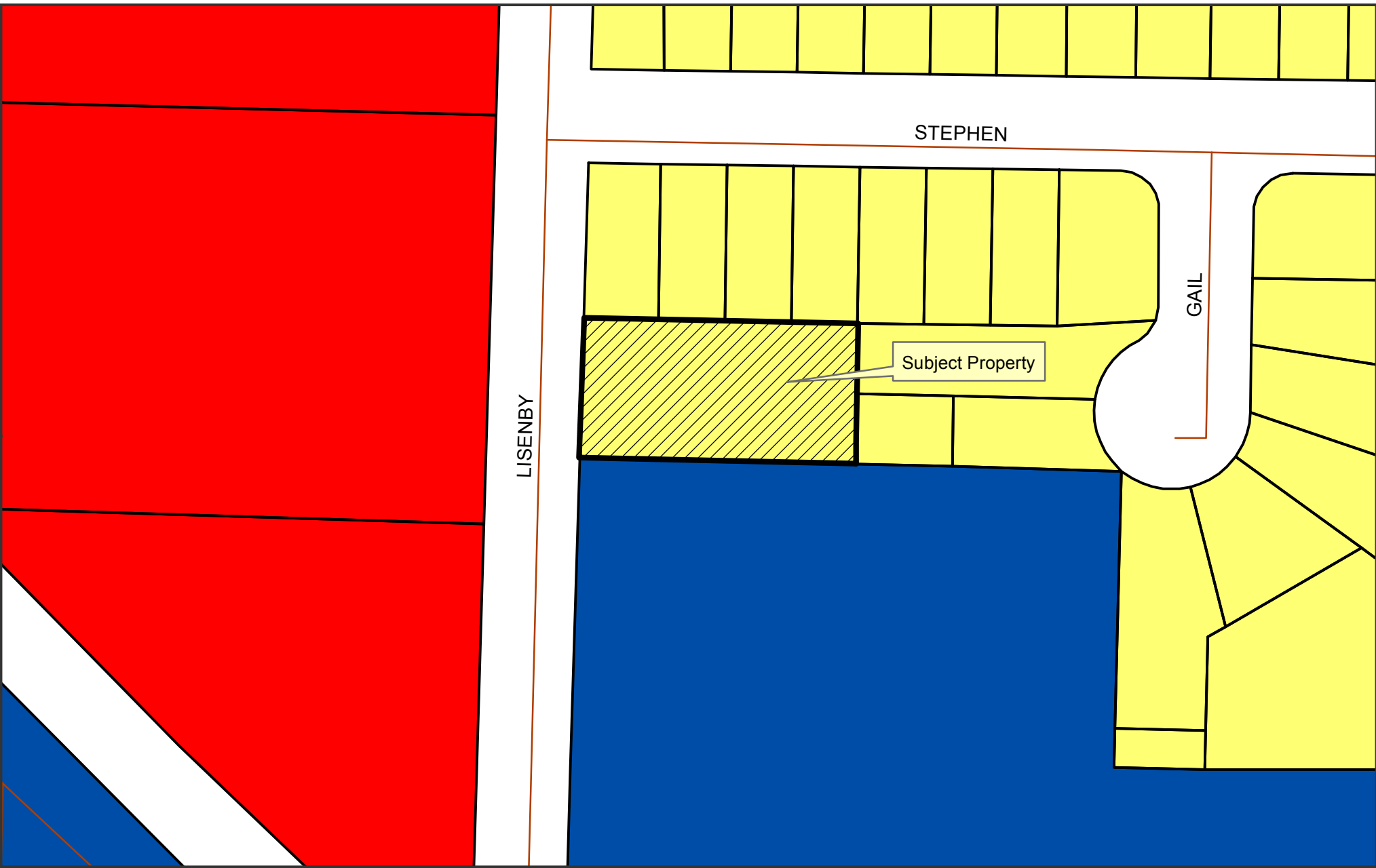
**Legend**

- |   |                      |                    |         |
|---|----------------------|--------------------|---------|
| Roads   | Industry             | Residential Vested | Ditch   |
| Future Landuse as of April 2013 (City of Panama City) | Mixed Use            | Silviculture       | Lake    |
| Downtown District                                     | Preservation         | Urban Community    | Water   |
| Residential   | Public/Institutional | Urban Residential  | Parcels |
| General Commercial                                    | Recreation           | Bay                |         |



1 inch = 83 feet





# Exhibit A

## Zoning Change City of Panama City

- Zoning City of Panama City**  
**Zoning Districts as of April 2013 (City of Panama City)**
- Downtown District
  - General Commercial - 1
  - General Commercial - 2
  - Heavy Industry

### Legend

- |  |  |   |
|--|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> Light Industry                 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black;"></span> Public/Institutional               | <span style="display: inline-block; width: 15px; height: 10px; background-color: #800080; border: 1px solid black;"></span> Urban Residential 2 |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> Mixed Use - 1                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #00FF00; border: 1px solid black;"></span> Recreation                         | <span style="display: inline-block; width: 15px; height: 10px; background-color: #654321; border: 1px solid black;"></span> Urban Residential 3 |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black;"></span> Mixed Use - 2                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> Residential - 1                    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> Shoreline           |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Mixed Use - 3                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> Residential - 2                    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> Water               |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #C8E6C9; border: 1px solid black;"></span> Planned Unit Development (PUD) | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black; border-style: dashed;"></span> Silviculture | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dashed;"></span> NOT ZONED                |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #008000; border: 1px solid black;"></span> Preservation                   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #808000; border: 1px solid black;"></span> Urban Residential 1                |   |



1 inch = 83 feet