



# CITY COMMISSION MEETING 2-25-20

## Agenda Item

## Request Form

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**ITEM:** First reading of Ordinance 2724.1 amending the Future Land Use Map of the City to reflect a land use designation of Public Institutional for the property located at 1598 Balboa Ave.

**BACKGROUND INFORMATION:** The applicant would like to use the property as a house of worship and private school. The pre-storm use of the property was a gym, the building was damaged during the storm and is currently vacant. Bayside Church, Inc. is the 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. 2724.1

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF PUBLIC/INSTITUTIONAL FOR A PARCEL OF PROPERTY LOCATED AT PARCEL # 14213-010-000, 1598 BALBOA 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 20-24 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 20-24, 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 20-24, 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 Industrial to Public/Institutional as described in Small Scale Amendment PB 20-24, with said property having the following legal description:

*Commence at the Southwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence North 40 feet to the North R/W line of 15th Street; thence S 89°30'00" E along said R/W line 628.40 feet; thence N 12°41'40" E for 43.79 feet to the Northerly R/W line of the*

*Atlanta and St. Andrews Bay Railroad to the Point of Beginning; thence N 45°25'57" W along the Northerly R/W line for 837.72 feet to the East R/W line of Balboa Avenue; thence N 00°44'11" E along said East R/W line 142.06 feet; thence S 54°00'00" E for 399.58 feet; thence N 82°20'00" E for 316.50 feet; thence S 70°40'00" E for 77.65 feet to a point on a line bearing N 12°41'40" E of the point of beginning; thence S 12°41'40" W for 524.41 feet to the point of Beginning.*

Parcel Identification No. : 14213-010-000  
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.

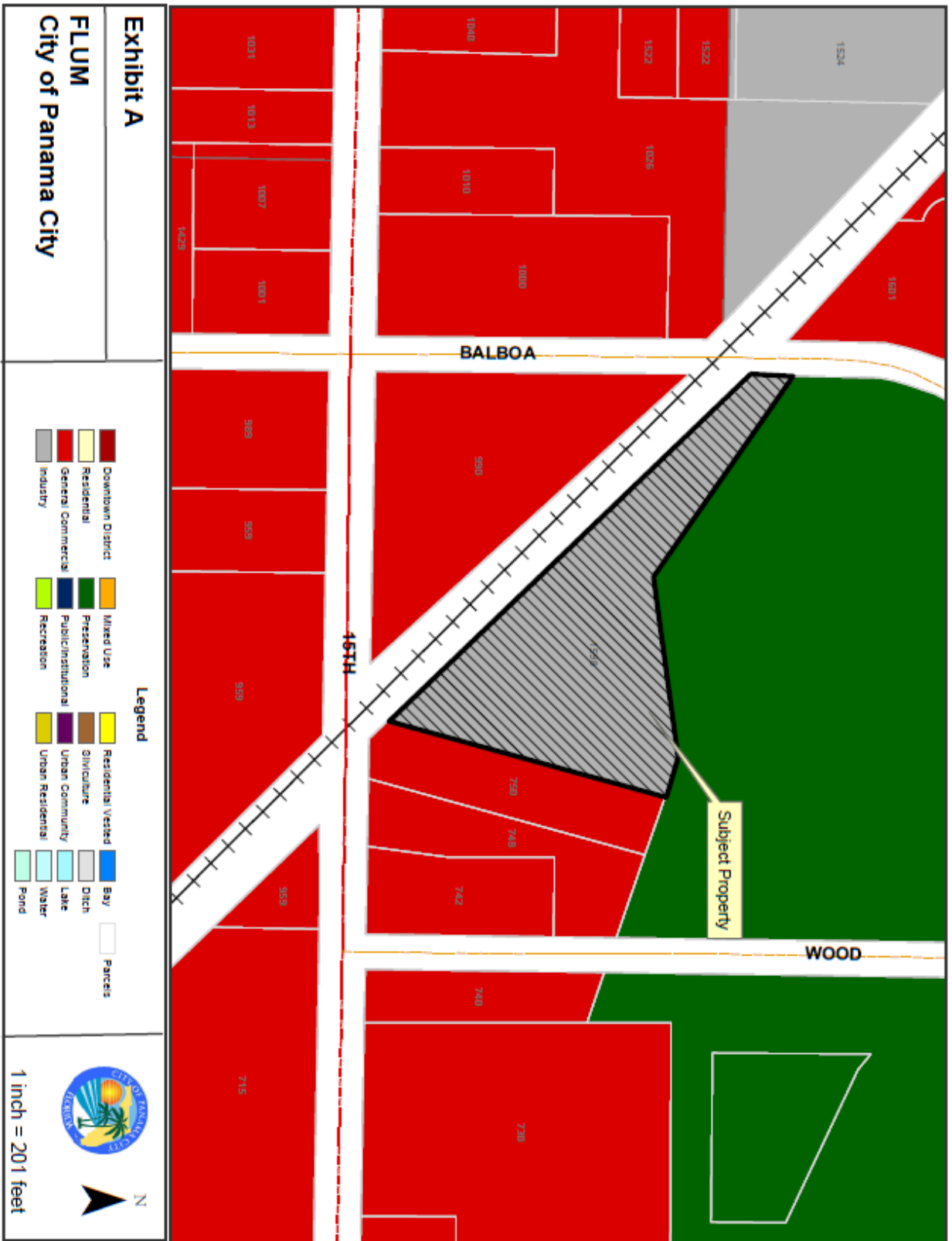
**CITY OF PANAMA CITY, FLORIDA  
A Municipal Corporation,**

**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 Six

**Type of Application:** SSLUA/Rezone

**Case Number:** PB 20-24

**Applicant/ Owner:** Bayside Church Inc, Owner and Applicant

**Location of Property:** 1598 Balboa Avenue

**Parcel ID Numbers:** Parcel #14213-010-000

**Background:** The applicant would like to use the property as a house of worship and private school.

**Special Treatment Zone:** N/A

**Wetlands:** Existing entrance drive passes through edge of wetland.

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

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

**Area of Subject Property:** 3.705 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
<b>Change From:</b>	Industrial (I)	Light Industrial (LI)
<b>Change To:</b>	Public Institutional (PI)	Public Institutional (PI)

**Current use of the property:** Previous to Hurricane Michael, Parcel #14213-010-000 was used as a gym. The existing building suffered significant storm damage.

**Proposed Use of the property:** The owner would like to use the property as a house of worship and private school.

### Directors' Report:

Utilities Director: Water is available. Sewer is being furnished by a private grinder station.

### 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. 104-25. - Public/Institutional (P/I) zoning district.**

The purpose of this zoning district is to provide areas and sites for civic and community uses.

- A. The following bulk regulations shall apply to property zoned as P/I:
  - 1. The impervious surface ratio shall be no greater than 0.90 (or 90%) of the total parcel area.
  - 2. The floor area ratio shall be no greater than 0.70 (or 70%).
  - 3. No height limitation.
  - 4. Minimum setbacks shall be:
    - i. 15 feet from the front parcel line.
    - ii. 10 feet from the rear parcel line, except when adjacent to a land use category that allows for residential uses, then 25 feet is required.
    - iii. 5 feet from the side parcel lines.
- B. The following uses are allowed in the P/I zoning district; all other uses are prohibited:
  - 1. Public or private schools, any age group.
  - 2. Buildings and lands owned by a governmental agency.
  - 3. Civic and community centers.
  - 4. Houses of worship.
  - 5. Public cemeteries.
  - 6. Public utilities.
  - 7. Borrow pits; landfills (if approved by the City Commission).
  - 8. Hospitals, medical centers, and other health care facilities.
  - 9. Nursing home, convalescent home, hospice center, skilled nursing facility, extended care facilities for the elderly, or other similar uses.
  - 10. Residential uses which are incidental to a primary use such as a parsonage or caretakers quarters.
  - 11. Correctional institutions, after approval by the City Commission, and after compatibility with adjacent uses has been determined.
  - 12. Military installations.
  - 13. Public or non-commercial private recreational uses to include marinas and boat ramps.
- C. Additional Requirements.
  - 1. Provide off-street parking as specified in Chapter 108.
  - 2. Conform to the landscaping and buffering requirements as specified in Chapter 107.

**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 located adjacent to auto-oriented commercial properties along 15<sup>th</sup> Street along the southern edge of an extensive wetland. Access is located on Balboa Ave. The proposed Land Use amendment/zoning change will not create a nuisance and is compatible with surrounding land development patterns.

**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.

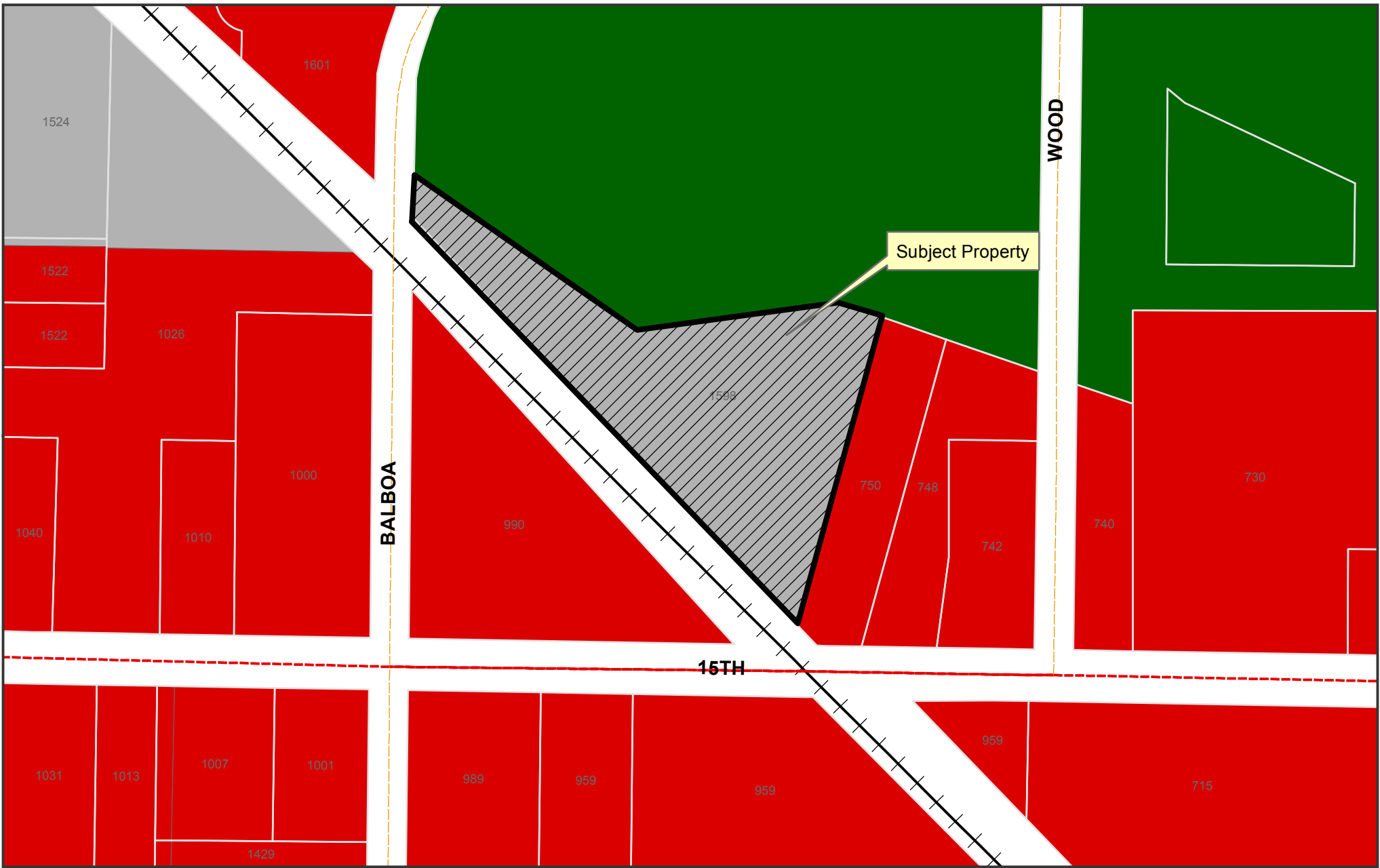



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Eric Pate  
Senior Planner

October 24, 2019  
Date





**Exhibit A**

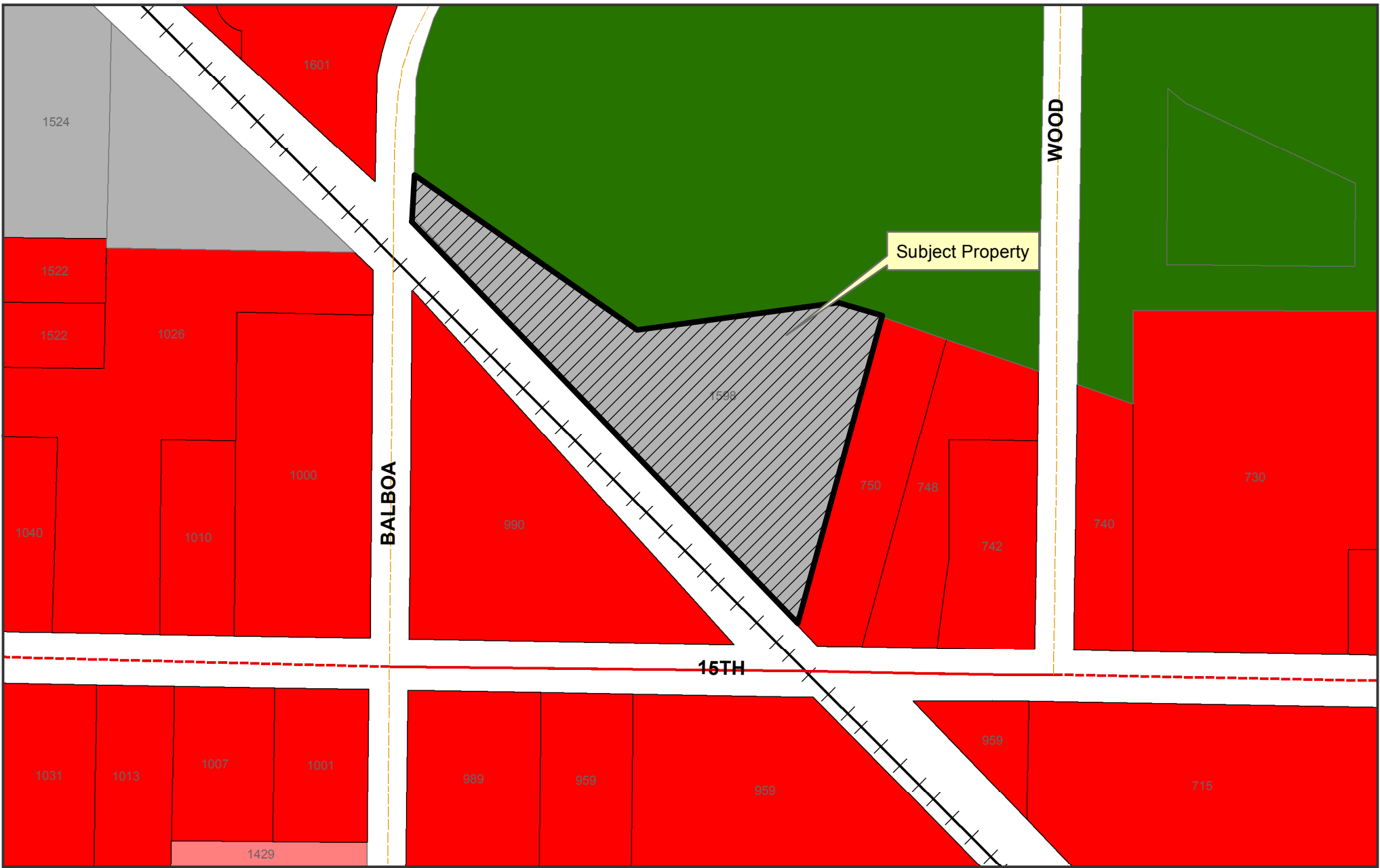
**FLUM  
City of Panama City**

**Legend**

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



1 inch = 201 feet



# Exhibit A

## Zoning Change City of Panama City

### 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

### Legend

- Recreation
- Residential - 1
- Residential - 2
- Silviculture
- Urban Residential 1
- Urban Residential 2

- Urban Residential 3
- Shoreline
- Water
- NOT ZONED

Parcels



1 inch = 201 feet