PANAMA CITY BEACH CITY COUNCIL
AGENDA

NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS THE CITY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY.

SPECIAL MEETING DATE: SEPTEMBER 27, 2018
MEETING TIME: 10:00 A.M.
Or immediately after the adjournment of the 9:00 A.M. Regular Meeting, whichever occurs last.

I. CALL TO ORDER AND ROLL CALL

II. PLEDGE OF ALLEGIANCE- COUNCILMAN MCCONNELL

III. PUBLIC HEARINGS
NO. OFFICIAL ITEM
1 ML BY THE SEA RESORTS, INC., HEIGHT INCENTIVE APPLICATION, SOUTH SIDE OF SHALIMAR RETREAT, 17561, 17607, AND 17609 FRONT BEACH ROAD.
2 ML BY THE SEA RESORTS, INC., HEIGHT INCENTIVE APPLICATION, SOUTH SIDE OF FRONT BEACH ROAD, EAST OF INTERSECTION OF SR79 AT 17101 AND 17001 FRONT BEACH ROAD.
3 ML BY THE SEA RESORTS, INC., HEIGHT INCENTIVE APPLICATION, 11815 AND 11827 FRONT BEACH ROAD.
4 ML RESORT HOSPITALITY ENTERPRISES, LTD., HEIGHT INCENTIVE APPLICATION, 9500 AND 9600 SOUTH THOMAS DRIVE.
5 ML RESORT HOSPITALITY ENTERPRISES, LTD., HEIGHT INCENTIVE APPLICATION, 9400 SOUTH THOMAS DRIVE.

IV. ADJOURN

PAUL CASTO ___X___
PHIL CHESTER ___X___
GEOFF MCCONNELL ___X___
HECTOR SOLIS ___X___
MIKE THOMAS ___X___

I certify that the Council members listed above have been contacted and made aware of the items on this agenda.

City Clerk __Date__

IN AN EFFORT TO CONDUCT YOUR COUNCIL MEETINGS IN AN ORDERLY AND EXPEDIENT MANNER, WE RESPECTFULLY REQUEST THAT YOU WAIT UNTIL THE CHAIR RECOGNIZES YOU TO SPEAK, THEN COME TO THE PODIUM AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

E-mailed to all interested parties and posted on the website on: 9/25/18, 2 P.M.
NOTE; COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY'S WEBSITE WWW.PCBGOV.COM.

THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE AND CITY FACEBOOK PAGE “CITY OF PANAMA CITY BEACH-GOVERNMENT”.

NOTE; ONE OR MORE MEMBERS OF OTHER CITY BOARDS MAY ATTEND AND SPEAK AT THIS MEETING.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding, and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.  Sec. 286.0105, FS (1995)
DATA AND ANALYSIS

I. APPLICANT: By the Sea Resorts

II. PROJECT LOCATION: The site is located on the south side of Front Beach Rd. south of the intersection of Front Beach Rd. and Shalimar St., 17609, 17607, 17561, 17562, 17578, and 17590 Front Beach Rd.

III. REQUEST: This request is a Height Incentive Request from 150' to 220' as addressed in the Land Development Code Table 4.02.02.B.

IV. REASON FOR REQUEST: The applicant is requesting the change to allow for the development of two 220' tall hotels where a 150' is allowed under the Front Beach Overlay zone 4 "FBO-4".

V. PLAN AMENDMENT / REZONING: A small-scale plan amendment is not required nor a Rezoning for this request.

VI. EVALUATION:

HEIGHT INCENTIVE:

The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. **Height incentives are not a matter of right, they may be allowed at the sole discretion of the City Council.**

The purposes of the incentives are:
(a) To promote the public health, safety and welfare;
(b) To achieve additional light, air and human scale in Development;
(c) To improve the attractiveness of Development for residents, tourists and investors; and
(d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

The applicant may be granted as many of the height incentives established in Table 4.02.02.B. as are eligible for the property, provided that the maximum
height for a building after accounting for all incentives shall not exceed the maximum height in Table 4.02.02.A or Table 7.02.03.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

**Incentives Proposed by applicant:**

The applicant has proposed 11 design modifications (totaling 80’ feet in height incentives) to achieve the additional 70’ in height. Each is addressed below:

1. **Applicant’s proposal:** Provide public bathrooms at beach access to increase height by 10’ and to achieve a benefit of a public beach amenities /public restrooms.

   Staff analysis: The proposal meets the minimum requirement. However, staff recommends additional details to verify proposed bathrooms include required minimum facilities and identified as public.

2. **Applicant’s proposal:** Entryway 40’ wide X 20’ tall opening at the front of the building in line with the landscape and urban furniture of the streetscape to increase the height by 5’ and achieve a benefit of enhanced entryways, view windows.

   Staff analysis: The proposal meets the minimum conditions of a View window/enhanced entryway.

3. **Applicant’s proposal:** Enhanced sidewalks, upgraded sidewalk design along the building façade and entryways to increase height by 5’ and achieve a benefit of architectural amenities.

   Staff analysis: The proposal addresses the conditions of enhanced sidewalks, upgraded sidewalks. However, additional details are requested addressing materials and design to verify they meet the streetscape requirements of the Front Beach Road Streetscape Design Guidelines manual.

4. **Applicant’s proposal:** Skyline feature, a recognizable top for architectural embellishment to increase height by 5’ and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions; Skyline features, a recognizable “top”.

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5. **Applicant’s proposal:** A recognizable base at ground level to increase the height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions of a recognizable base at ground level.

6. **Applicant’s proposal:** Sidewalk covered by permanent arcade, having a minimum width of 6 feet to increase the height by 5' and to achieve a benefit of covered sidewalks.

   Staff analysis: The proposal meets the minimum conditions of a covered sidewalk.

7. **Applicant’s proposal:** Reduce impervious surface by 25% of the maximum permissible to increase height by 10' and achieve a benefit of green development.

   Staff analysis: The proposal meets the minimum conditions.

8. **Applicant’s proposal:** Place a minimum of 50% of the parking spaces under cover and provide a SRI of 29 to increase height by 10' feet and to achieve a benefit of green development.

   Staff analysis: The proposal meets the minimum conditions of installing a roof that covers at least 50% of the roof area. However, the applicant should supply more details on the proposed materials to be used.

9. **Applicant’s proposal:** Use 90% Florida Friendly Plants to increase height by 10' and to achieve a benefit of green development.

   Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building, 90% or more Florida Friendly Plants. However, the applicant should supply more details on what species they are proposing to use.

10. **Applicant’s proposal:** Provide irrigation from non-potable water to increase height by 10' and to achieve a benefit of green development.

    Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building irrigation from non-potable water.
11. **Applicant's proposal**: Provide vertical landscaping to cover 35% of a façade visible from the Scenic Corridor with a southern exposure for an increase of 5' to achieve a benefit of architectural amenities.

Staff analysis: The proposal meets the minimum conditions of vertical landscaping.

**CONCLUSION**: After evaluating all of the factors associated with this request staff recommends the applicant supply additional information on items 1, 3, 8 and 9 as mentioned above to justify the increase of 70' in height.

Based on the information supplied the increase in height of 70' would appear to add additional units. However, there was not enough detail provided to calculate the number of units.

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
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</thead>
<tbody>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
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<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: <strong>Cultural Center, Temporary Child Care Facility or Licensed Facility</strong>. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building</td>
<td>10 feet</td>
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<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
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<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
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<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
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<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<td>Water conservation measures outside the building that includes:</td>
<td>5 feet</td>
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<td>50% or more Florida Friendly Plants</td>
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<td>90% or more Florida Friendly Plants</td>
<td>10 feet</td>
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<td>Irrigation from non-potable water</td>
<td>10 feet</td>
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<td>Water conservation that exceeds state standards:</td>
<td>5 feet</td>
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<td>By 20 percent or more</td>
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<td>By 40 percent or more</td>
<td>10 feet</td>
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<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.</td>
<td>10 feet</td>
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<td>• 10 acres or less of high quality wetlands:</td>
<td>20 feet</td>
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<td>• Greater than 10 acres of high quality wetlands:</td>
<td>10 feet</td>
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<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<td>Any District</td>
<td>Architectural Lighting – architectural lighting highlighting building columns, <strong>Cornices</strong> or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply</td>
<td>5 feet</td>
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<tr>
<td>Eligible for Height Incentives</td>
<td>Skyline features – A recognizable “top” consisting of (but not limited to): (a) <strong>Cornice</strong> treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored “stripes” are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.</td>
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<td>Landscaping – Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a <strong>Scenic Corridor</strong>. A façade with a northern exposure is ineligible for vertical landscaping.</td>
<td>5 feet</td>
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<tr>
<td>Any District</td>
<td>Building Design Standards - Compliance with section <strong>Error! Reference source not found.</strong>(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td>10 feet</td>
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<tr>
<td>Eligible for Height Incentives excluding Front Beach Overlay Districts</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Outdoor Civic Spaces</td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.</td>
<td>5 feet</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Covered Sidewalks</td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
<td>5 feet</td>
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<td>Area of Applicability</td>
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<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<td>Front Beach Overlay Districts</td>
<td>Architectural Amenities</td>
<td>A recognizable &quot;base&quot; at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
<td>5 feet</td>
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<td>Entryways</td>
<td>Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td>5 feet</td>
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<td>Enhanced sidewalks</td>
<td>upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
<td>5 feet</td>
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<tr>
<td>FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>View Windows</td>
<td>For Parcels on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district, &lt;ul&gt;&lt;li&gt;Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or&lt;/li&gt;&lt;li&gt;Permanent ground level opening in the Building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation.&lt;/li&gt;&lt;/ul&gt;</td>
<td>10 feet</td>
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<tr>
<td>View Window Aligned With Street</td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf Road.</td>
<td>20 feet</td>
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<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<td>Front Beach Overlay</td>
<td>Public Beach Amenities</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
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<tr>
<td>Districts</td>
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<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>10 feet per rest room</td>
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<td>Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet per rest room</td>
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<td>Public Parking</td>
<td></td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found..</td>
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<tr>
<td>Spaces</td>
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<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space over 10 spaces</td>
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<td>Parking spaces provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet for every 10 spaces provided</td>
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<td>Area of Applicability</td>
<td>Benefit</td>
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<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>2 feet for every 1 foot of width, with a 8 ft. minimum width</td>
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<tr>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive</td>
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<td>1 foot for every 2 feet of width, with a 8 ft. minimum width</td>
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<tr>
<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Transit Facility Provision</td>
<td>Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.</td>
<td>5 feet</td>
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</tbody>
</table>
PLANNING BOARD OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES
Submitted by Shalimar Retreat By the Sea Resorts, Inc.
PARCEL NOs. 38375-010-000, 38375-000-000, and 34384-000-000
PROPERTY LOCATED at 17609, 17607 and 17561 Front Beach Road
PANAMA CITY BEACH, FLORIDA

ORDER

The CITY OF PANAMA CITY BEACH PLANNING BOARD having received
testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this
matter on August 13, 2018, hereby sets forth the following Procedural History, Findings
of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 14, 2018, Shalimar Retreat By the Sea Resorts, LLC, acting through
   its agent Robert Carroll, submitted a complete application for a Height Incentive
   Request on property located at 17609, 17607 and 17561 Front Beach Road in Front
   Beach Overlay District 4. The request is to increase height incentives from 150' to
   220' based on incentives set forth in Table 4.02.02B of the City's Land
   Development Code.

2. Planning Department Staff timely prepared and delivered a written report setting
   forth Staff's analysis of the revised request.

3. On August 13, 2018, the Planning Board held a properly advertised Quasi-Judicial
   hearing on the request, which the applicant did attend.

4. The Planning Board received testimony from the Applicant regarding the proposed
   development and the height incentives he was proposing to implement to gain the
   additional 70' in building height requested.

5. Public comment was invited and received.

FINDINGS OF FACT

6. The Applicant's agent presented competent, substantial evidence regarding 11
   design modifications which would achieve an additional 70' in height, based on the
   City's table of height incentives.
7. A representative and residents from the adjacent Endless Summer condominium development gave public comment regarding the traffic impacts and congestion likely to result on Shalimar Street from the parking garage traffic egress positioned across from the sole access point to the Endless Summer development. The Endless Summer representative stated that the additional traffic impacts likely to also materially affect Cobb Road do not outweigh the benefits of the amenities proposed.

8. A member of the public objected to the proposed provision of a public restroom, stating that a public restroom was available at nearby Beach Access 65, and that it was frequented by homeless persons.

9. The Planning Board considered each design modification individually.

CONCLUSIONS OF LAW

10. Pursuant to Sections 4.02.02(E), of the City’s Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation of the City Council on whether the request should be granted.

11. The Height Incentive Request is consistent with the City’s Comprehensive Plan and complies with all substantive requirements of the City’s Land Development Code.

12. The public benefit to arise from the following proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines:
   a. Provision of an entryway 40’ wide x 20’ tall at the front of the building in line with the landscape and urban furniture of the streetscape to increase height by 5’ and achieve a benefit of enhanced entryways and view windows.
   b. Upgrade sidewalks and sidewalk design along the building façade and entryways to increase height by 5’ to achieve a benefit of architectural amenities.
   c. Provision of a recognizable base at ground level to increase the height by 5’ and to achieve a benefit of architectural amenities.
   d. Provision of a sidewalk covered by a permanent arcade, having a minimum width of 6’, to increase height by 5’ and to achieve a benefit of a shade feature.
   e. Reduction of impervious surface of 25% of maximum permissible to increase height by 10’, to achieve a benefit of green development.
   f. Provision of irrigation from non-potable water to increase height by 10’ and to achieve a benefit of green development.
13. The public benefit to arise from the following proposed design modifications does not outweigh the benefits of strict compliance with the City's height design guidelines:
   a. Provision of public restroom.
   b. Provision of recognizable building top or skyline feature.
   c. Placement of a minimum of 50% of the parking spaces under cover.
   d. Use of 90% Florida friendly plants.
   e. Provision of vertical landscaping covering 35% of façade visible from Scenic Corridor.

THEREFORE, IT IS ORDERED AND ADJUDGED that a Height Increase of 40', based on Height Incentives, is hereby recommended to the City Council for APPROVAL.

DONE this 17 day of Sept., 2018.

By: [Signature]
Planning Board Chairman

ATTEST:
[Signature]
Charles Silky, Senior Planner
GULF OF MEXICO

Height Incentives:

1. Public Restrooms (10 ft) - provide public restrooms @ Public Beach Access
2. Architectural Amenities (5 ft) - Entryways 40 ft x 20 ft opening at the front of the building in line with the landscape and urban furniture of the streetscape
3. Architectural Amenities (5 ft) - Enhanced sidewalks, Upgraded sidewalk design along the building facade and entryways
4. Architectural Amenities (5 ft) - Skyline features - a recognizable "top" for architectural embellishment
5. Architectural Amenities (5 ft) - A recognizable "base" at ground level
6. Covered Sidewalks (5 ft) - Sidewalk covered by permanent arcade having a minimum width of 6 ft.
7. Green Development (10 ft) - Reduce Impervious surface by 25% of the maximum permissible
8. Green Development (10 ft) - Place a minimum of 50% of parking spaces under cover and provide an SRI of 29 min
9. Green Development (10 ft) - provide 90% Florida friendly plants
10. Green Development (10 ft) - provide irrigation from non-potable water
11. Architectural Amenities (5 ft) - provide Vertical landscaping to cover 35% of a facade visible from a Scenic Corridor with a southern exposure.
SHALIMAR RETREAT
BY THE SEA RESORTS, INC
203 SHALIMAR STREET, PANAMA CITY BEACH
FLORIDA 07.17.18

GARAGE 4 FLOORS PLUS ROOF PARKING
WITH WINDOW DISPLAYS
GROUND FLOOR = 138 SPACES
LEVELS 2, 3, 4, & ROOF = 132 / LEVEL = 532
TOTAL PARKING FOR GARAGE = 670
548 UNITS TOTAL FOR NEW GULF FRONT HOTELS

AGENDA ITEM #

RUSSELL JOHNSON ARCHITECT PL
ARCHITECTURE
850 630 4483
rajarch@msn.com

AR 00012593
SHALIMAR BEACH HOTEL TOWER 2
22 FLOORS = 230 UNITS MAX

SHALIMAR BEACH HOTEL TOWER 1
22 FLOORS = 318 UNITS MAX

SETBACKS

SHALIMAR RETREAT
BY THE SEA RESORTS, INC
203 SHALIMAR STREET, PANAMA CITY BEACH
FLORIDA

RUSSELL JOHNSON ARCHITECT PL
ARCHITECTURE
850 630 4483
AR 00012593
rajarch@msn.com
07.17.18

AGENDA ITEM #
Height Incentives:

1. Public Restrooms (10 ft) - provide public restrooms @ Public Beach Access
2. Architectural Amenities (5 ft) - Entryways 40 ft x 20 ft opening at the front of the building in line with the landscape and urban furniture of the streetscape
3. Architectural Amenities (5 ft) - Enhanced sidewalks, Upgraded sidewalk design along the building facade and entryways
4. Architectural Amenities (5 ft) - Skyline features - a recognizable "top" for architectural embellishment
5. Architectural Amenities (5 ft) - A recognizable "base" at ground level
6. Covered Sidewalks (5 ft) - Sidewalk covered by permanent arcade having a minimum width of 6 ft.
7. Green Development (10 ft) - Reduce impervious surface by 25% of the maximum permissible
8. Green Development (10 ft) - Place a minimum of 50% of parking spaces under cover and provide an SRI of 29 min
9. Green Development (10 ft) - provide 50% Florida friendly plants
10. Green Development (10 ft) - provide irrigation from non-potable water
11. Architectural Amenities (5 ft) - provide Vertical landscaping to cover 35% of a facade visible from a Scenic Corridor with a southern exposure.
Height Incentives:

1. Public Restrooms (10 ft) - provide public restrooms @ Public Beach Access
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10. Green Development (10 ft) - provide irrigation from non-potable water
11. Architectural Amenities (5 ft) - provide Vertical landscaping to cover 35% of a facade visible from a Scenic Corridor with a southern exposure.
ITEM 2
DATA AND ANALYSIS

I. APPLICANT: Beachcomber by the Sea

II. PROJECT LOCATION: The site is located on the south side of Front Beach Rd. east of the intersection of SR 79, 17101 and 17001 Front Beach Rd.

III. REQUEST: This request is a Height Incentive Request from 150’ to 220’ as addressed in the Land Development Code Table 4.02.02.B.

IV. REASON FOR REQUEST: The applicant is requesting the change to allow for the development of a 220’ tall hotel where a 150’ is allowed under the Front Beach Overlay zone 4 “FBO-4”.

V. PLAN AMENDMENT / REZONING: A small-scale plan amendment is not required nor a Rezoning for this request.

VI. EVALUATION:

HEIGHT INCENTIVE:

The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. **Height incentives are not a matter of right, they may be allowed at the sole discretion of the City Council.**

The purposes of the incentives are:
(a) To promote the public health, safety and welfare;
(b) To achieve additional light, air and human scale in Development;
(c) To improve the attractiveness of Development for residents, tourists and investors; and
(d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

The applicant may be granted as many of the height incentives established in Table 4.02.02.B. as are eligible for the property, provided that the maximum height for a building after accounting for all incentives shall not exceed the
7.02.03.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

**Incentives Proposed by applicant:**

The applicant has proposed 12 design modifications (totaling 85’ feet in height incentives) to achieve the additional 70’ in height. Each is addressed below:

1. **Applicant’s proposal:** Provide public parking spaces to increase height by 10’ to achieve a benefit of offering public parking spaces.

   **Staff Analysis:** The proposal to provide 20 public auto parking spaces and golf cart parking spaces meets the required conditions.

2. **Applicant’s proposal:** Entryway 40’ wide x 20’ tall opening at the front of the building in line with the landscape and urban furniture of the streetscape to increase the height by 5’ and achieve a benefit of enhanced entryways, view windows.

   **Staff analysis:** The proposal meets the minimum conditions of a View window/enhanced entryway.

3. **Applicant’s proposal:** Enhanced sidewalks, upgraded sidewalk design along the building façade and entryways to increase height by 5’ and achieve a benefit of architectural amenities.

   **Staff analysis:** The proposal addresses the conditions of enhanced sidewalks, upgraded sidewalks. However, additional details are requested addressing materials and design to verify they meet the streetscape requirements of the Front Beach Road Streetscape Design Guidelines manual.

4. **Applicant’s proposal:** Skyline feature, a recognizable top for architectural embellishment to increase height by 5’ and to achieve a benefit of architectural amenities.

   **Staff analysis:** The proposal meets the minimum conditions; Skyline features, a recognizable “top”.

5. **Applicant’s proposal:** A recognizable base at ground level to increase the height by 5’ and to achieve a benefit of architectural amenities.
Staff analysis: The proposal meets the minimum conditions of a recognizable base at ground level.

6. Applicat's proposal: Sidewalk covered by permanent arcade, having a minimum width of 6 feet to increase the height by 5' and to achieve a benefit of covered sidewalks.

Staff analysis: The proposal meets the minimum conditions of a covered sidewalk.

7. Applicat's proposal: Provide minimum 250 square feet courtyard open to the public accessible to sidewalk to increase the height by 5' and achieve outdoor civic space.

Staff analysis: The proposal meets the minimum conditions of 250 sf of civic space.

8. Applicat's proposal: Place a minimum of 50% of the parking spaces under cover and provide a SRI of 29 to increase height by 10' feet and to achieve a benefit of green development.

Staff analysis: The proposal meets the minimum conditions of installing a roof that covers at least 50% of the roof area. However, the applicant should supply more details on the proposed materials to be used.

9. Applicat's proposal: Use 90% or more Florida Friendly Plants to increase height by 10' and to achieve a benefit of green development.

Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building, 90% or more Florida Friendly Plants. However, the applicant should supply more details on what species they are proposing to use.

10. Applicat's proposal: Provide irrigation from non-potable water to increase height by 10' and to achieve a benefit of green development.

Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building irrigation from non-potable water.

11. Applicat's proposal: Provide vertical landscaping to cover 35% of a façade visible from the Scenic Corridor with a southern exposure for an increase of 5' to achieve a benefit of architectural amenities.
12. **Applicant’s proposal:** Restrooms provided between the Gulf and Front Beach Road to increase height by 10’ and to achieve a benefit of a public beach amenities /public restrooms.

Staff analysis: The proposal meets the minimum conditions of Restrooms provided between the Gulf and Front Beach Road see page 10. However, the bathrooms should be easily accessible to the public and marked “public restrooms”.

**CONCLUSION:** After evaluating all of the factors associated with this request staff recommends the applicant supply additional information on items 3, 8, 9 and 12 mentioned above to justify the increase of 70’ in height.

Based on the information supplied the increase in height of 70’ would appear to add additional units. However, there was not enough detail provided to calculate the number of units.

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
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<tr>
<td>Eligible for Height Incentives</td>
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<tr>
<td>Any District</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: Cultural Center, Temporary Child Care Facility or Licensed Facility. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building</td>
<td>10 feet</td>
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<tr>
<td>Eligible for Height Incentives</td>
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Table 4.02.02.B: Height incentives
<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
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<td></td>
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<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
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<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<td>Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants</td>
<td>5 feet</td>
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<td>90% or more Florida Friendly Plants</td>
<td>10 feet</td>
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<td></td>
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<td>Irrigation from non-potable water</td>
<td>10 feet</td>
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<td>Water conservation that exceeds state standards: By 20 percent or more</td>
<td>5 feet</td>
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<td>By 40 percent or more</td>
<td>10 feet</td>
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<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.</td>
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<td>• 10 acres or less of high quality wetlands:</td>
<td>10 feet</td>
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<td></td>
<td></td>
<td>• Greater than 10 acres of high quality wetlands:</td>
<td>20 feet</td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Any District</td>
<td>Architectural Lighting</td>
<td>Lighting – architectural lighting highlighting building columns, Cornices or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>5 feet</td>
</tr>
<tr>
<td>Eligible for Height Incentives</td>
<td>Amenities</td>
<td>Skyline features – A recognizable &quot;top&quot; consisting of (but not limited to): (a) Cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored &quot;stripes&quot; are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height. Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply.</td>
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<td>Landscaping - Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a Scenic Corridor. A façade with a northern exposure is ineligible for vertical landscaping.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Any District</td>
<td>Building Design Standards</td>
<td>Building Design Standards - Compliance with section Error! Reference source not found.(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td>10 feet</td>
</tr>
<tr>
<td>Eligible for Height Incentives excluding Front Beach Overlay Districts</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Outdoor Civic Spaces</td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Covered Sidewalks</td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
<td>5 feet</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Architectural Amenities</td>
<td>A recognizable &quot;base&quot; at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
<td>5 feet</td>
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<tr>
<td>Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td>5 feet</td>
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<tr>
<td>Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
<td>5 feet</td>
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</tr>
<tr>
<td>FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>View Windows</td>
<td>For Parcels on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district,</td>
<td>10 feet</td>
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<tr>
<td>• Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or</td>
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<tr>
<td>• Permanent ground level opening in the Building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation.</td>
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<tr>
<td>View Window Aligned With Street</td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf</td>
<td>20 feet</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Public Beach Amenities</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men’s and women’s rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
<td>10 feet per restroom</td>
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<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>10 feet per restroom</td>
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<td>Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet per restroom</td>
</tr>
<tr>
<td>Public Parking Spaces</td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found..</td>
<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space over 10 spaces</td>
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<td>Parking spaces provided on the north side of Front Beach Road or South Thomas Drive</td>
<td>5 feet for every 10 spaces provided</td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive, 2 feet for every 1 foot of width, with a 8 ft. minimum width.</td>
<td>2 feet</td>
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<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive, 1 foot for every 2 feet of width, with a 8 ft. minimum width.</td>
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</tr>
<tr>
<td>Front Beach Overlay</td>
<td>Transit Facility Provision Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.</td>
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<td>5 feet</td>
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<tr>
<td>Districts</td>
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**Front Beach Overlay Districts**
ORDER

The CITY OF PANAMA CITY BEACH PLANNING BOARD having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on August 13, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Alena By the Sea Resorts, Inc, acting through its agent Robert Carroll, submitted a complete application for a Height Incentive Request on property located at 17101 and 17001 Front Beach Road in Front Beach Overlay District 4. The request is to increase height incentives from 150' to 210' based on incentives set forth in Table 4.02.02B of the City's Land Development Code.

2. Planning Department Staff timely prepared and delivered a written report setting forth Staff's analysis of the revised request.

3. On August 13, 2018, the Planning Board held a properly advertised Quasi-Judicial hearing on the request, which the applicant did attend.

4. The Planning Board received testimony from the Applicant regarding the proposed development and the height incentives he was proposing to implement to gain the additional 70' in building height requested.

5. 33 letters from members of the public opposing the request were received prior to the public hearing. At the hearing, public comment was invited and received.

FINDINGS OF FACT

6. The Senior Planner advised that a request to increase height, based on incentives, was approved for the site that now represents the west side of this project.
7. The Applicant's agent presented competent, substantial evidence regarding 12 design modifications which would achieve an additional 70' in height, based on the City's table of height incentives.

8. Public comment was given in support specifically of the green space and courtyard proposals.

9. Public comment was given in opposition generally to any incentives designs to increase capacity of the development, based on congestion of the streets and the beach in this area. Public comment was given in opposition specifically to the public restrooms proposal.

10. The Planning Board considered each design modification individually.

**CONCLUSIONS OF LAW**

11. Pursuant to Sections 4.02.02(E), of the City's Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation of the City Council on whether the request should be granted.

12. The Height Incentive Request is consistent with the City's Comprehensive Plan and complies with all substantive requirements of the City's Land Development Code.

13. The public benefit to arise from the following proposed design modifications outweighs the benefits of strict compliance with the City's height design guidelines:
   a. Provision of 20 public parking spaces for motor vehicles, to increase height by 20' to achieve a benefit of public parking.
   b. Provision of an entryway 40' wide x 20' tall at the front of the building in line with the landscape and urban furniture of the streetscape to increase height by 5' and achieve a benefit of enhanced entryways and view windows.
   c. Upgrade sidewalks and sidewalk design along the building façade and entryways to increase height by 5' to achieve a benefit of architectural amenities.
   d. Provision of a sidewalk covered by a permanent arcade, having a minimum width of 6', to increase the height by 5' to achieve a benefit of a shade feature.
   e. Provision of irrigation from non-potable water to increase height by 10' to achieve a benefit of green development.

14. The public benefit to arise from the following proposed design modifications does not outweigh the benefits of strict compliance with the City's height design guidelines:
   a. Provision of recognizable building top/skyline feature.

AGENDA ITEM #
b. Provision of recognizable building base.
c. Provision of public courtyard space.
d. Placement of a minimum of 50% of parking spaces under cover.
e. Use of 90% Florida friendly plants.
f. Provision of vertical landscaping covering 35% of façade visible from Scenic Corridor.
g. Provision of public restroom.

THEREFORE, IT IS ORDERED AND ADJUDGED that a Height Increase of 45', based on Height Incentives, is hereby recommended to the City Council for APPROVAL.

DONE this 17 day of Sept, 2018.

By: Ed Benjamin
Planning Board Chairman

ATTEST:
Charles Silky, Senior Planner
Height Incentives:

1. Provide public parking spaces (10 ft) - provide 20 public auto and golf cart parking spaces adjacent to beach access.
2. Architectural Amenities (5 ft) - Entryways 40 ft x 20 ft opening at the front of the building in line with the landscape and urban furniture of the streetscape.
3. Architectural Amenities (5 ft) - Enhanced sidewalks, Upgraded sidewalk design along the building facade and entryways.
4. Architectural Amenities (5 ft) - Skyline features - a recognizable "top" for architectural embellishment.
5. Architectural Amenities (5 ft) - A recognizable "base" at ground level.
6. Covered Sidewalks (5 ft) - Sidewalk covered by permanent arcade having a minimum width of 6 ft.
7. Outdoor Civic space (5 ft) - Provide minimum 250 sf courtyard open to the public accessible to sidewalk.
8. Green Development (10 ft) - Place a minimum of 50% of parking spaces under cover and provide an SRI of 29 min.
9. Green Development (10 ft) - Provide irrigation from non-potable water.
10. Green Development (10 ft) - Provide irrigation from non-potable water.
11. Architectural Amenities (5 ft) - Provide Vertical landscaping to cover 35% of a facade visible from a Scenic Corridor with a southern exposure.
NEW HOTEL - ALENA
22 FLOORS = 324 UNITS

EXISTING HOTEL
8 FLOORS = 113 UNITS MAX

SETBACKS
Height Incentives:

1. Provide public parking spaces (10 ft) - provide 20 public auto and golf cart parking spaces adjacent to beach access.
2. Architectural Amenities (5 ft) - Entryways 40 ft x 20 ft opening at the front of the building in line with the landscape and urban furniture of the streetscape.
3. Architectural Amenities (5 ft) - Enhanced sidewalks, Upgraded sidewalk design along the building facade and entryways.
4. Architectural Amenities (5 ft) - Skyline features - a recognizable "top" for architectural embellishment.
5. Architectural Amenities (5 ft) - A recognizable "base" at ground level.
6. Covered Sidewalks (5 ft) - Sidewalk covered by permanent arcade having a minimum width of 6 ft.
7. Outdoor Civic space (5 ft) - Provide minimum 250 sf courtyard open to the public accessible to sidewalk.
8. Green Development (10 ft) - Place a minimum of 50% of parking spaces under cover and provide an SRI of 29 min.
9. Green Development (10 ft) - Provide 90% Florida friendly plants.
10. Green Development (10 ft) - Provide irrigation from non-potable water.
11. Architectural Amenities (5 ft) - provide Vertical landscaping to cover 35% of a facade visible from a Scenic Corridor with a southern exposure.
12. Provide public restrooms (10 ft) - Provide public restrooms @ Beach Access.
ALENA
BY THE SEA RESORTS, INC
HEIGHT INCENTIVES

1. Provide public parking spaces (10 ft) - provide 20 public auto and golf cart parking spaces adjacent to beach access.
2. Architectural Amenities (5 ft) - Entryways 40 ft x 20 ft opening at the front of the building in line with the landscape and urban furniture of the streetscape.
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ALENA
BY THE SEA RESORTS, INC
203 SHALIMAR STREET, PANAMA CITY BEACH
FLORIDA
07.17.18

RUSSELL JOHNSON ARCHITECT PL
ARCHITECTURE
850 630 4483
rajarch@msn.com
AR 00012593
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12. Provide public restrooms (10 ft) - Provide public restrooms @ Beach Access.
ITEM 3
DATA AND ANALYSIS

I. APPLICANT: By the Sea Resort

II. PROJECT LOCATION: The site is located on the south side of Front Beach Rd. east of the intersection of Alf Coleman Rd. 11815 and 11827 Front Beach Rd.

III. REQUEST: This request is a Height Incentive Request from 150’ to 220’ as addressed in the Land Development Code Table 4.02.02.B.

IV. REASON FOR REQUEST: The applicant is requesting the change to allow for the development of a 220’ tall resort where a 150’ is allowed under the Front Beach Overlay zone 4 "FBO-4".

V. PLAN AMENDMENT / REZONING: A small-scale plan amendment is not required nor a Rezoning for this request.

VI. EVALUATION:

HEIGHT INCENTIVE:

The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. Height incentives are not a matter of right, they may be allowed at the sole discretion of the City Council.

The purposes of the incentives are:
(a) To promote the public health, safety and welfare;
(b) To achieve additional light, air and human scale in Development;
(c) To improve the attractiveness of Development for residents, tourists and investors; and
(d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

The applicant may be granted as many of the height incentives established in Table 4.02.02.B. as are eligible for the property, provided that the maximum height for a building after accounting for all incentives shall not exceed the
maximum height in Table 4.02.02.A or Table 7.02.03.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

**Incentives Proposed by Applicant:**

The applicant has proposed 11 design modifications (totaling 75' feet in height incentives) to achieve the additional 70' in height. Each is addressed below:

1. **Applicant's proposal:** Reduce impervious surface by 25% of max permissible to increase height by **10'** to achieve a benefit of green development.

   **Staff analysis:** The proposal meets the minimum conditions.

2. **Applicant's proposal:** Use roofing materials with SRI of at least 78 to increase height by **5'** to achieve a benefit of green development.

   **Staff analysis:** The proposal meets the minimum conditions. However, the applicant should supply more details on the proposed materials to be used.

3. **Applicant's proposal:** Place a minimum of 50% of the parking spaces under cover and provide a SRI of 29 to increase height by **10'** feet and to achieve a benefit of green development.

   **Staff analysis:** The proposal meets the minimum conditions of installing a roof that covers at least 50% of the roof area. However, the applicant should supply more details on the proposed materials to be used.

4. **Applicant's proposal:** Use 50% or more Florida Friendly Plants to increase height by **5'** and to achieve a benefit of green development.

   **Staff analysis:** The proposal meets the minimum conditions of water conservation measures outside the building, 50% or more Florida Friendly Plants. However, the applicant should supply more details on what species they are proposing to use.

5. **Applicant's proposal:** Architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade to increase height by **5'** to achieve a benefit of architectural amenities.

   **Staff analysis:** The proposal meets the minimum conditions of architectural lighting. However, the applicant should supply details on the proposed lighting.
6. **Applicant’s proposal**: Skyline feature, a recognizable top for architectural embellishment to increase height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions; Skyline features, a recognizable "top".

7. **Applicant’s proposal**: Building design standards, compliance with Section 7.02.03.N (1-8) to increase the height by 10' to achieve architectural amenities.

   Staff analysis: The proposal is a requirement for the FBO-4 District and should not be considered as an incentive.

8. **Applicant’s proposal**: A recognizable base at ground level to increase the height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions of a recognizable base at ground level.

9. **Applicant’s proposal**: Entryways. Incorporate enhanced landscaping and or shading features and or entryways that exceed minimum streetscape requirements to increase height by 5' to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions.

10. **Applicant’s proposal**: Enhanced sidewalks, upgraded sidewalk design along the building façade and entryways to increase height by 5' and achieve a benefit of architectural amenities.

    Staff analysis: The proposal addresses the conditions of enhanced sidewalks, upgraded sidewalks. However, additional details are requested addressing materials and design to verify they meet the streetscape requirements of the Front Beach Road Streetscape Design Guidelines manual.

11. **Applicant’s proposal**: Restrooms provided between the Gulf and Front Beach Road to increase height by 10' and to achieve a benefit of a public beach amenities /public restrooms.

    Staff analysis: The proposal meets the minimum conditions of restrooms provided between the Gulf and Front Beach Road. However, additional details addressing locations and access should be included.
CONCLUSION: After evaluating all of the factors associated with this request staff recommends the applicant supply additional information on items 2, 3, 4, 5, 10 and 11 as mentioned above to justify the increase of 70' in height. Item 7 proposed by the applicant is a requirement of the FBO-4 district and should not be considered in the calculation of additional height.

Based on the information supplied the increase in height of 70' would appear to add additional units. However, there was not enough detail provided to calculate the number of units.

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Eligible for Height Incentives</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: <em>Cultural Center, Temporary Child Care Facility</em> or Licensed Facility. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building.</td>
<td>10 feet</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
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<td></td>
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<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
</tr>
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<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29, and use hard-scape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<td>Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants</td>
<td>5 feet</td>
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<td></td>
<td>90% or more Florida Friendly Plants</td>
<td>10 feet</td>
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<td></td>
<td></td>
<td>Irrigation from non-potable water</td>
<td>10 feet</td>
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<td>Water conservation that exceeds state standards: By 20 percent or more</td>
<td>5 feet</td>
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<td>By 40 percent or more</td>
<td>10 feet</td>
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<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus. • 10 acres or less of high quality wetlands: • Greater than 10 acres of high quality wetlands:</td>
<td>10 feet 20 feet</td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Any District</td>
<td>Architectural Lighting – architectural lighting highlighting building columns, Cornices or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply</td>
<td>5 feet</td>
</tr>
<tr>
<td>Eligible for Height Incentives</td>
<td>Architectural Amenities</td>
<td>Skyline features – A recognizable “top” consisting of (but not limited to): (a) Cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored “stripes” are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.</td>
<td>5 feet</td>
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<td>Landscaping - Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a Scenic Corridor. A façade with a northern exposure is ineligible for vertical landscaping.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Any District</td>
<td>Building Design Standards - Compliance with section Error! Reference source not found.1-8. Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td>10 feet</td>
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</tr>
<tr>
<td>Eligible for Height Incentives excluding Front Beach Overlay Districts</td>
<td></td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Outdoor Civic Spaces</td>
<td></td>
<td>5 feet</td>
</tr>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Covered Sidewalks</td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Architectural Amenities</td>
<td>A recognizable &quot;base&quot; at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
<td>5 feet</td>
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<td></td>
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<td>Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td>5 feet</td>
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<tr>
<td></td>
<td></td>
<td>Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
<td>5 feet</td>
</tr>
<tr>
<td>FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>View Windows</td>
<td>For Parcels on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district, • Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or • Permanent ground level opening in the Building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation.</td>
<td>10 feet</td>
</tr>
<tr>
<td>View Window Aligned With Street</td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Public Beach Amenities</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
<td>10 feet per rest room</td>
</tr>
<tr>
<td>Public Parking Spaces</td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found...</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space for every space over 10 spaces</td>
<td>5 feet for every 10 spaces provided</td>
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<tr>
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<tr>
<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>2 feet for every 1 foot of width, with a 8 ft. minimum width</td>
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<td></td>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive.</td>
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<td></td>
<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
<td>1 foot for every 2 feet of width, with a 8 ft. minimum width</td>
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<tr>
<td>Front Beach Overlay</td>
<td>Transit Facility Provision</td>
<td>Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Districts</td>
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</table>
ORDER

The CITY OF PANAMA CITY BEACH PLANNING BOARD having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on August 13, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Miracle Strip Properties By the Sea, LLC, acting through its agent Robert Carroll, submitted a complete application for a Height Incentive Request on property located at 11827 and 11815 Front Beach Road in Front Beach Overlay District 4. The request is to increase height incentives from 150' to 210' based on incentives set forth in Table 4.02.02B of the City's Land Development Code.

2. Planning Department Staff timely prepared and delivered a written report setting forth Staff's analysis of the revised request.

3. On August 13, 2018, the Planning Board held a properly advertised Quasi-Judicial hearing on the request, which the applicant did attend.

4. The Planning Board received testimony from the Applicant regarding the proposed development and the height incentives he was proposing to implement to gain the additional 60' in building height requested.

5. Public comment was invited but none was received.

FINDINGS OF FACT

6. The Senior Planner advised that a request to increase height, based on incentives, was approved for the site that now represents the west side of this project.
7. The Applicant’s agent presented competent, substantial evidence regarding 10 design modifications which would achieve an additional 60’ in height, based on the City’s table of height incentives.

8. The Planning Board considered each design modification individually.

CONCLUSIONS OF LAW

9. Pursuant to Sections 4.02.02(E), of the City’s Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation of the City Council on whether the request should be granted.

10. The Height Incentive Request is consistent with the City’s Comprehensive Plan, and complies with all substantive requirements of the City’s Land Development Code.

11. The public benefit to arise from the following proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines:
   a. Reduction of impervious surface of 25% of maximum permissible to increase height by 10’, to achieve a benefit of green development.
   b. Use of roofing materials with SRI of at least 78 to increase height by 5’ to achieve a benefit of green development.
   c. Placement of a minimum of 50% of the parking spaces under cover and provide a SRI of 29 to increase height by 10’ and to achieve a benefit of green development.
   d. Provision of architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade to increase height by 5’ to achieve a benefit of architectural amenities.
   e. Incorporate enhanced landscaping, shading features or entryways that exceed minimum streetscape requirements to increase height by 5’ to achieve a benefit of architectural amenities.
   f. Upgrade sidewalks and sidewalk design along the building façade and entryways to increase height by 5’ to achieve a benefit of architectural amenities.

12. The public benefit to arise from the following proposed design modifications does not outweigh the benefits of strict compliance with the City’s height design guidelines:
   a. Use of 50% or more Florida friendly plants.
   b. Recognizable building top or skyline feature.
   c. Recognizable building base at ground level.
   d. Provision of public restroom.

AGENDA ITEM #
THEREFORE, IT IS ORDERED AND ADJUDGED that a Height Increase of 40', based on Height Incentives, is hereby recommended to the City Council for APPROVAL.

DONE this 17 day of Sept., 2018.

By: Ed Benjamin
Planning Board Chairman

ATTEST:
Charles Silky, Senior Planner
**PROGRAM SUMMARY**

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Square Feet</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Studio Queen - 2 Guest Suites</td>
<td>432</td>
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<tr>
<td></td>
<td>Beach Cabins / Oceanview Suites</td>
<td>80</td>
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<tr>
<td></td>
<td>Three</td>
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<tr>
<td></td>
<td>Four</td>
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<td>Elevator</td>
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<td>Reserves/Concierge</td>
<td>Subtotal: 525</td>
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<td>Lobby and Public Areas</td>
<td>Reserves - Lobby Area</td>
<td>Subtotal: 4,754</td>
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<td>Front Desk</td>
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<td>Entrance Lobby Area</td>
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<td></td>
<td>Public Area</td>
<td>Subtotal: 1,264</td>
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<tr>
<td>Lobby and Public Areas</td>
<td>Exterior Public Areas</td>
<td>Subtotal: 4,754</td>
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<td>Beach Deck and Entrance Beach Boardwalks</td>
<td>Subtotal: 4,754</td>
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<td>Covered Drop Off</td>
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<td>Roof Terrace 8th Floor</td>
<td>Subtotal: 4,754</td>
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<td>Public Restrooms at Beach</td>
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<td>Food and Beverage</td>
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<td></td>
<td>Bistro/Restaurant</td>
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<tr>
<td></td>
<td>Beach Bar / Coffee Shop</td>
<td>Subtotal: 4,754</td>
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<td></td>
<td>Penthouse Suite</td>
<td>Subtotal: 4,754</td>
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<td></td>
<td>Interiors</td>
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<td></td>
<td>Elevator</td>
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<td>Meeting Planner/Office</td>
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<td>Recreation</td>
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<td></td>
<td>20th Floor and Terrace</td>
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<td></td>
<td>Pool Furniture / Bar Area</td>
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<td>Penthouses</td>
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<td>Emergency Center/Office</td>
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<td>Overall</td>
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<td>Telephone</td>
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<td>Business</td>
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<td></td>
<td>Clubhouse</td>
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<td></td>
<td>Private Dining Area</td>
<td>Subtotal: 4,754</td>
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<td>Other</td>
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<td>Management</td>
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<td>Total Hotel Gross Area</td>
<td>Subtotal: 4,754</td>
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<td>Equipment</td>
<td>Subtotal: 4,754</td>
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<td></td>
<td>Hotel Building</td>
<td>Subtotal: 4,754</td>
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<tr>
<td></td>
<td>Hotel Building</td>
<td>Subtotal: 4,754</td>
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<tr>
<td></td>
<td>Total Hotel Gross Area</td>
<td>Subtotal: 4,754</td>
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</tbody>
</table>

**INDEX TO DRAWINGS**

- Aerial Map of Neighborhood
- Aerial Map of Front Street Site
- Zoning Diagram
- Site Plan Diagram
- Axon of Development from South
- Axon of Development from North
- Lobby Rendering
- South Beach Rendering
- Upper Beach Rendering
- Front Beach Road Entry Rendering
- Floor Plans - Room Types
- Preliminary Project Schedule

**ARCHITECT**

Duvall Decker Architects P.A.
Architecture, Planning, Interiors (design)

**PROJECT**

PANAMA CITY BEACH RESORT BY THE SEA, LLC
PANAMA CITY BEACH, FLORIDA
NOVEMBER 30, 2016

**SCOPE STUDY OPTION B**

470 ROOM FULL SERVICE RESORT
11815 & 11827 FRONT BEACH ROAD

PROJECT SITE
BUILDABLE AREA

PROJECT SITE
LANDSCAPING AREA

480'

130' 210'

65' 15'

PLANNING & PROGRAMMING

1612 PANAMA CITY BEACH RESORT
PANAMA CITY BEACH, FLORIDA

J.C. KNIGHT

www.ogallagher.com

605 SOUTH BEACH ROAD

Duvall Decker Architects P.A.
Architecture, Planning, Interiors

NOVEMBER 30, 2016

AGENDA ITEM #
ZONING REQUIREMENTS SUMMARY OPTION B

TOTAL ACREAGE: 4.191 acres (1,612 sq ft)

CURRENT ZONING: COMMERCIAL-HIGH INTENSITY (CH)

LOT COVERAGE:
- MAXIMUM LOT COVERAGE - 40%
- FRONT YARD SETBACK STORES 14 - 5' MIN., 6' MAX.
- FRONT YARD SETBACK STORES 5+ - 20' FROM PROPERTY LINE
- MAXIMUM REAR YARD DEPTH - 100'
- MAXIMUM SIDE YARD DEPTH - 10'

BUILDING HEIGHT:
- 250' TOTAL TO UNDERSIDE OF TOP FLOOR CEILING
  - TOTAL PARKING SPACES REQUIRED:
    - 500 ON SITE SPACES (10 ADA SPACES) + 20 MOTORCYCLE/SCOOTER SPACES
    - 81 OFF SITE SPACES (2 ADA SPACES)

PARKING INCENTIVES:
- BONUS FOR PROPOSING A MINIMUM OF 50% OF PARKING SPACES UNDER COVER
- 10 FEET LIGHTING BETWEEN建築 DESIGN STANDARDS
- COMPILATION WITH SECTION 7.02(2)(A)
- A RECOGNIZABLE "BASE" AT GROUND LEVEL
- ENHANCED ENTRANCE WAYS
- INCORPORATE ENHANCED LANDSCAPING, AND OR SHADING FEATURES, AND ENTRANCEWAYS THAT EXCEED MINIMUM STREETSCAPE REQUIREMENTS
- LIGHTING ARCHITECTURAL FEATURES ALONG THE FRONT FACADE
- USE ROOFING MATERIALS WITH SRI OF AT LEAST 78
- USE 50% OR MORE FLORIDA FRIENDLY PLANTS
- PLACE A MINIMUM OF 20% OF PARKING SPACES UNDER COVER
- ARCHITECTURAL AMENITIES - LIGHTING ARCHITECTURAL FEATURES ALONG THE FRONT FACADE

ARCHITECTURAL AMENITIES:
- LIGHTING - ARCHITECTURAL FEATURES ALONG THE FRONT FACADE
- USE ROOFING MATERIALS WITH SRI OF AT LEAST 78
- PLACE A MINIMUM OF 20% OF PARKING SPACES UNDER COVER

SITE ZONING DIAGRAM

470 ROOM FULL SERVICE RESORT

PLANNING & PROGRAMMING
PANAMA CITY BEACH RESORT
PANAMA CITY BEACH, FLORIDA

Duvall Decker Architects P.A.
Architecture Planning Interiors

November 30, 2010
AGENDA ITEM # 
VIEW OF FRONT BEACH ROAD ENTRY
470 ROOM FULL SERVICE RESORT
PLANNING & PROGRAMMING

DD F 1612 PANAMA CITY BEACH RESORT
PANAMA CITY BEACH, FLORIDA

ROOM TYPES
470 ROOM FULL SERVICE RESORT
ITEM 4
DATA AND ANALYSIS

I. APPLICANT: Resort Hospitality Enterprises Ltd.

II. PROJECT LOCATION: The site 9500 and 9600 South Thomas Dr. is located on the south side of South Thomas Dr. west of the intersection of South Thomas Dr. and Thomas Dr.

III. REQUEST: This request is a Height Incentive Request from 150' to 220' as addressed in the Land Development Code Table 4.02.02.B.

IV. REASON FOR REQUEST: The applicant is requesting the change to allow for the development of two 220’ tall condo/hotels where a 150’ is allowed under the Front Beach Overlay zone 4 “FBO-4”.

V. PLAN AMENDMENT / REZONING: A small-scale plan amendment is not required nor a Rezoning for this request.

VI. EVALUATION:

HEIGHT INCENTIVE:

The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. Height incentives are not a matter of right, they may be allowed at the sole discretion of the City Council.

The purposes of the incentives are:

(a) To promote the public health, safety and welfare;
(b) To achieve additional light, air and human scale in Development;
(c) To improve the attractiveness of Development for residents, tourists and investors; and
(d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

The applicant may be granted as many of the height incentives established in Table 4.02.02.B. as are eligible for the property, provided that the maximum
height for a building after accounting for all incentives shall not exceed the maximum height in Table 4.02.02.A or Table 7.02.03.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

**Incentives Proposed by applicant:**

The applicant has proposed **11 design modifications (totaling 106’ feet in height)** incentives to achieve the additional 70’ in height. Each is addressed below:

1. **Applicant’s proposal:** Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels to increase height by 5’ for a benefit of cross access easement.

   Staff analysis: The proposal meets the minimum requirements of cross access easement. However, staff recommends the City attorney review the agreement before awarding the increase in height.

2. **Applicant’s proposal:** Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area. This request achieves the benefit of green development and an increase in height of 5’.

   Staff analysis: The proposal meets the minimum required conditions. However, additional details on the proposed materials should be provided.

3. **Applicant’s proposal:** Use 50% or more Florida Friendly Plants to increase height by 5’ and to achieve a benefit of green development.

   Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building, 50% or more Florida Friendly Plants. However, the applicant should supply more details on what species they are proposing to use.

4. **Applicant’s proposal:** Architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings for an increase of 5’ to achieve architectural amenities.

   Staff analysis: The proposal meets the minimum conditions of architectural amenities.
5. **Applicant's proposal**: Skyline feature, a recognizable top for architectural embellishment to increase height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions; Skyline features, a recognizable "top". However, additional details are requested addressing design.

6. **Applicant's proposal**: A recognizable base at ground level to increase the height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions of a recognizable base at ground level. However, additional details are requested addressing materials and design.

7. **Applicant's proposal**: Entryways- incorporate enhanced landscaping, landscaping planters or wing walls, structural or vegetative shading features and benches or other seating components to increase height by 5' and achieve the benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum standards.

8. **Applicant's proposal**: Courtyard seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet to increase height by 5' and the benefit of outdoor civic space.

   Staff analysis: The applicant has identified a location without indicating size or amenities to be included, more details should be supplied.

9. **Applicant's proposal**: Restrooms provided between Gulf and South Thomas Dr. to increase height by 10' and the benefit of public restrooms.

   Staff analysis: The applicant meets the minimum requirements. However, additional information is required addressing design and signage.

10. **Applicant's proposal**: Provide 36 public parking spaces between the Gulf and South Thomas Dr. (10' for every 10 spaces, plus 1' for every space over 10 spaces) to increase height by 36' to achieve a benefit of offering public parking spaces.

    Staff Analysis: The proposal to provide 36 public auto parking spaces meets the required conditions for an increase of 36'. However, the applicant should supply additional details on design and signage.
11. **Applicant's proposal**: Expand public beach access provided between the erosion control line and the right of way of South Thomas Dr. for an increase in height of **20’** and a benefit of public beach access.

Staff analysis: The existing beach access appears to already be 10’ in width. However, the beach access has not been maintained, the proposal would be a benefit to the community.

**CONCLUSION**: After evaluating all of the factors associated with this request staff recommends the applicant supply additional information as mentioned above to justify the increase of 70’ in height.

Based on the information supplied the increase in height of 70’ would appear to add additional units. However, there was not enough detail provided to calculate the number of units.

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District Eligible for</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
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<tr>
<td>Height Incentives</td>
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<tr>
<td>Any District Eligible for</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: Cultural Center, Temporary Child Care Facility or Licensed Facility. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building</td>
<td>10 feet</td>
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<tr>
<td>Height Incentives</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
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<td></td>
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<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
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<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<td>Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants</td>
<td>5 feet</td>
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<td>90% or more Florida Friendly Plants</td>
<td>10 feet</td>
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<td>Irrigation from non-potable water</td>
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<td>Water conservation that exceeds state standards: By 20 percent or more</td>
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<td>By 40 percent or more</td>
<td>10 feet</td>
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<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.</td>
<td>10 feet</td>
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<td>- 10 acres or less of high quality wetlands:</td>
<td>10 feet</td>
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<td></td>
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<td>- Greater than 10 acres of high quality wetlands:</td>
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<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td><strong>Any District Eligible for Height Incentives</strong></td>
<td>Architectural Amenities</td>
<td>Lighting – architectural lighting highlighting building columns, <strong>Cornices</strong> or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>5 feet</td>
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<td>Skyline features – A recognizable “top” consisting of (but not limited to): (a) <strong>Cornice</strong> treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored &quot;stripes&quot; are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.</td>
<td>Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply</td>
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<td>Landscaping – Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a <strong>Scenic Corridor</strong>. A façade with a northern exposure is ineligible for vertical landscaping.</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Any District Eligible for Height Incentives excluding Front Beach Overlay Districts</strong></td>
<td>Building Design Standards - Compliance with section <strong>Error! Reference source not found.(1-8)</strong>. Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td>10 feet</td>
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</tr>
<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td>Outdoor Civic Spaces</td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td>Covered Sidewalks</td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
<td>5 feet</td>
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**AGENDA ITEM #**
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<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
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<tbody>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Architectural Amenities</td>
<td>A recognizable &quot;base&quot; at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
<td>5 feet</td>
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<tr>
<td>Entryways</td>
<td>Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td>5 feet</td>
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<tr>
<td>Enhanced sidewalks</td>
<td>upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum façade and/or</td>
<td>5 feet</td>
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<td>entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
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<td></td>
<td><strong>FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</strong></td>
<td><strong>View Windows</strong></td>
<td><strong>For Parcels</strong> on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district,</td>
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<td>• Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or</td>
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<td>• Permanent ground level opening in the Building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation.</td>
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<td>View Window Aligned With Street</td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf</td>
<td>20 feet</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td>Public Beach Amenities</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men’s and women’s rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
<td>10 feet per rest room</td>
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<tr>
<td></td>
<td>Restrooms</td>
<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>10 feet per rest room</td>
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<td></td>
<td></td>
<td>Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet per rest room</td>
</tr>
<tr>
<td><strong>Public Parking Spaces</strong></td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found.</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space over 10 spaces</td>
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<td></td>
<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>10 feet per space over 10 spaces</td>
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<tr>
<td></td>
<td></td>
<td>Parking spaces provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet per every 10 spaces provided</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>2 feet for every 1 foot of width, with a 8 ft. minimum width</td>
<td>1 foot for every 2 feet of width, with a 8 ft. minimum width</td>
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<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive</td>
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<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
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<td>Front Beach Overlay Districts</td>
<td>Transit Facility Provision</td>
<td>Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.</td>
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PLANNING BOARD OF THE  
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES  
Submitted by Resort Hospitality Enterprises Ltd.  
PARCEL NOs. 34987-000-000 and 34986-000-000  
PROPERTY LOCATED at 9500 and 9600 South Thomas Drive  
PANAMA CITY BEACH, FLORIDA

ORDER

The CITY OF PANAMA CITY BEACH PLANNING BOARD having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on August 13, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Resort Hospitality Enterprises Ltd., acting through its agent Robert Carroll, submitted a complete application for a Height Incentive Request on property located at 9500 and 9600 South Thomas Drive in Front Beach Overlay District 4. The request is to increase height incentives from 150' to 210' based on incentives set forth in Table 4.02.02B of the City’s Land Development Code.

2. Planning Department Staff timely prepared and delivered a written report setting forth Staff’s analysis of the revised request.

3. On August 13, 2018, the Planning Board held a properly advertised Quasi-Judicial hearing on the request, which the applicant did attend.

4. The Planning Board received testimony from the Applicant regarding the proposed development and the height incentives he was proposing to implement to gain the additional 70' in building height requested.

5. Public comment was invited but none received.

FINDINGS OF FACT

6. The Applicant’s representative indicated this project was located on the single biggest tract on South Thomas, and that the Applicant was giving up a significant amount of developable land to provide public amenities. The Applicant’s agent presented competent, substantial evidence regarding 11 design modifications (totaling 106') which would achieve the additional 70' in height requested, based on the City’s table of height incentives.

AGENDA ITEM #
CONCLUSIONS OF LAW

7. Pursuant to Sections 4.02.02(E), of the City's Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation of the City Council on whether the request should be granted.

8. The Height Incentive Request is consistent with the City's Comprehensive Plan and complies with all substantive requirements of the City's Land Development Code.

9. The public benefit to arise from the following proposed design modifications outweighs the benefits of strict compliance with the City's height design guidelines:
   a. Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.
   b. Use of roofing materials with a SRI of 78 for a sloped roof equal to or less that 2:12 and an SRI of 29 for a sloped roof greater than 2:12, or installation of a vegetative roof that covers at least 50% of the roof area.
   c. Use of 50% or more Florida friendly plants.
   d. Provision of architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings.
   e. Provision of recognizable building top/skyline feature.
   f. Provision of recognizable building base at ground level.
   g. Incorporation of enhanced landscaping, planters, wing walls, structural or vegetative shading features, benches and other seating components near the building's entryways.
   h. Provision of a courtyard seating area and other civic space, no less than 250 square feet, which is directly accessible to the public from the sidewalk.
   i. Provision of public restrooms located between the Gulf and South Thomas Drive.
   j. Provision of 36 public parking spaces between the Gulf and South Thomas Drive.
   k. Expansion of an existing beach access easement by 10'.

THEREFORE, IT IS ORDERED AND ADJUDGED that a Height Increase of 70', based on Height Incentives, is hereby recommended to the City Council for APPROVAL.

DONE this ___ day of Sept, 2018.

By: ______________________
   Planning Board Chairman

ATTEST:
   ______________________
   Charles Silky, Senior Planner

AGENDA ITEM #____________
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ABOUT US

EIGHT INCENTIVES

**CROSS ACCESS EASEMENT (5 FEET):** Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.

**GREEN DEVELOPMENT (5 FEET):** Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.

**GREEN DEVELOPMENT (5 FEET):** 50% or more Florida Friendly Plants.

**ARCHITECTURAL AMENITIES (5 FEET):** Lighting

**ARCHITECTURAL AMENITIES (5 FEET):** Skyline features

**ARCHITECTURAL AMENITIES (5 FEET):** Recognizable "base"

**ARCHITECTURAL AMENITIES (5 FEET):** Entryways

**OUTDOOR CIVIC SPACES (5 FEET):** Provision of courtyard, seating area and other civic space.

**PUBLIC RESTROOM (10 FEET PER RESTROOM):** Restrooms provided between Gulf and Front Beach Road or South Thomas Drive.

**PUBLIC PARKING SPACES (10 FEET FOR EVERY 10 SPACES PROVIDED PLUS 1 FOOT FOR EVERY SPACE OVER 10 SPACES):** Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive.

**BEACH ACCESS (2 FEET FOR EVERY 1 FOOT WIDTH, WITH AN 8 FOOT MINIMUM WIDTH):** Expanded public beach access.

TALLY OF HEIGHT INCENTIVES

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Site Plan of 9500 & 9600 S. Thomas Drive, Palm City Beach, Florida
ABOUT US

FORUM ARCHITECTURE & INTERIOR DESIGN, INC., based in Altamonte Springs, Florida (Orlando), is an employee owned full service architectural firm specializing in planning, architecture, and interior design. Forum was created in 1986 by its founding Principals R. Norman Stoehr and James B. Black. As a recognized national leader and award-winning design firm, FORUM focuses on six primary markets: multifamily, clubhouses, resort, hospitality, residential and commercial. The firm holds active registrations in the United States, its territories and Ontario, Canada, offering Professional Design Services on a national basis. Forum's commitment to outstanding value by providing exceptional design quality and superior client service is the cornerstone of the firm's long-term success.

Since 1986, Forum has become well known and respected for a simple business philosophy: We take care of our clients and get the job done right. While that may seem like a simplistic idea, it requires an extraordinary level of organization, expertise, and communication to accomplish. As an employee-owned company our staff is diligently committed and driven to achieve this goal. When you work with any member of our FORUM family, you will immediately become aware of the care, concern, and devotion each individual has for your project. We strive through our creative excellence to find what is best for our clients, their projects, the environment, and our employees. Taking care of people is the foundation of Forum's success.

CLIENT DRIVEN DESIGN

At FORUM, we are passionate about the architectural challenges presented to us as we use our expertise to find solutions to fit our client's needs and objectives. We believe that our work is a reflection of our commitment to excellence and a realization of our client's aspirations. We are continually excited by the opportunity to better shape the built environment.

EXPERTISE THROUGH DIVERSITY

FORUM's achievements are a reflection of the diversity of our team. Having a varied and ever-growing set of skills, professional and cultural experiences, age and education, our staff is able to gather a full and rich spectrum of ideas for design solutions. Such diverse wealth of resources allows us to tailor our designs to our client's needs and provide the best suited solutions for each project.
QUALITY THROUGH UNITY

Although diverse in nature, our team is united in its commitment to quality. As an employee-owned company, each and every person at FORUM is directly invested in their work and is dedicated to creating projects of excellence. Our staff is diligent in the coordination of all details and disciplines with an intense focus on accuracy. Assuring the quality of our work is a shared goal within our office, and no detail is too small. Consideration of budgetary constraints is inherent in our work, and we pride ourselves in our ability to maintain project viability without sacrificing quality or design. We work together to ensure quality of design in collaboration with our client, the contractor and the entire project team.

SUCCESS THROUGH SERVICE

At FORUM, the client is the core of our practice. We are committed to understanding their vision and unique project parameters as we effectively tailor our design services to help achieve their goals. The long-term relationships we have forged with our clients, combined with our value-based and timeless designs, have contributed to our mutual success and longevity.

RESORT & HOTEL DESIGN

Forum's experience in the resort and hotel design market has enabled the firm to be recognized as one of the top architectural design firms in the nation by Hotel Design and the Hotel Business Green Book.

Along with the ever-changing resort industry, Forum continually monitors the state of the art brand developments in order to create designs that are tailored to guest and user demands. Having completed designs for virtually all major corporate hotel brands, Forum has gained extensive knowledge of specific brand requirements and has cultivated excellent relationships with many hotel corporations including Marriott, Starwood, Choice, Wyndham and Hilton, to name a few. Maximizing the guest experience while designing buildings that are operationally efficient and profitable are the key to Forum's success in the resort market.
HEIGHT INCENTIVES: Section E

Section E. in Site Design and Development Standards of the Land Development Code

CROSS ACCESS EASEMENT (5 FEET):
Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.
Section E. in Site Design and Development Standards of the Land Development Code

GREEN DEVELOPMENT (5 FEET):
Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.

GREEN DEVELOPMENT (5 FEET):
50% or more Florida Friendly Plants.
Section E. in Site Design and Development Standards of the Land Development Code

ARCHITECTURAL AMENITIES (5 FEET):

Lighting - architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings.
Section E. in Site Design and Development Standards of the Land Development Code

ARCHITECTURAL AMENITIES (5 FEET):

Skyline features - a recognizable “top” consisting of (but not limited to): (a) Cornice treatments, (b) roof overhangs, (c) stepped parapets, (d) richly textured materials, (e) differently colored materials, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.

ARCHITECTURAL AMENITIES (5 FEET):

A recognizable “base” at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials; (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials, mullions, and/or panels
Section E. in Site Design and Development Standards of the Land Development Code

ARCHITECTURAL AMENITIES (5 FEET):

Entryways - incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.
OUTDOOR CIVIC SPACES (5 FEET):

Provision of courtyard, seating area and other civil space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.
Section E. in Site Design and Development Standards of the Land Development Code

PUBLIC RESTROOM (10 FEET PER RESTROOM):

Public restroom accepted by the City as its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's restrooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.

Restrooms provided between Gulf and Front Beach Road or South Thomas Drive.
PUBLIC PARKING: 36 SPACES

Section E. in Site Design and Development Standards of the Land Development Code

PUBLIC PARKING SPACES (10 FEET FOR EVERY 10 SPACES PROVIDED PLUS 1 FOOT FOR EVERY SPACE OVER 10 SPACES):

Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive.

Total parking spaces provided: 36.
Section E. in Site Design and Development Standards of the Land Development Code

BEACH ACCESS (2 FEET FOR EVERY 1 FOOT OF WIDTH, WITH A 8 FOOT MINIMUM WIDTH):

Expanded public beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive.

10'-0" wide beach access will be provided.
TALLY OF HEIGHT INCENTIVES

CROSS ACCESS EASEMENT (5 FEET): Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels. 5 Feet

GREEN DEVELOPMENT (5 FEET): Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area. 5 Feet

GREEN DEVELOPMENT (5 FEET): 50% or more Florida Friendly Plants. 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Lighting. 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Skyline features. 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Recognizable "base". 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Entryways. 5 Feet

OUTDOOR CIVIC SPACES (5 FEET): Provision of courtyard, seating area and other civic space. 5 Feet

PUBLIC RESTROOM (10 FEET PER RESTROOM): Restrooms provided between Gulf and Front Beach Road or South Thomas Drive. 10 Feet

PUBLIC PARKING SPACES (10 FEET FOR EVERY 10 SPACES PROVIDED PLUS 1 FOOT FOR EVERY SPACE OVER 10 SPACES): Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive. Total parking spaces provided: 36. 56 Feet

BEACH ACCESS (2 FEET FOR EVERY 1 FOOT WIDTH, WITH AN 8 FOOT MINIMUM WIDTH): Expanded public beach access. 10 feet of wide beach access will be provided. 20 Feet

TOTAL 126 Feet
Schedule A ** OFFICIAL RECORDS **
BK 1454 PG 1777

PARCEL I: (GULFSIDE INN)
The Westerly 500 feet of the following described parcel: A parcel of land bounded as follows: On the North by the Southern R/W line of Thomas Drive (State Road 392); on the West by a line parallel to and 20 feet Easterly of the Easterly line of Blocks 43 and 79 of the Plat of Panama City Beach extended Northeasterly and Southwesterly; on the South by the Gulf of Mexico and on the East by the following line: Commence at the Northeast Corner of Original Lot 8 of Section 6, Township 4 South, Range 15 West; thence South along the East line of said Lot 8 a distance of 848.85 feet; thence S35°00'W to the Gulf of Mexico, said land lying in Section 1, Township 4 South, Range 16 West.

ALSO: A parcel of land bounded as follows: on the North by the Southern R/W line of Thomas Drive (SR 392); on the West by the Easterly line of Blocks 43 and 79 of the Plat of Panama City Beach, extended Northeasterly and Southwesterly; on the South by the Gulf of Mexico and on the East by a line parallel to and 20 feet Easterly on the Easterly line of Lots 43 and 79 of the Plat of Panama City Beach, extended Northeasterly and Southwesterly.

PARCEL II: (SANDS INN)
Commence at the Northeast Corner of Lot 1, Block 43, of A.W. Pledger’s Panama City Beach Plat, as per plat thereof recorded in Plat Book 7, Page 13, of the Public Records of Bay County, Florida; thence Southeasterly along the South R/W line of SR 392, 520.13 feet to the Point of Beginning; thence continue Southeasterly along said R/W line which is a curve having a radius of 2914.93 feet, 402.83 feet (the chord being S63°46'30"E, 422.22 feet); thence S32°13'38"W, 525.25 feet, more or less, to the water’s edge of the Gulf of Mexico; thence Northerly along said water’s edge, 400 feet, more or less, to a point which is S32°13'38"W to the Point of Beginning; thence N32°13'38"E, 478.71 feet, more or less, to the Point of Beginning.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (NEWLY CREATED) Commencing at the Northeast Corner of Lot 1, Block 43 of A.W. Pledger’s Panama City Beach Plat, as per plat thereof recorded in Plat Book 7, Page 13 of the Public Records of Bay County, Florida; thence S57°01'26"E along the Southerly R/W line of Thomas Drive (State Road No. 392, 100 foot R/W), for a distance of 416.12 feet to a 3/4" conduit pipe (FL. Cert. No. 2456) marking a point of curve; thence Southeasterly on the arc a curve, concave Northerly, having a radius of 2914.93 feet, for a distance of 104.08 feet, the chord bearing and distance being S58°04'24"E, 104.08 feet to a 3/4" conduit pipe (FL. Cert. No. 2456) and the Point of Beginning; thence continuing along said curving Southerly R/W line, said curve having a radius of

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Schedule A

2914.93 feet, for an arc distance of 401.98 feet, the chord bearing and distance being S63°05'29"E, 401.66 feet to a 1" iron pipe; thence departing said Southerly R/W line, run S32°54'44"W, for a distance of 595 feet, more or less, to the water's edge, for a distance of 400 feet, more or less, to a point that bears S35°01'13"W from the Point of Beginning; thence N33°01'13"E for a distance of 583 feet, more or less, to the Point of Beginning.

PARCEL III: (MIRACLE MILE INN)
A parcel of land lying in Section 1, Township 4 South, Range 16 West, bounded as follows, to wit: On the North by the Southern R/W line of Thomas Drive (SR No. 392); on the South by the Gulf of Mexico; on the West by a line parallel to and 1320 feet Easterly of the Easterly line of Blocks 43 and 79 of the Plat of Panama City Beach, extended Northeast and Southwesterly; on the East by a line parallel to and 1720 feet Easterly of the Easterly line of Blocks 43 and 79, of the Plat of Panama City Beach extended Northeast and Southwesterly. BEING OTHERWISE DESCRIBED AS: Commencing at the Northeast Corner of Lot 1, Block 43, of A.W. Pledger's Panama City Beach Plat, as per plat thereof recorded in Plat Book 7, Page 13, of the Public Records of Bay County, Florida; thence S57°46'02"E along the South R/W line of SR 392, 414.81 feet to the P.C. of a curve, concave to the North, said curve having a central angle of 12°00'18" and a radius of 2914.93 feet; thence Southeasterly along said curve, 610.76 feet (the chord being S63°45'27"E, 609.67 feet to the P.T. of said curve); thence S69°45'27"E along said R/W line 305.50 feet to the Point of Beginning; thence S69°45'27"E along said R/W line 138.17 feet to the P.C. of a curve concave to the South and having a radius of 2242.01 feet; thence Southeasterly along said curve, 267.99 feet (the chord being 267.83 feet, S66°20'00"E); thence S32°13'38"W, 659.22 feet, more or less, to the water's edge of the Gulf of Mexico; thence Northwesterly along said waters edge 400 feet, more or less, to a point that is S32°13'38"W of the Point of Beginning; thence N32°13'38"E, 573.95 feet, more or less, to the Point of Beginning.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (NEWLY CREATED)
Commencing at the Northeast Corner of Lot 1, Block 43, of A.W. Pledger's Panama City Beach Plat, as plat thereof recorded in Plat Book 7, Page 13, of the Public Records of Bay County, Florida; thence S57°01'26"E along the Southerly R/W line of Thomas Drive (State Road No. 392 100 foot R/W) for a distance of 416.12 feet to a 3/4" conduit pipe (PL Cert. No. 4256) marking a point of curve, thence Southeasterly along the arc of a curve concave Northeasterly, having a radius of 2914.93 feet for a distance of
507.26 feet, the chord bearing and distance being $62^000'33"E$, 506.62 feet to a 1" iron pipe; thence continuing along said curving Southerly R/W line, said curve having a radius of 2914.93 feet for an arc distance of 103.01 feet, the chord bearing and distance being $63^001'18"E$, 103.00 feet to a nail and disc (FL. Cert. No. 4927) marking a point of tangency in said Southerly R/W line; thence $869^001'12"E$ along said Southerly R/W line for a distance of 305.44 feet to a 1" iron pipe and the Point of Beginning; thence continuing $869^001'12"E$ along said Southerly R/W line, for a distance of 138.17 feet to a 1" iron pipe marking a point of curve, thence Southeasterly along the curving Southerly R/W of said Thomas Drive on the arc of a curve concave Southwesterly, having a radius of 2242.01 feet, for a distance of 267.81 feet, chord bearing and distance being $865^039'29"E$, 267.65 feet to a 4" x 4" concrete monument (FL. Cert. No. 1718); thence departing said Southerly R/R line, run $S32^58'03"W$ for a distance of 745 feet, more or less, to the water's edge of the Gulf of Mexico; thence Northwesterly along said water's edge for a distance of 400 feet, more or less, to a point that bears $S32^55'50"E$ from the Point of Beginning; thence $N32^55'50"E$ for a distance of 678 feet, more or less, to the Point of Beginning.

PARCEL IV: (BAREFOOT INN)
A parcel of land lying in Section 1, Township 4 South, Range 16 West, bounded as follows, to wit: On the North by the Southern R/W line of Thomas Drive (State Road No. 392); on the South by the Gulf of Mexico; on the West by a line parallel to and 920 feet Easterly of the Easterly line of Blocks 43 and 79, of the Plat of Panama City Beach extended Northeasterly and Southwesterly; on the East by a line parallel to and 1320 feet Easterly of the Easterly line of Blocks 43 and 79, of the Plat of Panama City Beach extended Northeasterly and Southwesterly.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (NEWTLY CREATED)
Commencing at the Northeast Corner of Lot 1, Block 43 of A.W. Pledger's Panama City Beach Plat, as per plat thereof recorded in Plat Book 7, Page 13 of the Public Records of Bay County, Florida; thence $857^01'26"E$, along the Southerly R/W line of Thomas Drive (State Road No. 392, 100 foot R/W), for a distance of 416.12 feet to a 3/4" conduit pipe (FL. Cert. No. 2456) marking a point of curve; thence Southeasterly on the arc a curve, concave Northwesterly, having a radius of 2914.93 feet, for a distance of 507.26 feet, the chord bearing and distance being $862^000'33"E$, 506.62 feet to a 1" iron pipe and the Point of Beginning; thence continuing along said curving Southerly R/W line, said curve having a radius of 2914.93 feet, for an arc distance of 103.01 feet, the chord bearing and distance being $63^001'18"E$, 103.00 feet to a nail and disc (FL. Cert. No. 4927)

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marking a point of tangency in said Southerly R/W line; thence S69°01'12"E along said Southerly R/W line, for a distance of 305.44 feet to a 6" iron pipe; thence departing said Southerly R/W line, run S32°55'50"W, for a distance of 678 feet, more or less, to the water's edge of the Gulf of Mexico; thence Northwesterly along said water's edge, for a distance of 400 feet, more or less, to a point that bears S32°54'44"W from the Point of Beginning; thence N32°54'44"E, for a distance of 595 feet, more or less, to the Point of Beginning.
ITEM 5
DATA AND ANALYSIS

I. **APPLICANT:** Resort Hospitality Enterprises Ltd.

II. **PROJECT LOCATION:** The site 9400 South Thomas Dr. is located on the south side of South Thomas Dr. west of the intersection of South Thomas Dr. and Thomas Dr.

III. **REQUEST:** This request is a Height Incentive Request from 150' to 220' as addressed in the Land Development Code Table 4.02.02.B.

IV. **REASON FOR REQUEST:** The applicant is requesting the change to allow for the development of a 220' tall hotel where a 150' is allowed under the Front Beach Overlay zone 4 "FBO-4".

V. **PLAN AMENDMENT / REZONING:** A small-scale plan amendment is not required nor a Rezoning for this request.

VI. **EVALUATION:**

**HEIGHT INCENTIVE:**

The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. **Height incentives are not a matter of right, they may be allowed at the sole discretion of the City Council.**

The purposes of the incentives are:
(a) To promote the public health, safety and welfare;
(b) To achieve additional light, air and human scale in Development;
(c) To improve the attractiveness of Development for residents, tourists and investors; and
(d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

The applicant may be granted as many of the height incentives established in Table 4.02.02.B. as are eligible for the property, provided that the maximum
height for a building after accounting for all incentives shall not exceed the maximum height in Table 4.02.02.A or Table 7.02.03.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

**Incentives Proposed by applicant:**

The applicant has proposed **10 design modifications (totaling 85’ feet in height incentives)** to achieve the additional 70’ in height. Each is addressed below:

1. **Applicant’s proposal:** Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels to increase height by 5’ for a benefit of cross access easement.

   Staff analysis: The proposal meets the minimum requirements of cross access easement. However, staff recommends the City attorney review the agreement before awarding the increase in height.

2. **Applicant’s proposal:** Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area. This request achieves the benefit of green development and an increase in height of 5’.

   Staff analysis: The proposal meets the minimum required conditions. However, additional details on the proposed materials should be provided.

3. **Applicant’s proposal:** Use 50% or more Florida Friendly Plants to increase height by 5’ and to achieve a benefit of green development.

   Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building, 50% or more Florida Friendly Plants. However, the applicant should supply more details on what species they are proposing to use.

4. **Applicant’s proposal:** Architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings for an increase of 5’ to achieve architectural amenities.

   Staff analysis: The proposal meets the minimum conditions of architectural amenities.
5. **Applicant's proposal**: Skyline feature, a recognizable top for architectural embellishment to increase height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions; Skyline features, a recognizable "top". However, additional details are requested addressing design.

6. **Applicant's proposal**: A recognizable base at ground level to increase the height by 5' and to achieve a benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum conditions of a recognizable base at ground level. However, additional details are requested addressing materials and design.

7. **Applicant's proposal**: Entryways- incorporate enhanced landscaping, landscaping planters or wing walls, structural or vegetative shading features and benches or other seating components to increase height by 5' and achieve the benefit of architectural amenities.

   Staff analysis: The proposal meets the minimum standards.

8. **Applicant's proposal**: Courtyard seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet to increase height by 5' and the benefit of outdoor civic space.

   Staff analysis: The applicant has identified a location without indicating size or amenities to be included, more details should be supplied.

9. **Applicant's proposal**: Provide 40 public parking spaces between the Gulf and South Thomas Dr. (10' for every 10 spaces, plus 1' for every space over 10 spaces) to increase height by 40' to achieve a benefit of offering public parking spaces.

   Staff Analysis: The proposal to provide 40 public auto parking spaces meets the required conditions for an increase of 40'. However, the applicant should supply additional details on design, beach access and signage.

10. **Applicant's proposal**: Construction of a transit facility located outside existing public right of way and dedication on necessary easements. Developer proposed to add a shade structure over the existing transit site on south Thomas Dr. for an increase in height of 5'.

   AGENDA ITEM # 5
Staff analysis: The proposal does not meet the minimum conditions of a transit facility as listed in Table 4.02.02.B. However, the proposal would be a benefit to the community.

**CONCLUSION:** After evaluating all of the factors associated with this request staff recommends the applicant supply additional information as mentioned above to justify the increase of 70' in height.

Based on the information supplied the increase in height of 70' would appear to add additional units. However, there was not enough detail provided to calculate the number of units.

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District</td>
<td>Cross Access</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Eligible for Height Incentives</td>
<td>Easement</td>
<td></td>
<td></td>
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<tr>
<td>Any District</td>
<td>Civil Support</td>
<td>Dedication of space for any of the following uses: <em>Cultural Center</em>, <em>Temporary Child Care Facility</em> or <em>Licensed Facility</em>. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building</td>
<td>10 feet</td>
</tr>
<tr>
<td>Eligible for Height Incentives</td>
<td>Space</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 4.02.02.B: Height Incentives
<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
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<td></td>
<td></td>
<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<tr>
<td></td>
<td></td>
<td>Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants</td>
<td>5 feet</td>
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<tr>
<td></td>
<td></td>
<td>90% or more Florida Friendly Plants</td>
<td>10 feet</td>
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<tr>
<td></td>
<td></td>
<td>Irrigation from non-potable water</td>
<td>10 feet</td>
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<tr>
<td></td>
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<td>Water conservation that exceeds state standards: By 20 percent or more</td>
<td>5 feet</td>
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<tr>
<td></td>
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<td>By 40 percent or more</td>
<td>10 feet</td>
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<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.</td>
<td>10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 10 acres or less of high quality wetlands:</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Greater than 10 acres of high quality wetlands:</td>
<td>10 feet</td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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</tr>
<tr>
<td><strong>Any District Eligible for Height Incentives</strong></td>
<td>Architectural Amenities</td>
<td>Lighting – architectural lighting highlighting building columns, Cornices or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>5 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Skyline features – A recognizable &quot;top&quot; consisting of (but not limited to): (a) Cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored &quot;stripes&quot; are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.</td>
<td>Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Landscaping - Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a Scenic Corridor. A façade with a northern exposure is ineligible for vertical landscaping.</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Any District Eligible for Height Incentives excluding Front Beach Overlay Districts</strong></td>
<td>Building Design Standards - Compliance with section <strong>Error! Reference source not found.</strong>(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td></td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td>Outdoor Civic Spaces</td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td>Covered Sidewalks</td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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</tr>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Architectural Amenities</td>
<td>A recognizable “base” at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td>5 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
<td>5 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>View Windows</td>
<td>For Parcels on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district, • Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or • Permanent ground level opening in the Building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation.</td>
<td>10 feet</td>
</tr>
<tr>
<td>View Window Aligned With Street</td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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</tr>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Public Beach Amenities</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
<td>10 feet per rest room</td>
</tr>
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<td></td>
<td></td>
<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>5 feet per rest room</td>
</tr>
<tr>
<td>Public Parking Spaces</td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found.</td>
<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space over 10 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking spaces provided on the north side of Front Beach Road or South Thomas Drive</td>
<td>5 feet for every 10 spaces provided</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
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<tr>
<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>2 feet for every 1 foot of width, with a 8 ft. minimum width</td>
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</tr>
<tr>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive</td>
<td>1 foot for every 2 feet of width, with a 8 ft. minimum width</td>
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</tr>
<tr>
<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
<td>2 feet for every 1 foot of width, with a 8 ft. minimum width</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Transit Facility Provision Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.</td>
<td>5 feet</td>
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</tbody>
</table>
ORDER

The CITY OF PANAMA CITY BEACH PLANNING BOARD having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on August 13, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Resort Hospitality Enterprises Ltd., acting through its agent Robert Carroll, submitted a complete application for a Height Incentive Request on property located at 9400 South Thomas Drive in Front Beach Overlay District 4. The request is to increase height incentives from 150' to 210' based on incentives set forth in Table 4.02.02B of the City's Land Development Code.

2. Planning Department Staff timely prepared and delivered a written report setting forth Staff's analysis of the revised request.

3. On August 13, 2018, the Planning Board held a properly advertised Quasi-Judicial hearing on the request, which the applicant did attend.

4. The Planning Board received testimony from the Applicant regarding the proposed development and the height incentives he was proposing to implement to gain the additional 70' in building height requested.

5. Public comment was invited and received.

FINDINGS OF FACT

6. The Applicant indicated this project had a Development Order issued in 2006 for a 220' building for which foundations were poured, but that the DO expired in 2012. The Applicant's agent presented competent, substantial evidence regarding 10 design modifications which would achieve an additional 70' in height, based on the City's table of height incentives.
CONCLUSIONS OF LAW

7. Pursuant to Sections 4.02.02(E), of the City’s Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation of the City Council on whether the request should be granted.

8. The Height Incentive Request is consistent with the City’s Comprehensive Plan and complies with all substantive requirements of the City’s Land Development Code.

9. The public benefit to arise from the following proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines:
   a. Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.
   b. Use of roofing materials with a SRI of 78 for a sloped roof equal to or less that 2:12 and an SRI of 29 for a sloped roof greater than 2:12, or installation of a vegetative roof that covers at least 50% of the roof area.
   c. Use of 50% or more Florida friendly plants.
   d. Provision of architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings.
   e. Provision of recognizable building top/skyline feature.
   f. Provision of recognizable building base at ground level.
   g. Incorporation of enhanced landscaping, planters, wing walls, structural or vegetative shading features, benches and other seating components near the building’s entryways.
   h. Provision of a courtyard seating area and other civic space, no less than 250 square feet, which is directly accessible to the public from the sidewalk.
   i. Provision of 40 public parking spaces between the Gulf and South Thomas Drive.

10. The proposed construction of a transit facility located outside existing public right of way and dedication of necessary easements, together with provision of a shade structure over existing transit stop on South Thomas Drive, would provide a public benefit, but the proposal does not meet the minimum conditions of a transit facility.

THEREFORE, IT IS ORDERED AND ADJUDGED that a Height Increase of 70’, based on Height Incentives, is hereby recommended to the City Council for APPROVAL.

DONE this 17 day of Sept, 2018.

By: Ed Benjamin
Planning Board Chairman

ATTEST:
Charles Silky, Senior Planner

AGENDA ITEM #5
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<td>HEIGHT INCENTIVES</td>
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<tr>
<td>CROSS ACCESS EASEMENT (5 FEET): Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>6</td>
</tr>
<tr>
<td>GREEN DEVELOPMENT (5 FEET): Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>7</td>
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<tr>
<td>GREEN DEVELOPMENT (5 FEET): 50% or more Florida Friendly Plants.</td>
<td>7</td>
</tr>
<tr>
<td>ARCHITECTURAL AMENITIES (5 FEET): Lighting</td>
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<td>ARCHITECTURAL AMENITIES (6 FEET): Skyline features</td>
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<td>10</td>
</tr>
<tr>
<td>OUTDOOR CIVIC SPACES (5 FEET): Provision of courtyard, seating area and other civic space.</td>
<td>11</td>
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<tr>
<td>PUBLIC PARKING SPACES (10 FEET FOR EVERY 10 SPACES PROVIDED PLUS 1 FOOT FOR EVERY SPACE OVER 10 SPACES): Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>12</td>
</tr>
<tr>
<td>TRANSIT FACILITY PROVISION (5 FEET): Construction of a transit facility located outside existing public right of way and dedication on necessary easements.</td>
<td>13</td>
</tr>
<tr>
<td>TALLY OF HEIGHT INCENTIVES</td>
<td>14</td>
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</table>
Site Plan of 9400 S. Thomas Drive, Palm City Beach, Florida
ABOUT US

FORUM ARCHITECTURE & INTERIOR DESIGN, INC., based in Altamonte Springs, Florida (Orlando), is an employee owned full service architectural firm specializing in planning, architecture, and interior design. Forum was created in 1986 by its founding Principals R. Norman Stoehr and James B. Black. As a recognized national leader and award-winning design firm, FORUM focuses on six primary markets: multifamily, clubhouses, resort, hospitality, residential and commercial. The firm holds active registrations in the United States, its territories and Ontario, Canada, offering Professional Design Services on a national basis. Forum’s commitment to outstanding value by providing exceptional design quality and superior client service is the cornerstone of the firm’s long-term success.

Since 1986, Forum has become well known and respected for a simple business philosophy: We take care of our clients and get the job done right. While that may seem like a simplistic idea, it requires an extraordinary level of organization, expertise, and communication to accomplish. As an employee-owned company our staff is diligently committed and driven to achieve this goal. When you work with any member of our FORUM family, you will immediately become aware of the care, concern, and devotion each individual has for your project. We strive through our creative excellence to find what is best for our clients, their projects, the environment, and our employees. Taking care of people is the foundation of Forum’s success.

CLIENT DRIVEN DESIGN

At FORUM, we are passionate about the architectural challenges presented to us as we use our expertise to find solutions to fit our client’s needs and objectives. We believe that our work is a reflection of our commitment to excellence and a realization of our client’s aspirations. We are continually excited by the opportunity to better shape the built environment.

EXPERTISE THROUGH DIVERSITY

FORUM’s achievements are a reflection of the diversity of our team. Having a varied and ever-growing set of skills, professional and cultural experiences, age and education, our staff is able to gather a full and rich spectrum of ideas for design solutions. Such diverse wealth of resources allows us to tailor our designs to our client’s needs and provide the best suited solutions for each project.
QUALITY THROUGH UNITY

Although diverse in nature, our team is united in its commitment to quality. As an employee-owned company, each and every person at FORUM is directly invested in their work and is dedicated to creating projects of excellence. Our staff is diligent in the coordination of all details and disciplines with an intense focus on accuracy. Assuring the quality of our work is a shared goal within our office, and no detail is too small. Consideration of budgetary constraints is inherent in our work, and we pride ourselves in our ability to maintain project viability without sacrificing quality or design. We work together to ensure quality of design in collaboration with our client, the contractor and the entire project team.

SUCCESS THROUGH SERVICE

At FORUM, the client is the core of our practice. We are committed to understanding their vision and unique project parameters as we effectively tailor our design services to help achieve their goals. The long-term relationships we have forged with our clients, combined with our value-based and timeless designs, have contributed to our mutual success and longevity.

RESORT & HOTEL DESIGN

Forum’s experience in the resort and hotel design market has enabled the firm to be recognized as one of the top architectural design firms in the nation by Hotel Design and the Hotel Business Green Book.

Along with the ever-changing resort industry, Forum continually monitors the state of the art brand developments in order to create designs that are tailored to guest and user demands. Having completed designs for virtually all major corporate hotel brands, Forum has gained extensive knowledge of specific brand requirements and has cultivated excellent relationships with many hotel corporations including Marriott, Starwood, Choice, Wyndham and Hilton, to name a few. Maximizing the guest experience while designing buildings that are operationally efficient and profitable are the key to Forum’s success in the resort market.
Section E. in Site Design and Development Standards of the Land Development Code

CROSS ACCESS EASEMENT (5 FEET):

Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.
Section E. in Site Design and Development Standards of the Land Development Code

GREEN DEVELOPMENT (5 FEET):
Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.

GREEN DEVELOPMENT (5 FEET):
50% or more Florida Friendly Plants.

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Section E. in Site Design and Development Standards of the Land Development Code

ARCHITECTURAL AMENITIES (5 FEET):

Lighting- architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings.
Section E. in Site Design and Development Standards of the Land Development Code

ARCHITECTURAL AMENITIES (5 FEET):

Skyline features- a recognizable “top” consisting of (but not limited to): (a) Comice treatments, (b) roof overhangs, (c) stepped parapets, (d) richly textured materials, (e) differently colored materials, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.

ARCHITECTURAL AMENITIES (5 FEET):

A recognizable “base” at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials; (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials, mullions, and/or panels
Section E. in Site Design and Development Standards of the Land Development Code

ARCHITECTURAL AMENITIES (5 FEET):

Entryways- incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.
Section E. in Site Design and Development Standards of the Land Development Code

OUTDOOR CIVIC SPACES (5 FEET):

Provision of courtyard, seating area and other civil space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.
Section E. in Site Design and Development Standards of the Land Development Code

PUBLIC PARKING SPACES (10 FEET FOR EVERY 10 SPACES PROVIDED PLUS 1 FOOT FOR EVERY SPACE OVER 10 SPACES):

Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive.

Total parking spaces provided: 40.
Section E. in Site Design and Development Standards of the Land Development Code

TRANSIT FACILITY PROVISION (5 FEET):

Construction of a transit facility located outside existing public right of way and dedication on necessary easements.

Developer proposed to add a shade structure over the existing transit stop on S. Thomas Drive.
TALLY OF HEIGHT INCENTIVES

CROSS ACCESS EASEMENT (5 FEET): Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels. 5 Feet

GREEN DEVELOPMENT (5 FEET): Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and an SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area. 5 Feet

GREEN DEVELOPMENT (5 FEET): 50% or more Florida Friendly Plants. 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Lighting 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Skyline features 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Recognizable "base" 5 Feet

ARCHITECTURAL AMENITIES (5 FEET): Entryways 5 Feet

OUTDOOR CIVIC SPACES (5 FEET): Provision of courtyard, seating area and other civic space. 5 Feet

PUBLIC PARKING SPACES (10 FEET FOR EVERY 10 SPACES PROVIDED PLUS 1 FOOT FOR EVERY SPACE OVER 10 SPACES): Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive. Total parking spaces provided: 40. 70 Feet

TRANSIT FACILITY PROVISION (5 FEET): Construction of a transit facility located outside existing public right of way and dedication on necessary easements. Developer proposed to add a shade structure over the existing transit stop on S. Thomas Drive. 5 Feet

TOTAL 115 Feet
The meeting was called to order by Chairman Benjamin at 2:00 p.m. and Ms. Chester was asked to call the roll. Members present were Mr. Scruggs, Mr. Dowgul, Mr. Wakstein, Mr. Turner, Mr. Sheldon and Chairman Benjamin. Ms. Cook was absent.

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

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

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

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

**ITEM NO. 2**
PCGV, LLC is requesting authorization of a height variance on a hotel and parking garage from 45 feet to 110 feet for the hotel and from 45 feet to 85 feet for the parking garage. The property is located between Front Beach Road and Hutchison Boulevard east of Churchwell Drive containing 33 acres of land approved for development as part of the Long Beach lagoon Master Plan.

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

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

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

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

Mr. Sheldon asked for staff to explain why this is recommended. Mr. Leonard explained this is a height variance and the code allows for the transfer of density out of wetlands to be put somewhere on the uplands and they have chosen to do so and stack it toward Front Beach Road. He stated there is a different district on the south side of Front Beach, but that is where the larger scale buildings are located and for them to push the density toward this area is compatible with the area. He explained that when the applicant refers to the wetland as being a hardship does not mean that it must be a bad thing, they can beautify it and make it useable as an amenity, but the hardship comes with the irregular boundary they have from the wetlands. He commented if it is going to be successful the wetlands will have to be cleaned up. He stated from a staff point of view it makes sense because the density and the wetlands they have every right to use it, so the density and intensity must go somewhere, and they have chosen to put it down toward Front Beach Road and staff agrees with their proposal. Discussion ensued on the placement of the buildings on the property and the additional height on Front Beach Road. Chairman Benjamin commented he is also...
concerned for the north side of the property, which is zoned Commercial High Intensity with a height limit of 65 feet. He proposed a compromise, or a condition added in the motion for the north side of the property. Mr. Leonard explained the planning board did not have jurisdiction out of the FBO District since that is the only portion of property that comes to the board for consideration, stating the CH portion can be developed, north of the water by meeting the regulations in the LDC. Discussion ensued. Ms. Myers explained the procedures for findings to grant a variance and stated there could be some conditions on the adjoining property but cautioned the board. Discussion ensued regarding possible conditions to place on the recommendation. Mr. Sheldon asked from a legal perspective, the 4.5 acres of wetland can be transferred for density to the hotel and parking garage, Ms. Myers and Mr. Leonard confirmed yes.

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

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<tr>
<th>Mr. Scruggs</th>
<th>Yes</th>
<th>Mr. Turner</th>
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<tbody>
<tr>
<td>Mr. Dowgul</td>
<td>No</td>
<td>Mr. Sheldon</td>
<td>Yes</td>
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<tr>
<td>Mr. Wakstein</td>
<td>No</td>
<td>Chairman Benjamin</td>
<td>Yes</td>
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Ms. Chester commented the height variance is approved.

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

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<td>Mr. Wakstein</td>
<td>No</td>
<td>Chairman Benjamin</td>
<td>Yes</td>
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Ms. Chester commented the height variance is approved.

ITEM0.3 Homeowners of Sundial Street (314, 316, 318, 320 and 322 Sundial Street) are requesting approval for a rezoning of approximately 1.3 acres from R-1a (Single Family Residential) to CH (Commercial High Intensity) and a Small-Scale Amendment to change the Future Land Use Map Designation from Single Family Residential to Tourist.

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

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

Mr. Leonard explained this was a collection of homeowners on Sundial Street asking for the board’s consideration to go from R-1a to a CH category. He described the location of the properties to be adjacent to the Shalimar Retreat, recently approved for a large site development plan for dormitories, gymnasium, and a small conference center, and these properties abut this area. He explained their main interest for the rezoning is to be allowed to do short-term rentals on these properties, especially since their location abuts a property that will be doing a lot of short-term rentals throughout the year. Mr. Leonard commented using the visual to show their properties are surrounded by CH properties and they are in an FBO-2 district, so this is not an R-1a subdivision like Colony Club where it is a self-contained subdivision, located a block from Front Beach Road and surrounded by Commercial High Intensity properties. Mr. Benjamin asked staff’s recommendation, Mr. Leonard commented staff recommended approval of CL, Commercial Low Intensity. He explained CL would severely limit the amount of other uses that could occur on the property, but they are further constrained by the width of the right-of-way being less than sixty-feet. He explained a CL zone would limit the height to 35 feet, which is also the same as R-1a, and the setbacks are similar. He then pointed out even though the properties are zoned are R-1a not all the properties are compliant with the R-1a category, two of the five are, but three are not compliant.

Mr. Leonard provided background on how the R-1a was established in this area, commenting when established as R-1a all the properties did not meet the 10,000 square foot minimum lot size area, but established to make property values increase even though they didn’t meet the minimum requirements. Chairman Benjamin asked if approved to CL would this be considered spot zoning. Mr. Leonard replied there are three categories of commercial; low medium and high, so this would not be considered spot zoning and would allow a transition from the residential north of Sundial into the Shalimar retreat area. Chairman Benjamin asked if this would open doors for others to ask for the same consideration in this area. Mr. Leonard explained they would need to show them their
situation is very similar to this one. Mr. Sheldon asked about the residents on Suntime and Cobb Road asking for this request, Mr. Leonard commented not everyone is in an FBO district and these properties are which make them unique. Discussion ensued. Mr. Sheldon commented this could be made an option for all the properties in this area that abut a CH property. Mr. Leonard commented this may be worth looking at depending on how the request is received by the planning board and city council then staff could reach out to this area to see if there is a desire from the residents to change the current zoning. Discussion ensued.

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

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

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

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

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

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

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

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

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

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

Mr. Robert Carroll, 17800 Panama City Beach Parkway representing By the Sea Resorts stated approval was granted for the large site development in February and have an approved development order and has commenced in the first stage. He displayed with a visual of the modification to the site, from the three-story building north. Mr. Carroll commented this included the gulf-front pieces because they need the parking garage on the main campus, which modifies the previous approved
plan. He stated staff does not have any objections to the modification and the requests does not tie into the height incentives but allows the two hotels on the gulf side with the parking garage to incorporate all in one campus. Mr. Carroll commented the request is to only update the already approved master plan. Chairman Benjamin commented his concern were the increased trips around Suntime Street and Cobb Road. Mr. Silky commented the board could add a condition to have a closure of the access onto Suntime Street and adding the addition of the two buildings on the south side were allowed at the height of 150 feet. Mr. Wakstein commented the new three-story building having 810 beds and for the number of the current plan. Mr. Carroll commented the current approved development order has 1400 beds.

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

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

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

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

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

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

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

Chairman Benjamin closed the public portion of the meeting.

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

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

| Mr. Scruggs | Yes | Mr. Turner | Yes |
| Mr. Dowgul | No  | Mr. Sheldon | Yes |
| Mr. Wakstein | Yes | Chairman Benjamin | Yes |
Ms. Chester commented the modification to the Large Site Development was approved.

ITEM0.5 By the Sea Resorts, Inc. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 to 220 feet. The property is located on the south side of the Shalimar Retreat (Land Development Code, Table 4.02.028).

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

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

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

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

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<thead>
<tr>
<th>Incentive</th>
<th>Scruggs Dowgul Wakstein Turner Sheldon Chairman</th>
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<tbody>
<tr>
<td>Public Restroom - 10 Ft</td>
<td>Failed Yes No Yes No Yes No No</td>
</tr>
<tr>
<td>Enhance Entryway - 5 Ft</td>
<td>Passed Yes No Yes Yes Yes Yes No</td>
</tr>
<tr>
<td>Enhanced Sidewalks - 5 Ft</td>
<td>Passed Yes No Yes Yes Yes No No</td>
</tr>
<tr>
<td>Skyline Features - 5 Ft</td>
<td>Failed Yes No Yes Yes No Yes No</td>
</tr>
<tr>
<td>Recognizable Base - 5 Ft</td>
<td>Passed Yes No Yes Yes Yes No No</td>
</tr>
<tr>
<td>Covered Sidewalks - 5 Ft</td>
<td>Passed Yes No Yes Yes Yes No No</td>
</tr>
<tr>
<td>Green Development - 10 Ft</td>
<td>Passed Yes No Yes No Yes Yes Yes Yes No</td>
</tr>
<tr>
<td>Parking Undercover - 10 Ft</td>
<td>Failed Yes No No No No Yes Yes Yes</td>
</tr>
<tr>
<td>Landscape FL Plants - JOfT</td>
<td>Failed Yes No No No Yes No No</td>
</tr>
<tr>
<td>Irrigation/Non-Potable -10 Ft</td>
<td>Passed Yes No Yes Yes Yes Yes No</td>
</tr>
<tr>
<td>Vertical Landscaping - 5 Ft</td>
<td>Failed Yes No No No No Yes No</td>
</tr>
<tr>
<td>Total Amount Feet - 80 Ft</td>
<td>40 Feet Approved</td>
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Chairman Benjamin opened the meeting up for public comment.

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

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

Mr. Silky explained any buildings located within the Front Beach Overlay requires all types of modulations to the buildings or there will be architectural features regardless. He added that in his
staff report he addressed each incentive requests individually to ensure the members had enough information for that request. He added that he questions the negative impacts of traffic and the jammed beaches, which these should all be considered in the review. Mr. Silky commented he didn't think the benefits to the public outweigh the negative impacts this would create.

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

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

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

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

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

<table>
<thead>
<tr>
<th>Incentive</th>
<th>Scruggs</th>
<th>Dowgul</th>
<th>Wakstein</th>
<th>Turner</th>
<th>Sheldon</th>
<th>Chairman</th>
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<tbody>
<tr>
<td>20 Public Parking Spaces 20 Ft</td>
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<td>Yes</td>
<td>No</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Enhance Entryway - 5 Ft</td>
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<tr>
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ITEMNO.6  By the Sea Resorts, Inc. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 to 220 feet. The property is located on the south side of Front Beach Road, east of the intersection of SR79 at 17101 and 17001 Front Beach Road (Land Development Code, Table 4.02.028).

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

TABLE B - Agenda Item 6
Mr. Wakstein asked about the 40 parking spaces and have 20 spaces for public. Mr. Carroll explained there will also be 12500 square feet of retail space and therefore they wanted to provide some public parking.

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

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

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

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

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

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

Mr. Carroll, 17800 Panama City Beach Parkway requesting a height incentive for a project that has two parcels associated with the project. He explained the project on the western side has previously been approved for a height incentive of 220 feet.
Chairman Benjamin asked for an explanation of the previously approved height incentive request on the western parcel. Mr. Carroll explained there were two separate hotel projects that were on two separate parcels, the western parcel had a hotel project planned and received approval to go to 220 feet in height, stated the project did not move forward and since then sold and the two parcels have been combined to make one project. Mr. Sheldon asked if this request is not approved to 220 feet then the west side of the parcel will have 220 feet building. Mr. Carroll commented if those approved incentives are applied, then yes that is correct.

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

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

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Incentive</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>10 Ft</td>
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<td>Fails</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>65 Ft</td>
<td>Total Amount Feet</td>
<td>-</td>
<td>All Approved</td>
<td></td>
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</tbody>
</table>

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

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

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

<table>
<thead>
<tr>
<th>Incentive</th>
<th>5 Ft</th>
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<tbody>
<tr>
<td>Cross Access Easement</td>
<td></td>
</tr>
<tr>
<td>Roofing Materials</td>
<td></td>
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<tr>
<td>Landscape FL Plants</td>
<td></td>
</tr>
<tr>
<td>Architectural Lighting</td>
<td>5 Ft</td>
</tr>
<tr>
<td>Skyline Feature</td>
<td>5 Ft</td>
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<tr>
<td>Recognizable Base</td>
<td>5 Ft</td>
</tr>
<tr>
<td>Entryway Architectural</td>
<td>5 Ft</td>
</tr>
<tr>
<td>Civic Space</td>
<td>5 Ft</td>
</tr>
<tr>
<td>Public Restrooms</td>
<td>10 Ft</td>
</tr>
<tr>
<td>36 Public Parking Spaces</td>
<td>36 Ft</td>
</tr>
<tr>
<td>Expand Beach Access</td>
<td>20 Ft</td>
</tr>
<tr>
<td>Total Amount Feet</td>
<td>106 Ft</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Mr. Scruggs</th>
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<tbody>
<tr>
<td>Mr. Dowgul</td>
<td>No</td>
</tr>
<tr>
<td>Mr. Wakstein</td>
<td>Yes</td>
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</table>

Mr. Turner, Mr. Sheldon, Chairman Benjamin.

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

**ITEMNO.9** Resort Hospitality Enterprises, Ltd. is requesting approval of Height Incentives to increase the allowable height in the FBO-4 District from 150 feet to 220 feet. The property is located at 9400 South Thomas Drive (Land Development Code, Table 4.02.028).

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

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

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

<table>
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<th>Incentive</th>
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</table>

Chairman Benjamin opened the meeting up for public comment.

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

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

Leonard Simon, 9450 S. Thomas Drive, asked about the environmental impact study on the existing building and the area surrounding the proposed building. Ms. Silky commented one has not been completed, but when a project is submitted the wetlands or endangered species will be impacted.
Ray Joiner, 854 Beaver Creek Lane, asked if one of the buildings may not be as large as the other, the board commented that is the way they understood the presentation.

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

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

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

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

Discussion ensued.

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

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

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

Ms. Myers commented that she will be coming before the board at the October meeting to give them an overview of their purposes, powers and obligations under the law. She commented the applications heard today will be scheduled to be heard before the city council in September and then in October they will be ready to hear an ordinance that will appeal all height incentives; therefore, this board will see that in October. She commented Bay Parkway will be coming online very soon and thoughts needs to be considered of how to treat this parkway. Ms. Myers gave an update of an upcoming ordinance for "No Trespassing" signs on the beach, next month. She stated the council is expressing ideas for increasing the parking requirements and will be for future discussions.

Discussion ensued of height incentives. Chairman Benjamin asked if the council was ready to hear Prohibited Uses recommendation from the board, Ms. Myers commented the city council is not interested at this time.

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

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

DATED this __________ day of __________ , 2018

__________________________  
Chairman

ATTEST:

__________________________  
Andrea Chester, Secretary