



City of Anna Maria

MINUTES
PLANNING AND ZONING BOARD MEETING
CITY OF ANNA MARIA COMMISSION CHAMBERS
TUESDAY – JANUARY 10, 2017 - 4:00 P.M.

Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

Chair Crane called the meeting to order at 4:02 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmember Jim Conoly, Boardmember David Youngs, *Boardmember Margaret Jenkins (4:17 p.m.), and Chair Jonathan Crane.

Absent: Boardmember Carl Pearman.

Staff Present: Planner Bruce McLaughlin, Administrative Assistant/P&Z Board Clerk Kristine Dittmann, and Mayor Murphy.

Press: Sun.

ORGANIZATIONAL MEETING

Election of Planning & Zoning Board Chair for upcoming year

Planner McLaughlin asked for nominations for the position of Chair for the upcoming year.

Motion: Boardmember Youngs moved that Boardmember Crane be reappointed to serve as the Planning & Zoning Board Chair for the upcoming year. Boardmember Conoly seconded the motion.

Motion carried unanimously.

Chair Crane thanked the Boardmembers for selecting him and then presided over the remainder of the meeting.

Election of Planning & Zoning Board Vice-Chair for upcoming year

Motion: Chair Crane moved that Boardmember Youngs be appointed to serve as the Planning & Zoning Board Vice-Chair for the upcoming year. Boardmember Conoly seconded the motion.

Motion carried unanimously.

PUBLIC COMMENT – None.

OLD BUSINESS

1. **Proposed Replat - 826A South Bay**

Noting the Replat Hearing was a quasi-judicial Hearing, *Planner McLaughlin* asked if there were any ex-parte communications.

Chair Crane informed he meets with Planner McLaughlin once a month a week prior to the meetings to review the upcoming agenda items. Only procedural issues were discussed, and there was no discussion relating to the Replat.

Administrative Assistant/P&Z Board Clerk Kristine Dittmann administered the Oath to all persons wishing to speak.

Chair Crane questioned if the items still needing addressed after the P&Z Board's December meeting had been settled.

Staff Presentation

Planner McLaughlin announced there were two issues: 1) Zig-zag lot line remains pending, and 2) The area now being referred to as the "Bayou parcel" – untreated portion of the sub-division. The Applicant has agreed to unify that parcel with one of their lots pursuant to Section 114-429 of the City Code. Doing this will resolve Planner McLaughlin's concern relating to that issue.

Planner McLaughlin asked that his report be included as part of the official record. He informed the request was a two-lot subdivision property with an address of 826A South Bay Blvd. The Hearing was published for the P&Z Board's December 13 meeting, and continued to the time and date certain of January 10, 2017 – 4:00 p.m. All other noticing requirements have been fulfilled.

The existing parcel is 35,091-sq. ft. Details relating to the lot sizes and Replat request followed. Planner McLaughlin stated he recommended denial of the Replat, based solely on the zig-zag lot. He noted adding a lot to the City's inventory of lots will impact the City as far as slightly increasing traffic, water demands, calls for service, etc. by taking one single-family home to two single-family homes.

Planner McLaughlin informed there are a couple other zig-zag lot lines in the City. One has been problematic to administer. He said generally zoning is intended to promote the public health, safety, and general welfare - and is entitled to regulate the size of yards and open spaces. He felt the application is an intent to avoid the constraints of the City's Zoning Ordinance, by allowing a property that has to be closer to the lot line than the code would permit with one having a straight line. He explained how the zig-zag lot could affect the flooding onto other properties and the road. He further stated though the view may not be there with a straight lot line, the zig-zag line creates the potential of greatly increasing someone's obstruction from the view. Therefore, in terms of general zoning principals, he felt the request is problematic.

Planner McLaughlin informed the basis for the P&Z Board's denial would be found in the Comp Plan. The single-family character of the City is maintained and protected. Though there may be a single-family house on each side of the zig-zag lot, Planner McLaughlin felt it would affect the general character of the City. He reminded there's only one other similar situation in that portion of the City – and it has proved to be problematic to administer.

*Boardmember Jenkins was noted arriving at 4:17 p.m. *Chair Crane* brought her up-to-date.

Planner McLaughlin stated in his opinion, the Comp Plan supports denial of the Replat due to the fact the zig-zag lot has a potential of reducing the integrity and quality of life in residential neighborhoods. It will allow more house on a larger lot than would otherwise be permitted – and allowing it be 6-ft. closer than what should be the standard lot line.

Planner McLaughlin read Comp Plan Residential Policy 1.2.3 into the record. He also felt the zig-zag lot is also problematic with respect to Comp Plan Policy 1.3.1., which he also read into the record. Explanation continued relating to the side-yard setback requirements and distance required between the buildings. Further clarification followed.

Planner McLaughlin pointed out the City's Zoning Ordinance states generally that a proposal consistent with the Land Development Regulations is deemed to be consistent with the Comprehensive Plan. He suggested the proposed Replat is one occasion where that rule does not apply. Further explanation and details followed.

Planner McLaughlin recommended finding the proposed Plat inconsistent with the City's Comprehensive Plan based on the reasons as outlined in his staff report, and finding the proposed Plat inconsistent with the City's Land Development Regulations – and recommend to the City Commission the proposed Plat not be approved. If the P&Z Board does recommend approval, Planner McLaughlin asked they recommend the Preliminary Final Plats be processed and approved concurrently, and to propose conditions including the recordable unity of title.

Boardmember questions were addressed as follows:

- It was noted based on the proposal, there would be 14-ft. between structures, versus the required 20-ft. *Chair Crane* noted in California where he moved here from, the view corridor was an integral part of the lot approval when near water. He asked if that was an important concept in Florida. *Planner McLaughlin* answered it was certainly an important Planning principal in Florida.
- The Fire Marshal has no concern relating to fire and emergency access.
- The type of structure would not affect the corridor view issue.
- A Letter of Objection was received from a neighbor. Two neighbors indicated they would be present at the Hearing.

Applicant Presentation

Attorney Scott Rudacille, Blaylock Walters, addressed the Board on behalf of the Applicant who was in attendance. Also in attendance was Surveyor Leo Mills who prepared the Plat.

Attorney Rudacille referred to the Plat noting the zig-zag lot was a 5-ft. jog in part of the lot. He stated over the past handful of years, there have been at least six other Plats having the same situation. He pointed out how the project was designed with the jog, and the purpose was due to proposing a side-loaded garage on the front of the house – rather than the garage opening onto the road. He stated the building areas of the two buildings never get any closer than the 20-ft. allowed by code. He said if the buildings were built all the way to the setback line, it might appear they were closer – but they will never be closer than the 20-ft. required by code. Attorney Rudacille confirmed the Applicant would agree to a condition the buildings could not be any closer than 20-ft.

Attorney Rudacille stated the setback area was not an area that is limited to view or access. Fences, landscaping, etc. is allowed in that area – and as long as there's no building, nothing would limit the impact of the view corridor or the access. In addition, neither the view corridor nor access are the purposes of the setback regulations. However, all setback requirements are being complied with. He further stated the view corridor was not a protected right in Florida - and not the valid basis for denying a development project.

Comments followed by Attorney Rudacille relating the large size of the lots, how the project meets all the code requirements which in his opinion is the only duty of the P&Z Board to consider, and that the Comp Plan policies quoted by the Planner did not apply to a subdivision project.

Chair Crane questioned if placing a condition that the structures must be 20-ft. apart would satisfy Planner McLaughlin's concerns.

Planner McLaughlin noted with the 10-ft. required from the lot line, the question would be where that 10-ft. would merge. He agreed with Attorney Rudacille they would be compliant with the Code, but did not feel his comments with planning were being applied.

Attorney Rudacille reiterated the zig-zag was put in there to allow for the side-loading drive, and the house was already designed. The property owner is not interested in redesigning the project on both sides just to accommodate a preference related to the lot lines. In addition, there is nothing in the code that addresses that.

Bailey Williams, 824 S. Bay, asked for clarification based on requirements previously applied to him, and how he felt those same requirements should be applied to the proposed project.

Planner McLaughlin informed the code requires 10-ft. per structure over 27-ft. height, 6-ft. per structure less than 27-ft. high. Each house must be 10-ft. off the lot line, however, the difference between the houses would only be 14-ft.

Attorney Rudacille referred to the building envelope on each parcel noting there is a 10-ft. setback from each lot line even though the lot line is jogged in. In his opinion, there will still be the required 20-ft. as required by code.

Neighbor Mary Ellen Gains asked about the houses being 20-ft. apart.

Planner McLaughlin informed each house would be located 10-ft. off the lot line. Visually they would appear to be closer because of the zig-zag.

Chair Crane closed the Public Hearing.

Motion: Move that Replat Application for 826A South Bay be approved, with the condition that the remnant lot will be part of one of the two lots.

Action: Moved by Boardmember Conoly. Seconded by Boardmember Jenkins.

Discussion:

Boardmember Youngs said he is never in favor of increasing density of population. ¹He noted, however, the request would actually reduce the number of lots from four to three. So long as the project meets all the City's codes, he would have no objection.

Vote: On Roll Call Vote, the motion carried – All Aye.

4:47 p.m. – *Chair Crane* called for a short recess. The meeting was reconvened at 4:49 p.m.

NEW BUSINESS

2. Future Topics

Comprehensive Plan Update

Planner McLaughlin informed the Comprehensive Plan Elements will be reviewed as a package and then presented to the City Commission. Explanation followed. Reviews will be as follows:

- a) EAR Input: Future Land Use/Transportation Elements (February)
- b) Housing, Infrastructure, and Coastal Elements (March)
- c) Recreation, Intergovernmental Coordination, and Capital Improvements Elements (April)

Formula Business Moratorium Ordinance

The Formula Business Moratorium Ordinance will expire on March 22, 2017. The Board will address that Ordinance at the February meeting.

EAR

The State has acknowledged receipt of the City's EAR Amendment.

Perpendicular and Parallel Docking at End of Canals

The Planner's interpretation will be addressed by the Board soon.

MINUTES

Consider approval of the December 13, 2016 Planning & Zoning Board Meeting Minutes.

Motion: Move that the December 13, 2016 Planning & Zoning Board Meeting Minutes be approved as written.

Action: Moved by Boardmember Jenkins, Seconded by Boardmember Conoly.

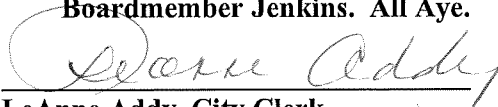
Motion carried – All Aye.

NEXT MEETING

The next meeting is scheduled for Tuesday, February 14, 2017 – 4:00 p.m.

Adjournment

The meeting adjourned at 4:56 p.m. on motion made by Boardmember Conoly, and Seconded by Boardmember Jenkins. All Aye.


 LeAnne Addy, City Clerk
 Minutes approved: 2.14.17

¹ Amended by P&Z Board 2-14-17