



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

**CITY OF PANAMA CITY BEACH  
PLANNING BOARD MEETING MINUTES  
September 11, 2024  
MINUTES TO THE REGULAR MEETING**

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

**ITEM NO. 3            Approval of the June 12, 2024, Planning Board Meeting Minutes**

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

Mr. Bishop	Yes	Mr. Painter	Yes	Mr. Coleman	Yes
Mr. Morehouse	Yes	Mr. Houk	Yes	Chairman Wakstein	Yes

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

There were no public comments.

**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.**

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

Mr. Bishop had nothing to disclose. Mr. Painter drove by the property. Mr. Coleman spoke with staff and drove by the property. Mr. Morehouse visited the property. Mr. Houk visited the property. Chairman Wakstein had nothing to disclose.

The application and all public comments received were added to the record.

**DeDe Rowan**, attorney with Dunlap & Shipman opened by stating the property was purchased by the applicant in 1994 and has been taxed as a warehouse and a warehouse use. The warehouse was constructed prior to the adoption of the City's Land Development Code and considered a legal non-conforming use. The property is zoned Commercial - High Intensity. A warehouse is not a permitted use and use as a service station is a permitted use. There are two (2) variances requested, the first is the supplemental requirement for the setback and the second is to allow the garage bay doors to face an arterial road.

**Melissa Ward**, Planner with Dunlap & Shipman and acting agent for the applicants provided an exhibit package to the Board and described each of the tabbed items. She stated the current building was constructed in 1994 and is taxed as a warehouse. She noted the package included deeds from the 1990's and earlier to show that it is a platted subdivision. A set of restrictions from 1952 was included to establish the parcel may be used for a business. In 1994 the code allowed the warehouse subject to the restrictions outlined in the deed, so it was a continued use. The property has been permitted as retail/wholesale since 2009 and is therefore conforming. Service station and retail services are supplemental uses, warehouse and wholesale facilities are not allowed per Land Use Table 2.03.02. Both service station and retail services require an increase in the buffer of 30 percent. If the use were to remain as retail a variance would still be needed for the buffer requirement. The second variance request is to allow the garage bay doors arterial street (Panama City Beach Parkway). The permits for the building were for Sherwin Williams paint store. She read aloud the definition of retail from the Land Development Code and noted the words "floor coverings". This was a store where they maintained and sold carpet that was sold to a third party. Under the Black's Law Dictionary that is a wholesale dealer not retail sales. Ms. Ward said they accept that it is a retail use and requires the same buffer and that the garage doors do not face an arterial street. Mr. Arnold seeks to operate auto repair store and intends to operate by appointment only. Repairs will be inside only and thus a reduction in impact. Mr. Arnold intends to use noise cancelling machines and casings to increase the buffer inside the building to decrease the noise to the residents to the rear. There will be a fence five (5) feet from building, an addition of nine (9) trees, vegetation added along the front, and installation of masonry wall covering over the side of the metal building. An ITE (Institute of Traffic Engineers) traffic generation report was completed for a retail hardware paint store which had an average trip rate 48 total (24-in and 24-out). An auto care center averaged 14 (9-in and 5-out). She stated the hardship is the building will have to be demolished and rebuilt. The Planning Board can condition the order to read if destroyed more than 60 percent it would be required to build back to code. Today there is no noise cancelling or additional vegetation along the rear to protect neighborhood.

**Chairman Wakstein** inquired if they are comparing apples to apples. He noted the ITE report was a comparison of "weekday" to "peak hour weekday".

**Ms. Ward** noted the comparison should have been for peak hour trips.

**Mr. Leonard** stated the numbers should be close. He was not able to find in favor of the variance from the buffer requirement but had no issue with the variance for the garage bay doors. There are some permitted uses that are allowed by right that would not have the supplemental requirement for the additional buffering. If one of the permitted uses was chosen for the building the variance would not be needed.

**Chairman Wakstein** read aloud the definition of adversely affected party and called for comments. There were none. He called for public comment, there was none. He called for rebuttal.

**Ms. Rowan** said the property use is a supplemental use and anyone that wishes to use the building will need the variance. The auto repair needs 1.6 feet on the rear that will be mitigated by the measures Mr. Arnold is willing to take.

**Mr. Painter** questioned the reason for the additional fence five (5) feet from the building rather than replacement of the current fence.

**Mr. Ward** explained that it is a supplemental requirement that helps to mitigate the noise.

**Mr. Painter** voiced concern of overflow parking for vehicles waiting to be repaired becoming a nuisance.

**Ms. Ward** stated the site plan meets the parking requirements. Parking will be inside for vehicles being worked on and outside for employees.

**Mr. Morehouse** asked Mr. Davis if the Board finds in favor of the variance can they require appointment only, soundproofing, type of equipment, and parking inside the building since there is an owner with a lessee.

**Mr. Davis** stated the variance applies to the use and the conditions would apply to the use being granted. If the conditions are violated the variance would terminate and the use would end.

**Mr. Coleman** asked Mr. Leonard if other auto repair locations have parking issues.

**Mr. Leonard** responded that there is one inside the City limits that has issues and the others with problems are outside the City limits. All current service stations were built before the Land Development Code which is why there isn't the compliance with the bay doors.

**Mr. Coleman** inquired what the decibel reduction will be with the sound deadening equipment and what the equipment would be.

**Ms. Ward** stated that a sound study had not been completed at that time. She read aloud a letter from Mr. Arnold that explained the modifications he planned to make to the building to mitigate any sound concerns.

**Chairman Wakstein** concluded the evidentiary portion of the hearing and opened closing arguments.

**Ms. Rowan** stated Mr. Arnold has proposed additional measures to bring the building further into compliance.

**Mr. Leonard** gave a summary of the three (3) written comments submitted for Board consideration.

**Chairman Wakstein** opened Board deliberation. He stated that he saw a lot of information but didn't see affirmative answers on the distance variance. The supplemental code is to protect adjacent properties. He did not see anything unique about the physical shape of the lot.

**Mr. Coleman** said the creation of the Land Development Code created a unique situation. In 2012, the LDC created the non-conforming use because of the shape of the building. He asked if sound is the concern for the use at this location.

**Chairman Wakstein** responded that traffic and sound are the two biggest detriments.

**Mr. Bishop** said it was unrealistic to think every vehicle will be inside.

**Mr. Morehouse** noted there is vehicle traffic for a retail center next to the location already. He voiced concerns about possible vehicle stacking at the location.

**Chairman Wakstein** asked Mr. Leonard to confirm the supplemental standards for retail were met for the new retail development on the opposite side of South Wells Street.

**Mr. Leonard** responded that it does meet the standards of the Land Development Code.

**Mr. Painter** didn't feel 18 inches would change the sound that much, but the sound deadening showed good intent to mitigate.

**Mr. Coleman** said the other service stations are not using the sound deadening measures and wondered if they are receiving complaints.

**Mr. Davis** stated the sound ordinance limits are 65 decibels outside for commercial use measured at the property line. The proposed air compressor is 67 decibels.

There was further discussion regarding the sound ordinance.

**Mr. Morehouse** made a motion to approve the 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' with the restrictions that it must operate by appointment

only, soundproof the equipment and building, and must be compliant with the City's sound ordinance. It was seconded by **Mr. Coleman**.

Mr. Bishop	No	Mr. Painter	Yes	Mr. Coleman	Yes
Mr. Morehouse	Yes	Mr. Houk	No	Chairman Wakstein	No

**The motion to approve was denied by a vote of (3-3).**

**Chairman Wakstein** opened Board discussion for the portion of the request regarding the bay doors. He said that the variance was noticed as service station use and that is how he has been viewing it.

**Mr. Coleman** stated he didn't think it was practical to move the garage bay doors.

**Mr. Davis** suggested to consider the second variance. The applicant could seek change to Land Development Code for the first variance.

**Mr. Coleman** made a motion to approve the variance from Land Development Code Section 5.04.29.D to allow for the garage bays to face an arterial street (Panama City Beach Parkway). It was seconded by **Mr. Painter**.

Mr. Bishop	No	Mr. Painter	Yes	Mr. Coleman	Yes
Mr. Morehouse	Yes	Mr. Houk	No	Chairman Wakstein	No

**The motion to approve was denied by a vote of (3-3).**

**ITEM NO. 6      Status update and history of substantially incomplete variances, conditional uses, planned unit developments (PUDs), and large site developments.**

**Dudley Branum- PUD (Planned Unit Development)**

**Chairman Wakstein** noted the 2007 approval without a master plan.

**Ms. Chester** said the Dudley Branum PUD sold two (2) parcels that eventually were removed from the PUD and rezoned to CM (Commercial Medium Intensity).

**Mr. Davis** explained to the Board that there can be different owners in a PUD. He said that this was approved prior to the adoption of the Land Development Code in 2012 and would need research further.

**Ibis Lake PUD (Planned Unit Development)**

**Ms. Chester** said roads and infrastructure are in place that include potable, reclaim, and gravity sewer.

**Mr. Davis** stated that a timeline in the master plan triggers invalidation.

**Chairman Wakstein** there is a 90 percent developed deadline of April of 2013 that has not been met. He directed staff to contact the owners schedule a hearing.

**La Borgata (Kelly Street) PUD (Planned Unit Development)**

**Chairman Wakstein** inquired if a modification triggers a new timetable.

**Mr. Davis** responded that code speaks to failure to complete a deadline in a master plan.

**Chairman Wakstein** directed staff to schedule a hearing.

**Oak Grove- PUD (Planned Unit Development)**

**Ms. Chester** stated there will be community meeting at the end of September and the master plan should be before the Board in November.

**Chairman Wakstein** directed staff to put Oak Grove at back of line since they should be before the Board before any action would be taken.

**Towne of Seahaven Apartments- Large Site Development**

**Ms. Chester** said the project is under construction and compliant.

**Topgolf- Large Site Development and Conditional Use**

**Chairman Wakstein** noted that Topgolf is under construction and compliant.

**Kukla RV Park**

**Ms. Chester** said there is an agreement being worked on for transfer of Kukla Drive.

**Mr. Leonard** stated there may be a potential new owner.

**Mr. Davis** the conditional use approval is a hard deadline.

**Ms. Chester** stated that without the conditional use approval the large site becomes invalid.

**Chairman Wakstein** directed staff to notify the owner.

**16420 Front Beach Road**

**Ms. Chester** stated the owner has decided to develop single family homes and the variance will not be needed.

**Mr. Davis** responded that the order was never issued due to platting concerns, so no action is required.

**13951 Panama City Beach Parkway**

**Chairman Wakstein** said it has been more than three (3) years since approval.

**Ms. Chester** said she would notify the owner the variance is now invalid.

**17188 Front Beach Road- Variance**

**Chairman Wakstein** stated that after three (3) years the variance is invalid.

**Ms. Chester** said she would notify the owner the variance is now invalid.

**Long Beach Lagoon**

**Mr. Leonard** stated that Pompanos restaurant has been demolished and the shopping center has been remodeled.

**Chairman Wakstein** stated the variance and conditional use is void. He directed staff to schedule a hearing for the large site development.

**ITEM NO. 7            Discussion to clarify the Land Development Code's verbiage regarding use, expiration, and invalidation of master plans, variances, and conditional uses.**

**Chairman Wakstein** asked if there is something that can trigger staff automatically.

**Mr. Davis** responded that there is due process for a master plan and property rights.

**Chairman Wakstein** said when the timelines are hit, he would like it to be brought to the Board's attention and call for hearing.

**Mr. Leonard** suggested it should be option especially with hurricanes and pandemics

**Chairman Wakstein** stated the Board has discretion under certain circumstances. He would like the property owners to come before the Board to convince the Board the project is still a good idea and provide an updated development time frame.



**Mr. Painter** asked what holds the developer to the fire to act within a timeframe.

**Mr. Davis** said there should be administrative steps for invalidation that includes a hearing.

The Board directed staff develop analysis criteria, grading, deadlines, framework, and objective guidelines for notification.

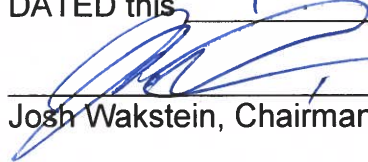
**ITEM NO. 8            Code Enforcement Update**

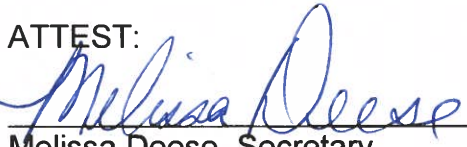
**Mr. Smith** provided an update for mid-July through mid-August. Most of the Division's neighborhood enforcement efforts were in response to grass, detrimental conditions, littering and unpermitted events. Enforcement of City ordinances on the beach included dogs, glass, and holes. The Division also assisted other agencies including Turtle Watch and the Beach Safety Division.

**Chairman Wakstein** opened discussion regarding enforcement of the sign ordinance.

The meeting adjourned at 2:43 p.m.

DATED this 9<sup>TH</sup> day of October, 2024.

  
\_\_\_\_\_  
Josh Wakstein, Chairman

ATTEST:  
  
\_\_\_\_\_  
Melissa Deese, Secretary