

**CITY OF PANAMA CITY BEACH  
PLANNING BOARD MEETING MINUTES  
September 10, 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. Wakstein, Mr. Turner, Mr. Sheldon and Chairman Benjamin. Mr. Dowgul and Ms. Cook were absent.

**ITEM NO. 1                    Approval of August 13, 2018 Planning Board Meeting Minutes**

The minutes from the August 13, 2018 meeting were not available for a vote.

**ITEM NO. 2                    Request approval for a Large Site Development. The proposed plan is to develop a 253-room hotel with meeting and event spaces. The subject property is approximately 6.07 acres located at 16010, 16018 and 16006 Front Beach Road.**

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

Robert Carroll, 17800 Panama City Beach Parkway representing the developer of the property and introduced Mr. Richard Ellison, architect on the project. Mr. Carroll distributed new information on the site and one for the record was submitted. He stated this is an Embassy Suites project, 252 rooms, original plan was for 253 rooms. He explained the new plans were revised to accommodate larger rooms and an additional floor has been added to the west side of the project, which is all permitted, and the allowable height is 75 feet and this project is at 52 feet. He stated there is adequate parking, 345 parking spaces on the site along with off-site parking in addition. Mr. Carroll explained St. Joe owns all this property, 13 acres and are joint-venturing on this project and allowing the parking to overflow onto their own property.

Mr. Carroll stated there is one deviation they are requesting and that has to do with the FBO Districts. He explained their project is in an FBO-2 and an FBO-3, surrounded by an FBO-1, which is owned by the City of Panama City Beach and FBO-4, which is owned by the City of Panama City Beach and then FBO-3, which is Calypso Towers and FBO-2, which is Miracle Strip Amusements. He explained the deviation request is to not adhere to the FBO-1 District requirement of 100 feet separation since it is zoned Commercial and owned by the City of Panama City Beach and the closest residential zoning is approximately 800 feet from the project. Therefore, the request is to allow to be within an FBO District less than 200 feet to allow the 52 feet in height from the requirement of 45 feet in height. Mr. Carroll explained the project and what it entailed with the hotel and amenities on the site. He stated from the recommendation of staff they have interconnectivity with Pier Park without having to come out on Front Beach Road, the buildings are located out front with the parking in the rear. He commented staff did not have any objections to the project.

Chairman Benjamin asked about the report indicating beach access to the public beach across the street and how they were going to get there. Mr. Carroll responded, creating a crosswalk or directing them to the nearest crosswalk further to the west. Chairman Benjamin commented he is concerned for the safety issue of crossing Front Beach Road, stating they are not going to use the proper crosswalks. Mr. Carroll explained when Pier Park was developed this piece has always been planned for a hotel; therefore, from day one that have been plans to be a hotel and pedestrian safety will be something they will have to work on and the development of the CRA in this area. Discussion ensued regarding the heights in the different FBO-Districts, Mr. Carroll commenting all the heights meet the minimum requirements in the districts.

Mr. Sheldon referred to the conditions mentioned in the staff report, referring to the lease agreement with St. Joe and parking. Mr. Silky named the five conditions in his staff report; lease agreement with St. Joe, pedestrian pathway, meet or exceed city landscape standards, sidewalks six feet in width, and vehicular connections to the east of the site. Mr. Carroll mentioned along the eastern boundary of the property there is a proposal for an easement to prevent the a landlock in the rear. Mr. Silky recommended any motion made from the board to include these five conditions.

Chairman Benjamin opened the meeting up for public comments.



Melinda Edwards, 15817 Front Beach Road, Calypso commented she thought it was a good idea for the site and agrees with the beach access and crosswalk since she is concerned for the safety of the pedestrians. She stated there needs to be a better flow of traffic along Front Beach Road.

Brent Compton, 15817 Front Beach Road, Calypso commented he had a concern for the traffic and the added population on the beach in this area. He stated he believes the beach at the city pier was created for public use and not the private use of a hotel. He stated he thought this was bring a large burden on the area at the beach.

Mae Myer, 15817 Front Beach Road, Calypso stated she believes in growth, but not for this area. She added that she felt a skywalk was necessary for this area for pedestrian use and said she was concerned for the safety of the pedestrians.

Dave Everest, 15817 Front Beach Road, Calypso commented he agreed with a crosswalk for this area leading over to the beach side and was also concerned with the traffic congestion this development would add to the area. Mr. Everest commented this would only populate the beach area more. He commented his concerns were for the individuals who own rental property and the allowance to overbuild will only decrease rental rates for investors Mr. Everest also asked if the developer would be willing to work with the developer of Calypso Tower 3 and the sharing of parking for this project and the new tower.

Chairman Benjamin closed the public portion of the meeting.

Mr. Carroll commented this site was part of the original DRI of Pier Park and has been a part the plan. He added there will be other amenities on-site available for the guests; therefore, not all guests will be on the beach at the same time.

Mr. Wakstein added a comment to his Jennings Act disclosure that he is a business owner and rents retail space in Pier Park. Mr. Sheldon made a motion to approve with the five conditions noted in the staff report and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.

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

Ms. Chester commented the Large Site Development was approved.

**ITEM NO. 3                      Shorewalk Holdings, LLC is requesting authorization of a variance to permit the sale of residential lots of 1,600 square feet, which is not in compliance with the R-2 minimum lot standard of 6,000 square feet. The property is located at 100 Seabreeze Circle.**

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

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

Mike Burke, Law Firm of Burke and Blue on behalf of Shorewalk Holdings, LLC regarding the variance. He introduced the project as one that has already been approved by the Planning Department; approving the type of development, density, the land use and the compatibility, but the discrepancy is how Shorewalk, LLC sales the property. Mr. Burke stated they are not requesting more density or setbacks, but the size of the lot does not meet the requirements of the zoning. He stated the planning department was under the impression that a land condominium was being developed for this property, but the developer did not intend for this to be a land condominium. He stated therefore, his client is seeking a variance to allow for the established lot sizes. Mr. Burke displayed photographs of the before and after development of the property. He described the project as the HOA owning all the dirt around the lots, the roadway, and yards leaving the homeowner owning the building of 1,600 square feet. He explained there are six units under construction, one unit has sold, and one unit is under contract until this matter is resolved. Mr. Burke stated during the approval process this was a land condominium, but not recognized in FL Statutes, but term used to create units smaller than what is permitted for platting purposes; therefore, this is the same type of ownership as represented in this but called a homeowner's association rather than a condominium association. Mr. Burke stated if the belief was there was going to be land condominium and that was okay, this is the same animal that needs approval. Mr. Burke reiterated the development order met the approval, construction has proceeded, but the snag occurred when attempting to sale by metes and bounds when it needed to be platted. Mr. Burke



asked for the board's consideration to grant a variance to allow for the development that doesn't meet the 6,000 square requirement, but looking to do allow for a townhome, which meets the requirement of lot size. He explained a townhome may require two doors on a building for two separate units, it would still be the same development here, not changing the density, compatibility, the use that is all consistent with the code, but asking for a variance to allow for the sale by metes and bounds description.

Mr. Scruggs asked if one of the motivating factors to go this route is due to it's hard to get the financing for in a condo fashion rather than a fee simple loan. Mr. Burke commented yes, that is correct. Discussion ensued on efforts to have the property rezoned to RTH or to amend the LDC. Ms. Myers commented those options could take three to six months. Mr. Burke commented this would not fit into an RTH zoning, because these are not built as townhomes connecting with two doors on the structure. He stated this allowed in Bay County and recommended the board reviewing to add to the LDC.

Chairman Benjamin opened the meeting up for public comment.

Larry Fox, 16814 Innocente commented he lives next door to the entrance of the development and is very pleased with the project.

Alma Fortson, 17000 Hernando Avenue, across the street from the project and commented she is concerned the project will turn into short-term rentals and not be families. She explained that she lives near the development and is not in favor of short-term rentals. Mr. Wakstein commented the HOA documents indicate it is a six-month minimum. Mr. Burke confirmed the documents indicated no rentals less than six months are allowed, but this is a residential development.

Chairman Benjamin closed the public portion of the meeting and asked for an explanation on how to keep this from occurring again. Mr. Leonard stated it can be addressed through the LDC because this is the only time this has come up in twenty years. He commented it was addressed in the original approval where there would be no lots created less than the minimum lot size of 6,000 square feet. He explained the people now are different from the ones who originally submitted, and their intention may have been different. He stated there was not a misinterpretation and nothing was done wrong in the process. Mr. Leonard agreed stated if the board likes the idea of the project, grant the variance and direct staff to work on changes to consider for the LDC.

Mr. Silky commented the problem is getting around the lot size and lot width, the structure not meeting the setbacks unless something is changed. He suggested in the Supplemental Standards in the LDC will allow townhomes in the CH district, following the lot sizes of a townhome; therefore, if we could follow those same standards in the R-2 zoning it could work, but the catch is a townhome is two structures connected and these structures in this development are not connected. Mr. Sheldon asked if a shareable driveway could be identified as a shared connector to identify them as a townhome. Mr. Leonard commented the structures must be connected to be identified as a multi-family. Discussion ensued on ideas of how to connect the structures. Mr. Burke commented one structure has already been sold, other structures built and one pending contract; therefore, changing the construction is not feasible. Mr. Burke also mentioned the requirements for R-2 is a minimum lot of 6,000 square feet, if you take the entire parcel area and divide by 6,000 square feet you get 25 units and the development has 21 units, therefore meeting all the land requirements. Discussion ensued of the same type of projects that are in Bay County where it is permitted. Ms. Silky commented his review and approval of the development order was for a multi-family project with the lot size of 6,000 square feet.

Brandon Burg introduced himself as he worked on drafting the documents with Robert Carroll modeling this project after one of the approved projects in Bay County. He stated he sees the problem in our code is the separation of the ownership from the large parcel into the individual units. He stated the development order the idea was the entire parcel be considered a lot and then the structures on top are the individual units. He explained this was not set up to skirt financing rules or increase marketability, but the projects in Bay County have worked and didn't realize the small nuance differences in the code. Mr. Silky commented the staff, legal and engineering conversations and understanding have been all along they were selling it as a land condominium, joint ownership of the property, own structure on top and it was viewed as a condominium. He commented it is a great project and hopes there is a way to make it work. Discussion ensued. Mr. Sheldon asked how we got here today with seven structures complete on the project. Mr. Leonard commented there was not any additional lots being created, but all staying common property. He stated when the request came in for us to approve 1,600 square foot lots, the division of the land request is why we are here today. Ms. Myers commented FL Statutes does not define a land condominium and are code does not speak to condominium, because it's the conveyance of a

structure and not of the dirt. She stated that now they are splitting the dirt it requires them to go through the subdivision platting process.

Mr. Wakstein commented he agreed it was a great project, but there are no findings to support the requirements in LDC to approve a variance. Mr. Burke stated there is only one change needed and that is for the board to recognize this is exactly what was approved except for the form of ownership; therefore, you as the planning board can approve this variance. Mr. Silky cautioned the board in that this may be a way for future developers to skirt around the subdivision requirements. Mr. Silky stated he thinks this is a great project, but there are other ways of getting this approved. He reiterated again that he approved the project with joint ownership of the land and the owners would only own the structures. Mr. Burg disagreed with staff's interpretation. Discussion ensued. Mr. Carroll explained how this works in Bay County and showed there is adequate land on the site per unit, but it is disbursed over the whole property, meeting the density requirements. Mr. Sheldon asked if there is a way to approve this project without having to grant a variance.

Chairman Benjamin asked what the downside of the board were approving the project. Ms. Myers commented the worst-case scenario is that it waters down the variance criteria, the subdivision and platting requirements in the LDC. She stated the best-case scenario is the staff come up with regulations that are specific to land condominiums or the property is rezoned and approached in a different manner. Mr. Scruggs made a motion to approve the variance and to pursue the LDC changes to allow for land condominiums and it was seconded by Mr. Sheldon. Discussion followed. Ms. Chester was asked to call roll.

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

Ms. Chester commented the variance request to approve failed.

Mr. Scruggs made a motion to direct staff in adding land condominium designation to the Land Development Code or alternatives to allow such developments as Shorewalk. and it was seconded by Mr. Sheldon. Ms. Chester was asked to call roll.

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

#### **ITEM NO. 4            Ordinance 1464 – Proposed Ordinance for Signs on Sand Beach**

Ms. Myers introduced the item and explained this was at the request of the City Council. She stated the ordinance prohibits "No Trespassing" signs on the sandy gulf beach. Discussion ensued.

Mr. Sheldon made a motion to approve and it was seconded by Mr. Wakstein. Ms. Chester was asked to call roll.

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

Ms. Chester commented it was recommended for approval to City Council.

#### **ITEM NO. 5            Proposed Ordinance for Bay Parkway, N. Nautilus Street, and N. Pier Park Scenic Corridors**

Ms. Myers introduced the item and explained this would be amending the LDC's definition of Scenic Corridors to include the above-named streets. She stated Bay Parkway would be identified as a limited access road, Access Class 3, explaining N. Nautilus Street and N. Pier Park are the connectors to Bay Parkway. Ms. Myers commented recommendation from the City Engineer, Kelly Jenkins in that N. Nautilus, north of Colony Club be also classified as a limited access road, Access Class 5. Discussion ensued. Chairman Benjamin commented the ordinance only pertains to Bay Parkway regarding the sign requirement and he recommended to add all three streets in this requirement of signs, and stated he recommended no signs over six feet in height, like a monument sign. Discussion ensued.



Ms. Scruggs made a motion to approve the ordinance with the recommendation of the sign limitation of six feet in height for signs and it was seconded by Mr. Sheldon. Ms. Chester was asked to call roll.

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

Ms. Chester commented it was recommended for approval to City Council.

**ITEM NO. 6 Code Enforcement Update**

Mr. Tindle gave an update on the cases for the month of August, which consisted of 149 cases. He explained the majority cases involved grass and overgrowth. Mr. Tindle showed examples of illegal dumping and abandoned cars in the neighborhoods.

Mr. Tindle announced that Mr. Mark Williamson retired in August and they have been operating with two officers, interviews have been completed and hope to have a new office next month. The board thanked him for the update.

**ITEM NO. 7 Planning Board Actions Update**

Chairman Benjamin asked for an update on the development Beachscape. Mr. Leonard commented they are working on a possible change from a condominium to a boutique hotel. He stated it would be in the same footprint with lesser height, but no submittal has been occurred. Mr. Leonard stated they have an active development order that has been extended by the State of Florida.


Mr. Silky provided an update on the actions taken by the board in the last year.

**NEW BUSINESS:** Chairman Benjamin commented there were four members up for reappointment, two have chosen not to continue their service on the board, Mr. Dowgul and Ms. Cook. He stated the board rotates four and three rotation on the board every two years, he recommended there should be a way to spread the rotation out so that most members would not be leaving at the same time. Chairman Benjamin stated in his opinion the four and three rotation is being done on the election years, which is wrong since the elections of the board members are coming from new people that may not have had time to observe the members. He suggested the rotation be done on the non-election years.

The meeting was adjourned at 4:04 p.m.

DATED this 8th day of October, 2018

  
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~~Edward Benjamin, Chairman~~  
Mark Sheldon.

ATTEST:  
  
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Andrea Chester, Secretary

