



City of Panama City Planning Board

MINUTES

Monday, April 11, 2022

City of Panama City, City Hall
501 Harrison Avenue, Lower Level, Room 010
Panama City, FL 32401

4:00 p.m. Chairman Dubuque called the meeting.

Roll Call by Rebecca Ando, Administrative Assistant with the following members present:
Ray Dubuque, Chairman, James Barker, Doug Crosby, Christopher Stamps, Brian Neubauer

Also in attendance: Planning staff (Jiwuan Haley, Senior Planner, Rebecca Ando, Administrative Assistant), City Attorney (Nevin J. Zimmerman)

Changes or deletions: None

Minutes to approve: None

Announcements: Chairman Dubuque stated that Mike Lane, Planning Director, has resigned. He further stated that he would be stepping down from the Planning Board in 2 meetings. He also stated that for City Commission decisions, first readings would occur on May 10, and second readings on May 24, with public comment typically being taken at the second readings.

Disclosures: None

Requests:

Request One - Case No. PB 22-33: Request for Land Use Change and Rezoning Of 0.168 +/- Acres from Residential-1, R-1 (Panama City) to General Commercial-1, GC-1 (Panama City), 2923 and 2925 Stanford Road, Bowman Family LLC, Owner and Scott Bowman, Applicant

Jiwuan Haley, Senior Planner, made the staff presentation. Staff recommends that the application be recommended for denial.

Chairman Dubuque invited the applicant to speak.

Applicant: Scott Bowman and Jennifer Bowman, 2705 Woodmere Dr., explained that this was not expanding existing business, but adding new business they would run in an existing building and they are still trying to get a business license. He explained the reason for applying again after two rejections from Planning Board and the City Commission. He stated they were not able to hold a community meeting before the second reading.

City Attorney Zimmerman explained the zoning GC-1 criteria and that this property did not comply with the requested zoning. He also explained a legal nonconforming use cannot be expanded, but could be continued. He stated that if the use were destroyed or sold, the property would have to be used in accordance with the zoning. He explained the appeal process for a denied business license, stating the Planning Board has authority to make the decision on the appeal.

Public Participation:

Bill Self and Linda Self, 2915 Marron Dr.—Against, stated property should remain residential, that it does not comply with GC-1 requirements and that they represent two other neighbors who are also opposed.

Gail Hall, 2827 Malone Dr.—Against

Delbert Summey – Against, stated his concern is about the original intent of the zoning, and that it should ultimately go back to residential if there is a change in the future, not rezone.

Emails received:

A.B. Hill, Jr., 609 Minnesota Ave. – Against

John Underwood, 3010 Stanford Rd—For

Board Action:

Motion to Recommend Approval: Brian Neubauer. Motion died for lack of a second.

Motion to Recommend Denial: Doug Crosby

Seconded Motion: James Barker

Motion Passed 4-1 (Neubauer dissenting)

Request Two – PB 22-34: Request for Land Use Change and Rezoning Of 4.775 +/- Acres from General Commercial-2, GC-2 (Panama City) to Urban Residential-2, UR-2 (Panama City), 4810 W Highway 98, Panama Assets LLC, Owner and Eran Shemesh, Applicant

Jiwuan Haley, Senior Planner, made the staff presentation. Staff recommends that the application be recommended for approval.

City Attorney Zimmerman explained about the requirement for the applicant to mail out notices to properties within 300 feet. He stated that so far the staff has not received the proof of mailing from the applicant and that he will swear in the applicant to assert that the mailing was completed.

Chairman Dubuque invited the applicant to speak.

Applicant: Eran Shemesh, 4810 W Hwy 98, stated he noticed all property owners (57) within 300 feet via registered mailing March 31, 2022. He stated he will send documentation proof to the Planning Department.

City Attorney Zimmerman swore in the applicant who asserted the mailing was completed as stated.

Public Participation:

Grace and David Pudvan, 1905 Palmetto Ave—Against, based on traffic, do not want residential.

Via written affidavit: Steven Bond, 1901 Wainwright—Against
Mason St. Germain, 1903 Palmetto—Against
Jimmy Mixon, 1907 Palmetto—Against

Shirley Porter, 1904 Brown Ave.—Against, stated the motel was a nightmare, that you cannot exit on 98, and would have to exit on Brown or 19th Street

Bob Brantley, 1901 Baltimore Ave.—Against, stated there are retired people in the area, that the motel was dangerous, traffic is too fast, and people walk in the street at night. He stated that the property should have a business that is closed at night.

Chairman Dubuque noted that the existing GC zone would allow another motel and that UR is a less intensive zone.

The applicant stated he wants to add a nice new building there that would be market rate housing and raise property values.

Board Member Neubauer stated it would be a less intense use.

Board Action:

Motion to recommend approval: Brian Neubauer

Seconded Motion: Christopher Stamps

Motion Passed 5-0

Request Three – PB 22-37: Request for Annexation, Land Use Change and Rezoning Of 0.507 +/- Acres from Residential-1, R-1 (Bay County) to Residential-1, R-1 (Panama City), 2503 W 33rd Street, Bryce and Rebecca Jackson, Owners and Applicants

Jiwuan Haley, Senior Planner, made the staff presentation. Staff recommends that the application be recommended for approval.

Chairman Dubuque noted that that applicant was not present.

Public Participation:

None

Board Action:

Motion to recommend approval: Doug Crosby

Seconded Motion: James Barker

Motion Passed 5-0

Request Four – PB 22-38: Request for Land Use Change and Rezoning Of 0.238 +/- Acres from General Commercial-1, GC-1 (Panama City) to Mixed Use-2, MU-2 (Panama City), 1006 Church Avenue, Oleksandra Malinovska, Owner and Applicant

Jiwuan Haley, Senior Planner, made the staff presentation. Staff recommends that the application be recommended for approval.

Chairman Dubuque invited the applicant to speak.

Applicant: Oleksandra Malinovska, Owner and Applicant, appearing via Zoom, requested the Board to approve as this should not be Commercial. She stated that she mailed notices to all property owners within 300 feet and has a sign on the property. She stated she has support from all her neighbors and that the neighborhood is mostly residential not commercial. She showed the Planning Board members the neighborhood on her cell phone via Zoom.

City Attorney Zimmerman read the mailing certification section of the land development code (Section 102-45) to the Board. He swore in the applicant certifying under oath that she mailed to all properties within 300 feet a total of 24 notices and has received 16 returned mailers and that she used the property appraiser map. The applicant stated she will provide proof to the Planning Department.

Public Participation:

None

Board Action:

Motion to recommend approval contingent on proof of mailing being provided to staff: Brian Neubauer

Seconded Motion: James Barker

Motion Passed 5-0

Request Five – PB 22-39: Request for Land Use Change and Rezoning Of 1.239 +/- Acres from Mixed Use-3, MU-3 (Panama City) to Urban Residential-2, UR-2 (Panama City), 331 State Avenue, 321 W 23rd Place, 329 W 23rd Place, Patricia Ann Nolen, Owner and Dion Holter, Applicant

Jiwuan Haley, Senior Planner, made the staff presentation. Staff recommends that the application be recommended for approval.

Chairman Dubuque invited the applicant to speak.

Applicant: Dion Holter, Applicant, 975 Hopkins Lane, appearing via Zoom, explained that the reasoning for changing the zoning was to allow for assisted living. He stated that Planning Director Mike Lane told him that only 10 beds would be allowed under the current zoning. Dion Holter stated that he needs more beds for this type of square footage.

Chairman Dubuque stated that he received a letter from Patricia Clifford in opposition.

In response to Board Member Parker, Senior Planner Haley stated she has not reviewed parking yet and noted that no expansion of buildings is planned, just interior changes.

The applicant stated he is planning on 28 residents in the main building and may expand into the right and left buildings with 6 additional residents each for a total of 40. He said that he does not expect the residents to have cars and the most employees expected is 6. He stated there are 8 garage spaces onsite.

Certified proof of mailing confirmed being received by the Planning Board.

Public Participation:

None

Board Action:

Motion to recommend approval: Brian Neubauer

Seconded Motion: Doug Crosby

Motion Passed 5-0

Request Six – PB 22-40: Request to the City to Grant a Variance from the Corner Setback Requirements. The Applicant is Requesting a Setback of 9 Ft. along Foster Avenue and 14 Ft. along W 18th Street Versus the Normal 15 Ft. Required, 2500 W 18th Street, Patricia Coston, Owner and Floyd Wooley, Applicant

Jiwuan Haley, Senior Planner, made the staff presentation. She noted that no proof of mailing has been received by staff yet. Staff recommends that the application be approved.

Chairman Dubuque asked why the setbacks were wrong and invited the applicant to speak.

Applicant: Floyd Wooley stated the letters were mailed March 31, 2022 via certified mail. He explained the reasoning for the variance, stating that the previous construction manager based the siting of the house on the property owner's statements about the former house location. He stated the new house is wider.

Board Member Neubauer shared a photo of the original house on his cell phone with the rest of the Board.

City Attorney Zimmerman requested the applicant to provide proof of mailing to the Planning staff.

Public Participation:

None

Board Action:

Motion to approve subject to proof of mailing being submitted to staff: Christopher Stamps

Seconded Motion: Doug Crosby
Motion Passed 5-0

Request Seven – PB 22-41: Request to the City to Grant a Variance from the Accessory Structure Requirement that Fences Shall Not Exceed Four Feet in Height from Aggregate Grade when Placed in the Front Yard of Residential Land Use Districts. The Applicant Seeks to Have a Fence Height of 5 Ft. in the Front Yard, 601 E 4th Street, Laura Cook Vickers, Owner and Ashlynn McKinley, Applicant

Senior Planner Haley made the staff presentation. Staff recommends that the application be approved.

Chairman Dubuque invited the applicant to speak.

Owner/Applicant: Laura Cook Vickers, owner, explained that large dogs can jump the fence. Ashlynn McKinley, applicant explained that her disabled son needed additional fence height.

Public Participation:
None

Board Action:
Motion to approve: Brian Neubauer
Seconded Motion: Doug Crosby
Motion Passed 5-0

Request Eight – 22-42: Preliminary Plat Approval for SweetBay Phase 2D, St. Andrews Bay Land Company, LLC, Owner and Dewberry Engineers, Inc., Applicant

Senior Planner Haley made the staff presentation.

Chairman Dubuque invited the applicant to speak.

Applicant: Dewberry Engineers was present for questions.

Public Participation:
None

Board Action:
Motion to recommend approval: Christopher Stamps
Seconded Motion: Doug Crosby
Motion Passed 5-0

Audience Participation: None

5:25 p.m. The meeting adjourned.