

**CITY OF PANAMA CITY BEACH  
PLANNING BOARD MEETING MINUTES  
April 10, 2024  
MINUTES TO THE REGULAR MEETING**

The meeting was called to order by Chairman Wakstein at 1:00 p.m. and Ms. Deese was asked to call the roll. Members present were Mr. Painter, Mr. Jones, Mr. Coleman, Mr. Morehouse, Mr. Houk, Mr. Register, and Chairman Wakstein. Mr. Register led the Pledge of Allegiance.

**ITEM NO. 3            Approval of the February 14, 2024, Planning Board Meeting Minutes**

Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. Mr. Coleman made a motion to approve. It was seconded by Mr. Morehouse. Ms. Deese called the roll.

Mr. Morehouse	Yes	Mr. Houk	Yes	Mr. Register	Yes
Mr. Painter	Yes	Mr. Jones	Yes	Mr. Coleman	Yes
Chairman Wakstein	Yes				

**ITEM NO. 4            Public Comments – Non-Agenda Items**

There were no public comments.

**ITEM NO. 5            Xpress Materials LLC is requesting approval for a Large Conditional Use to operate as a heavy industrial use. The proposed development is approximately 8.12 acres, and the property is located at Beach Park Trail (Parcel: 38324-724-000).**

**Chairman Wakstein** introduced the item, added the application to the record, and read aloud the proceedings for a quasi-judicial hearing. All participants identified as affected parties were sworn in for testimony. **Ms. Chester** acknowledged all requirements of the application notices were satisfied. **Ms. Deese** was asked to call Jennings Act.

Mr. Morehouse visited the property. Mr. Houk visited the property. Mr. Register had nothing to disclose. Mr. Painter drove by the property. Mr. Jones had nothing to disclose. Mr. Coleman had nothing to disclose. Chairman Wakstein had nothing to disclose.

**Jim Dombrowski, Heidt Design Project Manager, and acting agent** presented the application. The height will be within the maximum allowed. The proposed plant meets the minimum required setbacks and exceeds the minimum lot area and width. Mr. Dombrowski described the proposed operating hours, buffers, and trip traffic. He said they will use new technology to address noise concerns. Water trucks will be on site to abate any dust problems.

**Chairman Wakstein** noted the application reflected an estimated 40-50 truckloads per day. He then inquired about the daily maximum capacity for the proposed plant.

**Tony Bonner, Xpress Materials, LLC owner** responded that max capacity is up to 200 truckloads.

**Ms. Chester** presented the staff report. It meets the requirements of M1 (Light Industry) zoning district for a heavy industrial use. The applicant supplied all required information. She does not believe the operating hours will affect the area zoned for residential due to their proximity. Ms. Chester noted that she drove by another plant and could not hear any noise when in her vehicle.

**Mr. Leonard** stated the location is about 1,200' from the multifamily development not currently under construction and over 3,000' from the existing Manistee Street neighborhood.

**Chairman Wakstein** read aloud the definition of an affected party. He called for affected parties, public comment, and rebuttal. There was none. He concluded the evidentiary portion of the hearing. He called for closing remarks. There were none. Board deliberation was opened.

Mr. Coleman made a motion to approve the Large Conditional Use Request to allow Xpress Materials LLC to operate as a heavy industrial use. It was seconded by Mr. Painter.

Mr. Morehouse	Yes	Mr. Houk	Yes	Mr. Register	Yes
Mr. Painter	Yes	Mr. Jones	Yes	Mr. Coleman	Yes
Chairman Wakstein	Yes				

**ITEM NO. 6**      **Sara Bonakdar is requesting approval for a Small-Scale Plan Amendment to change the Future Land Use Map designation from Single Family Residential to Tourist and a Rezoning from R-1b (Single Family, Medium Density) to CL (Commercial- Low Intensity) for property located at 206 North Arnold Road (Parcel: 32920-000-000).**

**Chairman Wakstein** introduced the item and added the application to the record. All participants identified as affected parties were sworn in for testimony. **Ms. Chester** acknowledged all requirements of the application notices were satisfied. **Ms. Deese** was asked to call Jennings Act.

Mr. Morehouse visited the property. Mr. Houk visited the property. Mr. Register visited the property. Mr. Painter drove by the property. Mr. Jones drove by the property. Mr. Coleman visited the property. Chairman Wakstein had nothing to disclose.

**Jean Marie Downing, acting agent for the applicant**, presented the application. She stated the highest and best use is not being used. She detailed the requirements for habitation of the dwelling as a requirement for a home-based business. Highway 79 has had an increase in development and traffic, the zoning should be reevaluated. She described the surrounding properties and the subject property as not having a neighborhood feeling that someone would reside in. Her client contemplated living at the property and conducting a business. Ms. Bonakdar did not feel comfortable living in the home with her two (2) small children and would not be able to have business signage. The property has been listed for sale or rent and was unsuccessful.

**Ms. Chester** presented the staff report. She explained the home-based business Florida statute. In speaking with the applicant, she did not desire to live in the home. If the property is rezoned to CL (Commercial- Low Intensity), there is less density, and an additional required buffer. Staff believes these requirements would be beneficial to the adjacent properties and supports the request.

**Mr. Coleman** asked for clarification of the current zoning for other properties along Highway 79.

**Ms. Chester** responded that two (2) parcels south of the subject parcel are residential, but the remaining parcels are commercial. The applicant is asking for CL which is a lesser of intensity.

**Chairman Wakstein** asked if this would be considered spot zoning.

**Mr. Davis** stated that the issue is the adjacent PUD (Planned Unit Development) and R-1b (Single Family, Medium Density) properties. There will be an orphaned parcel as one zoning category. It does not share the same zoning as any other property that surrounds it. Whether or not it is spot zoning is for the Board to decide.

**Mr. Coleman** asked if there is a specific requirement to zone parcels together.

**Mr. Davis** replied that the Board's job is to make sure it is consistent with surrounding properties. He referred to Ms. Chester's comments on the existing use and a home-based business and how that zoning designation works in practice. You are not legally required to make sure all properties are zoned together. Spot zoning is when one (1) property is subject to separate zoning laws from the surrounding zones. To avoid future challenges, try to group properties together by their use.

**Chairman Wakstein** called for any affected parties to speak at this time.

**Christine McLaughlin, 250 Escanaba Street** said she purchased her property in 1986 and the subject property abuts her side yard. She inquired what the buffer would be if the zoning request is approved. Ms. McLaughlin voiced her concerns about trespassers as well as possible plans for a dog grooming and boarding business.

**Mr. Leonard** responded that the buffer will be 20' with a canopy tree every 20' along the property line and a 6-8' solid faced fence. A kennel is not an allowed use in CL.

**Mr. Davis** explained that a home-based business must be within confines of the home, but CL could be outside.

**Chairman Wakstein** called for public comment at this time, there was none. He called for rebuttal by staff, affected party or the applicant.

**Ms. Downing** said she believes Ms. McLaughlin's concerns will be addressed by the fence requirement. The property abuts mixed use and that should address the spot zoning concern. Ms. Bonakdar cannot live in a home on such a busy street with small children.

**Chairman Wakstein** questioned the intended use.

**Ms. Downing** replied that at this point it would be a beauty salon, but if sold she would not know what the use would be.

**Mr. Jones** inquired if there would be a significant increase in property value.

**Ms. Downing** responded that she would think there would be a monetary benefit since the property has not been able to be sold or rented at this time.

**Chairman Wakstein** called for closing arguments at this time, there were none. He opened Board deliberation.

**Mr. Houck** thought all three (3) properties should proceed with rezoning so no there will not be an issue with spot zoning.

**Mr. Coleman** said since there is a small cluster of residential that the CL would be more in line of what the remainder of the Highway 79 corridor is zoned.

**Chairman Wakstein** stated that Highway 79 is now a commercial road. He prefers that everyone would come on board, but likes CL (Commercial- Low Intensity) better than CH (Commercial-High Intensity).

**Mr. Painter** asked if a change in zoning would change ingress and egress to the property and if there would be changes to the property tax rate.

**Mr. Davis** replied that Highway 79 is a state road, and they would dictate access control.

**Mr. Leonard** responded that sometimes that would put the property in a higher bracket, but the determination is made by the Property Appraiser. He then gave an example spot zoning as taking a residential neighborhood and making one parcel commercial.

**Mr. Register** questioned why this was not originally zoned differently.

**Mr. Leonard** responded that when the zoning took place there may have already been a residential structure on the property. At the time Highway 79 was two (2) lane road with lower traffic volume.

**Mr. Coleman** asked if rezoned to commercial would there an issue with the metal building that is about 6.5' from the rear lot line?

**Mr. Leonard** responded that it would have to be moved out of the buffer.

There was discussion about the possibility of requiring a specific fence height if rezoned.

**Mr. Davis** stated that development agreements can be made, but there are no conditions with rezonings.

Mr. Coleman made a motion to approve the Small-Scale Plan Amendment to change the Future Land Use Map designation from Single Family Residential to Tourist. It was seconded by Mr. Jones.

Mr. Morehouse	No	Mr. Houk	No	Mr. Register	No
Mr. Painter	No	Mr. Jones	Yes	Mr. Coleman	Yes
Chairman Wakstein	Yes				

**ITEM NO. 7 Code Enforcement Update**

Mr. Smith was not in attendance and there were no questions from the Board regarding the Code Enforcement report.

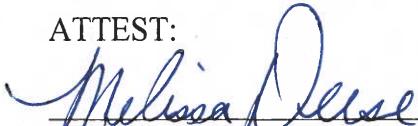
**Chairman Wakstein** thanked Mr. Register for his time with the Planning Board and wished him well on his future term with the City Council.

The meeting adjourned at 1:37 p.m.

DATED this 12<sup>th</sup> day of June, 2024.

  
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Josh Wakstein, Chairman

ATTEST:

  
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Melissa Deese, Secretary