

**CITY OF PANAMA CITY BEACH
PLANNING BOARD**

MEETING DATE: April 12, 2023
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. Johns**
- ITEM NO. 3** **Approval of December 14, 2022, Planning Board Meeting Minutes**
- ITEM NO. 4** **Public Comments-Non-Agenda Items Limited to Three Minutes**
- ITEM NO. 5** **S & L Karian Properties is appealing City Managers decision that Transient Residential Rentals are not a permitted Use within the Kelly Street PUD. The appeal is specifically for the portion of the PUD located on Parcel 35351-090-030.**
- ITEM NO. 6** **Scenic Highway Partners LLC is requesting authorization of a variance from Land Development Code 4.04.01.B.4 to reduce the required 35’ minimum distance between driveways to 21.8’ for a variance of 13.2’. The property is located at 16420 Front Beach Road.**
- ITEM NO. 7** **Medical Campus Overlay District**
- ITEM NO. 8** **Large Conditional Use for Multi-Family Apartments**
- ITEM NO. 9** **Code Enforcement Update**

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



CITY OF PANAMA CITY BEACH

Building and Planning Department

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

850-233-5100 ext. 2429

Fax: 850-233-5049

Email: planningdivision@pcbfl.gov

REQUEST FOR VARIANCE OR APPEAL

LDC Section 3.02.07 & 9.03.00

Application Submittal Requirements: LDC Section 10.02.01

Property Owner(s) Name: S&L Karian Properties, LLC

Address: Near Intersections of Kelly St. Wild Heron Way and Panama City Beach Parkway (Parcel Id. 35351-090-030)

City: Panama City Beach State: FL Zip 32413

Email: mburke@burkeblue.com Telephone: 850-236-4444 Cell: _____

Name of Acting Agent: Michael S. Burke, Esq.

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.

Requested Action

Request Type: Variance or Appeal

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

Administrative Appeal of application of the following sections: Sec. 8.03.03(k), LDC

State specifically for Variance, the hardship to the subject property, or for Administrative Appeal, how has the specific regulation been incorrectly applied: Please see attached packet of information.

Improper determination by the City Manager regarding the applicability of Sec. 5.04.033, of the LDC, to the Kelly Street PUD.

The City Manager has erroneously determined that Transient Residential Rentals are not a permitted use for the Kelly Street PUD. The City Manager's letter is attached hereto as Exhibit "A".

Application Submittal Requirements: LDC Section 10.02.02

Plan or Plat Preparer Name: N/A

Address: N/A

City: N/A State: _____ Zip _____

Email: N/A Telephone: _____ Cell: _____

Date of Preparation: N/A

Date(s) of any modifications: N/A

Legal Description: (Consistent with the Required Survey) -please attach to application

Survey (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 10 copies.

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

Future Land Use Map

Deed Restrictions or Private Covenants apply to this property: Yes (please attach copy) No

Payment Fee: \$500.00

Application Type: Variance / Appeal

Date Collected: **PAID 3/21/2023**

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 9.03.03A.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? N/A

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. N/A

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. N/A

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.

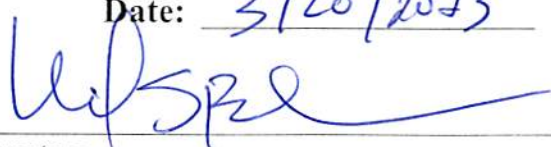
Limitation on Time to Use Variance – LDC Section 9.03.05

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):

Michael S. Burke, Esq., Applicant's Authorized Representative
Print Name

Date: 3/20/2023


Signature

Print Name

Signature

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 return receipt requested. 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 Variance/Appeal request involving a structure(s) of forty (40) feet or less, notice shall be sent to all such owners of property living in whole or in part within 150' feet of a boundary of the subject property.
- For a variance/appeal request involving a structure (s) more than forty (40) feet in height, notice shall be sent to all such owners of property lying in whole or in part within 500' feet of a boundary of the subject property.

The Variance/Appeal 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.

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 10.03.01.
- 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.

Mailed Notice – LDC Section 10.03.05

- A. When notice by mail is permitted or required by the LDC, the notice shall be mailed with the US Postal Service Certified Mail, Return Receipt requested. Unless otherwise specified in this LDC, notice shall be mailed by the Building and Planning Department.
- B. Notice shall be deemed complete upon mailing regardless of receipt.

Roles and Responsibilities – LDC Section 8.03.03

- A. The Planning Board shall have the following powers:
 - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination or interpretation made by the City Manager, or his designee or the City Engineer, which is related to the LDC, excepting building codes and other matters within the jurisdiction of the Examining Board; and
 - 2. To authorize a Variance from a provision of the LDC.

No decision of the board shall be final and enforceable until five (5) business days after it shall have been reduced to a written order containing conclusions of applicable law, findings of relevant fact, and the order of the board, signed by the chairman or vice-chairman and attested by the secretary of the board. During such five (5) day period, either the City, a citizen, or the party which invoked the jurisdiction of the board shall be entitled to file with the City Council a written request for a re-hearing to clarify, modify, or overturn the form or substance of the order, in which case the City Council shall within thirty (30) days grant or deny such request in whole or in part and the order shall not be final until the City Council has completed one of those actions. No additional hearing shall be required for the City Council to deny such request, but the City Council shall afford the City, the citizen, or the party invoking its jurisdiction an opportunity to be heard before clarifying, modifying, or overturning the order. Upon expiration of such five (5) day period without the filing of a request for a rehearing, or completion of one of those actions, the board, nor the City Council shall have no further jurisdiction in the matter.

Agent Affidavit / Special Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that I Stephan Karian am presently the owner and/or leaseholder of Parcel ID#35351-090-030 and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint Mike Burke whose address is 16215 PCB Pkwy . County of Bay State of Florida, my Attorney full power to act as my agent in the process of obtaining an PUD Modification pertaining to Kelly Street PUD.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary tasks in the execution of aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

WITNESSES:

Signature: [Signature]

Printed Name: Kay H Story

STATE OF Florida

APPLICANT:

Signature: [Signature]

Printed Name: Stephan Karian

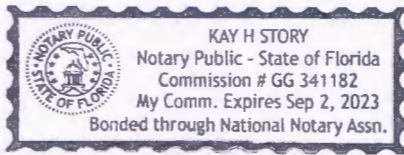
COUNTY OF Walton

The foregoing instrument was acknowledged before me by:

- Physical Presence
- OR -
- Online Notarization

This 22 day of Sept, 2022, by Stephan Karian, as owner, for Parcel I.D.# 35351-090-030

(SEAL)



Printed Name of Notary Public

Kay H Story

Signed Name of Notary Public

[Signature]

Commission Number: GG341182

Expiration Date: 09.02.23



**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): S&L KARIAN PROPERTIES, LLC

ADDRESS/LOCATION: Intersections of Kelly St., Wild Heron Way and Panama City Beach Parkway
Panama City Beach, FL 32413 (Parcel Id. 35351-090-030)

The Variance/Appeal is being requested because, By letter issued on Feb. 22, 2023, the City Manager
determined that Transient Residential Rentals are not permitted uses within the Kelly Street PUD. The Owner of the
Property disputes that determination because it denies a use that is permitted under the Land Development Code.

MEETING INFORMATION:

Date: April 12, 2023

Time: 1:00 p.m.

Place: City Council Meeting Room
17007 Panama City Beach Parkway
Panama City Beach, FL 32413

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 _____ hundred (150) 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. 2429.



City of
Panama City Beach

PCB City Hall
17007 PCB Parkway
PCB, FL 32413
P: (850) 233-5100
F: (850) 233-5108
www.pcbfl.gov

February 22, 2023



Michael S. Burke, Esq.
Burke Blue
mburke@burkeblue.com

Dear Mr. Burke:

You have requested an interpretation from the City pursuant to Section 1.06.03 of the City's Land Development Code regarding the application of Section 5.04.33 (regarding Transient Residential Rentals) to the Kelly Street PUD, given the language of Section 4.02.05(D) (regarding Development of Uses in A PUD). Upon review and consideration of the law and the record for this PUD, I confirm staff's conclusion that Transient Residential Rentals are not a permitted use in the Kelly Street PUD.

Should you choose to appeal this interpretation pursuant to Section 8.03.03, please follow the procedures set forth in Section 10.16.00.

Sincerely,

A handwritten signature in blue ink, appearing to read "Drew Whitman".

Drew Whitman, City Manager
City of Panama City Beach

cc: Amy Myers, Esq., City Attorney
Cole Davis, Esq., City Attorney
Mel Leonard, Building & Planning Director

Mayor
Mark Sheldon

Vice Mayor
Paul Casto

Ward 2
Phil Chester

Ward 3
Mary Coburn

Ward 4
Michael Jarman

City Manager
Drew Whitman



DATA AND ANALYSIS

APPLICANT:	S&L Karian Properties, LLC
PROJECT ADDRESS:	Near the intersection of Kelly Street, Wild Heron Way and Panama City Beach Parkway (Parcel ID No: 35351-090-030)
ZONING DISTRICT:	PUD (Planned Unit Development)
REQUESTED ACTION:	The applicants are appealing the City's determination that short-term rentals are not a permitted use in the Kelly Street PUD (Letter from the City Manager is attached).

CONCLUSION:

Staff had previously stated to the Planning Board that it had been unable to find any evidence of short-term rentals being requested for the Kelly Street PUD. Staff finds that single family residential and multi-family residential uses had been requested and approved but that short-term rentals is a separate use and had not been specifically requested and approved. The applicants wish to appeal this determination so that short-term rentals can be permitted within the Kelly Street PUD.



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Panama City Beach

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17007 PCB Parkway
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February 22, 2023

Michael S. Burke, Esq.
Burke Blue
mburke@burkeblue.com

Dear Mr. Burke:

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Should you choose to appeal this interpretation pursuant to Section 8.03.03, please follow the procedures set forth in Section 10.16.00.

Sincerely,

A handwritten signature in blue ink, appearing to read "Drew Whitman".

Drew Whitman, City Manager
City of Panama City Beach

cc: Amy Myers, Esq., City Attorney
Cole Davis, Esq., City Attorney
Mel Leonard, Building & Planning Director

Mayor
Mark Sheldon

Vice Mayor
Paul Casto

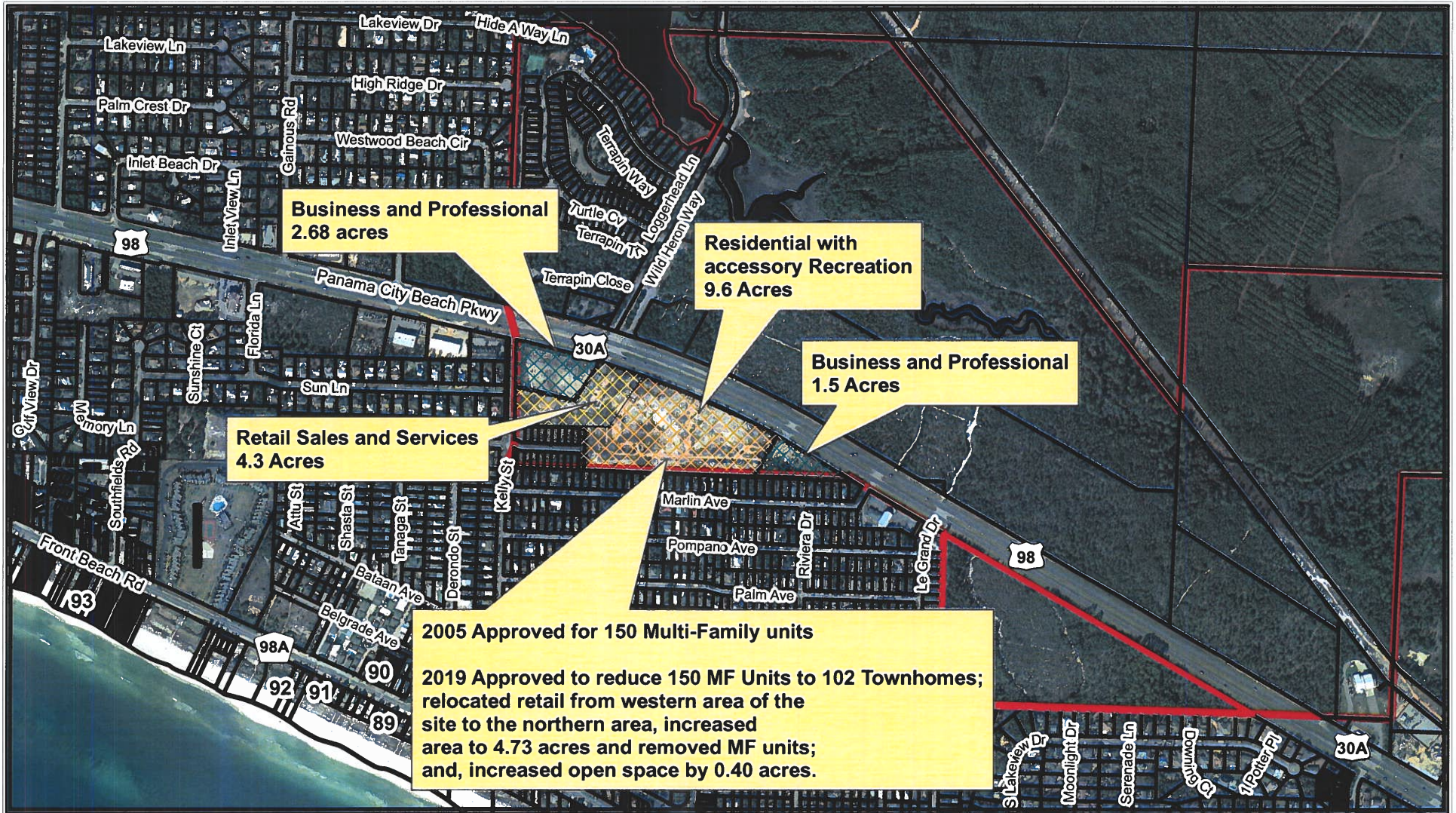
Ward 2
Phil Chester

Ward 3
Mary Coburn

Ward 4
Michael Jarman

City Manager
Drew Whitman

Kelly Street PUD (a.k.a. LaBorgata)



PUBLIC COMMENTS

ITEM NO. 5

Melissa Deese

From: Karen Brooks <kbrooks3522@gmail.com>
Sent: Wednesday, March 29, 2023 12:38 PM
To: Melissa Deese
Subject: Re-hearing of order denying Kelly Street PUD master plan

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from kbrooks3522@gmail.com. [Learn why this is important](#)

[CAUTION] This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Subject: Re-hearing of order denying Kelly Street PUD master plan

Secretary Deese,

I am writing to voice my Support of the decision previously made by the Panama City Beach Planning Commission to DENY the developers PUD modification request.

Reasons for my stand against the developer's request to modify that will have adverse effects on our quality of life in our quiet neighborhood include:

- A. Insufficient parking
- B. Adverse impact on the community (noise, trash, parking, traffic, safety)
- C. Increased impact on PCB Public Services / Police / Fire

I will be in attendance at the February 23 meeting.

Respectfully

Karen Brooks
21905 Bataan Ave
PCB FL 32413

kbrooks3522@gmail.com

Melissa Deese

From: ROBERT LEFFERDO <rlefferdo@gmail.com>
Sent: Wednesday, March 29, 2023 2:28 PM
To: Melissa Deese
Subject: Re: S & L Karian Properties to Appeal City Manager Decision Regarding Transient Rentals

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

Good morning Mrs Deese,

My name is Robert and my wife Erika Lefferdo, we live here in Panama City Beach full time and have for over 7 years at 317 Shasta Street. I wrote a correspondence last year prior to the first Board hearing on the proposed new building on Kelly Street. We also attended the in-person hearing and meeting to voice our critical concerns for this project.

I felt very positive for both the outstanding neighborhood turn-out for the meeting and most of all the proper support by the Planning Commission voicing and voting to support and back-up with valid facts & concerns for the Developers change from their initial building plan to complete and utter disregard for the conditions that make these changes very unhealthy for the local neighborhood.

My wife and me support the critical points the Board shared as their reasons for denial of the project, we continue to hope the Board will continue with that support and once again back-up their initial decision.

> Insufficient parking

> Adverse impact on our community (noise, trash, parking, traffic and safety)

> Increased impact on PCB Public Services (Police & Fire)

Please include my letter for the upcoming April 12, 2023 new agenda meeting and I will once again attend for my support.

Thank you once again for your services,

Robert & Erika Lefferdo

317 Shasta Street #C

PCB, FL 32413 (404) 704 5937

--



ReplyForward

On Mon, Mar 27, 2023 at 3:41 PM Melissa Deese <Melissa.Deese@pcbfl.gov> wrote:

Good afternoon,

You are receiving this email because you signed up for email updates regarding the Kelly Street PUD Modification Request.

S & L Karian Properties is appealing the City Manager's decision that Transient Residential Rentals are not a permitted Use within the Kelly Street PUD. The appeal is specifically for the portion of the PUD located on Parcel 35351-090-030.

I've attached a copy of the agenda for the April 12, 2023 Planning Board meeting. I will include any comments in the agenda package that are received by Thursday, March 30, 2023. Any additional comments will be forwarded to the Planning Board in a separate package.

You are welcome to attend the Planning Board meeting April 12, 2023 at 1 p.m. There will be a portion of the meeting that attendees are welcome to speak (limited to 3 minutes).

To contest a Planning Board decision, the adversely affected person must be present at the Planning Board hearing (Land Development Code 10.10.02 F).

Please let me know if you have any questions.

- F. Within ten (10) days after mailing the notice of proposed order, the City, the applicant or an **Adversely Affected Person** who appeared at the hearing shall be entitled to file with the secretary of the Planning Board a written request for a rehearing before the City Council. The written request for a rehearing shall set forth the specific grounds for such request. Any amendments to the written request

Land Development Code

9-9-21

361

10. Application, Review and Decision-Making Procedures

for a rehearing may be made no less than ten (10) days prior to the City Council's public hearing on the application.

(Ord. # 1328, 2/12/15)

Thank you,

Melissa Deese

City of Panama City Beach

Planner

116 S. Arnold Road

Panama City Beach, FL 32413

O: 850.233.5100 ext. 2429



F: 850.233.5049

E: Melissa.Deese@pcbfl.gov -- www.pcbfl.gov

Under Florida Law, e-mail addresses and contents are public records. If you do not want your e-mail address and content released to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

--
Bob

Melissa Deese

From: Sondra Edwards <sedwa53@gmail.com>
Sent: Thursday, March 30, 2023 2:28 PM
To: Melissa Deese
Subject: Re: S & L Karian Properties to Appeal City Manager Decision Regarding Transient Rentals
Attachments: IMG_7920.PNG; IMG_7922.PNG; IMG_7919.PNG; IMG_7921.PNG; IMG_7923.PNG; sunnyside copy.pages; kelly 2.pages
Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

To: PCB Planning Board, City Manager

This morning I went out to deliver a crock pot to my neighbor. (Yes, we are neighbors that take care of one another). I brought my phone to video what I saw on Kelly since this is the last day for any correspondence to be included in the agenda package. **Please view my pictures** that show mostly trucks that can barely fit in their lane, but more importantly, the **LARGE family group walking to the beach in the road - there is nowhere else to walk. I'm sorry I could not get my videos to send but pictures are attached below Ms. Deese's email. I can drop off a jump drive if you wish.**

This is just one group!!! Imagine what weekly rental groups will look like walking down Kelly. Again, Kelly is NOT a pedestrian friendly street. Dressing up a pig does not make it a beauty queen. The repaving of Kelly Street did nothing to improve the conditions of this road. I did not stage this in any way, I just videoed what I saw while running an errand.

The increase in people using Kelly will most likely result in some type of pedestrian vs vehicle collision. Do you want to be responsible for that? I have written to you previously with numerous reasons why I oppose this rezoning. Please stick to your planning staffs' conclusion and deny any changes for this property to become Transient Residential Rentals.

They will come in, make their money and leave the surrounding community to deal with the problems.

Someone made a bad business decision and presold what was not approved. Please reward the good behavior of the residents of this area that know this is a bad idea. We came to the west end when it was filled with people living in vacant lots, breaking into homes and living there, and filled with drug problems. We all took a chance and improved daily life in this area. There aren't that many full time residents in Bay County, but we are here! We serve on volunteer boards, donate to food banks and shoe drives, raise money for the pool, and volunteer at schools, organizations and churches. Hopefully, you can see us and not just the business community.

Please send my firm "**NO**" to the approval of S & L Karian Properties' appeal. The area cannot support more vehicular and pedestrian traffic on Kelly Street.

Also, the change in date to Easter week prohibits many in the community from attending this meeting as they are out of town visiting family. I would like all who attended any meeting and sent in letters to be considered adversely affected people throughout this process. To not be included because they keep re-appealing and people cannot attend, whittles down the opposition base that can speak to oppose this modification. Hopefully, il have misunderstood this part of the process and all will be included. However, many have stated that they did not receive notification this time, leading me to believe the whittling down process has begun.

Please read and review my previous letters, I won't include my videos from the past (I assume you can go back and review them if you need to) but please look at these pictures . It really forebodes what is coming if you approve their request for transient residential rentals.

Thank you ,
Sondra Edwards
20018 Sunnyside Lane
PCB, FL



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Land Development Code

9-9-21

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10. Application, Review and Decision-Making Procedures

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(Ord. # 1328, 2/12/15)

Thank you,

Melissa Deese

City of Panama City Beach

Planner

116 S. Arnold Road

Panama City Beach, FL 32413



O: 850.233.5100 ext. 2429

F: 850.233.5049

E: Melissa.Deese@pcbfl.gov -- www.pcbfl.gov

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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: planningdivision@pcbfl.gov

REQUEST FOR VARIANCE OR APPEAL

Applicant:

Name(s): Scenic Highway Partners LLC

Address: 91 W Wieuca Rd NE

City: Atlanta State: GA Telephone: 30342 Fax: _____

Email: brad@freeman-partners.com

Name of Acting Agent: Poole Engineering & Surveying - Brandon Poole

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: 16220 Front Beach Rd, Panama City Beach, Fl. 32413

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: Poole Engineering & Surveying Inc,

Address: 2145 Delta Blvd Suite 100 Email Address: brandon@poole-eng.com

City: Tallahassee State: FL Telephone: 850-386-5117 Fax: _____

Date of Preparation: 3/20/2023 Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) LOTS 7, 8, 9 AND 10, BLOCK C OF LULLWATER BEACH...

A vicinity map showing the location of the property.

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

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

PAID
 03/22/2023

Requested Action - Please mark the appropriate request.

Variance Request from the following section(s) of the LDC: 4.04.01

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: Please see attached narrative letter for hardship detail and responses to criteria set forth in

Section 9.03.03

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 9.03.03A.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? The attached narrative letter lays out several hardships for both the developer and the general public and details how the variance allows these hardships to be overcome. The request is the minimum necessary to overcome the hardship.

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. Structures located on the Subject Property were demolished in 2022. The residence to the east is located 7.81' from the shared property line and 19.81' from the eastern proposed residence on the Subject Property. The west residence is located 10' from the shared property line and 22' from the western proposed residence.

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. This driveway separation variance will have minimal impacts on adjacent properties. The driveways address Gulf Lane. Gulf Lane is only 600' long and receives only local traffic. The extra driveway achieved by the variance will not create congestion issues that might be realized on heavily traveled street.

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):

Date: 3/21/2023

Brad Berman, Manager
Print Name


Signature

Print Name

Signature

**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): Scenic Highway Partners

ADDRESS/LOCATION: 16420 Front Beach Road

Proposed Project - 8 Duplex-Style Units (4 Buildings)

The Variance/Appeal is being requested because, the proposed project requires a variance from the
driveway separation requirement (35') of LDC Section 4.04.01.B.4. The variance is requesting a reduction in the
requirement to 21.8' between driveways

MEETING INFORMATION:

Date: Wednesday, April 12, 2023

Time: 1:00 PM

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 150) 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.

March 20, 2023

Planning Board Members
City of Panama City Beach
PCB City Hall
17007 Panama City Beach Parkway

RE: Variance Request
16420 Front Beach Road

Dear Planning Board Members,

The purpose of this variance application is to request relief from LDC Section 4.04.01.B.4. dealing with driveway separation, which states:

“There shall be a minimum distance of thirty-five (35) feet between any two (2) openings onto the same Street.”

This variance requests a reduction in the driveway separation requirement from 35' to 21.8'. Attached is the site plan for the project which proposes a total of (8) duplex units (4 buildings). Granting of this variance is the minimum needed to allow the project to be feasible. The variance would allow a 4th driveway for the Subject Property onto Gulf Lane. The Subject Property also fronts Front Beach Road.

The Subject Property is made up of 4 total platted lots (Lots 7-10, Block C of the Lullwater Beach Subdivision). If these lots were split out, then 4 driveways would be allowed by code within the same area as the proposed project.

The proposed driveways will access Gulf Lane. Gulf Lane is a local street which stretches the length of one block (approximately 600') and receives local traffic only. This variance request is consistent with the intent of the code, which aims to limit the number of driveways on heavily traveled streets, such as Front Beach Road, which might add to congestion. The previous development had a continuous commercial driveway across both its Front Beach Road and Gulf Lane frontages.

Variance requests are required to address the following criteria:

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.

Response: The Subject Property is made up of 4 platted lots, which could allow the property to achieve a similar driveway and development configuration without the need for a variance. However, the proposed development pattern allows for a better overall project from many perspectives. Splitting up the property creates an unnecessary burden for both the developer and the city as the permitting and construction inspection/closeout process becomes more cumbersome along with the need for 4 separate HOAs if the duplex-style development was maintained.

Additionally, if the property is split-up for the development of 4 individual single-family homes or duplexes, the 4 requested driveways would be allowable, but the development would be exempt from stormwater management regulations, per LDC Section 3.05.04. According to conversations with the Public Works Departments, there are some stormwater issues in the area from the lack of stormwater management facilities. The proposed project would be required to treat its stormwater and provide attenuation of the runoff. In this scenario, the hardship is on the area in the vicinity of the Subject Property, and approval of the variance provides a level of public benefit to the surrounding area and properties.

Finally, approval of the variance ensures that driveways for the Subject Property access Gulf Lane and not the more heavily traveled Front Beach Road, providing an additional level of public benefit.

An alternative design for the project that would meet the code would be to change the design of proposed buildings 2 and 4 to have driveway access from Front Beach Road. This would meet the driveway separation requirement, but in my opinion, would not meet the spirit of the code, as it would add to congestion on Front Beach Road and require a less safe access point than Gulf Lane. This option represents a diminished project than what is currently proposed.

2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;

Response: The hardship is not a result of any action taken by the owner. This variance is not based on a desire to reduce development costs. The proposed development may be more expensive than some other options detailed above, due to the required stormwater management system. We do feel the variance allows for the best development for this property.

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;

Response: The size and shape of the parcel does not allow for the necessary 4th driveway in a manner that does not diminish the quality of the overall project.

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;

Response: As detailed above, the property has a right to split back out into the original platted lots, which would allow for 4 similar driveways to what is proposed by this project.

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;

Response: By accessing Gulf Lane, the project removes the potential for congestion that would be created by driveways that could otherwise access Front Beach Road. As detailed above, the stormwater requirement for this project provides a level of public benefit over development alternatives and the previous development at this property.

6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;

Response: The proposed project is compatible with its vicinity which is made up primarily of residential uses. With regard to the requested driveway separation specifically, the existing development at 16328 Front Beach Road (located +/- 150' east of the Subject Property) has less driveway separation, more driveways, and driveways fronting Gulf Lane and Front Beach Road.

7. The effect of the proposed Variance is consistent with the purposes of the LDC; and

Response: As detailed above, the proposed driveways will access Gulf Lane. Gulf Lane is a local street which stretches the length of one block (approximately 600') and receives local traffic only. This variance request is consistent with the intent of the code, which aims to limit the number of driveways on heavily traveled streets, such as Front Beach Road, which might add to congestion.

8. The effect of the proposed Variance is consistent with the Comprehensive Plan.

The proposed variance does not conflict with the intent of the Comprehensive Plan. We believe the proposed project is the best use of the Subject Property, providing appropriate density and an appealing project that is consistent with the Subject Property's vicinity and desirable redevelopment patterns.

Thank you for your review and consideration of this request. Please let me know if you have any prior questions or comments.

Sincerely,



Brandon Poole
Vice President
Poole Engineering and Surveying, Inc
brandon@poole-eng.com

March 21, 2023

Panama City Beach Planning Department
PCB City Hall
17007 Panama City Beach Parkway
Panama City Beach, Florida

To whom it may concern,

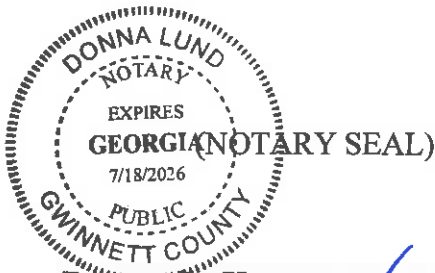
This letter is to authorize Brandon Poole and Poole Engineering and Surveying, Inc to represent Scenic Highway Partners, LLC on all matters involving the site-related permitting of our property at 16420 Front Beach Road, including the variance to be heard on April 12, 2023.

Sincerely,

Brad Berman
Manager
Scenic Highway Partners, LLC

STATE OF Georgia
COUNTY OF Gwinnett

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 21st day of March, 2023, by Brad Berman.



(Signature of Notary Public-State of Florida)

Donna Lund

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification _____
Type of Identification _____
Produced _____

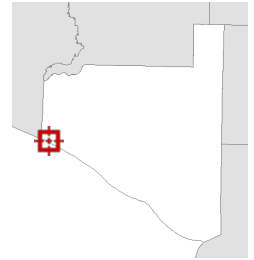


Bay County Property Appraiser - Dan Sowell, CFA

Main Office | 860 W. 11th St, Panama City, FL 32401 | 850-248-8401
Beach Office | 301 Richard Jackson Blvd, Panama City Beach, FL 32407 | 850-248-8470



Overview



Legend

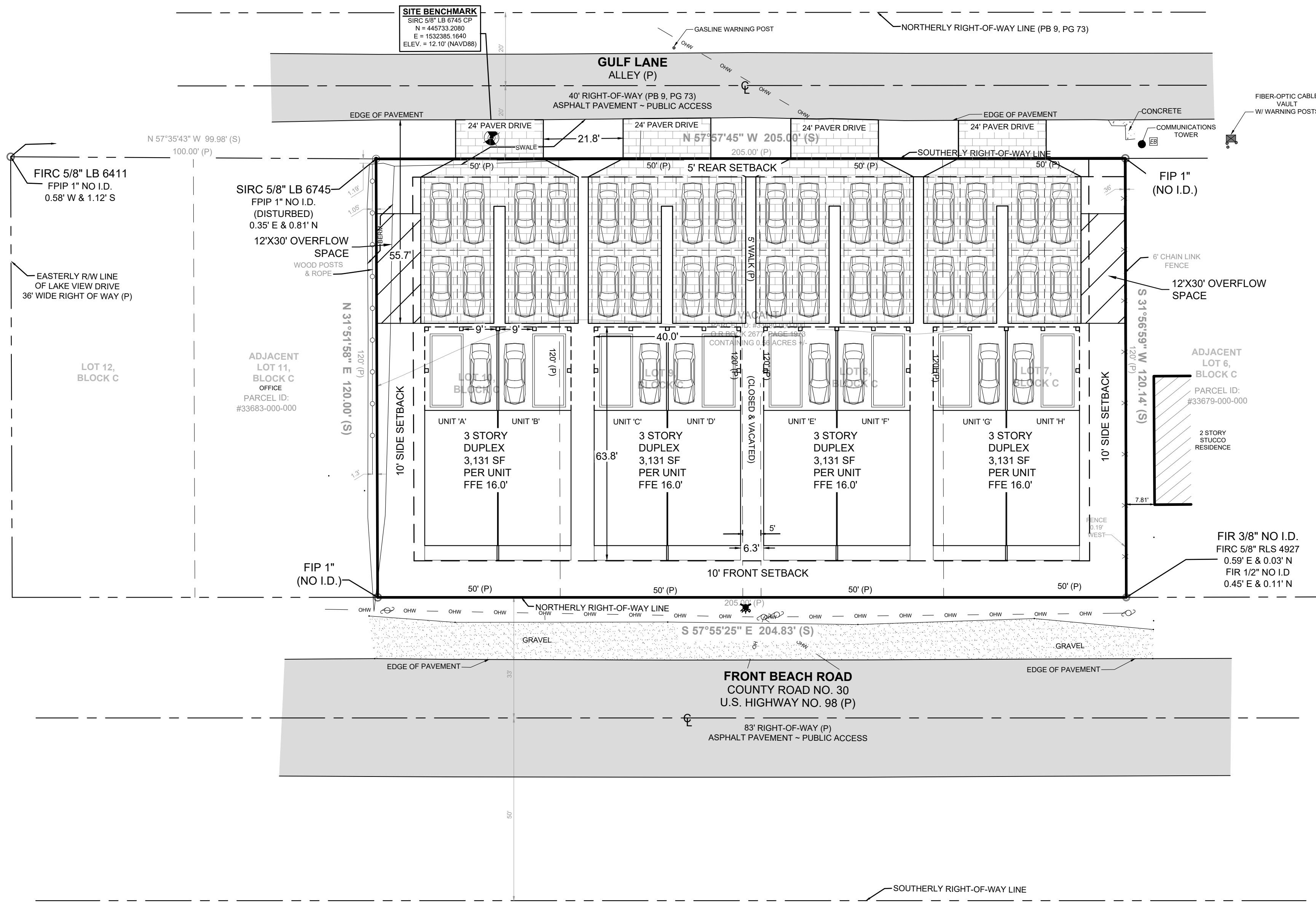
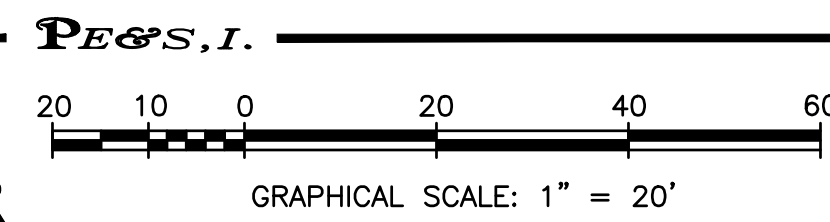
- Parcels
- 2023 Improved Sal
- 2023 Vacant Sales
- 2022 Vacant Sales
- Lots

Parcel ID	33680-000-000	Owner	SCENIC HIGHWAY PARTNERS	Last 2 Sales			
Class Code	VACANT		LLC	Date	Price	Reason	Qual
Taxing	13		91 W WIEUCA RD NE	3/30/2022	\$2600000	QUAL/MULT-PROP W/MULT-TAXIDS	Q
District	PANAMA CITY BEACH	Physical Address	16420 FRONT BEACH RD	9/21/2005	\$1500000	CONTRACT FOR DEED/AGR FOR DEED	U
Acres	0.513	Just Value	Value \$1158826	MLS 736628			

(Note: Not to be used on legal documents)

Date created: 3/20/2023
Last Data Uploaded: 3/20/2023 7:30:33 AM

Developed by Schneider GEOSPATIAL



TABULATION OF DEVELOPMENT AREA		
TYPE	PROPOSED (SF)	TOTAL %
TOTAL BUILDING AREA (SF) (FOOTPRINT)	10,223.97	41.55
MISC. IMPERVIOUS AREA (SF)	7,335.02	29.81
TOTAL IMPERVIOUS AREA (SF)	17,558.99	71.37
GREEN AREA (SF)	7,044.60	28.63
TOTAL AREA (SF)	24,603.59	100.00

- GENERAL NOTES:**
- NO ABOVE GROUND FUEL OR GAS TANKS WILL BE PRESENT ON SITE
 - PROJECT WILL NOT INVOLVE THE OUTDOOR STORAGE OF EQUIPMENT OR MATERIALS

PARCEL NUMBER 33680-000-000
 CH FBO-1 ZONING
 PROPOSED USE: RESIDENTIAL
 FUTURE LAND USE: TOURIST AREA

BUILDING SETBACKS (REQUIRED/PROVIDED)
 FRONT - 10 FEET / 10.2 FEET
 SIDE INTERIOR - 10 FEET / 12.6 FEET
 REAR - 5 FEET / 46.1 FEET

FAR - 1.00 ALLOWED / 1.02 PROPOSED
 (25,048 SF TOTAL FLOOR SPACE)
 DENSITY - 45 DU/AC ALLOWED / 15 DU/AC PROPOSED

MAXIMUM BUILDING HEIGHT - 35 FT ALLOWED / 33 FT PROPOSED

PARKING
 CH USE: 1.5 SPACES / 1,000 SF
 5 SPACES PER UNIT REQUIRED
 5 SPACES PER UNIT PROVIDED
 2 OVERFLOW SPACES PROVIDED

ENGINEERING & SURVEYING, Inc.
POOLE
 2145 DELTA BLVD. • TALLAHASSEE, FL. 32303 • (850)386-5117 • LICENSE NO.: 6246

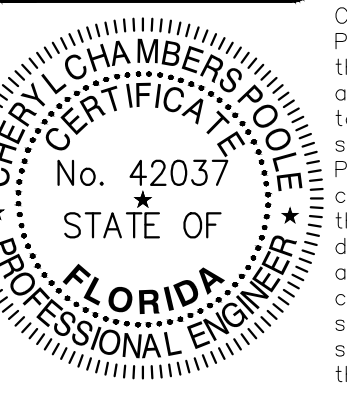
REVISED:

DATE: 02-27-23

SCALE: 1"=20'

DRAWN BY: JWT

PROJECT: 16422 FRONT BEACH ROAD DUPLEXES
 TITLE: SITE PLAN



JOB NUMBER: 22127
 SHEET NUMBER: C-2

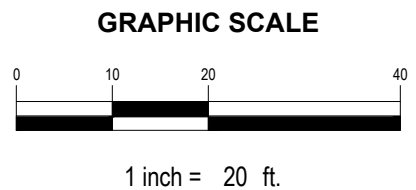
This item has been digitally signed and sealed by Cheryl L. Poole on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

LEGEND

- SCM SET CONCRETE MONUMENT
LB NO. 6745 (4"x4")
- SIRC SET IRON ROD
LB NO. 6745 (5/8")
- SNC SET NAIL & CAP
LB NO. 6745
- REF.PT REFERENCE POINT
LB NO. 6745
- WIT.PT WITNESS POINT
LB NO. 6745
- FCM FOUND CONCRETE MONUMENT
(4"x4")
- FTCM FOUND TERRA COTTA
MONUMENT
- FIR FOUND IRON ROD
- FIRC FOUND IRON ROD & CAP
- FNC FOUND NAIL & CAP
- FIP FOUND IRON PIPE
- FPIP FOUND PINCH PIPE

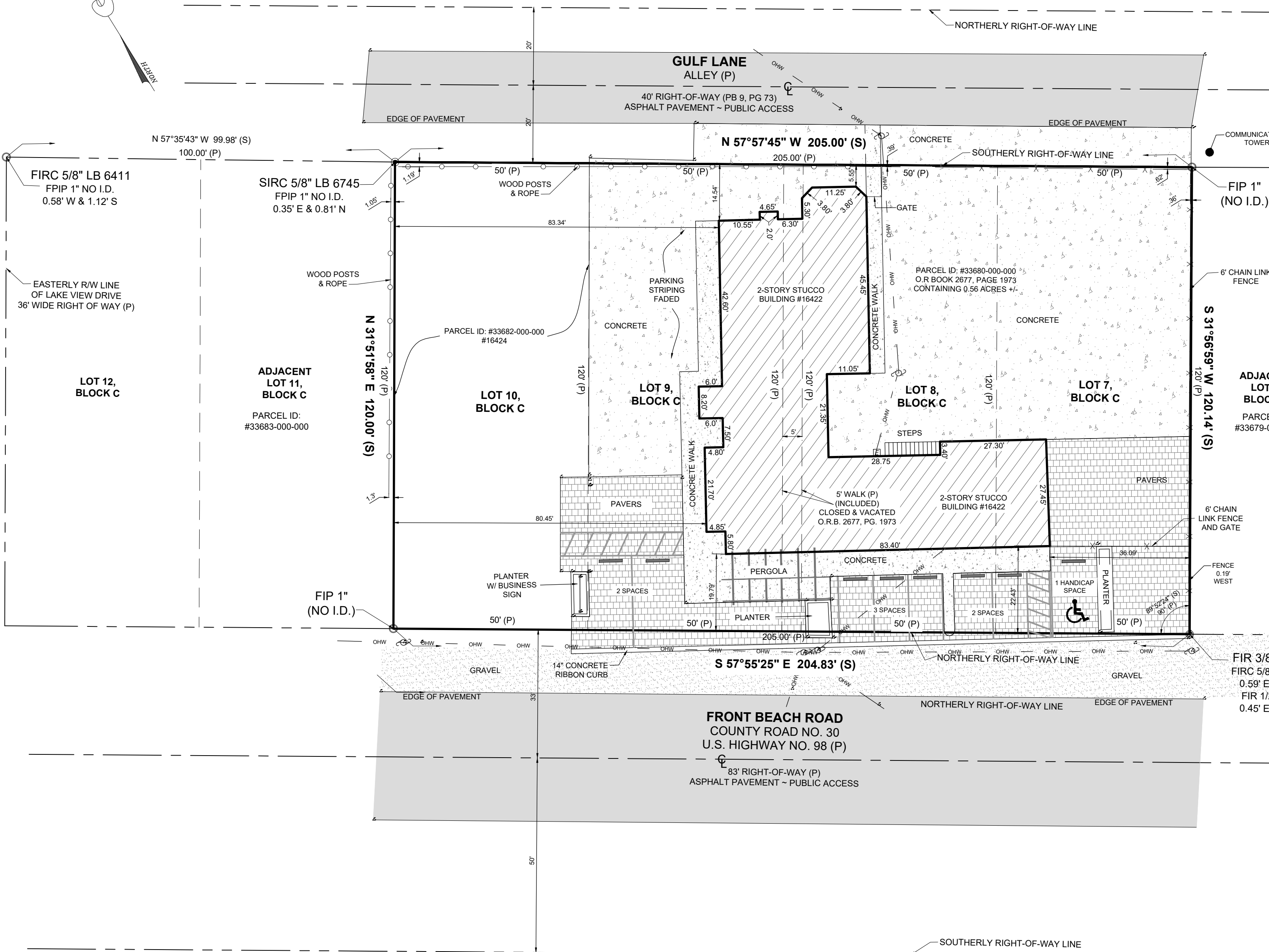
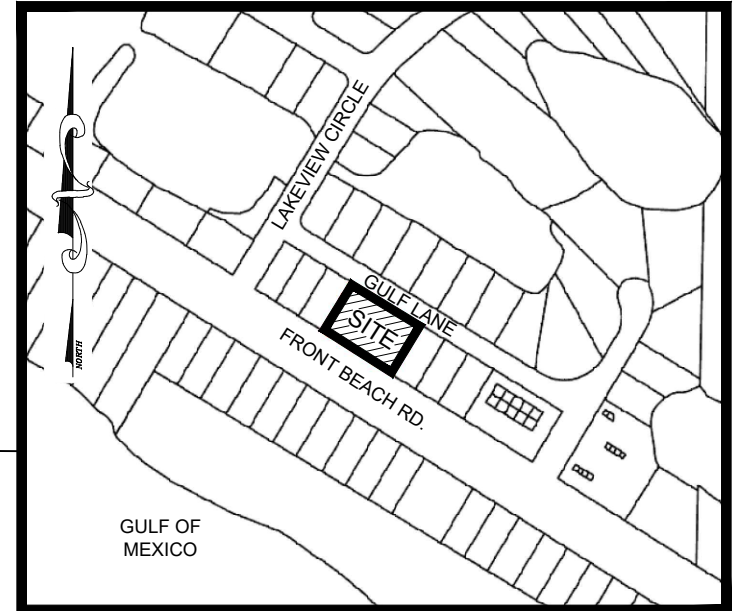
- PCP PERMANENT CONTROL POINT
- PRM PERMANENT REFERENCE
MONUMENT
- LB. LICENSED BUSINESS
NO. NUMBER
- BM BENCH MARK
- TBM TEMPORARY BENCH MARK
- NAD NORTH AMERICAN DATUM
DATUM, 1983
- NAVD NORTH AMERICAN
VERTICAL DATUM, 1988
- NGVD NATIONAL GEODETIC
VERTICAL DATUM, 1929
- PES POOLE ENGINEERING &
SURVEYING
- DOT STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION
- COT CITY OF TALLAHASSEE
AMERICAN LAND TITLE
ASSOCIATION
- NSPS NATIONAL SOCIETY OF
PROFESSIONAL SURVEYORS
- (S) SURVEY INFORMATION
- (D) DEED INFORMATION
- (P) PLATTED DATA
- (C) CALCULATED DATA
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- SEC. SECTION
- T. TOWNSHIP
- R. RANGE
- O.R. OFFICIAL RECORDS
- △ CENTRAL ANGLE
- R. RADIUS
- L. LENGTH
- CH CHORD BEARING & DISTANCE
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- POT POINT OF TANGENT
- PC POINT OF CURVE
- PCC POINT OF COMPOUND CURVE
- PRC POINT OF REVERSE CURVE
- R.W. RIGHT-OF-WAY
- CL CENTER LINE
- R.R. RAILROAD
- SR STATE ROAD
- SRD STATE ROAD DEPARTMENT
- ELEV. ELEVATION
- FFE FINISH FLOOR ELEVATION
- INV. INVERT ELEVATION
- OHW OVERHEAD WIRE
- UP UTILITY POLE
- TELE. TELEPHONE
- CONC. CONCRETE
- CO CLEAN OUT
- WM WATER METER
- WV WATER VALVE
- FH FIRE HYDRANT
- GV GAS VALVE
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- HDPE HIGH DENSITY POLYETHYLENE
- SSMH SANITARY SEWER MANHOLE
- SDMH STORM DRAIN MANHOLE
- CLF CHAIN LINK FENCE
- MB MAIL BOX
- CATV CABLE TELEVISION
- T-PED TELEPHONE PEDESTAL
SIGN

- CONCRETE
- WOOD DECK
- D.E.P. DEPARTMENT OF
ENVIRONMENTAL PROTECTION
- #16422 SITE ADDRESS NUMBER
- CLEAN-OUT
- OHW OVERHEAD WIRES
- ELECTRIC METER
- GAS METER
- AIR CONDITIONER
- WELL CASING
- LIGHT POLE
- WIRE PULL BOX



LULLWATER BEACH

SECOND PLAT
BAY COUNTY, FLORIDA
BEING A SUBDIVISION OF A PART OF FRACTIONAL SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 16 WEST
BAY COUNTY, FLORIDA
(PLAT BOOK 7, PAGE 44)



VICINITY MAP
(NOT TO SCALE)

LEGAL DESCRIPTION:
LANDS DESCRIBED IN O.R. BOOK
2677, PAGE 1973, BAY COUNTY RECORDS

LOTS 7, 8, 9 AND 10, BLOCK C OF LULLWATER
BEACH, SECOND ADDITION, ACCORDING TO
THE PLAT ON FILE IN THE OFFICE OF THE
CLERK OF THE CIRCUIT COURT OF BAY
COUNTY, FLORIDA, SAID LAND LOCATED IN
FRACTIONAL SECTION 19, TOWNSHIP 3
SOUTH, RANGE 16 WEST, TOGETHER WITH
THAT CERTAIN CLOSED AND VACATED
EASEMENT LYING BETWEEN LOTS AND 9,
BLOCK C, ABOVE DESCRIBED. ("PROPERTY").

NOTES:

1. BEARINGS SHOWN HEREON ARE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) AND BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM (NAD 83(11) FLORIDA, NORTH ZONE, AND ARE GRID BEARINGS.
2. NO UNDERGROUND FOOTERS OR ROOF OVERHANGS ARE LOCATED BY THIS SURVEY.
3. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
4. MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FEET AND HORIZONTAL DISTANCES.
5. THIS SURVEY IS DEPENDENT ON EXISTING MONUMENTATION AS SHOWN.
6. SOME INTERIOR IMPROVEMENTS ARE NOT SHOWN ON THIS SURVEY
7. AS PER FLOOD MAP PANEL NUMBER 12005C 0284H, DATED 06/02/2009 BAY COUNTY, FLORIDA, THE SITE SHOWN HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD).
8. SURVEY SHOWN HEREON IS CERTIFIED TO:
• SCENIC HIGHWAY PARTNERS

DRAWN BY : CDM, CWP
CHECKED BY : JAK
DATE : APRIL 4, 2022
REVISED:
SCALE: 1" = 20'
FIELD BOOK: 299 PAGE: 6
SURVEY DATE: MARCH 15, 2022
BASE OF SURVEY: -LULLWATER BEACH SECOND PLAT ON FILE IN PLAT BOOK 7, PAGE 44, RECORDED IN BAY COUNTY RECORDS, FLORIDA

REVIEW ONLY - 4/04/22

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT BOUNDARIES.

POOLE ENGINEERING & SURVEYING, Inc.

2145 DELTA BLVD. • TALLAHASSEE, FL. 32303 • (850)386-5117 • LICENSE NO: 6745

• WWW.POOLE-ENG.COM •

BOUNDARY SURVEY

16422 AND 16424 FRONT BEACH ROAD
PANAMA CITY BEACH, FLORIDA 32413

SCENIC HIGHWAY PARTNERS

SHEET NO.	1
JOB NO.	OF 1
JOB NO.	22-127



City of
Panama City Beach

PCB City Hall
17007 PCB Parkway
PCB, FL. 32413
P: (850) 233-5100
F: (850) 233-5108
www.pcbfl.gov

DATA AND ANALYSIS

- I. **APPLICANT:** Scenic Highway Partners, LLC
Acting Agent: Brandon Poole, Poole Engineering & Surveying
- II. **PROPERTY LOCATION:** Parcel ID# 33680-000-000 16420 Front Beach Road
- III. **ZONING DISTRICT:** Commercial High Intensity (CH)
- IV. **OVERLAY DISTRICT:** Front Beach Overlay 1 (FBO-1)
- V. **REQUEST:** The request is to reduce the thirty-five (35) foot driveway separation requirement of the Land Development Code (LDC) Section 4.04.01.B.4 to a twenty-one foot ten-inch (21.8 feet) driveway separation for a variance of thirteen foot two-inch (13.2 feet) along Gulf Lane.
- VI. **REASON FOR REQUEST:** The proposed development for this parcel is an eight (8) unit duplex comprised of four (4) buildings. The purpose of this request is to allow each proposed building to have its own driveway to accommodate the required parking.

The proposed is contrary to the following sections of the City’s Land Development Code: 4.04.01 Access Management

B. Access Standards and Permitting. The following standards shall apply to all **Driveways** or **Access** points from a **Lot** or **Parcel** onto a public **Street**.

- 4. There shall be a minimum distance of thirty-five (35) feet between any two (2) Openings onto the same **Street**.

STAFF COMMENTS: The previous development on this property was an ice cream shop that was a non-conforming development according to the site design standards and access management of the Land Development Code (LDC). The development did not contain a defined driveway along Front Beach Road or the rear along Gulf Lane but was open allowing parking to spill onto the right-of-way.

The frontage of this parcel is along Front Beach Road, Access Class 7 road, **LDC Section 4.04.01.B.3.c** states; shall be permitted one (1) Access Connection from the property to that public road for every 125 feet that Parcel abuts that public road. The rear of this parcel fronts Gulf Lane, which **LDC Section 4.04.01.B.3.d** states; Properties fronting all other roads shall meet the standards in **Table 4.04.01.A.**

Lot Width	Maximum Number of Access Points
More than 200 feet	2 plus 1 for each additional 200 feet or fraction thereof

LDC Section 4.04.01B4 states, there shall be a minimum distance of thirty-five (35) feet between any two (2) openings onto the same **Street**.

The LDC Table 4.05.02A Parking Space Requirements requires the overall development to have five (5) spaces per unit.

Type of Use or activity	Minimum Number of Spaces
Single Family and Multi-family Dwellings in an FBO-1	1.5 spaces per 1,000 s.f. of floor area

The LDC Section 4.05.02.G states, Multi-family Developments containing three (3) or more Lots or Dwelling Units shall provide overflow parking for that Development. Each overflow parking space shall measure twelve (12) feet by thirty (30) feet. This development requires two (2) overflow spaces.

Table 4.05.02.B: Overflow Parking Requirements

Development Size	Overflow Parking Required
6 to 10 Lots or units	2 spaces

The subject parcel is in the FBO-1 District and the intent of this district is to allow for low intensity, predominantly residential areas with relatively low building heights. The current design of the project meets the FBO-1 design standards and is compatible with the surrounding residential area and having the driveways located along Gulf Lane can lessen the impact of traffic along Front Beach Road. The proposed design meets the intent of the walkable pattern along Front Beach Road. If the design were to change and develop as a unified condominium with two driveway access points the proposed design would only have the option to develop along Front Beach Road, which would increase the traffic in this area and the pedestrian pattern would be impeded.

The subject parcel does meet the minimum requirements to split and create single-family residential homes, which may result in each having an individual driveway. The proposed design requires two (2) overflow spaces, which is a benefit to have additional parking for the development, but an individual lot would not have this requirement.

CONCLUSION: The planning staff has reviewed the application with the Required Findings identified and finds this request meets the City’s Land Development Code, Section 9.03.03, which are necessary to issue a variance.

(Section 9.03.03–3. 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.)

The redevelopment of this parcel is a benefit to the surrounding areas along Front Beach Road and Gulf Lane. The previous development was a non-conforming development and did not comply with any of the current access management or site design standards. As redevelopment occurs on parcels within the FBO Districts we must look at the benefits that are provided along with the possible impacts to the surrounding areas. The approval of the variance would provide all the requirements of the LDC Access Management and Parking Requirements, as noted in the analysis from Chapter 4 of the LDC, to be met along with the standards of the FBO-1.

Public Works is the department responsible for permitting the driveways and has no written objections to the request.

VARIANCE REQUEST FBO-1 DISTRICT - CH ZONING



0 40 80 160 240 320
Feet



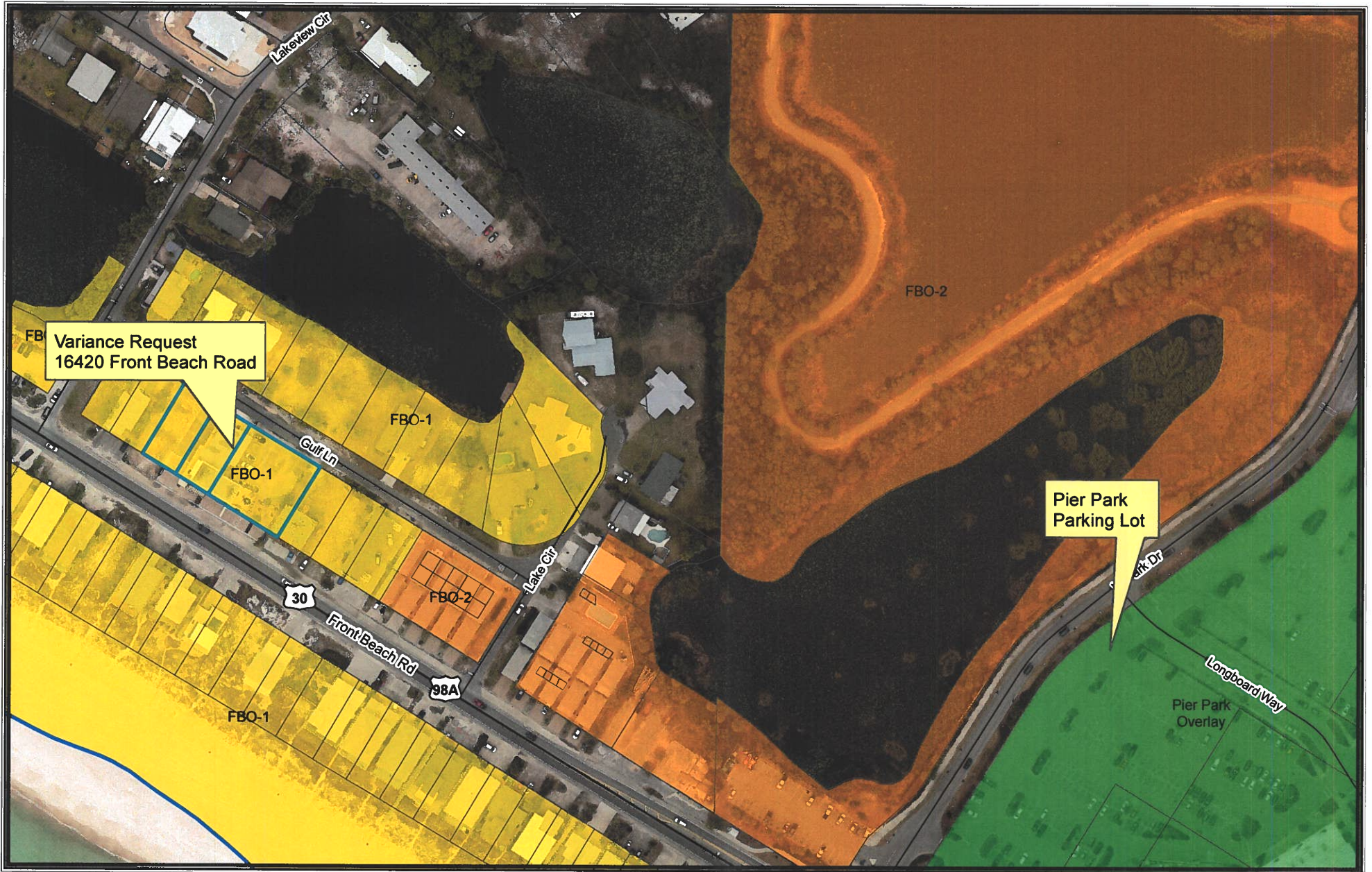
Prepared by The
City of Panama City Beach
Planning Department

VARIANCE REQUEST FBO-1 DISTRICT - CH ZONING



Prepared by The
City of Panama City Beach
Planning Department

VARIANCE REQUEST FBO-1 DISTRICT - CH ZONING



Prepared by The
City of Panama City Beach
Planning Department

ITEM NO. 7

DRAFT & DISCUSSION

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO OVERLAY DISTRICTS; CREATING A MEDICAL CAMPUS OVERLAY DISTRICT; PROVIDING FOR DEVELOPMENT STANDARDS FOR THE MEDICAL CAMPUS OVERLAY DISTRICT RELATED TO SITE DESIGN STANDARDS AND SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 2.02.02 of the Land Development Code of the City of Panama City Beach related to Overlay Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

2.02.02 Establishment of Overlay Districts

The following overlay districts are established. The **Uses** allowable by the underlying zoning district shall apply, except as limited by the **Use** requirements of the overlay district provisions established in Chapter 7 of the **LDC**.

- A. Pier Park Overlay District
- B. Traditional Neighborhood Overlay District
- C. Front Beach Road Overlay Districts
- D. Coastal High Hazard Overlay District
- E. Lake Powell Overlay District
- F. Naval Support Activity Panama City Military Influence Overlay District
- G. Breakfast Point Overlay District

H. **Medical Campus Overlay District**

SECTION 2. From and after the effective date of this ordinance, Section 7.02.08 of the Land Development Code of the City of Panama City Beach related to the Medical Campus Overlay District, is hereby created to read as follows:

7.02.08 Medical Campus Overlay District

- A. Applicability. The provisions of this section shall apply to all property described upon attached Exhibit A.
- B. Site Design Requirements. In addition to all other requirements of the Land Development Code, new development in the Medical Campus Overlay District must meet the following lot and building requirements. In the event of an inconsistency between the provisions of this Section 7.02.08 and the other requirements of the LDC or the City of Panama City Beach Code of Ordinances, the provisions of this Section 7.02.08 shall control.
1. Permitted Uses. Notwithstanding the provisions of the zoning district, Land Uses within the Medical Campus Overlay District shall be limited to Clinics, Medical Offices, Hospitals, Medical Offices, Research and Development Center and Accessory Uses otherwise permitted in the underlying zoning district which serve solely support. All other Uses shall be prohibited.
 - a. Clinic and Medical Services shall comply with the provision of 5.02.11 except subsection (c).
 - b. Hospitals shall comply with the provision of section 5.04.15 except where inconsistent with this section. Helipads shall be permitted as part of a Hospital **Building** and may be on the non-occupied elevated portion of the Hospital **Building** or placed on grade.
 2. Height. In the Overlay, subject to the setback requirements in this section, **Buildings** the minimum **Building Height** shall be fourteen (14) feet in height and the maximum **Building Height** shall be eighty (80) feet. Medical Office Buildings and Hospitals may have a maximum of five (5) occupied floors not exceeding eighty (80) feet to the top of the occupied structure. Accessory space in Medical Office Buildings or Hospitals above occupied floors may extend an additional twenty (20) feet beyond the total maximum height allowed in this section provided that such accessory space shall be limited to helipads, parapets, mechanical penthouses, screenwalls, elevator overruns and architectural features. All **Accessory Uses** to the Medical Office Buildings and Hospitals shall be limited to the maximum height of the underlying zoning district.
 3. Height Setbacks. **Buildings** sixty-five (65) feet tall or taller shall be set back from property zoned **Single Family Residential** at least one hundred (100) feet. Starting at a distance of one hundred (100) feet from the applicable district boundary, **Building Height** may be increased to seventy-five (75) feet. Beyond two hundred (200) feet, **Building Height** may be increased from seventy-five (75) feet by one (1) foot for every one (1) foot increase in **Setback**.

4. Buffering. A minimum buffer width of twenty (20) feet shall be required between all **Parking Lots** and public rights-of-way. The buffer shall contain one (1) large or medium tree for each twenty (20) linear feet of buffer. All hedges shall be planted with no more than a six (6) inch spacing between the edges of each plant.
- C. **Signs.** In addition to all other applicable requirements of this **LDC**, the following sign regulations shall apply to **New Development** in the Medical Campus District. In the event of an inconsistency between the provisions of this subsection and the other requirements of this **LDC** or the City of Panama City Beach **Code of Ordinances**, the provisions of this subsection shall control.
1. Purpose. The purpose of this section is to establish a graphic standard that provides for destination direction and identification to ensure that residents, tenants and visitors can quickly and easily make their way through the Panama City Beach community and in emergent conditions, do so safely. Signage installed within Medical Campus Overlay District boundaries shall be designed appropriately to contribute to the overall identity and wayfinding system of the community.
 2. Directional Signs: **Directional Signs** in the Medical Campus Overlay district may be free-standing or wall-mounted which is mounted to a wall or awning/canopy that is not-connected to the building and is issued to identify a hospital and/or health service on the premises where such a sign is located and provides direction to key areas within the property (a "**Free-Standing Directional Sign**") subject to the following conditions.
 - (a) The sign shall be no more than 90% of the wall area and no more than 72" in height. A **Directional Sign** may be erected in the Medical Campus Overlay district for each entrance to the property from a public right- of-way.
 - (b) A **Directional Sign** may be erected in the Medical Campus Overlay district for each entrance to the property from a public right- of-way.
 - (c) A **Directional Sign** shall not exceed a maximum sign area of two hundred (200) square feet per sign face with the signage structure not exceeding five hundred (500) square feet per side or twenty five (25) feet in height from grade to top of sign.
 3. Secondary Directional Signs: A "**Secondary Directional Sign**" in the Medical Campus Overlay district is any **Sign**, which directs the public to various locations, for instance, but not limited to, the Emergency Department, main entrance or parking areas and is internal to loop roads and internal decision points after the primary directional sign.
 - (a) Secondary directional signage setbacks shall be a minimum of two (2) feet.
 - (b) Directional signs may be located on collector and arterial roadways.
 - (c) Secondary freestanding Directional Signs shall be permitted for each decision point following access from the public-right of way and the face shall not exceed a maximum area of seventy five (75) square feet per side and the structure shall not exceed two hundred (200) square feet per side. The width of a freestanding directional sign shall not exceed twelve (12) feet wide, as measured perpendicular from the vertical.

- (d) Secondary freestanding Directional Signs shall be permitted and shall not exceed a maximum area of forty (40) square feet per side and the structure shall not exceed one hundred (100) square feet per side. The width of a freestanding directional sign shall not exceed five (5) feet wide, as measured perpendicular from the vertical.
4. **Free-Standing Signs:**
- (a) The maximum total copy area allowed for a **Free-Standing Sign** which is not directional shall be ninety percent (90%) of the sign area, allowing for proportional margins on all sides.
- (b) Any **Free-Standing Sign** may be illuminated externally, internally, and by individual halo illuminated letters. Internally illuminated signs may not have translucent faces. Fluorescent lighting shall not be allowed.
- (c) A **Free-Standing Sign** may be installed outside of the plane of the property line to promote public safety and shall be perpendicular to the main arterial roads providing access.
5. **Wall Signs:** A Wall Sign in the Medical Campus Overlay district may be erected parallel to and not more than twenty-four (24) inches from the wall or **Façade** of any **Building** subject to the following conditions:
- (a) Wall signs may be mounted on a building or parking deck.
- (b) Wall signs may be horizontal (landscape orientation, read from left to right) or vertical (vertical orientation, read from top to bottom) in direction.
- (c) Wall signs may be illuminated externally, internally, and by individual halo illuminated letters. Internally illuminated signs may not have translucent faces. LED lighting is allowed.
- (d) Wall signs shall not exceed twenty-five percent (25%) of the total wall area on the building elevation where the sign occurs (example: a sign on the north face of the building can be up to 25% of the total north side of the building, even if sections of wall are on different planes or are separated).
- (e) The size of a horizontal wall sign shall not exceed six (6) feet high, as measured perpendicular from the horizontal. The width of a vertical wall sign shall not exceed twelve (12) feet wide, as measured perpendicular from the vertical.
6. **Temporary Signs.** **Temporary Signs** may be placed on property located in the Medical Campus Overlay District without issuance of a permit under the following conditions:
- (a) Special Event Signs.
- (1) Signs announcing an event occurring up to six times per year on sites in the Health Overlay District only.
- (2) One single-sided sign per major entrance and secondary directional location as required for event is allowed.

- (3) A special event sign shall not exceed thirty-two (32) square feet in area or twelve (12) feet in height from grade to top of sign.
 - (4) The display period shall not exceed ten (10) days
- (b) Project Announcement Signs.
- (1) A project announcement sign shall measure no more than 24' wide x 12' high and can be single or double faced. Alternatively, a graphic banner mounted to a construction fence no more than 10' high may extend the boundary of the property.
 - (2) One (1) sign per street front per site.
 - (3) Bottom Height above grade shall not exceed twelve (12) feet.
 - (4) Copy may contain name of the project and logos of the health system and entities involved in the development of the project, rendering of the project and anticipated opening date.
 - (5) Project announcement signs may be installed at commencement of construction and must be removed no later than date of certificate of occupancy.
- (c) Construction Directional Signs are for the purpose of identifying construction entrance and traffic routing may be placed under the following conditions:
- (1) Signs shall measure a maximum of 4' high x 8' wide and may be single or double faced.
 - (2) Height above grade to top of sign shall not exceed four (4) feet unless mounted on construction fence or barricade. In the case of a fence mounted construction directional sign, no portion of the sign shall extend above the fence edge.
 - (3) Construction directional signs may be installed at commencement of construction and must be removed no later than date of certificate of occupancy
- (d) Up to four (4) Flags subject to the provisions of section 5.07.03 (T) may be erected in the Medical Campus Overlay District which shall represent a governmental and corporate entity.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development

Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2023.

MAYOR

Published in the _____ on the ____ day of _____, 2023.

Posted on pcbgov.com on the ____ day of _____, 2023.

ITEM NO. 8

Large Conditional Use for Multi-Family Apartments 3+ acres

1.07.02 Definitions

Apartment – Any building or portion thereof used to provide two (2) or more separate dwelling units which may share means of ingress/egress and other essential facilities and which are usually renter-occupied rather than owner-occupied.

Apartment Development (Number of Units ?) – Rental Apartments and surrounding areas totaling three (3) acres or more which are intended to be an integrated apartment operation under common ownership.

5.04.09 Apartments less than 3 acres, Duplex, Triplex, Quadplex Buildings

A. **Apartments** less than 3 acres, Duplex, triplex and quadplex Buildings are allowable in the R-2, R-3, CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards in this section. The minimum Lot area shall be 3,000 square feet per Dwelling Unit.

B. The minimum Lot width, Setbacks and maximum density shall comply with applicable zoning district standards. (Ord. #1364, 11/12/15)

C. The maximum Lot coverage shall be forty (40) percent.

D. The maximum Building Height shall be thirty-five (35) feet.

5.06.07 RESERVED – Replace with APARTMENTS – 3 or More Acres

A. **Apartments** located on 3 or more acres may be allowed in R-3, CM and CH zoning districts subject to conditional use approval and compliance with the following conditions:

B. The buffer that is otherwise required shall be increased by 30% for building heights of 35 feet or less and increased by 50% for building heights more than 35 feet.

D. **Apartments** on 3 or more acres may include the following **Accessory Uses**:

1. **Building** management office.

2. Restaurant, deli, coffee shop or newsstands in development of 100 or more **Dwelling Units**.

(a) Shall be integrated into one of the **Apartment Buildings**. The Use shall not be freestanding.

(b) The Accessory Use shall not occupy more than five (5) percent of the ground floor area of the Apartment Development.

(c) No more than (1) exterior wall-mounted **sign** shall be permitted to identify the Accessory Use.

(d) The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(e) **Drive-Through** or drive-up facilities shall be prohibited.

3. Day-care or child-care facility in an Apartment Development of fifty (50) or more Dwelling Units.

(a) The facility may be freestanding but shall be integrated into the overall design of the **Apartment Development**.

(b) The facility shall be located and designed to serve primarily the residents of the **Apartment Development** as an ancillary activity.

4. Laundry or dry-cleaning pick-up stations, excluding dry-cleaning plants or operations. The station shall not be freestanding.

5. Parks and Recreation Facilities

(a) Shall be located a minimum of one hundred-fifty (150) feet from parcels **Zoned** or **Used** for **Single-Family Residential**.

(b) Pools, recreational centers, and active outdoor play areas shall be fully screened through the **Use of Decorative Fencing** or vegetation.

F. Solid Waste Locations within the Apartment Development shall be one hundred (100) feet from any property Zoned or Used for Single-Family Residential.

G. All lighting on the development shall be downlit. Any building height over thirty-five (35) feet requires an approved lighting plan for building architecture or balconies facing parcels Zoned or Used for Single-Family Residential. Turtle Lighting is required for the third story and higher when located within 300 feet of the sandy beach.

H. Transient Residential Rentals are prohibited in developments that are located within one hundred (100) feet from parcels Zoned or Used for Single-Family Residential.

I. For Apartment Developments with one hundred-fifty (150) or more Dwelling Units, two (2) Access points shall be provided unless prohibited by Access management regulations of FDOT or the City. The primary entrance to the Development shall not be located on a Street that provides primary Access to Single Family residences, unless such Street is classified as a collector or arterial.

ITEM NO. 9



CODE ENFORCEMENT

December - February

2022

2023

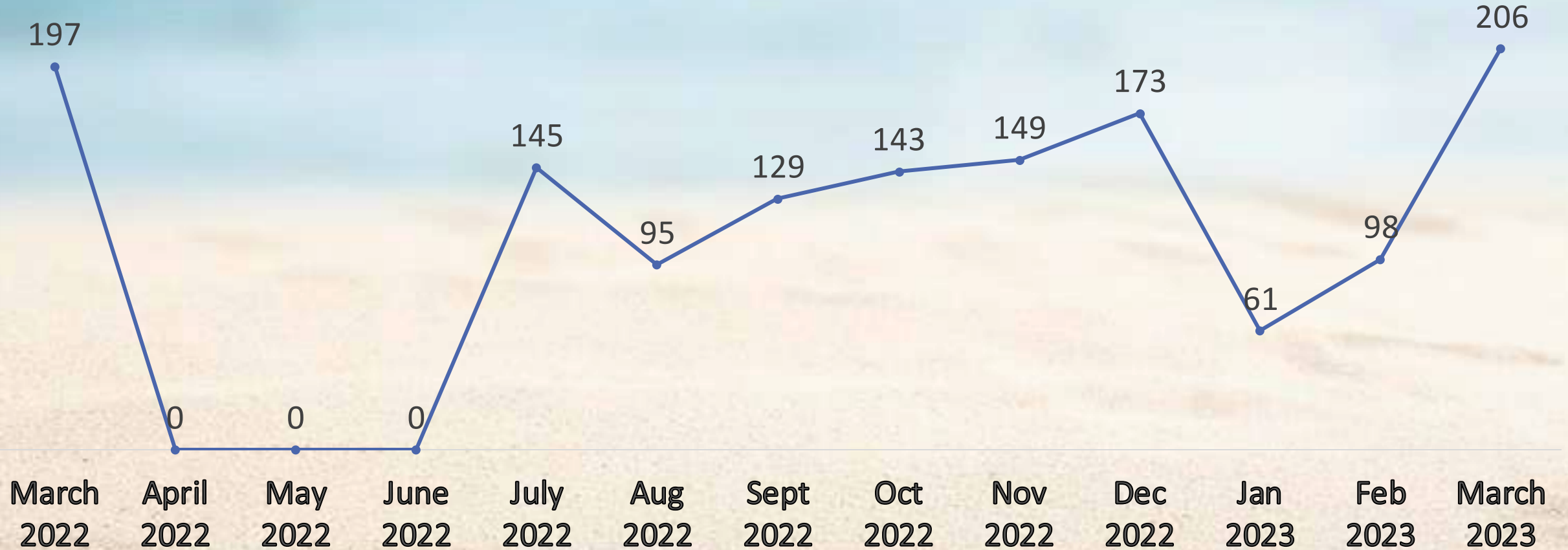
(Nov 16 – March 15)

Monthly Stats

(Nov 16th to March 15th)

Month	Date Range	Cases Opened	Citations Issued	Upland	Beach	\$ collected	\$ outstanding
December	Nov 16 th - Dec 15 th	173	26	17	9	\$7,887	\$2,325
January	Dec 16 th - Jan 15 th	61	8	6	2	\$15,479	\$950
February	Jan 16 th - Feb 15 th	98	13	3	10	\$7,716	\$900
March	Feb 16 th - March 15 th	206	65	8	57	\$957	\$10,500

Total cases by month.



General Enforcement

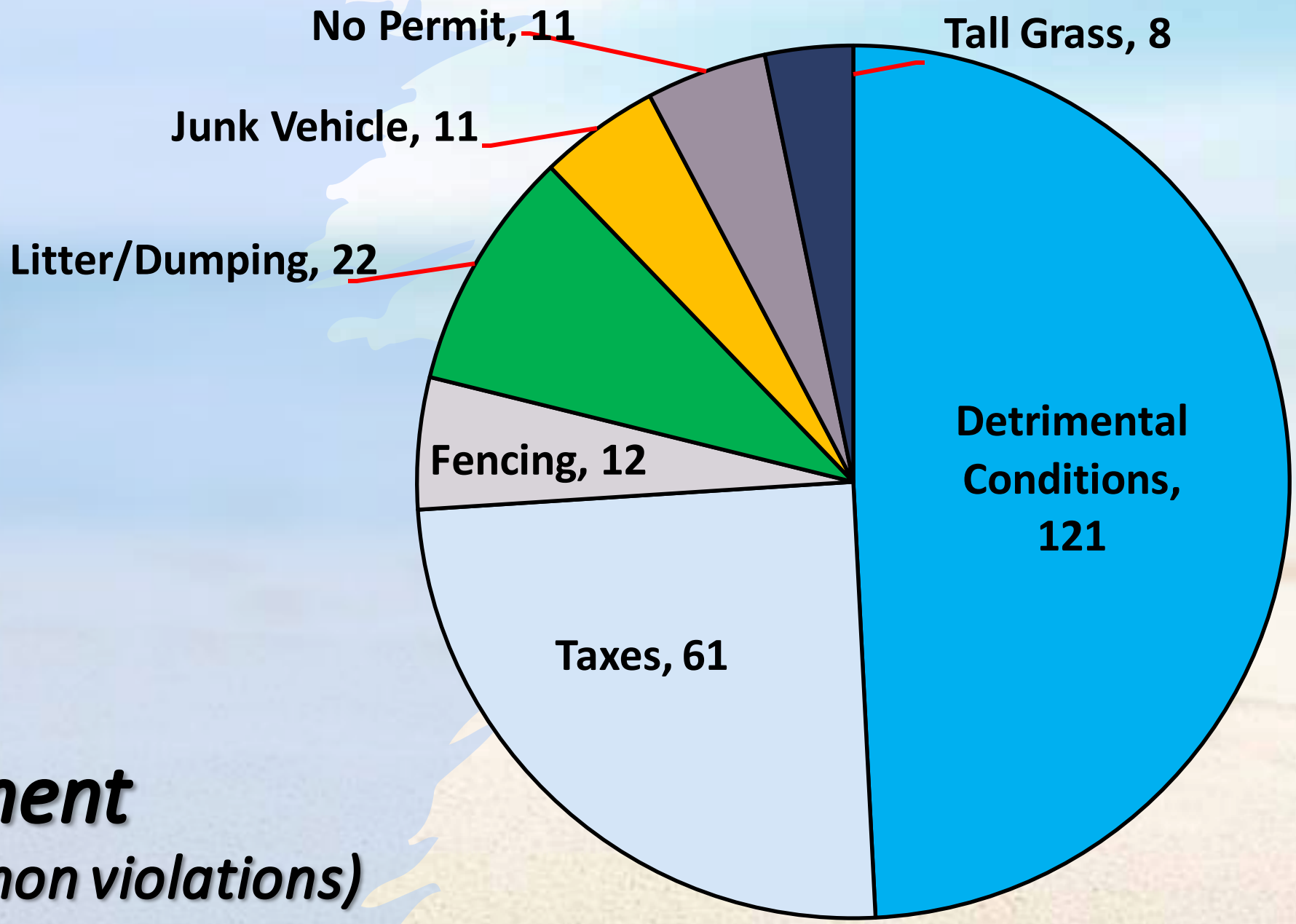
(Most Common Violations)

ORDINANCE / CODE	DESCRIPTION	OPENED	CITATIONS
Code 15-18, 15-17 (3)	Detrimental Conditions	121	4
Code 14-2 / 14-6	Delinquent Taxes / License	61	2
Code 5.02.03	Fence issues	12	1
Code 12-6	Litter / Dumping	11	5
Code 12-7	Litter Scenic Corridor	11	0
Code 15-18, 15-17 (2)	Storage of junk vehicle	11	0
Code 8-75 (a)	Work without a permit	9	0
Code 15-18, 15-17 (6)	Grass issues	8	8

General Enforcement

(Most Common Violations)

ORDINANCE / CODE	DESCRIPTION	OPENED	CITATIONS
LDC 5.07.04	Unpermitted sign / flag in ROW	7	0
Code 12-2	No Trash Service	3	3
LDC 5.02.09 (b)	Storage POD	3	0
Code 8-7	Building Maintenance	3	3
LDC 5.02.08 (a) (2)	Unsecured Pool	2	0
LDC 4.02.03 (d)	Toilet Construction Site	2	0
LDC 5.07.05	Unpermitted Sign or Flag	1	0
LDC 4.05.01	Parking Violation	1	0



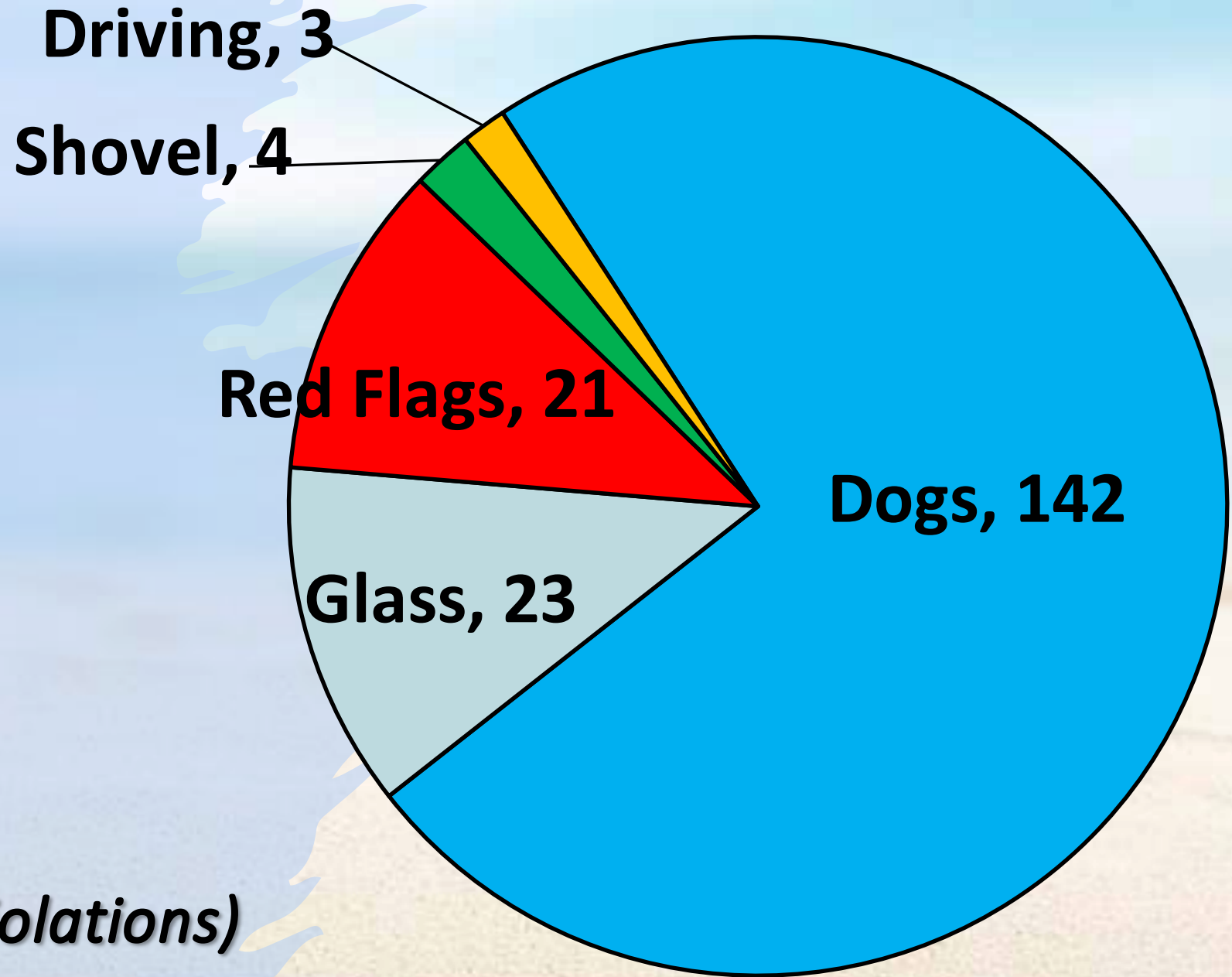
**General
Enforcement**
(most common violations)

Sandy Beach Enforcement

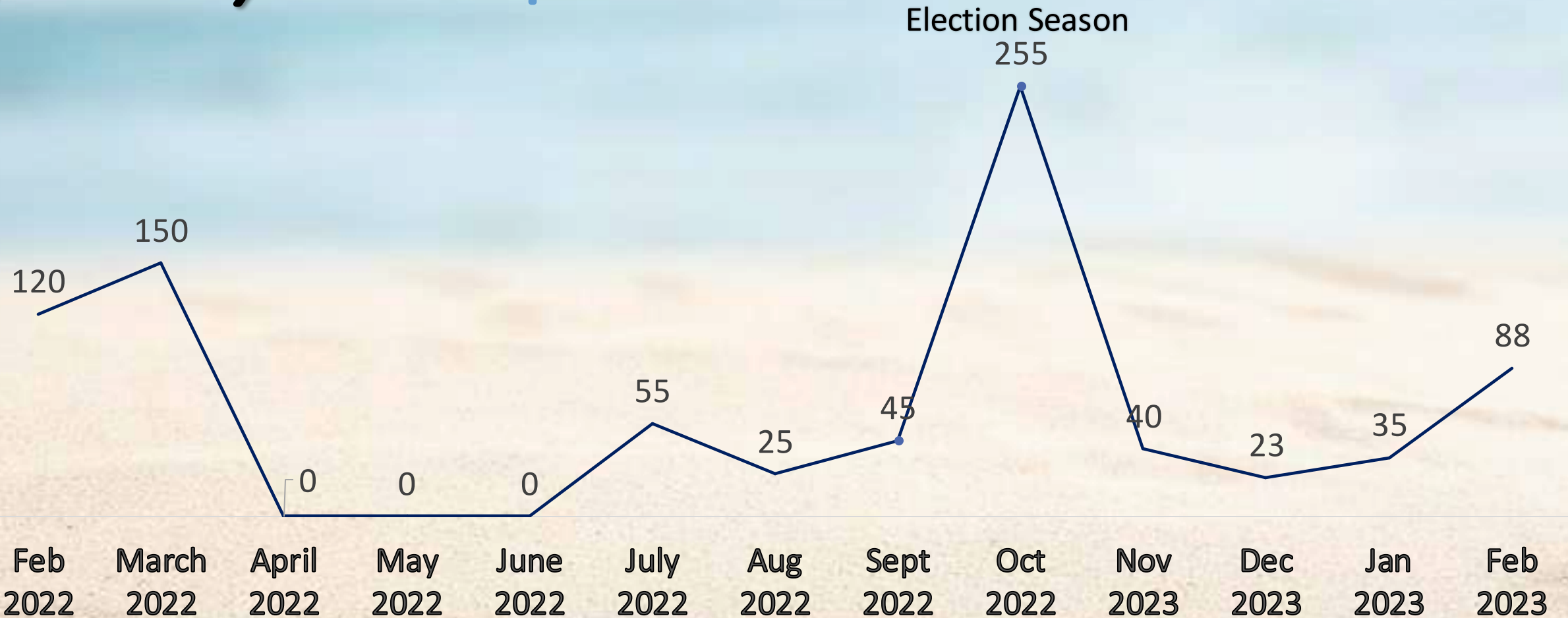
(Most Common Violations)

OFFENSE	DESCRIPTION	OPENED	CITATION	WARNING
Code 7-9	Dog on Beach	142	36	46
Code 7-2	Glass on Beach	23	21	2
Code 7-12	Double Red Flags	21	16	5
Code 7-12	Metal Shovel on Beach	4	0	4
Code 7-101	Driving on Beach	3	3	0

Sandy Beach
(most common violations)



Signs & Flags removed from city ROW.



Serving the public better by:

- Taking a proactive approach with property owners and managers regarding doggie dining.
- Attending special event meetings with Police & Fire.
- Attended Bay County / PCB Sea Turtle lighting end-of-year meeting.
- Continuing to educate and remind real estate professionals, that signs are prohibited in the city rights-of-ways.

- Assisting PD with calls on sandy beach.



CODE ENFORCEMENT

***Questions?
Concerns?
Complaints?***

