

The Joint Workshop of the City Council and the Planning Board, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on January 31, 2017

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

JOHN REICHARD  
JOSIE STRANGE  
PHIL CHESTER  
HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

DIANE FOWLER

CITY ATTORNEY:

AMY E. MYERS

PLANNING BOARD:

ED BENJAMIN, CHAIR

PAUL TURNER

JOSH WAKSTEIN

RON DOWGUL

CRAIG DURAN

FELICIA COOK

MARK SHELDON

Mayor Thomas called the Workshop to order at 1 P.M. with all Council members, City Manager, City Clerk, City Attorney present. The Planning Board members present were Chair Ed Benjamin, Mr. Josh Wakstein, Mr. Paul Turner, Mr. Ron Dowgul, Mr. Craig Duran, Ms. Felicia Cook and Mr. Mark Sheldon.

Mayor Thomas gave the invocation and led the Pledge of Allegiance.

Mr. Leonard introduced the Planning Board members in attendance. He said it was good for the two bodies to get together, to give context for recommendations, and have communication between the two Boards. The list below was the first attempt to note the items worth discussing and he said it was not an all-inclusive list.

Commercial Property Topics:

- 1 Outdoor Displays in front of Commercial Buildings in the Scenic Corridors
- 2 Parking lots in front of Gulf-front businesses
- 3 Architectural Review Board for Scenic Corridors
- 4 Non-Conforming Structures/Uses
- 5 Transient Rental parking
- 6 Public Art/Murals and the Sign Ordinance
- 7 Require Bonds for New Commercial Construction
- 8 Other Issues?

Neighborhood Topics

- 1 Parking in right-of-ways and yards
- 2 Parking of large Commercial Vehicles, RVs, Boats, Trailers, etc.
- 3 Burying Utilities in neighborhoods
- 4 Other Issues?

Planning Board Responsibilities & Attendance

Mr. Leonard said the Planning Board had the final decision on some matters, such as a PUD Master Plan request, Conditional Uses of three acres or less, and Variances. Those matters would only come to Council on appeal. The City Council would hear any Annexation, Rezoning, Changes to the Comp Plan or LDC, Conditional Uses over three acres, and in those cases the Planning Board would only make a recommendation to the Council.

Councilman Reichard asked about the Appeals Process, that it must be frustrating for the Planning Board to hear a request and decide, and then seemingly have every decision appealed to the Council. He said if someone appealed their decision, he suggested an appeal fee because it cost the City. He said it was everyone's right to appeal but why should the public have to pay for something that affected the applicant. Mr. Leonard explained the appeal process and in the past the Council heard the appeal before a normal City Council meeting, such as an hour or 1.5 hours prior to the regular meeting. He also explained where in some instances it would not be fair to charge for an appeal. Mayor Thomas said an appeal was part of the process and he was not comfortable charging the applicant.

Mr. Turner said many years ago, the Planning Board sent appeals to the Council that were overturned on a regular basis. Since then, those numbers had been reduced tremendously. He said he thought the Planning Board did a good job on their homework before going forward to the Council which was one reason the appeals were reduced.

Mr. Leonard asked if there were any issues which the Council wanted to add to the list. Councilwoman Strange asked if the building permits for high-rises on Front Beach Road could be limited due to the infrastructure. Mr. Leonard said no, not if based solely on traffic because the developer could pay their proportionate share of costs for the capacity, and they would have the right for the building permit.

Councilman Reichard asked Chair Benjamin if there was something he could suggest that the Council members do when hearing an appeal. Mr. Benjamin replied not really and said now people would come to Staff first for the LDC regulations which helped the process. He said there had been several issues in the past which were brought to the Planning Board first, but they could not respond because it had not been directed to them from the City Council or Staff. They were directed to stand back from the previous Council, and he gave an example of parking behind the buildings on the south side of Front Beach Road, a mistake recognized immediately after being overlooked. Councilman Reichard said the Council had been correcting the mistakes over the last few years. Mr. Leonard said some of the editorial issues had been corrected but not the big topics. Mr. Benjamin gave another example of transient rentals and parking in FBO-1 Districts. He said the problem had been recognized two years ago. He said the Planning Board could have been proactive but had been told the Council brought the issues to the Planning Board. Mr. Benjamin said most of the changes to the LDC had been administrative and nothing substantial. Councilman Reichard said he felt the Council members would welcome the Planning Board presenting a problem or mistake and offering a solution.

Mayor Thomas said people wanted things changed and the new Council members heard the problems from the residents. He said he felt it was the Planning Board's job to voice their opinion to the Council. He said since 2012, things had just gone along and that was the reason he thought the Planning Board was dysfunctional and why he wanted it disbanded. Now it may have been dysfunctional because the Council at that time told the members to stand down. The Mayor mentioned rules but additional incentives which would defeat the rule. He also talked about solar panels to gain another 10' but then questioned if the 10' would be removed if the solar panels were removed. He said he thought the regulations should be simplified because it seemed wrong to come to Staff to ask what could be built.

Mr. Benjamin said there were reasons for all regulations but the issue was where the City drew the line. He said most people did not like changes, they liked to know the rules. He gave the example of recent high-rises recommended by the Planning Board because they were operating within the LDC, and the Council approved them. He said there was the opportunity to do something different but you can't stop someone from doing something on their own property when the rules clearly say they could.

Mayor Thomas said the Council should not be telling the Planning Board what to do, and Mr. Benjamin said the prior Council told them what not to do. Ms. Cook said she understood the Mayor's thoughts that he should be able to build what he wants on his own property. However, without the LDC there would be establishments such as Smokin' Butts everywhere. Mayor Thomas said he did not want the business gone but rather have them follow the rules. Ms. Cook said then the City needed to direct Code Enforcement to make them follow the rules. The Planning Board could not make a business follow the rules. She said the prior Council allowed things to happen. She continued that she read the LDC and in some instances, found an issue which should be changed. Ms. Cook said they wanted to redo the LDC.

Mayor Thomas said he heard many times that the residents wanted the City cleaned up and everyone to follow the rules. He said the City can clean up. He explained that everyone understood grandfathering but if the City allowed something to be built that was not grandfathered, that was a mistake. Ms. Cook said they needed the ability to say an issue should be reviewed and not have to wait until the Council directed them to do so. Councilman Reichard suggested the Chair send a letter to Mr. Leonard about an issue which could then come to the Council to make them aware of the situation. Ms. Cook said the Planning Board had identified flaws in the LDC and would like the opportunity to see how they could be corrected.

Councilman Solis said he did not know what stopped the communication in the past but this Council definitely needed the lines open now and welcomed their ideas. He stated that years ago the idea had been to prevent the big square buildings and to add an architectural look, something unique to look better.

Mr. Benjamin said this "was a breath of fresh air" and he was happy to hear the comments. He spoke of delay, delay, delay in the changes to the LDC. He said the line had been drawn in the sand and now they could look at the LDC.

Mr. Turner said when he first joined the Planning Board in 2000, the Council at that time directed them to look at setbacks. Unfortunately, the setbacks allowed bigger buildings but did not take into consideration what would happen in the future. He stated that at that time the height restriction went from none to 220', more than some Planning Board members wanted, but it was a compromise. The Planning Board presented ideas to the Council but the response was delay, delay, and delay. None were approved until the LDC in 2012. He continued that the Planning Board had looked at different sections of the LDC over the years and brought their thoughts forward but to no avail. Mr. Turner said the LDC needed refining but it was a guide, a good place to start.

Mayor Thomas said he did not think a property owner would build something that he did not believe that he could use to make a living. He said the 23 story height was horrible, looking like the wall of China when crossing the bridge. His issue was that the City had been horrible about making the changes. Mr. Turner said the City was different because we had to rebuild whereas Walton County was virgin property. Mayor Thomas agreed.

Councilwoman Strange said the Planning Board members were experts and that the Council should follow their recommendations. Councilman Reichard agreed and added that the Council members heard from the people. Councilwoman Strange said the Planning Board was established to make the City look better and get control over hodge-podging.

Councilman Solis said there may be times that the Council disagreed with their recommendations and gave the example of high-rises being allowed more stories and Councilwoman Strange said she had voted no on that issue. Ms. Cook said she would have preferred to vote no at the Planning Board level but had to follow the LDC that allowed the change. He said when purchasing property with zoning allowing twenty-two stories for instance, no one should tell the owner that they could not build. However, if the land was purchased when it was zoned for only five stories and then they decide a twenty-two story was preferred, there were a lot of issues to consider, such as infrastructure, water, police, etc.

Mr. Leonard explained as soon as the LDC was adopted, the Planning Board wanted to go back and begin working on substantial items. The Council at that time said let the LDC work for a while to see how it worked in practice before making changes. Mr. Leonard said that process probably went on too long. Mayor Thomas said the City waited too late if it caused a problem or cost a good project.

Discussion ensued concerning the parking dilemma on the south side of Front Beach Road which remained unchanged in the LDC. Councilman Reichard asked what would be the simple fix and the Mayor said wherever the owner wanted as long as they could account for the parking. He said the LDC stated behind the restaurant which would be on the sandy beach. Councilman Reichard said the spirit of the LDC had been to make the City more walkable, more scenic, a better view rather than seeing the tail end of parked cars. Mayor Thomas said it was not practical. Councilman Reichard said Runaway Island was a great example and said the Council learned a lot from his appeal about the problems. A simple fix would have been allowing the developer to build his restaurant according to the Florida Building Code and then allowing them to choose where they would have the parking. Further discussion ensued concerning parking on the north side of the road and the enforcement of parking regulations when the across the street site was not available.

**ITEM 1 Outdoor Displays in front of Commercial Buildings in the Scenic Corridor.** Mr. Leonard said the Front Beach Overlay brought the buildings forward and only allowed certain items to be out-front because the LDC wanted the front yards to be visible and open to the pedestrians and bicyclists. It allowed exceptions for outdoor seating, fountains, sitting walls, and landscaping. He said the City had many non-conforming buildings on Front Beach Road with the setbacks, such as the longtime t-shirt shops with their display areas in front of the store. He asked if the Council wanted to

work with the commercial areas and owners to see if there was a smaller area of commercial display that could still occur in those areas. This outdoor storage could then be added to the allowed list with some limitations.

**ITEM 2 Parking lots on front of Gulf-front businesses.** Mr. Leonard said this was the issue discussed a few minutes ago and if there should be a certain size property (2 acres or less or 3 acres or less) where they would be allowed parking in front without a Variance. He said the parking was not allowed out-front was because it interrupted the walkway for pedestrians and bicyclists, looked like every other building, and did not encourage people to get out of their cars and walk up and down Front Beach Road. Maybe smaller properties could be allowed because they would not break up that much of the linear width of the street-frontage.

**ITEM 3 Architectural Review Board for Scenic Corridors.** Mr. Leonard said now that the beach was looking better, if someone built an "ugly" building, it would stand out from the others. He said some of the problems were having very clear standards to have consistency in the decisions. He said the Board needed to have members who understood architectural elements and an architect who would advise the Board. He continued that Panama City Beach did not have an architectural history to be maintained, such as Charleston or Savannah. Mr. Leonard said the redevelopment now was such that the City had a neo-craftsman look that people seemed to enjoy. He said if the City ever planned to have the Architectural Review Board, there was now more direction than in the past. Now it could possibly work, making it a subset of the Planning Board or its own independent Board. Appeals would ultimately come to the Council as well.

Councilman Solis said personally that this should go to the bottom of the list until the City enforced the existing rules. He said there was still cleaning up to do. Mayor Thomas agreed with Councilman Solis.

**ITEM 4 Prohibited Uses in Scenic Corridors** Mr. Leonard said this was something that St. Andrews had in their CRA and he was not sure if it was good for our area. This would look at prohibiting businesses such as tire stores, pawn shops, palm readers, title loan companies, etc. He placed this as a discussion item, something to look at if the Council wanted.

**ITEM 5 Non-Conforming Structures/Uses.** Mr. Leonard said this involved bringing the structure into more compliance with the LDC. He said now when a grandfathered building met a certain threshold, the City tried to make them conform with the LDC as much as possible. He explained for instance that if the building was short on parking, it would be difficult to require additional landscaping which would take up existing parking. He said on the next Planning Board Agenda they would consider that these types of decisions would come before the Planning Board with how much they could do to comply with the LDC, and the Planning Board would make comments and trade-offs deciding how to make a redeveloped old property look as good as possible.

Mayor Thomas said if he had to rebuild his restaurant now, he would have to reduce the size of his building considerably. He asked if the trigger was 50%. Mr. Leonard said it was varying percentages for the Building Code and the LDC. He said for the LDC, it was 60% of the value of the building. He identified the section and explained at what point it would have to comply and gave a list of criteria that if it was a *de minimis* impact, not causing a nuisance to surrounding properties or increased traffic congestion, the owner could do what was necessary to comply with the LDC and still go forward. He said those types of things should be discussed in a Public Hearing before a Board rather than a Staff decision.

Mr. Benjamin mentioned a scooter shop across from the Diner which could not apply for landscaping in front because of the concrete. He asked Mr. Leonard about this instance and Mr. Leonard replied that it was addressed in the new LSV Ordinance, but was the same principle. Mayor Thomas said holes could be in the concrete and he did not understand why the City was not taking advantage of making businesses conform.

**ITEM 6 Transient Rental Parking.** Mr. Leonard said this issue was discussed at the Council meeting and would come to the next Planning Board meeting for a recommendation as to what point tripped a greater parking rate and if rented out for a short-term basis, if more parking should be provided.

**ITEM 7 Public Art/Murals and the Sign Ordinance.** Mr. Leonard said the Sign Ordinance called murals a sign and would need to be reviewed if the City created specific criteria in which someone could make an application and what process it would be in order to allow murals.

Councilman Solis said this should be where the Architectural Review Board could be used. Councilman Reichard said this had been discussed about four years ago and they were told that the Billboard Statutes covered murals and literally, a tobacco or beer product could be depicted. The Mayor said he had seen too many towns with mural regulations so he did not believe the City could be stopped from having regulations. Ms. Cook said she did not believe an Architectural Review Board was needed for the Planning Board to go back through the Sign Ordinance and describe a mural as a piece of art with no branding. She said there were businesses that would want to call something a mural that was nothing but advertising. There were beautiful art murals and Arnold High had a very talented art class that could do a City mural which was absolutely beautiful. She thought it could be done by distinguishing what was a mural versus advertising. Mr. Obos said the City could not regulate content. Councilman Reichard said at one point Laketown Wharf had wanted to do a mural but were unable to do so. He agreed with Ms. Cook in that a solid wall for a condo would be a great place for a mural if the Homeowners Association agreed and the City allowed it. He said he would like this issue revisited.

**ITEM 8 Require Bonds for New Commercial Construction.** Mr. Leonard said this discussion concerned the two concrete structures, one on Cobb Road and the other Fernwood, which had been standing for many years. He said this might address a project stopping once started, especially one so large. The Bond would be used for mitigation or removal or completion. Mayor Thomas said the City needed to look at diminishing or escalating bonds to prevent the City being left with an unfinished structure.

#### **NEIGHBORHOOD TOPICS**

**Parking in right-of-ways and yards; parking of Large Commercial Vehicles, RVs, Boats and Trailers; and burying utilities in the neighborhoods.** Mr. Leonard said these items were issues in the neighborhoods at times.

Mr. Benjamin said perhaps the Council would discuss mandatory garbage, and he said one of the biggest neighborhood problems was the number of trash cans on the road 24/7. He said even though a regulation was already written, it was not being enforced.

Ms. Cook reminded the Council members that her home had been destroyed and looking for a replacement of that size had been quite an issue. She said after finding a suitable piece of land, it was across the street from suitable zoning. She said the land was not zoned for her house size even though the lot was huge and sufficient. Unfortunately, the land she preferred was Mutli-Family where across the street was Single-Family. Councilman Reichard asked how she would consider the request as a member of the Planning Board and an applicant brought this same situation to them for a Variance. Ms. Cook said because her home was totally destroyed, they had to comply with the new Building Codes and her old home would not have been allowed. Ms. Cook said she did not feel right about coming to the Planning Board for her personal situation although she had the right. She questioned zoning boundaries which made no sense. Concerning neighborhoods, she suggested that Mr. Leonard add the zoning to the issues, the street division where one side was one zoning category and the other side of the street another zoning category.

**MR. MIKE GRAHAM, 53 Park Place, Palmetto Trace.** Mr. Graham said several residents were concerned about the Loop Road and the new neighborhood behind Palmetto Trace. He wanted safe crossings. The Mayor explained the Loop Road would be 35 mph and nothing would be coming to the Council at this time as the PUD would go to the Planning Board for a decision. Neighbors would be notified of the Hearing if they were within 300'.

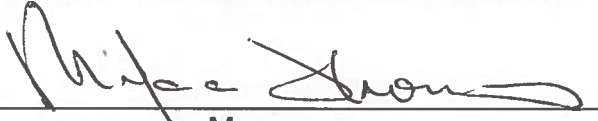
**MS GENESE HATCHER, 203 South Wells Street.** Ms. Hatcher commended the Council for cleaning up the City. She said rules were obsolete and meant to be changed since now was a different time. She thanked the Council for their progressive look on parking

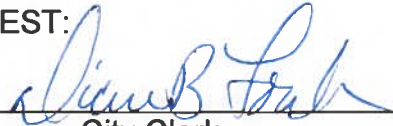
and suggested giving additional height on Oleander would resolve their parking problems by being able to park underneath the structures.

With nothing further, the meeting was adjourned at 2:35 P.M.

READ AND APPROVED this 13th of April, 2017.

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

  
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Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

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