



**City of Panama City Development Services Department**  
**STAFF REPORT**  
**Planning Board Applications for September 13, 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 Seven

**Type of Application:** SSLUA/Rezone

**Case Number:** PB 22-86

**Owner:** Property For Sale, LLC.      **Applicant:** Maged Shalaby

**Location of Property:** 2914 Jenks Avenue

**Parcel ID Numbers:** 12989-107-000

**Background:** The is requesting a land use and zoning change to the Mixed Use Land Use category and Mixed Use-3 zoning district.

**Current use of the property:** The property is currently classified as a single-family lot (*Source: Bay County Property Appraiser*).

**Consistency with Neighborhood Plans/Proposed Zoning Districts:** The subject property is not located within the boundary of a Neighborhood Plan.

**Special Treatment Zone:** N/A

**Wetlands:** N/A

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

**Flood Zone:** Flood Zone X

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

	Land Use	Zoning
<b>Change From:</b>	Residential (Panama City)	Residential-1 (Panama City)
<b>Change To:</b>	Mixed Use (Panama City)	Mixed Use-3 (Panama City)

**Directors' Report:**

Utilities Director: No comments.

## **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 high-density residential development, in combination with high intensity non-residential such as professional offices, educational, and 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.
    - vii. Other similar uses serving the neighborhood area.
  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 incompatible with surrounding land use categories and zoning districts. The applicant is seeking Mixed Use development in a predominately residentially zoned area.

**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 City of Panama City per the local Comprehensive Plan establishes a pattern of Land Uses intended to guide the provision of public facilities and provide predictability in managing development (Goal 1A, Future Land Use Element, FLUE). Objective 1.1 (FLUE) directs the City of Panama City to maintain a future land use map which coordinates future land uses with appropriate topography, soil conditions, conservation of natural resources, availability of facilities and services, and compatibility of adjacent land uses.

Policy 1.1.1 (FLUE) of the City of Panama City Comprehensive Plan also states that 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.

The subject property is surrounded by single-family lots to the north, south and east. Several lots adjacent to within the general vicinity of the subject property are located within Bay County. Mixed Use development on the subject property would disrupt the predominantly single-family development pattern in the area. The Residential land use category is well established within the City of Panama City south of W Baldwin, west of Harrison Avenue and east of Slate Avenue. The Residential category is intended to provide areas for the preservation or development of neighborhoods consisting of primarily single-family dwelling units on individual lots.

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.

Goal 1A, Objective 1.1 and Policy 1.1.1 requires compatibility of adjacent land uses. The request is incompatible with the land use, zoning and development pattern within the area.



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Jiwuan Haley, AICP  
Senior Planner

September 2, 2022  
Date



# Exhibit A

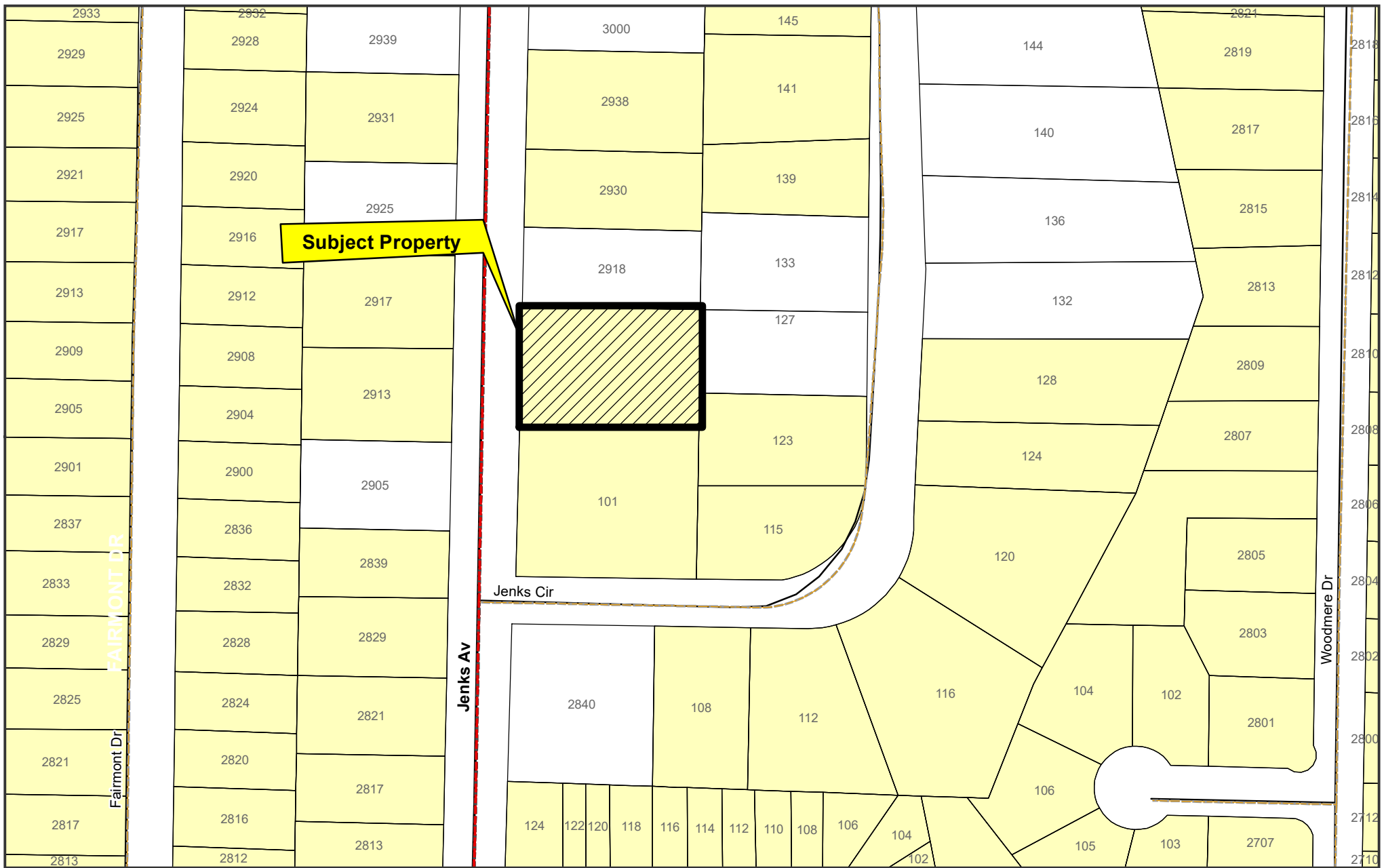
## Aerial Map City of Panama City

**Legend**

Parcels	<b>RGB</b>	Green: Band_2
Aerials_3Inch_2020.sid	Red: Band_1	Blue: Band_3



1 inch = 165 feet



# Exhibit A

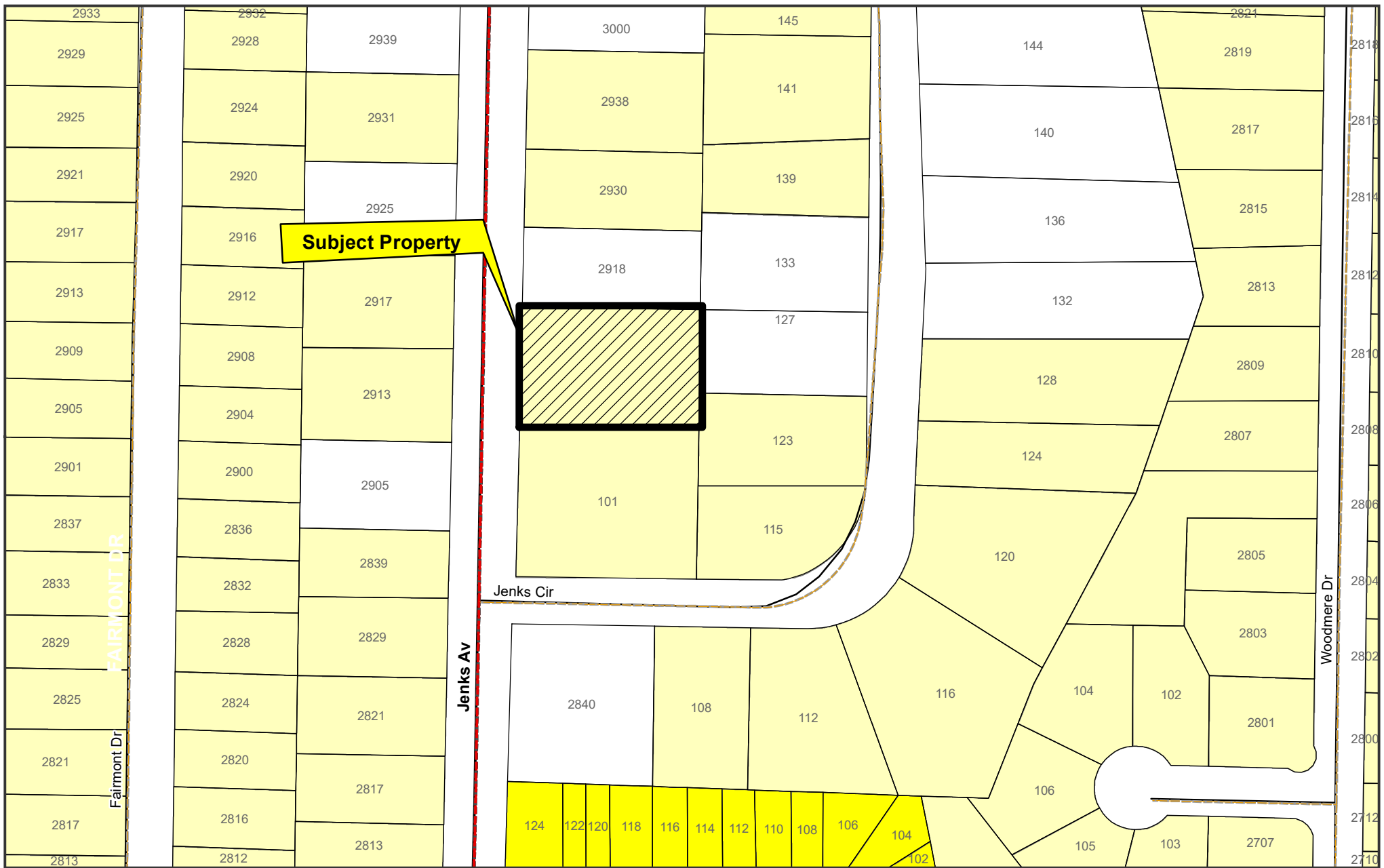
## Future Land Use Map City of Panama City

### Legend

<b>Future Landuse</b>	Industry	Residential Vested	Ditch
Downtown District	Mixed Use	Silviculture	Lake
Residential	Preservation	Urban Community	Water
General Commercial	Public/Institutional	Urban Residential	Parcels
	Recreation	Bay	



1 inch = 165 feet



# Exhibit A

## Zoning Map City of Panama City

### Legend

Zoning Districts		Legend	
Downtown District	Mixed Use - 1	Recreation	Urban Residential 3
General Commercial - 1	Mixed Use - 2	Residential - 1	Shoreline
General Commercial - 2	Mixed Use - 3	Residential - 2	Water
Heavy Industry	Planned Unit Development (PUD)	Silviculture	NOT ZONED
Light Industry	Preservation	Urban Residential 1	Parcels
	Public/Institutional	Urban Residential 2	



1 inch = 165 feet