

**CITY OF PANAMA CITY BEACH
PLANNING BOARD**

MEETING DATE: June 9, 2021
MEETING TIME: 1:00 P. M.
PLACE: City of Panama City Beach City Hall

AGENDA

- ITEM NO. 1** **Call to Order and Roll Call**
- ITEM NO. 2** **Pledge of Allegiance – Mr. Scruggs**
- ITEM NO. 3** **Approval of May 13, 2021 Planning Board Meeting Minutes**
- ITEM NO. 4** **Public Comments-Non-Agenda Items Limited to Three Minutes**
- ITEM NO. 5** **The St. Joe Company is requesting approval for a Planned Unit Development (PUD) Master Plan of East Lake Creek II located on the northside of Highway 98 (Panama City Beach Parkway) immediately west of Downing Lane intersection. The Planning Board will hold a public hearing to consider the request.**
- ITEM NO. 6** **Fun Pass Entertainment is requesting approval of a Conditional Use to operate as a club. The property is located at 8746 Thomas Drive. The Planning Board will hold a public hearing to consider the request.**
- ITEM NO. 7** **Andrew Marshall is requesting authorization of a variance from Land Development Code 4.03.02.A.8 to allow the finished floor elevation FFE to be based on the elevation of an adjacent private drive (Cabana Cay Circle) rather than on the elevation of an adjacent street (Front Beach Road). The property is located at 17188 Front Beach Road. The Planning Board will hold a public hearing to consider the request.**
- ITEM NO. 8** **Ordinance 1552 – Regulations for Public Art**

All interested persons are invited to attend and to present information for the Board's consideration. Further information may be obtained from the Building & Planning Department at 233-5100. Anyone not appearing in person may submit written comments to the Building & Planning Department at 116 South Arnold Road, Panama City Beach, Florida 32413, any time prior to the stated meeting time. All comments received will be considered before final action is taken. If a person decides to appeal a decision of the Planning Board, a record of the proceedings will be needed. Such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Lynne Fasone, City Clerk at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413 or by phone at (850) 233-5100. If you are hearing impaired and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8771 (TDD). Notice is hereby provided that one or more members of the City Council or other City boards may attend and speak at the meeting.

ITEM NO. 5

Staff Review: East Lake Creek II

I. Basic Submittal Requirements Land Development Code 10.02.01

Name, Property Address, phone, email, property owner(s) signature or name of acting agent, plan preparer

Staff analysis: *The information is included in the submitted application.*

Survey obtained no more than two (2) years prior to the filing of the application containing legal description, land area and existing improvements located on the site. Written documentation the property owner has or will comply with all applicable notice requirements. A vicinity map showing the location of the property and the Future Land Use Map designation for the property and zoning designation.

Staff analysis: *The information is included in the submitted application.*

II. Submittal Requirements for PUD Master Plans LDC 4.02.05

Each application for a PUD Master Plan shall contain the following information for Standards:

A. A planned unit development (PUD) is a zoning district intended to provide for flexible site design. The purpose and intent of establishing the PUD district are to provide procedures and standards that encourage a mixture of Uses anywhere in the City that are functionally integrated and that encourage innovation and imagination in the planning, design and Development or Redevelopment of tracts of land under Single Unified Ownership or Control.

B. A property owner has no legal right for approval of a Master Plan. Rather, the City shall approve a PUD Master Plan only when it has determined that the applicant has demonstrated, to the satisfaction of the City, that the PUD Master Plan provides a

sufficient public benefit to justify allowing the property owner to deviate from otherwise applicable minimum requirements of the LDC.

Staff analysis: *The applicants proposed mixture of uses include retail sales and service/personal services, open space, single family attached and detached and multifamily. Some of the public benefits proposed are the protection of environmentally sensitive resources such as wetlands and marsh grasses, the inclusion of passive recreational areas/open space connected by a trail system with access to Lake Powell. 24% of the site will consist of open space.*

C. A PUD shall include at least one (1) Residential Use and one (1) non-residential Use. At least three (3) Uses shall be included in the PUD. Each Use shall comprise at least ten (10) percent of the total land area of the PUD and shall be selected from the following list. Acreage dedicated to Streets, stormwater and other common spaces shall not be utilized in the calculation of the 10% percent lot minimum.

1. Single Family Residential;
2. Multi-family Residential;
3. Retail Sales or Services or Personal Services;
4. Silviculture;
5. Public Uses;
6. Recreation or Open Space; or
7. Light Industry, provided the Planning Board determines that the activity has a minimal impact and is subordinate in size and intensity to at least one (1) other land Use within the PUD.

Staff analysis: *The proposed uses include single family (attached detached) residential (41%), multi-family residential (29%) retail sales/service/personal service (3%) and open space (24%). Total acreage dedicated to roads, stormwater or other common space were not included nor appears to be factored in the calculation of the percentages.*

D. Development of each Use in a PUD shall comply with the provisions for the most restrictive zoning district classification in which that Use is allowed unless the City approves deviations from the strict application of requirements of the applicable zoning district classifications. The City may approve such deviations when it determines that the Development protects the public interest and provides a public benefit. For purposes of this section, examples of a public benefit include, but are not limited to dedication for

parks and beach access; protection of environmentally sensitive resources; or the provision of extra Open Space, buffering and landscaping.

Staff analysis: *Page 5- 15 of the submittal addresses the requested deviations. Staff recommends the applicant:*

- *Be held to the 1,500' vehicular access separation standard for connections to PCB Parkway.*
- *Include 5% of each subdivision to be dedicated as a neighborhood park, as required by LDC Section 4.03.02.B.8.*
- *Include sidewalks on both sides of all streets unless a multi-use path is deemed adequate by staff.*
- *Include 4' wide bike lanes on both sides of all streets with speeds over 25 MPH unless a multi-use path is deemed adequate by staff.*
- *Follow all LDC buffering requirements.*
- *Meet or exceed all LDC landscaping requirements.*

E. Deviations in design standards may be approved for the following:

1. Lot area and Lot dimensions, so long as the Development conforms to the maximum density and intensity established for the site. The maximum density and intensity of the site shall be that permitted by the underlying zoning district. The maximum density shall only be applicable to those areas designated as Residential on the approved Master Plan. Acreage designated as non-residential on the Master Plan may not be used in the calculation of Residential density. The maximum intensity shall only be applicable to those areas designated as non-residential on the approved Master Plan. Acreage designated as Residential on the Master Plan may not be Used in the calculation of non-residential intensity. Residential Uses may be permitted by the Planning Board within non-residential areas (as shown on an approved Master Plan) subject to a limitation of the intensity standard of the underlying zoning district. Density shall not apply to Residential Uses within non-residential area as shown on the Master Plan.

Staff analysis: *Page 5 and 16 of the submittal addresses intensity and density standards which meet City standards. The applicant will be held to the standards addressed above during the Final Development Plan review process. The applicant is proposing 750 units on 76.32 acres of land dedicated for residential use and 50,000 sq. ft of commercial on 3.22 acres of land dedicated to commercial use.*

Staff has no objections to deviations in lot area or dimensions addressed on pages 5 and 6 of the submittal.

2. Parking requirements.

Staff analysis: *Page 6 through 9 of the submittal addresses parking; staff has no objections to the proposed deviation.*

3. Sign standards for the area, number and size of signs may be modified subject to the approval of a master signage plan that establishes a coordinated signage program within the PUD.

Staff analysis: *Details addressing signage were included on page 9.*

4. Roadway and Access standards. All sites within a Planned Unit Development shall provide at least one vehicular Access and at least one pedestrian and bicycle Access to at least one other portion of the Planned Unit Development.

Staff analysis: *The submittal addresses these issues on the Conceptual Plan.*

5. Setback requirements, provided that a minimum Setback of twenty-five (25) feet shall be required when non-residential Development, Multi-family Development or Townhomes within the PUD is proposed to abut land zoned or Used for Single Family Residential Development outside of the PUD.

Staff analysis: *Staff recommends the proposed development follow all LDC buffering requirements.*

F. A PUD district shall be established by Rezoning and simultaneous approval of a PUD Master Plan for the entire area Rezoned, both according to the procedures established in Chapter 10. In order to approve a PUD Master Plan or any revision thereto the City Council, after receiving the recommendation of the Planning Board, must determine that the following conditions (among others it deems appropriate) are met by the applicant:

1. The planned Development is consistent with the Comprehensive Plan.

Staff analysis: *The development is consistent and already zoned PUD.*

2. The planned Development is coordinated rather than an aggregation of individual and unrelated Buildings and Uses.

Staff analysis: *The proposed plan meets this requirement.*

3. The planned Development incorporates a compatible mix of Residential and non-residential Uses;

Staff analysis: *The proposed plan meets this requirement.*

4. The planned Development incorporates three Uses meeting the required minimum proportions.

Staff analysis: *The proposed plan meets this requirement.*

5. The applicant is providing sufficient public benefit to allow the applicant to deviate from the regulations for Development of the Uses in the city's base zoning districts; and

Staff analysis: *Staff recommends the applicant:*

- *Be held to the 1,500' vehicular access separation standard for connections to PCB Parkway.*
- *Include 5% of each subdivision to be dedicated as a neighborhood park, as required by LDC Section 4.03.02.B.8.*
- *Include sidewalks on both sides of all streets unless a multi-use path is deemed adequate by staff.*
- *Include 4' wide bike lanes on both sides of all streets with speeds over 25 MPH unless a multi-use path is deemed adequate by staff.*
- *Follow all LDC buffering requirements.*
- *Meet or exceed all LDC landscaping requirements.*

6. All land included for purpose of Rezoning to a PUD zoning district encompasses at least 5 acres and is owned or under the control of the applicant.

Staff analysis: *The subject 108.36-acre area is owned by the St. Joe Company.*

7. The planned Development is compatible with existing Development abutting the proposed PUD district as demonstrated by the following factors, considered from the point of view of the abutting Development:

- (a) Existing Development patterns;
- (b) Scale, mass, height and dimensions of existing Buildings;
- (c) Total density and density transitions;
- (d) Intensity, as measured by floor area ratio and transitions;
- (e) Extent and location of parking, Access points and points of connectivity to surrounding neighborhoods;
- (f) Amount, location and direction of outdoor lighting;

(g) Extent and location of Open Space; including details of its useability, weather it is or will be landscaped and other sufficient information to determine the types of activities to occur and any value the space may have as a buffer; and

(h) The location of Accessory Structures such as dumpsters, recreational equipment, swimming pools or other structures likely to generate negative impacts such as noise, lights or odors;

(i) Sufficiency of Setbacks to mitigated potential nuisances; and

(j) Proximity and use of all areas that will be utilized for any purpose other than landscaping.

Staff analysis: *The planned development is compatible with the surrounding parcels.*

8.The planned development's traffic impact is reasonably mitigated by calculation of the proportionate share transportation mitigation fee and careful planning of all access connections and other similar traffic improvements.

Staff analysis: *Staff recommends the applicant be held to the 1,500' vehicular access separation standard for connections to PCB Parkway. Staff disagrees with the applicant's conclusion on proportionate share transportation mitigation fee. A proportionate traffic mitigation fee will be collected for impacts to failing segments of the City's roadway system.*

9.The applicant identifies the location of all flood zones, wetlands, protected habitats and other similar environmental features and how each is to be addressed in the planned development.

Staff analysis: *As part of the Final Development Plan the applicant will be required to carry out an environmental study of the area to minimize impacts to threated species or sensitive areas.*

G. Revisions to an Approved PUD Master Plan: Revisions to an approved PUD Master Plan shall be made in accordance with section 10.15.00 of this LDC.

H. No development shall occur until a final development plan for the PUD has been approved.

Staff analysis: *The requirements of G and H will be followed.*

III. Submittal Requirements for Large Site Development, TNOD, and PUD Master Plans, Land Development Code Section 10.02.05

Each application for a Large Site Development, TNOD, or PUD Master Plan shall contain the following information:

- A. All information required pursuant to section 10.02.02.
- B. A statement of objectives describing the general purpose and character of the proposed Development, including type of structures, Uses, Lot sizes and Setbacks.
- C. A boundary survey.

Staff analysis: *Requirements of A, B and C have been addressed in the submittal.*

- D. Perimeter buffering and landscaping.

Staff analysis: *Staff recommends the applicant be required to meet or exceed City Landscape/buffering standards.*

- E. General location and size of Land Uses.

Staff analysis: *Information was supplied in the submitted document.*

- F. Type of zoning districts and existing uses abutting the proposed development boundaries.

Staff analysis: *Information was supplied in the submitted document.*

- G. A detailed, written list and complete explanation of how the proposed development differs from any provision of the LDC, including a comparison with the Lot and Building standards of the underlying zoning district. If the Master Plan is approved, any such difference not listed or explained shall not be recognized or permitted and no such difference shall be implied or inferred.

Staff analysis: *Information was supplied in the submitted document and discussed above.*

- H. A detailed explanation of the public benefit which justifies allowing the property owner to deviate from otherwise applicable minimum requirements of the LDC.

Staff analysis: Information was supplied in the submitted document and discussed above.

- I. A timeline for the Development, which addresses the following items:
 1. Development phases, if applicable and benchmarks for monitoring the progress of construction of each phase. Wherever applicable, the benchmarks shall include:
 - (a.) Land Clearing;
 - (b.) Soil stabilization;
 - (c.) Construction of each landscaping element of horizontal infrastructure, including but not limited to, roads, utilities and drainage; and
 - (d.) Vertical infrastructure and improvements.

Staff analysis: information is addressed in the submittal.

VI. Final Development Plan To be submitted within one year.

2. The Final Development Plan shall be submitted within one (1) year of Master Plan approval. The timeline shall show that construction of the horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the final development plan; provided that in the event the Development is divided into phases, the timeline shall show that construction of Phase 1 horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the first final development plan and that the horizontal infrastructure for all remaining phases will be substantially completed within four (4) years after approval of the final development plan.

3. The timeline shall provide that ninety (90) percent of the land area of the Development, excluding horizontal infrastructure, will be built-out to its intended, final Use within ten (10) years of approval of the Master Plan.

4. Proposed dates for the submittal of Progress Reports.

J. Other applicable information as required on the application for Development master plan or which the Applicant may desire to submit to demonstrate satisfaction of the conditions set forth in this LDC.

K. This section shall not be constructed so as to require detailed engineering or Site Plan drawings as a prerequisite to approval by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed Development, Open Space, conservation areas, etc. (bubble plan); however, detailed drawings and

information consistent with the approved master plan will be required prior to approval of a final development plan for any phase(s) of Development. In the event that the master plan contains no provision for a particular matter that is regulated in the underlying zoning district or the prior zoning district in the case of PUD generally, then the final development plan approval shall be consistent with both the approved Master Plan and all regulations applicable within the underlying or prior zoning district.

Staff analysis: These items to be submitted after approval of the Master Plan and within one year.

Staff Recommendation

Staff has no objections to several proposed deviations from the Land Development Code. However, staff recommends the applicant:

- *Be held to the 1,500' vehicular access separation standard for connections to PCB Parkway.*
- *Include 5% of each subdivision to be dedicated as a neighborhood park, as required by LDC Section 4.03.02.B.8.*
- *Include 5' wide sidewalks on both sides of all streets unless a multi-use path is deemed adequate by staff.*
- *Include 4' wide bike lanes on both sides of all streets with speeds over 25 MPH unless a multi-use path is deemed adequate by staff.*
- *Follow all LDC buffering requirements.*
- *Meet or exceed all LDC landscaping requirements.*
- *Staff disagrees with the applicant's conclusion on proportionate share transportation mitigation fee. A proportionate traffic mitigation fee will be collected for impacts to failing segments of the City's roadway system.*
- *As part of the Final Development Plan be required to carry out an environmental study of the area and plan to minimize impacts to threatened species or sensitive areas.*



CITY OF PANAMA CITY BEACH
 Building and Planning Department
 116 S. Arnold Road, Panama City Beach, FL 32413

SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS - LDC Section 10.02.01

Property Owner(s)

Name: The St. Joe Company

Property Address: 130 N Richard Jackson Boulevard

City: Panama City Beach State: FL Telephone: 850-231-7402 Fax: _____

Email: catherine.mccloy@joe.com

Property Owner(s) Signature: Cather McCloy Dir. Planning + Development

Name of Acting Agent: Raymond W. Greer
 Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Please provide a survey obtained no more than two (2) years prior to the filing of the application containing legal description, land area and existing improvements located on the site. Written documentation the property owner has or will comply with all applicable notice requirements.

Payment Fee: \$800.00 Date Collected: _____ PUD Master Plan Modification

The procedure for review of application is found in Sections 10.02.00 and 10.17.00 of the LDC.

Basic Submittal Requirements - LDC Section 10.02.02

Plan or Plat Preparer

Name: Raymond W. Greer

Address: 2910 Kerry Forest Parkway, D4-126 Email Address: raywgreer@gmail.com

City: Tallahassee State: FL Telephone: 850- 545-6503 Fax: _____

Date of Preparation: March 31, 2021 Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) Section 3 and 4, Township 3 South,
Range 17 West, Bay County, Florida

A vicinity map showing the location of the property and the Future Land Use Map designation for the property.

Zoning designation for the property: Planned Unit Development (PUD)

Additional plans, documents, and reports as deemed necessary by the City Manager. Information required for the specific type of application, as specified in sections 10.02.03 through 10.02.07 as applicable. All site plans and plats shall be drawn to a scale approved by the City Manager.

**CITY OF PANAMA CITY BEACH
PUBLIC NOTICE OF
PUD MASTER PLAN APPROVAL REQUEST**

The City of Panama City Beach Planning Board will consider the following request:

APPLICANT: The St. Joe Company

ADDRESS/LOCATION: Northside of US Highway 98 (Panama City Beach Parkway)
immediately west of Downing Lane Intersection.

The *PUD MASTER PLAN* is being requested because, to allow for a mix of residential, retail or sales or personal services, open space on the collective parcels:

(Parcels #35291-005-000, a portion of Parcel #35351-005-000, a portion of Parcel #35291-000-000, and a portion of Parcel #35351-000-000). See attached map.

MEETING INFORMATION:

Date: June 9, 2021

Time: 1:00 PM

Place: City Council Meeting Room, 17007 Panama City Beach Parkway, Panama City Beach

The applicant for this request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within three hundred (300) feet of the subject property.

Any questions you may have regarding this request please contact the City of Panama City Beach Building and Planning Department at 850-233-5054, ext. 2313.

**City of Panama City Beach
Planned Unit Development Master Plan
Application**



East Lake Creek II

Planned Unit Development Master Plan

April 2021

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I. Project Description

The subject site is 108.3 acres and is composed of Parcel #35291-005-000, a portion of Parcel #35351-005-000, a portion of Parcel #35291-000-000, and a portion of Parcel #35351-000-000 located along the north side of US Highway 98 (Panama City Beach Parkway). Reference Appendix A: PUD Conceptual Master Plan for a location map depicting the site's location. The site is bordered on the north by vacant land in Bay County with a zoning designation of Agriculture/Timberland (AG-2), Conservation and Conservation Habitation and is also located within the Bay-Walton Sector Plan. The site is bordered on the east and west with land that has a City of Panama City Beach zoning designation of Planned Unit Development (PUD). The site has some areas of floodplain and wetlands mainly associated with lake Powell and tributaries. Reference Appendix A: PUD Environmental Features Map. The site is currently vacant and has frontage on US Highway 98. The site has a Future Land Use Map designation of "Mixed Use."

Table 1. East Lake Creek – Proposed PUD Mix of Uses

Proposed Land Uses	Acres	Percent of Development (Area)
Single Family Residential	44.87	41%
Multi-Family Residential	31.45	29%
Retail Sales or Services or Personal Services	3.22	3%
Open Space	25.46	24%
Main Road Right of Way	3.36	3%
Total	108.36	100%

The East Lake Creek II PUD Master Plan contains a mixture of land use consisting of residential single family detached and attached units, residential multi-family, retail sales or services or personal services and open space. The open space areas provide over 25 acres of passive recreational opportunities with significant shoreline access to Lake Powell. The 25 acres of open space will be owned and maintained by the residential home-owners association. The East Lake Creek II PUD site is located on the east side and adjacent to the previously approved East Lake Creek PUD Master Plan. The previously approved East Lake Creek PUD contains 26.8 acres of retail sales or services or personal services and 11 acres of business and professional services land uses along with 8 acres of open space. The East Lake Creek II PUD will provide for internal connectivity of the non-residential uses along with continual linkage of the passive open space areas into the previously approved East Lake Creek PUD.

The East Lake Creek II PUD is anticipated to be developed within 3 phases over the next ten (10) years. The potential phases would be as shown Table 2.

Table 2: East Lake Powell II PUD Development Phases

Phase	Timeframe
Phase 1	2021-2024
Phase 2	2024-2028
Phase 3	2028-2031

The East Lake Creek II PUD traffic was preliminary evaluated to determine any potential transportation impacts. The project is located north of US 98 and east of Wild Heron Way in Panama City Beach, Florida. Unlike a rezoning or site plan application, a PUD application generally does not include exact development intensities or a build-out year, since at the time of application, such information is typically unknown. The following land uses were assumed as part of this preliminary PUD analysis:

- 200 single-family detached units
- 550 multifamily dwelling units
- 50,000 square feet of office

Given that this is a PUD and there is not an associated development plan the preliminary traffic evaluation analysis cannot evaluate internal or pass-by capture associated with a mixed use development. The intent of the PUD Master Plan process is to allow for the actual site details to be defined that will allow for the development of the Final Development Plan for the East Lake Creek II PUD site. The City of Panama City Beach and the St. Joe Company have an existing Transportation Agreement in which the agreement defines how the cost associated transportation impacts are mitigated within certain areas of the City regarding traffic.

Table 3 - PUD 2021 Study Area Preliminary Traffic Evaluation

Road Name and Segment	Adopted LOS			Percent Project Traffic	New Project Traffic		Significant Impact? (>5%)	Direct Access
	LOS Standard	Number of Lanes	Service Volume		PM Peak Trips	% Impact		
Cobb Road								
Front Beach Rd to US 98	D	2	1,060	2.7%	14	1.3%	No	No
Front Beach Road								
US 98 to Front Beach Road	D	2	1,330	2.1%	11	0.8%	No	No
US 98								
Front Beach Rd to Site	D	4	3,580	30.1%	158	4.4%	No	Yes
Site to Cobb Rd	D	4	3,580	69.9%	368	10.3%	Yes	Yes
Cobb Rd to SR 79	D	6	5,390	35.0%	184	3.4%	No	No

A generalized traffic analysis was completed evaluating existing (2021), short term (2026) and long-term (2031) traffic for the East Lake Creek II PUD. Based on the development intensities assumed for the PUD, the PUD traffic is not anticipated to create any transportation deficiencies beyond those created by background traffic. The background traffic without the PUD traffic is anticipated to create failures along both roadway segments within the study area. The failures are a preexisting condition and not caused by

the addition of the PUD's traffic. Chapter 2011-139, Laws of Florida; and Chapter 163.3180 of the Florida Statutes as amended by HB 319, exempts developers from contributing proportionate-share monies to correct preexisting transportation deficiencies. Because the identified failures are a preexisting condition and not caused by the addition of PUD's traffic, improvements to correct the deficiencies can be considered in place. The improvement identified needed to allow US 98 to operate at acceptable level-of-service standards is to widen it from four to six lanes. Florida Department of Transportation has a Project Development and Environmental (PD&E) Study along US 98 from the Walton County Line to SR 79 to evaluate the widening of US 98 from four to six lanes. Funding for the PD&E is budgeted for the 2021 Fiscal Year. No funding is programmed for construction. Furthermore, the City of Panama City Beach and the St. Joe Company have an existing Transportation Agreement in which the agreement defines how the cost associated transportation impacts are mitigated within certain areas of the City regarding traffic.

A detailed traffic analysis will be prepared at the time of the Final Development Plan application when actual development intensities and densities are known.

II. Deviations Requested

Pursuant to Section 4.02.05(D) of the Land Development Code (LCD), development of each use in a Planned Unit Development (PUD) is required to comply with the provisions for the most restrictive zoning district classification in which that use is allowed unless the City approved deviations from the requirements. The following tables list deviations from the LDC that are being requested in this application as part of the PUD approval process for East Lake Creek II.

East Lake Creek II PUD Deviations Standards

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
A. Lot Area and Dimensions		
Table 2.04.01 Density and Intensity Standards for Zoning Districts	Commercial Low: 80% Floor to Area Ratio	No deviation requested from standard of 80% FAR
Table 4.02.02.C Site Design Standards for Lots Residential Town Home (RTH) (This standard is used because it most closely approximates the anticipated housing type)	Lot Area: 1,575 square feet Lot Width: 20' Lot Coverage: 80%	Lot Area: 1,575 Lot Width: 18' Lot Coverage: 80%
Table 4.02.02.C Site Design Standards for Lots Residential Single Family (Units within R-1a)	Lot Area: 10,000 square feet Lot Width: 100' Lot Coverage: 80%	Lot Area: 5,000 square feet Lot Width: 50' Lot Coverage: 80%

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
Table 4.02.02.C Site Design Standards for Lots Commercial Low Intensity	Lot Area: 5,000 square feet Lot Width: 50' Impervious Surface: 80%	No deviation requested from existing standard
Table 4.03.02.A Block Size Standards	Maximum Intersection Distance: 1,200 feet	No deviation requested from existing standard
B. Parking Requirements		
Table 4.04.04.C: Parking Lanes	9 ft minimum width for parallel on-street parking; 45° angled parking 18' minimum width (only allowed on roads whose speed is <30 mph)	No deviation requested from existing standard
Table 4.05.02.A: Parking Space Requirements	Multi-Family Dwellings: 1.7 per unit Single-Family Dwellings: 2 per unit Professional or Personal Service establishments and medical or dental offices or office buildings: 3.33 per 1,000 s.f. of floor area	Multi-Family Dwellings: 1.5 per unit No deviation requested from existing standard for Single Family, Professional or Personal Service establishments and medical or dental offices or office buildings parking space requirements
4.05.02.G: Overflow Parking Requirements	Single- and multi-family developments containing three or more units shall provide overflow parking; each overflow space shall be 12' by 30'	No deviation requested from existing standard
Table 4.05.02.G: Overflow Parking Requirements	> 30 lots or units: 4 spaces plus 1 space for every 30 lots or units in excess of 30 lots or units	No deviation requested from existing standard

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
<p>4.05.03.H: Parking Area Illumination Requirements</p>	<p>All Parking Lots and Parking Garages shall be continuously lighted at night by a minimum of one (1) foot candle average illumination. All areas of a Parking Garage or Parking Lot accessible to pedestrians shall be lighted at night by a minimum of two (2) foot candles average illumination. Lights shall be directed and/or shielded to avoid direct illumination of adjacent properties. Light shall be measured from the closest boundary of a Parcel zoned or used for Residential purposes and shall not exceed one-half (0.5) foot candles illumination.</p>	<p>No deviation requested from existing standard</p>
<p>4.05.03.I: Parking Area Setback Requirements</p>	<p>A Parking Garage located adjacent to land zoned or used for Single Family Residential purposes shall have minimum Side and Rear Setbacks equal to the greater of twenty (20) feet or the distance specified for principal Buildings in the district in which the Parking Garage is located. Parking Lots located on a Lot, lying in whole or in part within a Scenic Corridor (except within an FBO district) shall be Setback a minimum of five (5) feet from all property lines. Parking Lots abutting all other roads shall be Setback a minimum of ten (10) feet. In all other instances, the front, side, and rear setbacks shall conform to the requirements of the applicable zoning district.</p>	<p>No deviation requested from existing standard</p>
<p>Table 4.05.03.B: Distance between uses and parking facilities</p>	<p>Multi-Family Development: 500' Retail Sales and Services: 300'</p>	<p>No deviation requested from existing standard</p>

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
<p>4.05.03.N: Pedestrian Connections for Parking Lots</p>	<p>Parking facilities > 100 spaces:</p> <ol style="list-style-type: none"> 1. The connection shall be a continuous, pedestrian sidewalk not less than six (6) feet in width. 2. The sidewalk shall meet the design and construction standards of the Engineering Technical Manual. 3. The sidewalk shall be lighted at night by a minimum of two foot candles average illumination. The maximum illumination at an adjacent Residential Use is half (0.5) foot candle at the property line; however, if the lot or site restrictions is such that the sidewalk placement is adjacent to the Residential property line, the sidewalk illumination requirement shall be met for public safety purposes. The lights shall be located, directed and shielded to reduce glare visible from any property zoned or used for Residential, public, Recreation or conservation purposes. 4. If the Principal Use and Parking Lot are separated by any right-of-way, the sidewalk required by this section shall contain an at-grade marked Crosswalk across the right-of-way and lying as directly between the Principal Use and Parking Lot as may be necessary to leave no incentive to jaywalk. Markings shall be thermoplastic and meet FDOT standards. 	<p>No deviation requested from existing standard</p>

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
4.05.06: Bicycle Parking Requirements	Multifamily Development: 10% of automobile parking spaces Offices, Personal, or Professional Services: 10% of automobile parking spaces	No deviation requested from existing standard
Table 4.05.08: Minimum Off-Street Loading Requirements	Retail Sales and Services: 1 space; 30' long, 12' wide, and 14' high clearance; loading spaces shall not be located closer than 35' to Residential uses.	No deviation requested from existing standard
C. Sign Standards		
5.07.00: Sign Code	Requirements regarding the location and size of signs.	Design guidelines outlining the requirements for signage within the PUD will be finalized in the Final Development Plan.
D. Roadway and Access Standards		
4.02.02.B.8 Design Requirements – Park	A proposed Subdivision involving three or more acres of land, in which a majority of the lots are intended for the development of residential dwelling units, shall include 5% of land to be subdivided dedicated for a neighborhood park.	Recreational amenities will be finalized in the Final PUD Development Plan
4.04.01.B.3(a) Access Standards and Permitting	Access Class 3 Roads: 1 connection to the public road every 1,500 feet that the parcel abuts the road	This standard will be met within the developable portions of the PUD.
Table 4.04.01.A Maximum number of access points	<100 feet lot width – 1 access point 100 to 200 feet lot width – 2 access points >200 feet lot width – 2 plus 1 for each additional 200 feet or fraction thereof	No deviation requested from existing standard
4.04.01.B.4 Access Standards and Permitting	Minimum distance of 35 feet between any two openings onto the same street.	No deviation requested from existing standard

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
4.04.01.B.8 Access Standards and Permitting	Drive-through lanes or loading spaces shall not be located any closer than 35 feet to the boundary of a property zoned or used for Residential purposes.	No deviation requested from existing standard
4.04.03.A Pedestrian and Bicycle Facilities Required	Every new and reconstructed street segment within the City shall contain sidewalks and bicycle lanes or paths, excepting those serving single family or townhome residential uses and whose posted speeds are less than 25 miles per hour.	No deviation requested from existing standard
4.02.03.A.5 Greenway Connection	Developments located adjacent to a funded public greenway or bike trail shall provide a connection, constructed to a standard equal or better, to such greenway or trail from all principal buildings and dwelling units.	No deviation requested from existing standard
4.04.03.B Sidewalk Standards	Sidewalks adjacent to a public road shall be no less than 5' wide.	No deviation requested from existing standard
Table 4.04.04.A and B: Street Specifications Summary	Boulevard (medium to high capacity street) Avenue (medium to high capacity street) Parkway (medium to high capacity street) Road (medium to low capacity street) Alley (low capacity street) See Appendix D for design standards.	No deviation requested from existing standard

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
<p>4.04.04.D: Bike Lanes</p>	<p>Required on roadways whose speed limit is >35 mph (4' minimum, 6' maximum width), allowed on streets with lower speed limits (4' minimum, 5' maximum width); required on both sides of two-way streets, on right side on one-way streets</p>	<p>Where feasible bike lanes may be incorporate into off-set multi-use path. The off-set multi-use path will meet or exceed the minimum width for bike lanes.</p> <p>Location(s) of the off-set multi-use path within the PUD will be finalized in the Final Development Plan.</p>
<p>4.04.04.D.3(f): Sidewalks</p>	<p>Sidewalks are required along all street types and shall be provided along one side of roads and along the building side of parkways. Sidewalks are required along both sides of all other street types.</p>	<p>Where feasible sidewalks may be incorporate into off-set multi-use path. The off-set multi-use path will meet or exceed the minimum width for sidewalks.</p> <p>Location(s) of the off-set multi-use path within the PUD will be finalized in the Final Development Plan.</p>
<p>Table 4.04.04.F: Minimum Right-of-Way Width</p>	<p>Principal Arterial – 120' Minor Arterial – 100' Collector – 80' Local Street – 60' (15' beyond back of curb for cul-de-sac) Alley – 20' (at least 6' beyond pavement if utilities are buried in alley)</p>	<p>No deviation requested from existing standard</p>

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
E. Setback Requirements		
Table 4.02.02.A Building Height and Setback Standards, Multi-Family Residential	Front: 25' setback, Side: 7.5' minimum side setback (15' plus 1' for each foot of elevation above the first floor when adjacent to R-2 or above) Street Side: 15' setback (plus 2.5 feet for each story above the 3 rd story) Rear: 25' setback (15' if adjacent to R-2 or above, increase by 1' for each foot of elevation above the first floor; increase by 4' for each story above the third when not adjacent to R-2 or above)	Front: 20' setback, Side: 5' minimum side Street Side: 15' setback (plus 2.5 feet for each story above the 3 rd story) Rear: 10'
Table 4.02.02.A Building Height and Setback Standards, Single-Family Residential	Front: 30' setback, Side: 12' setback Street Side: 25' setback Rear: 30' setback	Front: 20' setback, Side: 5' setback Street Side: 15' setback Rear: 10' setback
4.02.02.A Building Height and Setback Standards, Retail Sales and Services	Front: 25' setback, Side: 5' minimum side setback; (15' plus 1' for each foot of elevation above the first floor when adjacent to R-2 or above) Street Side: 15' setback (plus 2.5 feet for each story above the 3 rd story) Rear: 10' setback (15' if adjacent to R-2 or above, increase by 1' for each foot of elevation above the first floor; increase by 4' for each story above the third when not adjacent to R-2 or above)	No deviation requested from existing standard

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
F. Other Standards		
<p>3.05.11.B: Drainage and Stormwater Management Plan</p>	<p>Requirements for stormwater management assessment and documents.</p>	<p>As part of the master planning process, the developer will coordinate with a stormwater and watershed management consultant, as selected by the City. The developer will provide a site plan consisting of a master stormwater plan consisting of off-site flow, pond locations, discharge points, and outfall location and will use the Impervious Surface Ratio to update the floodplain model and determine if the proposed ISR maintains the floodplain standards. This plan will be finalized at the Final Development Plan stage.</p>
<p>4.02.04.G Performance Standards for Zoning Districts, Glare and Light</p>	<p>There shall be no direct glare visible from any property zoned or used for Residential, public, Recreation or conservation purposes caused by unshielded floodlights or other sources of high intensity lighting. Light shall be measured from the closest Setback line of a Parcel zoned or used for Residential, public, Recreation or conservation purposes and shall not exceed one-half (0.5) foot candles illumination unless required to meet minimum requirements for sidewalk lighting.</p>	<p>No deviation requested from existing standard</p>

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
<p>4.06.03: Buffer Requirements</p>	<p>Landscaped buffers and a Solid Faced masonry or wooden wall or fence shall be required to separate property zoned for commercial or industrial Use from adjacent property zoned or used for Residential purposes (Single Family or Multi-family) The minimum buffer width shall be twenty feet (20') and be planted with one (1) large or medium tree for each twenty (20) linear feet of property on the boundary separating the adjacent Uses. The wall or fence shall be at least six (6) feet and not more than eight (8) feet in height and be located no more than one (1) foot from the property line.</p>	<p>No buffers within the community interior; only at the perimeter boundary; as may be required for uncomplimentary adjacent land uses.</p> <p>The master plan ensures compatibility of uses within the master planned community; buffers will be provided internally if needed.</p> <p>Landscape Master Plan will be submitted as part of the Final PUD Development Plan</p>
<p>5.04.10: Additional Standards for Multifamily Buildings</p>	<p>Multi-Family Developments > 150 units – buffers increased by 30%; six units per building; minimum lot area of 3,000 s.f. per dwelling unit.</p>	<p>No buffers within the community interior; only at the perimeter boundary; as may be required for uncomplimentary adjacent land uses.</p> <p>The master plan ensures compatibility of uses within the master planned community; buffers will be provided internally if needed.</p> <p>Landscape Master Plan will be submitted as part of the Final PUD Development Plan</p>

Land Development Code Section	Existing Development Standards	Proposed Minimum Development Standards
5.04.27: Additional Standards for Retail Sales and Services	Buffers increased by 30%	No buffers within the community interior; only at the perimeter boundary; as may be required for uncomplimentary adjacent land uses. The master plan ensures compatibility of uses within the master planned community; buffers will be provided internally if needed. Landscape Master Plan will be submitted as part of the Final PUD Development Plan
10.02.05.1.2 Final Development Plan Submittal	Requires that the Final Development Plan be submitted within one year of Master Plan approval.	No deviation requested from existing standard

III. Public Benefits

Pursuant to Section 4.02.05(D) of the Land Development Code (LDC), City approval of variances from the Land Development Code within the Master Plan for each Planned Unit Development (PUD) is required. This approval is dependent upon the City determining that the Development protects the public interest and provides a public benefit. These public benefits can be in the form of public parks, protection of environmentally sensitive resources, or open space, buffering, and landscaping. The current Master Plan will include 25 acres of connected passive open space through trails and access to the shoreline of Lake Powell. The public benefits of the proposed PUD are enumerated below.

A. Protection of Environmentally Sensitive Resources

The subject site for the proposed development contains some low-lying areas, possible wetlands areas and marsh grasses along the shoreline of Lake Powell. These sensitive areas are protected by keeping the proposed development clustered on the upland areas of the site and leaving the bulk of the sensitive areas out of the development footprint. In addition to keeping approximately 25 acres or 24% of the site in Open Space that will function as passive recreation areas with connected trails and access to the Lake Powell shoreline. By developing the subject site as a PUD, access, buffering, and other requirements that would require different development types to be located separately from each other can be changed to provide for a more flexible development pattern. This flexibility allows for a smaller development footprint, allowing the protection of environmentally sensitive resources.

B. Open Space, Buffering and Landscaping

25 acres of the area covered by the Master Development Plan is devoted to Open Space. This Open Space serves several functions: 1) Will provide for passive recreation areas and will allow the public

to access to the shoreline of Lake Powell and other trail areas, 2) will provide a natural buffer from the development footprint and the Lake Powell shoreline, 3) Will provide for a buffer between the denser proposed development and the proposed single-family development located to the north. The open space also provides an opportunity to develop a low-impact multi-use trail network that will connect the entire development together through sidewalks and unpaved trails.

IV. Consistency with Comprehensive Plan

The parcels of the subject site have a Future Land Use Map designation of Mixed Use.

The Mixed-Use Future Land Use Category is intended to provide a flexible, alternative land use category to encourage imaginative and innovative design for the unified development of tracts of land, within overall density and use guidelines established. The land uses within Mixed Use developments are functionally integrated residential, commercial, office, open space, public facilities, light industrial, and recreational land uses. The Mixed-Use category requires a mixture of three uses, one of which is required to be a residential use, and one of which is required to be a non-residential use. The maximum residential density allowed within the Mixed-Use Future Land Use Category is 10 dwelling units per acre, and the maximum intensity allowed is a Floor Area Ratio of 80%.

Development standards for the Mixed-Use development are intended to permit variations in lot size, shape, width, depth, roadway standards, and building setbacks without an increase in overall density and intensity of development. Development standards are required to contain access management controls, vehicular and pedestrian interconnections, functional buffering, adequate landscaping of commercial parking lots along arterial roadways, protection of neighboring residential developments, and protection of environmentally sensitive areas. Density is allowed to be calculated across the overall site. In addition, the property must be under unified ownership implemented through the Planned Unit Development zoning district.

The subject site is under common ownership, and the site is currently zoned PUD. The proposed density will not exceed 10 units per acre gross density, and the intensity will not exceed 80% FAR. The proposed access management standards, vehicular and pedestrian connections, setbacks, and other development standards will be defined in detail within the site's Master Plan.

V. Consistency with Surrounding Development

The site is bordered on the north by vacant land in Bay County with a zoning designation of Agriculture/Timberland (AG-2) and is located with the Bay-Walton Sector Plan. The area to the north is designated Village Center on the Bay-Walton Sector Plan Long Term Master Plan. The site is bordered on the east and west by land located within the City of Panama City Beach and is zoned PUD; the southern portion of the site is bordered by US Highway 98 (Panama City Beach Parkway).

Table 3: East Lake Powell II PUD Surrounding Development

Direction	Land Use
North	Bay County Agriculture/Timberland, Conservation and Conservation and Habitation and Village Center Sector Plan
East	City of Panama City Beach PUD (Fire and Rescue and Police Sub-Station)
South	US Highway 98 (Panama City Beach Parkway)
West	City of Panama City Beach PUD

The proposed PUD Master Plan provides for the East Lake Creek II PUD to be internally interconnected and connected into the non-residential portions of the adjacent previously approved East Lake Creek PUD. The PUD includes 25 acres of passive open space that provides a natural buffer and setback from development and the shoreline of Lake Powell and will provide a buffer to surrounding development. On the east portion of the site, the adjacent use is a Fire and Rescue and Police Sub-Station.

The proposed development will be functionally connected to the development around it through the street network and sidewalks or trails.

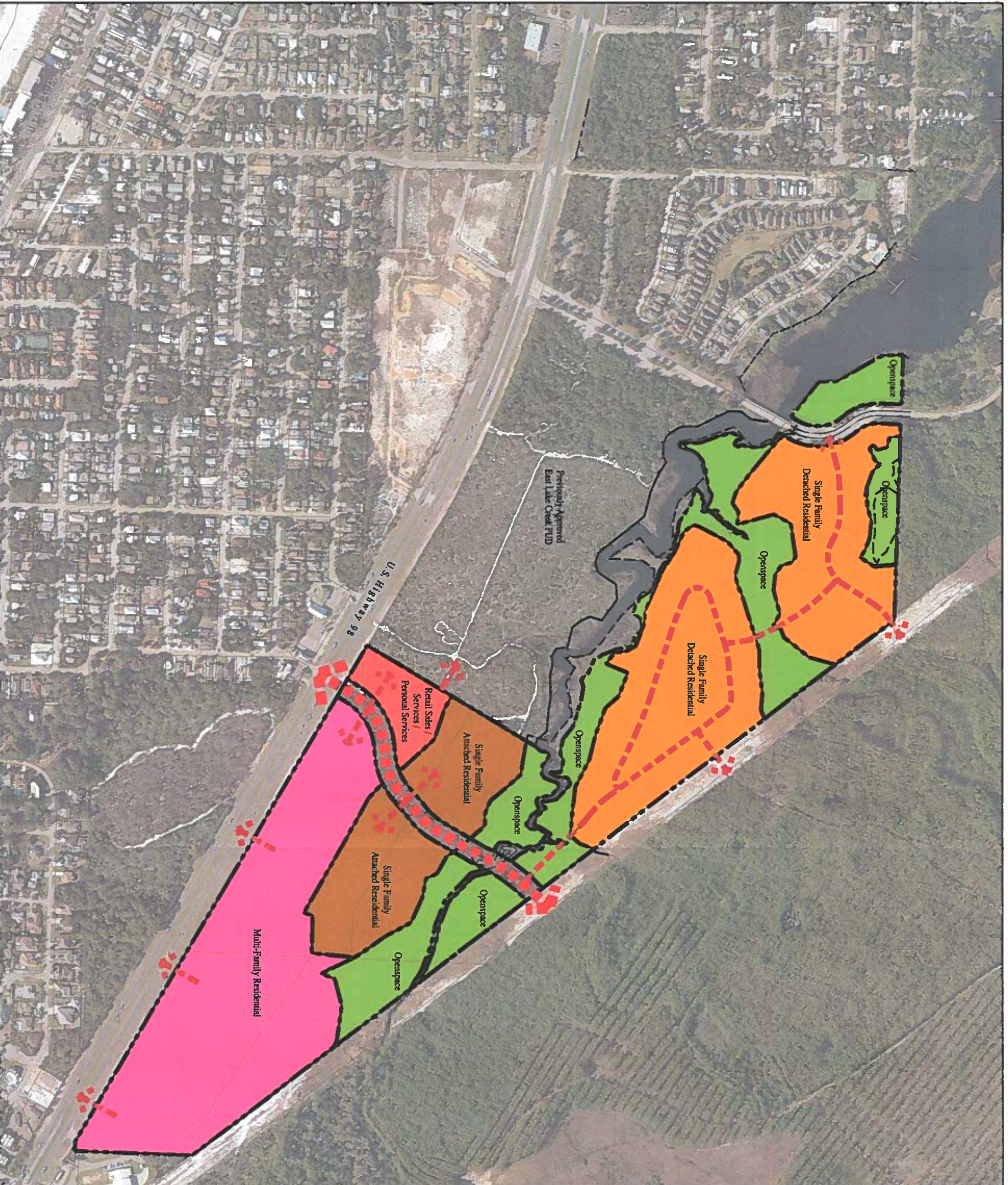
Appendix A:
PUD Conceptual Plan

Legend

Land Use	Acres	% of Total Area
Single Family Detached Residential	31.64 Acres	29%
Single Family Attached Residential	13.23 Acres	12%
Multi-Family Residential	31.45 Acres	29%
Retail Sales / Services / Personal Services	3.22 Acres	3%
Openspace	25.46 Acres	24%
Totals	108.36 Acres	100%

Proposed Main Roadway Circulation	3.36 Acres	3%
Proposed Secondary Roadway Circulation		

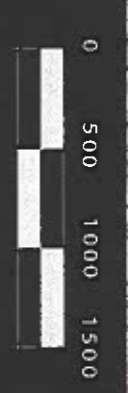
Notes: This is a conceptual plan and is subject to change.



East Lake Creek II PUD




Concept Plan

Date: April 2021

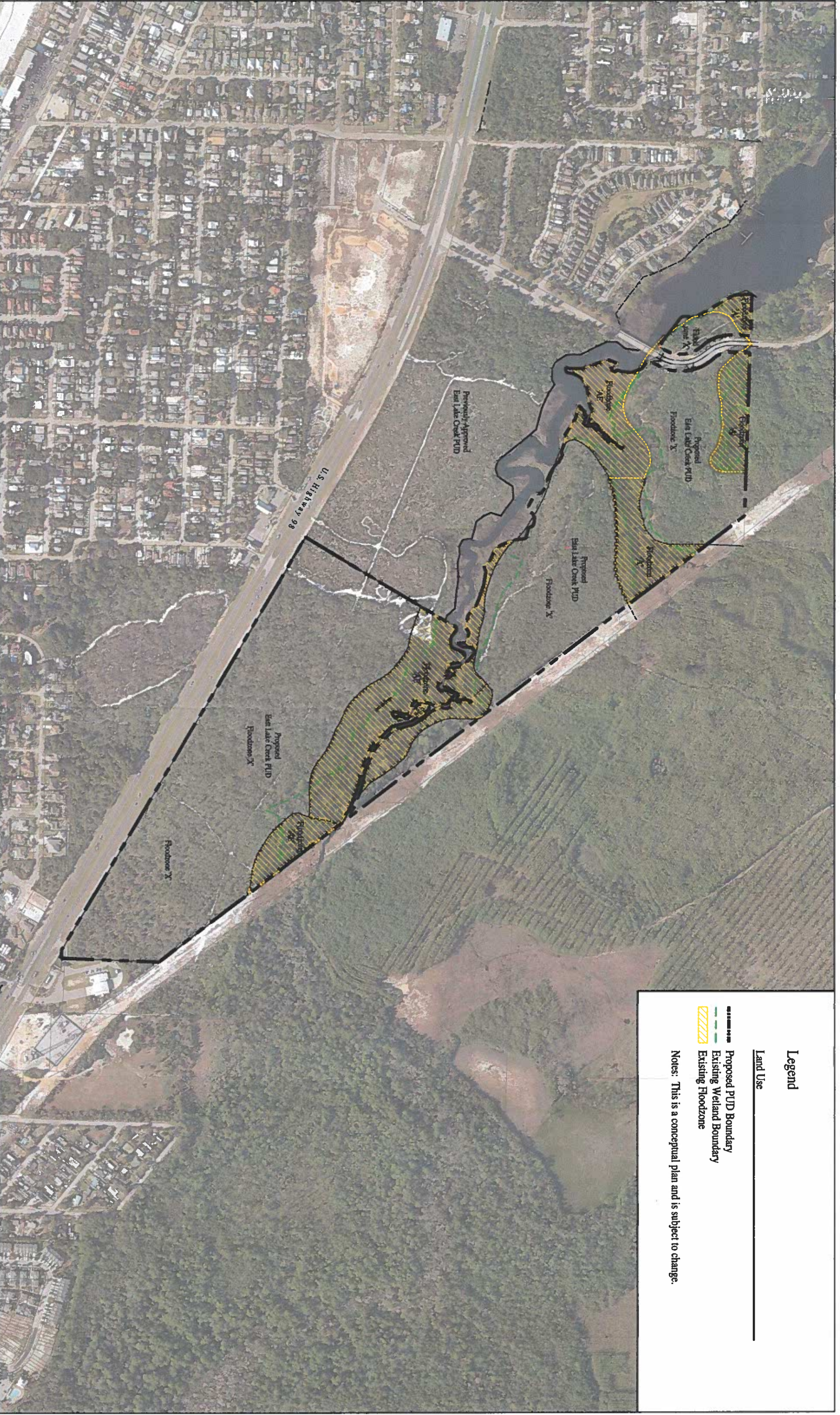


Legend

Land Use

-  Proposed PUD Boundary
-  Existing Wetland Boundary
-  Existing Floodzone

Notes: This is a conceptual plan and is subject to change.



East Lake Creek II PUD

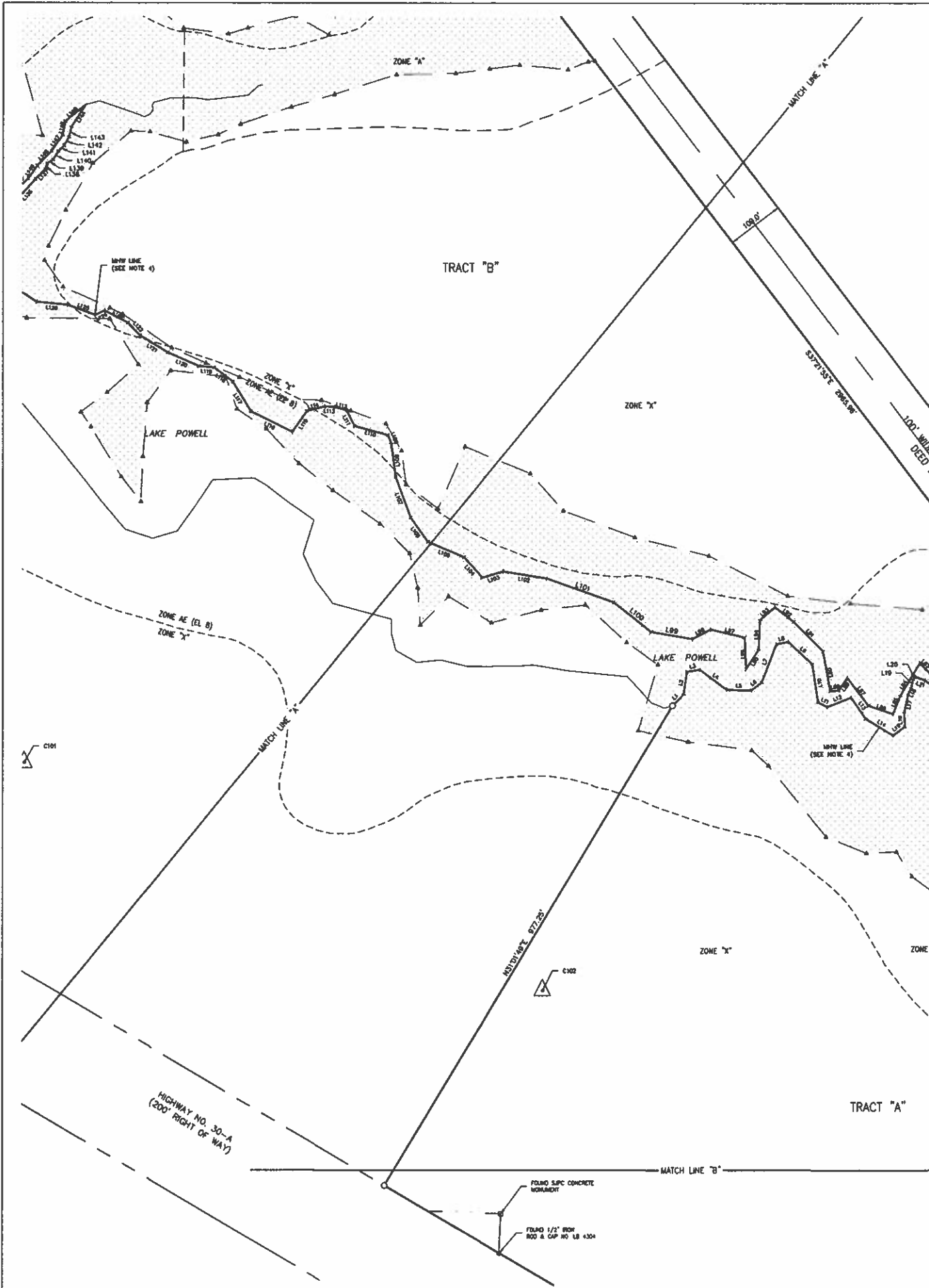
Environmental Features Map

Date: April 2021

0 500 1000 1500



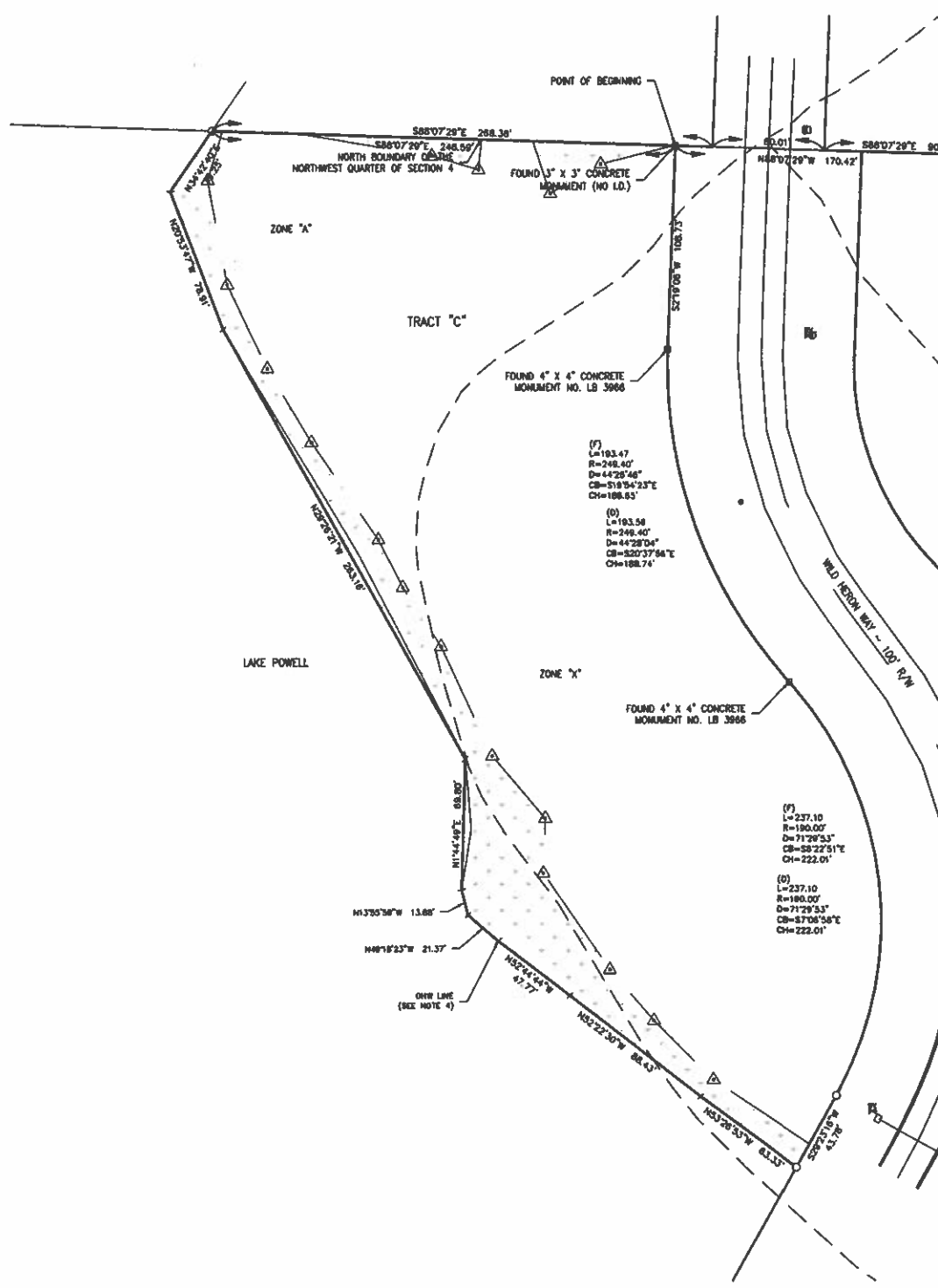
January 14, 2021 (10:41:37 EST)
DRAWING NAME: \\S01\2122_S01_2122_EAST LAKE CREEK PHO 2\SURVEY DMS\2012122 EAST LAKE CREEK BITS.DWG SHEET 3 BY: DBARTLETT



FOUND 5.5PC CONCRETE
MONUMENT
FOUND 1/2" IRON
ROD & CAP NO. LB 4304

January 14, 2020 (10:41:37 EST)
 DRAWING NAME: M:\50132122_S\50132122_S\50132122_EAST LAKE CREEK DIVISION SURVEY Dwg\50132122 EAST LAKE CREEK DIVISION SURVEY SHEET 3 BT: DWARLETT

SHEET S1	SHEET INDEX, SURVEYOR'S NOTES & DESCRIPTIONS
SHEET S2	DETAIL
SHEET S3	DETAIL & LINE TABLE FOR TRACT "A"
SHEET S4	DETAIL & LINE TABLE FOR TRACT "B"
SHEET S5	BOUNDARY & DESCRIPTION FOR TRACT "C"



Appendix C:
Agent Authorization Form

March 5, 2021

Mr. Mel Leonard, AICP
Director of Planning
City of Panama City Beach
116 S. Arnold Road
Panama City Beach, Florida 32413

Re: East Lake Creek PUD Master Plan Application

Dear Mr. Leonard,

I, Catherine McCloy, do hereby authorize Raymond W. Greer to act on behalf as agent for the East Lake Creek Planned Unit Development Master Plan. The property subject to the Master Plan is comprised of Bay County Property Appraiser Parcel Identification Number #35291-005-000 in its entirety and a portion of three parcels with Bay County Property Appraiser Parcel Identification Numbers #35351-005-000, #35291-000-000 and #35351-000-000. The four parcels are located along the north side of US Highway 98 between the intersection of Downing Street and Wild Heron Way.

If you have any questions or need additional information, please do not hesitate to contact me at 850-231-7402 or at the address below.

Sincerely,

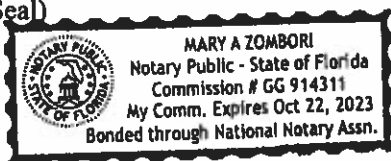


Catherine McCloy, AICP
Director of Planning and Development
The St. Joe Company
130 Richard Jackson Boulevard
Suite 200
Panama City Beach, Florida 32407

cc: Raymond W. Greer, AICP

The foregoing instrument was acknowledged before me this 5th day of March, 2021,
by Catherine McCloy

(Seal)



Signature of Notary Public
Personally Known:
OR Produced Identification: _____
Type of Identification Produced: _____

Appendix D:
Street Specifications Table

Table 4.04.04.A: Street Specifications Summary

Item	Boulevards	Avenues	Roads	Parkways	Alleys
Center Median	Required	Required	Prohibited	Prohibited	Prohibited
Side Median	Permitted	Prohibited	Prohibited	Prohibited	Prohibited
On-Street Parking	May be permitted along one or both sides of the <i>Street</i>	May be permitted along one or both sides of the <i>Street</i>	May be permitted along one or both sides of the <i>Street</i>	May be permitted along one or both sides of the <i>Street</i>	Prohibited
Bike Lanes	Permitted on all <i>Streets</i> and required on all <i>Streets</i> with speed limits greater than 35 mph. (see section 4.04.03)				
Sidewalks	Required along both sides of the <i>Street</i>	Required along both sides of the <i>Street</i>	Required along both sides of the <i>Street</i>	Required along the building side of the <i>Street</i>	Prohibited
Street Trees	Required between sidewalk and <i>Street</i> ; required in medians	Required between sidewalk and <i>Street</i> ; required in medians	Required between sidewalk and <i>Street</i>	Required between sidewalk and <i>Street</i>	Not Required
Curb Radius	See Table 4.04.04.E				
Drainage: stand-up curb and gutter	Required, except where swale/bio-retention is approved.				
Drainage: roll-over curb and gutter	Prohibited, except where swale/retention is approved or where located in a <i>Single Family Residential District</i> .				

Table 4.04.04.B: Median Widths

Street Type	Center Median Width	Side Median Width
Boulevard	8 foot minimum; 35 foot maximum	8 foot minimum; 35 foot maximum
Avenue	8 foot minimum; 35 foot maximum	N/A
Road	Prohibited	
Parkway		
Alley		

**East Lake Creek II Planned Unit Development
Master Plan Application
Community Meeting Summary**



The St. Joe Company
130 Richard Jackson Boulevard, Suite 200
Panama City Beach, Florida 32407

May 2021

Meeting Summary

In April 2021, The St. Joe Company submitted an application for a Planned Unit Development for a site that is approximately 108.3 acres and is composed of Parcel #35291-005-000, a portion of Parcel #35351-005-000, a portion of Parcel #35291-000-000, and a portion of Parcel #35351-000-000 located along the north side of US Highway 98 (Panama City Beach Parkway). The site is bordered on the north by vacant land in Bay County with a zoning designation of Agriculture/Timberland (AG-2), Conservation and Conservation Habitation and is also located within the Bay-Walton Sector Plan. The site is bordered on the east and west with land that has a City of Panama City Beach zoning designation of Planned Unit Development (PUD). The site is currently vacant and has frontage on US Highway 98. The site has a Future Land Use Map designation of "Mixed Use."

Pursuant to Section 10.02.05(L) of the City's Land Development Code, a Community Meeting was held to discuss the proposed project with neighboring property owners. The meeting was held on May 21, 2021 from 5:00 p.m. to 6:00 PM CDT at the Lyndell Conference Center, located at 423 Lyndell Lane, Panama City Beach.

There were 2 members of the public in attendance. A sign-in sheet was provided (please see Appendix A). The format of the meeting was informal, with an introduction and discussion of the proposed PUD. Two informational posters about the proposed PUD were put up in the room and attendees were invited to look at the information provided and ask questions. Ray Greer and Catherine McCloy were present to answer questions.

Public comments directly related to the East Lake Creek II PUD included the following:

- Will the proposed PUD development provide for connections to Wild Heron Way?
- Will there be pedestrian connections throughout the proposed PUD development, and will they be connected to Wild Heron Way for residences to access the non-residential areas of the PUD?
- What type of commercial is being proposed?
- What type of residential is being proposed?
- Will the proposed PUD development increase my property taxes after it is built?
- Will the St. Joe Company be the developer of the proposed PUD development?
- Will there be a red light at Panama City Beach Parkway?

Contact Information

The St. Joe Company:

Catherine McCloy, AICP
Director of Planning and Development
130 Richard Jackson Boulevard, Suite 200
Panama City Beach, Florida 32407
Phone: 850.231.7402
Catherine.Mccloy@joe.com

Stantec:

Raymond W. Greer, AICP
Project Manager
2910 Kerry Forest Parkway
D4-126
Tallahassee, Florida 32309
Phone: 850.545.6503
raywgreer@gmail.com



Community Meeting
May 20, 2021
Sign-In Sheet

NAME	EMAIL
Catherine McCloy	Catherine.McCloy@joe.com
Ray Greer	RaywGreer@gmail.com
John Troupe	John.troupe23@yahoo.com
Kylie Savage	KylieSavage95@gmail.com

Appendix B

Meeting Materials



East Lake Creek II PUD Meeting

Thursday, May 20, 2021

5:00 p.m. – 6:00 p.m., CDT

Lyndell Conference Center

423 Lyndell Lane, Panama City Beach, Florida

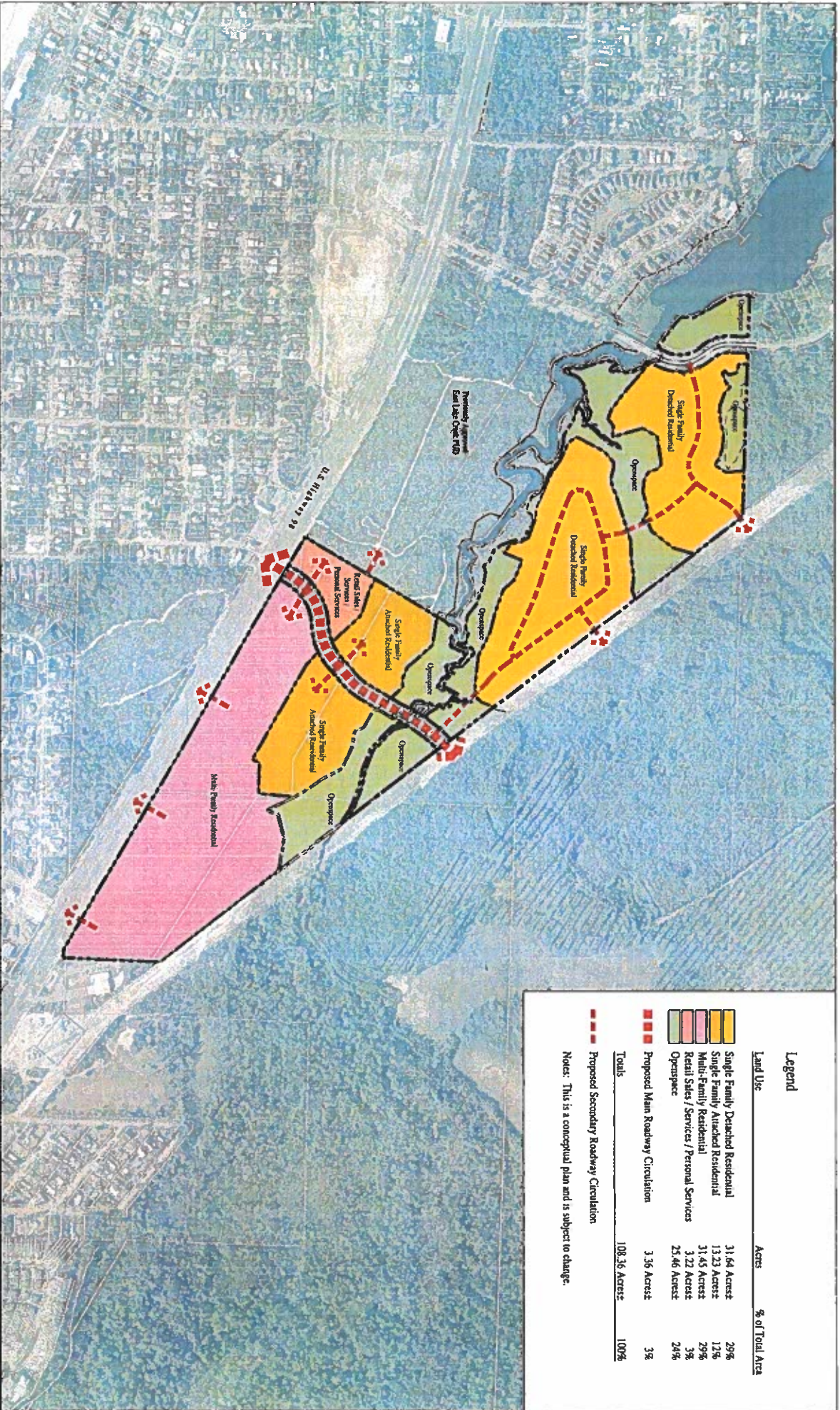
Agenda Items

1. **Welcome and Introductions**
2. **Project Overview**
3. **Question and Answer**

East Lake Creek II PUD

Concept Plan

Date: April 2023

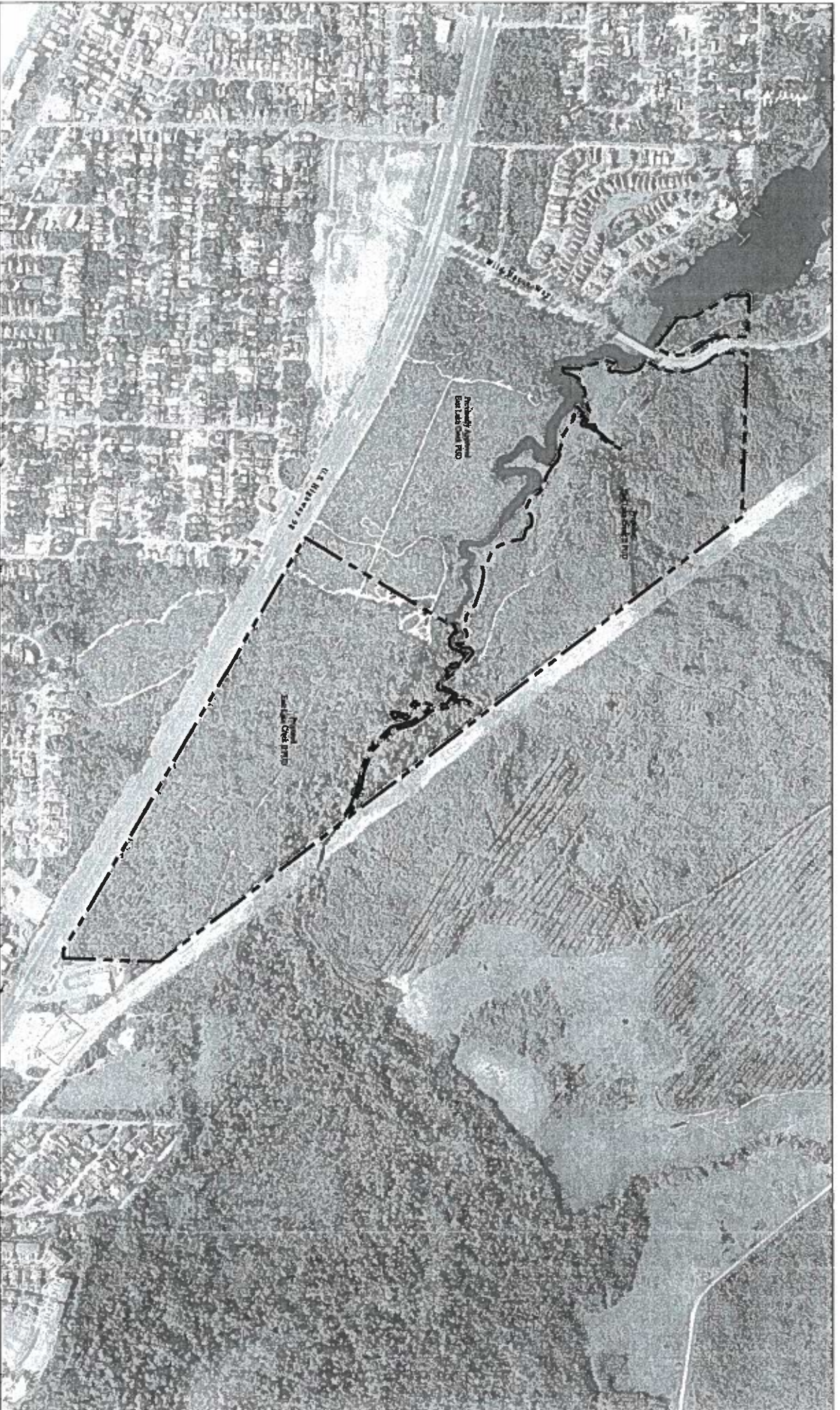


Legend

Land Use	Acres	% of Total Area
Single Family Detached Residential	31.64 Acres	29%
Single Family Attached Residential	13.23 Acres	12%
Multi-Family Residential	31.45 Acres	29%
Retail Sales / Services / Personal Services	3.22 Acres	3%
OpenSpace	29.46 Acres	24%
Proposed Main Roadway Circulation	3.36 Acres	3%
Proposed Secondary Roadway Circulation	108.36 Acres	100%
Totals	108.36 Acres	100%

Notes: This is a conceptual plan and is subject to change.





East Lake Creek II PUD

Site Map

Date: April 2021



ITEM NO. 6



CITY OF PANAMA CITY BEACH

Building and Planning Department

116 S. Arnold Road, Panama City Beach, FL 32413

850-233-5054. ext. 2313 Fax: 850-233-5049 Email: achester@pcb.gov

SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS - LDC Section 10.02.01

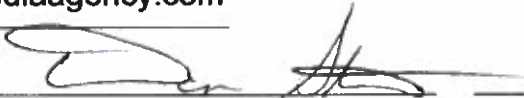
Property Owner(s)

Name: Daniel Stewart Tarpo Holdings Inc.

Property Address: 8746 Thomas Drive

City: Panama City Beach State: FL Telephone: 630278786 Fax: _____

Email: shannon@cmgmediaagency.com

Property Owner(s) Signature:  Shannon Posavad

Name of Acting Agent: Maggie Schultz, Esq. and Amanda Hessein, Esq. of Rutledge Ecenia, PA

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner regarding the application and associated procedures. Attached to the application.

Please provide a survey obtained no more than two (2) years prior to the filing of the application containing legal description, land area and existing improvements located on the site. Written documentation the property owner has or will comply with all applicable notice requirements.

Payment Fee: \$900.00 Application Type: Conditional Use Date Collected: 4/23/21
CK 41400

The procedure for review of application is found in Sections 10.02.00 and 10.17.00 of the LDC.

Basic Submittal Requirements - LDC Section 10.02.02

Plan or Plat Preparer

Name: Fun Pass Entertainment LLC

Address: 12627 Front Beach Road Email Address: Maggie@rutledge-ecenia.com and amanda@rutledge-ecenia.com

City: Panama City Beach State: FL Telephone: 850-305-3049 Fax: _____

Date of Preparation: April 21, 2021 Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) See attached.

A vicinity map showing the location of the property and the Future Land Use Map designation for the property.

Zoning designation for the property: _____

Additional plans, documents, and reports as deemed necessary by the City Manager. Information required for the specific type of application, as specified in sections 10.02.03 through 10.02.07 as applicable. All site plans and plats shall be drawn to a scale approved by the City Manager.

Posted Notice – LDC Section 10.03.03

- A. When required by the LDC, the Building and Planning Department shall post a sign on the property that is the subject of an application. The sign shall be located in a manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.
- B. The sign shall contain a copy of the notice required by section 10.03.02.
- C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.
- D. Posted Notice may be removed after conclusion of the hearing of which notice is given or as specified or if neither or if neither of the forgoing apply, thirty (30) days after it is first posted.

Published Notice – LDC Section 10.03.04

When required by this LDC, the Building and Planning Department shall publish a notice in a standard size or tabloid size newspaper of general paid circulation in the City. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be published at least five (5) days a week.

Limitation on Time to Exercise Conditional Use Approval – LDC Section 5.06.17

Any Conditional Use authorized by the Planning Board shall be deemed Abandoned and void and of no further force and effect if: a)not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, or b)the Conditional Use is timely used and acted upon in a real and substantial way but is discontinued by the applicant or applicant's successor(s) in interest for a period of more than 180 days in any 365-day period.

Applicant's Name(s):

Shannon Posavad

Print Name of Applicant

Shannon Posavad

Signature

Date: **April 22nd, 2021**

Daniel Stewart

Print Name of Applicant



Signature

Date: **4/22/2021**



REQUEST FOR CONDITIONAL USE

Address of Property Seeking Conditional Use: 8746 Thomas Drive, Panama City Beach, FL 32408

Parcel Number from Property Appraiser's Office: 30191 -000-000

The procedure for review of application is found in Sections 10.02.02 and 10.02.14 of the LDC.

As part of a Conditional Use Application, the applicant must submit a written explanation of how the proposed use satisfies each of the conditions specified for such use. A copy of the conditions to be satisfied may be supplied by the Building or Planning Department or attached to this application. The Planning Board's decision on the application will be based upon the applicant satisfactorily addressing the specific criteria in sections 5.06.01 thru 5.06.16 of the LDC.

PROCEDURES:

Neighborhood Notice – LDC Section 10.03.02

- A.** When required by this LDC, the applicant shall provide Neighborhood Notice, by U.S. Postal Service certified mail. Within five (5) days after such mailing, the applicant shall provide sworn proof of mailing to the Building and Planning Department.
- B.** The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action along with the date, time and place of the hearing. The form of the letter shall be approved by the City prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.

Notice letters shall be sent to the following surrounding owners:

- For Conditional Use request notice shall be sent to all such owners of property living in whole or in part within 300' feet of a boundary of the subject property.

The Conditional Use Application must be submitted to the Building & Planning Department no later than twenty (20) days prior to the Planning Board meeting. The Planning Board will then place the request on the agenda to schedule the public hearing for the following month's Planning Board meeting.

- C.** The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the City as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County Property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.
- D.** Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

CONDITIONAL USES - Generally – LDC Section 5.06.01

Specific Uses are identified in Table 2.03.02 of LDC, as allowable subject to conditional use approval because they have a greater potential detriment than other Uses. Conditional Uses are not of right' these Uses must comply with the standards applicable to the zoning district as well as the standards contained in this section and the specific standards contained in the following sections, as applicable. Because conditional uses may intrude on the right to enjoy adjacent properties, the Planning Board has the discretion to impose conditions it determines to be necessary to satisfy required approval findings. Where there is conflict between a standard applicable to the zoning district and the following conditional use standards, the stricter standard shall be required. A conditional use shall be permitted by the Planning Board provided that the Board finds that, considering any conditions imposed.

- A. The proposed use is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected:

Provide detailed explanation: The proposed use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected. The proposed use is already an established use for the subject property. The proposed use is only required in order to permit the subject property to obtain a similar alcoholic beverage license to the one currently in use.

- B. The proposed use will not have an adverse effect on existing traffic patterns:

Provide detailed explanation: The proposed use will not have any adverse effect on existing traffic patterns. The proposed use will not touch or concern the traffic patterns near or surrounding the subject property in any adverse way.

- C. The proposed use will not impair an adequate supply of light and air to adjacent properties:

Provide detailed explanation: The proposed use will not impair any adequate supply of light and air to the adjacent properties. The proposed use will not differ at all from the already established use of the property.

D. The proposed use will not materially increase congestion in the public streets in the surrounding area:
Provide detailed explanation: The proposed use will not materially increase congestion in the public streets in the surrounding area. The proposed use only touches and concerns the subject property's establishment; there are no implications to the surrounding public streets and/or the surrounding area(s).

E. The proposed use conforms to all applicable setback, building height, lot coverage, and all other applicable regulations of the zoning district in which the use is to be located:
Provide detailed explanation: The proposed use already conforms to all applicable setback, building height, lot coverage, and all other applicable regulations of the zoning district in which the use is already located. There are no proposed changes or alterations to the existing establishment.

F. Off-street parking and all other General Provisions of the Zoning Ordinance are met:
Provide detailed explanation: The off-street parking and all other General Provisions of the Zoning Ordinance are met. The proposed use does not alter, change or amend the already established off-street parking and all other General Provisions of the Zoning Ordinance already being met by the property.

G. The proposed use will not impair the established values of the property in the surrounding area:
Provide detailed explanation: The proposed use will not impair the established values of the property in the surrounding area. The proposed use is not a new use as the use has already been established. The proposed use will not impair or have any adverse impact on the surrounding areas; the proposed use is simply the replacement of an alcoholic beverage license.

H. The hours of use will not be offensive to adjacent property owners, taking into consideration other surrounding uses:

Provide detailed explanation: The hours of use will not be offensive to adjacent property owners, taking into consideration other surrounding uses.

The hours of use will not be altered or changed from the currently established hours of use for the subject property.

I. There is adequate shielding to protect adjacent property owners from noise, lights and other obnoxious elements and activities, taking into consideration other surrounding uses:

Provide detailed explanation: There is adequate shielding to protect adjacent property owners from noise, lights and other obnoxious elements and activities, taking into consideration

other surrounding uses. The proposed use does not touch or concern the lighting, noise or other obnoxious elements and activities for the subject property.

J. The existing or proposed improvements and facilities are adequate for the use intended:

Provide detailed explanation: The existing improvements and facilities are adequate for the use intended. The proposed use of the replacement of the property's current alcoholic beverage license does not alter the facilities in any way.

K. There will be no adverse effect on water, sewage and drainage in the surrounding area:

Provide detailed explanation: There will be no adverse effect on water, sewage and drainage in the surrounding area. The proposed use of the replacement of the property's current alcoholic beverage license

does not touch or concern the water, sewage and drainage for the subject property as already established.

- L.** The proposed use satisfies any applicable, specific criteria stipulated for such use as described in Sections 5.06.02 through 5.06.16:

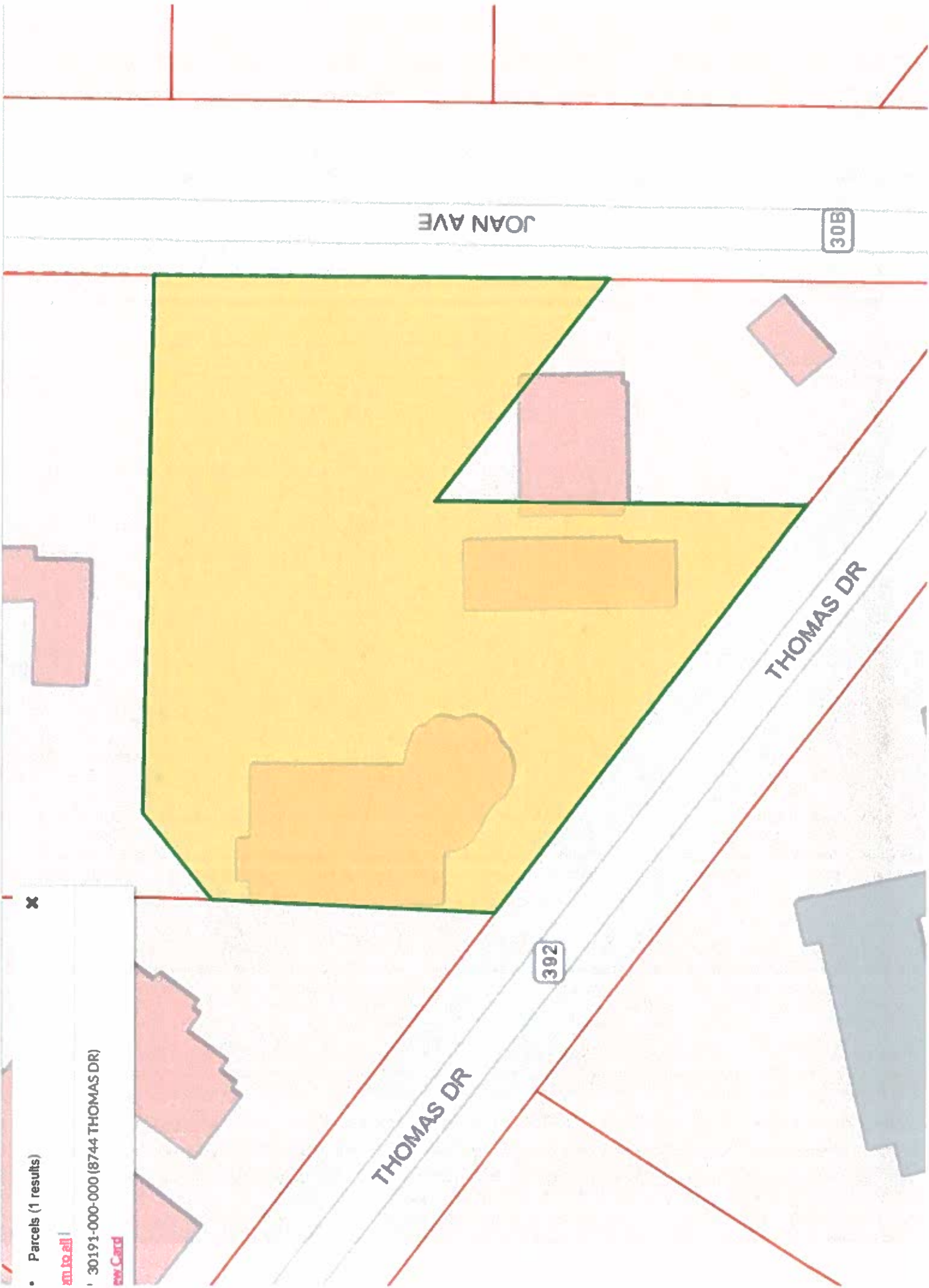
Provide detailed explanation: The proposed use satisfies the applicable specific criteria stipulated for such use as described in Sections 5.06.02 through 5.06.16 of the City's Land Development Code, specifically Section 5.06.06 requiring that this use must be located no closer than twenty-five (25) feet from a property zoned for Single Family Residential uses.

Parcels (1 results)

Auto all

30191-000-000 (8744 THOMAS DR)

MyCard





STAFF ANALYSIS

APPLICANT: Fun Pass Entertainment LLC

PROJECT LOCATION: 8746 Thomas Drive

REQUEST: A Conditional Use request to operate the subject site as a club. The City's Land Development Code Section 5.06.06. requires the granting of a Conditional Use Permit to operate a club in the City Limits.

Background: The establishment requested a license and was granted a license to operate as a restaurant in March 2020. According to the submitted application "The proposed use is not a new use as the use has already been established". The applicant is requesting to expand the operations of the establishment to a club and has applied to the State for a license to do so.

The following analysis shows the specific criteria established for review of Conditional Uses in the Land Development Code. The applicant's response to these criteria are part of the application. Staff's comments are shown in this report following each criterion.

A conditional use shall be permitted by the Planning Board provided that the Board finds that:

1. The proposed use is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected.

Staff Analysis: The location and operation of the proposed club is not anticipated to influence the public health, safety and welfare.

2. The proposed use will not have an adverse effect on existing traffic patterns.

Staff Analysis: The proposed use is not expected to have an adverse effect on traffic patterns, the site is adjacent to two roadways allowing for traffic distribution.

3. The proposed use will not impair an adequate supply of light or air to adjacent properties.

Staff Analysis: There does not appear to be any potential impairment to the supply of

light or air to adjacent properties.

4. The proposed use will not materially increase congestion in the public streets in the surrounding area.

Staff Analysis: The surrounding roadways currently experience periodic congestion.

5. The proposed use conforms to all applicable setbacks, building height, lot coverage, and all other applicable regulations of the zoning district in which the use is to be located.

6. Staff Analysis: The site conforms to all applicable setbacks, building height, lot coverage, and all other applicable regulations of the zoning district.

7. Off-street parking and all other general provisions of the Land Development Code are met.

8. Staff Analysis: Off-street parking and all other general provisions of the Land Development Code have been met.

9. The proposed use will not impair the established values of the property in the surrounding area.

Staff Analysis: The majority of surrounding properties are commercial operations, and the site is located less than 50' from an existing club/restaurant.

10. The hours of use will not be offensive to adjacent property owners, taking into consideration other surrounding uses.

Staff Analysis: The majority of surrounding properties are commercial operations, and the site is located less than 50' from an existing club/restaurant.

11. There is adequate shielding to protect adjacent property owners from noise, lights, and other obnoxious elements and activities, taking into consideration other surrounding uses.

Staff Analysis: The majority of surrounding properties are commercial operations.

12. The existing or proposed improvements and facilities are adequate for the use intended.

Staff Analysis: The existing facilities are adequate for the intended use.

13. There will be no adverse effect on water, sewage and drainage in the surrounding area.

Staff Analysis: There is adequate capacity for water, sewer and drainage.

14. The proposed use satisfies any applicable, specific criteria stipulated for such use as described below:

5.06.06 Clubs, Lounges, Bars and Civic Centers,

Clubs, lounges, bars and civic centers may be allowed in a CH or M-1 zoning district subject to conditional use approval. The Use, Accessory Buildings and Vehicular Use Areas must be located no closer than twenty-five (25) feet from a property zoned for Single Family Residential.

Staff Analysis: The subject site meets this requirement.

CONCLUSION: Staff has no objections to the request.

ITEM NO. 7



DATA AND ANALYSIS

APPLICANT: Andrew Marshall

PROJECT ADDRESS: 17188 Front Beach Road
Parcel ID # 32745-001-000

ZONING DISTRICT: CH, FBO-2

REQUESTED ACTION: To allow the finished floor elevation FFE to be based on the elevation of an adjacent private drive (Cabana Cay Circle) rather than on the elevation of an adjacent street (Front Beach Road).

The proposed request is contrary to the following section of the City's Land Development Code:

The applicant is requesting a variance from LDC Section 4.03.02.A.8.

4.03.02.A.8 *The finished grade of all habitable space at the Building location shall be a minimum of one (1) foot above the crown of the adjacent Street or back of curb, whichever is higher.*

Reason for the request:

- The City's LDC defines Street as any public or private right-of-way, of thirty (30) feet in width or greater, set aside for public travel. Cabana Cay Circle does not meet this definition. Therefore, the FFE as required by the strict reading of the Code would be based on Front Beach Road.
- Based on the determination of the Engineer of Record and The Public Works Department, the establishment of the FFE being one foot above the crown of Front Beach Road (28') would create drainage problems for adjacent parcels and make the proposed building inaccessible from Cabana Cay Circle because of a high driveway slope of 22.5%.

3.02.07.G. Considerations for issuance of variances.

In reviewing requests for variances, the Planning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following: 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage; 2. The danger to life and property due to flooding or erosion damage; 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners; 4. The importance of the services provided by the proposed development to the city; 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion; 6. The compatibility of the proposed development with existing and anticipated development; 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area; 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles; 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

3.02.07.H. Conditions for issuance of variances.

Variances shall be issued only upon: 1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards; 2. Determination by the Planning Board that: (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship; (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and (c) The variance is the minimum necessary, considering the flood hazard, to afford relief; 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that 3. Resource Protection Land Development Code 2-11-21 53 construction below the base flood elevation increases risks to life and property.

Conclusion: Based on information supplied by the applicant, the recommendations of the City's Public Works Department and the Floodplain administrator staff has no objections to establishing the FFE at 26 to 26.5'.

construction below the base flood elevation increases risks to life and property.

3.02.08 VIOLATIONS

- A. Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure authorized by permit for which documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* has not been submitted is presumed to be a violation until such time as that documentation is provided.
- B. Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

3.02.09 DEFINITIONS

- A. Interpretation.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
1. **Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
 2. **Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

B. DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

this ordinance and the conditions of issued floodplain development permits or approvals.

- C. Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 3.02.05B.3(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.02.06D of this ordinance.
- F. Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

3.02.07 VARIANCES AND APPEALS

- A. General.** The Planning Board shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code*, *Building*.
- B. Appeals.** The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Board in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the City Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.



CITY OF PANAMA CITY BEACH

Building and Planning Department

116 S. Arnold Road, Panama City Beach, FL 32413

850-233-5054. ext. 2313

Fax: 850-233-5049

Email: achester@pcb.gov

REQUEST FOR VARIANCE OR APPEAL

Applicant: Andrew Marshall Owner
Name(s): _____

Address: 1326 East Lumsden Road _____

City: Brandon State: FL Telephone: (850) 763-5200 Fax: _____

Email: xavier10642@gmail.com _____

Name of Acting Agent: James H. Slonina, P.E., President, Panhandle Engineering Inc. _____

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Address of Property Seeking Variance or Appeal: 17188 Front Beach Road _____

Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of ten (10) copies.

Variance Application Fee: \$500.00 Date Collected: _____

The procedure for review of application is found in Sections 10.02.02 and 10.02.12 of the LDC.
All Site Plans and Plats shall be drawn to scale.

Basic Submittal Requirements - LDC Section 10.02.02

Plan or Plat Preparer

Name: Panhandle Engineering, Inc. _____

Address: 600 Ohio Avenue _____ Email Address: jhs@panhandleengineering.com

City: Lynn Haven State: FL Telephone: (850) 763-5200 Fax: _____

Date of Preparation: 04/06/2021 Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) See Attached Survey _____

A vicinity map showing the location of the property.

Future Land Use Map designation for the property: TD (PCB) Zoning designation: CH (PCB)

Deed Restrictions or Private Covenants apply to this property: Yes No
(If so, please provide a copy with this application.)

Requested Action - Please mark the appropriate request.

Variance Request from the following section(s) of the LDC: 4.03.02

Appeal of the Building Official's (or his/her designee) application of the following sections:

State specifically for Variance, the hardship to the subject property, or for Appeal, how has the specific regulation been incorrectly applied: The above referenced section of the LDC creates an unreasonable driveway slope for access. Requiring the FFE to be 12" above the nearest adjacent road centerline
would not for access to the property without negatively impacting the adjacent properties.

Submittal Requirements for Requests for Variances – LDC Section 10.02.12 (B)

A statement setting forth:

1. All facts and circumstances upon which the applicant intends to rely for the requested Variance; and
2. An analysis of each of the criteria set forth in section 9.03.03(A)(1)-(8)

Required Findings – LDC Section 9.03.03

A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC.
2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;
3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;
4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;
5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;
7. The effect of the proposed Variance is consistent with the purposes of the LDC; and
8. The effect of the proposed Variance is consistent with the Comprehensive Plan.

B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? Granting a variance to Section 4.03.02 will allow a finished floor elevation to be set to allow a reasonable driveway slope without negatively impacting the adjacent properties.

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. The building location is 39 LF east of Whiskeys Saloon, 180 LF southwest of Winn Dixie, and 460 LF southwest of the 79 West Apartments.

If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public. The variance would not impact adjacent properties as the current location of Hungry Howie's Pizza is 270 LF to the east. Any light or noise pollution along with traffic congestion is already present due to the proximity of the existing Hungry Howie's Pizza.

Restricted or Conditional Variance and Termination – LDC Section 9.03.04

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03(A)(5) and (6).
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

Limitation on Time to Use Variance – LDC Section 9.03.05

Any Variance authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest; within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed; the date on which the order becomes final, shall be deemed Abandoned and be void and of no further force and effect.

Applicant's Name(s):

James H. Slonina, P.E. (for Andrew Marshall)

Print Name

Date:

8 APRIL 2021

Signature

Print Name

Signature

MEMORANDUM

TO: Building & Planning Department
City of Panama City Beach

FROM: Jim Slonina, P.E.
Panhandle Engineering, Inc.

Re: Hungry Howie's at 17188 Front Beach Road
PE File # 72804

DATE: April 8, 2021

The applicant, Andrew Marshall, is an experienced developer and operator of commercial properties.

Andrew's familiarity with this region provided the opportunity to negotiate the purchase of a vacant ± 2.18 -acre parcel at the corner of Cabana Cay Circle and Front Beach Road. The parcel was previously developed as a Hardee's (QSR) that has since been demolished.

Mr. Marshall has developed a business plan to convert the now vacant parcel into a Hungry Howie's Pizza featuring both sit-down and drive-thru pick up services.

The Panama City Beach Land Development Code (PCB LDC) uses a standardized value for the finished floor of (1) foot above the crown of the adjacent street or back of curb, whichever is higher. This is a rather typical statement in various local municipalities and with the intent to provide for improved drainage where the building elevation can drain toward the adjacent roadway. It is not uncommon that this "one size fits all" requirement does not technically comply with a property's topography, particularly when there are two adjacent roadways of varying elevation.

The existing grades at the crown of the adjacent Cabana Cay Circle and Front Beach road are 24 ft and 27 ft, respectively. The previously developed QSR had a finished floor elevation of 25 ft. This did comply with the PCB LDC code 4.03.02 of a finished grade elevation of (1) ft above the crown of Cabana Cay Circle, but was (2) ft below the crown of Front Beach Road.

The finished floor elevation of the proposed building is to sit between 26 ft and 26.5 ft. This finished floor elevation is (1.5) feet above of the previous building. This will, as well comply with the PCB LDC code 4.03.02 of a finished grade elevation of (1) ft above the crown of Cabana Cay Circle, but will still be (0.5) ft below the crown of Front Beach Road.



civil engineers
environmental
land planning
roads + bridges
stormwater
water + wastewater

PANHANDLE ENGINEERING, INC
600 Ohio Avenue
Lynn Haven, FL 32444
P: 850.763.5200

If the proposed building was to comply with this rule the finished floor elevation would be at 28 ft. This would in turn make the proposed building inaccessible to the public from the existing driveway connections onto Cabana Cay Circle due to an unreasonably high driveway slope of nearly 22.5%. This variance would allow for a more reasonable driveway slope of 5% for access to the property. The site is not located within a flood zone therefore not necessitating a finished floor elevation above any value than the 12 inches above the crown set forth in the LDC.

A portion of Cabana Cay Circle is located within our site boundaries and provides access via an easement. The other avenue to pursue would be raising Cabana Cay Circle in the vicinity of the proposed driveway access creating a raised 2 ft to 3 ft "hump" in the road. However, this would negatively affect the neighboring properties, raising their driveway slopes and possibly increasing runoff on to their properties.

Required Findings – LDC Section 9.03.03

1. Yes, there is a specific hardship affecting the Development of the Lot.
2. Yes, the hardship is not a result of the actions of the owner.
3. Yes, the proposed Variance is due to the topographical condition of the Lot.
4. Yes, the proposed Variance is necessary to preserve a substantial property right.
5. Yes, the proposed Variance will not adversely affect the health, safety, or general welfare of the public.
6. Yes, the proposed Variance will be compatible with adjacent/nearby Development and will not alter the essential character of the district.
7. Yes, the proposed Variance is consistent with the LDC.
8. Yes, the effect of the proposed Variance is consistent with the Comprehensive Plan.

In summary, it would be in the best interest of the City, neighbors, and client to provide a variance on the LDC requirements for finished floor elevation, Section 4.03.02. The variance would allow development of the parcel without negative impacts the adjacent properties.

Sincerely,



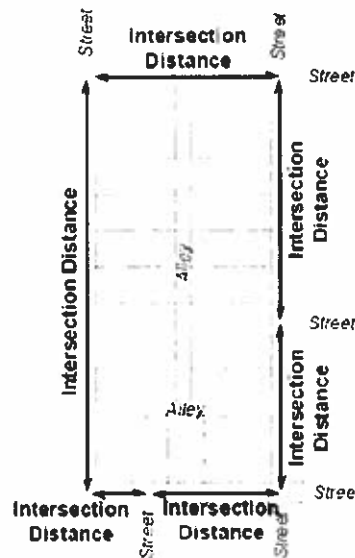
James H. Slonina, P.E.

President

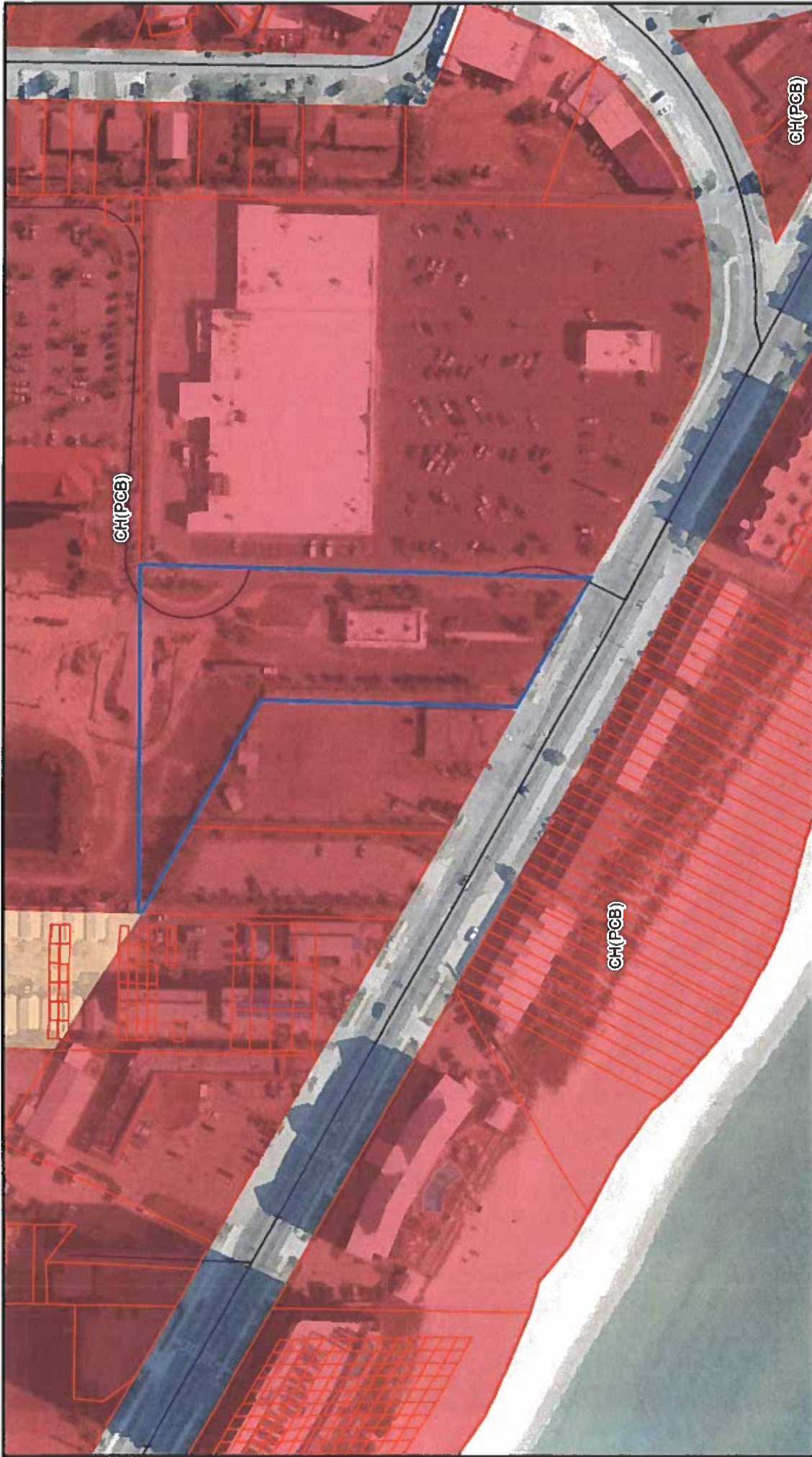
Panhandle Engineering, Inc

Cc: Wyatt Lewis, E.I., wzl@panhandleengineering.com

Figure 4.03.02.A: Intersection Distance



2. **Lots** shall meet the **Lot** design requirements for the zoning district in which the **Subdivision** is proposed.
 3. **Corner Lots** for **Subdivisions** in **Residential** zoning districts shall be large enough to provide for **Front Setbacks** and side **Street Setbacks**.
 4. Each **Lot** shall have **Frontage** on and **Access** to an existing or proposed public or private **Street** or **Alley**.
 5. Double-Frontage Lots and Flag Lots shall not be allowed.
 6. **Lot Lines** shall be at right angles to **Street** lines to the maximum extent possible.
 7. No **Lot** shall be divided by a **City** boundary line.
 8. The finished grade of all **habitable space** at the **Building** location shall be a minimum of one (1) foot above the crown of the adjacent **Street** or back of curb, whichever is higher.
 9. Dead-end **Streets** (cul-de-sacs) shall be limited to forty-five (45) **Residential Lots**.
- B. Improvements**
1. The proposed **Subdivision** shall include a **Street** system consistent with the **Traffic Circulation Map** of the Comprehensive Plan, the transportation system standards set forth in section 4.04.04 and the **Street** pattern in the surrounding area.
 - (a) **Streets**, sidewalks meeting the applicable requirements of section 4.04.03, curbs and gutters, streetlights and **Street** signs shall meet the minimum



72804 ZONING

polylineLayer
 — Override 1
 Parcels

zoning
 Commercial - High Intensity (CH)

Single Family, Low Density (R-1a)
 — roads



**CITY OF PANAMA CITY BEACH
PUBLIC NOTICE OF VARIANCE REQUEST OR APPEAL**

The City of Panama City Beach Planning Board will consider the following request:

APPLICANT(S): ANDREW MARSHALL (JAMES H. SLONINA, AGENT)

ADDRESS/LOCATION: 17188 FRONT BEACH ROAD
PANAMA CITY BEACH, FL 32413

The Variance/Appeal is being requested because, REQUIRING THE FLOOR ELEVATION
TO BE 12 INCHES ABOVE FRONT BEACH ROAD WOULD NOT ALLOW FOR ACCESS
TO THE PROPERTY WITHOUT NEGATIVELY IMPACTING THE ADJACENT
PROPERTIES.

MEETING INFORMATION:

Date: 9 JUNE 2021

Time: 1:00 PM CST

Place: City Council Meeting Room
17007 Panama City Beach Parkway
Panama City Beach

The applicant for this variance/appeal request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within ONE hundred (FIFTY) feet of the subject property.

Any questions you may have regarding this request please contact someone at the City of Panama City Beach Building and Planning Department at 850-233-5100, ext. 2313.

ADDENDUM INFORMATION TO SUPPORT VARIANCE

HUNGRY HOWIE'S @ 17188 FRONT BEACH ROAD

PE FILE NO. 72804

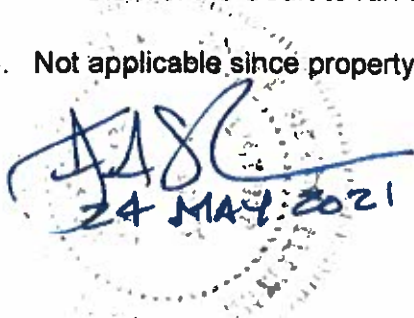
The purpose of this addendum information is to address a request by the City to utilize an additional set of variance criteria as found in Section 3 of the Land Development Code (LDC). As defined in section 3.02.02.A, this section of the LDC applies to designated flood hazard areas. It should be noted that the variance being requested is located in Section 4 of the LDC (4.03.02.A.8) and the subject property has no FIRM flood hazard areas within or adjacent to the property.

With no FIRM flood hazard areas within the property, as required by Section 3, items 3 & 4 of the Section 3 variance conditions are not applicable.

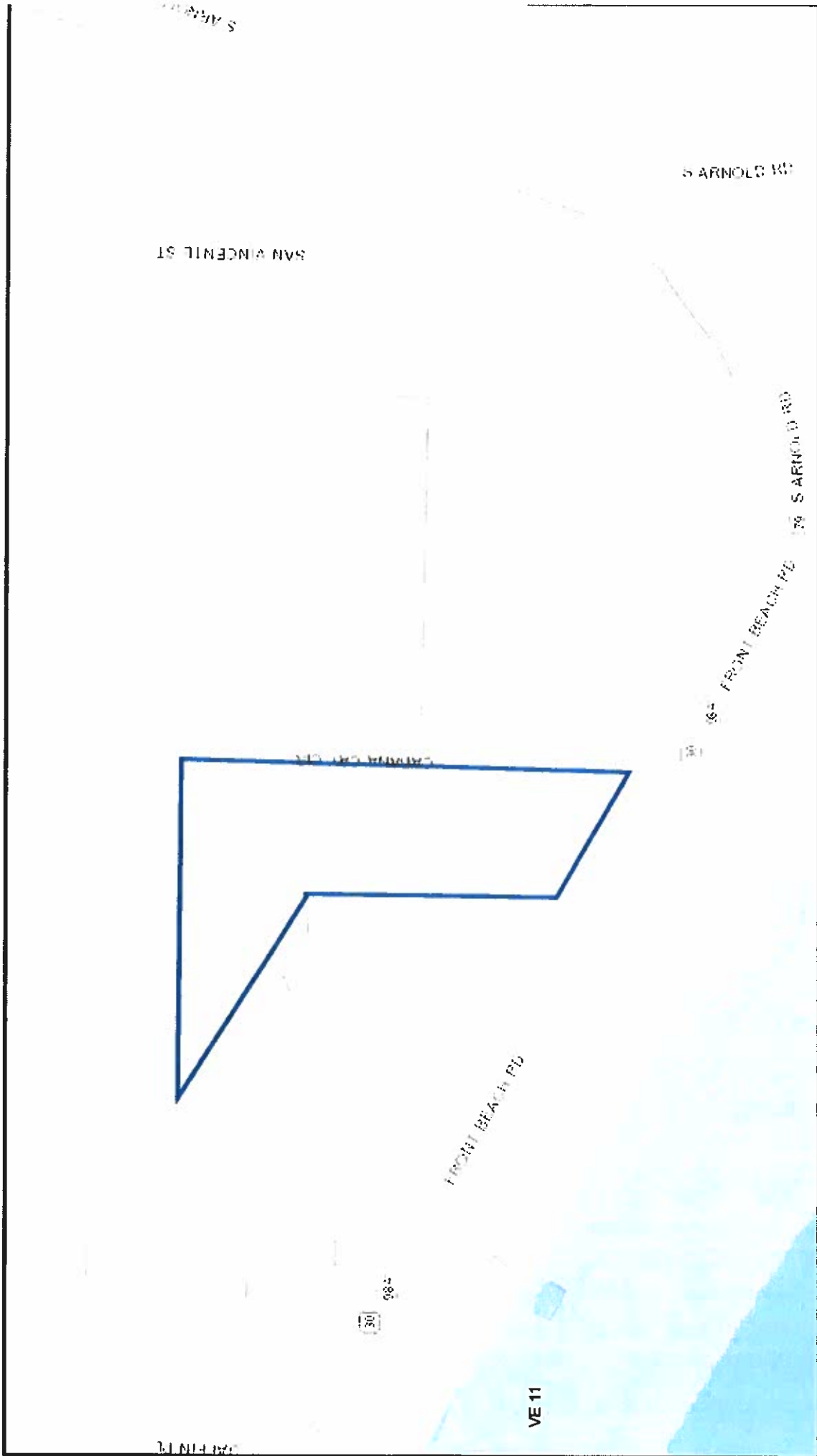
It should be noted that the site is the redevelopment of a pre-Hurricane Michael restaurant, based on a finished floor elevation of 26.5, which is 18" higher than the previous restaurant. As presented on the attached Site Plan, the redevelopment site has been designed with a new dry retention basin capable of exceeding City stormwater management criteria. The basin has been designed for zero discharge from a 100-year rainfall event.

3.02.07.H

1. Our April 8th submittal includes specific information regarding the unique characteristics of the site and its topography that limit strict compliance.
2.
 - a. Our April 8th submittal also includes specific information regarding the unique characteristics of the site and its topography that result in a development hardship not created by the applicant.
 - b. The proposed onsite stormwater management system has been professionally designed so as to protect adjacent properties, threats to public safety, and avoid conflict with local laws & ordinances.
 - c. Based on the proposed finished floor elevation 26.5, the requested variance is the minimum necessary to afford relief.
3. If required, a signed statement that the approved variance will be recorded in the Office of the Clerk of the Court to run with the property title.
4. Not applicable since property is not in a designated FIRM flood hazard zone.



A handwritten signature in blue ink is written over a circular official stamp. The signature appears to be 'JAC'. Below the signature, the date '24 MAY 2021' is handwritten in blue ink. The stamp itself is faint and partially obscured by the signature and date.



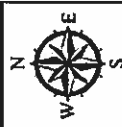
72804 FIRM 2009

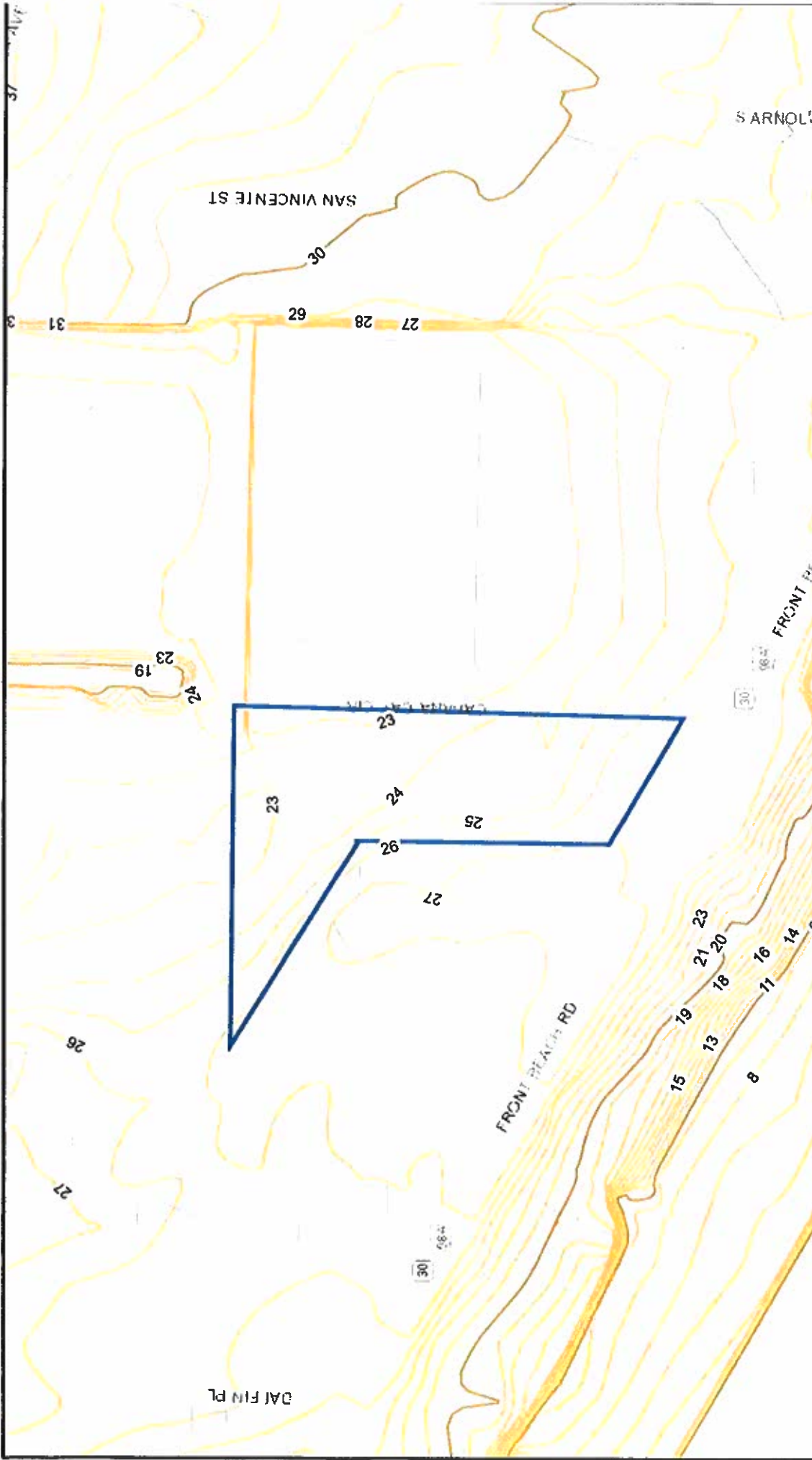
polylineLayer

— Override 1

FEMA floodzones

VE Coastal Zone With 1% or Greater Chance of Annual Flooding - BFE determined





72804 TOPO



polylineLayer

— Override 1

onefootcontours

..... 1 Foot Contour

— 10 Foot Index Contour

ITEM NO. 8

The documentation is not available at this time.