

**CITY OF PANAMA CITY BEACH
PLANNING BOARD**

MEETING DATE: September 11, 2024
MEETING TIME: 1:00 P. M.
PLACE: City of Panama City Beach City Hall

AGENDA

- ITEM NO. 1** Call to Order and Roll Call
- ITEM NO. 2** Pledge of Allegiance – Mr. Jones
- ITEM NO. 3** Approval of June 12, 2024, Planning Board Meeting Minutes
- ITEM NO. 4** Public Comments-Non-Agenda Items Limited to Three Minutes
- ITEM NO. 5** Ronnie Erwin, Owner and Eric Arnold, Lessee are requesting authorization of a variance from Land Development Code Section 5.04.29.C.1 to decrease the minimum required buffer for a service station use from 26' to 24.4' for a variance of 1.6' and a variance from Section 5.04.29.D to allow for the garage bays to face an arterial street (Panama City Beach Parkway). The property is located at 17835 Panama City Beach Parkway.
- ITEM NO. 6** Status update and history of substantially incomplete variances, conditional uses, planned unit developments (PUDs), and large site developments.
- ITEM NO. 7** Discussion to clarify the Land Development Code's verbiage regarding use, expiration, and invalidation of master plans, variances, and conditional uses.
- ITEM NO. 8** Code Enforcement Update

All interested persons are invited to attend and to present information for the Board's consideration. Further information may be obtained from the Building & Planning Department at 233-5100. Anyone not appearing in person may submit written comments to the Building & Planning Department at 116 South Arnold Road, Panama City Beach, Florida 32413, any time prior to the stated meeting time. All comments received will be considered before final action is taken. If a person decides to appeal a decision of the Planning Board, a record of the proceedings will be needed. Such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Lynne Fasone, City Clerk at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413 or by phone at (850) 233-5100. If you are hearing impaired and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8771 (TDD). Notice is hereby provided that one or more members of the City Council or other City boards may attend and speak at the meeting.

ITEM NO. 5



CITY OF PANAMA CITY BEACH

Building and Planning Department

116 S. Arnold Road, Panama City Beach, FL 32413

850-233-5100 ext. 2429

Fax: 850-233-5049

Email: planningdivision@pcbfl.gov

REQUEST FOR VARIANCE

LDC Section 9.03.00

Application Submittal Requirements: LDC Section 10.02.01

Property Owner(s) Name: Ronnie Erwin, Owner and Eric Arnold, Lessee

Address: 17835 Panama City Beach Parkway (physical) [5 Westridge Place - mailing]

City: Panama City Beach (physical); Rome (mailing) State: FL/GA Zip 32413 & 30165 (mlg)

Email: _____ Telephone: _____ Cell: _____

Name of Acting Agent: Dunlap & Shipman, PA via Melissa Ward, AICP

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner regarding the application and associated procedures. Attached to the application.

Requested Action

Variance Request from the following section(s) of the LDC: 5.04.29(C)1; and 5.04.29(D);

State specifically for the hardship to the subject property. (Attach to application)

Application Submittal Requirements: LDC Section 10.02.02

Plan or Plat Preparer Name: Anchor CEI Engineering

Address: 459 Magnolia Avenue

City: Panama City State: FL Zip 32401

Email: _____ Telephone: (850)215-1285 Cell: _____

Date of Preparation: 08/20/24

Date(s) of any modifications: n/a

Legal Description: (Consistent with the Required Survey) -please attach to application

Survey (Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of 10 copies.

A vicinity map showing the location of the property and the Future Land Use Map designation for the property.

Future Land Use Map

Deed Restrictions or Private Covenants apply to this property: Yes (please attach copy) No

Payment Fee: \$500.00

Application Type: Variance

Date Collected: 8/22/2024

Submittal Requirements for Requests for Variances – LDC Section 10.02.12 (B)

A statement setting forth:

1. All facts and circumstances upon which the applicant intends to rely for the requested Variance; and
2. An analysis of each of the criteria set forth in section 9.03.03(A)(1)-(8)

Required Findings – LDC Section 9.03.03- Respond to #1-8 in detail (Attach to application)

- A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:
1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC;
 2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;
 3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;
 4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;
 5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
 6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;
 7. The effect of the proposed Variance is consistent with the purposes of the LDC; and
 8. The effect of the proposed Variance is consistent with the Comprehensive Plan.
- B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03A.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? See attached Narrative

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. See attached Narrative

If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public. See attached Narrative

Restricted or Conditional Variance and Termination – LDC Section 9.03.04

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03(A)(5) and (6).
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

Limitation on Time to Use Variance – LDC Section 9.03.05

Any Variance authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest; within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed; the date on which the order becomes final, shall be deemed Abandoned and be void and of no further force and effect.

Applicant's Name(s):

Date: 8/21/2024

Eric Arnold
Print Name

Print


Signature

Print Name

Signature

PROCEDURES:

Neighborhood Notice – LDC Section 10.03.02

- A. When required by this LDC, the applicant shall provide Neighborhood Notice, by U.S. Postal Service certified mail return receipt requested. Within five (5) days after such mailing, the applicant shall provide sworn proof of mailing to the Building and Planning Department.
- B. The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action along with the date, time and place of the hearing. The form of the letter shall be approved by the City prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.

Notice letters shall be sent to the following surrounding owners:

- For variance request involving a structure(s) of forty (40) feet or less, notice shall be sent to all such owners of property living in whole or in part within 150' feet of a boundary of the subject property.
- For a variance request involving a structure (s) more than forty (40) feet in height, notice shall be sent to all such owners of property lying in whole or in part within 500' feet of a boundary of the subject property.

The Variance Application must be submitted to the Building & Planning Department no later than twenty (20) days prior to the Planning Board meeting. The Planning Board will then place the request on the agenda to schedule the public hearing for the following month's Planning Board meeting.

- C. The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the City as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County Property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.
- D. Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

Posted Notice – LDC Section 10.03.03

- A. When required by the LDC, the Building and Planning Department shall post a sign on the property that is the subject of an application. The sign shall be located in a manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.
- B. The sign shall contain a copy of the notice required by section 10.03.01.
- C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.
- D. Posted Notice may be removed after conclusion of the hearing of which notice is given or as specified or if neither or if neither of the forgoing apply, thirty (30) days after it is first posted.

Published Notice – LDC Section 10.03.04

When required by this LDC, the Building and Planning Department shall publish a notice in a standard size or tabloid size newspaper of general paid circulation in the City. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be published at least five (5) days a week.

Mailed Notice – LDC Section 10.03.05

- A. When notice by mail is permitted or required by the LDC, the notice shall be mailed with the US Postal Service Certified Mail, Return Receipt requested. Unless otherwise specified in this LDC, notice shall be mailed by the Building and Planning Department.
- B. Notice shall be deemed complete upon mailing regardless of receipt.

Roles and Responsibilities – LDC Section 8.03.03

- A. The Planning Board shall have the following powers:
 - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination or interpretation made by the City Manager, or his designee or the City Engineer, which is related to the LDC, excepting building codes and other matters within the jurisdiction of the Examining Board; and
 - 2. To authorize a Variance from a provision of the LDC.

No decision of the board shall be final and enforceable until five (5) business days after it shall have been reduced to a written order containing conclusions of applicable law, findings of relevant fact, and the order of the board, signed by the chairman or vice-chairman and attested by the secretary of the board. During such five (5) day period, either the City, a citizen, or the party which invoked the jurisdiction of the board shall be entitled to file with the City Council a written request for a re-hearing to clarify, modify, or overturn the form or substance of the order, in which case the City Council shall within thirty (30) days grant or deny such request in whole or in part and the order shall not be final until the City Council has completed one of those actions. No additional hearing shall be required for the City Council to deny such request, but the City Council shall afford the City, the citizen, or the party invoking its jurisdiction an opportunity to be heard before clarifying, modifying, or overturning the order. Upon expiration of such five (5) day period without the filing of a request for a rehearing, or completion of one of those actions, the board, nor the City Council shall have no further jurisdiction in the matter.

Agent Affidavit / Special Power of Attorney

STATE OF FLORIDA COUNTY OF WALTON

KNOW ALL MEN BY THESE PRESENTS, that I Eric Arnold am presently the owner and/or leaseholder of 38237-000-000 and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint Dunlap & Shipman P.A. whose address is 2063 S County Hwy 395, Santa Rosa Beach, County of Walton State of Florida, my Attorney full power to act as my agent in the process of obtaining an Variance pertaining to 38237-000-000.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary tasks in the execution of aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

WITNESSES:

Signature: [Signature]
Printed Name: Wesley Bazg Arnold
STATE OF Florida

APPLICANT:

Signature: [Signature]
Printed Name: Eric J Arnold
COUNTY OF Walton

The foregoing instrument was acknowledged before me by:

- Physical Presence
- OR -
- Online Notarization

This 21 day of August, 2024, by Eric J Arnold as leaseholder, for 38237-000-000.

(SEAL)



Printed Name of Notary Public

Chris C Dance

Signed Name of Notary Public

Chris C Dance

Commission Number: HH251506

Expiration Date: 04/11/2026

Agent Affidavit / Special Power of Attorney

STATE OF FLORIDA COUNTY OF WALTON

KNOW ALL MEN BY THESE PRESENTS, that I Ronald E Erwin am presently the owner and/or leaseholder of 38237-000-000 and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint Dunlap & Shipman P.A. whose address is 2063 S County Hwy 395, Santa Rosa Beach County of Walton State of Florida, my Attorney full power to act as my agent in the process of obtaining an Variance pertaining to 38237-000-000.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary tasks in the execution of aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

WITNESSES:

Signature:

Printed Name:

[Signature]
David Doss

APPLICANT:

Signature:

Printed Name:

[Signature]
Ronald Erwin

STATE OF

Georgia

COUNTY OF

Floyd

The foregoing instrument was acknowledged before me by:

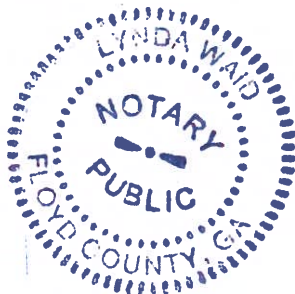
Physical Presence

- OR -

Online Notarization

This 21 day of August, 2024, by Linda Waid as Notary for Floyd County GA

(SEAL)



Printed Name of Notary Public

Linda Waid

Signed Name of Notary Public

[Signature]

Commission

Number: _____

Expiration Date: 01-05-2027



CITY OF PANAMA CITY BEACH PUBLIC NOTICE OF VARIANCE REQUEST

The City of Panama City Beach Planning Board will consider the following request:

APPLICANT(S): Ronnie Erwin, Owner and Eric Arnold, Lessee

ADDRESS/LOCATION: 17835 Panama City Beach Parkway (Parcel# 38237-000-0000

Panama City Beach, Florida 32413

The Variance is being requested because, the existing structure constructed in 1994, does not meet the
buffer width of 26 feet between commercial and residential zoning; and because the garage bay doors face an
arterial street which does not meet chapter 05.04.29 of the Land Development Code, supplemental requirements
for a Service Station use.

MEETING INFORMATION:

Date: September 11, 2024

Time: 1:00 PM

Place: City Council Meeting Room
17007 Panama City Beach Parkway
Panama City Beach, FL 32413

The applicant for this variance/appeal request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within one hundred fifty (150) feet of the subject property.

Any questions you may have regarding this request please contact someone at the City of Panama City Beach Building and Planning Department at 850-233-5100, ext. 2429.

ERWIN / ARNOLD PETITION FOR VARIANCE

Parcel Number: 38237-000-000
17835 Panama City Beach Parkway
Panama City Beach, Florida 32413

This is a request for variance from Chapter 5.04.29 of the Panama City Beach Land Development Code (“Code”). The purpose of the variance is to allow an auto repair shop as a Service Station within an existing building located at 17835 Back Beach Road (Panama City Beach Parkway) under the name Dream Coast Auto. This variance is submitted under Chapter 9 “Variance and Appeals,” as defined in the City of Panama City Land Development Code, seeking to grant a variance regarding an non-confirming structure.

Mr. Ronnie Erwin owns the subject property. He and his wife bought the property February 25, 1994. Mr. Erwin built a warehouse on the property. The property has been operated as a warehouse from 1994 to the present. The property has a “property use code” of “Warehouse” with the Bay County Property Appraiser’s Office. Mr. Erwin has leased the property to Mr. and Mrs. Arnold for the purpose of opening and operating an automotive repair shop at the above location.

Use of the Site

Before evaluating the structure at issue, we wish to explain the status of the use of the site. The site has historically been used, leased, and operated as a warehouse. The original building appears to have been constructed in or around 1994. The site was issued a permit of expansion in 2017 to add an accessory building to the property. The property is taxed as Warehouse (004800) and consists of about ½ acre of land consisting of lots 1-6 of Miramar Heights. The property is zoned Commercial High Intensity. Commercial High Intensity zoning does not allow warehouses as a use. It does, however, allow “Service Stations,” which is defined in Chapter 1 of the Code as “any business engaged primarily in the servicing of automotive vehicles.”

Chapter 2 of the Code, under 2.03.02 Land Uses, provides a table of land uses in base zoning district for Permitted (P), Accessory (A), Conditional (C), and Supplemental (S). Specifically, section 2.03.02(A)(5) states that “*all listed uses are prohibited in those districts where no indicator (P, A, C, S) is provided.*” Warehouse is a “prohibited” use in the CH – Commercial High Intensity Zoning. (See chart). This property owner’s continuation of a use that started before this Code was adopted, but is now prohibited in this zoning district after-the-fact, is referred to in the Code as a “*legal non-conformity*”¹ It is legal because it existed before the present Code, and it continued in that same form without disruption until the present day. In any event, should this variance be granted, the use of the property will now be confirming with the current Code. Service Stations are a “use by right” in Section 5.04.29 for this zoning district:

Service Station – *Any business engaged primarily in the servicing of automotive Vehicles, including the sale and delivery of fuel, lubricants and other products necessary to the operation of automotive **Vehicles**. This term also includes the sale*

¹ Non-conforming development is defined in the Code (Page 18) Chapter 1 as “A use, site, or structure which was lawfully established under the laws and rules of the City at the time of establishment of the use, site or structure, but which does not conform to the requirements of the LDC”

and installation of accessories, tires, batteries, seat covers and tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, brake service, convenience stores with gas pumps, gas stations with or without repair facilities, and gas stations with or without fast food or *Drive-Through* restaurants.

See the chart below. Note that “Warehouse” is marked as a “Light Industrial (M1)” zoning district.

2. Zoning Districts and Uses

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Retail Sales and Services (not otherwise specified)	S 5.04.27									S 5.04.27	S 5.04.27	S 5.04.27	A			
Self-service Laundries									A	A	A	P	P			
Self-storage Facilities / Mini-warehouse											S 5.04.28	P	P			
Service Stations / Convenience Stores with Gas Pumps / Boat Repair Yards											S 5.04.29	S 5.04.29	S 5.04.29			
Shopping Center											S 5.04.30	S 5.04.30	A			
Temporary Child Care Facility – Family Day Care Home; Large Family Child Care Home									A	S 5.04.04	S 5.04.04	S 5.04.04	A			
Terminals (truck or bus)													S 5.04.31			
Townhomes							P	P	P			S 5.04.32				
Transient Residential Rentals				S 5.04.33			S 5.04.33	S 5.04.33	S 5.04.33	P	P	P				
Trucking, freight, moving and storage												S 5.04.31	S 5.04.31			
Vehicle sales, rental or service facilities												P	P			
Walkways and bikeways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Warehousing and Storage													P			
Wholesale Facilities													P			
Zoo	C 5.06.02											C 5.06.02				

(Ord. #1335, 2/26/15; Ord. #1351, 11/12/15; Ord. #1369, 12/10/15; Ord. #1398, 2-23-17; Ord. #1413, 5/25/17; Ord. #1491, 5-23-19; Ord. #1492, 7/11/19; Ord. #1622, 6/22/23)

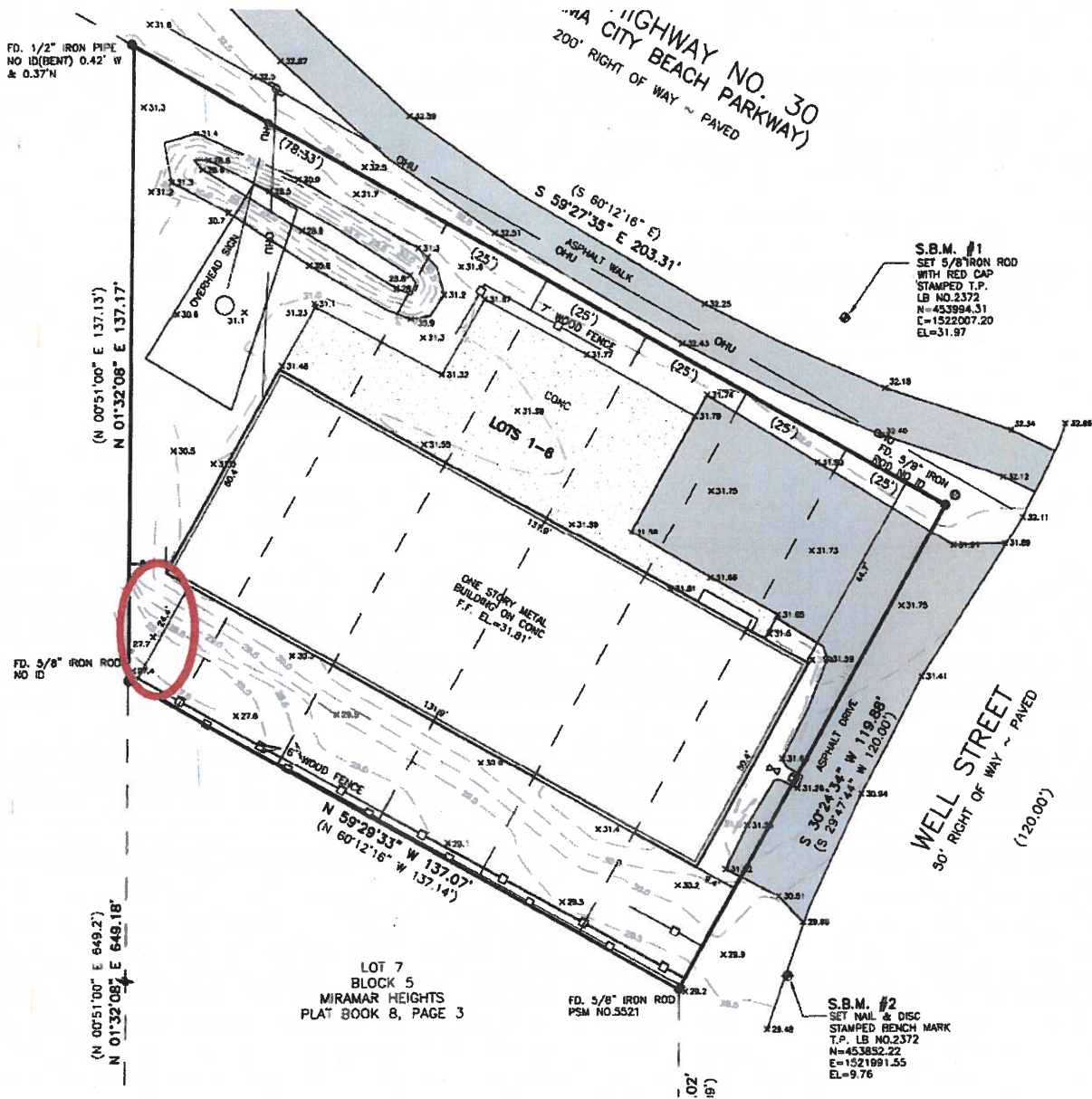


Variance Request #1 – Increased Rear Buffer Width

Per Chapter 4 of the Code, the required buffer between commercial and residential is 20 feet in width. (See attached Code excerpt.) The Petitioners request a variance from **Chapter 5.04.29(C)1**, which states “The buffer that is otherwise required shall be increased by thirty (30) percent.”

The survey for the property, prepared by Roger Blain Anglin and dated August 17, 2024, shows that the existing building is **24.4** feet from the rear property line and the abutting residential lot. The supplemental standards for the Service Station use being requested requires an additional 30% added to the standard 20-foot buffer, which increases the buffer by six (6) feet and therefore has a 1.6 foot deficiency with this existing structure. The supplemental standards also say that “a vegetative fence **OR** a solid faced masonry or wooden fence” is required. The subject property consists of two solid faced fences with hanging vegetation in its present condition. The applicant is proposing to add a third fence, approximately 5 feet from the building, with nine (9) trees and vegetation as additional buffer to add mitigate for the 1.6 feet reduction in the width of the buffer if the variance is granted.

Viewed another way, this request is for a reduction of the **required increase** of the buffer from 30% of the standard 20-foot setback to an **increase** of the standard buffer by 24.4%.



Chapter 4.06.03 "Buffer Requirements" (A)(1) states that:

Landscaped buffers and a Solid Faced masonry or wooden wall or fence shall be required to separate property zoned for commercial or industrial Use from adjacent property zoned or used for Residential purposes (Single Family or Multi-family) and to separate property zoned for Multi-family Use from adjacent property zoned or used for Single Family Residential Use. The minimum buffer width shall be twenty feet (20') and be planted with one (1) large or medium tree for each twenty (20) linear feet of property on the boundary separating the adjacent Uses. The wall or fence shall be at least six (6) feet and not more than eight (8) feet in height and be located no more than one (1) foot from the property line.

Findings of Fact

- A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:**
- 1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC.**
 - i. The strict application of the required 30% increase in buffer will require that the building be taken down.
 - ii. The building was built in 1994 and has been used and taxed as a warehouse for 30 years.
 - iii. The property has been a “*legal non-conformity*” since the date of the adoption of the CH zoning district on this property.
 - iv. The applicant seeks to use the property as an auto repair shop defined as “**Service Station**” by the Code, changing the non-conforming use status of this property to conforming with the Code. Granting this variance will therefore **reduce** the existing nonconformity as it will comply with the subsequently adopted Code for Service Stations as defined in § 5.04.29.
 - 2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs.**
 - i. The hardship is the result of the strict application of § 5.04.29 on an existing structure that pre-dates the adoption of said Code section.
 - ii. In an effort to use the property in conformance with the Code, bringing it out of the “non-conforming” status it presents today, the applicant seeks to meet the requirements for a Service Station under § 5.04.29. The variance is necessary to avoid tearing down the structure for that 1.6 feet of **additional** buffer.
 - 3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district.**
 - i. This is an after-the-fact variance dictated by the placement of an existing structure which was legal when it was built.
 - ii. The variance is being sought to bring use of a non-conforming structure into compliance.
 - iii. The need for the variance is reflected in that the 30 year old building can meet and exceed (24.4 foot buffer currently) the required 20-foot buffer for commercial next to residential; however, the requirement of § 5.04.29’s additional 30% buffer sets the buffer width at 26 feet, which cannot be accomplished without demolishing the existing structure.

- iv. This is not a new development² application for a new structure, but an application to bring a non-conforming building into compliance with the adopted Code after-the-fact.
- 4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district.**
- i. The property owner, Ronnie Erwin, has owned this property since 1994.
 - ii. The building has been on the site since 1994.
 - iii. The use of the building has been warehouse and has been active since 1994.
 - iv. The property has been taxed as warehouse since 1994.
 - v. At the adoption of the current Code, the building and use became non-conforming.
 - vi. This application for variance, if granted, will:
 - 1. Bring the *structure* into compliance with the current standards.
 - 2. Bring the *use* into compliance with the current standards.
- 5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public.**
- i. The request to reduce the 26-foot buffer to 24.4 feet will not affect traffic.
 - ii. The requested variance will not increase congestion in the streets, increase fire hazard, or otherwise be detrimental to the public.
- 6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district.**
- i. The reduction in the buffer by 1.6 feet will not alter the essential character of the district.
 - ii. The reduction of the buffer is neither compatible nor incompatible because the 2 existing fences with overhanging vegetation and the addition of another fence with landscaping in the 24.4 feet is sufficient buffering for this site.
- 7. The effect of the proposed Variance is consistent with the purposes of the Code.**
- i. The proposed variance is consistent with the intent of providing *additional* buffering between commercial and residential uses and for an auto repair shop abutting residential.
 - ii. The requested reduction of 1.6 feet will be consistent with the intent of buffering because:

² New development is defined in the Code in Chapter 1 (Page 18) as “development of essentially vacant land, regardless of whether preexisting improvements have been removed from such land.”

1. It provides the required 20-foot buffer between commercial and residential.
2. It provides a 24.4% increase in the buffer between “Service Station” and Residential.
3. The proposed business will not contain gas pumps or other outdoor activities that would typically create noise or disruption.
4. Additional fencing and vegetation is proposed by the applicant to supplement the existing buffer.

8. The effect of the proposed Variance is consistent with the Comprehensive Plan.

i. The future land use element of the Comprehensive Plan states:

1. Vested rights and legal non-conformity shall be given consideration in all determinations of developmental action or order approval.
2. The future land use element states that “Tourist Districts” include land used for “service stations”. The application for which the variance is being sought is to convert a warehouse to a service station for auto repair.

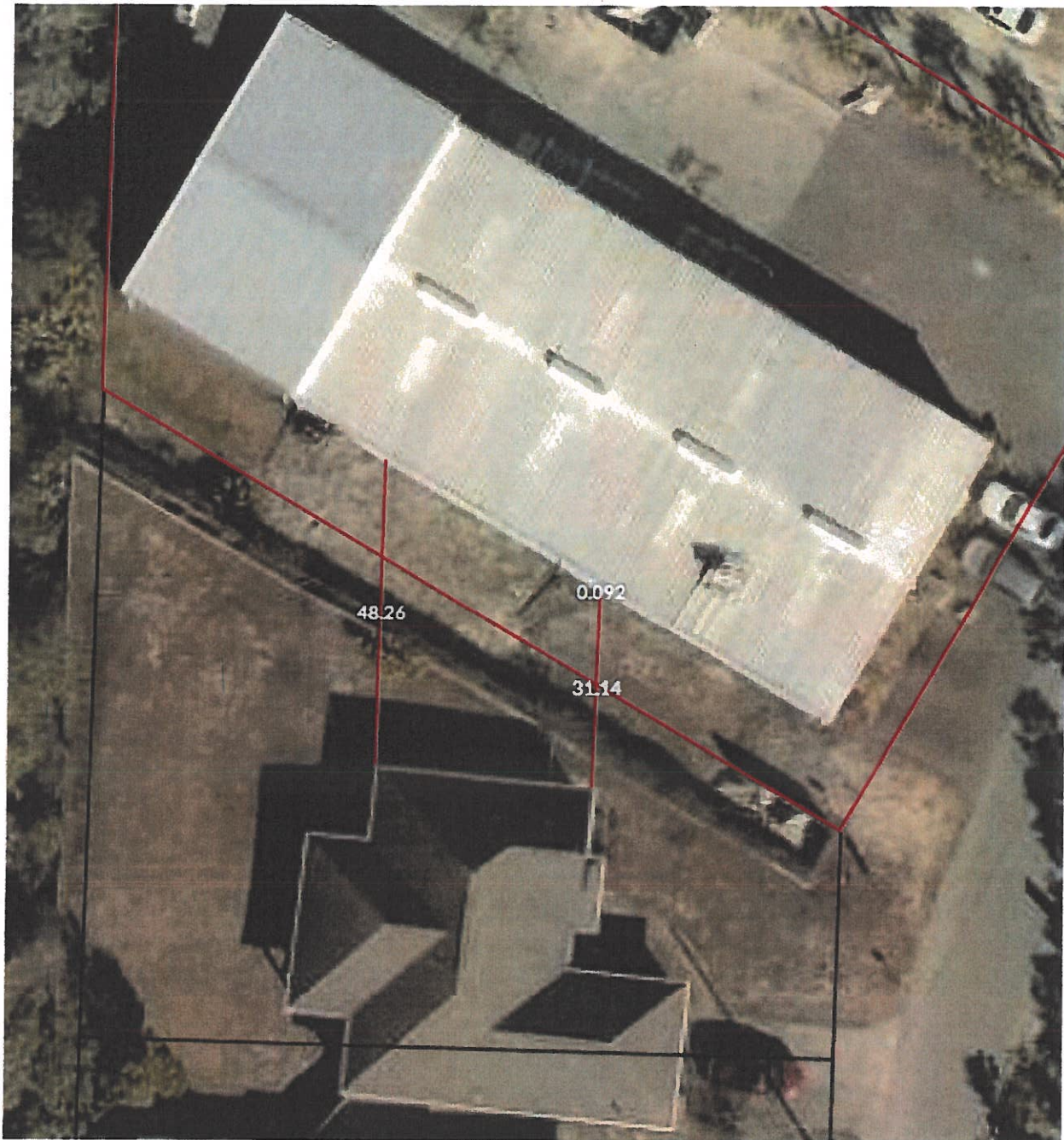
B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03A.

1. Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship?

- i. If the variance is granted, the applicant will be able to use the building as it has existed for 30 years in the present location.
- ii. If the variance is not granted, the owner cannot use the structure for a Service Station and the non-conforming use of Warehouse will continue or, in the alternative, the existing structure would have to be demolished with a new structure meeting the 26-foot buffer to be constructed. This would constitute economic waste.
- iii. The 1.6 feet reduction to the already *increased* buffer is the minimum necessary to overcome the strict application of this section of 05.04.29(C)(1).

2. How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures.

- i. The neighboring structure to the south is a single-family building that is approximately 48 ft from the subject building on west side and 32 ft from the subject building on the east side.




- 3. If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public.**
- i. If granted, the variance will not impose any new impacts to the property to the south because the subject building was constructed in 1994 and the home to the south was constructed (according to the Property Appraiser's Report) in 2014.
 - ii. The site presently has two fences between the properties with hanging vegetation.

- iii. The proposal for the Service Station will add an additional fence five (5) feet from the subject building with an additional 9 trees and landscaping between the new fence and the existing fences to buffer the commercial from the residential.


Variance Request #2 – Garage Bay Doors

The Petitioners request a variance from Chapter 5.04.29(D) “garage bay doors shall not face a Residential zoning district or an arterial street.” The property fronts on South Wells Street and Back Beach Road a/k/a Panama City Beach Parkway. The rear property boundary abuts a residential lot. The zoning of the property is CH – Commercial – High Intensity and the zoning to the south is R-1c – Single Family, High Density.





Web Map



Parcels

zoning

- Commercial - High Intensity (CH)
- Single Family, High Density (R-1c)
- Single Family, High Density Manufactured Home (R-1c-T)

maps.baycountyfl.gov

This data is provided with understanding that the contributors release from such information are solely the responsibility of the user. The GIS data is not a legal representation of the policies depicted, and any representation of the legal status of the lots is hereby disclaimed.

Printed: 8/20/2024

The building constructed in 1994 consists of garage bay doors that face Panama City Beach Parkway, an arterial road. Our request is to leave the structure as it has been for 30 years.

For the above criteria, it should be noted that this property abuts a residential lot to the south and a major arterial roadway to the north, with a residential collector to the east. The property, as a reminder, has had a warehouse on the site for 30 years. See picture of street view north of the building:



Figure 1. Google Image of the building, estimated 2015.



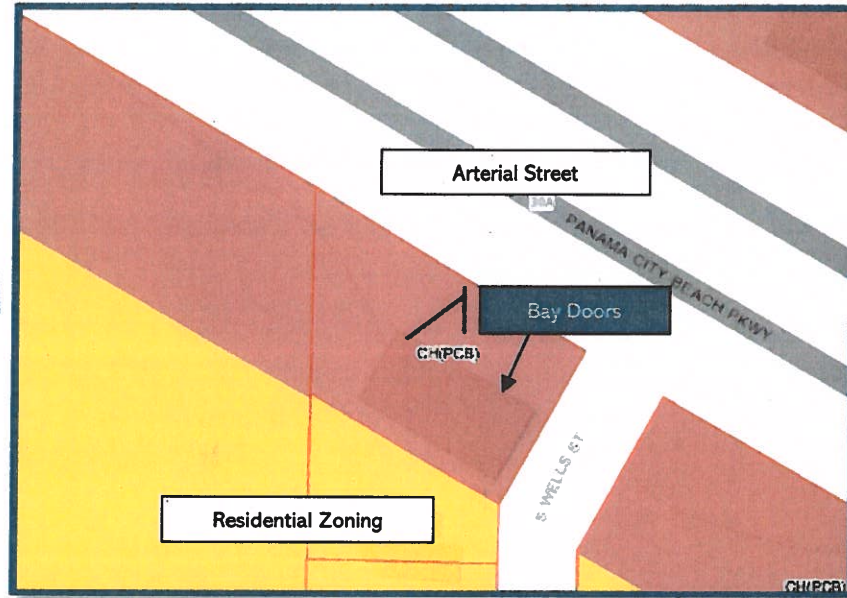
Figure 2. Google Image of the Subject Site, Estimated 2021 - post addition to warehouse.

Findings of Fact

A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

- 1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC.**
 - i. The strict application of this Code section conflicts with the 30-year-old building.
 - ii. The only option would be to install a garage bay door facing the interior residential street, which would (1) limit it to a single-door bay and (2) would make the work visible from the residential street.
 - iii. The existing doors front on the arterial road where the access to the existing drive isle into the property is located. To move the bays would require moving the drive isle as well. The site is not suited to such a change in design.
 - iv. Some flexibility is reasonable as the owner attempts to resolve a non-conforming use that was created due to subsequent adoption of the Code.
- 2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs.**
 - i. The hardship comes from the application of a Code requirement that was not in place at the time the building was constructed in 1994.
 - ii. If the variance is not granted, the site is not suitable for the applicant to use as a Service Station; therefore, the property would return to its "grandfathered" *legal non-conforming* use as a Warehouse.
- 3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district.**
 - i. This is an after-the-fact variance.
 - ii. It is being sought to bring a non-conforming structure into compliance.
 - iii. The need for the variance is reflected in that:
 1. The property is surrounded by residential to the rear, residential street to the east, and no access point to the west for the two doors, with the existing doors facing the arterial road to the north.
 2. The 30-year-old building started with one garage bay door facing the arterial street and added one with the 2017 permit for expansion. There is no other option for the location of the bay doors.
 - i. This is not a new application for a new structure, but an application to bring a non-conforming building into compliance with the adopted Code after-the-fact.

4. **The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district.**
 - i. The property owner, Ronnie Erwin, has owned this property since 1994.
 - ii. The building has been on the site since 1994.
 - iii. The use of the building has been warehouse and has been active since 1994.
 - iv. The property has been taxed as warehouse since 1994.
 - v. At the adoption of the current Code, the building and use became non-conforming.
 - vi. In 2017 the building was expanded with an additional garage bay door.
 - vii. This application for variance, if granted, will:
 1. Bring the *structure* into compliance with the current standards.
 2. Bring the *use* into compliance with the current standards.
5. **The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public.**
 - i. The variance to keep the bay doors where they are will:
 1. Not increase congestion
 2. Not increase the danger of fire or other hazard
 3. Not be detrimental to health, safety or welfare of the public
 - ii. The present location of the doors moves the activity away from the residential street and the residential uses south of the subject property.
 - iii. The commercial activity of the site will be directed away from the residential use behind the subject site.
6. **The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district.**
 - i. The Code says that “all repair services shall be provided within an enclosed building” ***AND*** it also says in the same paragraph (D), “Garage bay doors shall not face a residential zoning district or an arterial street.”



- ii. The present location of the doors moves the activity away from the residential street and the residential uses south of the subject property.
- iii. The commercial activity of the site will be directed away from the residential use behind the subject site.
- iv. This will not alter the existing character of the district, where the existing warehouse has existed for 30 years.

7. The effect of the proposed Variance is consistent with the purposes of the LDC.

- i. The intent of the Code is to reduce the impact on the residential zoned areas and to provide front-facing store/business façade. The placement of the building and its doors will reduce impact on residential areas and should be given consideration as to the long history of this site.

8. The effect of the proposed Variance is consistent with the Comprehensive Plan.

- i. The effect of the variance is consistent with the comprehensive plan because the plan recognizes that there are properties with pre-existing developments. The plan notes that the best use in the land use category is Service Station and not a Warehouse.
- ii. It is consistent with the Plan to convert the non-conforming use of a Warehouse to a conforming use of Service Station by way of a variance that will allow the building to remain as it has for 30 years, where the denial of the variance would deny the applicant the ability to use the building as a repair shop and it would then return to a legal but non-conforming use.

B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03A.

- 1. Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship?

- i. The variance, if granted, will allow the applicant to resolve the existing non-conforming use by obtaining a business license to use the building as a Service Station (repair shop) that will comply with the current Code.
 - ii. The requested variance to allow the doors to stay where they are is the minimum necessary to comply with section 5.04.29.(D).
2. **How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures.**
 - i. See previous response in Request #1.
3. **If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public.**
 - i. If granted the variance will not impact the adjacent properties because it has been in its present state, location, and condition for the last 6 years (given the 2nd door) and for 30 years on the first door.
 - ii. The granting of the variance will not impact light or air to the adjacent properties.
 - iii. Granting the variance will ensure that noise will not be directed to the adjacent residential uses to the rear.

Conclusion

The applicant is requesting after-the-fact variances to 1) buffer width and 2) the location of the bay doors on subject building so that they can run a Service Station for auto repair (no gas pumps, etc.) at this location. The current use of warehouse is a legal non-conformity whereas the requested change to Service Station is a permitted use, bringing the property use into compliance with the Code and Plan.

The variance, if granted, will make the structure substantially compliant with the supplemental requirements for Service Stations contingent upon the applicant's adherence to the site plans provided.

- The proposed variance is unique to the property and the structure because the subject structure was built in 1994 prior to the adoption of the current standards.
- The proposed variance is in keeping with the intent and purpose of the Land Development Code regulations because changing the use from the Warehouse, a prohibited use in CH zoning district, to Service Station, a permitted use in the zoning district, is a desirable outcome and purpose for variances per the Land Development Code section 9.
- The variances, if granted, will not impact traffic or other concerns for life/safety matters to the general public because the structure has been in this location for 30 years without incident and the request to use the structure in its current location.
- If the requested variances are denied, the applicant cannot operate a service station at this location and operation and use of the property continues to be a non-conforming use.

For these reasons, and those established in this narrative to the application, the applicant requests that the Planning Board approve Variance #1 – a reduction in the width of the *additional* buffer from 26 feet to 24.4 feet and approve Variance #2 – to allow the garage bay door facing an arterial street to remain.

- Exhibits:
- Civil Plans
 - Survey
 - Landscape Plan
 - Definitions per LDC (pages 18, 22)
 - LDC Zoning Use Chart Page 35
 - LDC CH 4 Page 132 - Buffers
 - LDC Ch 5 Page 185 Service Station supplemental requirements
 - LDC Ch 9 Page 333 Legal Non-Conformity
 - LDC Ch 9 Page 336 - Variances

1. General Provisions

other two or three wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see FS Chapter 324 (2015)).
(Ord. #1351, 11/12/15)

Motor Scooter Rental of Scooter Rental – the provision, rental, hire, or delivery of a **Motor Scooter** for any valuable consideration or the solicitation of that service or good.
(Ord. #1351, 11/12/15; Ord. #1416, 6/8/17)

Motor Vehicle Storage or Impound Lot – Any **Lot**, land, **Parcel**, **Building** or structure or part thereof used for the storage or collection of unregistered, inoperable or impounded motor **Vehicles**.

Mulch – Non-living organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native Vegetation – Plants which occur naturally or have evolved in Bay County without assistance from humans.

Neighborhood Notice – Notice as specified in sections 10.03.01 and 10.03.02.

New Development – **Development** of essentially vacant land, regardless of whether preexisting improvements have been removed from such land.

Non-conforming Development – A **Use**, site or structure which was lawfully established under the laws and rules of the **City** at the time of establishment of the **Use**, site or structure, but which does not conform to the requirements of the **LDC**.
(Ord. #1410, 4/13/17)

Nursing Homes – An establishment designed to provide full or part-time supervision, assistance and/or professional nursing care to persons requiring such assistance or care.

Open Space – Land which is unimproved and meets one or more of the following purposes: (1) conserves and enhances natural or scenic resources; (2) protects streams or water supply; (3) promotes conservation of soils, wetlands, beaches or tidal marshes; (4) enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries; (5) enhances recreation opportunities; or meets other specified purposes within a **PUD** or **TNOD**.

Parapet – A false front or wall extension above the **Roof** of a **Building**.

Parcel – A unit of land not divided by an **Access Regulated Road** and under **Single Unified Ownership or Control**. A unit of land that lies on both sides of an **Access Regulated Road** shall be considered two **Parcels** even if under **Single Unified Ownership or Control**.

Parking Garage or Structure – A multi-**Story** structure designed or intended for the primary purpose of providing off-**Street** parking of registered and operable motor **Vehicles**. This definition excludes attached and detached garages for single family and duplex residences.

18. N. Thomas Drive;
19. Churchwell Road;
20. Nautilus *Street*;
21. Deluna Place;
22. Kelly *Street*;
23. North Lagoon Drive;
24. North Pier Park Drive;
25. Bay Parkway; and
26. Road extensions of any of the roads listed in this section.

Service Station – Any business engaged primarily in the servicing of automotive **Vehicles**, including the sale and delivery of fuel, lubricants and other products necessary to the operation of automotive **Vehicles**. This term also includes the sale and installation of accessories, tires, batteries, seat covers and tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, brake service, convenience stores with gas pumps, gas stations with or without repair facilities, and gas stations with or without fast food or **Drive-Through** restaurants.

Setback – A line that is roughly parallel to the front, side or rear **Lot Line** that establishes the minimum or maximum distance or both between the **Lot Line** and the nearest portion of a **Building**.

Shopping Center – A group of commercial establishments, located on one (1) **Parcel** of five (5) acres or more, that are under single ownership or unified management and have common parking facilities, ingress and egress, loading and unloading facilities.

Shrub – A low, woody plant usually with several permanent stems instead of a single trunk, normally reaching a maximum height of not more than ten (10) feet.

Single Family Residential – A property is zoned for **Single Family Residential** if it is in the R-1A, R-1B, R-1C, R-1CT or R-0 district. A **Single Family Residential Use** includes properties with a detached dwelling intended for habitation by one (1) family, but does not include **Lodging Accommodations**.

Single Unified Ownership or Control - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who differ to any extent in identity or interest held.

Silviculture – Activities related to the growing or harvesting of trees.

Site Plan - The **Development** plan for one or more **Lots** on which is shown the existing and proposed conditions of the **Lot** including: topography, vegetation, drainage, **Floodplains**, marshes and waterways, **Open Spaces**, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening

2. Zoning Districts and Uses

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	MT	C	R	PF
Retail Sales and Services (not otherwise specified)	S 5.04. 27									S 5.04. 27	S 5.04. 27	S 5.04. 27	A			
Self-service Laundries									A	A	A	P	P			
Self-storage Facilities / Mini-warehouse											S 5.04. 28	P	P			
Service Stations / Convenience Stores with Gas Pumps/Boat Repair Yards											S 5.04. 29	S 5.04. 29	S 5.04. 29			
Shopping Center											S 5.04. 30	S 5.04. 30	A			
Temporary Child Care Facility – Family Day Care Home; Large Family Child Care Home									A	S 5.04. 04	S 5.04. 04	S 5.04. 04	A			
Terminals (truck or bus)													S 5.04. 31			
Townhomes							P	P	P			S 5.04. 32				
Transient Residential Rentals				S 5.04. 33			S 5.04. 33	S 5.04. 33	S 5.04. 33	P	P	P				
Trucking, freight, moving and storage												S 5.04. 31	S 5.04. 31			
Vehicle sales, rental or service facilities												P	P			
Walkways and bikeways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Warehousing and Storage													P			
Wholesale Facilities													P			
Zoo	C 5.06. 02											C 5.06. 02				

(Ord. #1335, 2/26/15; Ord. #1351, 11/12/15; Ord. #1369, 12/10/15; Ord. #1398, 2-23-17; Ord. #1413, 5/25/17; Ord. #1491, 5-23-19; Ord. #1492, 7/11/19; Ord. #1622, 6/22/23)

4. Site Design and Development Standards

- (g) *Magnolia grandiflora* 'DD Blanchard' "Southern Magnolia"; height 12 ft to top of crown; spacing 40 ft. on center.
- (h) *Acer saccharum* var *floridanum* "Florida Maple"; Min. 14' Ht.; spacing 40 ft. on center.
- (i) *Acer rubrum* "Red Maple"; Min. 14' Ht.; spacing 40 ft. on center.

2. Medium trees

- (a) *Prunus caroliniana* "Carolina Cherry Laurel"; height 10 ft.; spacing 15-20 ft. on center.
- (b) *Lagerstroemia indica* 'Tuscarora' "Tuscarora Crape Myrtle"; height 10 ft.; spacing 15-20 ft. on center.
- (c) *Ligustrum japonicum* "Japanese Privet"; height 8 ft.; spacing 15-20 ft. on center.
- (d) *Rhaphiolepis indica* "Majestic Beauty Tree"; height 8 ft.; spacing 15-20 ft. on center.
- (e) *Prunus angustifolia* "Chickasaw Plum"; height 10 ft.; spacing 15-20 ft. on center.
- (f) *Chionanthus virginicus* "Chinese Fringe Tree"; height 10 ft.; spacing 15-20 ft. on center.

- G. All **Street** trees and palms shall be staked at time of installation. Stakes or guy lines shall be removed after establishment of tree or palm (eight months to one year).

4.06.03 Buffer Requirements

- A. Determination of buffer requirements. The buffering requirements of this section shall not apply to commercial, industrial, multifamily, and **Single Family Developments** internal to an overall **Development** and under single unified ownership.
 - 1. Landscaped buffers and a **Solid Faced** masonry or wooden wall or fence shall be required to separate property zoned for commercial or industrial **Use** from adjacent property zoned or used for **Residential** purposes (**Single Family** or **Multi-family**) and to separate property zoned for **Multi-family Use** from adjacent property zoned or used for **Single Family Residential Use**. The minimum buffer width shall be twenty feet (20') and be planted with one (1) large or medium tree for each twenty (20) linear feet of property on the boundary separating the adjacent **Uses**. The wall or fence shall be at least six (6) feet and not more than eight (8) feet in height and be located no more than one (1) foot from the property line.
 - 2. **Subdivisions** of ten (10) **Lots** or more shall provide a landscaped buffer along any perimeter property boundary adjacent to property zoned for commercial

5.04.29 Service Stations and Boat Repair Yards

A. **Service Stations** and **Boat Repair Yards** are allowable in the CM, CH and M-1 zoning districts, subject to the standards of these zoning districts and the standards in this section. These **Uses** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

(Ord. #1254, 11/14/13)

B. The term "**Service Station**" is defined in Chapter 1 and additionally includes convenience stores with gas pumps, gas stations with or without repair facilities, gas stations with or without fast food or **Drive-Through** restaurants and associated **Parking Lots** and **Accessory Uses**.

C. **Service Stations** or **Boat Repair Yards** located within 100 feet from the property line of a property zoned or used for **Residential** purposes shall meet the following standards:

1. The buffer that is otherwise required shall be increased by thirty (30) percent.
2. Between the buffer and the **Service Station** or **Boat Repair Yard**, there shall be:
 - (a) A **Vegetative Fence**, or
 - (b) A **Solid Faced** masonry or wooden wall or fence shall be required, not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.
3. The exterior design of the facility shall be consistent with the **Building** design of the **Residential** neighborhood, with respect to color, materials and architectural features.

D. All repair services shall be provided within an enclosed **Building**. **Garage bay doors** shall not face a **Residential** zoning district or an arterial **Street**.

E. Any temporary storage of **Vehicles** awaiting repair shall be within an enclosed **Building** or completely screened from off-site view with:

1. A **Vegetative Fence**; or
2. A **Solid Faced** masonry or wooden wall or fence.

F. **Vehicle** parts, supplies, damaged parts or other materials and supplies shall be stored within an enclosed **Building**.

G. **Canopies** over gas pumps or pump islands shall meet the **Setback** requirements for the district.

H. The sale of **Vehicles** is prohibited on the **Service Station** site and the adjacent right-of-way.

Chapter 9. Variation from Code Requirements

CHAPTER NINE CONTENTS

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9.01.00 GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this *LDC* where hardship would otherwise occur. Two forms of hardship are addressed: (1) section 9.02.00 addresses hardship that would be caused if *Non-Conforming Development* were required to immediately come into compliance with this *LDC*; and (2) section 9.03.00 addresses the hardship that may be caused in particular cases by the imposition of the *Development* design standards of this *LDC*.

9.02.00 EXISTING NON-CONFORMING DEVELOPMENT

9.02.01 Continuation of Non-Conforming Development

A. Subject to section 9.02.02, *Non-Conforming Development* may remain in *Use* and in place in its nonconforming state, if such *Development* is otherwise lawful and in existence on the date of enactment or subsequent amendment of this *LDC*. Notwithstanding the forgoing, *Motor Scooter Rental Uses* are subject to the limitations upon the number of *Scooters* at each location set forth in sub-section D of this section.

(Ord. # 1304, 3/27/14; Ord. #1351, 11/12/15)

B. Nothing in this chapter shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures. A non-conforming structure may be issued a roofing permit, regardless of the other provisions of this section.

C. Where an existing *Use* is located in conformity with this *LDC* (or similar, preceding law), the subsequent establishment of a neighboring *Use*, which due to distance limitations would make the pre-existing use non-conforming, shall not cause the prior *Use* to be in violation of this *LDC*. Such *Use* shall not become a non-conforming *Use* but shall continue as if a lawful, conforming *Use* except that the *Use* shall be brought into full compliance with the *Use* regulations in this *LDC* upon discontinuance of occupancy and/or *Use* of the *Development* for a period of more than 180 days in any 365-day period.

(Ord. #1254, 11/14/13)

- B. All applicable Site Design and **Development** Standards (other than those making the **Lot** a **Substandard Subdivision Lot**), other requirements and standards in this **LDC** and other requirements and standards of law are satisfied; and
- C. If the **Lot** was part of a larger **Parcel** and **Building** site, neither its owner nor any predecessor in title to its owner conveyed or otherwise disposed of the right to incorporate any land adjoining the **Lot** into the **Parcel** and **Building** site subsequent to the adoption of this **LDC**.



9.03.00 VARIANCES

9.03.01 Generally

The Planning Board may authorize a **Variance** from the site and **Building** design or **Development** standards set forth in the **LDC** (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met. The Planning Board may not authorize a **Variance** from any standard, requirement or provision of the **Sign Code** except that the Board may authorize a **Variance** from the setback requirements for a **Sign** where the Board has determined that the requirements of this subsection have been met.

9.03.02 Procedure

A. Applications

1. An application for a **Variance** shall include the submittals required in Chapter 10.
2. The application for a **Variance** shall include a statement explaining how the **Variance** request conforms to the requirements listed in section 9.03.00.

B. Review of Applications

An application for a **Variance** shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

9.03.03 Required Findings

A. In order for an application for a **Variance** to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. There is a specific hardship affecting the **Development** of the **Lot** resulting from the strict application of the provisions of the **LDC**;
2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce **Development** costs;
3. The need for the proposed **Variance** is due to the physical shape, configuration or topographical condition of the **Lot** in such a manner as to distinguish it from other adjacent or nearby **Lots** or from other **Lots** in the district;

- B. All applicable Site Design and **Development** Standards (other than those making the **Lot a Substandard Subdivision Lot**), other requirements and standards in this **LDC** and other requirements and standards of law are satisfied; and
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A. In order for an application for a **Variance** to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

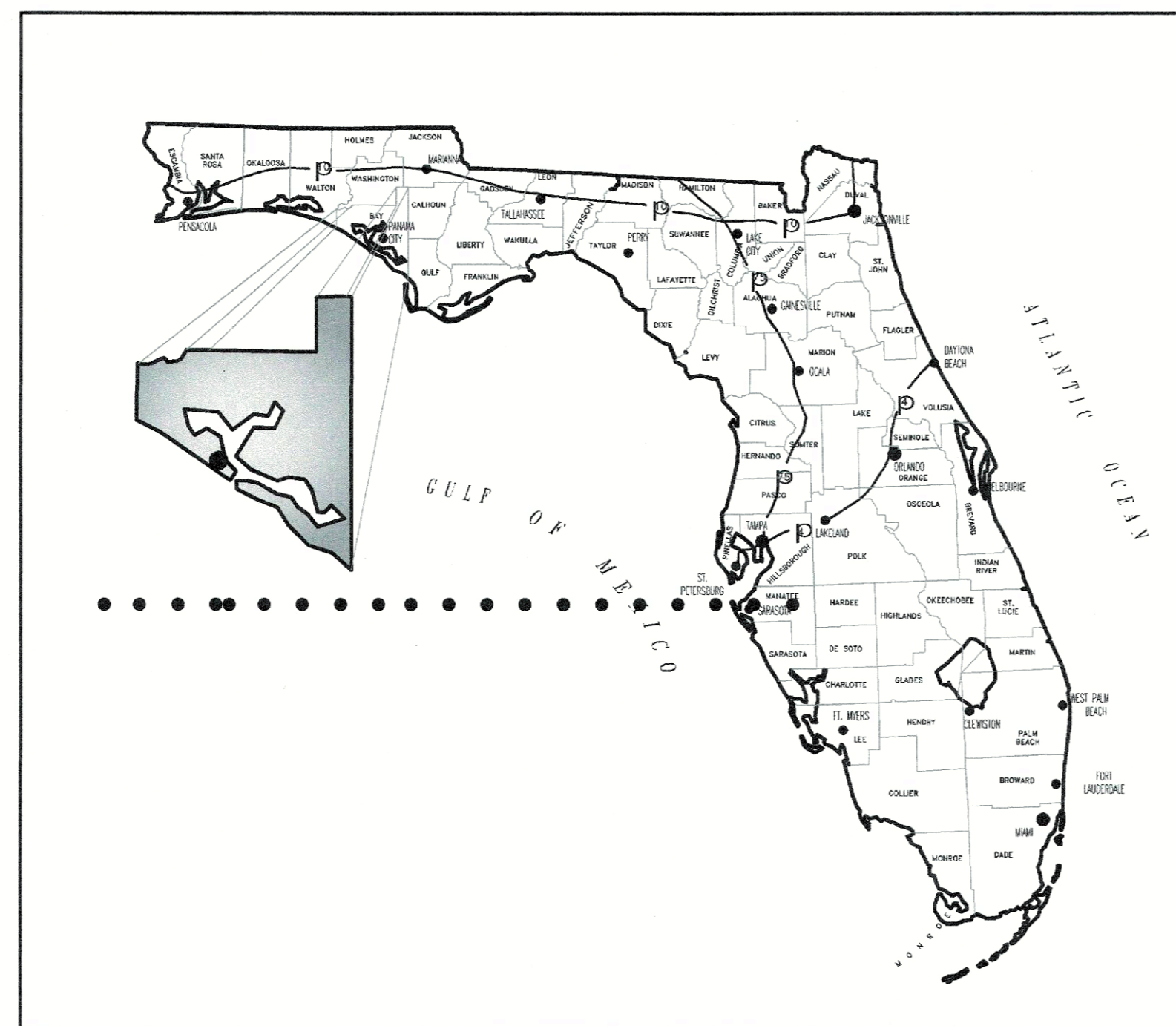
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2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce **Development** costs;
3. The need for the proposed **Variance** is due to the physical shape, configuration or topographical condition of the **Lot** in such a manner as to distinguish it from other adjacent or nearby **Lots** or from other **Lots** in the district;

PERMIT SET

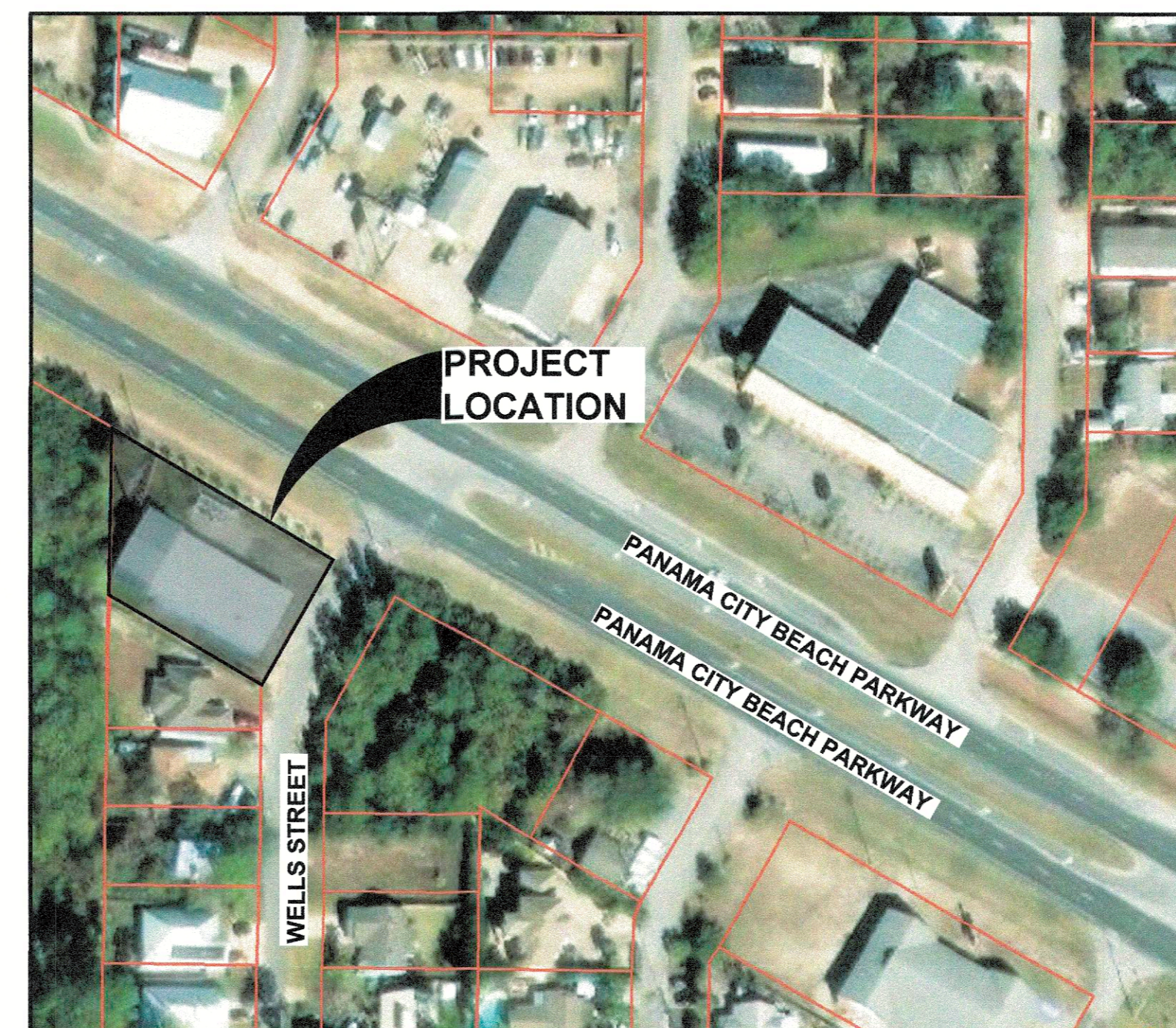
SERVICE STATION PARKING LAYOUT

PERMITTING USE ONLY

17835 PANAMA CITY BEACH PARKWAY
PANAMA CITY BEACH, FLORIDA
SECTION 11 - TOWNSHIP 3 SOUTH - RANGE 17 WEST
PARCEL ID: 38237-000-000



**VICINITY
MAP**



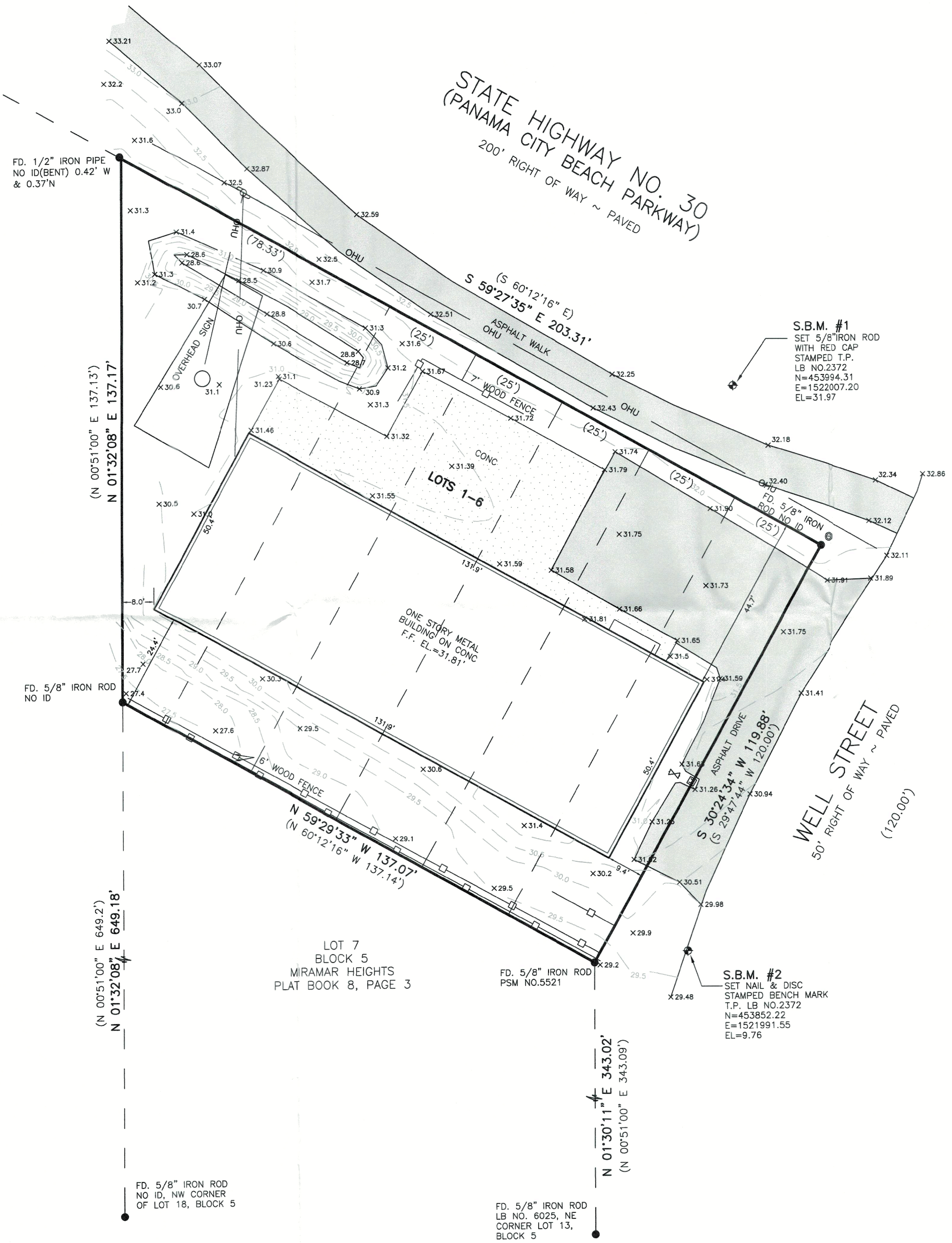
**LOCATION
MAP**



INDEX OF SHEETS

- (*) CE0.0 COVER SHEET (THIS SHEET)
- CE0.1 TOPOGRAPHIC SURVEY
- (*) CE1.0 PARKING LAYOUT
- (*) CE2.0 CONSTRUCTION DETAILS

DATE: August 21, 2024

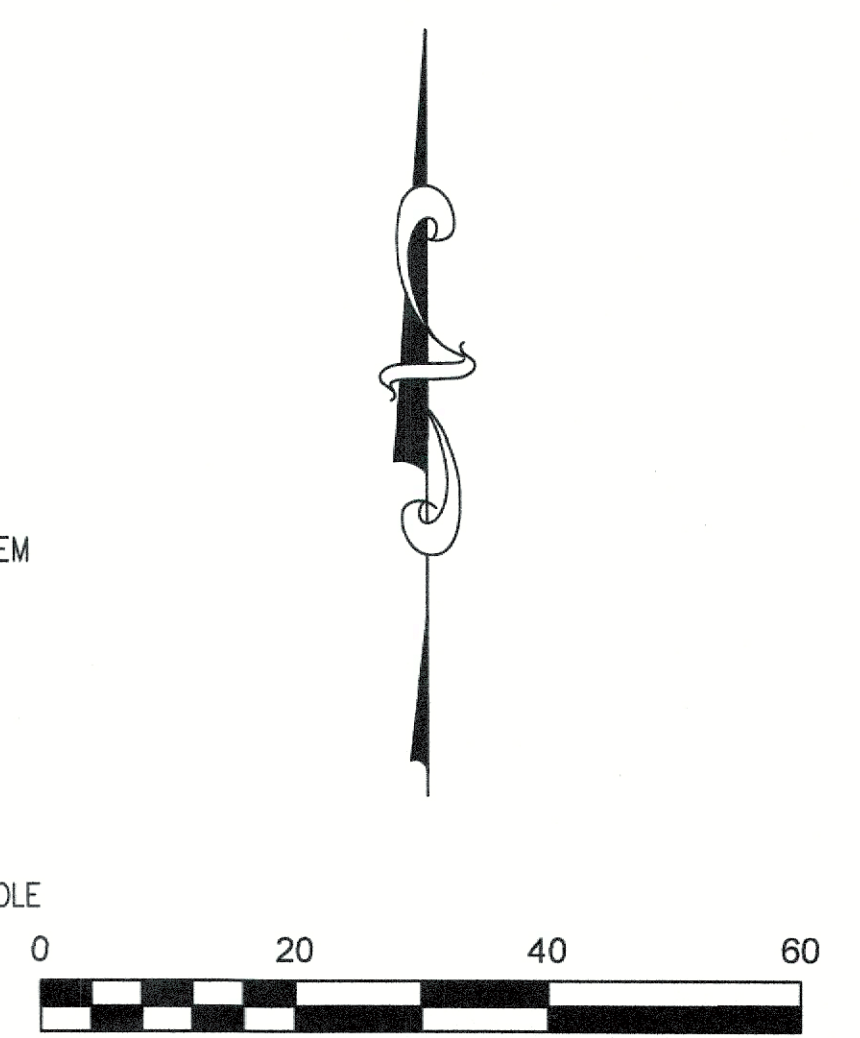


FOR: CURTIS FLINT

DESCRIPTION: LOTS 1 THROUGH 6, INCLUSIVE, IN BLOCK 5, ACCORDING TO THE PLAT OF MIRAMAR HEIGHTS, AS RECORDED IN PLAT BOOK 8, PAGE 3, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BAY COUNTY, FLORIDA.

SYMBOLS & ABBREVIATIONS

N	NORTH
S	SOUTH
E	EAST
W	WEST
FD.	FOUND
COR.	CORNER
LS	LAND SURVEYOR
LB	LAND SURVEYOR BUSINESS
NO.	NUMBER
I.D.	IDENTIFICATION
CONC.	CONCRETE
MON.	MONUMENT
SPCS	STATE PLANE COORDINATE SYSTEM
EL.	ELEVATION
S.B.M.	SITE BENCHMARK
F.F.	FINISHED FLOOR
MH	MANHOLE
EP	EDGE OF PAVEMENT
BP	BACKFLOW PREVENTER
-OHU-	OVERHEAD UTILITY LINE
⊠	WATER METER
⊙	BELL SOUTH TELEPHONE MAN HOLE
⊚	POWER POLE



SURVEYORS NOTES

LOCATIONS OF SUBSURFACE FOUNDATIONS HAVE NOT BEEN DETERMINED AND ARE NOT INDICATED HEREON.

A COMPARISON BETWEEN RECORDED DIRECTIONS AND DISTANCES WITH FIELD MEASURED DIRECTIONS AND DISTANCES HAS BEEN MADE. WHERE THEY VARY THE RECORD AND/OR PLAT DIRECTIONS AND DISTANCES ARE SHOWN IN PARENTHESIS.

THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THERE ARE RECORDED DEEDS, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS, SETBACKS OR OTHER INSTRUMENTS AND GOVERNMENT REGULATIONS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE PROPERTY.

BEARINGS SHOWN HEREON ARE BASED ON RTK GPS OBSERVATIONS UTILIZING L-NET GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) NETWORK REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD 83), 2007 ADJUSTMENT AND ARE REFERENCED TO THE WEST LINE OF BLOCK 5, MIRAMAR HEIGHTS, HAVING A BEARING OF NORTH 01 DEGREES 32 MINUTES 08 SECONDS EAST.

A REVIEW OF FLOOD INSURANCE RATE MAP NUMBER 12005C0281H FOR BAY COUNTY, FLORIDA, EFFECTIVE DATE: JUNE 2, 2009, INDICATES THAT THE PROPERTY SHOWN HEREON IS WITHIN ZONE X.

ELEVATIONS SHOWN HEREON ARE BASED ON RTK GPS OBSERVATIONS UTILIZING L-NET GLOBAL NAVIGATION SATELLITE SYSTEM REFERENCED TO NAVD 88

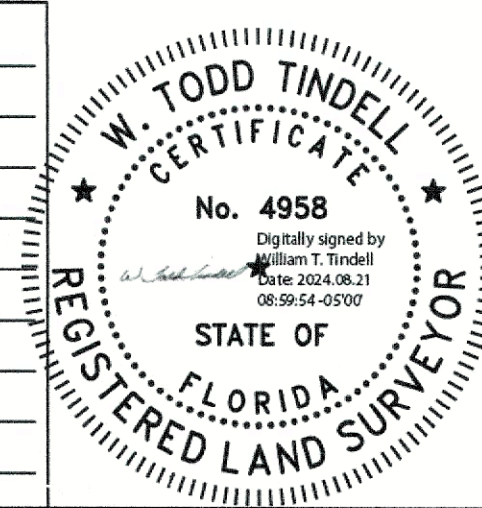
BUCHANAN & HARPER, INC.
ENGINEERING • PLANNING • SURVEYING • LANDSCAPE ARCHITECTURE
CERTIFICATE OF AUTHORIZATION NUMBER: 2372
735 WEST 11TH STREET - PANAMA CITY, FLORIDA 32401 - TELEPHONE (850) 763-7427

THE UNDERSIGNED, W. TODD TINDELL, FLORIDA LAND SURVEYOR NO. 4958, HEREBY CERTIFIES THAT THE SURVEY AND/OR INFORMATION SHOWN HEREON CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN RULE SJ-17, FLORIDA ADMINISTRATIVE CODE.

PLAT OF BOUNDARY & TOPOGRAPHIC SURVEY SCALE 1" = 20'
 SURVEYED 8/20/24 DRAWN 8/20/24 IMPROVEMENTS VISIBLE AS SHOWN
 REVISED _____
 REVISED _____
 REVISED _____

SOURCE OF INFORMATION PLAT OF MIRAMAR HEIGHTS
 BEARING REFERENCE SEE NOTE
 ELEVATION REFERENCE SEE NOTE

F.B. 1130 PA. 72 JOB NO. 13628.01 FILE NO. C 4043 SHEET NO. 1 OF 1



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY W. TODD TINDELL PSM NO. 4958 ON DATE OF DIGITAL SIGNATURE.

STATE HIGHWAY NO. 30
(PANAMA CITY BEACH PARKWAY)

200' RIGHT OF WAY ~ PAVED

(S 60°12'16" E)
S 59°27'35" E 203.31'

ASPHALT WALK

(25') (25') (25') (25') (25')

7' WOOD FENCE

LOTS 1-6

ONE STORY METAL BUILDING ON CONC
F.F. EL.=31.81'

EXISTING ADMIN OFFICE

PROPOSED SERVICE BAY / CAR LIFT

PROPOSED DUMPSTER ENCLOSURE

WELL STREET
50' RIGHT OF WAY ~ PAVED
(120.00')

FD. 1/2" IRON PIPE
NO ID(BENT) 0.42' W
& 0.37' N

(78.33')

FD. 5/8" IRON
ROD NO ID

APPROXIMATE
EXISTING ROLL UP
DOORS

APPROXIMATE
EXISTING ROLL UP
DOORS

EXISTING ADMIN OFFICE

PROPOSED SERVICE BAY / CAR LIFT

PROPOSED DUMPSTER ENCLOSURE

WELL STREET
50' RIGHT OF WAY ~ PAVED
(120.00')

FD. 5/8" IRON ROD
NO ID

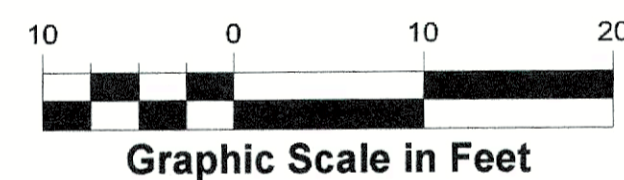
N 59°29'33" W 137.07'
(N 60°12'16" W 137.14')

FD. 5/8" IRON ROD
PSM NO.5521

LOT 7
BLOCK 5
MIRAMAR HEIGHTS
PLAT BOOK 8, PAGE 3

N 01°32'08" E 649.18'
(N 00°51'00" E 649.2')

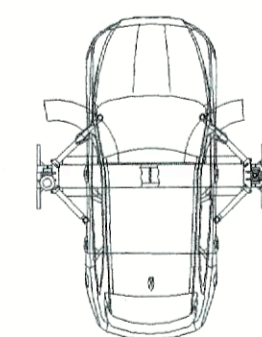
N 00°51'00" E 343.09'
(N 01°30'11" E 343.02')



NOTES:

1. THIS SHEET IS ONLY TO BE USED FOR PARKING SPACE LAYOUT PURPOSES. NO CIVIL DESIGN WAS USED IN THIS DRAWING.

LEGEND:



PROPOSED SERVICE BAYS (12.00' X 24.00')

PARKING INFORMATION:

PARKING REQUIRED: 14 SPACES (INCLUDES 1 ACCESSIBLE)

USE TYPE: (AUTOMOTIVE FACILITY/ SERVICE STATION)

AUTOMOTIVE FACILITY / SERVICE STATION 2 SPACES PLUS 4 SPACES PER SERVICE BAY IN ADDITION TO SPACES REQUIRED FOR RETAIL SPACE (2 SPACES + 4 SPACES X 3 SERVICE BAYS) = 14 SPACES

TOTAL SPACES REQUIRED = 14 SPACES (INCLUDES 1 ACCESSIBLE)

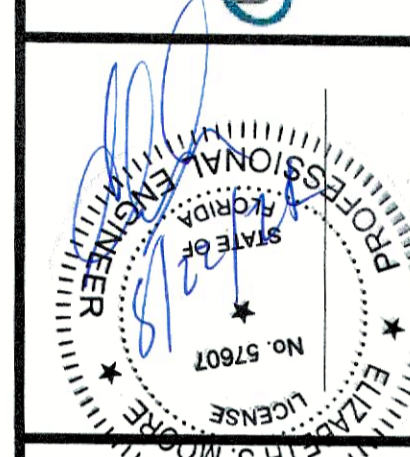
PARKING PROVIDED: 15 SPACES (INCLUDES 1 ACCESSIBLE)

(5) 45 DEGREE STANDARD (9' x 17') SPACES PROVIDED

(8) 45 DEGREE (10' x 17') SPACES PROVIDED

(1) 45 DEGREE HANDICAP ACCESSIBLE (12' x 17' w/5' AISLE) SPACE PROVIDED

(1) 90 DEGREE STANDARD (9' x 20') SPACES PROVIDED



CONFORMED SET

No.	Date	Revision

Designed: C.FLINT
Drawn: T.NEWMAN
Checked: E.MOORE
Job No.: 0165.001
Date: 08/07/2024

PARKING LAYOUT
**SERVICE STATION
PARKING LAYOUT**
PANAMA CITY BEACH / BAY / FL

THIS SHEET NOT VALID FOR CONSTRUCTION WITHOUT COMPLETE SET OF PLANS. SEE GENERAL NOTES FOR MASTER LEGEND.
Sheet No.
CE1.0

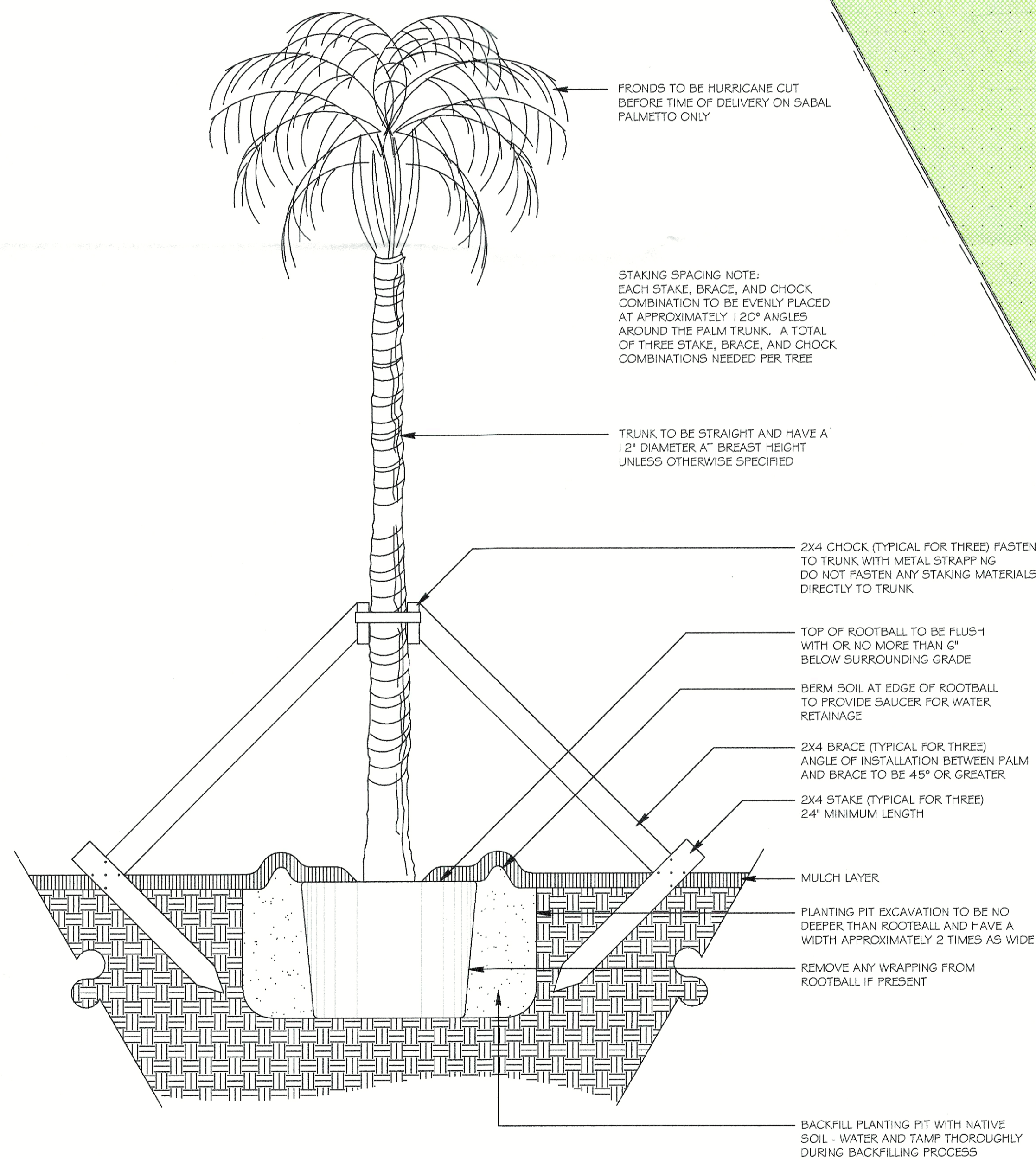
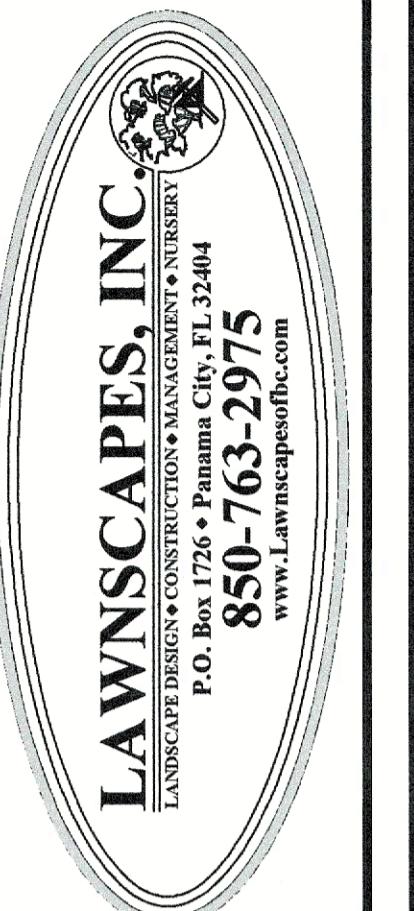
LANDSCAPE REQUIREMENT CHART
PER CITY OF PANAMA CITY BEACH CODE

BOUNDARY DESCRIPTION	ADJACENT USE	BUFFER LENGTH	BUFFER REQUIRED
NORTH	-	N/A	N/A
SOUTH	R-1c	13.7'	6' SOLID FENCE + NINE (9) TREES
EAST	-	N/A	N/A
WEST	COMMERCIAL	13.7'	NONE REQUIRED

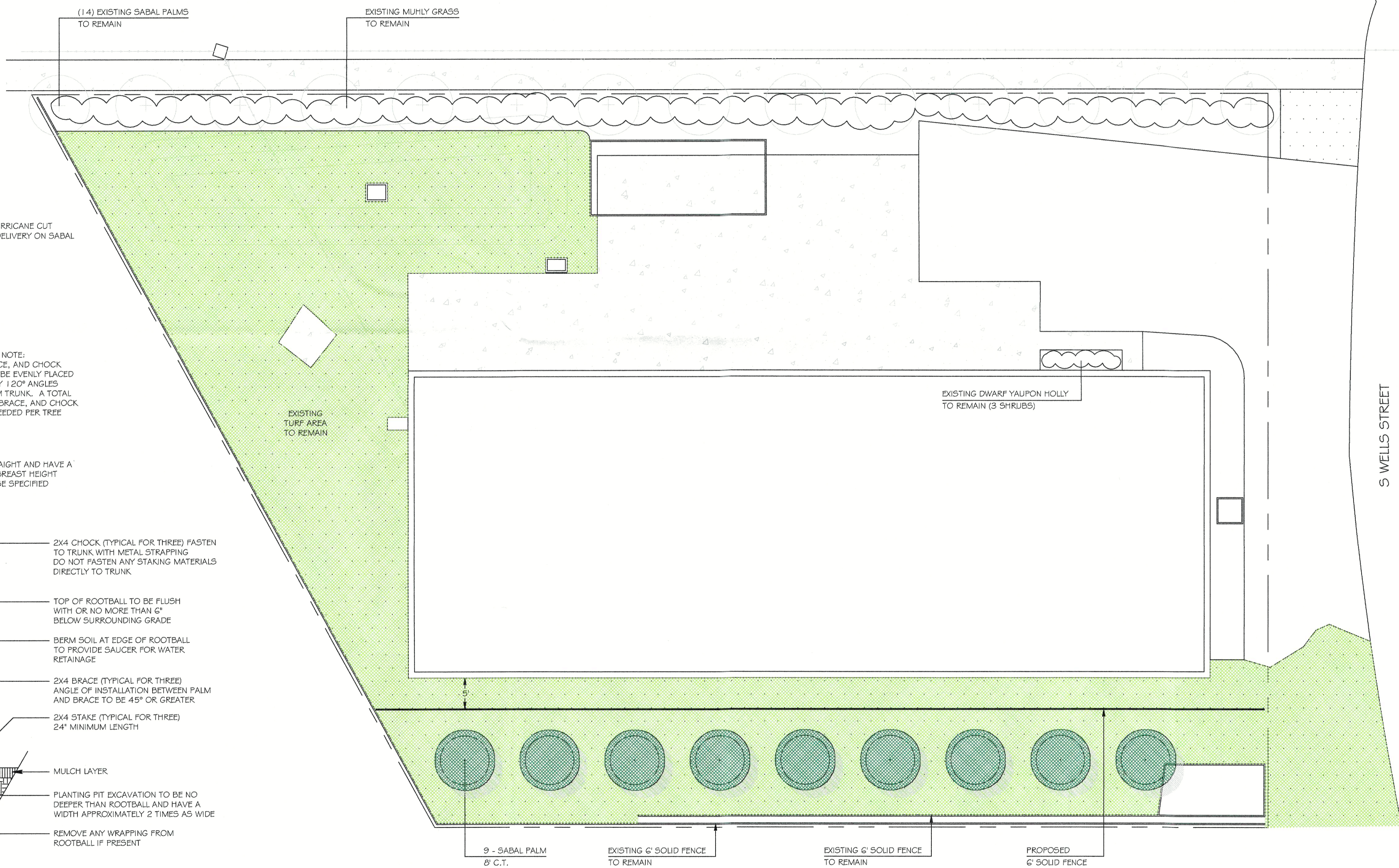
LANDSCAPE NOTES:

1. PLAN QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY AND SHOULD BE VERIFIED BY THE CONTRACTOR. THE LANDSCAPE PLAN SHALL TAKE PRECEDENCE OVER ANY PROVIDED NOTE, LEGEND, OR SCHEDULE.
2. IDENTIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
3. ALL PLANT MATERIAL TO BE FLORIDA #1 OR BETTER. SPECIFIED GALLON SIZE, CALIPER, AND HEIGHT TO CORRELATE WITH STANDARDS SET BY THE FLORIDA GRADES AND STANDARDS FOR NURSERY STOCK (CURRENT EDITION).
4. PROVIDE HEALTHY STOCK FREE OF DIE BACK, DISEASE, OR ANY NON BENEFICIAL INSECT ACTIVITY.
5. ALL STOCK TO BE FULLY ROOTED WITHOUT BEING ROOTBOUND.
6. THE CONTRACTOR IS TO PROTECT THE WORK OF OTHER TRADES AND ADJACENT PROPERTIES.
7. LANDSCAPE CONTRACTOR TO NOTIFY THE OWNER OR OWNERS REPRESENTATIVE OF ANY SURFACE OR SUBSURFACE CONDITIONS THAT WILL BE DETRIMENTAL TO THE GROWTH AND/OR SURVIVAL OF SPECIFIED PLANT MATERIAL.
8. ALL PLANTING BEDS TO HAVE A SMOOTH AND GRACIOUS EDGE CUT TO A MINIMUM DEPTH OF 3 INCHES (BEFORE SOD INSTALLATION).
9. ALL PLANTING BEDS TO BE RAKED SMOOTH AND CLEANED OF DEBRIS LARGER THAN 2" IN DIAMETER. BEDS SHALL BE RAKED SMOOTH BOTH BEFORE AND AFTER PLANT INSTALLATION.
10. PLANTS NOT INSTALLED ON SAME DAY AS DELIVERY MUST BE ADEQUATELY WATERED DURING STORAGE. DO NOT STORE PLANTS ON ASPHALT OR DARK HARDSCAPE SURFACES. STRESSED PLANTS MAY BE REJECTED.
11. SPACING WITHIN SHRUB AND GROUNDCOVER PLANTINGS IS SHOWN ON PLANS. THE PROPOSED SPACING BETWEEN PLANTS OF THE SAME SPECIES MAY BE REDUCED TO ACCOMMODATE INDICATED QUANTITY. DO NOT REDUCE SPACING BETWEEN PLANTS OF DIFFERING SPECIES.
12. PLANT SPACING BETWEEN DIFFERING SPECIES TO BE SET BY ADDING THE 'ON CENTER' SPACINGS PROPOSED FOR EACH SPECIES.
EXAMPLE: ADJACENT PLANTINGS OF 1 GALLON PLANTS AT 2' O.C. AND 3 GALLON PLANTS AT 4' O.C. SHOULD BE SPACED 6' APART FROM EACH OTHER FROM THE CENTER OF THE 1 GALLON PLANT TO THE CENTER OF THE 3 GALLON PLANT.
13. THE INDICATED 'ON CENTER' SPACING SHALL BE USED TO SET THE MINIMUM DISTANCE OF THE PLANT CENTER FROM ADJACENT WALLS, HARDSCAPES, AND BEDLINES.
14. PLANTING EXCAVATIONS SHALL BE A MINIMUM TWO TIMES THE SIZE OF THE ROOTBALL BEING INSTALLED.
15. INSTALL PLANTS STRAIGHT AND PLUMB. BOTTOM OF HOLE TO BE LIGHTLY TAMPED BEFORE SETTING PLANT. TOP OF ROOTBALL SHALL BE SET AT OR SLIGHTLY ABOVE SURROUNDING GRADE.
16. ALL BED AREAS TO RECEIVE A 2" MINIMUM THICKNESS PINE STRAW MULCH APPLICATION. PINE STRAW TO BE CLEAN AND FREE OF DEBRIS OR INVASIVE SPECIES.
17. ALL TREES, SHRUBS, AND GROUNDCOVERS TO RECEIVE A SLOW RELEASE FERTILIZER UPON INITIAL INSTALLATION.
18. ALL SOD AREAS TO BE RAKED SMOOTH AND GRADED TO PREVENT STANDING WATER.
19. ALL SOD AREAS TO BE ROLLED IMMEDIATELY AFTER INSTALLATION.
20. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR CORRECTING AREAS OF STANDING WATER IN THE LANDSCAPE BEFORE FINAL ACCEPTANCE.
21. ALL TRASH GENERATED BY THE LANDSCAPE CONTRACTOR SHALL BE GATHERED AND REMOVED BY THE LANDSCAPE CONTRACTOR.
22. PLANT AND SOD HEALTH AND WATERING IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR UNTIL FINAL ACCEPTANCE.
23. AN AUTOMATED IRRIGATION SYSTEM IS REQUIRED. SYSTEM TO INCLUDE/PROVIDE THE FOLLOWING:
 - 100% COVERAGE OF ALL TURF AREAS
 - 100% COVERAGE OF ALL BED AREAS
 - BACKFLOW PREVENTION PER STATE/LOCAL CODE
 - RAIN SHUT OFF DEVICE PER STATE/LOCAL CODE

PANAMA CITY BEACH PARKWAY



I PALM PLANTING DETAIL
L1 NOT TO SCALE



S WELLS STREET

LANDSCAPE PLAN
ARNOLD
PROPERTY
17835 PANAMA CITY BEACH PARKWAY
PANAMA CITY BEACH, FLORIDA

NO.	DATE	INITIALS	REVISION DESCRIPTION
01	08/16/24	-	CITY SUBMITTAL
02	08/21/24	-	PER CITY COMMENTS
03			
04			
05			
06			
07			



The seal appearing on this document was authorized by Sean P. Daly 08/21/24

SCALE: 1" = 10'

SHEET NUMBER

L1
OF ONE





City of
Panama City Beach

PCB City Hall
 17007 PCB Parkway
 PCB, FL. 32413
 P: (850) 233-5100
 F: (850) 233-5108
 www.pcbfl.gov

DATA AND ANALYSIS

- I. **APPLICANT:** Eric Arnold – Acting Agent Melissa Ward
- II. **PROPERTY LOCATION:** Parcel ID#38237-000-000, 17835 Panama City Beach Parkway
- III. **ZONING DISTRICT:** Commercial High Intensity (CH) – Scenic Corridor
- IV. **REQUEST:** The request is to deviate from two (2) of the Supplemental Standards outlined in Section 5.04.29 of the Land Development Code (LDC).
 - 5.04.29.(C)(1). As a result of wishing to operate an automotive repair facility (service station) from an existing building, the LDC states the required twenty (20) foot buffer must be increased by thirty (30) percent when such use is located within 100 feet of a residential zone or use. The proposed use will be approximately 24.4 feet from a residential zoning. The request is to decrease the required (26) foot buffer by one foot - seven inches (1’7”) to allow for a (24.4) foot buffer.
 - 5.04.29.(D) The garage bay doors shall not face an arterial street. The arterial street is Panama City Beach Parkway. The request is to not make any changes to the location of the bay doors and allow the doors to be operational for the automotive repair shop.
- V. **REASON FOR REQUEST:** The applicant would like to change the status of the current Use of the building from wholesale/retail sales to an automotive repair shop.

The proposed Use, Automotive Repair is defined in the Land Development Code definitions, Section 1.07.00 Service Station – Any business engaged primarily in the servicing of automotive *Vehicles*, including the sale and delivery of fuel, lubricants and other products necessary to the operation of automotive *Vehicles*. This term also includes the sale and installation of accessories, tires, batteries, seat covers and tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, brake service, convenience stores with gas pumps, gas stations with or without repair facilities, and gas stations with or without fast food or drive-through restaurants. The LDC allows the proposed Use in the CH zoning with Supplemental Standards, Section 5.04.29.

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Service Stations/ Convenience Stores with Gas Pumps/Boat Repair Yards											S 5.04. 29	S 5.04. 29	S 5.04. 29			

STAFF COMMENTS: The building was constructed in 1994 as a metal building in the Automotive Oriented Business (BA) zoning that existed at the time. The current LDC was adopted in 2012 with the property having a zoning of Commercial High Intensity (CH). The business license records reflect from 2009 to present the location has been operating as a wholesale business for Sherwin Williams. A retail/wholesale business is a permitted Use in a CH zoning district. The applicant states that the current use is non-conforming and granting the variances to allow the auto repair business will be more compliant with the Land Development Code. Staff believes the current use does comply with LDC but that the site design standards (metal façade, shortage of landscaping, driveway too wide) do not.

The LDC has three tiers of principal uses: Permitted, Supplemental, and Conditional. Permitted uses are allowed by right and must meet the general requirements of the LDC such as height, setbacks, landscaping, parking, stormwater, etc... Supplemental uses are land uses that have been identified to have a potential to be a nuisance to surrounding properties based upon the impact of such use. Supplemental uses must meet the general requirements as well but additionally have requirements that attempt to mitigate the potential nuisance to surrounding properties. Such supplemental standards usually include increased setbacks from residential uses or zoning and increased landscaping and fencing. Supplemental uses are reviewed by City Staff for compliance. Finally, Conditional uses are similar to Supplemental uses except that they are considered by the Planning Board at a public hearing rather than approval by City staff. Conditional uses often have even more requirements to meet because the potential for nuisances is even greater.

The proposed use as an automotive repair shop is a Supplemental use in the CH zoning district and as such must the following additional requirements:

5.04.29 Service Stations and Boat Repair Yards

A. Service Stations and Boat Repair Yards are allowable in the CM, CH and M-1 zoning districts, subject to the standards of these zoning districts and the standards in this section. These **Uses** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

(Ord. #1254, 11/14/13)

B. The term “**Service Station**” is defined in Chapter 1 and additionally includes convenience stores with gas pumps, gas stations with or without repair facilities, gas stations with or without fast food or **Drive-Through** restaurants and associated **Parking Lots** and **Accessory Uses**.

C. Service Stations or Boat Repair Yards located within 100 feet from the property line of a property zoned or used for **Residential** purposes shall meet the following standards:

1. The buffer that is otherwise required shall be increased by thirty (30) percent.

2. Between the buffer and the **Service Station** or **Boat Repair Yard**, there shall be:

(a) A **Vegetative Fence**, or

(b) A **Solid Faced** masonry or wooden wall or fence shall be required, not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

3. The exterior design of the facility shall be consistent with the **Building** design of the **Residential** neighborhood, with respect to color, materials and architectural features.

D. All repair services shall be provided within an enclosed **Building**. **Garage bay doors shall not face a Residential zoning district or an arterial Street.**

E. Any temporary storage of **Vehicles** awaiting repair shall be within an enclosed **Building** or completely screened from off-site view with:

1. A **Vegetative Fence**; or
2. A **Solid Faced** masonry or wooden wall or fence.

F. **Vehicle** parts, supplies, damaged parts or other materials and supplies shall be stored within an enclosed **Building**.

G. **Canopies** over gas pumps or pump islands shall meet the **Setback** requirements for the district.

H. The sale of **Vehicles** is prohibited on the **Service Station** site and the adjacent right-of-way.

The applicant proposes to meet most of the requirements but is requesting variances from Sections C.1 (*increased buffering*) and D (*garage bays facing the Parkway*). The 30% increase in required buffering results in a setback of 26 feet rather than 20 feet and 9 medium or large trees rather than 7. The applicant is proposing to provide the required number of trees but is requesting the required setback be reduced from 26 feet to 24.4 feet to make use of the existing building. The applicant is also requesting that the two existing garage doors be allowed to continue to face the Parkway.

CONCLUSION:

LDC Section 9.03.03

A. In order for an application for a **Variance** to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. There is a specific hardship affecting the **Development** of the **Lot** resulting from the strict application of the provisions of the **LDC**;

STAFF COMMENT: There are other permitted uses of the lot that can occur without the increase in buffering being required. The required increase in buffering is directly related to the proposed use and its close proximity to a residential zone or use.

2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce **Development** costs;

STAFF COMMENT: The request is a result of the owner intending to use the existing building for an automotive repair facility (service station) which requires supplemental standards (increased buffering and bays to not face the Parkway) to be met.

3. The need for the proposed **Variance** is due to the physical shape, configuration or topographical condition of the **Lot** in such a manner as to distinguish it from other adjacent or nearby **Lots** or from other **Lots** in the district;

STAFF COMMENT: The lot is similarly shaped to other lots that front Panama City Beach Parkway. The existing building meets the setbacks of the CH zoning district but does not meet the additional setback required by supplemental standards for the proposed use. Additionally, two garage bays face the Parkway which is also prohibited by the supplemental standards.

4. The proposed **Variance** is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby **Lots** or other **Lots** in the district;

STAFF COMMENT: No other property owners of adjacent or nearby lots have the right to be located closer to a residential zoning than the setbacks of the underlying zoning district or any supplemental or conditional use requirements.

5. The proposed **Variance** will not substantially increase congestion on surrounding **Streets**, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;

STAFF COMMENT: The proposed use of an automotive repair facility is expected to increase congestion on surrounding streets. The ITE Trip Generation Manual, 11th edition, shows an expected three times more traffic from an Automotive Care Center than from a Paint Store and about 15 times more traffic than a warehouse.

6. The proposed **Variance** will be compatible with adjacent and nearby **Development** and will not alter the essential character of the district;

STAFF COMMENT: There are other automotive repair facilities generally within this area but the expected increase in traffic could negatively impact adjacent and surrounding residential properties.

7. The effect of the proposed **Variance** is consistent with the purposes of the **LDC**; and

STAFF COMMENT: The 26-foot setback from a residential zone or use is the minimum distance determined to be necessary to adequately buffer (along with landscaping and fencing) a service station from a residential use. Reducing the minimum required buffering may increase the potential for nuisances to the adjacent and nearby residential uses.

8. The effect of the proposed **Variance** is consistent with the Comprehensive Plan.

STAFF COMMENT: Policy 7.3 of the Future Land Use Element (Comprehensive Plan) states that development review procedures shall evaluate the compatibility of proposed developments with adjacent lands and require screening or buffers for all construction except single family and two-family residential uses on individually platted lots. The supplemental standards in the LDC requires a 30% increase in buffering when a service station is proposed within 100 feet of a residential zone or use. Reducing the minimum required buffer is not consistent with the Comprehensive Plan or the Land Development Code because it will not meet the minimum requirements for compatibility.

- B.** The applicant for a **Variance** has the burden of proof of demonstrating that the application for a **Variance** complies with each of the requirements of this section.

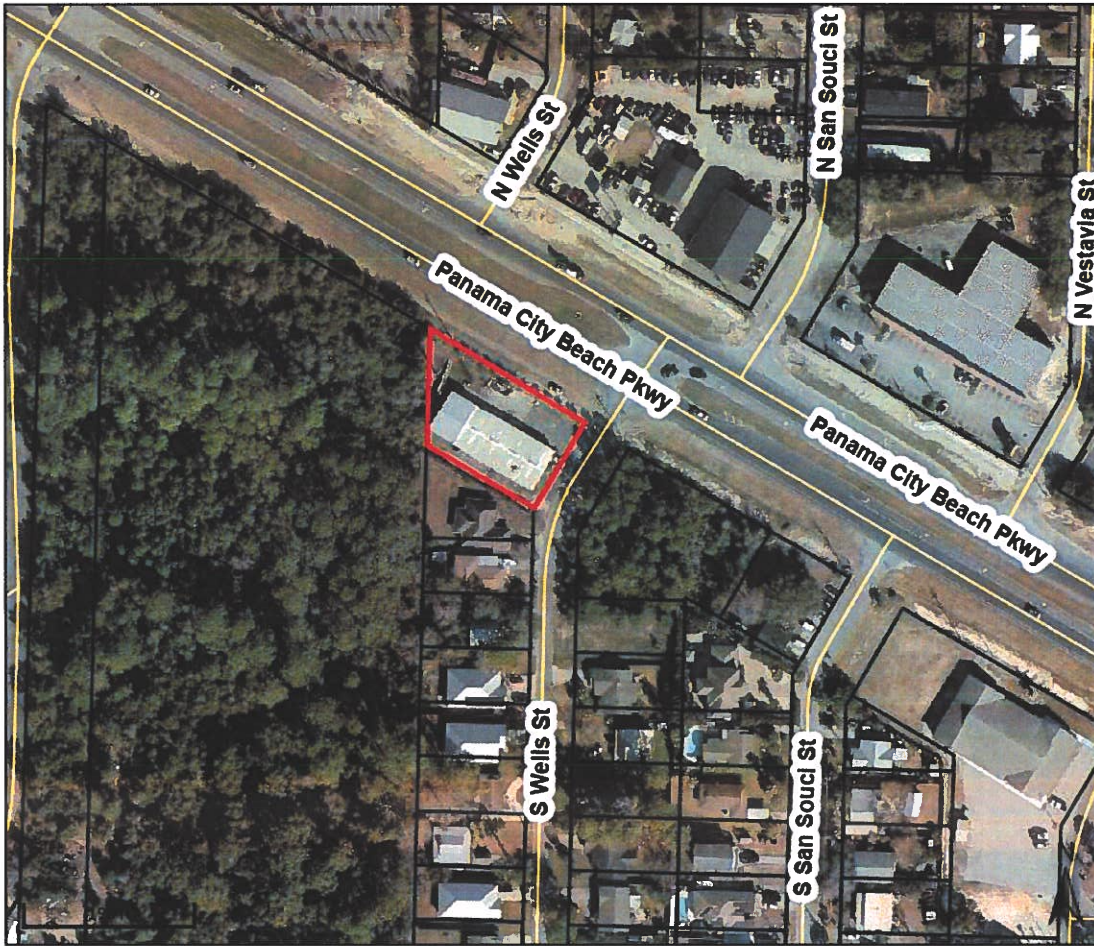
(Ord. #1254, 11/14/13)

Staff has reviewed the application with the required findings for granting a variance and finds the requests do not meet all of requirements of the City's Land Development Code, Section 9.03.03, which are necessary to issue a variance.



Bay County Property Appraiser - Dan Sowell, CFA

Main Office | 860 W. 11th St, Panama City, FL 32401 | 850-248-8401
Beach Office | 301 Richard Jackson Blvd, Panama City Beach, FL 32407 | 850-248-8470



Overview



Legend

- Parcels
- Roads

Parcel ID	38237-000-000	Owner	ERWIN, RONNIE & ANITA	Last 2 Sales		
Class Code	WAREHOUSE-STORAGE		5 WESTRIDGE PL	Date	Price	Reason Qual
Taxing District	13		ROME, GA 30165	2/25/1994	\$45000	N/A Q
	PANAMA CITY BEACH	Physical Address	17835 PC BCH PKWY	8/14/1987	\$31000	N/A Q
Acres	0.482	Just Value	Value \$432182	MLS		

(Note: Not to be used on legal documents)

Maps have been compiled from the most authentic information available and are to be used for assessment purposes only. Bay County Property Appraiser's Office assumes **NO** responsibility for errors and/or omissions that may be contained herein. **THIS MAP IS NOT A SURVEY**

Date created: 9/3/2024
Last Data Uploaded: 9/3/2024 4:35:25 AM

Developed by Schneider GEOSPATIAL

PUBLIC COMMENTS

ITEM NO. 5

Andrea Chester

From: DAVID DEMOND DeMond <dwdemond@embarqmail.com>
Sent: Monday, September 2, 2024 11:41 AM
To: Andrea Chester
Subject: Variiance

You don't often get email from dwdemond@embarqmail.com. [Learn why this is important](#)

[CAUTION] This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

I am the property owner for 104 S Wells Street, Panama City Beach, Florida 32413. I received a Certified Letter requesting a variance for my property so that a service station could be built next to my property. I met with Eric Arnold and told him NO! that a service station would lower my property value. There is a service across the street.

Other concerns:

Reduce the value of my home by \$100,000. Vehicles being parked on Wells Street Air quality from the service station. Noise created by the business and trash, Old car parts laying around.

How would you feel if someone did this to you. In Panama City Beach there are other places to build a service station.

Zoning regulations should be enforced equally. The seller should have been aware of the regulations concerning all matters regarding the property. Do not allow exceptions that enrich one party and punishes the other party

ITEM NO. 6

Application Update

A general update was provided at the June 12, 2024, Planning Board meeting for conditional uses, variances and PUDs (planned unit developments). The Planning Board requested additional information to be provided for those not substantially complete as well as an update on Large Site Developments. The sections of the Land Development Code listed below outline the requirements for an approved application to be invalidated or expired.

6.06.07 Limitation on Time to Exercise Conditional Use Approval

Any conditional use authorized by the Planning Board shall be deemed abandoned and be void and of no further force and effect if:

- a.) not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, or
- b.) the conditional use is timely used and acted upon in a real and substantial way but is discontinued by the applicant or applicant's successor(s) in interest for a period of more than 180 days in any 365 day period.

9.03.05 Limitation on Time to Use Variance

Any variance authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, shall be deemed abandoned and be void and of no further force and effect.

10.10.05 Invalidation of Master Plan (PUD & Large Site)

A.) Within thirty (30) days of the Building and Planning Department's determination that there has been a failure to complete a benchmark by the time specified in the Master Plan timeline, the Department shall schedule a hearing on that matter before the Planning board, which may result in the invalidation of the Master Plan and Final Development Plan by written order of the Planning Board.

B.) Upon invalidation of the Master Plan, all land development regulations in effect prior to the approval of the Master Plan as applicable shall apply to the property which was the subject of the Master Plan.

C.) Property subject to an invalidated TNOD Master Plan shall be subject to the underlying zoning district regulations.

D.) Property subject to an invalidated PUD Master Plan shall be subject to the regulations for the zoning district in effect prior to approval of the PUD zoning.

E.) Property subject to an invalidated FBO district Master Plan shall be subject to the applicable FBO district regulations.

Dudley Brannum

Background

Dudley Brannum, Back Beach Road Properties, LLC was the applicant of approximately 71.64 acres that was annexed and received a zoning designation of PUD in 2007. The property is located on the north side of Panama City Beach Parkway, west of the intersection of Panama City Beach Parkway and Alf Coleman. A portion of the PUD abuts the eastern boundary of the North Beach Estates residential subdivision that is in unincorporated Bay County. The property is not in a Front Beach Overlay and is located in the Scenic Corridor. At the time of application Mr. Brannum did not give a reason for the request for annexation and application for a PUD Master Plan has not been made. In 2009, two (2) parcels were sold to PCB Northwind LLC and later rezoned to CM (Commercial-Medium Intensity) in 2012. Pineglen Motorcoach RV Park has been in existence since 1997 and operates on approximately 13.82 acres of the PUD. In 2022, the Florida Department of Transportation purchased approximately .73 acres that fronts the interior of the North Beach Estates neighborhood. Currently, Back Beach Road Properties, LLC does not own any parcels within the PUD.

Status Update

No Master Plan

Ibis Lake

Background

Peachtree Place, Inc was the developer of approximately 29.59 acres located on the south side of Panama City Beach Parkway and east of Vestavia Street, at 17789 Panama City Beach Parkway. The property is not in a Front Beach Overlay and is located within the Scenic Corridor. The proposed development consists of residential (15.98 acres), conservation (3.08 acres), retail sales and service (3.01 acres), easements and right of ways (.84 acres), and open space (6.68 acres). In 2009, People's First Community Bank took ownership of the property. The current owner, US 98 Capital Investments, LLC purchased the property in 2011.

The public benefit identified consists of the following:

- a.) Voluntary reduction in total allowable dwelling units from the current land uses which permits over 1,000 dwelling units. Approval of the Master Plan established a maximum allowable density of ten (10) dwelling units per acre.
- b.) A height limit of sixty (60) feet was established.
- c.) Enhanced vegetative buffering system is required at the roadways and perimeter of the site as indicated on the submitted Master Plan.
- d.) Approximately 3.08 acres are designated as conservation.
- e.) Areas for open space and recreation have been provided.
- f.) A trail system and pedestrian sidewalks are required throughout the development.

Status Update

Planning Board Approval: April 12, 2003

PUD Modification: December 13, 2004

Infrastructure Deadline: April, 2007

90% Developed Deadline: April, 2013

Development Order Issued: January 6, 2006

Approved Plat Recorded: May 23, 2008

La Borgata (Kelly Street)

Background

Nash York LLC was the developer of approximately 21.19 acres located on the south side of Panama City Beach Parkway and eastern side of Kelly Street. The parcel is not in a Front Beach Overlay and is located within the Scenic Corridor. A portion of the PUD now known as Kelly Street Pines (2.85 acres) was voluntarily removed from the PUD and rezoned to R-0 (Residential- Zero Lot Line). The remaining three (3) parcels of the PUD total 18.34 acres. Currently, Nash York LLC does not own any parcels within the PUD.

The current PUD underwent a modification in 2019. The modification was to the 14.47 acre center parcel and included a reduction from 165 multi-family units (8 units per acre) to 102 townhomes (5.45 units per acre), which includes a reduction from 8.43 acres of residential land to 6.45 acres, removal of 1.18 acres of recreation acreage, relocation and modification of the retail sales, personal services and multi-family mixed use structure component (3.22 acres of land area) from the western portion of the PUD to the northern portion of the PUD, increasing the commercial component to 4.73 acres and removing the multi-family component, increasing open space from 2.79 acres to 3.2 acres and adding a 26' buffer along the southern property line. The two (2) remaining parcels (4.18 acres) are designated Business and Professional Services from the 2005 PUD approval.

The public benefit identified consists of the following:

- a.) Voluntary building height restriction of 60' maximum, which prohibits high-rise construction.
- b.) Enhanced buffering from roadways and perimeters.
- c.) Supports the objective of the PUD ordinance, land use categories, and comprehensive plans.
- d.) Will promote internal pedestrian traffic within the various land uses.
- e.) Will provide effective internal circulation connecting all land uses.
- f.) Extensive provisions for open space and passive recreation.

Status Update

Planning Board Approval: August 8, 2005

Infrastructure Deadline: August, 2009

90% Developed Deadline: August, 2015

Modification Approval: September 11, 2019

Oak Grove

Background

The Reserve at West Bay, LLC was the developer of approximately 122.84 acres located on the east side of Moonlight Bay Drive and approximately 3,800 feet from Panama City Beach Parkway. The property is not in a Front Beach Overlay or within the Scenic Corridor. The proposed development consists of mixed use (13.4 acres), open space (25.27 acres), conservation (41.8 acres), resort accommodations and services (28.73 acres), recreation and services (2.15 acres), and easements and right of ways (11.49 acres). Access from Moonlight Bay Drive will be limited to those trips for purposes of emergency/ life safety, construction, and limited maintenance and to the exclusion of daily service trips. Property ownership has not changed since the approval of the PUD in 2006.

The public benefit identified consists of the following:

- a.) The development provides 25.65 acres of open space and passive parks.
- b.) The development provides 49.87 acres of buffering and conservation lands.
- c.) The development provides 4.5 miles of public trails that connect to Gayle's Trails.
- d.) A one hundred-fifty (150) foot building setback which includes a fifty (50) foot landscaped buffer is provided along the southern 2/3 western boundary and a twenty-five (25) foot landscaped buffer is provided along the northern 1/3 western boundary.
- e.) A passive park system consisting of 67 acres.

Status Update

Planning Board Approval: July 10, 2006

Infrastructure Deadline: July, 2010

90% Developed Deadline: July, 2016

Towne of Seahaven Apartments

Background

Arris Holdings is the developer of approximately 7 acres located at 201 Hills Road, parcel number 33768-050-001. The parcel is zoned CH (Commercial- High Intensity), in the FBO-2 (Front Beach Overlay-2), and within the Scenic Corridor. The property is bordered on the north by the Summerwood residential neighborhood which is zoned as R-1C at this location.

The Large Site Development is part of the Seahaven Development of Regional Impact that was originally approved in 2007.

The applicant did not request any substantial deviations from the Land Development Code.

The Large Site Development Plan is subject to the following limitations and conditions:

- a.) The building front will face Hills Road.
- b.) The setbacks of the Front Beach Overlay District will apply.
- c.) The development will meet the Front Beach Overlay Podium requirements for the fourth (4th) floor.
- d.) The development will contain 413 parking spaces or 1.5 parking spaces per unit. Any fractional unit is rounded up to the next whole number.
- e.) The proposed driveway will be relocated to the southernmost location of the property at Hills Road.
- f.) All streetlights and parking lot lights shall be downlit with shielding.
- g.) The Developer will construct a sidewalk along Hills Road for the width of the property.
- h.) Mature trees will be retained within the buffer adjacent to Summerwood Subdivision; and,
- i.) Solid-faced fencing of at least eight (8) feet in height but not more than ten (10) feet in height shall be placed along the northern boundary of the apartment's parking lot extending from Hills Road to the eastern boundary of the parking lot then continuing southerly along the parking lot boundary for at least one hundred-forty (140) feet.

Status Update

Planning Board Approval: September 14, 2022

Development Order Issued: January 2, 2024

Building Permit Issued: July 30, 2024

Current Site Conditions: Site work for horizontal construction is underway.

Completion Estimate: November, 2025

Note: Traffic fees and water impact fees paid July 23, 2024

Topgolf

Background

The St. Joe Company and Topgolf are cooperative partners in the development of approximately 11.29 acres located at 15475 Topgolf Way, parcel 33750-010-010. The parcel is zoned CH (Commercial- High Intensity), in the FBO-2 (Front Beach Overlay-2), and within the Scenic Corridor. The proposed development consists of a multi-level golf driving range, a full service restaurant and bar, event space, and entertainment complex.

The applicant requested multiple deviations from the requirements of the Land Development Code. See attached list.

The St. Joe Company sold the property to the Topgolf affiliate, Colby PCB LLC on June 27, 2024.

Status Update

Planning Board Approval: December 13, 2023

Development Order Issued: June 14, 2024

Building Permit Issued: July 12, 2024

Current Site Conditions: Site work for horizontal construction has not begun.

Completion Estimate: March 14, 2025

Notes: Traffic fees and water impact fees paid July 12, 2024

**OUTDOOR RECREATION & ENTERTAINMENT FACILITY
SITE DEVELOPMENT LDC MODIFICIATIONS**

LARGE

SEE SUPPLEMENTARY EXHIBITS FOLLOWING THIS DOCUMENT FOR
ADDITIONAL DETAILS

Anticipated Applicable LDC Section	Existing Development Standards	Proposed Modification to Standards	STAFF COMMENTS
Section 4.05.02.A - Parking Space Requirement	Type of Use or activity - Amusements	<p>Allow the development to utilize the Parking Space Requirements of Eating, drinking or entertainment establishments (1 parking stall per 4 Seats, plus 1 per 5 employees on the largest shift).</p> <p>The bar and patio will contain 130 seats with an additional 576 seats in the hitting bay areas and 1.5 employees per 3 bays (36 employee total). Required parking stalls 184 total.</p> <p>The proposed parking count to be shown on the site plan reflecting 350 stalls is based off the best fit for currently operating sites of this size and anticipated level of interest. The additional parking will prevent traffic queuing overflow into shared road access and promote better circulation for a free flowing site. Request that proposed parking shown will be submitted and approved as part of the Final Development Plan approval.</p>	<p>The LDC does not have a parking space requirement for Amusements, Not Otherwise Specified, therefore references the Institute of Transportation Engineers (ITE) Publication Parking Generation. Staff reviewed this publication, and the applicant exceeds the required number of parking spaces for the use. The proposed amount of parking ensures the flow of traffic and parking within the development and will not cause a burden of overflow parking in the right-of-way. The applicants' experience and knowledge of the operation of other sites staff deem it necessary to rely on their recommendation for parking. Staff agrees with this modification of the enhanced parking for the site.</p>
Section 4.02.04.G - Lighting and Glare	<p>There shall be no direct glare visible from any property zoned or used for Residential, public, Recreation or conservation purposes caused by unshielded floodlights or other sources of high intensity lighting. Light shall be measured from the closest Setback line of a Parcel zoned or used for Residential , public, Recreation or conservation purposes and shall not exceed one-half (0.5) foot candles illumination unless required to meet minimum requirements for sidewalk lighting.</p>	<p>Site contains high intensity lighting aimed inward towards back of outfield to prevent spillage. Request that photometrics be provided as part of Final Development Plan approval with anticipation that footcandles at the property line will not exceed 0.5 footcandles. Per the included "2.8 Conceptual Line of Sight Sketch", building/lighting visibility from the nearest residential property (approximately 1490' away) unlikely due to lighting tilt, horizontal distance and existing tree screening along Hills Road.</p>	<p>The applicant has indicated the net poles, which are located approximately 900 feet from the nearest residential zoning will not contain lights; therefore, the illumination from the building/lighting will only be present. The possibility of any direct glare can be addressed during the development order phase to ensure the illumination does not exceed the 0.5 footcandles. Staff agrees with this modification.</p>
Section 5.06.02.D - Amusements	<p>An Amusement, Amusement park or Zoo shall be enclosed with a Solid Faced masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward. Shrubs, small trees and medium or large trees otherwise required in the buffer shall be doubled.</p>	<p>Proposed use does not contain heavy equipment/rides/machinery requiring a fence for safety. Poles and netting proposed on the premises restrict access to the outfield area. Developer requests in lieu of fencing that adequate landscaping/berming be provided typical of a bar/restaurant venue. Per 5.06.02 E. below, additional landscaping may be provided in the residential buffer space. Based on existing screening, fence elevation, and distance from residential property, residents would not be able to see the 6-8' fence from adjacent property. Additional landscaping proposed along Powell Adams would serve to create defined streetscape separate from parking lot to best fit the Overlay district vision.</p>	<p>This Use is considered an Amusement, Not Otherwise Specified, and does not meet the criteria of an amusement that would require an enclosed fence around the property. The poles and safety netting, which are a part of the amusement will be height sufficient to contain all activity within the specified area. Staff agrees with this modification.</p>

<p>Section 5.06.02.E - Amusements</p>	<p>Amusements, Amusement parks and Zoos shall be Setback a minimum of 1,000 feet from property zoned for Residential purposes. The distance shall be measured from property line to property line. The number of Shrubs, small trees and medium or large trees otherwise required in the buffer shall be doubled.</p>	<p>Allow for the provided setback from Residential properties to be as shown on the site plan.</p> <p>Setback from entertainment building: approximately 1,490 feet. Setback from pole net system: approximately 900 feet. Pole net system does not contain any sound or light component that would impact adjacent residential zoning.</p> <p>The proposed setback to be shown on the site plan will be submitted and approved as part of the Final Development Plan approval. Substantial landscaping screening to the residential property exists within the master development area and along the frontage of Hills Road. See supplemental screening exhibits.</p>	<p>The distance setback from the entertainment building, which will include the outdoor bay areas and restaurants will be approximately 1490 feet from residential zoned area. An outdoor restaurant is an allowable use in CH zoning and LDC Section 5.04.26 requires a 100 feet setback from residential zoning district. Therefore, this part of the amusement meets the setback requirement. The other portion of this amusement is the required poles and safety netting, which is located approximately 900 feet away from residential zoned area. The conceptual plans reflect there will not be any noise or glare from these structures, therefore no negative impact to the residents. Staff agrees with this modification.</p>
<p>Section 5.06.02.G - Amusements</p>	<p>The vibration, electromagnetic interference, noise, odor or glare generated by the Amusement, Amusement park or Zoo discernible on properties adjacent to the Amusement, Amusement park or Zoo shall not be greater than ambient conditions</p>	<p>Allow for a Lighting Plan to be approved for the proposed use that establishes the lighting standards for the site as part of the Final Development Plan approval. Photometrics shall be provided in accordance with applicable code. See notes in Section 4.02.04 G for additional detail.</p>	<p>A lighting plan will be required as part of the development order application. Staff will review and ensure there is adequate shielding from any direct glare to the residential properties, not to exceed one-half foot candles illumination. Staff agrees with LDC Section 4.02.04.G to be met.</p>
<p>Section 5.06.02.I - Amusements</p>	<p>Where all other conditions to the allowance of an Amusement are met, the maximum height of an Amusement structure which shall be permitted shall not exceed 125 percent of the maximum height permitted elsewhere in this LDC for structures located in the underlying zone. However, height in excess of 125 percent may be allowed where the Planning Board finds that the additional height does not create an unreasonable burden upon surrounding properties, taking into consideration, any noise and light allowed for the Amusement. CH allowable height is 65 feet x 125% = 81.25 feet FBO-2 allowable height is 45 feet.</p>	<p>Allow for the proposed pole and net system height to be approximately 160-feet from grade, as required for safety to stop golf balls from flying out of the site. Net Poles do not contain any lighting elements nor do they emit sounds. Netting mesh provides holes small enough to contain golf balls, while still transmitting light without creating burden to surrounding properties.</p>	<p>The height of the building structure will meet the FBO-2 standards of the maximum height of 45 feet. The LDC Section 5.04.14.C allows for a golf driving range safety netting to be a height sufficient to contain the activity within the range. The request for approximately 160 feet poles with safety netting will not have a negative impact on any surrounding properties. Staff agrees with this modification.</p>

FBO-2 Standards	EXISTING DEVELOPMENT STANDARDS	PROPOSED MODIFICATION TO STANDARDS	STAFF COMMENTS
<p>Section 7.02.03.F.2 - Building Fronts and Setbacks</p>	<p>Building Front Types Defined. Table 7.02.03. A defines the Building front types permitted in FBO districts. All applications for Development within an FBO district shall assign each Building a specific Building front type and each Building shall be designed in accordance with the standards that apply to that Building front type, as established in this section. In addition to the building fronts established in this section, section 7.02.03L establishes standards allowing the establishment of buildings with porte cochere fronts in the FBO-4 district.</p>	<p>PER LDC "FBO-2 – the intent of this district is to establish appropriate standards for transitional areas between high-rise tourist-based Development and abutting Single Family Residential districts. These areas have relatively low Building Heights in proximity to Single Family Residential districts and FBO-1 districts, but allow for greater heights as distance increases."</p> <p>In the instance of this particular site, there is no abutting single family residential district (once subdivided) nor high rise tourist based development and therefore no transitional area to hold a standard for. Building configuration is critical for the operation of the business and will add character to the corridor while still aiding in the height transition intent. Applicant requests 7.02.03A to not be applicable for this site.</p> <p>To match the existing Powell Adams corridor abutting to the north side of property, applicant requests relief to provide parking lot along frontage of Powell Adams and maintain similar setback to Walmart building on the adjacent property to the north.. Additional landscape screening proposed along Powell Adams corridor to maintain streetscape and separation from parking lot.</p> <p>Applicant requests setbacks to be in accordance with PCB LDC Section 4.02.02 for Commercial High Intensity or the Pier Park East Development Agreement.</p> <p>Master Architectural Guidelines and Standards for the proposed building will be submitted and approved as part of the Final Development Plan approval.</p>	<p>The intent of Pier Park East, per the development agreement, is to create a cohesive mix of uses, which includes an entertainment center. The development agreement references allowable uses in the CH zoning but refers to the FBO-2 district for the application of building heights. The intent of the applicant is to comply with the building height within the FBO-2 but comply with the CH zoning setbacks for the development. The current developed commercial parcels along Powell Adams reflect the same concept as the applicant is proposing, building setback, and allowed parking along Powell Adams. The applicant is providing an ample amount of landscape in the front setback, creating the streetscape along Powell Adams, as required in the FBO standards. The staff supports the amount of parking provided and does not see an alternative for the parking location elsewhere on the parcel with the orientation of the venue and providing a traffic flow within the parking area. The applicant's plan is to provide two entrances into the entertainment facility, please refer to the map, one from Powell Adams and the secondary from the extension of L.C. Hilton, which will provide sufficient access. The final development will meet the intent of Pier Park East and with the landscape/streetscape along Powell Adams, the intent of the FBO standards.</p> <p>Staff agrees with this modification and how the applicant has provided the extra parking, the two access points into the development allowing for traffic flow and the landscape to be provided along Powell Adams achieving the streetscape intent that would otherwise be met with a lesser building setback.</p>
<p>Section 7.02.03.H. - Building Height and Podium Standards</p>	<p>Table 7.02.03.H establishes the minimum and maximum Heights for Buildings in each of the FBO districts in terms of feet. Table 7.02.03.I establishes standards for upper Stories that are built on top of the Building podium or base Stories, which are defined in terms of maximum feet (Stories). Illustrations following the exhibit are conceptual only and are not intended to mandate the position of upper Stories on the podium, provided, however that in the FBO-3 and FBO-4 districts, the side Setbacks shall be increased by at least fifteen (15) feet above the lesser height of one hundred twenty (120) feet or ten (10) Stories. In a FBO-2 or FBO-3 district, Buildings thirty-five (35) feet tall or taller shall be set back from an FBO-1 or Single Family Residential district at least one hundred (100) feet. Starting at a distance of one hundred (100) feet from the applicable district boundary, Building Height may be increased to forty-five (45) feet. Beyond two hundred (200) feet, Building Height in an FBO-3 district may be increased from forty-five (45) feet by one (1) foot for every one (1) foot increase in Setback. See Figure 7.02.03.A.</p>	<p>Allow for proposed pole and net system to exceed 45 feet. Proposed system to be approximately 160 feet in height. This height is a requirement to safely contain golf balls from exiting the site.</p> <p>Master Architecture Guidelines and Standards for the proposed building will be submitted and approved as part of the Final Development Plan approval.</p>	<p>The height requirements of the FBO-2 are for building height standards and the applicant is meeting the maximum building height requirement of 45 feet. The modification request to allow for the poles and safety netting, addressed in the Conditional Use is necessary for the use. The LDC Section 5.04.14.C allows for a golf driving range safety netting to be a height sufficient to contain the activity within the range. The request for approximately 160 feet poles with safety netting will not have a negative impact on any surrounding properties.</p> <p>Staff agrees with this modification.</p>

<p>Section 7.02.03.I. - General Parking Requirements</p>	<p>All Uses shall provide on-site and overflow parking as required in section 4.05.00 and the City's Beach access parking mitigation requirements, except as modified by sections 7.02.03I and 7.02.03J. Parking shall be landscaped as required in section 4.06.04. The City finds that adequate parking is important for the economic success of commercial corridors. At the same time, excessive parking degrades the corridor's urban design and impedes the City's objectives for walkability and multi-modal transportation alternatives. Accommodating required parking on many properties will be challenging due to small Lot sizes and the higher cost of structured parking. Dispersing parking off-site in a way that serves multiple properties provides a more efficient, cost-effective and sustainable way to serve the FBO districts' parking needs. For these reasons, the Front Beach overlay districts require that a certain percentage of parking be provided on-site, provide incentives for the Use of shared parking and establish a process to enable applicants to enter into parking partnerships that provide public benefits that offset the need to strictly comply with public parking policy.</p>	<p>Applicant requests Sections 7.02.03I be modified in accordance with PCB LDC Section 4.05.00 and be submitted, reviewed and approved as part of the Final Development Plan approval. Based on previous currently operating development of same use the proposed 350 parking stalls provided has been determined to be adequate. Additional traffic analysis to be provided as part of the development order submittal. See 7.02.03.J for additional details.</p>	<p>The applicant is providing more than the requirement for this type of use and will be provided on-site. The applicant will provide the required landscape within the parking area, LDC, Section 4.06.04 Landscaping Standards for Vehicular Use Areas. Staff agrees with this modification request and relies on the applicant's history of operating this type of development for parking purposes.</p>
<p>Section 7.02.03.J. - Surface parking Standards</p>	<p>Surface parking areas located on-site shall be located in the rear Yard or in a Side Yard location provided that the Side Yard width does not exceed 100 feet or fifty (50) percent of the width of the Lot or Parcel, whichever is less. On gulf-front lots in FBO-4, on-site surface parking areas may be locate in a Front or Side Yard provided that a decorative wall or hedge not exceeding forty-two (42) inches in height, is installed along the front property line.</p>	<p>Applicant requests Sections 7.02.03I to be modified for this instance. For this outdoor entertainment use to function, it is essential that the outfield be behind the building. Commercial trucks (minimum WB-53) need drive aisle in front to be able to service the building contributing to the building setback. Placing parking along the sides or back of outfield is inefficient for the property space creating more pavement and violates Table 4.05.03 B Restricts Maximum Distance from Parking to principal use as 300'. This would cause customers to have to walk great distance from parking to entrance inhibiting "leisure" element critical to site success. Additionally providing parking on the north side of the outfield would then create the same parking frontage issue along the proposed L.C. Hilton Jr. Drive extension. To mitigate the impact of this modification, applicant proposes additional screening along Powell Adams Road frotnage to create a defined separate streetscape area.</p> <p>Applicant proposes parking request for the development be in accordance with PCB LDC Section 4.05.00 and be submitted, reviewed, and approved as part of the Final Development Plan approval.</p>	<p>The location of the outdoor entertainment use to function in a way that is successful requires the parking to be located in the front and not in the rear or the sides of the outfield. The staff agrees with the applicant, the function, experience, and appearance of the development would not be effective if the orientation of the use was placed differently on the parcel. The applicant is planning to provide two entrances, one from Powell Adams and the other from the future L.C. Hilton and with enhanced landscape, which can provide the FBO standards of the streetscape and curb appeal. The use that requires such a large outdoor outfield, where the main function of the facility is located, contributes to the need for a modification of this parking requirement. Staff agrees with this modification request and will review the landscape in the development order stage to ensure a defined streetscape is achieved.</p>

Section 7.02.03.N. - Building Design Standards

Building Materials. (a) In the FBO-1 and FBO-2 districts, no more than two (2) materials shall be visible on any exterior façade, not including windows, doors, foundation walls, columns, chimneys, soffits and trim. If two wall materials are used, heavier-weighted materials shall be located below lighter-weighted materials, as defined in Table 7.02.03.L and separated by a horizontal joint. Vertical changes in material shall not occur within two (2) feet of an exterior corner. When possible, vertical changes in materials shall occur at interior corners (see Figure 7.02.03.R). Allowed materials include wood, stone, brick, stucco, architectural block (split faced), and cementitious materials

Allow brand specific architectural building material package including metal and EIFS as indicated on the attached "2.6 Floorplan-Signage-Building Elevations"

EIFS are the bulk material proposed which are ideal for this use and location - sustainable and durable offering high impact resistance to stray golf ball ricochet and airborne debris. Upkeep is minimal with fresh coat of paint anticipated after 5+ years which will keep the building looking pristine.

Metal is used more sparingly to compliment and accent the architectural features. Further graphics of the building elevations with EIFS and metal may be provided during the applicants presentations upon request.

Master Architecture Guidelines and Standards for the proposed building will be submitted and approved as part of the Final Development Plan approval.

The building materials proposed for this development are metal but appear to have the look of concrete/stucco. The staff does not object to these building materials as they complement the building and achieve the necessary durability needed to withstand against the elements and the impact resistance to the stray golf balls. The appearance of the structure will be compatible with the surrounding buildings along Powell Adams. Staff agrees with this modification and allowance of the building materials requested.

Kukla RV Resort

Background

GE/ Front Beach LLC is the developer of approximately 29.2 acres located at 12610 Front Beach Road, parcel number 34068-000-000. The parcel is zoned CH (Commercial- High Intensity), in the FBO-2 (Front Beach Overlay-2), and within the Scenic Corridor. The development consists of 163 RV slips, walking trails, pedestrian connection to Front Beach Road, a pool perimeter buffering, check-in station, clubhouse, green space and outdoor event activity areas.

The applicant did not request any substantial deviations from the Land Development Code.

The development received large conditional use approval to operate as a recreational vehicle park and campground.

Status Update

Planning Board Large Site Development Approval: January 13, 2021

Planning Board Large Conditional Use Approval: February 11, 2021

Development Order Issued: October 11, 2022

Building Permit: None

Current Site Conditions: Site work for horizontal construction has not begun.

Completion Estimate: January, 2031

Note: Kukla Drive is currently a County maintained street. Legal for Bay County and Panama City Beach are working on an agreement for the transfer of Kukla Drive to Panama City Beach.

Long Beach Lagoon

Background

PCGV, LLC was the applicant of approximately 33 acres of land on 12 contiguous parcels located between Front Beach Road and Hutchison Boulevard east of Churchwell Drive. Ten parcels are owned by PCGV, LLC, one (1) parcel is owned by an affiliate company, 10400 Front Beach LLC and the one (1) is a stormwater facility owned by the City of Panama City Beach. The northern and southern portions of the property are divided by wetlands. All parcels are zoned CH (Commercial-High Intensity). The portion of the property south of the wetlands is located in FBO-2 (Front Beach Overlay- 2) and the portion north of the wetlands is not in a Front Beach Overlay District. The proposed development consists primarily of a hotel, 70,000 square feet of retail, a multi-story parking structure along Front Beach Road, surface parking spaces, a 5-ride .4-acre amusement area and an outdoor stage. A request for conditional use approval of the amusements, and a request for height variances for an 85' parking structure and 110' hotel, were submitted as part of the Large Site Development application.

The Large Site Development Plan is subject to the following limitations and conditions:

- a.) A 6- to 8-foot-high fence shall be erected the entire length of the property from Parkhill Circle/ First Court to Churchwell Drive.
- b.) The internal roadway (varying from 24' to 60' in width) fronting Front Beach Road and Hutchison Boulevard, shall be constructed within one year of the date of the Final Development Plan submitted for this Project, and shall perpetually provide access to the amusements, hotel and parking structure contemplated for this project. Should the road not be fully constructed, or access to all or a portion of the road permanently obstructed so as to prevent simultaneous access and egress onto Front Beach Road and Hutchison Boulevard, the Master Plan approved herein shall be invalidated.
- c.) The approval by the City Council of an agreement memorializing Applicant's use of a 2-acre parcel of City property located in the southeastern portion of the proposed Master Plan Development shall be a condition precedent to the approval of a Final Development Plan.

There were no opposing comments presented to the Board.

The applicant requested multiple deviations from the requirements of the Land Development Code. See attached list.

A modification to the Large Site Development was requested and approved in 2019. The modification included the addition of two (2) parcels to allow for an additional entrance from Front Beach Road. Other modifications made at this time were to the amusement package, additional short-term lodging units for a total of 75 units, additional retail space totaling 114,800 square feet, allow for 41,500 square feet for hospitality, and increase parking to 800 parking garage spaces and 70 surface parking spaces.

All entities maintain ownership of the above-mentioned parcels.

Status Update

Planning Board Large Site Development Approval: May 14, 2018

Planning Board Large Conditional Use Approval: May 14, 2018

Planning Board Variance Approval: August 13, 2018

Planning Board Large Site Development Modification Approval: November 13, 2019

Development Order Issued: 6/1/2022

As required by the Development Order, water and sewer capacity for this project have been met. Engineer of Record was directed to continue the review process with the Utilities Department until all requirements have been met and approved. No efforts have been made to continue the review process.

**Long Beach Lagoon
Large Site Development LDC Deviations
Revised March 19, 2018**

LDC Section	Existing Development Standards	Proposed Development Standards
<p style="text-align: center;">Section 4.02.02.A. Building Height and Setback Standards (CH Zoning District)</p>	<p style="text-align: center;">Building Height and Setback Standards</p>	<p>Allow for building heights of 150 feet for one building (Hotel Building) as depicted on the site plan.</p> <p>Allow rear and side building setbacks as follows for the Hotel building:</p> <p>Rear = 32' Side = 22'</p>
<p style="text-align: center;">Section 4.02.03.C. Design</p>	<p>On any Parcel which lies in whole or in part within a Scenic Corridor, no exterior wall of any Building located on such a Parcel shall be constructed of metal unless either (i) such wall is not visible by a pedestrian standing within the vehicular right-of-way of the Scenic Corridor or (ii) such wall is completely covered by one or more of the following materials:</p> <p>(a) Brick; (b) Stone; (c) Stucco; (d) Synthetic stucco; (e) Cementitious materials; (f) Exterior insulation finish system (E.I.F.S.); or (g) Wood siding, provided that such siding is applied with no panel exceeding twelve (12) inches in height.</p>	<p>Allow stainless steel clad siding to be utilized on buildings located internal of the development site not facing or fronting Front Beach Road.</p> <p>Master Architecture Guidelines and Standards for the development for all buildings will be submitted and approved as part of the Final Development Plan approval.</p>
<p style="text-align: center;">Section 4.02.03.G. Glare and Light</p>	<p>There shall be no direct glare visible from any property zoned or used for Residential, public, Recreation or</p>	<p>Allow for a Lighting Plan to be approved for Phase one that establishes lighting standards</p>

**Long Beach Lagoon
Large Site Development LDC Deviations
Revised March 19, 2018**

LDC Section	Existing Development Standards	Proposed Development Standards
	<p>conservation purposes caused by unshielded floodlights or other sources of high intensity lighting. Light shall be measured from the closest Setback line of a Parcel zoned or used for Residential, public, Recreation or conservation purposes and shall not exceed one-half (0.5) foot candles illumination unless required to meet minimum requirements for sidewalk lighting.</p>	<p>for the western portion of the site that is within close proximity to residential uses will be submitted and approved as part of the Final Development Plan approval.</p>
<p style="text-align: center;">Section 4.06.06 Tree and Vegetation Protection</p>	<p>Tree and Vegetation Protection. The following trees are Protected Trees:</p> <ol style="list-style-type: none"> 1. Dogwood (<i>Cornus florida</i>) and Redbud (<i>Cercis canadensis</i>) – three (3) inches or more dbh. 2. All other trees, except prohibited trees listed in section 4.06.05D and pine trees planted as part of silvicultural/agricultural activities – eight (8) inches or more dbh. For purposes of this section, evidence of silvicultural/agricultural activity may include proof that the Parcel is or was zoned or designated for such activities by the applicable local government. 	<p>Allow for a tree mitigation strategy and plan to be developed and approved for the entire site that will determine the necessary tree mitigation requirements and standards.</p> <p>A tree mitigation strategy and plan will be submitted and approved as part of Final Development Plan for each phase of development.</p>
<p style="text-align: center;">Section 4.06.07 Buffers for Protection of Wetlands, Water Bodies, and Habitats</p>	<p>Buffers for Protection of Wetlands, Water Bodies, and Habitats</p> <ol style="list-style-type: none"> A. A buffer shall be required between any proposed Development and a water body, wetland, or habitat. 4. B. The required buffer shall consist of one (1) of the following: 	<p>No buffer required along the edge of the on-site waterbody. The waterbody is part of the overall Master Plan and will have a boardwalk along the edge.</p> <p>The on-site waterbody is altered and serves as a stormwater facility and will</p>

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LDC Section	Existing Development Standards	Proposed Development Standards
	<p>1. An existing undisturbed vegetated area, consisting of Native Vegetation;</p> <p>2. An area planted with landscape materials meeting the requirements of section 4.06.05. Such planted area shall only be required in those areas where the Native Vegetation has been cleared. In such cleared areas, landscaping shall be replanted at the following rates:</p> <p>(a) A medium or large tree shall be planted every 1600 square feet of cleared buffer area. Three (3) small trees may be substituted for one (1) medium or large tree, at the discretion of the property owner.</p> <p>(b) Ground Cover shall be required for all other cleared areas not governed by section 4.06.05. Grassed areas are prohibited within the buffer required for a water body, wetland, or wildlife habitat</p> <p>3. A combination of existing Native Vegetation and planted landscaping shall be required to follow the standards of section 4.06.05.</p>	<p>be further redesign as part of the development.</p>
<p>Section 5.04.18.2(a) Lodging Accommodations (located outside of the FBO-4 District)</p>	<p>The primary Access to the main entrance (Lodging Accommodations) shall be on an Arterial or Collector Street.</p>	<p>No requirement for access to the main entrance of the lodging accommodations to be located on an arterial or collector. All Lodging facilities will be located internal of the development and will be accessed from internal roads.</p>

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LDC Section	Existing Development Standards	Proposed Development Standards
Section 5.06.02.D Amusement	An Amusement, Amusement park or Zoo shall be enclosed with a Solid Faced masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.	Allow for a 4' fence around each ride that will provide controlled access into the individual amusements. The amusements rides will be individual units and located internal of the development.
Section 5.06.02.F Amusement	Access to the main entrance shall be on an Arterial or Collector Street. No Access shall be permitted from Local Streets that provide Access to property zoned for Residential purposes.	No requirement for access to the main entrance of the amusements to be located on an arterial or collector. Amusement will be part of the overall Master Plan and located through the site. Amusements will be readily accessible to the public.
Section 5.06.02.I Amusement	Where all other conditions to the allowance of an Amusement are met, the maximum height of an Amusement structure which shall be permitted shall not exceed 125 percent of the maximum height permitted elsewhere in this LDC for structures located in the underlying zone. However, height in excess of 125 percent may be allowed where the Planning Board finds that the additional height does not create an unreasonable burden upon surrounding properties, taking into consideration, any noise and light allowed for the Amusement.	300-foot height limitation for the Paratrooper amusement structure and 120-foot height limitation for the Soaring Eagle Zip Line amusement ride as depicted on the site plan. Design of the amusement will be submitted and approved as part of the Final Development Plan approval.
Section 5.06.15 Outdoor Sales or	Excluding activities regulated by Chapter 7 of the Code of Ordinances,	The site will contain several types of uses that will utilize

**Long Beach Lagoon
Large Site Development LDC Deviations
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LDC Section	Existing Development Standards	Proposed Development Standards
Services Displays and Outdoor Operations	<p>outdoor sales or service displays, outdoor entertainment and outdoor business operations may be allowed in an FBO district subject to conditional use approval if the Planning Board finds that:</p> <p>A. the activities are limited to the businesses hours of operations, with all displays and stands being moved indoors nightly;</p> <p>B. the activities will not interfere with pedestrian movement along public sidewalks;</p> <p>C. the activities will not create a traffic hazard or interfere with transit service;</p> <p>D. the activities will not interfere with the Use, enjoyment or operations of adjacent properties; and</p> <p>E. compliance with applicable noise standards.</p>	outdoor operations such as outdoor seating for restaurants and outdoor event entertainment.
Section 7.02.03.F Building Fronts and Setbacks	<p>Building Front Types Defined. Table 7.02.03.A defines the Building front types permitted in FBO districts. All applications for Development within an FBO district shall assign each Building a specific Building front type and each Building shall be designed in accordance with the standards that apply to that Building front type, as established in this section. In addition to the building fronts established in this section, section 7.02.03L establishes standards allowing the establishment of buildings</p>	<p>Master Architecture Guidelines and Standards for the development for all buildings will be submitted and approved as part of the Final Development Plan approval.</p> <p>Please reference colored rendering of retail / parking garage building located</p>

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LDC Section	Existing Development Standards	Proposed Development Standards
	with porte cochere fronts in the FBO-4 district.	within FBO submitted with revised submittal.
Section 7.02.03.H Building Height and Podium Standards	<p>Table 7.02.03.H establishes the minimum and maximum Heights for Buildings in each of the FBO districts in terms of feet.</p> <p>2. In each of the districts, additional height may be achieved through incentives established in Section 4.02.02E.</p> <p>3. Table 7.02.03.I establishes standards for upper Stories that are built on top of the Building podium or base Stories, which are defined in terms of maximum feet (Stories). Illustrations following the exhibit are conceptual only and are not intended to mandate the position of upper Stories on the podium, provided, however that in the FBO-3 and FBO-4 districts, the side Setbacks shall be increased by at least fifteen (15) feet above the lesser height of one hundred twenty (120) feet or ten (10) Stories. The City Manager is authorized to modify the Setback and podium standards for Buildings receiving height incentives to provide architectural flexibility while achieving the purposes of the FBO-3 and FBO-4 districts and retaining the net impact of reducing the average floor area of all Stories above the required podium by twenty-five (25) percent of the ground floor area.</p>	<p>Allow for building heights of 85 feet for one building (Retail / Parking Garage Building) as depicted on site plan.</p> <p>Allow for one building (Retail /Parking Garage Building) as depicted on site plan to occupy more than 75 percent of ground floor building footprint for upper stories.</p> <p>Please reference colored rendering of retail/ parking garage building located within FBO submitted with revised submittal.</p> <p>Master Architecture Guidelines and Standards for the development for all buildings will be submitted and approved as part of the Final Development Plan approval.</p>

**Long Beach Lagoon
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LDC Section	Existing Development Standards	Proposed Development Standards
	<p>4. In a FBO-2 or FBO-3 district, Buildings thirty-five (35) feet tall or taller shall be set back from an FBO-1 or Low Density Residential district at least one hundred (100) feet. Starting at a distance of one hundred (100) feet from the applicable district boundary, Building Height may be increased to forty-five (45) feet. Beyond two hundred (200) feet, Building Height may be increased from forty-five (45) feet by one (1) foot for every one (1) foot increase in Setback. See Figure 7.02.03.A.</p>	
<p>Section 7.02.03.K Parking Structures</p>	<p>Parking Structures</p> <p>Except as provided in this subsection, all Parking Structures shall meet the requirements of section 4.05.00.</p> <p>1. Location. Parking Structures shall be located behind Buildings in the interior of blocks. Parking Structures that abut Front Beach Road, South Thomas Road or Arnold Streets shall provide a lining of retail, office or Residential Uses, or window displays at the Street level along the entire Street Frontage. These Uses shall include permitted Frontages as required by the applicable FBO district. Parking Structures are not allowed in the FBO-1 overlay district.</p> <p>2. Ground Floor Building Design. Parking Structures shall have commercial Uses or window displays along the ground floor. However, one (1) ADA/State of Florida compliant pedestrian entrance</p>	<p>Please reference colored rendering of retail/ parking garage building located within FBO submitted with revised submittal.</p> <p>Master Architecture Guidelines and Standards for the development. Need the flexibility to develop a Master Architecture Guidelines and standards that sets forth the requirements and standards that include the parking structure for the site will be submitted and approved as part of the Final Development Plan approval.</p>

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LDC Section	Existing Development Standards	Proposed Development Standards
	<p>to the Parking Structure may be located along each block. For purposes of the illustrations in this section, the primary Street shall be Front Beach Road, South Thomas Drive or Arnold Road.</p> <p>(a) When the Parking Structure includes a commercial Use lining the Building on the Street level, the retail or commercial liner shall provide a usable depth of no less than 10 feet. At least seventy-five (75) percent of the ground floor wall area between two (2) Feet and seven (7) feet shall be Glazed and shall have a minimum transparency of seventy (70) percent. Figure 7.02.03.F through J illustrate these conditions.</p>	

16420 Front Beach Road

Background

Scenic Highway Partners, LLC was the applicant of approximately 0.51 acres that is bordered by Front Beach Road to the south and Gulf Lane to the north. The property is approximately 110' east of Lakeview Circle at 16420 Front Beach Road. The applicant requested a variance from Land Development Code Section 4.04.01.B.4 to reduce the thirty-five (35) foot driveway separation requirement to a twenty-one-foot ten-inch (21.8') driveway separation for a variance of thirteen foot two inches (13.2') along Gulf Lane. The parcel is zoned CH (Commercial- High Intensity), in FBO-1 (Front Beach Overlay-1) and is located within the Scenic Corridor.

The applicant's intention was to develop an eight (8) unit duplex comprised of four (4) buildings. The acting agent for the applicant testified that without the variance there were two options for development of the property. The first option placed two (2) driveways along Front Beach Road and two (2) driveways along Gulf Lane. The second option split the parcel into the four (4) underlying lots resulting in four (4) individual single-family homes with the possibility of driveways along Front Beach Road or Gulf Lane. The second option would not require stormwater. An exfiltration system capturing the entire site was provided in the preliminary plans for the existing project.

The Public Works Department is responsible for driveway permitting and submitted no written objection to the variance request.

There was one (1) written objection submitted before the Planning Board meeting.

Scenic Highway Partners, LLC maintains ownership of the property.

Status Update

Planning Board Approval: March 22, 2023

Note: An Order by the Planning Board was not executed. The developer decided to sell the units individually and was directed to begin the platting process. The proposed parcels did not meet the Land Development Code square footage requirements to plat. The project is currently being redesigned by the developer.

13951 Panama City Beach Parkway

Background

Nissim Afuta was the applicant of approximately 0.37 acres of vacant property located on the south side of Panama City Beach Parkway between Nautilus Street and Seclusion Drive at 13951 Panama City Beach Parkway. The property is zoned CH (Commercial- High Intensity), not in a Front Beach Overlay and is located within the Scenic Corridor. The applicant requested the variance from Land Development Code Section 4.04.01.B.7 to access the proposed commercial development across from a residentially zoned parcel where access to the non-residential development shall be provided only from the street not abutting a residential district.

During the Planning Board hearing, the applicant stated a hardship exists because the property lacks any meaningful access without a variance and is undevelopable for commercial purposes despite its zoning and comprehensive plan designation. This hardship exists because the Florida Department of Transportation denied the applicant from accessing Panama City Beach Parkway due to the property's location in relation to the Nautilus Street access from Nautilus Street. The applicant further testified that access from Nautilus Street was made additionally difficult due to the property being partially blocked by a median and being too close to the intersection. Due to these unique hazards, access from either Nautilus Street or Panama City Beach Parkway would cause traffic and safety concerns greater than the proposed variance. The City's Public Works Department along with recommendations from their traffic engineering consultant agreed with these issues and supported the variance.

Testimony for adversely affected parties presented potential negative impacts caused by the variance including flooding issues, pedestrian safety and the generation of additional traffic and dangerous traffic patterns.

The applicant testified that all guidance from City staff would be followed to prevent flooding and sidewalks would be installed to increase pedestrian safety.

Nissim Afuta currently maintains ownership of the vacant property.

Status Update

Planning Board Approval: February 10, 2021

Property Listed for Sale: November 1, 2022- October 11, 2023

17188 Front Beach Road

Background

Andrew Marshall, Tabs Property, LLC was the applicant of approximately 2.18 acres located on the north side of Front Beach Road and approximately 500' west of South Arnold Road. The parcel is zoned CH (Commercial- High Intensity), in FBO-2 (Front Beach Overlay-2) and is located within the Scenic Corridor. The applicant requested the variance from Land Development Code Section 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 the elevation of an adjacent street (Front Beach Road). The City's Land Development Code requires that the finished grade of all habitable space be "a minimum of one (1) foot above the crown of the adjacent street or back of the curb, whichever is higher." Cabana Cay Circle does not meet the technical definition of "Street" (30' minimum width) to comply with section 4.03.02.A.8.

The applicant testified the previous structure on this parcel was destroyed by Hurricane Michael and planned to redevelop the property as a Hungry Howie's quick service restaurant. He further testified that strict compliance with the Land Development Code would require a driveway with a significant slope (22.5%) and would make the redeveloped structure virtually inaccessible from Cabana Cay Circle. The Engineer of Record and the City's Public Works Department determined that the existing grade of the crowns of the road of the adjacent Cabana Cay Circle and Front Beach Roads were 24 feet and 27 feet, respectively. City staff provided a written report indicating that it had no objection to the variance and that the proposed variance would not create a drainage or other hardship to surrounding properties.

There were no opposing comments presented to the Board.

Tabs Property, LLC currently maintains ownership of the property.

Status Update

Planning Board Approval: June 9, 2021

Property Listed for Sale: July 1, 2022- Current

Note: Current City Engineer, Wyatt Rothwell does not have objection to the variance.

ITEM NO. 7
DISCUSSION

ITEM NO. 8



CODE ENFORCEMENT

July 16th – Aug 15th

Cases opened YTD: 1217

Cases opened MTD: 224

Citations issued: 34

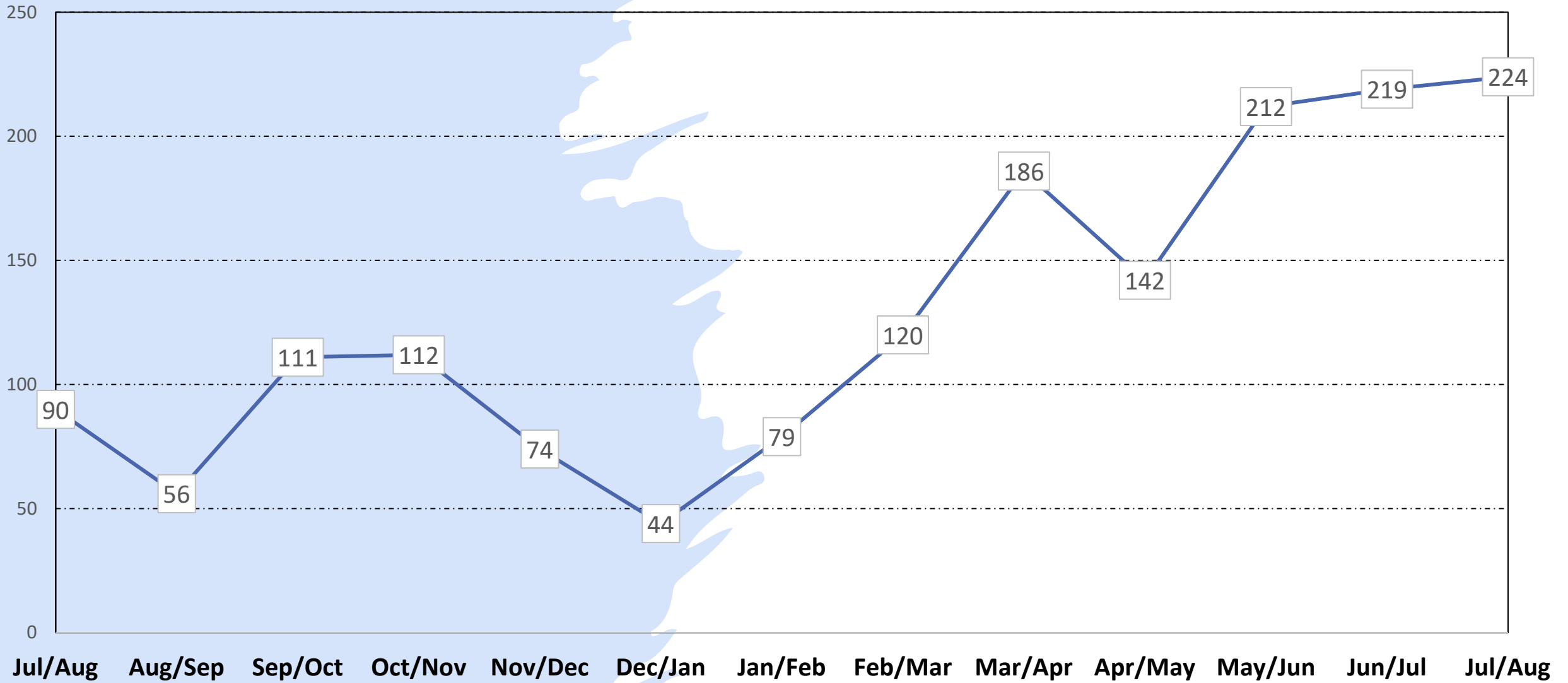
33 upland properties

01 on the sandy beach

Fines collected: \$3,525

Fines not collected: \$3,650

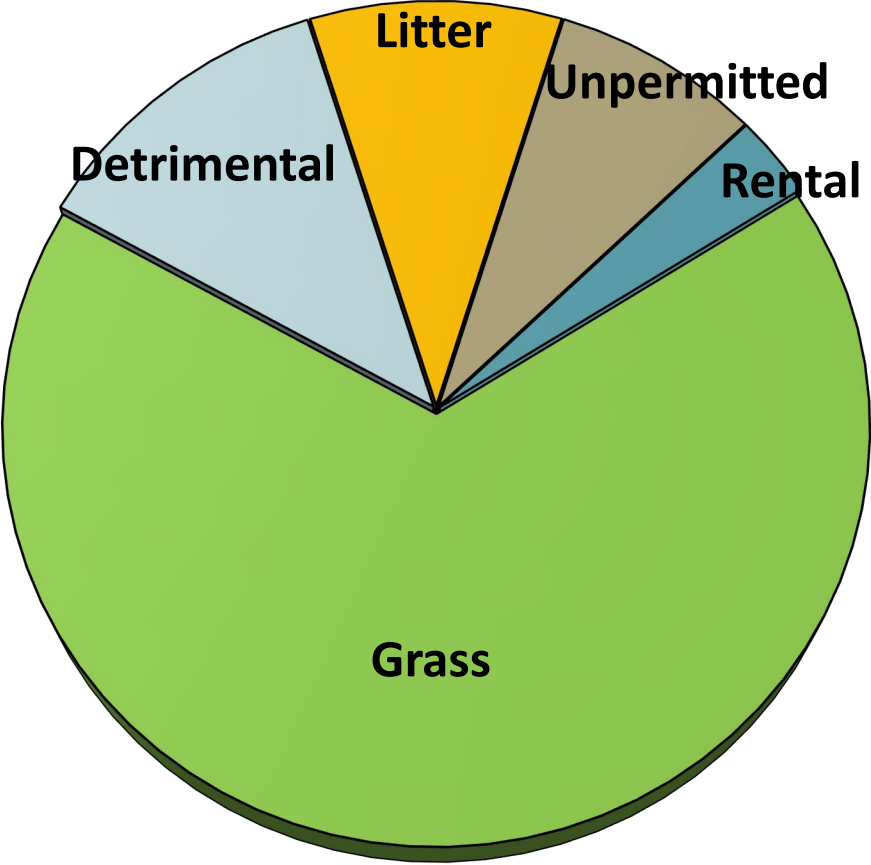
Cases Opened



General Enforcement

(most common violations)

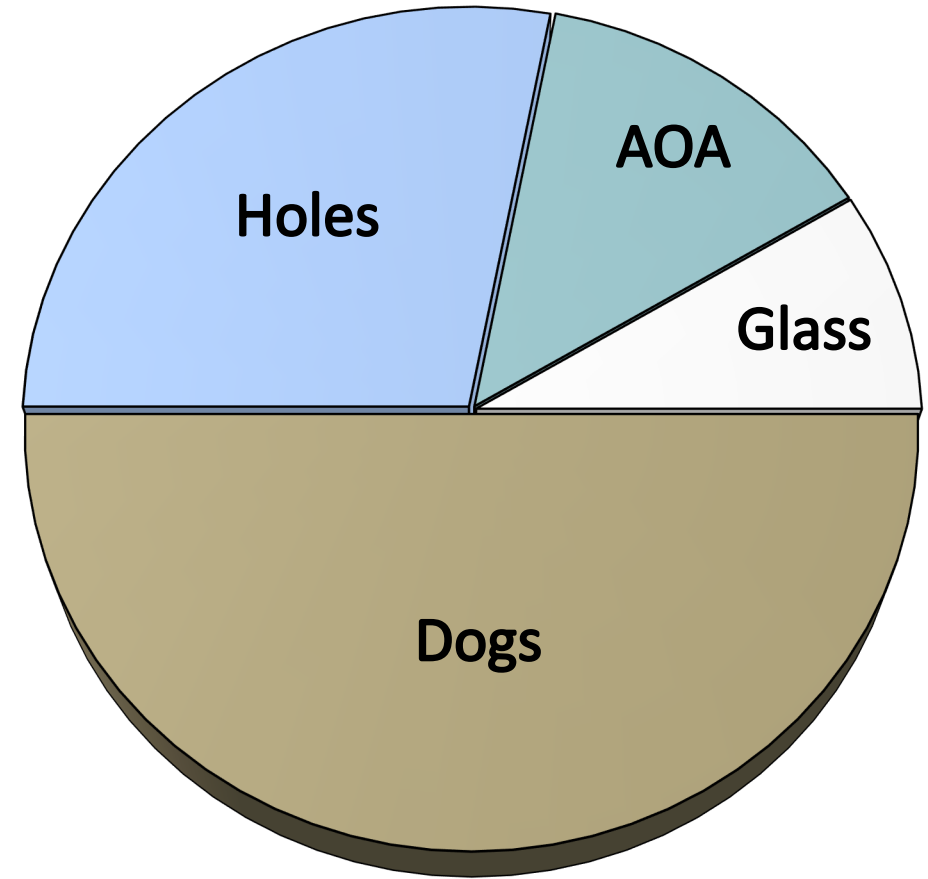
Ordinance / Code	Description	Opened
Code 15-18, 15-17 (6)	Tall grass	83
Code 15-18, 15-17 (3)	Detrimental Conditions	15
Code 12-4,6,7	Littering & Dumping	12
LDC/Ord	Unpermitted activities/items	10
LDC 4.02.04	Transient Rental	4



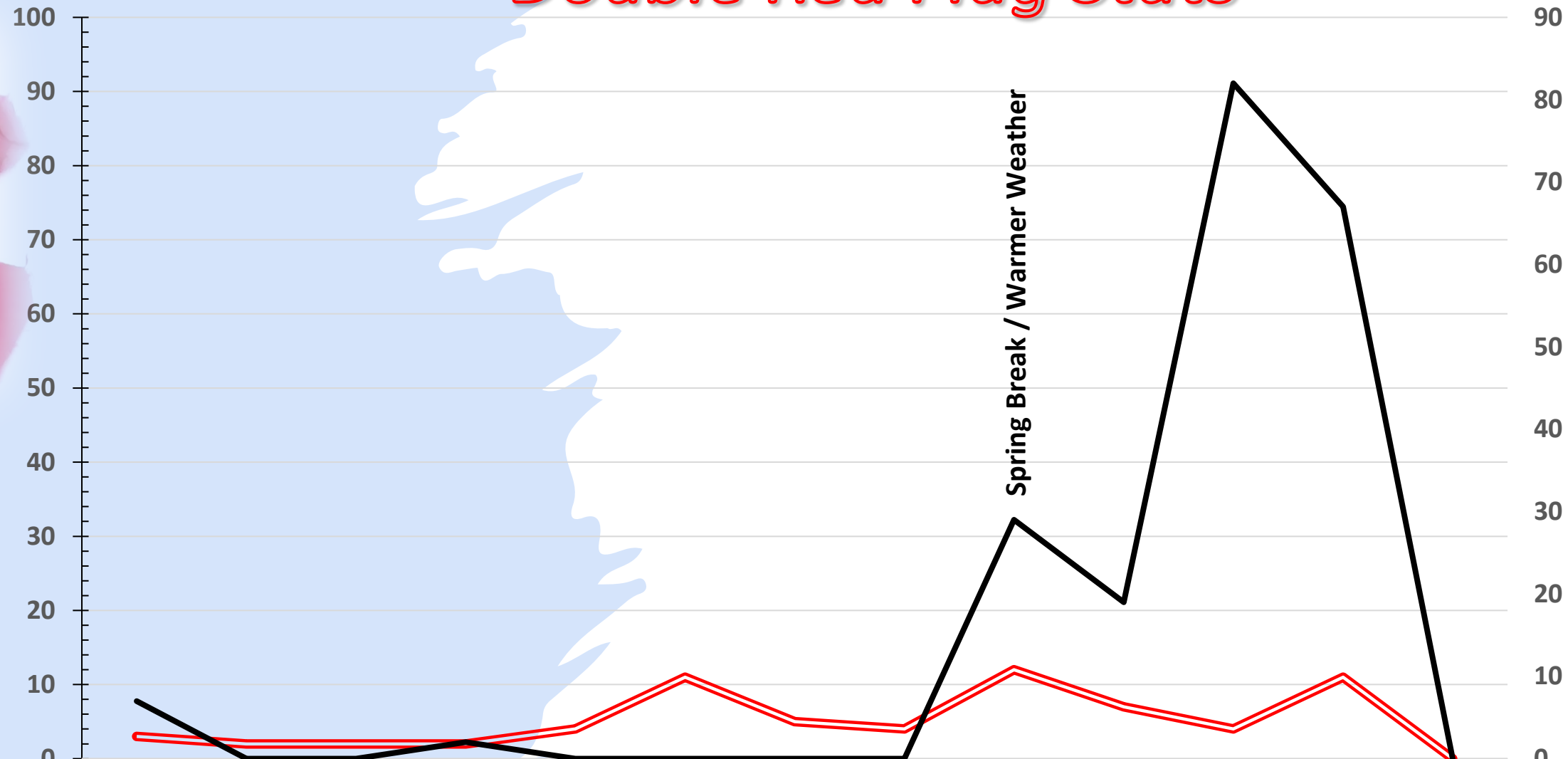
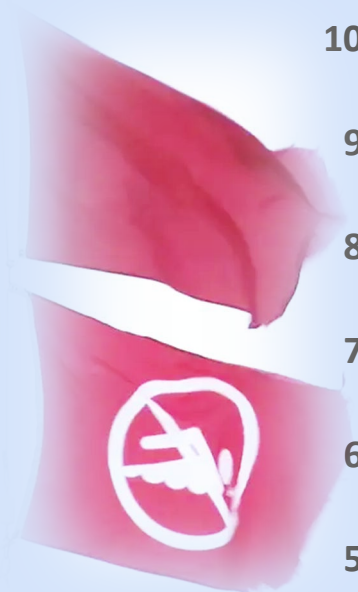
Sandy Beach Enforcement

(most common violations)

Ordinance / Code	Description	Opened
Code 7-9	Dog on beach	41
Code 7-101	Holes on beach	23
AOA	Assist Other Agency	11
Code 7-2	Glass on beach	7

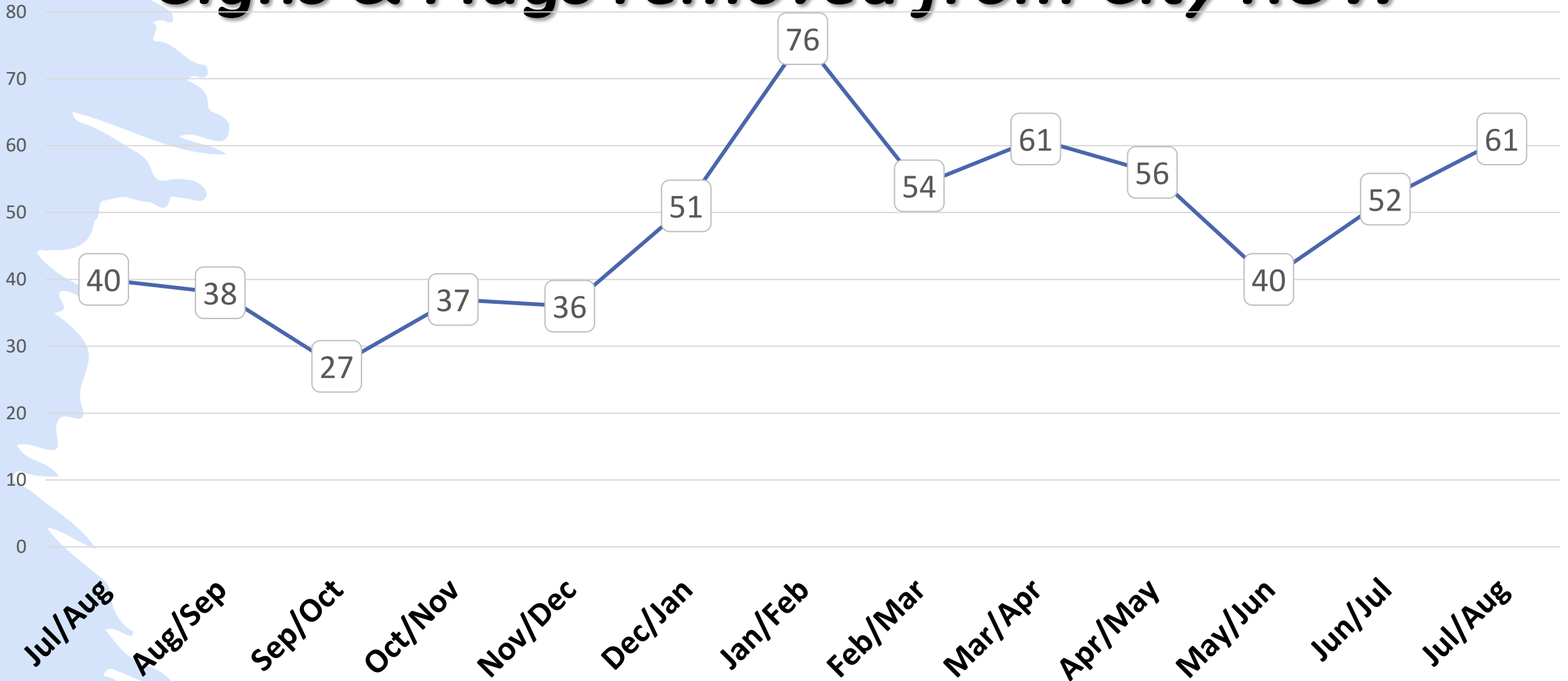


Double Red Flag Stats



	Jul/Aug	Aug/Sep	Sep/Oct	Oct/Nov	Nov/Dec	Dec/Jan	Jan/Feb	Feb/Mar	Mar/Apr	Apr/May	May/June	Jun/Jul	Jul/Aug
Double Red Flag Days	3	2	2	2	4	11	5	4	12	7	4	11	0
Citations Issued	7	0	0	2	0	0	0	0	29	19	82	67	0

Signs & Flags removed from City ROW



Thank You



Serving the community better by

Code Enforcement Officers assigned to the sandy beach assisted with:

- *Several cases of locating and reuniting lost children.*
- *Several medical calls.*
- *Two turtle rescues.*
- *Investigation of deceased birds.*
- *Resolving turtle lighting concerns.*



Questions?