

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
REGULAR MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, OCTOBER 2, 2007
7:00 P.M.**

CALL TO ORDER

Planning and Zoning Chair Doug Copeland called the meeting to order at 7:02 p.m.

PLEDGE TO THE FLAG

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

Staff present: Building Clerk Diane Sacca, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

Press present: Sun News and Islander.

-- *Chair Copeland* stated he had been out of town and had asked City Planner Garrett to meet with the Mayor to propose an agenda for the meeting that evening.

1. Discussion: Modifications and Additions to the City of Anna Maria Code of Ordinances – Specifically the Land Development Regulations, Relative to the Comprehensive Plan EAR Amendments.

City Planner Alan Garrett addressed the Board informing the meeting would serve as the first of many dealing with the Land Development Regulations and updating them to comply with the soon to be adopted Anna Maria Comprehensive Plan to the Evaluation of Appraisal Report. He explained that the City has one year to bring all codes into compliance as a result of the changes taken place in the EAR Report.

Along with bringing the required codes involving the EAR into compliance, Planner Garrett informed the P&Z would also take the opportunity to make the appropriate changes to the other elements in the LDR and more specifically Sec. 114 relating to the Zoning Code. He explained that a determination would be made that evening by drafting an outline and determining how to proceed to accomplish the goal towards making all appropriate changes to the codes.

Planner Garrett informed that all Anna Maria codes were on the www.Municode.com website that include search options. An explanation of the search requirements followed. It was noted that the City's website also has a link to the Municipal Code website.

Planner Garrett explained that the City's Code deals with land use and how to construct land-use, standards of streets, etc. The following are issues that will be discussed during the upcoming P&Z meetings – issues that Anna Maria predominately deals with:

-- Zoning– Planner Garrett explained the history of zoning that began in 1921.

- Types of use.
- Setbacks, heights, and lot coverage.
- Parking, signage, and landscaping.
- May need to address stormwater– Planner Garrett pointed out that the City exempts all single-family houses from having to retain any type of water on their property. Explanation and discussion followed.
- Discussion in commercial aspects such as different types of pavers, materials, and surfacing as an incentive for developers to use as more pervious.

In response to Boardmember Conoly's question relating to lot coverage, Planner Garrett explained that lot coverage is broken down into two elements – lot coverage and building coverage. Detailed explanation followed by Planner Garrett. It was pointed out that swimming pools do not count towards lot coverage.

Planner Garrett informed that he will be meeting with Consultant Tony Arrant this month to determine the specific changes that Anna Maria will need to make to the LDR relative to the EAR process.

- Planner Garrett suggested that at the December 2007 meeting, the P&Z would begin discussions to review and go over all the Definitions in the Zoning Codes. He estimated an approximate one-hour meeting for this purpose. He explained that anytime the City deals with any type of an interpretation, the definitions would be referenced. He estimates that only one or two meetings will be needed to finish the review of the definitions.
- After the definitions are complete, setbacks will be reviewed. Examples of the current inconsistencies in the Code and oddities in the definitions relating to setbacks followed by Planner Garrett.
- Parking issues will follow the review of the setbacks. Planner Garrett pointed out that it is good that currently in Anna Maria if any addition is being built and the parking is deficient, all parking has to be brought to Code. Examples are The Sandbar and Betsy Hill projects.
- The City Commission previously dealt with signage requirements, however, the P&Z may want to re-look at those sections of the Code.
- Landscaping issues required in some of the re-developments, etc. buffering standards between Commercial and ROR, etc. will be reviewed.
- Stormwater issues and specifically the ROR District will also be addressed.

Planner Garrett then asked each Boardmember to provide any ideas and issues they hoped to cover and review during the process in order to narrow the scope of the meetings. Planner Garrett and Chair Copeland will then meet to schedule the agenda issues to be discussed over the next few months at each meeting. Boardmember suggestions were as follows:

Boardmember Stover – Ask why the definition section of the Code is different than those in the dictionary.

Planner Garrett explained that planning definitions are not necessarily dictionary terms. Examples followed.

Boardmember Stover confirmed with Planner Garrett that the definitions would also include a formula at times.

He agreed that the lot coverage and building coverage issues should be well defined, a system and formula determining the usage of pervious materials should be developed, and further suggested that the pervious materials supplier bring their language into our language.

Planner Garrett informed that the City's Codes Enforcement Officer received a phone call from a supplier that would provide a presentation relating to pervious materials. He stated he would follow up on the call received.

Boardmember Stover asked if municipalities have a requirement to maintain pavement thickness at a certain level.

Planner Garrett said he would research the question. Discussion followed relating to the Mitigation Committee.

Boardmember Pytel – Asked if there were any other resources to use when determining the definitions.

Planner Garrett explained that both Manatee and Sarasota Counties have excellent LDR's, the American Planning Association has standard definitions, website through the APA can be addressed, and other jurisdiction's ordinances on Municode can be referenced.

Boardmember Pytel said he would like the definition of intensity addressed and also the determination of non-conformity issues.

Planner Garrett responded to the differences and determinations between non-conforming parcels and nonconforming structures. He explained that an Ordinance could be written that states anything prior to a specific date can have certain setbacks and anything after a specific date will require certain setbacks. Doing so will avoid having so many nonconformities. Planner Garrett stated that the differences between something being nonconforming versus illegal are that only government can make a situation nonconforming – a person makes himself or herself illegal. Further discussion and examples followed.

Chair Copeland – Felt the City was missing an opportunity to help control stormwater by exempting Residential.

Planner Garrett informed that approximately two years ago a survey was conducted among all residents relating to flooding issues. An approximate 35% survey return was received that the majority of the flooding was street ponding as a result of the new development in the City.

Chair Copeland also asked that the Daylight requirements be addressed.

Boardmember Mattick – Said she would like to address the setbacks, parking, modifications, and site-plan reviews. Discussion followed relating to parking in the front and parking along Pine Ave.

Boardmember Winton – Would like further clarification relating to the nonconforming issues.

Boardmember Jenkins – Asked that the specific setback requirements being applied to all three stories be determined.

Planner Garrett responded.

Boardmember Conoly – Asked that discussion be held relating to variances and hardships and how each may be handled.

Planner Garrett responded stating that as the P&Z discuss variances that the various requirements may need to be loosened up some. Lengthy discussion followed.

As a result of all discussions, Planner Garrett will meet with Chair Copeland on Thursday, October 4 to review all suggested review items and set up future agendas. At the discretion of Chair Copeland, any other items that may be suggested may also be incorporated into the future P&Z meeting discussions. The first meeting to review the Definitions will be held on December 4, 2007. No discussions should be held directly with a homeowner or another Boardmember. Any suggestions or comments should be sent directly to Planner Garrett who will then circulate the information to each of the other Boardmembers.

2. Discussion: Required Findings per Section 114-103 Dealing with Variances.

Planner Garrett stated that the P&Z should determine how they would like to proceed with the different concepts of variances. He explained that variances were created into the Zoning Code so that no parcel of land is rendered useless – you have to give reasonable use of land. Further explanation followed.

In reviewing the City's current Code, Planner Garrett suggested that the P&Z discuss in their upcoming meetings:

- Determine what areas of the City a person can apply for a variance.
- No variance shall be granted to density limitations.
- Determine height, signage, parking, and setback variances.
- Determine the required findings criteria to determine the approval or disapproval of a variance.
- Effect of variance in harmony with the general intent of the Comprehensive Plan.
- General discussion on how the City wants to look at a variance, whether it be strict letter of the law, changes to the modifications, a more relaxed variance in the findings, or variance in the strict letter of the law and the modifications with intent to the site plan.

Boardmember Conoly felt there had been issues in the past in regard to variances relating to opinions versus reality. He suggested a listing of facts/items be determined that would not allow for just an opinion be made for the P&Z to make their determinations by.

Planner Garrett pointed out that it was important to have different opinions and the purpose of an elected body was to have different opinions on a case. If the Code is too strict a determination could then be made at the Administrative level and there would be no need for a P&Z Board.

Boardmember Stover pointed out that almost every lot in the community is oddly shaped. He felt that a variance would be allowed when there was a reasonable use of an applicants land. However, when a person wants to build whereas their requests do not fit into the Code, the variance should then be denied. He felt that a clear definition should be made.

Boardmember Mattick felt the wording of "hardship" should be addressed and determined.

Discussion followed relating to the current difficulty in the City to obtain a variance in the City.

Chair Copeland commended City Planner Garrett for his endeavors involved with the recent site plan approval in his meeting with the applicants and presenting the case to the P&Z Board for their final approval.

Planner Garrett commended the City Staff who all worked as a team during the process. He informed that the City had recently received many positive comments.

After discussion, it was agreed that the Code itself would first be reviewed and the variance section would then be addressed and strengthened by the Board.

3. Approve Minutes of September 4, 2007.

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

Motion carried – All Aye.

4. Old/New Business.

November 2007 P&Z Meeting Time Determined

Chair Copeland informed that the November 2007 P&Z meeting agenda will include two variance requests. After discussion, it was consensus of the Board that the meeting time will begin at 7:00 p.m.

PUBLIC COMMENT

Tom Turner, 850 N. Shore Dr., asked that he be allowed to provide his input during the Code review process.

Planner Garrett thanked Mr. Turner and felt he could bring in a historical prospective during the process.

Mike Coleman, 311 Pine Ave., informed that when he was building his private home and also the one built on Crescent Drive, both the City's Building Official and Public Works Director assured that there was proper drainage installed on the property.

Mr. Coleman addressed the issues of the P&Z Board having different opinions. He said he thought of the different opinions as judgments and if the City did not need the judgments of the appointed officials there would be no need for them. He said he welcomed the judgments of the Board and encouraged that the P&Z Board insures that the door be held open when making changes to the Code to allow for good future judgments by other Board members.

Mr. Coleman agreed there had been a structure in place in the City that had made it very difficult for an applicant. He felt, however, that has now changed and was witnessed in the last meeting during the site plan request due to the work of the Staff and Board. He stated the change has been very welcomed by the community and that the City is in a great transition period right now.

5. ADJOURNMENT

On motion made by Boardmember Winton and seconded by Boardmember Conoly, the meeting was adjourned at 8:28 p.m. Motion carried – All Aye.

The next regular meeting is scheduled for Tuesday, November 6, 2007, 7:00 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED:_____