



**PLANNING BOARD OF PANAMA CITY  
PANAMA CITY, FLORIDA**

**MEETING MINUTES  
January 13, 2020**

The City of Panama City Planning Board met on the above date with the following members present:

Mr. James Barker  
Ms. Mary Sittman, Vice Chairman  
Mr. Ray Dubuque, Chairman

Also present:     Mike Lane, Planning Director  
                    Eric Pate, Senior Planner  
                                  Rebecca Ando, Administrative Assistant

Absent:         Mr. Doug Crosby  
                    Mr. Brian Neubauer  
                    Tina Scibelli, Planner I

Mr. Dubuque called the Planning Board Meeting for January 13, 2020 to order. Mr. Dubuque let everyone know that they will be given opportunities to address the issue you would like. We make recommendations to the City and the City has the last say. Mr. Dubuque explained that all the items addressed today will be heard at the City Commission meetings February 11th and the second and final reading on February 25th, 2020, unless it is tabled, at the Bay County Government Building at 840 W. 11<sup>th</sup> Street at 8AM, with that let's take the roll. Usually they don't take public comment at the first meeting, but I have seen them take comment.

The roll was taken.

Mr. Dubuque asked, "Are there any changes or deletions to the agenda?" Seeing no changes or deletions, may I get a motion to accept the last minutes. Mr. Barker motioned to accept and Ms. Sittman seconded the motion. Any announcements or disclosures from anyone? Seeing none, let's move on to Request number One.

The roll was taken.

Mr. Dubuque explained that these are the procedures we go through, staff gives presentation on the item, board will ask staff questions and public comment will begin. If you have anything to say, come to the mic, state your name and address for the record.

Mr. Eric Pate presented request one.

**Request One: Request for annexation and land use change and rezoning of .909 acres from Residential R-1 (Bay County) to General Commercial-2 GC-2 (Panama City), 836 E 215<sup>th</sup> St., Homer Hutto, owner and Robert Curti, applicant.**

Any questions for staff or the board? Anyone from the audience? There was no response, so a motion was given by Ms. Sittman and a second by Mr. Barker. If no discussion, please take the roll.

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

**Proposed Use of the property:** The owner would like to build duplexes.

**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. 104-38. - 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.

The roll was taken.

The motion passed unanimously.

Mr. Pate went on to present the next request.

**Request Two: 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.**

This is requested to convert property from multifamily, nursing facility, Glencove to General Commercial 2.

Ms. Sittman said she developed and sold Glencove 20 years ago and wanted to make sure there was no conflict of interest. Mr. Dubuque asked if she or any of her family would profit from this and the answer was no.

Is there someone from the applicant?

Will it be market rate or subsidized? Market rate.

Ms. Sittman motioned to accept the request and Mr. Barker seconded the motion.

Mr. Dubuque asked that the roll be taken.

**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:

5. *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.

6. *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.

*7. 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

*8. 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:

- (5) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (6) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (7) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (8) 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.

The roll was taken.  
The motion passed unanimously.

Moving on to Request Three:

**Request Three: Request for land use change and rezoning of 2.083 acres from Residential -1, R-1, to General Commercial-1, GC-1, 919 Kraft Ave, KSP Hobbs Enterprises, Inc., owner, and McNeil Carroll Engineering, Inc., applicant.**

Any questions to staff from board? Mr. Barker asked if Kraft Ave was going to go straight through. Or is that going to be deeded? The street dead ends, right?

Mr. Pate responded that there had not been any conversation regarding Kraft Avenue going through. The access is just where the road ends.

Ms. Sittman asked if there was any other access to the property other than Kraft Ave.

Mr. Sean McNeil, of McNeil Carroll Engineering, 475 Harrison Avenue, said yes, the only access at this time is Kraft Avenue.

Hobbs Plumbing is located on East Avenue abutting this property on the west side and it is going to be an extension of that business as they have gotten busier and want to add warehousing and for material storage.

The Kraft Avenue south, Right of way, according to GIS does not extend past 9<sup>th</sup> Court.

Mr. McNeil said the rezoning to GC-1 is for the purpose of enlarging and extending Hobbs Plumbing business.

Mr. Barker asked about the access to the property.

Mr. Lane said access to property is not state required.

Scott Hobbs knows that the city maintains the property and pavement on Kraft Ave.

Mr. McNeil gave his appreciation to the board for their volunteering to the city.

Ms. Sittman made a motion to approve and Mr. Barker made a second.

Mr. Dubuque asked that the roll be taken.

**Current use of the property:** The current use of the property is low-density residential.

**Proposed Use of the property:** The owner would like to use the property to support the existing business to the west.

**Directors' Report:**

Utilities Director: Water available. The gravity sanitary sewer would need to be extended or a private grinder station will need to be installed.

**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-1) 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-1:
1. The impervious surface ratio shall be no greater than 0.70 (or 70%) of the total parcel area.
  2. The floor area ratio (FAR) may not exceed 2.0 (or 200%).
  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-1 zoning district; all other uses are prohibited:

1. 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 such a 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-thru window.
- vii. Public utilities customarily found in residential areas.
- viii. Other similar uses serving the neighborhood area.

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 caretaker facilities.

**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:

9. *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.

10. *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.

*11. 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

*12. Compatible with adjacent land uses and districts, and not create a potential nuisance.*

The subject property is proposed to be utilized in a similar manner as adjacent properties to the immediate South and West. No residential building directly abuts the subject property.

### **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:

- (9) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (10) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (11) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (12) 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.

The Roll was taken.

The motion passed unanimously.

Mr. Pate moved on to Request Four:

Mr. Dubuque said that additional photos of flooding of Stephen Drive area were given to the board in addition to the Staff packet of information.

**Request Four: Request for land use change and rezoning of 0.349 acres from Residential-1, R-1 to General Commercial- 2, GC-2, 2012 Lisenby Ave., James Feltman, owner and applicant.**

Mr. Dubuque asked if there were questions for Staff. Are there people in the audience who would like to address this?

Kenneth Manley of 9115 Sunshine Drive, Youngstown, FL 32466 approached the podium. This area was zoned commercial and was changed to residential. On the map it now shows commercial, we are not trying to change it but change it back. The office buildings that have been there since the 90's. Mr. Manley works for the applicant. There are three units there. The property appraisers' office has it as offices.

Just north of the Gulf Power substation. There is a pet grooming and tattoo business currently. The other unit is not rented yet.

Keith Sealy of 1611 Lindenwood Drive asked if this was a different flavor of commercial zoning.

Mr. Dubuque asked Mr. Lane about the zoning and said it could have been a Scribner's error. Mr. Lane acknowledged that it is Commercially Zoned.

Mr. Dubuque if there was anyone else who would like to address this.

Rusty Stinson of 2003 Gail Court, Panama City, FL approached the podium, his property is next to the vacant lot next to the property. He said flooding is a problem in the area and if there is more building flooding will be an issue. Mike Lane explained that there is no Mixed Use-1 zoning, it was changed to Residential-1.

Mr. Feltman's representative, his daughter Jan Aker of 1911 Tyndall Drive said there were no plans to build anything on the property. The vacant property is also owned by Mr. Feltman.

Ms. Sittman said that General Commercial has stricter storm water regulations than Residential zoning.

Mr. Barker asked if Mr. Stinson was satisfied with the answers he has been given and Mr. Stinson replied, that yes, he was.

Nicholas Ward of 1339 Stephen Drive approached the podium and asked what would prevent someone changing their mind and developing the property by concreting or putting a parking lot into the vacant lot.

Mr. Lane said that anything over 2,000+ square feet of impervious surface would need a storm water pond and our city engineers would have to review it.

Ms. Sittman made a motion to accept and Mr. Barker seconded the motion.

Mr. Dubuque asked that the roll be taken.

**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:

13. *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.

14. *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.

15. *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

*16. 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:

- (13) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (14) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (15) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (16) 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.

The roll was taken.

The motion passed unanimously.

Mr. Pate presented request number five:

**Request Five: Request for land use change and rezoning of 2.436 acres from Manufactured Home-1, MH-1, to Light Industrial, LI, 5001 W. 18<sup>th</sup> St., George Wilson, owner and Patrick Jones, applicant.**

Mr. Dubuque asked if there were questions from the board. Ms. Sittman disclosed that Mr. Jones had called her to discuss this and Mr. Dubuque said he had been contacted as well.

Rosanne Weglinski of 4903 W. 18<sup>th</sup> St. approached the podium and said this is a nice quiet, quiet residential neighborhood and that she is the third generation of her family to live there. Having the property rezoned to any kind industrial will change the quality of life for all of us. We have a great neighborhood, we know everyone by name.

Mr. Dubuque asked if the property right below the property in question is owned by the Port of Panama City.

Ms. Weglinski said she owned the property next to hers.

Mr. Dubuque asked if you have noticed much activity from the Port.

Mr. Lane said that if they are zoned Light Industrial they will be required to have adequate trees and buffers.

Ms. Weglinski said the noise factor has increased since the storm and with the trees gone, without a landscape buffer they can smell paint from the Port.

The neighbors are concerned as to what the Port of Panama City is going to do with the property. If they are going to put a staging area with tractor trailers running their generators all night long, but they don't know. They could open the area as a main gate and the traffic could increase significantly. The uncertainty of what is going into the area is our concern.

Patrick Jones, representing the owner, 17216 Panama City Beach Parkway. We are sensitive to the surrounding neighborhood. This is under contract with the Port to obtain this zoning change.

This is an international custom zone and if the port were to take over Hanna Street it would not route traffic out of 18<sup>th</sup> street but back into the property. The Port is considering a green space in the area that is currently zoned Light Industrial. The gate is not being utilized now. The alternative is a high density mobile home park, but that is not their intention.

Ms. Sittman said that the Port would be better stewards, as an owner, than any company that has a laydown yard.

Ms. Weglinski stress the fact that this affects families.

George Wilson, 3813 Mariner Dr., Panama City Beach, the owner of the property came forward. He has had numerous conversations with the Port. The Port wants to provide buffers and do the right thing. The Port owns the property to the west and the south of the property. The State owns the property to the north. Mr. Wilson said the gate was for emergency evacuation.

Mr. Dubuque asked for a motion. Ms. Sittman made a motion to accept and Mr. Barker seconded it.

Mr. Dubuque asked that the roll be taken.

**Current use of the property:** The current use of the property is as contractor staging for the construction of the U.S. 98 Flyover project to the north of the property.

**Proposed Use of the property:** The owner has not identified a specific proposed use of the property.

**Directors' Report:**

Utilities Director: Water and sanitary sewer is 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. 104-39. – Light Industrial (LI) zoning district.**

The purpose of the light industry zoning district is to provide areas for light industrial operations which have minimum nuisance attributes and do not cause excessive noise, smoke, pollutants, traffic by trucks or other similar characteristics normally associated with a heavy industrial operation, or invite the storage of chemical or petroleum products.

- A. The following bulk regulations shall apply to property zoned as LI:
  - 1. The impervious surface ratio shall be no greater than 0.80 (or 80%) of the total parcel area.
  - 2. The floor area ratio (FAR) may not exceed 1.0 (or 100%).
  - 3. No maximum height.
  - 4. Minimum setbacks shall be:
    - i. No less than 25 feet from any property line at the perimeter of the zoning category boundary, except as described in Sec. 104-37.A.4.ii (below).
    - ii. Industrial uses adjacent to lands designated as Industrial on the Future Land Use Map (FLUM) shall have a setback requirement of 5 feet from the property line.
- B. The following uses are allowed in the LI zoning district; all other uses are prohibited:
  - 1. Manufacturing and assembly.
  - 2. Private and commercial marinas and marine facilities.
  - 3. Business park.
  - 4. Vocational trade and industrial education.
  - 5. Public utilities.
- C. Additional Requirements.
  - 1. Conform to the industrial performance standards as specified in Chapter 12, Article V of the Municipal Code.
  - 2. Provide off-street parking as specified in Chapter 108.
  - 3. Landscaping and buffering is required as specified in Chapter 107.
  - 4. Complete a compatibility analysis of the proposed use with the existing adjacent uses and the allowable uses as specified by the Future Land Use Map, as part of the development order application process.

**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:

17. *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.

18. *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.

*19. 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

*20. Compatible with adjacent land uses and districts, and not create a potential nuisance.*

While a specific proposed use of the subject property has not been identified by the applicant, the proposed new land use and zoning designation would be in line with adjacent land uses directly to the West and South. The subject property is currently being used as a contractor staging area for construction equipment and supplies associated with the U.S. 98 Flyover project. A Light Industrial designation would provide a buffer between the existing residential area to the East and the Port of Panama City to the West. This designation could allow for the stepping down in intensity of potentially disruptive uses commonly associated with the Heavy Industrial designated areas of the Port of Panama City.

**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:

- (17) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (18) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (19) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (20) 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.

The roll was taken.  
The motion passed unanimously.

Mr. Dubuque said Mike Nichols is the City Commissioner for that area and to let him know how you feel.

Moving on to request number six.

Mr. Pate presented the next request.

**Request Six: Request for land use change and rezoning of 3.705 acres from Light Industrial, LI, to Public Institutional, PI, 1598 Balboa Avenue, Bayside Church Inc., owner and applicant.**

Mr. Dubuque asked if there were questions for staff. Seeing none, he asked if we had a motion.  
Mr. Barker made a motion to accept and Ms. Sittman seconded the motion.  
Mr. Dubuque asked that the roll be taken.

**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:

21. *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.

22. *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.

*23. 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

*24. 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:

- (21) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (22) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (23) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (24) 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.

The roll was taken.  
The motion passed unanimously.

Meeting adjourned at 4:47PM.

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Ray Dubuque, Chairman

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Rebecca Ando, Administrative Assistant

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