

BAY COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
840 W. 11th Street, Room 2350 - Panama City FL 32401
Phone: 850-248-8350
E-mail: planning@baycountyfl.gov

Agenda Date: December 19, 2023
Application No.: PLZCA- 20230040 ZC

Applicant: Robert Hughes
Owner: DMG Com Holdings, LLC
Appraiser's Parcel Number: 30935-010-000 (2.35 acre portion)

Project Description: The applicant is requesting an approval to change the zoning of 2.35 acres from the "C-3" General Commercial zone to the "C-2" Plaza Commercial zone.

Project Location: The parcel is located at 2605 Thomas Drive, in the unincorporated Panama City Beach area.

Parcel Information

Parcel Size: 2.4 +/- acres (portion of larger parcel)
Land Use Designation: General Commercial
Zoning: "C-3" General Commercial
Existing Land Use: General Office Building
Surrounding Land Uses: North: Supermarket; East: Single-Family; South: Mini-Storage (under development); West: Restaurant and Medical Office
Project Site Access: Thomas Drive
Service Area: Urban Service Area within Beaches Area Special Treatment Zone

Standards of Review

In accordance with Section 307.3. of the Bay County Land Development Regulations, the Planning Commission and Board of County Commissioners are required to make the following findings in the affirmative prior to approving any proposed zone change.

1. The proposed zone change is consistent with the Comprehensive Plan in that the proposal is within the proper land use category shown on the Future Land Use Map, complies with all standards and criteria associated with that category, and the application is not inconsistent or in conflict with the Plan, Policy 3.2.1, as follows:
 - a. Potential for threat to the health, safety, and welfare of the general public;
 - b. Potential to create public nuisance(s);
 - c. Site suitability;
 - d. Compatibility between zones;
 - e. Consistency with the Comprehensive Plan;
 - f. Availability of infra-structure facilities and services;
 - g. Would not create "spot" zoning; and

- h. Criteria specified in Table 3A of the Comprehensive Plan.
- 2. Whether or not the application for zone change represents a logical and consistent extension of present uses in the general area of the property involved.
- 3. Granting the application for zone change will not adversely affect other properties in the general vicinity of the property involved.
- 4. The impact of the rezoning to the environment or natural resources, and the impact upon concurrency issues and requirements.
- 5. Granting the application for zone change will not interfere, contradict, or conflict with the infrastructure improvement plans of Bay County or any other governmental agency, or otherwise create a physical or financial burden for Bay County.

Analysis & Discussion

The applicant is requesting approval to rezone the subject property from “C-3” to “C-2”. The property is located in a corridor that is predominately zoned C-3 and C-4. All allowable uses within the proposed C-2 zoning designation are permitted in the C-3 and C-4 designation. The subject property has the General Commercial land use designation.

The proposed “C-2” zone allows for all C-1 uses, retail centers less than 50,000 square feet, off-premise signs, health and personal care stores, clothing and clothing accessory stores, real estate and rental offices, professional, scientific, and technical services, ambulatory and health care services, accommodations and food services, mini-warehouses, and similar uses. A maximum of 75 percent impervious coverage is permitted. The maximum building height is 50 feet. The subject property complies with the minimal dimensional standards specified in Table 6.1 of the Land Development Regulations for the “C-2” zone. The property has approximately 280 feet of frontage along Thomas Drive. 70-feet of frontage is required for the C-2 zoning designation.

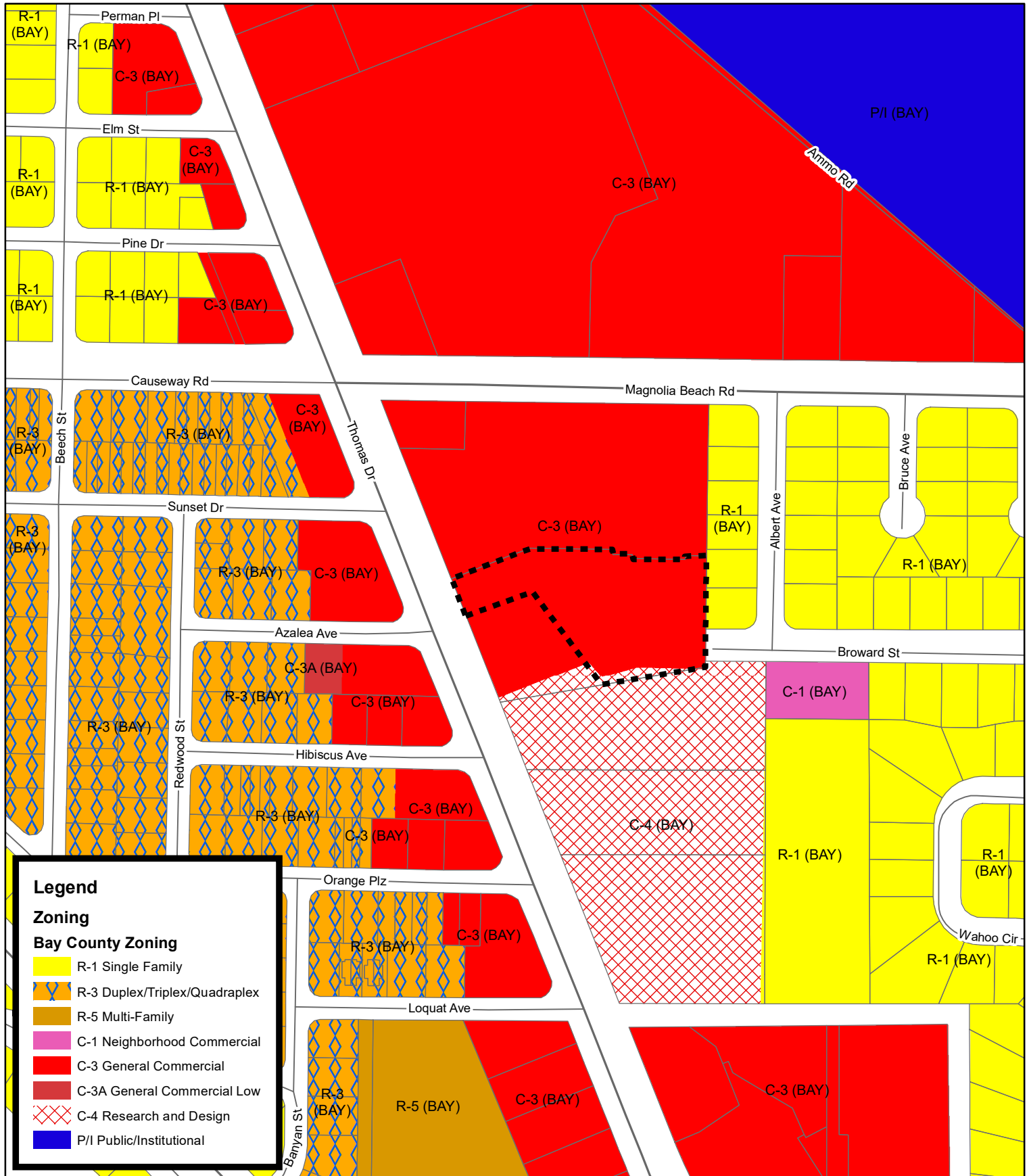
Based on this analysis staff feels that the proposed zone change is consistent with Section 307.3 of the Bay County Land Development Regulations and consistent with the surrounding area.

Staff Recommendation

It is therefore recommended the Commission:

- 1. Find the proposed zone change, Application No. PLZCA 2023-0040, consistent with Comprehensive Plan and Land Development Regulations, and
- 2. Forward a recommendation to the Bay County Board of County Commissioners to approve the proposed zone change.

Zoning Map



1 in = 0.05 miles

Prepared by
Bay County
Planning and Zoning

Application to Amend the Bay County Zoning Map

(Please type or print clearly)

File No.: _____ Date Received: _____

A) Applicant Information

Owners name:	DMG COM HOLDINGS, LLC	Authorized agent:	J. Robert Hughes, Esq.
Mailing address:	345 W. 14th St. Panama City, FL 32401	Mailing address:	220 McKenzie Ave. Panama City, FL 32401
E-mail:	kbluemmc@comcast.net	E-mail:	jhughes@barronredding.com
Telephone:	(850) 769-8980	Telephone:	(850)785-7454
FAX:		FAX:	(850) 785-2999

Attach a letter from the property owner granting authorization if an agent is submitting application.

B) Requested Zone Change

Change from: C-3, General Commercial to: C-2, Plaza Commercial
Existing zoning Proposed zoning

C) Site Information

Address/location of proposed site:	A portion of 30935-010-000 2605 Thomas Dr. Panama City Beach, FL 32408
Property ID number(s):	A portion of 30935-010-000
Property size (acres / square feet):	2.35 Acres
Future Land Use Map designation:	Commercial

A legal description must be attached in order for an application to be considered complete. Please include a survey if available. Provide an 8.5 X 11 copy.

A copy of a signed deed or other instrument documenting legal interest in the property to be amended must be attached for application to be considered complete. Provide an 8.5 X 11 copy.

Two aerial photographs obtained from the Bay County Property Appraisers Office which identifies the subject property and all property within a 500 foot radius of the subject property must be attached to this amendment application. Provide an 8.5 X 11 copy.

D) Review Fee Attached:

1. Zone Change: \$1,450

E) Site Information

Current property use	Retail Center less than 50,000 square feet
FIRM Zone & Panel No.	FIRM Zone X, Panel No. 12005C0317H
Wetlands	N/A
Aquifer Recharge	
Coastal Area	N/A
Wildlife Habitat	N/A
Surrounding land uses North:	General Commercial
South:	General Commercial
East:	Residential
West:	General Commercial

F) Utilities

Applicants must provide information as to how the site will have access to potable water, sewage disposal, solid waste disposal, roads, and stormwater control.

1. Water and Sewer Service:**a. Potable Water Service**

Provider	Permitted capacity (gallons per day – gpd)	Current demand - gpd	Available capacity – gpd
The City of Panama City Beach			
Private Well (s)____			

Current potable water demand of site under existing designation: _____ gpd

Anticipated potable water demand if amendment is approved: _____ gpd

b. Sanitary Sewer Service/Wastewater Treatment

Provider [*]	Permitted capacity - gpd	Current demand - gpd	Available capacity - gpd
The City of Panama City Beach			
Septic tanks or other individual on-site systems ____			

* If wastewater is to be treated using a package system, please fill-in "Package Plant" in the provider column and state the capacity of the proposed system in the second column.

Current wastewater demand of site under existing designation: _____ gpd

Anticipated wastewater demand if amendment is approved: _____ gpd

Note: If potable water and sewage disposal is to be through a provider other than Bay County, then the applicant must attach a letter from the proposed provider certifying that adequate capacity and immediate hookups are available to the site.

2. Stormwater: Describe how stormwater will be controlled and treated:

Stormwater will be controlled through the use of the retention pond located along the western boundary of the overall parcel.

If rezoning to a higher density the following information must be included:

3. Transportation: Use professionally acceptable methodology to determine the impacts of proposed development on transportation infrastructure. A traffic study shall be required if the proposed development will impact a facility at or near its maximum acceptable level of service, and/or if the proposed development will generate 100 or more trips in the peak hour (Land Development Regulations Section 2008-6, 7). The Traffic Impact Analysis (TIA) must be performed using a traffic micro-simulation model

such as Synchro or HCS2000. The Bay County Transportation Planning Organization Congestion Management System must be used to determine whether or not a facility is at or near its maximum capacity for the road segment's AADT. For roads where counts do not exist for AADT, counts must be collected by applicant.

ITE code	Land use	Units/sq. footage	Daily trips	Peak trips

Road segment	Existing LOS	Projected LOS	Acceptable LOS

In which hurricane evacuation zone(s) is the subject property located:

☐ Tropical storm ☐ Category 1 hurricane ☐ Category 2 hurricane
☐ Category 3 hurricane ☐ Category 4-5 hurricane ☐ N/A

G) Project Information/Justification

Provide a detailed description of the purpose of the proposed zone change, and how the proposed change is consistent with the following Findings Guidelines (Section 307.3).

- a. The application for zone change is consistent with the Comprehensive Plan. To be consistent means: that the zone change is within the proper land use category shown on the Comprehensive Plan Future Land Use Map and complies with all standards and criteria associated with that category, and; the application for zone change is not inconsistent or in conflict with the Comprehensive Plan, Policy 3.2.1 of the Future Land Use Element as follows.
 - i. Potential for threat to the health, safety, and welfare of the general public;
 - ii. Potential to create public nuisance(s);

- See Attached.

Please be advised that your property may be subject to private covenants and restrictions which, under Policy 8.5.2 of the Bay County Comprehensive Plan, are encouraged and supported by the Bay County Board of County Commissioners provided such restrictions do not conflict with the Plan.

I) Certification and Authorization

- (1) By my signature, I certify that the information contained in this application is true and correct and understand that deliberate misrepresentation of such information will be grounds for denial and reversal of this application and or revocation of any approval based on this application.
- (2) I authorize County staff to enter upon my property at any reasonable time for the purpose of site inspection.
- (3) I authorize the placement of a public notice sign on my property at a location to be determined by County staff.
- (4) I J. Robert Hughes, Esq. (print name) as the property owner or authorized property owner representative have read and understand the attached information concerning Application for Amendment to the Bay County Zoning Map.

J. Robert Hughes, Esq.

Applicant Name (Type or Print)


Applicant Signature

Barron & Redding, P.A.

Title and Company (if applicable)

11/28/2023

Date

ZONING MAP AMENDMENT APPLICATION COMPLETENESS CHECKLIST

Planning and Zoning Staff will only accept complete applications.

Requirements	Check if Complete
Complete Application Form	
\$1,450.00 Fee	
Letter of Authorization (If Necessary)	
Site Plan (8.5 X 11 copy)	
Signed Deed to Property (8.5 X 11 copy)	
Survey/Map of Property (8.5 X 11 copy)	
When submitting an application, please submit COPIES of any original documents – the documents may get folded, hole-punched, or stapled.	



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Application for Rezoning

G) Project Information/Justification

Applicant is submitting this zone change application for a portion of a parcel located at 2605 Thomas Dr., Panama City Beach, FL, 32408, bearing parcel identification number 30935-010-000 (the “Overall Parcel”). The subject property consists of approximately 2.35 acres and is described and defined as “Survey No. 2” on the survey attached to and made a part of this Application (the “Property”).

This zone change application is being submitted to rezone the Property from C-3 to C-2. The proposed rezoning will reduce the Property’s minimum lot frontage required under Table 6.1 of the Bay County Land Development Regulations (the “LDRs”) from 100 feet (for C-3) to 70 feet (for C-2). This change is requested in anticipation of a potential lot split of the Overall Parcel into two separate parcels, which are described and defined as “Survey No. 1” and “Survey No. 2” on the survey attached to and made a part of this Application.

The Property is located within the Commercial land use category shown on the Comprehensive Plan Future Land Use Map (“FLUM”) and contains a retail center less than 50,000 square feet, which is occupied by various professional and commercial business establishments. At present, the retail plaza is at 100% occupancy. The current use of the Property as a retail center is consistent with the FLUM Commercial land use category and is an allowable use under both the C-2 and C-3 commercial zones. *See* LDRs, Table 3.1.

The proposed rezoning is not inconsistent or in conflict with the Comprehensive Plan, Policy 3.2.1 of the Future Land Use Element, which provides a list of criteria for consideration of any FLUM amendments. To that point, the proposed rezoning is not expected to pose a threat to the health and safety of the general public, and there is no potential to create a public nuisance. On the contrary, rezoning would result in a decrease in the allowable intensity for the Property, and would limit, rather than expand, the allowable uses under Section 604 and Section 605 of the LDRs.

The Property site is suitable for the proposed rezoning and is compatible with surrounding zones. The Property is surrounded by General Commercial land uses to the North (zoned C-3), South (zoned C-4), and West (zoned C-3), and Residential on the East (zoned R-1). Use of the Property as a retail plaza will remain the same following a rezoning from C-3 to C-2. Accordingly, the proposed rezoning to C-2 is a logical and consistent extension of the present uses in the general vicinity of the Property and will not adversely affect other nearby properties. In addition, because the Property is surrounded by C-3 zoning, which allows for all C-2 uses, the rezoning would not result in “spot” zoning.

Further, granting the application for zone change will not impact any infrastructure improvement plans of Bay County or any other governmental agency, or otherwise create a physical or financial burden for Bay County. The subject Property is limited to approximately 2.35 acres of land and is located adjacent to Thomas Drive. The Property is relatively small and there is not expected to be any material impact on any known infrastructure plans of any governmental agency. No financial burden to the County is anticipated.