



City of Panama City Planning and Economic Development Department  
**STAFF REPORT**  
Planning Board Applications for January 10, 2022

Staff findings of consistency with the pertinent Florida Statutes, the Community Planning and Land Development Regulations (hereafter referred to as the LDRs) and the Comprehensive Plan (hereafter referred to as the Comp Plan) along with the staff recommendations are as follows:

## Request One

**Type of Application:** Annexation/SSLUA/Rezone      **Case Number:** PB 22-22

**Owner:** Kevin and Susan Clagett      **Applicant:** Kevin Clagett

**Location of Property:** 124 W. Baldwin Road

**Parcel ID Numbers:** 11783-065-000

**Background:** The applicant is requesting an annexation, land use change and rezoning in order to utilize the Mixed Use Land Use category and Mixed Use-3, MU-3 zoning district and city services.

**Special Treatment Zone:** The subject property is not located in a special treatment zone.

**Wetlands:** Wetlands are located in the northeastern portion of the subject property.

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

**Flood Zone:** The subject property is located within Flood Zone A.

**Area of Subject Property:** 0.69 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
<b>Change From:</b>	Residential, Bay County	Residential-1, R-1, Bay County
<b>Change To:</b>	Mixed Use, Panama City	Mixed Use-3, MU-3, Panama City

**Current use of the property:** The property is currently has a single-family home located on it.

**Proposed Use of the property:** The applicant is requesting an annexation, land use change and rezoning in order to utilize the Mixed Use Land Use category and Mixed Use-3, MU-3 zoning district and city services.

**Directors' Report:**

Utilities Director: No Comment.

## **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. 104-32. Mixed Use-3 (MU-3) 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-3:
  1. The impervious surface ratio (ISR) shall be no greater than 0.65 of the total parcel area.
  2. The floor area ratio (FAR) shall not exceed 0.75.
  3. Have a density no greater than 20 dwelling units to the acre.
  4. All structures shall have a maximum height limitation of 65 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.
  5. 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 line.
    - iv. Side setbacks may be decreased to zero 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 of:
    - i. 15 feet from the front parcel line.
    - ii. 30 feet from the rear parcel lines.
    - iii. 12 feet from the side parcel lines.
- B. The following uses are allowed in the MU-3 zoning district; all other uses are prohibited;
  1. Single-family detached dwellings on individual parcels;
  2. Community residential homes shall be allowed when six 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 F.S. § 419.001(1)(b).
  3. Public and private schools grades K—12.
  4. Public or noncommercial private recreation.
  5. Accessory uses or structures as set forth in chapter 110.
  6. Public utilities customarily found in residential areas;
  7. Family day care homes pursuant to F.S. § 125.0109.
  8. Bed and breakfast inns;
  9. Attached dwellings, up to five units attached;
  10. Multi-family structures up to 20 dwelling units per acre;
  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-thru window.
- 12. Uses with drive-thru structural component, except for those uses associated with a restaurant business.
- 13. Retail business.

C. Additional requirements:

- 1. No more than 70 percent of this zoning district, in combination with the MU-3 zoning districts, may be used for commercial, and 50 percent 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 buffering requirements as specified in chapter 107.

( Ord. No. 2675 , § 1(Exh. A), 3-12-2019)

**Land Development Regulations:**

Section 102-41(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 Land Use amendment/zoning change is not expected to create a nuisance to nearby homeowners or businesses.

**Pursuant to Section 102-41(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 intent of the Mixed-Use category is to provide areas for medium to high density residential development, in combination with commercial, office and educational uses. The mixed-use concept is specifically intended to provide flexibility in the planning and permitting process by allowing a range of land uses within one district. Emphasis is on performance mitigation such as landscaping, fencing, lighting, noise standards, etc. to promote compatibility among land uses while also providing property owners with a range of options for use of their property.

Mixed Use development on the subject property with mitigation measures would be compatible with the surrounding zoning and Future Land Use designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



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Jiwuan Haley, AICP  
Senior Planner

December 30, 2021  
Date