

**CITY OF PANAMA CITY BEACH  
PLANNING BOARD MEETING MINUTES  
August 13, 2018  
MINUTES TO THE REGULAR MEETING**

The meeting was called to order by Chairman Benjamin at 2:00 p.m. and Ms. Chester was asked to call the roll. Members present were Mr. Scruggs, Mr. Dowgul, Mr. Wakstein, Mr. Turner, Mr. Sheldon and Chairman Benjamin. Ms. Cook was absent.

Chairman Benjamin asked the board to approve two additional agenda items from Ms. Myers, City Attorney. He stated Item No. 10 Update of Pending Legal Issues and Item No. 11 Ordinance 1470 - Moratorium on Height Incentive Request. The board agreed to the two additional agenda items.

**ITEM NO. 1            Approval of May 14, 2018 Planning Board Meeting Minutes**

Chairman Benjamin introduced the regular meeting minutes of May 14, 2018 and asked if there were any questions or corrections. Mr. Scruggs made a motion to approve the meeting minutes and it was seconded by Mr. Sheldon. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	Yes	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

**Old Business:** Chairman Benjamin mentioned there were two action items from the May minutes, one being proposed changes to the LDC regarding distinction between major and minor amusements; asked if there was an update, Mr. Leonard commented no action. Chairman Benjamin mentioned the conversation of height incentives from the board in May and from a meeting in August of 2017, commenting today's meeting would be conducted under the rules and regulations of the Land Development Code, Mr. Leonard commented correct.

**ITEMNO.2            PCGV, LLC is requesting authorization of a height variance on a hotel and parking garage from 45 feet to 110 feet for the hotel and from 45 feet to 85 feet for the parking garage. The property is located between Front Beach Road and Hutchison Boulevard east of Churchwell Drive containing 33 acres of land approved for development as part of the Long Beach lagoon Master Plan.**

Ms. Myers explained this meeting was for a public hearing for the planning board to consider specifically the Long Beach Lagoon request for additional height and their variance request. She explained the LDC has a unique provision for variance request for structures over 40 feet in height that require an additional and extraordinary notice which is jurisdictional. She commented under the law the failure to meet the 500 feet radius notice for the previous meeting renders that hearing nullity. She commented it doesn't render the action taken on the conditional use or any impact on the approval of the Long Beach Lagoon large site development. Ms. Myers explained to the board they were to here to have a hearing on the matter as if it were for the first time on the variance in height request. She commented staff would affirm the notice of requirements had been met for the public hearing, commented the action taken today must be made on the record presented today. Ms. Myers commented there was already a substantial record from staff and the applicant and she was asking that this record be submitted for today's hearing. (The record was submitted from applicant and staff.) Ms. Myers explained the outcome from the board could be to approve the request, approve the request with conditions or deny the request. She recommended if the vote is to deny the request then asked the board to consider the applicant's request for height incentives and make a recommendation to the City Council based on the request for height incentives. She explained the application before the board included incentives from the applicant that could be considered as height incentive request to gain the additional height. Ms. Myers explained the standards for a variance is a hardship and standards for height incentives is a finding of public benefit. Ms. Myers explained the proceedings for an appeal of the Order from the board from an adversely affected party and the steps of being heard before the City Council for a ruling on an appeal the timeline was provided. Mr. Leonard commented this area is in an FBO-2 District, maximum height in this location is 45 feet and they have requested to go to 85 feet for the retail and parking garage on the east side of the property and requesting 110 feet for the hotel. The staff analysis continues to be in the reports dealing specifically with the variance and each of the criteria.

Chairman Benjamin asked Ms. Chester to call for the Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Courtney Brett, 121 Houston Street, Mobile, AL presenting for the applicant. She provided a handout for each member and a record copy of the material displayed on the overhead. She stated that no changes have been made to the previous plans that were submitted. Ms. Brett explained the hardship is the 4.5 acres of wetlands on the property and they are asking to transfer the density to other places on the uplands. She commented they have taken the best steps to develop the project in the best way possible. She explained there is not surface parking on the site but open space, boardwalk, complete streets and connectivity. Ms. Brett they are using the code and what it allows to transfer the density to the two buildings they are seeking a height variance for, the hotel and parking garage, commenting this will extend the pedestrian environment they are pursuing. Ms. Brett commented to develop this responsibly the density needs to be transferred into these two buildings as noted in the staff report. She stated the intention for the lower building is to have all the parking into one structure along with retail at Front Beach will make this an engaging space at Front Beach and the internal road the height is needed to have parking above the retail space. She explained the hotel height will accommodate common area amenities on one floor and rooms on levels above. Ms. Brett added this was not an incentive request, but there were some of the incentive features added into their development, such as civic spaces, FL friendly plants, and the use of potable water. Chairman Benjamin asked about the agreement of stormwater, Mr. Leonard explained. Ms. Brett explained how they are planning to use the retention pond on the site and take full responsibility for the stormwater on site.

Chairman Benjamin opened the meeting up for the public portion of the meeting. Ms. Chester added into the record two letters from the public against the project. There was no public comment, closed public portion of meeting. Mr. Scruggs commented he believed this is a fantastic plan and they have done a great job adding all the elements of the plan to work separating parking and development. He believes that it will reduce traffic in this area to have the parking garage available for those on-site. Mr. Wakstein commented he didn't think the water on the property should be called a hardship since they are utilizing as an amenity. He asked if there was retail facing Front Beach Road. Ms. Brett stated no. Mr. Leonard explained how there would need to be a ground level presentation at the Front Beach Road level and can be done with a false front. Patrick Hodges, Landscape Architect for the project explained the lake is an amenity and they are taking advantage of it, but it has been very costly. He explained the physical configuration of the land and wetlands is a hardship with the constraints on the development of the property. He stated it is possible for it to be a constraint, hardship, and amenity at the same time. Mr. Sheldon asked why not have the parking garage back on the property closer to Churchwell. Ms. Brett explained they are pushing it toward Front Beach Road in respect to the density and height of the buildings across the street. She stated they felt it more responsible to place the density near the entrance to what is already a heavily built up area of building heights. Mr. Sheldon asked if the density could be spread out among the property instead of all up toward Front Beach Road. Ms. Brett explained they are trying to keep as much open space for public use against the wetlands, stating these wetlands are going to need desperate restoration to make them useful to the site and the density is available at the road. She commented from a planning urban development standpoint the best place for the density is up near Front Beach Road. Ms. Brett mentioned that they have discussed and will be doing another parking study on the site as discussed at the last meeting; therefore, more parking on the site may be necessary, which would place parking underneath the hotel. Discussion ensued regarding more parking on site and how that would be disbursed throughout the site and the treatment of the retention pond from the cars parked in the garage.

Mr. Sheldon asked for staff to explain why this is recommended. Mr. Leonard explained this is a height variance and the code allows for the transfer of density out of wetlands to be put somewhere on the uplands and they have chosen to do so and stack it toward Front Beach Road. He stated there is a different district on the south side of Front Beach, but that is where the larger scale buildings are located and for them to push the density toward this area is compatible with the area. He explained that when the applicant refers to the wetland as being a hardship does not mean that it must be a bad thing, they can beautify it and make it useable as an amenity, but the hardship comes with the irregular boundary they have from the wetlands. He commented if it is going to be successful the wetlands will have to be cleaned up. He stated from a staff point of view it makes sense because the density and the wetlands they have every right to use it, so the density and intensity must go somewhere, and they have chosen to put it down toward Front Beach Road and staff agrees with their proposal. Discussion ensued on the placement of the buildings on the property and the additional height on Front Beach Road. Chairman Benjamin commented he is also

concerned for the north side of the property, which is zoned Commercial High Intensity with a height limit of 65 feet. He proposed a compromise, or a condition added in the motion for the north side of the property. Mr. Leonard explained the planning board did not have jurisdiction out of the FBO District since that is the only portion of property that comes to the board for consideration, stating the CH portion can be developed, north of the water by meeting the regulations in the LDC. Discussion ensued. Ms. Myers explained the procedures for findings to grant a variance and stated there could be some conditions on the adjoining property but cautioned the board. Discussion ensued regarding possible conditions to place on the recommendation. Mr. Sheldon asked from a legal perspective, the 4.5 acres of wetland can be transferred for density to the hotel and parking garage, Ms. Myers and Mr. Leonard confirmed yes.

Mr. Scruggs made a motion to approve the hotel height variance request to go from 45 feet to 110 feet and it was seconded by Mr. Turner. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	No	Chairman Benjamin	Yes

Ms. Chester commented the height variance is approved.

Mr. Scruggs made a motion to approve the parking garage height variance request to go from 45 feet to 85 feet and it was seconded by Mr. Turner. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	No	Chairman Benjamin	Yes

Ms. Chester commented the height variance is approved.

**ITEMN0.3 Homeowners of Sundial Street (314, 316, 318, 320 and 322 Sundial Street) are requesting approval for a rezoning of approximately 1.3 acres from R-1a (Single Family Residential) to CH (Commercial High Intensity) and a Small-Scale Amendment to change the Future Land Use Map Designation from Single Family Residential to Tourist.**

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Mr. Leonard explained this was a collection of homeowners on Sundial Street asking for the board's consideration to go from R-1a to a CH category. He described the location of the properties to be adjacent to the Shalimar Retreat, recently approved for a large site development plan for dormitories, gymnasium, and a small conference center, and these properties abut this area. He explained their main interest for the rezoning is to be allowed to do short-term rentals on these properties, especially since their location abuts a property that will be doing a lot of short-term rentals throughout the year. Mr. Leonard commented using the visual to show their properties are surrounded by CH properties and they are in an FBO-2 district, so this is not an R-1a subdivision like Colony Club where it is a self-contained subdivision, located a block from Front Beach Road and surrounded by Commercial High Intensity properties. Mr. Benjamin asked staff's recommendation, Mr. Leonard commented staff recommended approval of CL, Commercial Low Intensity. He explained CL would severely limit the amount of other uses that could occur on the property, but they are further constrained by the width of the right-of-way being less than sixty-feet. He explained a CL zone would limit the height to 35 feet, which is also the same as R-1a, and the setbacks are similar. He then pointed out even though the properties are zoned are R-1a not all the properties are compliant with the R-1a category, two of the five are, but three are not compliant. Mr. Leonard provided background on how the R-1a was established in this area, commenting when established as R-1a all the properties did not meet the 10,000 square foot minimum lot size area, but established to make property values increase even though they didn't meet the minimum requirements. Chairman Benjamin asked if approved to CL would this be considered spot zoning. Mr. Leonard replied there are three categories of commercial; low medium and high, so this would not be considered spot zoning and would allow a transition from the residential north of Sundial into the Shalimar retreat area. Chairman Benjamin asked if this would open doors for others to ask for the same consideration in this area. Mr. Leonard explained they would need to show them their

situation is very similar to this one. Mr. Sheldon asked about the residents on Suntime and Cobb Road asking for this request, Mr. Leonard commented not everyone is in an FBO district and these properties are which make them unique. Discussion ensued. Mr. Sheldon commented this could be made an option for all the properties in this area that abut a CH property. Mr. Leonard commented this may be worth looking at depending on how the request is received by the planning board and city council then staff could reach out to this area to see if there is a desire from the residents to change the current zoning. Discussion ensued.

Joni Burke, applicant and co-owner of 320 Sundial Street, along with her sister and live in Louisville, Kentucky permanently, also serving as the Acting Agent for the five homes on Sundial Street. She explained her reason for the request was to obtain allowance for short-term rentals. She provided a background of mother owning home, purchased in early 1980's and has rented it out short-term since that time and upon her death they continued with the short-term rental and registration and payment of all required taxes. She stated it was not until this past April they were informed they were zoned R-1a, which did not allow for short-term rentals. She explained they are the only five homes on the west side of Sundial Street that are zoned R-1a, the first three homes are CH, then their five homes and then the remaining homes along the street into the cul-de-sac are CH. Ms. Burke commented they were satisfied with staff's recommendation of CL with the lesser impact for the area. She commented she had written support from the five homes in the request, two are full time residents, two were engaged in short-term rentals and the other home is only used as a vacation home. Ms. Burke stated there were no objections to their request and they do have support from a neighbor. She thanked the board for their consideration on their request.

Chairman Benjamin opened the meeting up for public comment. (Letter of support from Holly A. Stephenson, 309 Sundial Street was submitted for the record.)

Ted Liberty, 178 Cobb Road commented the clarification from CH to CL was appreciated and agreed with the consideration from staff to allow for this area to be considered for a rezoning to CL. Discussion ensued regarding the future requests in this area and staff reaching out to the neighborhood in the future.

Mr. Sheldon made a motion to approve the request for a rezoning to Commercial Low Intensity (CL) for the five properties on Sundial Street and it was seconded by Mr. Scruggs.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	Yes	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

Mr. Leonard commented this request was recommended for approval to City Council.

Chairman Benjamin commented on the upcoming items for height incentive requests. He reminded the board of previous meetings where the board had discussed eliminating some of the height incentive options from the current list. Chairman Benjamin commented the board had eliminated from their discussions some of the options that were being used in the submitted applications; therefore, felt those options for height could be struck through before proceeding. Mr. Sheldon agreed the board had discussed and agreed upon eliminating some of the options for height but was not fair to the applicant and the consideration for today's meeting. He stated those recommendations from the board were not what was current in the Land Development Code. Chairman Benjamin read aloud what was to be given as public benefit for height from the LDC.

**ITEMN0.4                      By the Sea Resorts, Inc. is requesting approval of a modification to an approved Large Site Development. The property is located at 17562 Front Beach Road.**

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Mr. Robert Carroll, 17800 Panama City Beach Parkway representing By the Sea Resorts stated approval was granted for the large site development in February and have an approved development order and has commenced in the first stage. He displayed with a visual of the modification to the site, from the three-story building north. Mr. Carroll commented this included the gulf-front pieces because they need the parking garage on the main campus, which modifies the previous approved

plan. He stated staff does not have any objections to the modification and the requests does not tie into the height incentives but allows the two hotels on the gulf side with the parking garage to incorporate all in one campus. Mr. Carroll commented the request is to only update the already approved master plan. Chairman Benjamin commented his concern were the increased trips around Suntime Street and Cobb Road. Mr. Silky commented the board could add a condition to have a closure of the access onto Suntime Street and adding the addition of the two buildings on the south side were allowed at the height of 150 feet. Mr. Wakstein commented the new three-story building having 810 beds and for the number of the current plan. Mr. Carroll commented the current approved development order has 1400 beds.

Chairman Benjamin opened the portion of the meeting for public comment.

Ms. Hills. Endless Summer, C-5 owner for over thirty years. She asked for the height of the parking garage, and it was answered four stories. She commented the congestion on Front Beach Road was intense and with this additional project it would only be adding more congestion.

Holly Stephenson, 309 Sundial Street commented the buses that are from this retreat go up and down Sundial Street with non-stop buses. She added these additional buses will inundate this area more.

Daniel Willis, Endless Summer, A7 was here during the last presentation where there was discussion of the access the kids would have coming down Shalimar and the solution was to have a walkway within the development for the kids to use that would lead to the beach access on Front Beach Road. He commented there was only one access into Endless Summer and having the traffic enter the parking deck from this area would cause a bottleneck for the residents at Endless Summer

Ted Liberty, 178 Cobb Road, which is the corner of Cobb Road and Suntime Street. He asked if there had been a traffic study completed, Mr. Silky answered it would be required before the final development plan is approved. Mr. Silky commented the previous traffic study reflected bus traffic, but with the modification request it would add more automobiles; therefore, a new study will be required. He explained the scenario of traffic at his home.

Ms. Silky explained the traffic study and how monies are collected to modify and improve roadways through the fees collected.

Brian Hess, 9108 Front Beach Road, Endless Summer Representative of the homeowners. He stated the original plan had 49 parking spaces and 18 buses, but now adding two fifteen story hotels on the south side and a parking garage on the north side. He explained the problem is that Endless Summer is located immediately west of the project, entrance from Shalimar. He explained these new additions add a burden on these residents to maneuver from their residence and safeguarding against people from parking in their property. Mr. Hess commented Endless Summer needs, something to safeguard their property or a separate entrance be created. He added the streets that have been mentioned earlier in the discussion, such as Cobb Road were not made for this type of traffic. Mr. Sheldon asked if there were any sidewalks on any of the streets discussed, the answer was no.

Chairman Benjamin closed the public portion of the meeting.

Mr. Turner asked if the entrance to the parking garage could be from Front Beach Road. Mr. Carroll responded yes, the entrance could be from Front Beach Road alleviating the concern for Endless Summer residents. Mr. Turner asked about the previously approved walkway from within the project leading to the beach access. Mr. Carroll showed the pedestrian walkway as still part of this modification plan. Discussion ensued. Mr. Sheldon asked if there could be a motion made with fees added as part of the motion to possibly aid in adding sidewalks to surrounding streets. Ms. Myers explained there were already impact fees in place for roads and city infrastructure.

Mr. Scruggs made a motion to approve the modification to the Large Site Development with the conditions of the entrance to the parking garage be located on Front Beach Road and a distance from Shalimar Street that is enough, and it was seconded by Mr. Sheldon. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

Ms. Chester commented the modification to the Large Site Development was approved.

**ITEMN0.5            By the Sea Resorts, Inc. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 to 220 feet. The property is located on the south side of the Shalimar Retreat (Land Development Code, Table 4.02.028).**

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Chairman Benjamin explained that of the height incentive requests there was only Number 7 and 8 from the list that had not been eliminated by the Planning Board in previous considerations last August 2017 and in May 2018. He indicated that everyone one of the other ones had been found by the board to not have enough public benefit. He stated that Number 7 and 8 provided ten feet each; therefore, this would allow for twenty feet, maximum height of 170 feet for the two hotels. Ms. Myers commented the City has processed the applications with the law that is in effect at the time of the applications. She stated the Planning Board has discussed the height incentive list at length, but the City Council has not acted on the recommendations, but the law in affect today is that all the height incentives from the list are viable and valid opportunities to ask and receive additional height.

Mr. Robert Carroll, 17800 Panama City Beach Parkway, stated there is an adopted Land Development Code and the only tool available for them to present an application for the board to consider. He stated for the record the adopted Land Development Code was used in preparing for the height incentive requests and asked that the board consider each item from the list for a certain amount of height. Mr. Carroll commented his client is asking for height incentives to go from 150 feet to 220 feet found in LDC 4.02.02b and indicating this was only for the south side of Front Beach Road. He stated the parking garage will go on the north side. Mr. Carroll commented they are proposing 11 of the height incentives, asking for a maximum of 70 feet, but providing 80 feet worth of incentives. Mr. Carroll named the height incentive requests and the amount of feet for each one as follows. (The board's vote is reflected in the table.)

**TABLE A – Agenda Item 5**

Incentive			Scru2s	Dowgul	Wakstein	Turner	Sheldon	Chairman
Public Restroom -	10 Ft	Failed	Yes	No	Yes	No	Yes	No
Enhance Entryway -	5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Enhanced Sidewalks	5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Skyline Features -	5 Ft	Failed	Yes	No	Yes	No	Yes	No
Recognizable Base -	5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Covered Sidewalks -	5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Green Development -	10 Ft	Passed	Yes	No	Yes	No	Yes	Yes
Parking Undercover -	10 Ft	Failed	Yes	No	No	No	Yes	Yes
Landscape FL Plants -	10 Ft	Failed	Yes	No	No	No	Yes	No
Irrigation/ Non-Potable -	10 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Vertical Landscaping -	5 Ft	Failed	Yes	No	No	No	Yes	No
Total Amount Feet -	80 Ft	<b>40 Feet Approved</b>						

Chairman Benjamin opened the meeting up for public comment.

Brian Hess, 9108 Front Beach Road, Endless Summer representative commented the extra rooms being requested for this area is going to be a great deal of traffic. He stated again as earlier that the surrounding roadways were designed years ago and since then more traffic has increased and they are not equipped to handle. He stated the amount of additional traffic that will be added to this one area around Endless Summer will be unbearable and unmanageable. Mr. Hess commented there should not be any consideration given for any height incentives and encouraged the board to deny all the requests before them today.

Holly Stephenson, 309 Sundial Street asked if additional height was being given for architectural features and asked if the height was not granted would the building be ugly.

Mr. Silky explained any buildings located within the Front Beach Overlay requires all types of modulations to the buildings or there will be architectural features regardless. He added that in his

staff report he addressed each incentive requests individually to ensure the members had enough information for that request. He added that he questions the negative impacts of traffic and the jammed beaches, which these should all be considered in the review. Mr. Silky commented he didn't think the benefits to the public outweigh the negative impacts this would create.

Alexis Isles, 17135 Front Beach Road located next door to the public beach access, #65. She expressed her concerns for the request for public restroom at the beach access. She commented since the public access have opened near her there has been an influx of homeless people, crime in their parking lot and homeless people setting fires underneath their decks. She stated if a public restroom is made available there will be an influx of homeless people living in this restroom; therefore, the safety is a great concern.

Christopher Black, 17549 Suntime Street commented a concern of adding more congestion to Cobb Road and Suntime Street. He asked how it will be guaranteed to keep the bus traffic off these roads from the Shalimar Retreat Center.

Mr. Carroll commented his applicant is only asking for what the Land Development Code allows and not any deviations from that but picking from the incentives to gain height that has been granted to other developments.

Chairman Benjamin closed the public portion of the meeting and opened for board discussion. Mr. Turner commented on the public restrooms and how the maintenance would be maintained, if turned over to the City were there funds to handle or if the developer maintains what tools does the City have to ensure they do this properly. Discussion ensued. Mr. Carroll commented the owner was willing to maintain the restrooms on site as they are maintaining the other buildings on site. Mr. Sheldon asked if there was any way to add conditions of a fee, Ms. Myers commented no. Mr. Wakstein explained to the public the guidelines of the Planning Board and their role in making a recommendation to the City Council. Discussion ensued.

Mr. Scruggs made a motion to approve and it was seconded by Mr. Sheldon. The board decided to go item by item of the height incentives and the results are posted in TABLE A- Agenda Item 5. The board approved 40 feet; therefore, it is recommended to City Council for 190 feet. Ms. Chester was asked to call roll

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	No

**ITEMNO.6** By the Sea Resorts, Inc. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 to 220 feet. The property is located on the south side of Front Beach Road, east of the intersection of SR79 at 17101 and 17001 Front Beach Road (Land Development Code, Table 4.02.028 ).

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.  
 Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Mr. Carroll, 17800 Panama City Beach Parkway representing the applicant asking for height incentives to go from 150 feet to 200 feet on the south side of Front Beach Road using LDC 4.02.02b. He described this is as the vacant property located next to the existing Beachcomber Hotel on the south side and a parking garage on the north side of Front Beach Road. Mr. Carroll named the height incentive requests and the amount of feet for each one as follows. (The board's vote is reflected in the table.)

**TABLE B – Agenda Item 6**

Incentive		Scruggs	Dowgul	Wakstein	Turner	Sheldon	Chairman
20 Public Parking Spaces 20 Ft	Passed	Yes	No	Yes	No	Yes	Yes
Enhance Entryway - 5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Enhanced Sidewalks 5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Skyline Features - 5 Ft	Failed	Yes	No	Yes	No	Yes	No
Recognizable Base - 5 Ft	Failed	Yes	No	Yes	No	Yes	No

Covered Sidewalks -	5 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Outdoor Civic Space -	5 Ft	Failed	Yes	No	No	No	Yes	Yes
Parking Undercover -	10 Ft	Failed	Yes	No	No	No	Yes	Yes
Landscape FL Plants -	10 Ft	Failed	Yes	No	No	No	Yes	No
Irrigation/ Non - Potable -	10 Ft	Passed	Yes	No	Yes	Yes	Yes	No
Vertical Landscaping -	5 Ft	Failed	Yes	No	No	No	Yes	No
Public Restrooms -	10 Ft	Failed	Yes	No	Yes	No	Yes	No
Total Amount Feet -	95 Ft	45 Feet Approved						

Mr. Wakstein asked about the 40 parking spaces and have 20 spaces for public. Mr. Carroll explained there will also be 12500 square feet of retail space and therefore they wanted to provide some public parking.

Chairman Benjamin opened the meeting up for public comment. Ms. Chester submitted 33 letters from the public opposing the height increase for the record.

Susannah McManus, 611 Lisbon Avenue stated she was part of the submitted letters opposing the project for the height increase. She added the comments from the previous items are the same as their concerns, increased traffic, increased congestion, public restrooms regarding safety, and the sea turtles being objected to the increase of people on the beach.

Jim Keller, 16821 Innocente Avenue, purchased one year ago for family vacations. He stated his concern was the limited area on the beach and in addition to the parking congestion that will be added. He asked the board to consider the additional people and traffic with an additional 70 feet.

Alexis Isles, 17135 Front Beach Road, located directly to the west of the project. She reiterated her concern for the increase of traffic in this area. Ms. Isles spoke to the crime rate from guests of By the Sea Resorts and had a concern of this crime rate increasing.

The board voted item by item of the height incentives and the results are posted in TABLE B - Agenda Item 6. The board approved 45 feet of the height incentives therefore, it is recommended to City Council a total of 95 feet in height. Mr. Scruggs made a motion to approve the conclusion of the height incentive vote and it was seconded by Mr. Turner. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

**ITEM NO. 7 By the Sea Resorts, Inc. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 to 220 feet. The property is located at 11815 and 11827 Front Beach Road (Land Development Code, Table 4.02.02B).**

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Mr. Carroll, 17800 Panama City Beach Parkway requesting a height incentive for a project that has two parcels associated with the project. He explained the project on the western side has previously been approved for a height incentive of 220 feet.

**TABLEC - Agenda Item 7**

Incentive		Scruggs	Dowgul	Wakstein	Turner	Sheldon	Chairman
Reduce Impervious Surface 10 Ft	Passed	Yes	No	Yes	No	Yes	Yes
Roofing Materials -	5 Ft	Passed	Yes	No	Yes	Yes	No
Parking Undercover	10 Ft	Passed	Yes	No	Yes	No	Yes
Landscape FL Plants -	5 Ft	Failed	Yes	No	No	No	Yes
Architectural Lighting -	5 Ft	Passed	Yes	No	Yes	Yes	Yes
Skyline Feature -	5 Ft	Failed	Yes	No	Yes	No	Yes
Building Design Feature -	REQUIRED						
Recognizable Base -	5 Ft	Failed	Yes	No	Yes	No	Yes
Entryway Architectural -	5 Ft	Passed	Yes	No	Yes	Yes	Yes
Enhanced Sidewalks -	5 Ft	Passed	Yes	No	Yes	Yes	Yes



Public Restrooms -	10 Ft	Failed	Yes	No	No	No	Yes	No
Total Amount Feet -	65 Ft	40 Feet Approved						

Chairman Benjamin asked for an explanation of the previously approved height incentive request on the western parcel. Mr. Carroll explained there were two separate hotel projects that were on two separate parcels, the western parcel had a hotel project planned and received approval to go to 220 feet in height, stated the project did not move forward and since then sold and the two parcels have been combined to make one project. Mr. Sheldon asked if this request is not approved to 220 feet then the west side of the parcel will have 220 feet building. Mr. Carroll commented if those approved incentives are applied, then yes that is correct.

Chairman Benjamin opened the portion of the meeting for public comment; there was none. Ms. Chester stated an opposing letter from Richard and Mary Dewberry, owners of Grand Panama 2- 308 was submitted for the record.

Mr. Silky read aloud one of the requirements from the height incentive list in 4.02.02b, "to attract and maintain appropriate densities and to improve mobility." He added the board should keep this in mind as they are reviewing the requests. Mr. Sheldon added he wanted on the record that someone bought a piece of property to develop and for us to tell them no is counterproductive from a business standpoint. Mr. Wakstein asked about the referral of 61 off-site parking spaces and where those would be located. Mr. Carroll commented the parking criteria will be met based on the number of units within the garage. Chairman Benjamin commented height incentives were not a matter of right.

The board voted item by item of the height incentives and the results are posted in TABLE C - Agenda Item 7. The board approved 40 feet of height incentives therefore, it is recommended to City Council a total of 190 feet in height. Mr. Sheldon made a motion to approve and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

**ITEM NO. 8          Resort Hospitality Enterprises, Ltd. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 feet to 220 feet. The property is located at 9500 and 9600 South Thomas Drive (Land Development Code, Table 4.02.028).**

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.  
 Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Chairman Benjamin asked Mr. Carroll, 17800 Panama City Beach Parkway requesting a height incentive for 220 feet for Resort Hospitality Enterprises. He described the project as on the south side of Thomas Drive. He commented the applicant provides a lot of incentives to gain the requested height.

**TABLE D - Agenda Item 8**

Incentive	
Cross Access Easement	5 Ft
Roofing Materials -	5 Ft
Landscape FL Plants -	5 Ft
Architectural Lighting -	5 Ft
Skyline Feature -	5 Ft
Recognizable Base -	5 Ft
Entryway Architectural -	5 Ft
Civic Space -	5 Ft
Public Restrooms -	10 Ft
36 Public Parking Spaces -	36 Ft
Expand Beach Access -	20 Ft
Total Amount Feet -	106 Ft      All Approved

Mr. Wakstein asked a question pertaining to the cross easement and whether the condominium associations had signed off and approved the proposed cross easement. Mr. John Lewis from Royal American Development explained the master plan of the entire development and how the associations will be separate but work together for the cross easement. Discussion ensued.

Mr. Sheldon made a motion to approve the requested 220 feet in height with all the height incentives included and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

Ms. Chester commented it is recommended to City Council for 220 feet in height.

**ITEM NO.9      Resort Hospitality Enterprises, Ltd. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 feet to 220 feet. The property is located at 9400 South Thomas Drive (Land Development Code, Table 4.02.028).**

Chairman Benjamin read aloud the item and asked Ms. Chester to call for the Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Dowgul, nothing to disclose. Mr. Wakstein, nothing to disclose. Mr. Turner, nothing to disclose. Mr. Sheldon, nothing to disclose. Chairman Benjamin, nothing to disclose.

Mr. Carroll, 17800 Panama City Beach Parkway explained this is the eastern most portion of the rest of the campus. He explained there is 115 feet worth of incentives in this packet for the requested 220 feet in height incentives. He explained this had a development order in the past and the infrastructure has been completed for an approved 220 feet building. Mr. Sheldon asked when the original approval was given, he answered twelve years ago. Mr. Carroll commented this project is all the same ownership and within the same campus as the previous project and gives benefit to the entire property. He stated they could have grouped the request together as a whole but chose to break them into two requests therefore, asking for the same consideration as the previous one.

**TABLE E - Agenda Item 9**

Incentive	
Cross Access Easement	5 Ft
Roofing Materials -	5 Ft
Landscape FL Plants -	5 Ft
Architectural Lighting -	5 Ft
Skyline Feature -	5 Ft
Recognizable Base -	5 Ft
Entryway Architectural -	5 Ft
Civic Space -	5 Ft
Public Restrooms -	10 Ft
36 Public Parking Spaces -	36 Ft
Expand Beach Access -	20ft
Total Amount Feet - 106 Ft	<b>All Approved</b>

Chairman Benjamin opened the meeting up for public comment.

MaryJane Simon, 9450 S. Thomas Drive, owner at Boardwalk Central and her father purchased the property initially. She asked how this plan is different from the original resort plans. She asked about the access between the buildings and the timeframe of the construction for all the proposed buildings.

Mr. Lewis, Royal American 1002 W. 23 Street, commented to Ms. Simon's questions. He explained using the visual of the plans and the number of units for the proposal. He showed the easement is to maintain all movement on the property to all the buildings. Mr. Lewis commented their time of construction is proposed to begin in one year.

Leonard Simon, 9450 S. Thomas Drive, asked about the environmental impact study on the existing building and the area surrounding the proposed building. Ms. Silky commented one has not been completed, but when a project is submitted the wetlands or endangered species will be impacted.

Ray Joiner, 854 Beaver Creek Lane, asked if one of the buildings may not be as large as the other, the board commented that is the way they understood the presentation.

Mr. Sheldon made a motion to accept all the height incentives for an approved height of 220 feet and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	No	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	Yes

Ms. Chester commented it is recommended to City Council for 220 feet in height.

**Item NO. 10 Ordinance 1470 - Moratorium on Height Incentive Request**

Ms. Myers explained at the last City Council meeting Ordinance 1470, which establishes a temporary moratorium on the acceptance of applications for height incentives, but not a moratorium on the processing of applications, which is why the board was able to move forward on today's meeting. She stated it will prevent and put on hold the acceptance of anymore applications. She explained the moratorium will end in January or when the council approves an ordinance that would in effect repeal height incentives or substantially revise height incentives. She explained this does not technically amend the LDC but does affects when the board does for accepting applications. Discussion ensued.

Mr. Turner made a motion to approve Ordinance 1470 and it was seconded by Mr. Dowgul. Ms. Chester was asked to call roll.

Mr. Scruggs	Yes	Mr. Turner	Yes
Mr. Dowgul	Yes	Mr. Sheldon	Yes
Mr. Wakstein	Yes	Chairman Benjamin	No

Ms. Chester commented it is recommended as approval to City Council.


**ITEM NO. 11 Update on Policy Decisions**

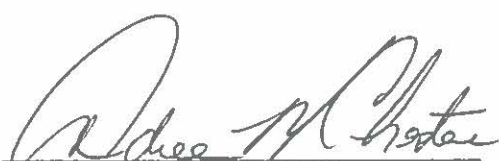
Ms. Myers commented that she will be coming before the board at the October meeting to give them an overview of their purposes, powers and obligations under the law. She commented the applications heard today will be scheduled to be heard before the city council in September and then in October they will be ready to hear an ordinance that will appeal all height incentives; therefore, this board will see that in October. She commented Bay Parkway will be coming online very soon and thoughts needs to be considered of how to treat this parkway. Ms. Myers gave an update of an upcoming ordinance for "No Trespassing" signs on the beach, next month. She stated the council is expressing ideas for increasing the parking requirements and will be for future discussions. Discussion ensued of height incentives. Chairman Benjamin asked if the council was ready to hear Prohibited Uses recommendation from the board, Ms. Myers commented the city council is not interested at this time.

Mr. Sheldon asked for an update in June on all applications approved by the Planning Board and the timeline process of being completed. Mr. Silky commented he would have it available at the next meeting.

The meeting was adjourned at 6:18 p.m.

DATED this 8th day of October, 2018

  
\_\_\_\_\_  
Edward Benjamin, Chairman  
Mark Sheldon

ATTEST:   
\_\_\_\_\_  
Andrea Chester, Secretary

ATTEST:

---

Andrea Chester, Secretary