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: October 23, 2014
MEETING TIME: 1:00 P.M.

ITEM 1 REHEARING OF THE PLANNING BOARD'S DENIAL OF
THE VARIANCE FOR THE FRONT YARD SETBACK FOR
15007 AND 15010 FRONT BEACH ROAD.

JOHN REICHARD   __X__
RICK RUSSELL     __X__
JOSIE STRANGE    __X__
KEITH CURRY      __X__
GAYLE OBERST     __X__

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

[Signature]
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 and/or Faxed to following interested parties on: 10/23/14

NEWS MEDIA
News Herald      CONTACT
Bullet           John Henderson
Channel 4        Phil Lucas
Channel 7        Ryan Rodig
Channel 13       Rex Ogburn
Comcast          Ken McVay
WOW              Kay C. McWilliams
WKGC             Cil Schnitker
WLTG             Emily Balazs
Magic Broadcasting A. D. Whitehurst
Clear Channel    Chris Allen
Panama City Radio Crystal Presley
Brandon Andrews
PLANNING BOARD OF THE
CITY OF PANAMA CITY BEACH

IN RE: FRONT YARD SETBACK VARIANCE AND PARKING LOT LOCATION REQUESTS BY JASON OAKES, TO CONSTRUCT A GULF FRONT RESTAURANT TO BE LOCATED AT 15007 AND 15010 FRONT BEACH ROAD

PARCEL NOS. 33771-000-000 AND 33829-000-000

ZONING: CH (COMMERCIAL - HIGH INTENSITY); FBO-4 OVERLAY DISTRICT

QUASI-JUDICIAL HEARING HELD ON SEPTEMBER 8, 2014

No: 14 VAR 09

ORDER

The PLANNING BOARD OF THE CITY OF PANAMA CITY BEACH, having heard testimony and reviewed the evidence produced at the Quasi-Judicial Hearing in this matter held on September 8, 2014, sets forth the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On August 19, 2014, Mr. Robert Carroll, acting as agent on behalf of Mr. Jason Oakes (“Applicant”), submitted an application for two Variances in order to construct a Gulf-front restaurant on Parcel Numbers 33771-000-000 and 33829-000-000 (“Property”) which are located at 15007 and 15010 Front Beach Road.

2. On September 8, 2014, the Planning Board held a properly advertised Quasi-Judicial Hearing on the Application and received evidence from the applicant and requested comments from the public.

3. The applicant wished to increase the front yard setback from fourteen (14) feet
on the easterly portion of the property and five (5) feet on the westerly portion of the property to a front yard setback of approximately seventy-four (74) feet for the entire property.

4. The applicant also wished to construct the associated parking lot in front of the proposed restaurant which would exceed the requirements of Section 7.02.03.J.2 of the Land Development Code which restricts parking lots to fifty percent (50%) of the lot width or one hundred (100) feet of lot width whichever is less.

5. Mr. Robert Carroll attended the meeting acting as agent for the applicant and presented the request. Mr. Carroll cited development constraints associated with turning movements of trash service vehicles and elevating the structure with parking underneath.

6. Members of the audience gave testimony to the Planning Board in opposition of the requests stating the variance requests were a result of proposing more development than the parcels can accommodate and more than permitted by the Land Development Code.

**CONCLUSIONS OF LAW**

7. Pursuant to Sections 9.03.00, 10.04.07 and 10.11.00 of the City’s Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and determine whether the requests should be granted.

8. The proposed variances comply with all procedural requirements of the City’s Land Development Code.

9. The Planning Board finds that development of the site can be reasonably accomplished without the variances.

10. The Planning Board finds that the applicant did not demonstrate the application complies with each of the requirements of Section 9.03.03.A of the Land Development Code.
THEREFORE, it is ORDERED AND ADJUDGED that the subject variance requests are hereby DENIED by a vote of 3 – 2 of the Planning Board.

Parties with standing and who have appeared at the hearing have the right to appeal this decision by requesting a rehearing before the City Council within ten (10) days of the date of this Order. If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this 12th day of September, 2014.

CHAIRMAN ED BENJAMIN

ATTEST:

MEL LEONARD, DIRECTOR OF BUILDING AND PLANNING
<table>
<thead>
<tr>
<th>Parcel: 33771-000-000</th>
<th>Acres: 0.385</th>
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<tbody>
<tr>
<td><strong>Name</strong></td>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>LAWRENCE FAMILY ENTERPRISES</td>
<td>15007 FRONT BEACH RD</td>
</tr>
<tr>
<td><strong>Site</strong></td>
<td><strong>Value</strong></td>
</tr>
<tr>
<td>100 on 09-2006 Reason=U Qual=Y</td>
<td>Land Value: 408,000</td>
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<tr>
<td><strong>Color</strong></td>
<td><strong>Just Value</strong></td>
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<tr>
<td>LTD</td>
<td>Assessed Value: 408,000</td>
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<td>4526 N LAKEWOOD DR</td>
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<td>PANAMA CITY, FL 32406615</td>
<td>Taxable Value: 408,000</td>
</tr>
</tbody>
</table>

The Bay County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY, NEITHER BAY COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—.

Date printed: 09/09/14 ; 14:05:34
<table>
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<th>Parcel: 33829-000-000</th>
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<td>Sale: 100 on 09-2006 Reason=I Qual=N</td>
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<td>Mail: 4528 N LAKEWOOD DR</td>
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Date printed: 09/09/14 : 14:06:25
Robert,

The rehearing request has been received by this office. I have put in a request to have an item added to next Thursday's Council meeting to set the date and time for such hearing. You are invited to attend this meeting or me or Andrea will let you know when the Council sets the hearing date.

Mel

Mr. Leonard, on behalf of our client Mr. Jason Oakes, we respectfully request a rehearing before the City Council for the requested front yard setback variance and parking lot location located at 15007 and 15010 Front Beach Road.

Robert Carroll, P.E.
McNeil Carroll Engineering, Inc.
17800 Panama City Beach Parkway
Panama City Beach, Florida 32413
850.234.1730 (P)
850.234.1731 (F)
850.819.7092 (C)

Data contained herein may be subject to change without notice. Responsibility for the accuracy of current conditions and/or digital transfers is solely that of the user. These conditions of use shall be supplied to all users of this data.

The signed & sealed documents take precedence over magnetic or electronically stored medium. McNeil Carroll Engineering, Inc. makes no warranties, express or implied, concerning the accuracy of the information contained in any documents transmitted or reviewed by computer or other electronic means.
DATA AND ANALYSIS

APPLICANT: Jason Oakes
2104 Thomas Dr.
Panama City Beach, Fl.

PROJECT ADDRESS: 15007 and 15010 Front Beach Road; Parcel ID Nos: 33771-000-000 and 33829-000-000

ZONING DISTRICT: CH / FBO-4

REQUESTED ACTION: The applicant has requested two hardship variances:

1. To allow an approximately 74 foot front setback where a 14 foot front setback is required for the easterly portion of the property and a 5 foot front setback is required for the westerly portion of the property. The right-of-way changes from 66 feet to 100 feet in front of the subject property which changes the required front yard setback requirements since such measurements are made from the centerline of the right-of-way or 5 feet from the property line whichever is greater.

2. To allow a parking lot in front of a primary structure where the LDC allows parking in the rear or side yard provided that the side yard width does not exceed 100 feet or 50 percent of the width of the lot or parcel, whichever is less (7.02.03.12).

REASON FOR REQUEST: The applicant is requesting the variance to construct a restaurant in a more locally traditional layout with a larger front yard setback and parking in the front.

CONCLUSION:

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

- Table 7.02.03.C of the City’s LDC requires a minimum setback of the greater of 47’ from the centerline or 5’ from the property line. In this case, the centerline changes from 33’ to 50’ resulting in two front yard setbacks of 14 feet and 5 feet from the property line.
• Section 7.02.03.1.2 requires parking to be located in the rear or side yard provided that the side yard width does not exceed 100 feet or 50 percent of the width of the lot or parcel, whichever is less.

The applicant provided very little information in the application. Almost no attempt was made to address the eight required findings (Section 9.03.03) for granting a hardship variance other than mentioning that a trash truck would have to back into Front Beach Road because of the narrow width of the lot. It is not clear if such would be the case if the proposed restaurant was elevated for parking underneath perhaps creating sufficient area for a turnaround of the trash truck. The overall parcel to be developed also includes a narrow parcel on the north side of Front Beach Road. The parcel is currently developed with two buildings. However, it is not known if a sufficient trash removal area would be created with the removal of the two buildings.

Despite the shortcomings of the application, enforcing the front yard setbacks in this area and on such a small lot could create an unusual looking building front. The proposed building would likely look out of place because of the small area of the lot and because of the character of the area. The proposed building is shown to be in-line with the buildings to the east and west creating a consistent look. A larger parcel being redeveloped would have a greater impact to change the look of the surrounding area to better match the current requirements of the Land Development Code. The small size of the subject property may only create an inconsistent look. Staff has no objections to the variance requests.
## Table 7.02.03.C Setbacks for Group A Building Front Types (in feet)

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Setback</th>
<th>FBO-1</th>
<th>FBO-2</th>
<th>FBO-3</th>
<th>FBO-4</th>
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<tbody>
<tr>
<td>A</td>
<td>Front Setback (feet)</td>
<td>Minimum and Maximum: the greater of 47 from CL or 5 from PL</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stories 1 - 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stories 5 +</td>
<td></td>
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</tr>
<tr>
<td>B</td>
<td>Exterior Lot Side Setback (feet)</td>
<td>Minimum: the greater of 62 from CL or 20 from PL</td>
<td>5 maximum</td>
<td>5 maximum</td>
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<td></td>
<td>Stories 1 - 4</td>
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<td>20 minimum</td>
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<td></td>
<td>Stories 5 +</td>
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<tr>
<td></td>
<td>Stories 1-3 South of Front Beach or South Thomas</td>
<td>0 minimum</td>
<td>0 minimum</td>
<td>10 minimum</td>
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<tr>
<td></td>
<td>Story 4</td>
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<td></td>
<td>Stories 5 +</td>
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<tr>
<td></td>
<td>Stories 5 + South of Front Beach or South Thomas</td>
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<td>0 minimum</td>
<td>10 minimum</td>
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<td>C</td>
<td>Interior Lot Side Setback (feet)</td>
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<tr>
<td>D</td>
<td>Rear Setback (feet)</td>
<td>FDEP or 25 min. if no FDEP</td>
<td>25 minimum</td>
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<td></td>
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<tr>
<td></td>
<td>All stories —</td>
<td></td>
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**Notes:**

1. At least 80% of the **Building Facade** shall be located at the **Front Setback** line for storefront, arcade, gallery & doorway, except as authorized for a porte cochere (see section 7.02.03C).

2. For **Buildings** located on **Corner Lots**, at least the first 30 feet of the **Building** facade closest to the corner, shall be located at the **Setback** line. Lobby **Building** Front Type is exempt from this standard.

4. **CL** = centerline of Front Beach Road; **PL** = Property line

5. **All Setbacks** are measured from the Property line (or CL) to the **Building Facade**.

6. Refer to section 7.02.03G for **Front Yard** standards for areas between the **Building** facade and the front property line.

7. **NA** – not applicable
7. Special Overlay Districts
   Front Beach Overlay – J. Surface Parking Standards
   
   (c) Motorcycle and scooter Parking Spaces shall measure at least four (4) feet in width by eight (8) feet in length.
   
   (d) Motorcycle and scooter Parking Spaces shall be identified or designated through the Use of signage or pavement markings.

9. Beach Parking
   No New Development, Redevelopment or Change of Use of any Premises located in whole or in part within an FBO district shall be permitted unless there is paid to the City an amount equal to six thousand five hundred ($6,500) for each fifty (.50) linear feet or part thereof, of such Parcel which for all practical purposes is adjacent to the waters or the sand beach of the Gulf of Mexico.

J. Surface Parking Standards

   1. Surface parking shall comply with the standards in sections 4.05.00 and 4.06.00, except as otherwise provided herein.

   2. Surface parking areas located on-site shall be located in the rear Yard or in a Side Yard location provided that the Side Yard width does not exceed 100 feet or fifty (50) percent of the width of the Lot or Parcel, whichever is less.

   3. As shown in Figure 7.02.03.B-E, surface or garage parking for Single Family Residential lots along Front Beach Road shall be accessed from a side Street, rear Street or Alley, if available. Where side or rear Access is not available, garages and Parking Spaces shall be located behind the front of the Building in accordance with the figures.

   4. Parking for lots with direct access to Front Beach Road, South Thomas Drive or Arnold Road shall be designed to enable drivers to enter and leave the lots in a forward gear. Figure 7.02.03.E shows sample Driveway configurations that enable compliance with this provision.
RIGHT-OF-WAY MAP
August 19, 2014

VIA HAND DELIVERY

Mr. Mel Leonard
City of Panama City Beach Building Department
110 South Arnold Road
Panama City Beach, Florida 32413

Re: Request for Variance
Jason Oakes Beach Bar
Panama City Beach, Florida
MCEI File No. 17116

Dear Mr. Leonard:

On behalf of our client, Mr. Jason Oakes, we are submitting a Request for Variance or Appeal. Pursuant to your current application checklist, we have attached a check in the amount of Five Hundred Dollars ($500.00).

Ten (10) copies of the current survey are attached for your review and records.

The development consists of constructing a beach bar with attendant parking on site and on the north side of Front Beach Road. The requested variances are as follows:

- Front building setback (request further from Front Beach Road)
- Parking lot placement (request out front in lieu of side or rear)

Should you have any questions or require clarification, please contact us.

Respectfully,

McNeil Carroll Engineering, Inc.

Robert Carroll, P.E.
Vice President
REQUEST FOR VARIANCE OR APPEAL

Applicant:
Name(s): Jason Oakes

Address: 2104 Thomas Drive

City: Panama City Beach State: FL Telephone: 850-249-3615 Fax: 850-249-3624

Email: Jason.oakes@countsrealestate.com

Name of Acting Agent: Robert Carroll – McNeil Carroll Engineering, Inc.
Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Address of Property Seeking Variance or Appeal: 15007 Front Beach Road

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

Variance Application Fee: $500.00 Date Collected: __________

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

Basic Submittal Requirements - LDC Section 10.02.02
Plan or Plat Preparer
Name: McNeil Carroll Engineering, Inc.

Address: 17800 PCB Parkway Email Address: rcarroll@mcneilcarroll.com

City: Panama City Beach State: FL Telephone: 850-234-1730 Fax: __________

Date of Preparation: _______________ Date(s) of any modifications: _______________

Legal Description: (Consistent with the Required Survey) see enclosed

A vicinity map showing the location of the property.

Future Land Use Map designation for the property: Tourist_____ Zoning designation: CH_____

Deed Restrictions or Private Covenants apply to this property: _____Yes _____X__No
(If so, please provide a copy with this application.)
Requested Action - Please mark the appropriate request.

X Variance Request from the following section(s) of the LDC: Parking lot placement, front building Setback

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

State specifically for Variance, the hardship to the subject property, or for Appeal, how has the specific regulation been incorrectly applied:

Submittal Requirements for Requests for Variances – LDC Section 10.02.12 (B)
A statement setting forth:
1. All facts and circumstances upon which the applicant intends to rely for the requested Variance; and

2. An analysis of each of the criteria set forth in section 9.03.03(A)(1)-(8)

Required Findings – LDC Section 9.03.03
A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:
1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC.

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

3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;

4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;

5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;

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

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

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

B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03.
Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? Lot 016 too narrow for parking to be located on side or rear and would require trash pickup to back in to the front beach road row.

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. Existing building is 10.8' on west side and 11.3' to building on east side.

If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public. Variance will not have an impact to surrounding properties. All adjacent parcels have parking out front.

Restricted or Conditional Variance and Termination – LDC Section 9.03.04

A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03(A)(5) and (6).

B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

Limitation on Time to Use Variance – LDC Section 9.03.05

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

Applicant’s Name(s):

Jason Oakes
Print Name

Date: 8/19/14
Signature

Print Name
Signature
CITY OF PANAMA CITY BEACH
PUBLIC NOTICE OF VARIANCE REQUEST OR APPEAL

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

APPLICANT(S):  Jason Oakes

ADDRESS/LOCATION:  15007 Front Beach Road
                       Panama City Beach, FL

The Variance/Appeal is being requested for front building setback and parking lot placement
to construct a beach bar. Request to have building at rear of property instead of at front property
line closer to the Gulf of Mexico.

MEETING INFORMATION:

Date:  8 September 2014

Time:  2:00 PM

Place:  City Council Meeting Room, 110 S. Arnold Road, Panama City Beach

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

Any questions you may have regarding this request please contact someone at the City of Panama City Beach
Building and Planning Department at 850-233-5054, ext. 2313.
From the Desk
Of
Lawrence Family Enterprises, LTD

4526 N. Lakewood Drive
Panama City, FL 32404
850-532-8003

August 19, 2014

City of Panama City Beach
Planning Department
110 S. Arnold Road
Panama City Beach, FL 32413

To whom it Concerns:

I Susan Bell managing member of Lawrence Family Enterprises, LTD authorize Jason Oakes to request the variance being submitted by McNeil & Carroll Engineering Department.

Should you have questions or concerns, please call me at 850-532-8003

Sincerely,

[Signature]
Susan Bell

KRISTINA BRISCOE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION #FF130172
MY COMMISSION EXPIRES JUNE 5, 2018
The meeting was called to order by Chairman Benjamin at 2:00 p.m. and Mr. Leonard was asked to call the roll. Members present were Mr. Viejo, Ms. Pease, Mr. Dowgul, and Chairman Benjamin. Mr. Duran and Mr. Turner were absent. Ms. Cook arrived late.

Chairman Benjamin introduced the board minutes from the July 14, 2014 meeting and asked if there were any comments or corrections to the meeting minutes. Mr. Dowgul made a motion to approve the meeting minutes and it was seconded by Ms. Pease. Mr. Leonard was asked to call roll.

Mr. Dowgul
Ms. Pease
Mr. Viejo
Chairman Benjamin
Yes
Yes
Yes
Yes

Ms. Cook was not present at the time of the approval of the board minutes.

Chairman Benjamin introduced Item 4 from the agenda.

ITEM NO. 4 LDC Proposed Changes to Section 10.09.01 – Telecommunications Proceedings

Ms. Any Myers explained to the board this was a small change in that the (Letter B) would be added to the existing LDC section. She stated the reason for the change is that a prior amendment changed the process for Section 10.07.02 of what items come to the Planning Board. Ms. Myers explained this addition to the section would warrant a telecommunications application come to the Planning Board before moving forward to the City Council.

Mr. Dowgul made a motion to approve the change and it was seconded by Ms. Pease. Mr. Leonard was asked to call roll.

Mr. Dowgul
Ms. Pease
Mr. Viejo
Chairman Benjamin
Yes
Yes
Yes
Yes

Mr. Leonard announced the LDC Proposed Change to Section 10.09.01 was recommended for approval to City Council.

ITEM NO. 1 Jeff Lohman is requesting authorization to reduce the required interior ten (10) foot side yard setback to a five (5) foot interior side yard setback. The request is to allow for a “Group C Lawn” Building Front Type, which is allowed on in the FBO 1 district and this property is within the FBO-4 district. The property is located at 17495 Front Beach Road.

Chairman Benjamin introduced the first item and asked each member if they had anything to declare under the Jennings Act.

Mr. Dowgul, no. Ms. Pease spoke to Mr. Carroll, but did not discuss the item in length. Mr. Viejo visited the property. Ms. Cook visited the property. Chairman Benjamin visited the property and spoke to Mr. Carroll regarding items one and two, nothing of any significance on the matter. Ms. Cook visited the property.

Robert Carroll, McNeil Carroll Engineering, 17800 PCB Parkway, the agent for the property owner stated they are requesting to allow for the “Group C Lawn” Building Front Type within the FBO 4 and also the interior side setback reduction from ten feet to five feet. Mr. Carroll stated his client’s intent was to take the property and subdivide it up into four single family lots and build four single family residents on the space. He stated the surrounding area is a condominium on the west side and a single family resident on the east side and then a motel down the road. He stated the property is located within the Tourist corridor and could be developed as commercial, multi-family or single family and the developer has chosen to build single-family residence. He stated there is a section in the LCC that states you are not allowed to back out into the right-of-way. He explained there is an island in front of the property that gives a buffer so that if you did back out it would not be out onto Front Beach Road. Mr. Carroll stated this is all within the Front Beach Road right-of-way and they are not able to take credit for this area due to the future CRA plans. He stated the request for the “Group C Lawn” Building Front Type is to push the buildings back in order to create a turnaround. He explained the property allows for them to have tandem parking underneath the structures, back out within the property, and then pull out in forward gear onto Front Beach Road. Mr. Carroll stated that is the intent of the first request.

Mr. Carroll stated the second request, based on the LDC, states there has to be ten foot side setbacks, but by creating lot lines they would be creating larger setbacks from the structures. He
explained building code allows for the structures to be within ten feet of one another. Mr. Carroll stated if the site was being developed as a condominium with common property this would be allowed, but they want to have individual lots, split to allow for individual ownership instead of a condominium common property ownership. He commented they are being mindful to the exterior neighbors and following the ten foot separation, but interior to the four homes is where they are requesting the reduction in setback requirements.

Mr. Dowgul asked how many stories were the proposed homes. Mr. Carroll described the homes with a bottom level of parking and then there will be a two-story building above. Ms. Pease asked how the trash truck would maneuver in and out of the area. Mr. Carroll explained with single family homes they all have separate canisters that will be pulled to the edge of Front Beach Road for pick-up. Mr. Dowgul questioned the interior lot lines and how the air conditioning units project out into the setback, and asked if anyone had checked with the fire department on the issue of a sufficient clearance between the homes. Mr. Leonard agreed the protruding air conditioner units and adequate clearance would need to be checked. Mr. Carroll stated the units could also be relocated. Ms. Pease asked if there would be a problem in getting the four driveways cuts for each home, and Mr. Carroll answered since they are not backing out into the right-of-way it should not be a safety issue. Chairman Benjamin asked if the “Group B” type had been considered in the plan, and Mr. Carroll stated the “front type” did not matter, but there needed to be sufficient amount of room to allow for the turnaround. Discussion ensued.

Mr. Leonard introduced John Alaghemand, CRA Director to the board. He explained the planning board had discussed the possibility of single family homes along Front Beach Road, each wanting their own driveway and how this would affect the future CRA plans for Front Beach Road. Mr. Alaghemand commented this design is not what is wanted along Front Beach Road. He explained this would eventually be an area where there would be sidewalk going across with landscape. He stated with this many driveways are not consistent with the vision of Front Beach Road. Mr. Alaghemand recommended there be a common circular driveway with parking under the building and islands of landscape between each driveway. He stated in the interim of the CRA coming to that area Mr. Alaghemand offered the use of the right-of-way to ensure they have the circular area to enter Front Beach Road in a forward motion. Mr. Leonard asked what the driveway separation distance on Front Beach Road, and Mr. Alaghemand commented it was 125 feet and this did not meet the criteria. He stated there could be circumstances where a circular type driveway could be used for the safety purposes and for practicality of the particular lot. He commented other than for that reason mentioned the LDC requirement and the driveway separation needed to be maintained. Discussion ensued.

Mr. Carroll responded the property currently has a common circular area which his client was hoping to utilize, but was under the impression they would not be able to utilize since it is located within the right-of-way. He commented they could use the circular access that is available, but if they have to have the access located within their boundary the same request would be needed, the front yard setback variance. Mr. Carroll provided drawings on the overhead where the current circular access could be utilized. Ms. Cook asked for clarification on the use of the circular access located within the right-of-way. Mr. Alaghemand responded currently some people have had the privilege of using the public right-of-way, but for future development they are discouraging. He responded that in his opinion this design will need to be modified in order to fit the lot. Chairman Benjamin commented that from the CRA Director’s viewpoint this should not be allowed, and Mr. Alaghemand agreed. He stated we need to adhere to the code regarding the driveway separation and allowing for two accesses. Mr. Leonard explained the applicant is not asking for a variance from the driveway access standard, therefore they will have to meet those requirements. He stated the applicant is asking for the front yard and the building type setback. Mr. Leonard stated the board could grant the requested variances and the applicant would have to build according to the required driveway spacing. Discussion ensued.

Chairman Benjamin opened the meeting up for public comment and there was none. Discussion ensued among the board.

Ms. Pease made a motion to grant the variance requests and it was seconded by Mr. Viejo. Mr. Leonard was asked to call the roll.

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<tr>
<td>Ms. Cook</td>
<td>Yes</td>
<td>Mr. Dowgul</td>
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<td>Mr. Viejo</td>
<td>Yes</td>
<td>Chairman Benjamin</td>
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<td>Ms. Pease</td>
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<td>Mr. Leonard</td>
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ITEM NO. 2

Jason Oakes is requesting authorization to increase the required fourteen (14) foot front yard setback by sixty (60) feet to allow for a seventy-four (74) foot front yard setback. This would allow for a parking lot in front of the primary structure where the LDC required parking in the rear and side yards only. The property is located at 15097 Front Beach Road.

Chairman Benjamin introduced the first item and asked each member if they had anything to declare under the Jennings Act.

Mr. Dowgul, no. Ms. Pease spoke to Mr. Carroll, and asked for the layout of the final project and he did. No further discussion. Ms. Cook, yes visited the property and spoke with Derrick Bennett who expressed against the request. Mr. Viejo, spoke briefly with Mike Bennett and they were opposed to the request, and he visited the property. Chairman Benjamin visited the property and spoke to Mr. Curroll and Neil Bennett, who is not in favor of this request.

Robert Carroll, McNeil Carroll Engineering, 17800 PCB Parkway, the agent for the property for Jason Oakes. He stated they are requesting two variances, but they go hand in hand once you move a building it moves the parking lot. Mr. Carroll commented the requirement within the new code requires all buildings are moved to the front of Front Beach Road and parking on the side, but stated this property is narrow which adds limitations. He explained this would be a beach bar, approximately 2461 square feet and showed a display on the overhead for viewing of the master plan. Mr. Carroll stated on the south side site it would have a beach bar, deck out back, eleven parking spaces, required handicap spaces, loading zone, and trash receptacle. He stated the north side of the property would have twenty-six parking spaces, total of approximately thirty-seven spaces. Mr. Carroll referred to LDC 7.02.03 J(4) Minimum Onsite Parking Requirements, read aloud and showed a visual of a trash truck entering in and out of the site with the granted variance and without the traffic. He stated the request is to build a beach bar, provides parking, allows for a lot of walk up traffic from the neighboring condominiums. Mr. Carroll used an existing beach restaurant bar, R.I. Beach as an example of one being built before the adopted LDC. He showed a visual of parking on the side, parking in the front, trash receptacle, good circulation for trash and loading. He then showed an example of having to build under the adopted LDC, but with a single story restaurant. Mr. Carroll stated they desire to build a beach bar on the property and utilize the gulf side view.

Ms. Pease asked if this was an open air bar. Mr. Carroll stated there is decking on the backside and internal seating within. Mr. Carroll showed a visual of the plan if it was built to meet the standards of the LDC without the variance. Ms. Pease commented she was concerned about the trash smell that would invade into the open air bar area. Discussion ensued. Mr. Benjamin asked about the parking on the north side. Mr. Carroll explained the area of the parking and provided visuals. Mr. Carroll commented that the garbage area would not be on the north side, but would have to be located on the south side. Mr. Benjamin asked about the parking requirements. Mr. Carroll commented with the number of spaces provided they were allowed approximately 140 seats. Mr. Leonard commented the deck seating would be counted in the number of seating allowed. Ms. Cook commented one of the parking spaces would have to be used as a turnaround in order to prevent someone backing out into Front Beach Road. Mr. Carroll agreed. Discussion ensued about the development of Gulf front properties.

Ms. Cook asked Mr. Alaghemand about the vision of Front Beach Road and how pulling the proposed building sixty feet back from Front Beach Road complies with the vision. Mr. Alaghemand commented the rendering that has been shared reflects a walkable type and outside dining. He stated with this particular property there may have to have some additional landscaping to be compatible instead of a parking lot. Mr. Benjamin commented the concern is where to apply the code and how to make it compatible to the future vision. Mr. Alaghemand commented there is also a safety element with the project and having the parking on the north side and the crossing of Front Beach Road. He stated the plan is to discourage the back and forth or define the cross walk to be available and visible. Ms. Pease asked if the front of property on the south side were to have more landscape and even benches added to the area would that comply. Mr. Alaghemand agreed. Discussion ensued.

Mr. Jason Oakes, 2229 Fox Lane Trace thanked the board for considering the request. He stated the improvements or the variance for the property is to improve the parking and for the access to use the property at its best use, which is to be on the water. He commented the board’s vision is important, but the customer is the one that demands to be on the water and that is who we need to be listening to. He commented if more landscape and benches were needed to improve the look he would go along with the idea. Mr. Oakes commented the paring on the north side of the road was already congested and that most of their traffic would come from walk-up traffic in the area. Mr. Oakes stated the surrounding buildings would be there way past the vision and time of the board. He stated he did not agree with vision of Front Beach Road being the front of the property and the gulf side the back of the property. Ms. Cook asked if the land where the proposed site would go
was owned or leased. Mr. Oakes commented it was under a long-term lease and the owner of the property was present. Ms. Cook asked if the north side was also part of the lease and Mr. Oakes commented yes.

Ms. Pease opened the discussion about landscape possibilities in the front on south side, crosswalks, and proper signage for the area, and delivery truck access. Discussion ensued.

Neil Bennett, 15238 Front Beach Road stated he is pro-business and support any businesses. He commented his concern is the site, and that they are trying to put fifty pounds of building in a five pound bag. He referred to a plan he was given and that it did not show any parking across the street and only ten on the south side. Mr. Bennett commented to the comments that were given about Runaway Island and that it was built under the current code at the time. He stated he would not have purchased the property and the assumed he could get a variance to build his project. He stated a variance should not be granted due to trash pick-up, because there are different ways to handle trash. Mr. Bennett commented the LDC was created to address the future of PCB and not the past. He stated if everyone is going to play by the same set of rules then the code needs to be followed without deviation, because once the board starts to deviate it will create pockets of area that are not consistent to adjacent property owners. Mr. Bennett commented there are two options for the board; deny the variance request or change the LDC so the future of the look of PCB will be similar.

Chairman Benjamin opened a question of whether or not the board should revisit changing the code for the properties along south side of Front Beach Road. Mr. Leonard commented he could check with the council on whether or not they were interested in the board looking into making any changes. Chairman Benjamin stated this may be a problem on a going forward basis every time someone wants to build on the south side and there are restrictions from the CRA and the LDC. Mr. Dowgul stated he felt the code was driving to have people parking on the north side. Mr. Leonard commented the parking could also go underneath a structure. He explained and stated the intent is to create a street edge similar to how the north side road would be created. Ms. Pease commented to the potential problem with the delivery trucks entering the site. Mr. Leonard commented that some of this is related to the size of the property and being so small along with how much is being proposed on the particular lot. He stated if the lot was bigger and in proportion a smaller building then there would not be these issues. Mr. Leonard commented that from time to time the board will see the smaller lots and the proposed plans for those lots. Discussion ensued.

Mr. Carroll reminded the board that this was an allowable request under the variance request guideline in the LDC. Mr. Bennett stated that City staff had stated there was no attempt to address the eight required finding necessary for the City to grant a hardship variance. He asked if the variance requests were based on beer truck and trash pick-up, which he did not feel was correct. He commented the property is very small and that the rules should not be changed due to the size of the property. Chairman Benjamin asked if there had been any consideration to elevating the building and having the parking underneath. Mr. Carroll responded they were not putting a beach restaurant elevated in the air and having cars parking around pylons is not feasible at all. Ms. Cook commented maybe this property is not the right piece of property to put this entity on at this time. Mr. Carroll commented this area is congested with hotels and condominiums, which is an ideal place for this type of business. Mr. Carroll commented the value of the property is the gulf front.

Chairman Benjamin asked for any other public comment and there was none. Discussion ensued with the board members. Mr. Bennett added the parking will be a challenge for this site. Mr. Oakes added the Lawrence family; owners of the two sites also have additional surrounding property if needed for additional parking. Mr. Oakes commented this property is hard to develop and asking for the board to be lenient, appreciates the vision, but trying to meet the needs of the customers. He commented the City lives on City sales tax and the revenue and jobs are needed. Chairman Benjamin closed public comments.

Mr. Dowgul commented looking at the line items of the qualifications of a hardship and this being a leased property would preclude it from qualifying for the hardship. Ms. Pease commented the owner was in agreement and represented in the audience for the variance request.

Ms. Pease made a motion to accept the variance and there was no second; therefore the motion died. Mr. Dowgul made a motion to deny the variance request and it was seconded by Ms. Cook. Mr. Leonard was asked to call roll.

| Mr. Dowgul | Yes |
| Ms. Pease | No |
| Mr. Viejo | No |
| Ms. Cook | Yes |
| Chairman Benjamin | Yes |

Mr. Leonard stated the variance request was denied and explained the appeal period and process to the City Council.
Ms. Amy Myers introduced the item as another “glitch” in the LDC that needs to be corrected. She stated the fundamental tension at play here that this is trying to resolve is that the U.S. Supreme Court states that anytime you allow a commercial message you also have to allow for a non-commercial message. She stated the “catch all” provision in the Sign Code that is intended to do just that, 5.07.05 LDC, but explained what is missing is the category of missing signs. Ms. Myers stated they did not realize they were missing the item of vehicle signs. She stated that vehicle signs are commonly used to carry commercial messages, but because it was omitted from the “catch all” section the implication was that if it is not expressively permitted it is prohibited; therefore they are trying to capture this part.

Ms. Pease asked if this was for any vehicle sign, for example “John’s Pressure Washing” would not be permitted. Ms. Myers explained that any vehicle sign that can put “John’s Pressure Washing” can also put a non-commercial message. She stated the way the code was written it didn’t apply to vehicle signs. Ms. Pease asked for a definition of a commercial message and a non-commercial message. Ms. Myers stated that if a sign is primarily used as advertising it is considered commercial. She stated a non-commercial message is a political, religious, non-profit, educational message. Ms. Pease asked once the word “vehicle” is placed within the code then all messages would be allowed, commercial or non-commercial. Ms. Myers stated this was to make clear the intent of a vehicle sign. Ms. Myers stated without correcting this “glitch” any of the non-commercial signs would be prohibited. She stated the effectiveness of this is to broaden the category of things you can do on a vehicle sign. Mr. Viejo asked if a bumper sticker was considered a sign and Ms. Myers replied yes. Discussion ensued.

Chairman Benjamin asked about the one hundred feet distance. Ms. Myers explained currently the ordinance permits one to have a vehicle sign that is parked one hundred feet from a right-of-way. She explained as it was written a vehicle could be parked one hundred feet away, but it couldn’t have a political message on the vehicle. She explained once again anything you can do with a commercial vehicle you should be able to do with a non-commercial. She explained the word “political” is added to this category of things, because it was not known that it was missing until it was pointed out; therefore the intent is to fix the category of things that are permitted, which includes political messages. She explained they are not to be treated any differently, but in fact treating them equally by bringing them into this category of vehicle signs. Ms. Pease asked would a delivery truck, with an advertisement, be in violation if parked within the one hundred feet while making the deliveries. Ms. Myers explained no, the intent of the vehicle at the time is not to advertise, but to make the delivery. Ms. Myers stated the advertisement is allowed as a secondary purpose, but not as the primary purpose of the vehicle and be parked within the one hundred feet of a right-of-way. Discussion ensued.

Chairman Benjamin opened the meeting up for public discussion at this time.

John Reichard, 11757 Front Beach Road, Unit L607 stated within the ordinance it mentions the duration of the parking within the one hundred feet, and he asked who determines the duration of the parking. He asked where the one hundred feet was measured from, DOT measures from the middle of the road. Mr. Leonard explained DOT establishes the centerline of the road, but the setbacks for the LDC are from property lines. Mr. Reichard, referring to the duration of parking, stated from a previous matter Mr. Leonard had quoted, “consistent problem on a continuing basis.” Mr. Reichard recalled since he has been on the City Council for the last 4.5 years there has been one complaint was shown up in the press, which was not a formal complaint against the fire truck for a non-commercial banner. Mr. Reichard stated he did not see this as a consistent problem on a continuous basis. Mr. Reichard commented if the City were to start enforcing this ordinance, then we need to be prepared. Mr. Reichard stated his fire truck vehicle, which was challenged in the press only, is designed to ride children around to be in parades and participate in non-profit activities and never for a fee or profit and this is not covered within this ordinance. Mr. Reichard asked Ms. Myers what about the 2nd Amendment and the American Civil Liberties Union will have to say about this ordinance. He stated he was concerned and knew that this would arrive at the City Council level, but that he here today speaking only as a private citizen. Ms. Myers responded she did not know how the ACLU would posture to the 2nd Amendment, but regard to the 1st Amendment is broadens the category of speech as opposed to limiting it; therefore she felt the ACLU would be supportive.

Chairman Benjamin explained the Planning Board had not reviewed or discussed the Sign Code within the LDC, because it had just been approved by the City Council when it reached the Planning Board. Mr. Leonard stated the Planning Board was advised by staff not to review the Sign Code. Chairman Benjamin commented this part of the code was a City Council issue and if the Council desires for the board to review the Sign Ordinance they would be happy to oblige. Chairman Benjamin stated the request for today from Ms. Myers is to fix a “glitch” with the
Chairman Benjamin stated an option for the board is to make no recommendation on the matter today since it is all tied in with the Sign Ordinance and the board has not been asked to review the ordinance in its entirety. Mr. Leonard explained that this could go to the City Council without a recommendation from the board with this reasoning. Ms. Pease asked if the Sign Ordinance could be reviewed by the board without permission from the City Council. Mr. Leonard explained that as a matter of policy the City Council wants the LDC to work and see where the problems are and then give instruction for the Planning Board to consider changes to the LDC. Mr. Leonard explained this section of the LDC is a very detailed and a legal part that will require legal counsel to be present during the review, and this would require City Council approval due to the legal billing associated with the review. Discussion ensued regarding the interpretation of this section.

Mr. Reichard asked the board to consider in their recommendation is that they are grouping political signs in with the commercial and non-commercial signs. Ms. Myers explained again this “gliche” fix is to simply recognize that anywhere you have a commercial message on a vehicle you can also have a non-commercial message. She commented to the 2nd Amendment comment and stated it has to do with including political into the category of speech, and with including into the amendment makes it equal with all of the other speech. Discussion ensued.

Jason Oakes, 2229 Fox Lane Trace commented he agreed with Ms. Pease and that the Sign Ordinance needed to be reviewed by the Planning Board. He commented the board is getting a reputation of not being business friendly and the board needs to be open to reviewing matters of the code.

Ms. Myers apologized to the board and stated she did not realize they had been affirmatively asked to ignore the Sign Code or that they had not read it. She recommended to the board that if they had not read the Sign Code in its entirety and they did not feel comfortable saying they can recommend this change she understood. She explained that she only giving them a small piece of it today. Mr. Leonard agreed with Ms. Myers and stated the board they could make no recommendation due to the fact they are looking at this change in isolation from the sign code.

Mr. Dowgul recommended the board make no recommendation due to the fact the Planning Board has not addressed the Sign Code in its entirety. Ms. Pease asked for discussion. Chairman Benjamin commented there is no guarantee the City Council will recommend the board to review the Sign Code in its entirety. Discussion ensued. There was no second to the motion and therefore it died. Ms. Cook made a motion to approve the “three words” that are required to bring this up to the Supreme Court’s already established presence and ask the City Council to look into the Sign Code Ordinance vehicle area, inconsistency, or undefined verbiage. Also, the Planning Board is willing to assist in the review and it was seconded by Mr. Viejo.

| Ms. Cook | Yes | Mr. Dowgul  | Yes |
| Mr. Viejo | Yes | Chairman Benjamin  | Yes |
| Ms. Pease | No |

Mr. Leonard stated it was recommended with the conditions to the City Council.

Mr. Alaghemand gave a brief overview to the board of what City Council approved at the last meeting was to extend Pier Park Drive past Power Line Road approximately fifty feet and connecting to Highway 79 in concept. He explained there are several phases involved in order to complete this project, which will involve St. Joe, the property owner. The next phase is the right-of-way acquisition phase, then the design phase, and the last phase would be the construction phase. He commented the entire project is consistent with the long-range transportation plan and showed visuals for the board. Mr. Alaghemand confirmed the next traffic light on Back Beach Road will be at the intersection of Hills Road. Mr. Alaghemand stated there is a plan to extend Fairway Boulevard all the way to Clara Avenue, North and bring them to the signalized intersection at Clara. He stated there were several agencies involved in this plan, such as FDOT, Bay County, and part of Fairway Boulevard is privately owned. He stated the plan to do this is hopefully sooner than later since this would be a major safety improvement. Mr. Alaghemand commented Alf Coleman had received a turn lane and the Council had approved the budget to resurface and add sidewalks from Front Beach Road past Stone Harbor Apartments. The board thanked him for his input and information.
The meeting was adjourned at 4:40 p.m.

DATED this __________ day of ____________, 2014

_____________________________________

Edward Benjamin, Chairman

ATTEST:

_____________________________________

Mel Leonard, Secretary