

**CITY OF PANAMA CITY BEACH
PLANNING BOARD MEETING MINUTES
June 9, 2021
MINUTES TO THE REGULAR MEETING**

The meeting was called to order by Chairman Wakstein at 1:00 p.m. and Ms. Chester was asked to call the roll. Members present were Mr. Scruggs, Mr. Johns, Mr. Hodges, Mr. Morehouse, Ms. Simmons, and Chairman Wakstein. Mr. Caron arrived late.

Mr. Scruggs led the Pledge of Allegiance.

ITEM NO. 3 Approval of the May 12, 2021, Planning Board Meeting Minutes

Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. A motion was made by Mr. Johns to approve the meeting minutes and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.

Mr. Hodges	Yes	Mr. Scruggs	Yes
Mr. Morehouse	Yes	Mr. Johns	Yes
Ms. Simmons	Yes	Chairman Wakstein	Yes

Chairman Wakstein commented Agenda Item 8, Regulations for Public Art would be moved to the July meeting.

ITEM NO. 4 Public Comments – Non-Agenda Items

David Holt, 1511 March Point Lane commented the additional apartment buildings was adding to the traffic congestion and increasing the Wild Heron labor construction cost. He stated he was the Chairman of the Architectural Review Board for Wild Heron subdivision and wanted to the board to be more conscious of the building out of neighborhoods.

ITEM NO. 5 The St. Joe Company is requesting approval for a Planned Unit Development (PUD) Master Plan of East Lake Creek II located on the northside of Highway 98 (Panama City Beach Parkway) immediately west of Downing Lane intersection. The Planning Board will hold a public hearing to consider the request.

Chairman Wakstein explained this was a quasi-judicial hearing and that all parties wishing to provide testimony would need to be sworn in, Ms. Chester performed the task for participants and the Jennings Act for board members.

Mr. Hodges visited the property. Mr. Morehouse visited the property. Ms. Simmons, nothing to disclose. Mr. Caron visited the property. Mr. Scruggs, nothing to disclose. Mr. Johns visited the property. Chairman Wakstein visited the property and received emails. Mr. Leonard commented that he was a property owner at Wild Heron and a member of the Watersound Beach Club.

Chairman Wakstein read aloud the proceedings for a quasi-judicial hearing from Chapter 10 of the Land Development Code and commented that any decision made by the board could be appealed to the City Council.

Ray Greer, 2910 Kerry Forest Parkway, Tallahassee representative for St. Joe reported to the board this meeting was to set the standards for the zoned PUD property, a bubble plan. He explained within the plan there would be single-family, multi-family, townhomes, a small commercial component, and a large component would be the open space (Lake Powell and wetlands). Mr. Greer stated there would be connectivity throughout the PUD to all facets of the different uses. He stated this was the first step in creating the PUD and St. Joe had agreed to staff's recommendations. Mr. Morehouse stated he objected to the 550 apartment units, Mr. Greer commented this was a general conception and not concrete in the number of units. Ms. Simmons commented the neighborhood meeting summary did not address all the participants comments, such as the traffic. Mr. Greer commented there would be a traffic analysis completed and this was only conceptual information available at this time. Chairman Wakstein if the open space would be affected by the Lake Powell Overlay, Mr. Greer commented the area would be left open. Mr. Hodges and Ms. Simmons asked about the open space and if the natural wetland areas would be preserved, Mr. Greer commented these would be left in the natural state and trails would provide the connectivity throughout. Mr. Silky commented the applicant had agreed with the objections and the recommendations outlined in the staff report, which were the eight listed recommendations. Mr. Greer stated St. Joe had no

objections to the staff report and agreed with all the staff recommendations. Chairman Wakstein opened the meeting for public comment.

David Dean, 22112 Marsh Rabbit Run commented this area was part of the Lake Powell District and there had not been an agreement or a meeting with the members of the Wild Heron CDD. Mr. Dean commented the development of this project would have an excessive impact on the Wild Heron Way and the bridge.

Diane Brown, 241 Twin Lakes Drive commented the traffic from this development would have an impact on her personally and the ability to carry out normal life activities. She commented there was not enough information at this time from the applicant for this hearing to occur and asked the board to not approve the request.

Jo Ann Stone, 22027 Lakeview Drive commented the requested deviations for the setbacks within the development would increase the density within this area. She stated Lake Powell is a Class 4 body of water and should be preserved and protected; therefore, the development should not occur in this area.

David Smith, 114 Benicia Place commented Lake Powell is an outstanding body of water and should not have this development. He stated the traffic provided from St. Joe only looks at the access of Highway 98, which is not adequate for this large of development. He asked where these residents would access the beach on the west end and if St. Joe was coordinating with Bay County for more beach parking.

David Holt, 1511 Marsh Point Lane commented the construction of this project would be for 40,000 to 80,000 additional residents in this area, which would add to the existing traffic. He stated the construction traffic would access Wild Heron Way and the bridge, which has not been agreed upon with St. Joe and Wild Heron residents. Mr. Holt also stated he hoped there would be compensation for the use of the bridge.

Denise Smith, 125 Venado Place commented the board should not approve for the following reasons: there is not a solid plan, this will have a significant impact on the roads, and there is not enough parking on Front Beach Road for beach access. She stated to allow them to go forward the infrastructure should be in place first to lessen the impact on the current residents.

Calvin Starlin, 1506 Marsh Point Lane commented the Wild Heron development requires larger lots for less density and with the proposed smaller lots this will cause high density, which will result in lower property values for Wild Heron residents.

Carol Dismuke, 21302 Front Beach Road commented this large of a development is not needed on the west end of the beach.

Chairman Wakstein closed the public portion of the meeting and invited a rebuttal from the applicant. Mr. Greer commented the application met the City's Land Development Code for the PUD process. He stated the Wild Heron CDD had received notice of the PUD application. He explained the connection to the development would have its own entrance from Wild Heron Way, St. Joe would work with the city to ensure that all standards were met, and the presented traffic report was conceptual at this time. He stated at the time of the development order submittal a complete study would be performed. Mr. Hodges commented an approval of the application today would not be the board's approval for any road connections, but this would be completed within the development order process, Mr. Greer agreed. Mr. Hodges stated St. Joe should work together with the owners of Wild Heron Way for access, Mr. Greer agreed. Mr. Leonard commented FL Statute 163.3180 will not allow local government to deny development based on traffic congestion but explained how developments make a proportionate fair share contribution for road improvements. Discussion ensued from the board. Mr. Morehouse commented he did not agree with the multi-family portion of the application and would like to see these developed as single-family homes. Chairman Wakstein commented this application was one step in the multi-step process and the applicant had met all the requirements of the Land Development Code.

Mr. Scruggs made a motion to approve the application with staff's eight recommendations and it was seconded by Mr. Hodges. Ms. Chester was asked to call roll.

Mr. Hodges	Yes	Mr. Scruggs	Yes
Mr. Morehouse	Yes	Mr. Johns	Yes
Ms. Simmons	No	Chairman Wakstein	Yes
Mr. Caron	Yes		

ITEM NO. 6 Fun Pass Entertainment is requesting approval of a Conditional Use to operate as a club. The property is located at 8746 Thomas Drive. The Planning Board will hold a public hearing to consider the request.

Chairman Wakstein explained this was a quasi-judicial hearing and that all parties wishing to provide testimony would need to be sworn in, Ms. Chester performed the task for participants and the Jennings Act for board members.

Mr. Hodges received emails. Mr. Morehouse visited the property and received emails. Ms. Simmons visited the property and received emails. Mr. Caron visited the property and received emails. Mr. Scruggs received emails. Mr. Johns visited the property and received emails. Chairman Wakstein visited the property and received emails. Ms. Chester entered the emails received from Sugar Beach residents into the record, all emails had been shared with the board members.

Chairman Wakstein read aloud the proceedings for a quasi-judicial hearing from Chapter 10 of the Land Development Code and commented that any decision made by the board could be appealed to the City Council.

Amanda Hessein, Esq. Tallahassee representative for Fun Pass Entertainment, Longboards commented the reason for the Conditional Use Request stemmed from the request to change the type of liquor license. She explained the current license is a 4COP-SFS and they are requesting a change to a 4COP Quota License; stating there would be no other changes to the current operation of the establishment with the liquor license change. The board asked what the hours of operation were, would there be a change in the menu, and if there were no changes then why the type of license would need to be changed. Ms. Hessein commented the hours of operation and menu would not change and the request for a license change was a business decision. Ms. Hessein commented the different class would allow for them to purchase more alcohol. The board ensued the conversation on the conflict of hours of operation being advertised on the Longboards website and advertisement for the nightclub activities. Mr. Silky commented that all the criteria was met for the conditional use request. Mr. Leonard explained the current 4COP-SFS License is tied to the food sales, requiring there be 51% food sales/49% alcohol sales and the requested change to a 4COP-Quota License no longer requires the food sales, but is a bar/club operation.

Lt. John Deggins, Panama City Beach Police reported the summer hours were until 4:00 am and there has been a problem with large groups overflowing into the parking lot, which causes vehicular traffic out into the main road of Thomas Drive. Lt. Deggins reported the restaurant operation changes from 11:00 pm to 4:00 am into a nightclub and this is when the problems have occurred, which utilizes the police departments manpower and resources for one location. He provided examples of problems in the parking lot, such as drugs and fights to the traffic congestions along Joan Avenue, North Lagoon and Thomas Drive from this location. Ms. Simmons asked if there were any other bars in this area that were also contributors to the problems. Lt. Deggins reported there has been some problems with Ms. Newby's parking lot and Hammerhead Fred's. Mr. Morehouse commented from the police reports the applicant did not address these issues correctly in the application regarding the pop-up parties. Mr. Johns commented from the reports it sounded more like an operation problem that needed to be addressed internally. Lt. Deggins agreed that management needed to manage the crowds, the parking lots and security to lessen the impact on the majority of the police department resources responding to this one location. Chairman Wakstein asked if the request as presented was approved could the operation of the restaurant change to the operation of a bar/night club overnight; Amy Myers, legal responded yes.

Chairman Wakstein closed the board discussion and asked for comment from any of the affected party.

Abe Bush, 8727 Thomas Drive, Sugar Beach President of Owner's Association commented the applicant did not identify the noise violations and complaints in their application. He stated the operation operates as a bar/night club up until 2:00 am. He stated the base noise coming from the establishment lasts until early morning hours and that Longboards has not chosen to be a good neighbor.

Jeff Seibenhener, 8727 Thomas Drive, Sugar Beach commented the owners and management were disrespectful to police authority and the laws. He explained they will comply when the police are called and then revert to the loud noise when they leave the area. He stated no one can sleep and it is difficult to rent due to the loud noise.

Ben Valentine, 8727 Thomas Drive, Sugar Beach stated he is a new resident to the area and wanted to reiterate on the noise complaints that have been made. He stated the applicant is misleading the board on their nightly operations.

Carolyn Dismuke, 8727 Thomas Drive, Sugar Beach commented that she is not able to rent her units due to the noise and guests not able to sleep.

Michael Todd, 8727 Thomas Drive, Sugar Beach stated the website advertisements may reflect the operations close at 10:00 pm but they operate until 1:00 am to 2:00 am. He stated personally he has called the police twenty times due to the nuisance of the noise.

Shannon Posavad, 8746 Thomas Drive, Co-owner Longboards commented as a rebuttal to the comments. He stated the request to purchase a different type of liquor license is to have the flexibility of opening another location in this area. He explained the purchase of the license was from Spinnaker and the type of license is limited to this area; therefore, it was a business decision to purchase for future location on the west end. Mr. Posavad stated the operation of Longboards would remain the same and they currently operate 56% food and 44% alcohol, but the hours may differ with the season. He commented there were plans to have a sound expert evaluate the building for upgrades on mitigating the sounds from the building.

The board questioned the reason for the license change request if the current operation was not planned to change. Discussion ensued from the board regarding the liquor license remaining inactive if there was not a plan to utilize at this location. Ms. Hessien explained the license had been purchased and would need to be placed at an active business location; adding to place in inactive status and then activate later would be time and money for her client. She commented the restaurant is currently operating as allowed in the LDC.

Abe Bush, 8727 Thomas Drive commented if this is granted the operation of the restaurant will change and it will not be for the better of the neighbors.

Michael Todd, 8727 Thomas Drive commented there have been over 70 noise complaints just recently.

Lt. John Deggins reported that in the last 7 days they had received 8 calls for noise complaints. He explained the procedures for measuring noise and that all the calls had occurred after the 10:00 pm – 11:00 pm hours. He also reiterated about the large groups that congregate at this area and that drugs, fights and criminal activity has been a problem.

Chairman Wakstein closed the public meeting and opened for board discussion. Ms. Myers provided options the board could consider in their decision making. Mr. Hodges commented the board should impose conditions that were significant and ongoing and if not met the conditional use could be revoked. Chairman Wakstein read aloud some conditional options for the board to consider in their decision, security, parking standards, crowd control, control time of amplified music, and a sound expert for noise mitigation. The board discussed the conditions.

Chairman Wakstein passed the gavel to Vice-Chair Morehouse and made a motion to approve with the following conditions: 1) On-site security from 11:00 pm to 4:00 am year-round during operations, 2) Sound expert proof mitigation within six (6) months, 3) No live music or amplified music outdoors after 10:00 pm, and 4) Parking lot adequately marked by City standards and illegally parked cars towed and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.

Mr. Hodges	Yes	Mr. Scruggs	Yes
Mr. Morehouse	Yes	Mr. Johns	Yes
Ms. Simmons	Yes	Chairman Wakstein	Yes
Mr. Caron	Yes		

ITEM NO. 7 Andrew Marshall is requesting authorization of a variance from Land Development Code 4.03.02.A.8 to allow the finished floor elevation FFE to be based on the elevation of an adjacent private drive (Cabana Cay Circle) rather than on the elevation of an adjacent street (Front Beach Road). The property is located at 17188 Front Beach Road. The Planning Board will hold a public hearing to consider the request.

Chairman Wakstein explained this was a quasi-judicial hearing and that all parties wishing to provide testimony would need to be sworn in, Ms. Chester performed the task for participants and the Jennings Act for board members.

Mr. Hodges visited the property. Mr. Morehouse nothing to disclose. Ms. Simmons nothing to disclose. Mr. Caron visited the property. Mr. Scruggs nothing to disclose. Mr. Johns visited the property and spoke to the owner of Whiskey's, Troy Syfrett and he was in favor of the request. Chairman Wakstein nothing to disclose.

Jim Slonina, Panhandle Engineering representing Mr. Marshall explained this was the site of the previous location of Hardees. He described that the foundation sits a few feet lower than Front Beach Road and shares a common driveway with the Winn Dixie shopping area. Mr. Slonina explained the request for the finished floor elevation of the proposed building will be one (1) foot above the crown of the Cabana Cay Circle but will be 0.5 feet below the crown of Front Beach Road, which will not cause any flooding to the adjacent properties.

Mr. Silky commented staff had no objections to the project. There was not public comment. Mr. Caron made a motion to approve, and it was seconded by Mr. Scruggs. Ms. Chester was asked to call roll.


Mr. Hodges	Yes	Mr. Scruggs	Yes
Mr. Morehouse	Yes	Mr. Johns	Yes
Ms. Simmons	Yes	Chairman Wakstein	Yes
Mr. Caron	Yes		

ITEM NO. 8 Ordinance 1552 – Regulations for Public Art

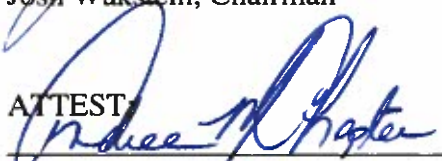
This agenda item discussion was moved forward to the July meeting.

The meeting adjourned at 3:57

DATED this 14th day of July, 2021.



Josh Wakstein, Chairman

ATTEST 

Andrea Chester, Secretary

