

The Special Meeting of the City Council of the City of Panama City Beach, Florida, held on July 12, 2018.

ROLL  
MAYOR MIKE THOMAS

COUNCILORS:  
PAUL CASTO  
PHIL CHESTER  
GEOFF MCCONNELL  
HECTOR SOLIS

CITY MANAGER:  
MARIO GISBERT  
CITY CLERK:  
JO SMITH  
CITY ATTORNEY:  
DOUG SALE

Mayor Thomas called the Special Meeting to order at 5 P.M. with Council Members, City Manager, City Clerk and City Attorney present.

Councilman Chester gave the invocation and led the Pledge of Allegiance.

**ITEM 1 APPLICATION FOR HEIGHT INCENTIVES FOR 16515 FRONT BEACH ROAD BY CALA DEVELOPMENT GROUP, LLC, PUBLIC HEARING.**

Mr. Leonard began with the explanation of this height incentive application by Cala Development, asking to increase the building height from 35' to 45'. The property was zoned R-1C, located across from Dusty's Oyster Bar where mostly one-story and two-story buildings existed, with a scattering of three-story buildings. The Planning Board considered the request on May 14<sup>th</sup> and recommended approval five to one (5-1). Mr. Leonard explained the standard for granting height incentives was a finding a public benefit with these incentives. The applicant asked for three incentives, using Florida-friendly landscaping, architectural lighting and a metal roof. The applicant asked for the incentive in order to have more parking and turning movement because drivers may not back out onto Front Beach Road. The extra height would allow parking underneath the building. The building would have two habitable floors and the third more of an attic with a pitched roof.

Mr. Sale explained the Quasi-Judicial process and asked the Council members for their Jennings Disclosures. Councilman Casto said he knew the property location, did not know the applicant, and had spoken with Mr. Leonard and Mr. Silky about the same matters as outlined by Mr. Leonard today. Councilman Chester said he had spoken with Mr. Leonard, read the Planning Board Minutes, and knew the property's location. Mayor Thomas knew the property's location and had spoken to no one. Councilman McConnell said he knew the property's location and had spoken with no one. Councilman Solis said he knew the property's location and had spoken to no one. At this juncture, the witnesses were sworn.

Mr. Carl Allen introduced himself and explained the problem was parking. He explained they wanted to raise the floor to allow parking underneath the building. The goal was a six bedroom, six bathroom house, with a pitched roof and approximately 3,500 square feet and four parking places. Mr. Allen said the proposed changes would benefit the view and the area.

Councilman Solis said his concern was that a large 3,500 square feet house being used for events such as weddings which could regularly host 40 to 50 people. He said there would not be sufficient parking for numerous cars in that case. He said in the area around Dusty's parking was very limited. He mentioned the Council's direction to the Planning Board to remove height incentives Councilman Solis many homes in the area are able to accommodate the intended uses without height incentive. Mr. Allen spoke of homes in the County similar to his vision which allowed greater building heights. Discussion ensued concerning setbacks and allowable square footage for the 50' x 125' lot. Due to maneuverability, the original plan only allowed 1.5 cars without the incentive. Mr. Allen explained the bottom floor would have a small shower area and staircase and agreed that the 2<sup>nd</sup> and 3<sup>rd</sup> floor could be approximately 3,200 square feet.

Councilman Casto stated that he agreed with Council Solis on his concerns about a mega-house. Councilman Casto and Mayor Thomas discussed if height incentives were legal or only if granted by the Council. Councilman Casto said most of that area was one and two-story houses, and parking was a nightmare. He felt the City would contribute to

that nightmare if the additional height was approved. He added that he would support moving quickly to remove the incentives.

Mr. Allen said a majority of the homes were paved for additional parking, and a nearby house was being built with incentives. He continued that while the financial aspect was a concern, the functionality of getting onto the street was his main problem. He reminded that he was only allowed 1.5 parking spaces. A drawing of the proposed house with the incentives was displayed and Mr. Allen said the fourth story was not habitable, just a dormer and built-out attic space to avoid having a flat roof which was not desirable or architecturally attractive. The ground floor was only large enough to have a small sitting room, place for a shower, and stairs.

Councilman Chester said he thought it would be an improvement in that area and it would be open on the bottom on the left side of the house. Mayor Thomas said the City could not depend upon the house remaining open on the ground floor. He said the next thing would be a fence installed. He continued that he thought the current parking regulations were not good as he had never seen a .5 car. He said the smaller houses in that area normally had 6 to 7 cars daily parked out to the street and he believed that 4 parking spaces would not be enough for a 6 bedroom house. Mayor Thomas said he completely opposed height incentives because the City could not make him maintain the native grass, make him keep the reflective roof or remove the fourth floor if the incentives were not met. He said he thought the City was creating a problem up and down the beach by allowing incentives and it had to cease. He asked the other Council members if there were any further questions. There were none.

Mayor Thomas said he spoke of this issue at his first meeting and had been trying to make a change for the past two years. He said this was a horrible injustice of wasting time and money by continuing to allow incentives. **Councilman McConnell made the motion to deny the request. Second was by Councilman Solis and the motion passed by majority roll call vote recorded as follows:**

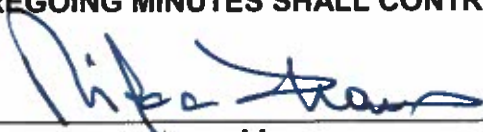
<b>Councilman Chester</b>	<b>Nay</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

Mr. Sale said if an Ordinance was being prepared to eliminate incentives, that Staff and the City Manager could be instructed under the Pending Ordinance Doctrine to not pursue another incentive application. Mr. Gisbert confirmed that the new Ordinance was being prepared and he hoped to have the draft ready for Council review in the next week or two, and then ready for the next Planning Board Agenda on August 13<sup>th</sup>. Mayor Thomas said the public should be informed of this plan to avoid their wasting money. Mr. Sale said this would mean that the Planning Department would not process applications during this time provided that diligent progress was being made on the new Ordinance. **Councilman Casto so moved. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**


<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

The meeting was adjourned at 5:30 P.M.  
READ AND APPROVED this 26<sup>th</sup> of July, 2018.

**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:

  
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City Clerk