

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

CALL TO ORDER

Planning and Zoning Chair Doug Copeland called the meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Boardmembers Margaret Jenkins, Sandra Mattick, Mike Yetter, Chair Doug Copeland, Frank Pytel, Randall Stover, and Jim Conoly.

Staff present: City Clerk Alice Baird, City Planner Alan Garrett, Building Official Bob Welch, Mayor Fran Barford, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander

1. Review of Final Site Plan approval for a mixed-Use Project Located Within the Residential/Office/Retail (ROR) Zone District Located at 401 Pine Avenue:

- **Lots 15 and 16, Block 3, Anna Maria Beach, Together with 10 Feet Adjacent to the Southeast Vacated Street as Submitted by Michael Coleman for Pine Street Restoration, LLC.**

City Clerk Baird officially swore-in all persons wishing to speak.

City Planner Garrett presented the Final Site Plan request for 401 Pine Ave. He reminded that previously Site Plans A & B was being considered, however, applicant Michael Coleman had withdrew Site Plan A. In working with Mr. Coleman, City Planner Garrett informed that Site Plan B has now been slightly modified.

The proposed Final Site Plan is a development at 401 Pine Ave. and mirrors the development previously heard on the south side of Crescent at 315 / 317 Pine Ave. The mixed-use project, in the ROR District, combines two lots into one parcel, incorporates upper residential units, and lower story retail facilities.

Planner Garrett informed that the one major difference from the previously approved Site Plan is the relocation of the loading area – more adjacent at the intersection of Crescent and Pine and away from the alley, which better protects the residential neighbors. Most of the deliveries will be from the Pine Ave. access. Two stipulations are being recommended that include a six-foot fence being installed along the rear property line and four parking spaces being signed for residential use only - as required by code.

Chair Copeland said after reading the City's code, he was unsure how the zero lot-line provision applies to two structures that are not joined and asked for clarification.

Planner Garrett responded stating that it is common in Commercial and Retail Districts to find a zero lot line provision. Explanation followed in detail. He pointed out that what always overrides is the fire and building codes separation. He stated that when a zero lot line is allowed for, then it does allow the ability to move the buildings apart, provided they meet the fire code. He pointed out that Anna Maria has a building coverage requirement that always overrides. Planner Garrett informed that the Anna Maria Code is more silent but his professional judgment did preclude that the P&Z Board have the ability to review the plan and find it consistent with the Code for the mere fact the City does allow the zero lot line provision.

Chair Copeland referred to the Code relating to additional side-yard requirement that states in the case of a building erected on two or more joining lots the structure may be continuous under one roof. He said it did not state the two separate buildings could have a zero setback.

Planner Garrett again stated that the City's Code is silent in that regard but did feel it meets the intent and the concern to have the cottage effect. He felt by allowing the provision it would actually move some of the buildings further away from the residential and gives better protection to the residential.

Boardmember Conoly said it seems like the Planner had provided quite a few opinions as opposed to specifics.

Planner Garrett answered it was not an opinion – that it comes from thirty years of reviewing codes and understanding how codes work. He said as a professional land planner, the proposed method is not uncommon in the Code, and therefore, is more of a professional opinion. Unfortunately the City's ROR is not well written.

Boardmember Conoly said he respected Planner Garrett's opinion, however, a lot of residents are of a different opinion. He felt there was a need to know what the code exactly states and pointed out there were also two attorneys with opposite opinions.

In answer to *Boardmember Pytel's* question, *Planner Garrett* acknowledged there had never been a request in Anna Maria relating to the zero lot line. Pointing out that the previous Site Plan had been approved, he felt the City had set a precedent. He asked how the letter received from Attorney Jeremy Anderson relating to the definition of structure and lot impacted this issue.

Planner Garrett said he was not aware of Attorney Anderson's letter, that City Attorney Dye had addressed it and was in disagreement with Attorney Anderson's opinion. Boardmember Pytel acknowledged he was in agreement with Attorney Anderson.

Boardmember Yetter pointed out there was no dumpster shown on the Site Plan and confirmed with Planner Garrett that there would be no permitted dumpster on

the site. Only if a separate pad was being built for the dumpster would it be required on the site plan, according to Planner Garrett.

Boardmember Yetter asked for clarification relating to the pervious surface and parking spaces.

Planner Garrett informed that the filter mix would be utilized.

Boardmember Yetter asked if in the future the applicant would want to sell the property could the two properties be split.

Planner Garrett said it could be split; however, a joint use agreement for parking etc. would be required. He explained that the City's code allows for platted lots to be looked at and combined to what would be a parcel.

Boardmember Jenkins asked for an explanation why there was only one unloading zone.

Planner Garrett explained it was two separate buildings but only being treated as one parcel that only requires one unloading zone.

Boardmember Pytel asked if there would be signage on the loading zone.

Planner Garrett said an additional stipulation could be required that the loading zone be signed. He informed that after the previous Site Plan review, the applicant recognized that the loading was not placed in a desirable location and had requested the loading zone be moved more towards Pine Ave.

Michael Coleman, 311 Pine Ave., applicant on behalf of Pine Street Restoration, LLC, said their approach was to leave the two-level construction on Pine Ave. The coverage and parking was also addressed, whereas, they have come in under 40% of their coverage.

According to Mr. Coleman, there have been zero lot line issues in the past and gave the example of 314 Pine Ave. Having the ability in the code to join across property lines, they felt the simplest thing would be to allow for the separation of buildings, have the firewall, and keep their coverage correct. He said after review of the prior Site Plan, it made more sense to have the loading zone in the front rather than in the back where it may never get used. Moving it to the front would be better for the neighbors in the back.

Mr. Coleman confirmed their intent was to use the most pervious possible surface agreeable to the Planner and to the City. He said at this point filter mix seemed to be the best solution, however, if the City comes up with a solution that allows for better drainage, they would be open to it.

In response to *Boardmember Pytel's* question, Mr. Coleman said he had no objection to placing a sign indicating for use of the loading zone only.

Boardmember Pytel suggested the site would be an ideal area for additional plantings to beautify Pine Ave. and also by the alley.

City Clerk Baird officially swore-in all those persons wishing to speak who arrived after the meeting began.

Chair Copeland officially opened the Public Hearing for the purpose of hearing any public comment.

Public Comment

Robert Hunt, 303 Pine Ave., commented on the frontage not being continuous and not meeting normal setbacks.

Mr. Hunt voiced concern relating to the proposed parking, feeling it did not meet the requirements.

He stated in looking at the plan, there was no side or rear setback dimensions, no building size dimensions, and was confused on exactly what was being considered.

Edward Pedota, 318 Spring, felt the type of pervious material should be stated. He asked what type material would be used for the covered walkway.

Mr. Pedota said he was pleased that the fence was extended to the full rear property line and also agreed with moving the loading zone. He said he hoped the 315 / 317 Pine Ave. site would allow for the loading zone to also be moved in order to accommodate the neighborhoods.

Marie White, 111 Spring Ave., stated there were no car bumper stops in the parking stalls. She suggested every car location should have a stall.

Rick Freeman, 108 Crescent, said he and his wife's concern related to the parking and any possible overflow.

Mr. Freeman also said he was concerned about drainage and possible flooding.

Sally Eden, 316 Spring Ave., asked if the loading zone on the previously approved 315 / 317 Pine Ave. plan could be moved. She said she hoped the landscaping across the back fencing area would continue.

Ms. Eden pointed out there was one employee space designated for each business and it did not seem like enough.

Building Official Bob Welch informed that though there are small items that do not appear on the plans, during the planner meet process / building permit application, certain requirements will be asked for such as handicap requirements, marking of parking spaces, etc.

Applicant **Michael Coleman** addressed the issues that had been brought up.

- He informed that after the 315 / 317 Pine Ave. Site Plan approval he went to the City and asked if the loading zone location could be changed administratively.
- The drainage concern would be addressed appropriately to insure no flooding would occur.
- Mr. Coleman said they were unsure of the type of businesses that would be established, however, it was their desire to continue the look and feel of what currently exists on Pine Ave. – the small boutique type businesses. He said they would comply with all parking requirements and felt they were over stringent - that there may end up being more spaces than were needed. There was no intent to have events that would cause overflow parking into Spring St.
- The walkway is located inside the impervious envelope and the surface would be based on the requirements of the Building Official.
- The intent is to screen along the back fence with trees, bushes, etc.

Chair Copeland officially closed the public comments portion of the Public Hearing.

Board Discussion

It was the consensus of the Board that a stipulation be included that the loading zone be signed.

Boardmember Stover asked why it was not required to place all requirements on the Site Plan. He also asked what the sidewalk transition material between the two public walkways would be and also where the pedestrians would walk who have parked on Crescent. He asked what the code requires in the event one of the businesses has more than one employee.

Chair Copeland re-opened the public portion of the meeting for the purpose of allowing applicant Michael Coleman to address Boardmember Stover's questions.

Michael Coleman responded to Boardmember Stover's questions as follows:

- The parking ordinance requires one parking space per 400-feet or .25 parking space per employee, whichever is greater. The proposed parking was based on the footage. Mr. Coleman stated he estimated no more than four employees per business.
- As far as plantings and landscaping, Mr. Coleman said they were submitting a plan that is consistent with the minimum requirements. A landscape architect has not yet been hired. More detail will be added later.
- Planner Garrett said bumper stops would be required at the time of the building permit. The walkway and parking is designed to be one continuous surface requiring a permeability surface. Once an individual gets out of their vehicle there will be room between the bumper stops to walk along the side of the building towards the front of the building. The cars, due to the bumper stops, would not come all the way up to

the building, thus allowing for a pedestrian path alongside the building itself.

- Discussion followed relating to the trees indicated in the parking areas on the Site Plan. Planner Garrett stated the trees could be relocated.
- Planner Garrett explained that the 10-foot covered walkways in front of each building have been accommodated for in the building coverage.

Chair Copeland officially closed the public comments portion of the Public Hearing.

Discussion followed relating to the stipulations the Board wished to include.

Planner Garrett informed that Mr. Coleman would be notifying residents within the next couple of months relating to another Site Plan. If changing the loading zone location on the 315 / 317 Pine Ave. Site Plan could not be handled administratively, that change could be included with the next Site Plan notice.

In response to *Boardmember Stover's* concern relating to what type of pervious material would be used, *Building Official Welch* said in looking at some of the different systems used in the past, the design elements of the run-off systems had not yet been established. He informed that the filter mix, if allowed, would create a pervious surface but will have to be maintained or it would compact.

Boardmember Stover said he did not want crushed shell used.

Michael Coleman stated they would be using filter mix.

- MOTION:** Boardmember Stover moved and Boardmember Pytel seconded the motion to approve Final Site Plan, with amendment, for a Mixed-Use Project Located within the ROR Zone District located at 401 Pine Avenue to include the following stipulations:
- 1) A six-foot fence shall be installed along the rear fence along the rear property line (adjacent to the alley)
 - 2) The easternmost four parking spaces shall be signed for residential use only
 - 3) The loading zone shall be signed for loading and unloading only
 - 4) Pedestrian access shall not be obstructed by plantings. Such plantings may be relocated on the parcel.
 - 5) All non-building coverage will be a minimum of 70%. (Example – filter mix pavers)
 - 6) The plan shall also remove i.e. crushed shell.

Chair Copeland informed he would be voting against the proposed Site Plan because he was not in agreement with the interpretation of the setbacks. He said he liked the plan, however, hoped to have his issue addressed at the August joint City Commission / P&Z Board Worksession. *Chair Copeland* stated he was willing to admit he had made a mistake in voting in favor of the 315 / 317 Site Plan and did not feel approval of that Site Plan set a precedence.

ACTION: On Roll Call Vote – the motion carried on a vote of 5 to 2 as follows:
Boardmember Stover – Aye
Boardmember Pytel – Aye
Boardmember Conoly – No
Boardmember Jenkins – Aye
Boardmember Mattick – Aye
Boardmember Yetter – Aye
Chair Copeland – No

2. Discussion Regarding Lot Coverage Reduction for Permeable Materials.

Building Official Welch explained that the current City Codes do not have a cohesive answer on how the City is to judge what standards of materials should be utilized relating to the permeability of the materials. He stated that the Code, as currently written, allows the approval of almost any material that may be pervious. He said he would like standards and design perimeters established for permeable materials. He gave the example of an applicant wishing to put in a pool.

Building Official Welch gave examples of products currently on the market that state they are 100% permeable systems with storage retention and are engineered site-specific products.

According to *Building Official Welch*, the City currently allows for a 30% reduction / administrative decision for use of permeable materials. He informed he had also met with the City of Bradenton Beach and Holmes Beach relating to their policies. Detailed explanation and examples followed.

Chair Copeland asked *Building Official Welch* if he would be comfortable with *Anna Maria* approving the 30% process that the City of Bradenton Beach and Holmes Beach were currently acting under being set up as a policy no matter what the system was.

Building Official Welch said he would be very comfortable with it, however, would like to develop additional backup for the Board with the Stormwater Engineer. He said he would like to continue using the 30% policy until he could provide the appropriate backup. He felt it was currently a great time to address this issue in conjunction with the Stormwater Management.

Boardmember Pytel felt the 30% discount policy was only a matter of opinion. He said until a concrete explanation of who should or should not get the 30% discount was determined, the City should not allow any discount.

Boardmember Stover informed that the Architectural Association nationally has standards for a lot of building products that are very specific and very well tested. He stated that the Landscape Architects have also researched into this issue.

Building Official Welch stated that the American Water Association and Wastewater Association have criteria for doing testing on the products. He said that a criteria can be developed for the testing that determines the calculation type or accepted method for doing the calculations – and if a material has not been tested then it is not allowed.

He further suggested the City provide some incentive for the use of 'Green Platform' products.

Boardmember Mattick suggested the City establish a list of approved materials and no longer allow impervious surfaces unless absolutely necessary.

Chair Copeland said he did not want to see any lot covered with any man-made surface of 100%. He said he wanted to see at least some green plant material around the structures.

Boardmember Conoly agreed that if a product had not been tested it should not be allowed and also that a list of accepted products should be established. He asked what filter mix was made of and voiced concern relating to its use.

Building Official Welch answered that filter mix was made of the #57 rock. He informed the City currently accepts the 250-filter mix.

Mayor Barford addressed the Board and informed that an applicant wishes to cover just under 100% of their property. Staff is looking for direction from the P&Z Board.

Boardmember Stover suggested that a committee be formed to determine a way to specify a listing of approved materials that can be used in Anna Maria.

In answer to *Boardmember Pytel's* question, *Planner Garrett* informed that Anna Maria had utilized the 30% discount method for over three years.

After lengthy discussion, the following motion was made:

MOTION: Boardmember Mattick moved that until the P&Z Board or City Commission adopts further standards for more stringent standards to be codified, that the City approve a maximum allowance of 30% credit for the use of pervious surfaces. Boardmember Conoly seconded the motion.
On roll call vote, the motion carried unanimously.

Committee formed

Boardmembers Stover and Mattick volunteered to work with Building Official Welch on determining standards for pervious surfaces. The committee will meet within the Sunshine Law requirements. City staff will facilitate the committee meetings.

MOTION: Boardmember Conoly moved that Boardmember Stover, Boardmember Mattick, and Building Official Welch form a committee for the purpose of adopting standards relating to pervious surface products within the next ninety days. Boardmember Stover seconded the motion.
Motion carried – All Aye.

3. Approve Minutes of June 3, 2008.

Chair Copeland asked that subsection (6) on page 2 be corrected from a 70-foot roll out awning to read a 17-foot roll out awning.

Boardmember Yetter pointed out on page 3 the discussion relating to parking spaces should be corrected from 1.25 parking spaces to read .25 parking spaces.

MOTION: On motion made by Boardmember Mattick and seconded by Boardmember Jenkins, the June 3, 2008 minutes were approved as amended.
Motion carried – All Aye.

4. Old Business – None.

New Business –

Meeting Agenda Packets

Chair Copeland asked that each Boardmember pick up and read through their meeting packets as soon as they are ready prior to each meeting.

Joint City Commission and P&Z Worksession

Mayor Barford asked for the availability of the Boardmembers for scheduling a joint City Commission / P&Z Worksession in August.

Boardmember Pytel informed he would be unavailable during the month of August and *Boardmember Yetter* will only be available in the evenings during the week of August 17.

The Board will be advised of the scheduled Worksession date.

Letter Received from Attorney Jeremy Anderson

Boardmember Pytel referred to the letter recently received from Attorney Jeremy Anderson relating to lot / structure. He asked if the P&Z Board would be in favor of making a statement of whether they were in agreement with either Attorney Anderson's interpretation or City Attorney Dye's interpretation of lot / structure.

City Clerk Baird informed that City Attorney Dye has refused to comment on the issue due to the threat of a lawsuit in Attorney Anderson's letter. City staff is asked not to discuss an issue in the event of a threat of a lawsuit.

Chair Copeland stated that though the P&Z Board recommended the denial of the Ordinance, the City Commission had voted to approve it. As a recommending body only, he did not feel further discussion should be made by the P&Z Board.

401 Pine Ave. Site Plan Approval

Michael Coleman, Pine Ave., thanked the Commission for approving the 401 Pine Ave. Site Plan.

In referencing the letter received from Attorney Anderson, Mr. Coleman felt the City should stop being so responsive to the reactive and instead be more responsible to the proactive. He suggested the City be more judicious about whom they listen to and what is responded to.

Mr. Coleman pointed out the City contracts with both a City Attorney and City Planner who have many years of experience.

5. Adjournment.

On motion made by Boardmember Conoly and seconded by Boardmember Jenkins the meeting was adjourned at 8:59 p.m. Motion carried – All Aye.

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

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____