

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
REGULAR MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, JANUARY 8, 2008
7:00 P.M.**

CALL TO ORDER

Planning and Zoning Chair Doug Copeland called the meeting to order at 7:03 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Boardmembers Margaret Jenkins, Sandra Mattick, Chair Doug Copeland, Frank Pytel, Randall Stover (7:10 p.m.), and Jim Conoly.

Staff present: City Clerk Alice Baird, Building Clerk Diane Sacca, City Planner Alan Garrett, City Commission Chair John Quam, City Commission Dale Woodland, and Minutes Clerk Stacey Johnston.

--Prior to the Roll Call, Chair Copland announced that P&Z Boardmember Doug Winton had submitted his resignation from the Board. Mayor Barford will be presenting a name to the City Commission at their January meeting to serve Mr. Winton's unexpired term.

**1. Discussion: Land Development Regulation Update
Chapter 114 Area, Yard, Bulk, Regulations in the R-1, R-2, C-1, ROR, PSP,
and PRA Zone Districts.**

City Planner Alan Garrett explained that the setback regulations, lot coverage and building coverage, along with intensity versus limitations with density would be discussed that evening for a consensus to determine a basis for moving forward

Setbacks –*Planner Garrett* gave the history of how setbacks originally came about – primarily because of illnesses and fire. The need to have buildings separated from each other was necessary due to not having the sophistication of fire control and health.

Setbacks are now used for the purpose of fire protection and to establish intensity and to allow air and sunlight to filter between different structures.

In referencing the Matrix handed out to each Boardmember, the following issues were addressed:

Front-yard Setback – Residential Districts – *Planner Garrett* stated there had been no issues with the 20-foot setback in the Residential Districts. He pointed out a parking space was a 10-foot X 20-foot space so having the structure setback 20-feet it is assured one car could be parked on a parcel and not extend out into the right-of-way.

It was agreed that a 20-foot setback be maintained in the Residential District.

Front-yard Setback – ROR, C-1, PSP, RPA Districts – Planner Garrett explained that currently a 29-foot setback is required if a parcel is less than 140-feet in depth. If greater than 140-feet, a 35-foot setback is required.

Note: PSP = Public Semi-Public such as the Community Center and City Hall.
PRA = Public Recreation Area – Beachfront parks, etc.

In answer to Boardmember Conoly's question, Planner Garrett explained that it is mandated to place the parking in the front in the ROR District, therefore requiring a minimum of a 20-foot setback. He mentioned that when the Board discusses the parking at a later date, they might want to consider angled parking.

Discussion followed relating to the lots on Pine Ave. Most all properties along Pine have 20-foot setbacks.

Boardmember Pytel addressed the need for the 35-foot setback. He pointed out there would most likely be a very large building on a 140-foot lot requiring many employees, customers, unloading, etc. and felt there were good logical reasons why the 35-foot requirement was originally established.

Planner Garrett said it could also be dealt with when discussing lot coverage. He suggested uniformity be established across the board for the front-yard setback.

Discussion followed relating to the drawings prepared by Boardmember Pytel and the front-yard setback area needed based on the lot size. Parking requirements, loading spaces, etc. were discussed. Planner Garrett informed that the standard loading space shall be 10-feet wide and 25-feet in length and provide a vertical clearance of 15-feet.

Planner Garrett informed that the City Commission has finalized the wording for the ROR District. The policy was very specific as to what can go on each level and allows for two levels of residential over commercial. The policy limits the commercial to only one level.

After discussion it was agreed that the Board would discuss and agree upon the requirements for the Front-yard Setbacks later.

Side-yard Setbacks – Planner Garrett informed that under the current definition of floor, the term does not include the floor of the garage solely for parking vehicles. Therefore, currently when there is an elevated home with a garage below and one-story above the City has interpreted it as a one-story structure needing a 7-foot setback. However, if the first & second level is all living area (the exact same height as the neighbor being one-level over parking), a 10-foot setback is allowed. Planner Garrett felt in the past the word floor and story has been mistaken as one in the same of which he did not agree.

Planner Garrett did not feel it was appropriate that since the garage was the lower level that a 7-foot setback would be allowed. He gave the example of if the

home was not in a FEMA required area, was sold to another individual, the new buyer may want to enclose the ground level and would not be allowed to do so since a 10-foot setback would be required to do so.

Planner Garrett suggested that if a structure were not over a certain height (example – 20-feet), a 7-foot setback would be allowed, however, if taller than a specific height (20 to 37-feet), a 10-foot setback would be required. Standardizing of 10-foot across the board could also be a consideration.

Chair Copeland stated he was definitely in favor of the 7-foot setback for two levels. He said historically, the 10-foot setback came into effect when FEMA required elevation and three-stories were required to allow two levels of residential. However, FEMA later required an elevation of 11-feet. Chair Copeland felt in order to encourage a one-level over parking, a person was more likely to build a one level of residential over parking if they are allowed a 7-foot setback than if they were required a 10-foot setback.

Lengthy discussion and examples followed by the Board.

Planner Garrett informed it was common in other communities to have combination side-yard setbacks that allows for variety and maximum flexibility as long as the building is not over a specific height. Examples were given.

Boardmember Pytel discussed his concerns relating to drainage problems that could occur.

Planner Garrett responded pointing out that he and the City's Building Official had discussed looking at requiring onsite drainage areas in the future for residential and retail. He explained that the property owner would be responsible for a certain percentage of the drainage on his or her own property to include on-site retention (swales, vaults, etc).

After discussion, Planner Garrett asked for a consensus of one of the following options:

- Leave language as is.
- Require 7-foot setback for two-levels, or 10-foot setback for three-levels.
- Combination side-yard setbacks.
- 7-foot setbacks required across the board.
- 10-foot setbacks across the board.

It was the consensus of the majority of the Board to require a 7-foot requirement for two levels and a 10-foot requirement for three levels with Boardmember Pytel preferring a 10-foot uniform setback across the board.

Public Comment

Tom Turner, N. Shore Dr., suggested the Commission require a 7-foot setback for all structures except those measuring over 27-feet from the crown of the road. Those then would require a 10-foot setback.

Michael Coleman, 311 Pine Ave., felt establishing a building height limit would create a cookie cutter look along the street. He suggested allowing for the 7 and 10-foot setbacks to simplify the issue.

Rear-yard Setbacks – *Planner Garrett* explained rear-yard setbacks are only required in the R-1, R-2, or when abutting an alley.

It was the consensus of the Board to maintain a 10-foot Rear-yard Setback across the board.

Through Lot Setbacks – *Planner Garrett* informed through lots have 20-feet on either side. Most of the through lots are located on N. Bay Blvd. and N. Shore Dr. He stated he proposes no changes since there had been no recent problems. He further explained that swimming pools must now meet the setbacks. An amendment was previously made allowing a swimming pool to be placed up to 10-feet off of the street setback. However, the pool must be on the side of the house opposite from the front door.

Boardmember Mattick asked if for future planning, should swimming pools be required to all face one street.

Planner Garrett informed there is currently no regulations specifying that a swimming pool must be in the front or the back of the property.

There was no objection to leaving the 20-foot Through Lot Setbacks as is.

Street side Setbacks – It was proposed by *Planner Garrett* that the street side setbacks be 15-feet across the board.

Boardmember Stover suggested that with ROR being residential, office, or retail a 20-foot setback would be necessary to allow for angled parking.

Planner Garrett pointed out that the 15-foot setback requirement would be the minimum, however, the setback could be 20-feet if needed. There are no maximum setbacks required in Anna Maria.

It was the consensus of the majority of the Commission to designate a 15-foot street side setback across the board. Commissioner Mattick stated she felt the minimum should be 10-feet.

Waterfront Setbacks – *Planner Garrett* explained that all setbacks were measured from the property line except for waterfront setbacks. Waterfront setbacks are measured from the seawall, bulkhead or mean-high water.

Planner Garrett said there had been no problems with the 15-foot waterfront setbacks and he was in agreement with how they are measured. It was noted that measuring was from the landside of the bulkhead. *Boardmember Pytel* suggested that measuring from the landside be included in the language.

Boardmember Stover felt that 15-feet was amazingly close. He asked if there was any language requiring the footings to be stronger, tougher, and thicker.

Planner Garrett informed that 15-feet was what was allowed in the City and in all the canals. He stated he would check with the Building Official to clarify Boardmember Stover's concerns and report the findings at the next meeting.

There was no objection to leaving the 15-foot Waterfront Setbacks as is.

Lot Area – *Planner Garrett* explained that to currently allow residential on a piece of land in the ROR District, 7,500 sq. feet of lot area was required. For office and retail, only 5,000 sq. feet is required. He said it could be left as currently written, however, he would be required to enforce not issuing a permit in the ROR for a house if a person only has a 5,000 sq. foot lot.

Boardmember Mattick informed that the north side of Pine Ave. was all 5,000 sq. foot lots. The south side of Pine all has 7,500 sq. foot lots. Planner Garrett responded stating he felt the original intent was not to try and encourage just strictly homes but to encourage mixed-use – residential and office.

Boardmember Pytel discussed the incentive on Pine Ave. was for residential built over business and a 5,000 sq. foot lot was appropriate for that. However, to build a residence-only building, he felt there should be a 7,500 sq. foot lot – just as in R-1.

It was pointed out by Planner Garrett that the Comprehensive Plan would limit the number of residential homes in Anna Maria to 60% and 100% commercial.

Michael Coleman, 311 Pine Ave., said he knew of at least ten 5,000 sq. foot residential lots (that he was not involved in) that the property owners would send lawyers after the City if they were told their lots no longer have any value and residential homes could not be built on them. He said if it were he he would cancel every contract he had on a lot he found out had no value to build on.

Planner Garrett disagreed stating that the homes on the north side of Pine Ave. were very lucky they were permitted with only having the 5,000 sq. feet.

Discussion followed relating to the intent in ROR along Pine Ave.

Boardmember Pytel felt if the incentive were to have homes in the ROR on 5,000 sq. foot lots, then Pine Ave. would no longer be the Commercial District.

After discussion it was agreed that the Lot Area in the ROR District would be as follows:

- Residential – 7,500 sq. feet
- Office / Retail – 5,000 sq. feet

Build Coverage

Impervious – It was agreed that Build Coverage and Impervious would be discussed at the next meeting to be held February 5, 2008.

Planner Garrett asked Boardmember Pytel to provide his updated drawing to him prior to the next meeting in order to distribute to each Boardmember for their review prior to the meeting.

Public Comment

City Commissioner Dale Woodland suggested the Board consider all parking be impervious. He felt doing so would eliminate many issues.

Commissioner Woodland also suggested the P&Z Board considers reducing the required rear-yard setback in the ROR District and increase the front-yard setbacks.

Commissioner Woodland further felt the Board should not get hung up on the Waterfront setbacks. He gave the example of Lake LaVista and stated there had never been any problems.

Michael Coleman said the 5,000 sq. foot setback requirements on Pine Ave. would work in regard to the Pine Ave. Restoration Project since residential over commercial is proposed.

He stated, however, that as a citizen on Pine Ave. he was concerned about the property owners on the north side of Pine not being able to build only residential on their 5,000 sq. foot lots and felt it would shrink the market and reduce the property values of the lots.

2. Approve Minutes of December 4, 2007.

MOTION: On motion made by Boardmember Mattick and seconded by Boardmember Jenkins, the December 4, 2007 Minutes were approved as written.

Motion carried – All Aye.

3. Old/New Business.

Planner Garrett referenced information relating to the percentage ratios towards lot and building coverage for the Commission to review prior to the February meeting.

4. ADJOURNMENT

On motion made by Boardmember Conoly and seconded by Boardmember Jenkins, the meeting was adjourned at 8:44 p.m. Motion carried – All Aye.

The next regular meeting is scheduled for Tuesday, February 5, 2008, 7:00 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____