



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

**PLANNING BOARD APPEAL, WORKSHOP & MEETING  
MINUTES  
December 14, 2020**

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

Mr. Ray Dubuque, Chairman  
Ms. Mary Sittman, Vice Chairman  
Mr. James Barker  
Mr. Doug Crosby  
Mr. Brian Neubauer

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

Absent: Tina Scibelli, Planner II

Mr. Dubuque called the Planning Board and Public Appeal, Workshop & Meeting of December 14th to order and he asked that the roll be taken. This is part of a judicial hearing for the First Proposal: Coronado\_23<sup>rd</sup>\_BankcorpSouth Admin. Appeal.

The roll was taken.

Ms. Sittman announced that she was on zoom although a quorum was met with the members in person.

Mr. Dubuque said we need any disclosures by anyone who has spoken to either sides regarding this matter. Doug Crosby said that he had and knows he is exempt.

Attorney, Michael Dickey of 1577 Pine Bluff Road, Perry, Florida 3348. Representing the Coronado 23<sup>rd</sup>, LLC in the appeal of the issuance of this development order called BankCorpSouth. There is a prior binder of exhibits from October haven't made the trip this time.

Attorney, Michael Dickey announced:

The attorneys are working well together and we appreciate your patience.

The first order of the business is that the witnesses are sworn in.

Sean McNeil, of McNeil Carroll Engineering, Inc., 475 Harrison Ave., Ste 200, Panama City, and Mike Lane of the City of Panama Florida were duly sworn in.

Michael Dickey said he would point to all the key documents in the presentation and walk you through why we are here and what we think this Board ought to do.

We have today, Bill and Rob Lloyd principles of Coronado 23rd, Jane Moody the Accountant for the editing and Scott Marloda, who also represents them.

As Mr. Burke said, we are trying to compress and get the issues presented out in front of you. First was the appeal timely filed and two whether BankCorpSouth satisfied the intercom activity requirement in the Land Development Code or established an alternative that was feasible or possible.

Mr. Dubuque reported that the appellant had applied within ten working days, if the interconnectivity of the code was enacted.

A motion to determine if the appellant had a standing and if the proper notice was given in a timely manner was made by Mr. Barker and a second was made by Mary Sittman. The appeal was longer than ten days.

The roll was called. Three nos', one yes. Not unanimous.

3:10 - 5:15PM

Mr. Dubuque asked if there were any announcements or disclosures?

Disclosures of Request six by Mr. Dubuque, Mr. Crosby & Ms. Sittman said they all met with Mr. Sikes.

*Due to the length of this meeting regarding the appeal law suit and the challenge of completing the minutes in a timely manner, I have obtained a copy of the transcription from the attorney's office. Please see attached.*

*I will proceed with the Neighborhood Planning Workshop and the Planning Board Requests.*

Eric Pate announced that the City has been working on workshops for several cities including Glenwood, Millville and St. Andrews. He brought forth reviews of the work that has been done so far. Amy Groves with Dover Kohl proceeded showing the study areas based on the CRA boundaries and expansion. Open house charrette meetings were held and getting into details of what the neighborhood vision is and how to complete the spaces. Some big ideas of the community and the neighborhoods. We have been looking and the details and working on making revisions for the Glenwood Area. Last June we had stakeholder meetings, in August we had in person meetings and in October there were drafted plans including big community ideas and drafts of the neighborhoods. Creating complete areas.

The Glenwood plans is to make the street more walkable and development along the boulevard. Better spaces and economic development and developing the areas.

In Millville the water front park was discussed and combining it with the downtown area, increasing infrastructure in all neighborhoods. Improving Business 98 with the aesthetics how to move around that space. Upgrading utilities in all areas and in recovery of the storm.

In St. Andrews, similar themes but applied differently in the neighborhood and improving Beck Avenue and improving safety and pedestrian areas, updated standards for new buildings. Discussing patterns, bike and walking paths and existing zonings of the areas, the density, setbacks etc.

In the commercial corridors there are larger setbacks and lot requirements that have disintegrated due to the enlargement of the roads. Design standards that would not have blank walls.

There are recommended zoning districts Downtown with greatest mix of uses, Neighborhood General Uses, Neighborhood residential. General Commercial restructuring of the lots and setbacks. Minimum lot sizes and setbacks could be introduced

General Commercial in neighborhoods recommended building setbacks to be closer to the streets and changing parking issues. Missing middle housing and adding design standards that encourage more walkability. The types of houses, such as duplexes, townhouses and courthouse apartments were often built but they haven't been built recently. Looking at parking minimums and incentive. It is putting parking in the hands of the property owners instead of the government.

The zoning requirements need to be looked at to welcome more affordable desirable choices.

The building setback zones where future buildings should be built from zero to five feet to enhance the character of the area. Minimum and maximum setbacks and frontage occupancy was looked at. New parking standards to minimize parking. Signage for each of the areas was mentioned as well.

For further information on Panama City Neighborhood Plans for each neighborhoods of Glenwood, Millville & St. Andrews please go to: <https://www.envisionpc.org/>

Mr. Dubuque called the Planning Board meeting of December 14<sup>th</sup> to order and asked that the roll be taken. Requests three and four will be heard for a transmittal hearing on Tuesday, January 12, 2021 at 8am and a future adoption hearing TBD.

Roll was taken.

Mr. Dubuque explained that the Planning Board only makes recommendations and that the City Commission makes the final decisions. These requests will be presented at the City Commission meeting for the first reading on Tuesday January 12, 2021 at 8:00 AM and public comment will be heard at the final reading on Tuesday, January 24, 2021 at 8AM. Any changes or deletions to the agenda?

Mr. Pate asked if we were moving into the requests instead of the Neighborhood Workshop. Mr. Dubuque stated that we combine the workshop and the conversation. Mr. Dubuque asked that the minutes be approved. Minutes were approved, a motion was made by Mr. Barker and Mr. Neubauer seconded it. He asked that the roll be taken. The roll was taken.

Mr. Dubuque asked if there were any disclosures. He disclosed that on Item Six he had talked to Mr. Sikes. Mr. Neubauer, Ms. Sittman and Mr. Barker all disclosed that they had also talked to Mr. Sikes.

Mr. Lane interrupted and said we need to have conversation on the neighborhood workshop. Mr. Dubuque said we are moving back to the workshop on neighborhood planning.

Mr. Pate explained that the City has been working on several neighborhood visions including charette meetings etc. Amy Groves was available via Zoom to present the plans and input from the public. We have draft plans for all of the neighborhoods and an implementation plan. The plans are online for your viewing. Lots of ideas about infrastructure, roads and green spaces. Lot sizes and patterns were discussed for rebuilding. Revisions of setbacks and adjusting parking regulations and encourage walkability and adding more design standards. The discussion and drafts of the neighborhoods can be found online at <https://www.envisionpc.org/> with access to YouTube videos as well.

Missing middle housing were discussed, involving townhouses, apartments, duplexes, courtyard apartments and other options. Building setback lines were set to develop the character of the neighborhoods.

Mr. Pate asked for questions or comments. Mr. Dubuque asked about parking for the downtown area and that the city needed to offset that. He said he felt that this would help increase development.

Mr. Barker addressed the parking on Martin Luther King Blvd. He asked if the city was planning on providing parking lots and if they were planning on building individual private homes or three-story communities.

Mr. Lane said we are trying to provide options for small builders and developers to expand in these areas. We are trying to encourage more opportunities for affordable housing.

Mr. Dubuque closed the workshop.

Mr. Fredriksson presented request one:

**Request One: Request for land use change, and rezoning of .263 acres from Residential 1, R-1 to Mixed Use 2, MU-2, 1009 Frankford Ave, David and Pamela Collins, owners and Paul Collins, applicant.**

Mr. Dubuque asked if there were any questions for staff? He said that the property across 11<sup>th</sup> Street was is shown as Public Institutional and it is an apartment complex and a residential area. Is that just an overlay area error?

Mr. Lane said this could have been owned by a church. Mr. Dubuque asked, Did the applicant indicate how many chairs are going to be allowed in the spot?

Michele Holmes of 109 Frankford Avenue and Paul Collins. Mr. Dubuque asked how many salon chairs were going to be put in the salon. Michele responded that they were only going to have two chairs.

Mr. Dubuque asked if there were any public comments.

Ann Walker of 1106 Clay Avenue asked about signage and how much traffic they would anticipate having going in and out.

Michele Holmes said they were only going to have their name on the awning over the doorway. She said she has an established clientele and may have two to three clients a day and Paul Collins may have five clients. So, not a lot of traffic.

Jeff Lang of 1104 Clay Avenue is fine with them having a hair salon but is concerned with the zoning request change. The historic district natural needs to be preserved

Mr. Dubuque asked if there was any question as to what can go in there in Mixed Use – 2? It is limited.

Ms. Holmes said there are several businesses in the area and we just want to have our business and work from our home. Progressive Insurance is nearby and commercial convenience store and the park nearby.

Mr. Lang stated that he lives behind the insurance company nearby and there are people coming and going all times of night. Once it is rezoned it will be open for other things to happen there. The dentist office is fine. What else could be done there under this zoning. He concerned about the historic district and changing the character of the neighborhood starting a precedence of changes.

Ms. Holmes said we have to intention of selling.

Ann Walker asked if Frankford was the boundary for the historical district and Panama City. Parcels south of Hwy 98 and north of St. Andrew bay and Linden Avenue.

**Current use of the property:** The property is currently zoned and used for a single-family residential home.

**Proposed Use of the property:** The owner would like to convert an accessory structure as a salon.

**Directors' Report:**

Utilities Director: Utilities has no comment.

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**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. 104-30. – 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. The following bulk regulations shall apply to property zoned as MU-2:

1. The impervious surface ratio (ISR) shall be no greater than 0.65 (or 65%) of the total parcel area.
2. The floor area ratio shall be not to exceed 0.65 or 65%.
3. Have a density no greater than 10 dwelling units to the acre.
4. All structures shall a maximum height limitation of 65 feet above base flood elevation (BFE) or the crown of the road whichever is higher.
5. Minimum setbacks shall be:
  - i. 15 feet from the front parcel line.
  - ii. 20 feet from the rear parcel line.
  - iii. 5 7 feet from the side parcel lines.
  - iv. Side setbacks may be decreased to 0 feet only when there is a common wall between units.
6. Properties adjacent to an R-1 or R-2 zoning district shall be setback a minimum shall be setback a minimum of:
  - i. 15 feet from the front parcel line.
  - ii. 30 feet from the rear parcel line.
  - iii. 12 feet from the side parcel lines

B. The following uses are allowed in the MU-2 zoning district; all other uses are prohibited:

1. Single-family detached dwellings on individual parcels;
2. Community residential homes shall be allowed when 6 or fewer residents are located in a single-family, residential dwelling provided that such homes are not located within 1,000 feet of one another and when the location of such homes does not substantially alter the nature and character of the area. Such use must be licensed by a state agency as listed in Section 419.001(1)(b) Florida Statutes.
3. Public and private schools grades K-12.
4. Public or noncommercial private recreation.
5. Accessory uses or structures as set forth in Chapter 104, Article IV and V.
6. Public utilities customarily found in residential areas;
7. Family day care homes pursuant to Section 125.0109, Florida Statutes;
8. Bed and Breakfast Inns;
9. Attached dwellings, up to 4 units attached.
10. Multi-family structures up to 15 dwelling units per acre.
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11. 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 childcare or day care for children.
  - iii. Commercial recreational facilities.
  - iv. Grocery and convenience retail including, but not limited to, 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-through window.
  - vii. Other similar uses serving the neighborhood area.

12. Uses with drive-through structural components, except for those uses associated with a restaurant business.

13. Retail business

C. Additional Requirements (continued)

1. No more than 70% of this zoning district, in combination with the MU-3 zoning districts, may be used for commercial, and 50% for low density residential uses. This analysis shall be made on a continuous basis and shall be assessed district wide. Individual projects that contain a mix of two or more uses shall be exempt from the percentages.

2. Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

3. Provide off-street parking, as specified in Chapter 108.

4. Conform to the landscaping and buffer 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.

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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 site is located adjacent to auto-oriented commercial development and undeveloped wetlands. The proposed Land Use amendment/zoning change is not expected to create a nuisance to nearby homeowners.

**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. Proposed 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.

Mr. Dubuque asked if there was anything else. He asked if anyone had a motion to accept and Mr. Neubauer made a motion to accept and M. Barker seconded the motion.

Mr. Dubuque asked that the roll be taken. The roll was taken.

January 12th and January 24<sup>th</sup> are the dates of the City Commission meetings for these requests.

The request was unanimously approved.

Mr. Pate presented request Two:

**Request Two: Request for land use change, and rezoning of .59 acres from General Commercial 2, GC-2 to Light Industry, LI, 3009 E 3<sup>rd</sup> Ct, Danny Cepero, Owner and Applicant.**

Mr. Dubuque said he had questions for the applicant. He asked if the applicant or a representative here? Did the applicant indicate to you what kind of manufacturing would be done at the location?

Mr. Pate said the background was there was a code enforcement violation regarding the property. To allow the existing use of the property to continue to Light Industrial.

Mr. Dubuque said he went by and he couldn't determine what type of business was going on at this location. You can see that it has been built and in operation.

Mr. Pate said there was conversation regarding improved landscaping and screening.

Mr. Dubuque said it has commercial north and east and residential west and the park south.

**Proposed Use of the property:** The owner would like to use the property for industrial activities which are currently prohibited in the Gateway Overlay District and General Commercial 2 zoning districts. With the required landscaping, the applicant should be able to screen the activities from view from Business Highway 98.

**Directors' Report:**

Utilities Director: Utilities has no comment.

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**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

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 LI zoning districts; 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

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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:

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 proposed zoning district is compatible with adjacent land uses in the City. The proposed zoning designation of LI is similar to the current zoning in the area.

**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 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:**

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The request will not result in any deficiencies in concurrency standards. Proposed 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.

Mr. Neubauer declined the request and Mr. Barker and Ms. Sittman seconded the request.

Mr. Dubuque asked that that roll be taken. The roll was taken.

The motion was not unanimously approved.

**Request Three: Request to Adopt a Comprehensive Plan Text Amendment Change.**

This is a strike through recommend for people to build townhome buildings and because this being in the comprehensive plan we haven't been officially allow it. So, we are striking it up to four units.

**Request:** Adopt proposed text amendment which amends language contained within the allowable use section of the Residential Future Land Use category.

**Case Number:** PB 21-19

**Background Information:**

The text change consists of removing the limitation of 4 units attached that applies to the multi-family portion of the allowable uses section as depicted below. Limiting the number of attached units is more

appropriately regulated within the Residential Zoning Districts contained within the Land Development Regulations. Therefore, the following text amendment is proposed in Strikethrough and Underline to the Residential Future Land Use Category:

**Policy 1.1.10. 5. Residential (R)**

(a) Intent - This category is intended to provide areas for the preservation or development of neighborhoods consisting of primarily single-family dwelling units on individual lots.

(b) Density – Maximum density shall be no more than 10 dwelling units per acre.

(c) Impervious Surface Area – No more than 0.50 lot coverage.

(d) Allowable uses – Residential single-family and multi-family up to 4 units attached, public and private schools grades K – 12, utilities, and public or non-commercial private recreation.

**Staff Recommendation:** Recommend to the City Commission the amendment of the language in the Residential Future Land Use category.

Mr. Neubauer made a request to approve the motion and Mr. Crosby seconded the motion.

Mr. Dubuque asked that the roll be taken. The roll was taken.

The motion was approved unanimously.

Mr. Pate presented request four:

**Request Four: Request for annexation, land use change, and rezoning of 32.12 acres from Residential 2, R-2 (Bay County) to Planned Unit Development, PUD (Panama City), 6003 Tree Farm Rd, Infinity Construction Enterprises, Inc., Hidden Woods, LLC., and Buck Creek Developers, Inc., owner and Derwin White and Raymond Greer, applicants.**

Mr. Dubuque asked if there were questions for staff?

Raymond Greer of 2910 Kerry Forest Pkwy, Tallahassee, Florida, the applicant's representative, said the 32.12 acres (large scale land use change) surrounded by 238 acres of land zoned residential that surrounds this. We are asking for Planned Unit Development of 270 acres with a master plan. The uses are already allowed. There is a buffer between the property and Bayline Drive.

Mr. Dubuque said this is the one that abuts the Bayline Railroad.

Paula Visco of 5835 Bay Line Drive commented on the wetland concern of the area and how this was going to affect them in the Light industrial area north of the property for the Planned Unit Development.

Mr. Greer said there were several residential properties surrounding her property.

**Current use of the property:** Single Family Home.

**Proposed use:** This 32.12-acre parcel will be part of the 270 acres Planned Unit at Hidden

Woods. The Hidden Woods Planned Unit Development Master Plan Application encompasses a 270-acre area. The 270-acre Planned Unit Development will be developed through multiple phases over the next 10 years.

**Utility Director's Report:** Utilities has no comment.

## **Comprehensive Plan Objectives and Policies:**

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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 (Exhibit 1) 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.)

### **Land Development Regulations:**

Sec. 104-41. - Planned unit development (PUD). A. Purpose. The purpose and intent of a planned unit development (PUD) zoning district is to promote innovative and sustainable development. In order to achieve such purpose and intent, the PUD zoning district provides a regulatory vehicle for relief from the strict adherence to the requirements of the City's Unified Land Development Code in exchange for development that provides substantial public benefits which justify such relief. Examples of public benefits include, but are not limited to, donation of land for public recreational areas, integration of affordable housing, utilization of "green" development practices, installation of underground utilities, provision of greenway corridors, and enhanced protection of habitat. B. Each PUD zoning district shall, at a minimum, achieve the following objectives: 1. Encourage developers to exercise greater ingenuity and imagination in the planning and development or redevelopment of tracts of land under unified control than generally is possible under the more traditional zoning regulations; 2. To promote the enhancement of housing, employment, shopping, traffic circulation, recreational opportunities for the people of the City; 3. Allow a diversification of uses, structures and open space in a manner compatible with both the existing and approved development of land surrounding and abutting the PUD site; 4. Provide a means for land to be used more efficiently, and for utilization of smaller networks of utilities and streets; 5. To promote the conservation of natural features and resources by means of retaining the natural amenities of land and encouraging scenic and functional open space; and 6. Give the developer reasonable assurance of approval of a PUD application before the applicant expends complete design monies, while providing the City with assurances that the PUD will be developed according to approved specifications. C. An applicant does not have an entitlement to PUD zoning. Rather, the decision to grant PUD zoning lies in the sole discretion of the City Commission.

Sec. 104-42. - Types of PUD's. The types of PUD's are: A. Residential: Predominantly residential and may include any type housing unit, in any combination. B. Mixed Use: Predominantly non-residential.

Sec. 104-43. - Demonstration of Applicability. The provisions of this Chapter shall apply generally to the creation and regulation of all Planned Unit Developments. Where there are conflicts between the provisions of this Chapter, subdivision or other applicable ordinances or regulations, this Chapter shall apply. A proposed Planned Unit Development must demonstrate the following: A. Granting of the PUD will result in a recognized and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved. B. The base zoning district's allowable uses shall control at least seventy-five percent (75%) development within a PUD, and shall be specifically approved as part. C. The PUD may depart from the strict conformance with the development standards, use and specific content regulations of this Code to the extent specified in the

concept and/or preliminary plan and documents authorizing the PUD. These deviations/departures shall result in the form of provision of exceptional amenities, design excellence, etc.

Sec. 104-44. - Procedure for Approval. Before approval of a PUD, the land must receive approval of a preliminary development plan and a final development plan following the procedures and standards of this chapter. No building permits may be issued until the final plan

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and accompanying data have been submitted, approved, and recorded. Application for PUD consideration must be submitted and processed in the following manner: A. Pre-Application Conference. The conference shall be related to and include an exchange of information regarding the development of the site under the PUD procedures. It shall be the applicant's responsibility to demonstrate consistency with the goals, objectives and policies of the Comprehensive Plan, Land Development - Unified Land Development Code Chapter 104 - ZONING DISTRICTS 1 general 2 admin. processes 3 review authority 4 zoning districts 5 design standards 6 environment protection 7 & buffering landscaping 8 parking & loading 9 public improvements 10 supplemental standards 11 subdivision of land 12 sign standards 13 management concurrency 14 nonconformities 15 enforcement 16 definitions section City of Panama City, FL Page 4 – 29 Development Code, and all other applicable regulations and procedures. The applicant shall request in writing a pre-application conference with the Planning Director. The written request should provide a brief description of the proposed PUD, i.e., size, location, description of uses, total square footage of nonresidential uses, nonresidential floor areas ratio, description of nonresidential uses, description of housing types, building heights, total amount of open space, listing of deviations from bulk standards requested, number of phases, location of all wetlands and habitat preservation area, etc. The Planning Director shall give a written notice to the applicant stating the date, time, and the attendees for the conference. The Director shall inform the applicant of the non-refundable application fee, who can apply, PUD application package information, applicant's responsibility for ensuring conformance and compatibility to the City's Comprehensive Plan, Code, and physical characteristics of the site. B. Preliminary PUD Development Plan. After the pre-application conference, the applicant may submit a completed application along with four (4) copies of the preliminary plan and one (1) digital copy. Within twenty (20) working days of receipt of a PUD application, the Planning Director shall determine whether the application is sufficient, and: 1. If the Planning Director determines the application is not complete, the applicant will be informed about the specific deficiencies. No further actions shall be taken until the deficiencies are corrected and the application is resubmitted. 2. When the application is determined complete, the Planning Director shall notify the applicant of the application's sufficiency and that the application is ready for preliminary review. The applicant shall submit five (5) copies of the accepted preliminary plan. C. The preliminary development plan shall include: 1. Future land use and zoning district boundaries; 2. An accurate legal description of the entire area under immediate development within the planned development; 3. A Master Plan of the entire development area; including total number of residential units and unit types, total number of nonresidential units, and total square footage for each type of development; 4. A development phasing schedule including sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open spaces, and specified location of buildings; 5. Total land area, and approximate location and amount of open space included in each area; 6. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress; and 7. Evidence that the property/development will be under unified supervision or control such as the establishment of a homeowner association. 8. Other documentation reasonably necessary to permit satisfactory review under the requirements of this Code and other applicable City ordinances. D. The City Commission shall approve, approve with modifications, or deny the plan, unless the applicant

requests an extension. The final PUD development plan review, for all or part of the development, must be submitted within six (6) months after the preliminary development plan is approved. Subsequent phases must be submitted in general conformance with the phasing schedule by the applicant with the preliminary development plan. The City Commission shall be permitted to require an applicant to make reasonable contributions including, but not limited to any combination of the following: 1. Dedication of land for public park purposes; 2. Dedication of land for public school purposes; 3. Dedication of land for public road right-of-way purposes; 4. Construction of or addition to roads and utilities serving the proposed project when such construction or addition is reasonably related to the traffic or utility demand to be generated; 5. Installation of required traffic safety devices; and 6. Preservation of areas containing significant

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natural, environmental, historic, archaeological or similar resources. Chapter 104 - ZONING DISTRICTS Unified Land Development Code 1 general 2 admin. processes 3 review authority 4 zoning districts 5 design standards 6 environment protection 7 landscaping & buffering 8 parking & loading 9 public improvements 10 supplemental standards 11 subdivision of land 12 sign standards 13 concurrency management 14 nonconformities 15 enforcement 16 definitions section City of Panama City, FL Page 4 - 30 7. There shall be a rational nexus between the impacts of the development and such contribution and the cost of the contribution shall not exceed the development's proportionate share of the total costs of the improvement. E. Any modification by the developer of an approved preliminary PUD development plan must not: 1. Increase the proposed number of dwelling units by more than five percent (5%); 2. Involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area; 3. Increase by more than five percent (5%) the total lot coverage of all buildings and structures within the PUD; or 4. Increase by more than five percent (5%) in the height of any buildings. F. Final PUD Development Plan. The Planning Department shall approve, approve with modifications, or deny the plan. The final plan shall include: 1. An accurate legal description of the entire area under immediate development within the planned development; 2. A PUD of all lands which are parts of the final plan being submitted, and meeting all the requirements for a final plan as established in F.S. 177. If lands that are a subject of the final plan are to be subdivided, then a subdivision plat is also required; 3. Accurate legal descriptions of each separate use area, including common open space; 4. An accurate site plan; 5. A schedule for development; 6. An environmental impact analysis, if required. 7. A concurrency analysis that meets the requirements set forth in this code; 8. Certificates, seals, and signatures required for the dedication of lands, and recording the document; 9. Tabulation of separate non-subdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre; and 10. The final PUD development plan must be in substantial compliance with the approved preliminary development plan.

Sec. 104-45. - Changes to Final Development Plan. The Planning Director may approve those minor changes following an approved final PUD development plan. In general, a minor change shall include any change to the interior of the development which does not increase density or intensity, or which does not decrease buffers or open space. Any other changes shall only be approved pursuant to the process set forth in Section 104-43-104-44.

Sec. 104-46. - Effect of PUD Zoning District. Any development of a PUD must be undertaken and carried out in accordance with: A. The approved final PUD development plans. B. The Comprehensive Plan and applicable Land Development Code. C. Such other conditions or modifications as may be attached to the PUD.

Secs. 104-47. Amendments to Build Planned Unit Developments. Any part or all of a PUD which is built may be the subject of an application for a variance or other approval covered by the Land Development Code. The applicant must be the owner of the property and the owners of the remainder of the original PUD must be given notice of the application and other proceedings

as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. For purposes of this sections, the term “built” means that the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouse, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the City as complete. In the case of PUDs that include residential structures, the term “built” does not mean that all residential structures have been constructed on individual platted lots. Unified Land Development Code Chapter 104 - ZONING DISTRICTS 1 general 2 admin. processes 3 review authority 4 zoning districts 5 design standards 6 environment protection 7 & buffering landscaping 8 parking & loading 9 public improvements 10 supplemental standards 11 subdivision of land 12 sign standards 13 management concurrency 14 nonconformities 15 enforcement 16 definitions section City of Panama City, FL Page 4 - 31

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Sec. 104-48. Area and density requirements. A. A PUD must be at least one (1) acre in area. B. No minimum lot area or width shall be required within a PUD, provided that the density of the development complies with the density set forth in the Comprehensive Plan for the future land use district in which the property is located, and provided further that the proposed lot lines are shown on the master concept plan.

Sec. 104-49. Fees. Each applicant for a PUD shall pay a fee to the City for the processing and examination of development plans or an amendment thereto.

**Staff Recommendation:** Find this request meets the Goals, Objectives, and Policies of the Comprehensive Plan, and is consistent with the Land Development Regulations, and recommend that the City Commission adopt this request.

Request Five is for rezoning of this same area of land.

A motion was made to approve this request for annexation by Mr. Barker and Mr. Neubauer seconded it.

Mr. Dubuque asked that the roll be taken. The roll was taken.

The request was approved unanimously.

Mr. Pate presented request five:

**Request Five: Request for rezoning of 237.88 acres from Residential 1, R-1 to Planned Unit Development, PUD, 8425 Tree Farm Rd, Infinity Construction Enterprises, Inc., Hidden Woods, LLC., and Buck Creek Developers, Inc., owner and Derwin White and Raymond Greer, applicants.**

Mr. Dubuque asked if there were questions for staff.

Mr. Greer asked for a Planned Unit development for the 270 acres with a master plan for residential PUD.

Paula Visco was concerned about the wetlands and her company’s equipment regarding a residential area. They have a magazine there that is 200 feet away from any person. Is there

going to be a big fence put up or what kind of buffer will be provided? We just don't want this to affect our business

Mr. Greer said that this property is already residential and that with any subdivision, landscaping and a buffer are required. Mr. Greer said they would try to work with them on this, within reason. He said this was the first time he had heard this.

Mr. Jon Royston of 8514 Tree Farm Road said there is a serious drainage problem in Bay County. He has two culverts across from him and the rain floods out the road every time. Two 48" culverts for drainage. The county has a drainage easement but they won't touch it.

Mr. Dubuque said, they will have to come up with a drainage plan.

Mr. Greer said there are 70 acres of wetlands that will not be developed. You cannot develop property without having a water management plan.

**Current use of the property:** Single Family Home.

**Proposed use:** This 237.88-acre parcel will be combined with the 32.12-acre parcel at 6003 Tree Farm Rd. The Hidden Woods Planned Unit Development Master Plan Application encompasses a 270-acre area. The 270-acre Planned Unit Development will be developed through multiple phases over the next 10 years.

**Utility Director's Report:** Utilities has no comment.

### **Comprehensive Plan Objectives and Policies:**

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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 (Exhibit 1) 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.)

### **Land Development Regulations:**

Sec. 104-41. - Planned unit development (PUD). A. Purpose. The purpose and intent of a planned unit development (PUD) zoning district is to promote innovative and sustainable development. In order to achieve such purpose and intent, the PUD zoning district provides a regulatory vehicle for relief from the strict adherence to the requirements of the City's Unified Land Development Code in exchange for development that provides substantial public benefits which justify such relief. Examples of public benefits include, but are not limited to, donation of land for public recreational areas, integration of affordable housing, utilization of "green" development practices, installation of underground utilities, provision of greenway corridors, and enhanced protection of habitat. B. Each PUD zoning district shall, at a minimum, achieve the following objectives:

1. Encourage developers to exercise greater ingenuity and imagination in the planning and development or redevelopment of tracts of land under unified control than generally, is possible under the more traditional zoning regulations;
2. To promote the enhancement of housing, employment, shopping, traffic circulation, recreational opportunities for the people of the City;
3. Allow a diversification of uses, structures and open space in a manner compatible with both the existing and approved development of land surrounding and abutting the PUD site;



4. Provide a means for land to be used more efficiently, and for utilization of smaller networks of utilities and streets;

5. To promote the conservation of natural features and resources by means of retaining the natural amenities of land and encouraging scenic and functional open space; and 6. Give the developer reasonable assurance of approval of a PUD application before the applicant expends complete design monies, while providing the City with assurances that the PUD will be developed according to approved specifications. C. An applicant does not have an entitlement to PUD zoning. Rather, the decision to grant PUD zoning lies in the sole discretion of the City Commission.

Sec. 104-42. - Types of PUD's. The types of PUD's are: A. Residential: Predominantly residential and may include any type housing unit, in any combination. B. Mixed Use: Predominantly non-residential.

Sec. 104-43. - Demonstration of Applicability. The provisions of this Chapter shall apply generally, to the creation and regulation of all Planned Unit Developments. Where there are conflicts between the provisions of this Chapter, subdivision or other applicable ordinances or regulations, this Chapter shall apply. A proposed Planned Unit Development must demonstrate the following: A. Granting of the PUD will result in a recognized and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved. B. The base zoning district's allowable uses shall control at least seventy-five percent (75%) development within a PUD, and shall be specifically approved as part. C. The PUD may depart from the strict conformance with the development standards, use and specific content regulations of this Code to the extent specified in the concept and/or preliminary plan and documents authorizing the PUD. These deviations/departures shall result in the form of provision of exceptional amenities, design excellence, etc.

Sec. 104-44. - Procedure for Approval. Before approval of a PUD, the land must receive approval of a preliminary development plan and a final development plan following the procedures and standards of this chapter. No building permits may be issued until the final plan

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and accompanying data have been submitted, approved, and recorded. Application for PUD consideration must be submitted and processed in the following manner: A. Pre-Application Conference. The conference shall be related to and include an exchange of information regarding the development of the site under the PUD procedures. It shall be the applicant's responsibility to demonstrate consistency with the goals, objectives and policies of the Comprehensive Plan, Land Development- Unified Land Development Code Chapter 104 - ZONING DISTRICTS 1 general 2 admin. processes 3 review authority 4 zoning districts 5 design standards 6 environment protection 7 & buffering landscaping 8 parking & loading 9 public improvements 10 supplemental standards 11 subdivision of land 12 sign standards 13 management concurrency 14 nonconformities 15 enforcement 16 definitions section City of Panama City, FL Page 4 - 29 Development Code, and all other applicable regulations and procedures. The applicant shall request in writing a pre-application conference with the Planning Director. The written request should provide a brief description of the proposed PUD, i.e., size, location, description of uses, total square footage of nonresidential uses, nonresidential floor areas ratio, description of nonresidential uses, description of housing types, building heights, total amount of open space, listing of deviations from bulk standards requested, number of phases, location of all wetlands and habitat preservation area, etc. The Planning Director shall give a written notice to the applicant stating the date, time, and the attendees for the conference. The Director shall inform the applicant of the non-refundable application fee, who can apply, PUD application package information, applicant's responsibility for ensuring conformance and compatibility to the City's Comprehensive Plan, Code, and physical characteristics of the site. B. Preliminary PUD Development Plan. After the pre-application

conference, the applicant may submit a completed application along with four (4) copies of the preliminary plan and one (1) digital copy. Within twenty (20) working days of receipt of a PUD application, the Planning Director shall determine whether the application is sufficient, and: 1. If the Planning Director determines the application is not complete, the applicant will be informed about the specific deficiencies. No further actions shall be taken until the deficiencies are corrected and the application is resubmitted. 2. When the application is determined complete, the Planning Director shall notify the applicant of the application's sufficiency and that the application is ready for preliminary review. The applicant shall submit five (5) copies of the accepted preliminary plan. C. The preliminary development plan shall include: 1. Future land use and zoning district boundaries; 2. An accurate legal description of the entire area under immediate development within the planned development; 3. A Master Plan of the entire development area; including total number of residential units and unit types, total number of nonresidential units, and total square footage for each type of development; 4. A development phasing schedule including sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open spaces, and specified location of buildings; 5. Total land area, and approximate location and amount of open space included in each area; 6. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress; and 7. Evidence that the property/development will be under unified supervision or control such as the establishment of a homeowner association. 8. Other documentation reasonably necessary to permit satisfactory review under the requirements of this Code and other applicable City ordinances. D. The City Commission shall approve, approve with modifications, or deny the plan, unless the applicant requests an extension. The final PUD development plan review, for all or part of the development, must be submitted within six (6) months after the preliminary development plan is approved. Subsequent phases must be submitted in general conformance with the phasing schedule by the applicant with the preliminary development plan. The City Commission shall be permitted to require an applicant to make reasonable contributions including, but not limited to any combination of the following: 1. Dedication of land for public park purposes; 2. Dedication of land for public school purposes; 3. Dedication of land for public road right-of-way purposes; 4. Construction of or addition to roads and utilities serving the proposed project when such construction or addition is reasonably related to the traffic or utility demand to be generated; 5. Installation of required traffic safety devices; and 6. Preservation of areas containing significant natural, environmental, historic, archaeological or similar resources. Chapter 104 - ZONING DISTRICTS Unified Land Development Code 1 general 2 admin. processes 3 review authority 4 zoning districts 5 design standards 6 environment protection 7 landscaping & buffering 8 parking & loading 9 public improvements 10 supplemental standards 11 subdivision of land 12 sign standards 13 concurrency management 14 nonconformities 15 enforcement 16 definitions section City of Panama City, FL Page 4 - 30 7. There shall be a rational nexus between the impacts of the development and such contribution and the cost of the contribution shall not exceed the development's proportionate share of the total costs of the improvement. E. Any modification by the developer of an approved preliminary PUD development plan must not: 1. Increase the proposed number of dwelling units by more than five percent (5%); 2. Involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area; 3. Increase by more than five percent (5%) the total lot coverage of all buildings and structures within the PUD; or 4. Increase by more than five percent (5%) in the height of any buildings. F. Final PUD Development Plan. The Planning Department shall approve, approve with modifications, or deny the plan. The final plan shall include: 1. An accurate legal description of the entire area under immediate development within the planned development; 2. A PUD of all lands which are parts of the final plan being submitted, and meeting all the requirements for a final plan as established in F.S. 177. If lands that are a subject of the final plan are to be subdivided, then a subdivision plat is also required; 3.

Accurate legal descriptions of each separate use area, including common open space; 4. An accurate site plan; 5. A schedule for development; 6. An environmental impact analysis, if required. 7. A concurrency analysis that meets the requirements set forth in this code; 8. Certificates, seals, and signatures required for the dedication of lands, and recording the document; 9. Tabulation of separate non-subdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre; and 10. The final PUD development plan must be in substantial compliance with the approved preliminary development plan.

Sec. 104-45. - Changes to Final Development Plan. The Planning Director may approve those minor changes following an approved final PUD development plan. In general, a minor change shall include any change to the interior of the development which does not increase density or intensity, or which does not decrease buffers or open space. Any other changes shall only be approved pursuant to the process set forth in Section 104-43-104-44.

Sec. 104-46. - Effect of PUD Zoning District. Any development of a PUD must be undertaken and carried out in accordance with: A. The approved final PUD development plans. B. The Comprehensive Plan and applicable Land Development Code. C. Such other conditions or modifications as may be attached to the PUD.

Secs. 104-47. Amendments to Build Planned Unit Developments. Any part or all of a PUD which is built may be the subject of an application for a variance or other approval covered by the Land Development Code. The applicant must be the owner of the property and the owners of the remainder of the original PUD must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. For purposes of this sections, the term "built" means that the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouse, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the City as complete. In the case of PUDs that include residential structures, the term "built" does not mean that all residential structures have been constructed on individual platted lots. Unified Land Development Code Chapter 104 - ZONING DISTRICTS 1 general 2 admin. processes 3 review authority 4 zoning districts 5 design standards 6 environment protection 7 & buffering landscaping 8 parking & loading 9 public improvements 10 supplemental standards 11 subdivision of land 12 sign standards 13 management concurrency 14 nonconformities 15 enforcement 16 definitions section City of Panama City, FL Page 4 - 31

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Sec. 104-48. Area and density requirements. A. A PUD must be at least one (1) acre in area. B. No minimum lot area or width shall be required within a PUD, provided that the density of the development complies with the density set forth in the Comprehensive Plan for the future land use district in which the property is located, and provided further that the proposed lot lines are shown on the master concept plan.

Sec. 104-49. Fees. Each applicant for a PUD shall pay a fee to the City for the processing and examination of development plans or an amendment thereto.

**Staff Recommendation:** Find this request meets the Goals, Objectives, and Policies of the Comprehensive Plan, and is consistent with the Land Development Regulations, and recommend that the City Commission adopt this request.

A motion was made to approve the request by Mr. Barker and Mr. Neubauer seconded it. The roll was taken.

The motion was approved unanimously.

Mr. Pate presented request six:

**Request Six: Request for land use change, and rezoning of 2.066 acres from Mixed Use 3, MU-3 to Heavy Industrial, HI, 1102 E Hwy 98 Bus, Lamar Sikes, applicant, and JTS Capital Realty BB, LLC, owner.**

Mr. Dubuque asked if there were any questions from the Board. Seeing none if Mr. Sykes will get set up there.

Lamar Sykes of 1415 Cincinnati Avenue, St. Andrews, representing SRM Concrete, that had purchased this property. This property is only six blocks from Harrison Avenue and is the dirtiest, nasty property with garbage, human waste and transients sleeping there in the bushes. What we propose is to unload material from boats, like we've been doing for 70 years. It is a non-polluter, approved by DEP and used in the manufacture of concrete. We are a very large growing business. Photos of the current property were shown and proposed clean property showing landscaping. He talked about red lights and the business running six days a week and not at night. There would be trucks taking material from the site brought in by tugboats.

Mr. Dubuque asked if other areas had been looked at for this business.

Mr. Sykes said they search the Port and other areas and there was nothing available with deep water for their tug cranes.

Tim Labranche of 1170 Cove Pointe Drive, said he was opposed to this parcel being used for heavy industrial use. We are putting in parks and then we have a heavy industrial area that does not blend with the vision for the area. The environmental use of the bayou has improved over the years and the boat would have an effect on the environment. This neighborhood supports the city with a lot of taxes.

John Dye of 1139 Cove Pointe Drive said that a cement plant is the third largest polluting industry in the nation. There is noise pollution and site pollution and in five years it will look like a dump site.

Sharon May of 1113 Cove Pointe Drive said the area for the barge is extremely narrow, from an environmental view and with noise and the ruination of the neighborhood and I'm adamantly opposed to this operation. It would be a very bad plan to have heavy industrial in the area and it would diminish property value.

Mike Gibson of 1320 E. 5<sup>th</sup> Street is against the operation.

Nancy Breland of 1167 Cove Pointe Drive says it just doesn't fit bringing in any of this to this area. You have the church right there in the area and I hate to see the vision moving back instead of forward.

Jessica Ward of 343 Mercedes Ave is a nurse and works various shifts, so the noise would be detrimental to her sleep, her daughter likes to ride her bike and the traffic would be increase and it is a safety issue. It's already a busy road and very congested.

Dawn McDonald of 1305 W 12<sup>th</sup> Street speaking on behalf of my parents Ralph & Roberta McDonald of 1320 W 5<sup>th</sup> at Bay Point Villa's. They are still waiting to get back into their place but this will be extremely stressful. Traffic issues and the trucks near the hospital could impede the flow for emergency vehicles, etc. There are also flood plain issues as well. A better use of this property for a restaurant or limited retail or residential would be a better fit. This property is in the Millville CRA.

Clay Cox of 1104 Cove Point Drive, no one wants a stockyard of heavy equipment in their backyard. This property could become a gateway entering into Millville. To change this zoning in light of the neighborhood plans and trying to enhance the beauty of the area, is contrary to what the proposed plans were all about. He respectfully requested that the request be denied.

Christine Reiss of 338 Bunkers Cove Road highly recommends that the request be denied. The neighbors do not want this. Heavy Industrial would be harmful for this area. His lovely photo is deceiving because it doesn't show you the trucks and the barges the dirt the noise. Once it is designated Heavy Industrial anything goes.

Henry Breland of 1167 Cove Pointe Drive discussed the neighborhood plans and the positive changes and how this doesn't go along with the workshops and planning and ground work that was done to get this community going forward in is the right direction. This would be a corporate entity and everything would come down from the top and horse is out of the barn and it is too late.

Paulette Owens of 348 Mercedes Avenue down near the water for 30 years. That piece of property had barges coming in at night and kind of enjoyed seeing them come in but the boat people deposit piles of human excrement on the property and that is the nastiest dirtiest piece of property. It was fixed with no trespassing signs but unless you own the property, nothing can be done.

Jim Hamilton 1169 Cove Point Drive commented on the map showing the property and said that, barges can get in and out of this area, but I'd like to continue see dolphins jumping in and out of the water, the rays and fish jumping that we see there.

The activity will not be constrained to what Mr. Sikes is promising, that is just the wrong spot for heavy industry. This is the Cove area and we don't want to depart from a good vision for Panama City. I just respectfully ask that you decline this request.

Leonore Etherson of 346 Mercedes Avenue said that she was one of the original owners of one of the townhouses on Watson Bayou and have lived there for over 30 years. She remembered the barges coming in and she remembered the trucks being there. The traffic has increased tremendously in the last 30 years and due to the hurricane and the lack of trees, the noise has accelerated.

Mr. Dubuque asked if anyone else wanted to speak from Zoom or the audience. Mr. Dubuque said Mr. Sikes, here is your chance to respond.

Mr. Sikes said this would not be an every day thing, they would come in two or three times a month. The trucks come in, they load they unload and they leave. There are no grasslands there. There is no dust, the property is terrible, because the property owners won't clean it up. If the property was sold, there will not be a concrete plant only rock, loading and unloading of trucks.

An audience member said that the area looks like its marsh and should be an estuary or a green space.

Mr. Sikes said there are no wetlands there. Mr. Sikes asks if there were any more questions.

Another customer asked if a heavy industrial zone can be located adjacent to residential property. There is no way to know what will happen in the future.

Mr. Dubuque ended the conversation, enough had been said. He said the Board only gives their recommendation. With that he asked for a motion on this request.

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

**Proposed Use of the property:** The applicant wishes to operate a concrete aggregate loading operation on this property serviced by boat and truck.

**Directors' Report:**

Utilities Director: Utilities has no comment.

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**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. 104-40. – Heavy Industrial (HI) zoning district.**

The purpose of this zoning district is to provide areas for heavy industrial operations to isolate them from other land uses.

A. The following bulk regulations shall apply to property zoned as HI:

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 0.85 (or 85%).

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 HI zoning districts; all other uses are prohibited:

1. All uses allowed in the LI zoning category.
2. Scrap processing.
3. Recycling centers.
4. Any industrial, manufacturing, distribution, storage or warehousing use which is otherwise prohibited in any other zoning district.

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.
5. Heavy industrial uses shall not be located adjacent to any zoning category that allows for residential 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.*

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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.

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.*

To the west and south of this site are residential uses in a historic neighborhood. The proposed use of this property is not compatible with adjacent land uses and districts and could create a

potential 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.

4

**Summary of Findings:**

The request will not result in any deficiencies in concurrency standards. Proposed development on the

site is not 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 except for the compatibility and potential nuisance requirement. The proposed Heavy

Industrial zoning designation prohibits new industrial development adjacent to residential uses which is

the case with this request. Staff recommends denial of request.

Mr. Neubauer made a motion to deny the request and Mr. Barker seconded the motion.

Mr. Dubuque asked that the roll be taken. The roll was taken.

The motion was unanimously denied.

Mr. Dubuque adjourned the meeting at 7:10 PM.

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Ray Dubuque, Chairman

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Rebecca Ando, Administrative Assistant