

The Special Meeting of the City Council of the City of Panama City Beach, Florida, concerning the properties at 13623 and 13626 Front Beach Road, held on October 12, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS

CITY MANAGER:
MARIO GISBERT
DEPUTY CITY CLERK:
JO SMITH
CITY ATTORNEY:
AMY MYERS

Mayor Thomas called the Special Meeting to order at 3:00 P.M. with all Council members, City Manager, Deputy City Clerk and City Attorney present. Also present was Land Attorney, Mr. David Theriaque.

The invocation and Pledge of Allegiance was given by Councilman Solis.

ITEM 1 REHEARING OF THE ORDER OF THE PLANNING BOARD APPROVING A LARGE-SITE DEVELOPMENT ON PROPERTY LOCATED AT 13623 AND 13626 FRONT BEACH ROAD, PUBLIC HEARING.

Attorney Theriaque explained the ground rules for the Quasi-Judicial Rehearing. For the purposes of the Rehearing, the four individuals who appealed the Order must demonstrate that they had standing to qualify as adversely affected parties. The Council would make the determination if they had standing. He then asked the Council members for their Jennings Disclosures. The Council members gave their Disclosures. Then the witnesses were sworn.

Mr. Peter Fischetti, 308 Tarpon St. Mr. Fischetti said his standing was the impact that the development would have on his family, neighbors, safety and lifestyle. He mentioned the danger of the additional traffic on the narrow streets since Bid-A-Wee had no sidewalks or curbs. Councilman Reichard said he understood that Bid-A-Wee did not have a typical Homeowners Association and Mr. Fischetti said he was speaking as an individual. There were no further Council member questions. **Councilman Solis made the motion that Mr. Fischetti had standing. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

Mr. Howard (Stan) LeCain, 14104 Pelican Street. Mr. LeCain said he was already affected by tourist traffic passing through the subdivision and concerned with his safety while riding his bicycle and the safety of families with children in the neighborhood. Mr. Jason Alley, developer, had no questions. **Councilwoman Strange made the motion that Mr. LeCain had standing. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

Mr. Jim Smith, 506 Tarpon Street. Mr. Smith said he would be affected by the increased traffic and his home being shaded by the height of the buildings. He said they were not opposed to the development but did oppose any access to Crane Street by the development. **Councilwoman Strange made the motion that Mr. Smith had standing. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

Mr. Bill Caravello, 407 Dolphin Street. Mr. Caravello said his lifestyle would be affected by the noise and traffic. He said Dolphin was a sidestreet of Crane and would receive the additional traffic. **Councilman Solis made the motion that Mr. Caravello had standing. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

Mr. Leonard said this location was the old Fiesta site on the south side and the old go cart track and arcade on the north side property. The City had paid to demolish the buildings years ago, and once the bank assumed the properties, the City was repaid for the costs. He said the site was 13.28 acres, proposed for 588 units and a prior Development Agreement expired in 2013. The FLUM designation was Tourist, zoning CH, with the southside of Front Beach Road as FBO-4 which allowed height of 150' and with incentives 220'. For the northside property, it was FBO-2 which allowed height of 45' and with incentives 65'. The Planning Board heard the requests on August 14, 2017, and recommended approval five to one (5-1). Mr. Leonard confirmed the notices for the meeting had been timely filed. He then entered the Agenda Packet into the record which included the Minutes of the Planning Board meeting, the Appeal letter, the Planning Board Order, support letters, opposition letters, application, Staff Report, and Height Incentive application and Staff Report.

Mayor Thomas asked Mr. Theriaque if the two issues should be considered separately and Mr. Theriaque said that would be appropriate for the record. Mayor Thomas invited testimony from the adversely affected individuals, reminding that this portion of the meeting did not involve the Height Incentives.

Mr. Fischetti said he opposed any access to Crane Street because the Bid-A-Wee streets were not designed for the additional volume of traffic. Mr. Theriaque asked Mr. Alley if he had any questions and there were none

Mr. LeCain referred to their letter with the nine points of opposition. He emphasized that the residents were not against the development. However, they did oppose the development using the Bid-A-Wee neighborhood as ingress and egress. He spoke at length and identified sections of the LDC which supported their opposition. Mr. Alley asked Mr. LeCain if he had visited the Splash development as their parking garage exited upon a residential street. Mr. LeCain said he had not. Mr. Alley asked if Mr. LeCain would object if the development was all residential and Mr. LeCain said he could not respond without conferring with the group and would have to see the design before answering. Mr. Alley had no further questions.

Mr. Smith explained the community's HOA and that he did not represent the HOA. He said he was concerned with safety due to the narrow streets, no sidewalks, no curbs, and increased traffic. He spoke at length concerning the impact to their lifestyle. Mr. Alley asked Mr. Smith if any development on that site would increase traffic and Mr. Smith responded affirmatively.

There was no further testimony from the adversely affected parties.

Mr. James Alley, developer, said this was a bubble plan to establish the parameters of the development. He said they understood everyone's concern about traffic and he reminded that they would pay their Proportionate Share to improve traffic. He said Crane Street would be used for the residential and multi-family portions of the development. He displayed an illustration of the bubble plan. Mr. Alley said they had met with the Bid-A-Wee residents and discussed the gate which previously had not been in the plans.

Councilman Solis asked if the residential cottages would be sold. Mr. Alley responded affirmatively and the owners could rent them if desired. Councilwoman Strange asked where the heavy construction equipment would travel to reach the site. Mr. Alley said the project would be built in phases with a laydown area on site, and there was no reason for the trucks to travel Crane Street. He reminded that only the condominiums and cottages would have access to Crane Street.

Councilman Reichard mentioned the gate on Crane Street and what plans were made if the gate malfunctioned. Mr. Alley said the residential and multi-family visitors could exit onto Front Beach Road if the gate malfunctioned. He showed the three gates which would limit the access to Crane Street.

Councilman Solis asked who would own the internal roads. Mr. Alley responded that the HOA would own the residential roads in the rear of the site. He discussed the parking garage which could only be entered via Front Beach Road. Councilman Solis spoke of the fears of plans and original intent being changed later. Mr. Alley said he understood but could not speculate what might occur in the future.

Councilman Reichard asked how many units would be in the residential portion of the development and Mr. Alley said sixty (60) units and only they would use the gate at Crane Street.

The Mayor asked if the other Council members had any further questions and there were none.

Mr. LeCain asked Mr. Alley about the risk of the visitors using the hotel parking garage exiting via Crane Street when Front Beach Road was congested. Mr. Alley said the parking garage could only exit to Front Beach Road. Mr. LeCain asked about the other parking areas and Mr. Alley identified each area and the number of parking spaces in each.

Mr. Fischetti asked if all sixty units exiting onto Crane could be short-term rentals. Mr. Alley responded affirmatively based on zoning. Mr. Fischetti questioned the residential and multi-family sections being separated from the commercial areas via a wall. Mr. Alley said within the LDC, there was a requirement for the developer to increase flow within their project. However, if the residents wanted a wall and the City would approve a wall, he said they might not object to that change. Mr. Fischetti said what the residents really wanted was no access onto Crane Street.

Mr. Caravello asked how visitors in the residential areas would access the beach and Mr. Alley explained the walkways and a planned walkover. Mr. Alley said that this was a conceptual plan and some questions he could only speculate about answers.

Mr. Smith asked if the people using the parking tower could access the residential areas in the rear of the development. Mr. Alley said they could not.

Mr. LeCain asked why not rezone the residential areas as Residential instead of Commercial. Mr. Alley said why and Mr. LeCain mentioned the risk in future commercial development accessing the neighborhood. He said if residential, they would not have a say in the access to Bid-A-Wee. There were no further questions from the adversely affected parties.

Mr. Theriaque asked Mr. Alley details about the second gate. Mr. Alley said it was originally planned for key card access but could be changed to a permanent barrier to satisfy the residents. However, this would make Crane Street the only access to the residential section of the development.

Mr. Gisbert asked about access by emergency equipment and fire trucks. Mr. Alley said it would be a big issue for the emergency equipment accessing the residential areas with a permanent barrier.

Mr. Theriaque asked the affected parties if they had further evidence to present. Mr. LeCain said they had no additional evidence but remained concerned that they had no assurances that future commercial development would not access the neighborhood. Mayor Thomas opened the Public Comments section of the meeting at 4:30 P.M.

Mr. Ken Johnson, 135 Sea Oats Drive. Mr. Johnson questioned three exits onto Crane Street for the residential area but only two exits for the hotel onto Front Beach Road.

Mr. Harry Atkinson, 111 Sea Oats Drive. Mr. Atkinson said those residential units could not be short-term rentals because they were north of Bay Avenue.

Mr. Tod Ingram questioned the red on the plan and what it meant as he had clients in that area.

Mr. Howard Brackett, 13800 Pelican Street. Mr. Brackett commented about stop signs and the additional traffic. He mentioned dust and dirt from the development as well as losing their quality of life.

Mr. J. Hornsby, 14102 Pelican Street. Mr. Hornsby asked about the infrastructure of the new development.

Ms. Colleen Swab, California Cycles. Ms. Swab questioned why her property was noted in red on the plans and asked for an explanation.

Mr. Juddy Stephenson, Millcole. Mr. Stephenson said his street already had a traffic problem and asked the Council to consider the east-west streets as this would hurt the community.

Mr. Tom Evans, 504 Lantana. Mr. Evans commented on the impact of increased noise levels in the residential neighborhoods. He was concerned about the additional noise from air conditioners, mechanical equipment, etc., exceeding the sound limit on a regular basis. He asked the Council to send the matter back to the Planning Board for their consideration on the noise matter, and if not, ask that current readings be taken to establish a baseline for future readings from the development.

With no further comments, the Public Comments section was closed at 4:41 P.M.

Mr. Leonard said the red on the map was Commercial High Intensity and there were no rezonings associated with the request. In response to questions from Ms. Myers, Mr. Leonard confirmed there were no Conditional Uses or deviations associated with the request. She asked him if he felt comfortable from a planning perspective if the permanent barrier limiting the residential traffic to only Crane Street would still allow traffic flow. Mr. Leonard responded yes. Ms. Myers asked him from a Code Enforcement perspective if the permanent barrier made sense to address the traffic issues. Mr. Leonard said yes.

Mr. Smith said the original request had three accesses to Crane Street, and asked if this had been changed. Mayor Thomas said the developer was asking for three accesses. He had no further comments.

Mr. Alley said they were not asking for variances or deviations because they were fully compliant with the LDC. He said they would also continue an open dialogue with the residents of Bid-A-Wee as they progressed.

There were no Staff closing remarks.

Councilman Solis asked Mr. Leonard if the Large Site Development could be approved with conditions, and Mr. Leonard responded absolutely. Councilwoman Strange said she thought three accesses to Crane for sixty units was overkill. Councilman Chester and Councilman Reichard had no comments. Councilman Solis said with a development of this size, the Council would look to means to impact the neighborhood as little as possible. **Councilman Solis made the motion to approve the Large Site Development with no exits or entrances onto Crane Street. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

The Hearing was recessed at 4:50 P.M.

The Hearing was resumed at 5:00 P.M.

ITEM 2 REQUEST FOR HEIGHT INCREASE FOR PROPERTY LOCATED AT 13623 AND 13626 FRONT BEACH ROAD. PUBLIC HEARING. Mr. Theriaque said this next portion of the meeting was not an Appeal. The City Council could grant incentives but they were not required. He asked the Council members for their Jennings Disclosures for the Height Incentives. The Council members gave their Disclosures. Mr. Leonard said the notice requirements for this portion of the meeting had been met. The witnesses were sworn.

Mr. Leonard testified that the Planning Board heard the Height Incentives Request on August 14, 2017, and recommended approval. He said the base height for the south side of Front Beach Road was 150' and with available incentives could reach 220'. For

the north side of Front Beach Road, the base height would be 45' and with available incentives could reach 65'. He said the information was in the Agenda packet which had already been submitted into the record. He continued that Staff originally had a concern about the height incentive increasing the number of units which would increase traffic. The applicant supplied information to Staff and the Planning Board that the additional height would not add any units. He said if the request was granted, that condition might be included in the Order. Mayor Thomas asked the Council members if there were any questions for Mr. Leonard and there were none.

Mr. Alley said they requested height incentives not to increase density but rather to create architectural features for a nicer appearance. Using the map, he identified the areas where they requested the height incentives which would add character and create view corridors. Everything else was below the standard height. Mr. Alley presented a drawing with the maximum number of units allowed, maximum height allowed, which fit the Code but not the intent. Using the Height Incentives, he said this allowed more view. He also stipulated that during the Planning Board meeting, they agreed to improve the beach access to the east even though it was not on their property.

Councilman Solis asked the full density allowed on the property and Mr. Alley responded approximately Nine Hundred (900) units. With their current plan, they were under Six Hundred (600) units. Councilman Solis asked what height they requested since they did not want the full 220'. Mr. Alley said that would be difficult to say exactly as they now had to recalculate with the no exits onto Crane. Right now, they only planned for 189' but may have to go higher to accommodate the extra parking. Mayor Thomas said all those details would be worked out during the Development Order process, such as the traffic, noise, etc. Mr. Alley said they might have to request an additional floor of parking, increasing the height to 200' and explained in detail. He said there were no incentives requested to go higher near Crane Street. There were no further questions from the Council members.

Mr. Fischetti asked what would be done to earn the Height Incentives. Mr. Alley deferred to their architect, Mr. Mauricio Castro, for the detailed explanation of the various items allowed in the LDC. He said they also planned three beach accesses in addition to the Beach Access #32 which was being improved even though not on their property. Mr. Fischetti said they were concerned of what recourse the City would have if the developer in the future did not build the open spaces, outdoor spaces, etc. Mr. Alley responded that Code Enforcement would stop them.

Mr. LeCain said the Planning Board's approval August 14, 2017 did not meet the regulations for the Height Variance. He elaborated on their reasons. He said the Variance was not compatible with Bid-A-Wee beach and did not meet the purposes of the LDC. There were no questions from Mr. Alley.

Mr. Smith said the residents would be happy with 150' because the developer had that right to build to that height but they opposed any Height Incentives. There were no questions from Mr. Alley.

Mayor Thomas asked if anyone in the audience wished to speak.

Mr. Ken Johnson, 135 Sea Oats Drive. Mr. Johnson said things were said differently in this meeting as opposed to the Planning Board meeting. He said he was confused on what the developer planned to build.

Mr. Theriaque asked if the adversely affected parties or Mr. Alley had any rebuttal evidence to be presented. There was none.

Mr. Alley closed by stating they were within the LDC, the development would be for the betterment of the community, and future details of their development would be available further in the process.

The adversely affected parties had no closing statements.

Councilman Solis asked Mr. Gisbert if any Height Incentives had been used on the beach to date. There were none. He questioned Mr. Leonard what could be done if the developer built within the openness stipulated within the height Incentives. Mr. Leonard said the City could remove the structures and lien the property.

Councilwoman Strange asked the height of the Chateau and Mr. Leonard replied 220'. He said that had been the developer's request to the Planning Board and would ultimately come to the Council for approval as the zoning was for 150'.

Councilman Reichard asked Mr. Leonard if the three beach accesses would be public. Mr. Leonard said that would be the public benefit associated with the Height Incentive. Discussion ensued concerning the value of linear footage on the beach and the value in the Height Incentives.

Councilman Chester mentioned the new Holiday Inn Express with the glass windows for the pool area. He questioned if the guests would be able to see traffic. Mr. Alley responded that the pool area visitors would not see traffic.

Councilman Reichard mentioned it likely there would be kiosks, flowers, obstructions and such placed in the open spaces and how easy it would be for items to go in that empty space. He questioned who would police that open view corridor.

Mayor Thomas asked if there would be parking for the beach accesses. Mr. Alley said they would allot ten parking spaces for those accesses. The Mayor asked Mr. Alley why the developer would make that offer. Mr. Alley explained why they saw no harm in having those accesses and parking.

Councilman Solis said if the developer built to maximum, it would bring more traffic. **Councilman Solis made the motion to approve the Height Incentive Request not to exceed 203' nor exceed 588 units. Second was by Councilman Reichard.** The Mayor asked for additional comments. Councilman Reichard said if the height was limited, the developer would be able to shrink the view corridor. Mr. Alley said with the additional height, the building would remain as designed and the width not change. Mr. Theriaque questioned Mr. Alley if he would agree for the width to be one of the conditions for approval and Mr. Alley said yes. With no further questions or comments, **the motion passed by majority roll call vote recorded as follows:**

Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Nay
Councilman Solis	Aye
Mayor Thomas	Nay

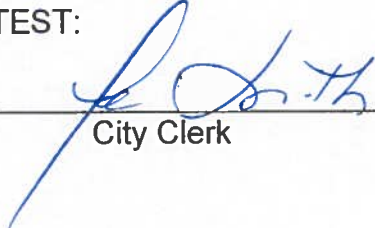
The meeting was adjourned at 5:40 P.M.

READ AND APPROVED this 14th of December 2017.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.



Mayor

ATTEST:


City Clerk