

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
REGULAR MEETING
JANUARY 22, 2007
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Margaret Jenkins, Sandra Mattick, Chair Doug Copeland, Frank Pytel, Douglas Winton (7:05 p.m.), Jim Conoly

Absent with excuse: Randall Stover

Also present: Scott Rudacille, Kirk-Pinkerton, P.A., Building Official Kevin Donohue, City Clerk Alice Baird

Press: Sun, Islander

Chair Doug Copeland noted that according to the City's Code, officers are nominated and elected at the first meeting of the Board at the beginning of each year. **He asked for and received consensus to address the second agenda item before the first.**

1. Election of Officers

MOTION: Frank Pytel moved to nominate Doug Copeland as Chairperson of the Planning & Zoning Board, seconded by Jim Conoly.

Vote: All Ayes. Motion carried.

MOTION: Jim Conoly moved to nominate Frank Pytel as Vice-Chairperson of the Planning & Zoning Board, seconded by Sandra Mattick.

Vote: All Ayes. Motion carried.

MOTION: Margaret Jenkins moved to nominate Jim Conoly as Vice-Chairperson of the Planning & Zoning Board, seconded by Frank Pytel.

Vote: Four Ayes, One Nay. Motion carried.

The Board voted unanimously to elect Frank Pytel as Vice-Chairperson of the Planning & Zoning Board.

2. Public Hearing: Site Development Plan for 519 Pine Avenue – Conversion of Residence into Real Estate Office

Chair Doug Copeland noted that a variance was required in this case, and indicated that this would be the first subject the Board would need to address.

Building Official Kevin Donohue distributed copies of the City of Anna Maria Code of Ordinances, Ordinance No. 06-653, § 1, adopted March 23, 2006, *Sec. 74-350. Site plans authorized.* He drew special attention to paragraph (b), explaining that City Attorney Jim Dye had informed him that this allowed the P&Z Board and the City Commission to

consider the bulk, distance, and spatial requirements of zoning relative to deviations that would make a better project. The Building Official read the second sentence in the paragraph aloud, *“Deviation from such requirements shall be based on the applicant demonstrating that the deviation results in a superior design to that which would have resulted if the standard requirements would have been followed.”*

Chair Doug Copeland welcomed Douglas Winton to the Board for his first meeting at 7:05 p.m.

Building Official Kevin Donohue noted that normally, a variance is considered based upon an eight-point set of criteria, however, this language was added in March 2006 to allow the City to consider the overall design of a project, and any benefit or detriment to the plan and the community a variance would have.

Chair Copeland confirmed with Building Official Donohue and attorney Scott Rudacille that the only variance to be considered this evening was one that allowed an Americans with Disabilities Act (ADA) handicapped accessible walkway. Building Official Donohue further confirmed to the Chair that the variance request was for a deviation in the setback requirements. He indicated that the Board would be expected to consider whether or not other locations on the site would allow for the design to be built without a variance, and whether or not, in its opinion, the design submitted for review would be the superior design to the one that would be required under the Code.

Chair Doug Copeland asked Scott Rudacille, attorney for the property owners at 519 Pine Avenue to take the floor. Mr. Rudacille explained that the variance had been requested to allow a ramp to be built that would require a 2 ft. 9 in. deviation in the north side yard setback.

There was consensus among the members of the Board to consider the variance and the site plan at the same time.

Scott Rudacille indicated that the site plan approval and variance request were regarding the conversion of Roser Cottage, at 519 Pine Avenue, from a residential to an office structure. He reiterated that the request requiring a variance was for a deviation of 2 ft. 9 in. from the north side yard setback to allow the installation of a handicapped access ramp.

Mr. Rudacille thanked the City staff, consultants, and the Board members for the efficient and timely way in which this project was being brought through the review process. He referred to copies of the site plan which had been distributed in the Board meeting packets and indicated that the copies being distributed at this evening's meeting contained no substantive changes, but had been revised only to add items and comments from the engineering reviewers.

Scott Rudacille said that the applicants were proposing to maintain the existing historic structure known as Roser Cottage, while converting its use from residential to office. He said that he and his clients believed that the project was consistent with everything the

City was looking for on Pine Avenue, with parking in the rear being beneficial for a walking area in a walkable community like the City of Anna Maria. The attorney noted that the only change to the site would be the addition of the ADA required handicapped access ramp. He said that the required designated ADA handicapped parking space would be located next to rear of the building, and would be paved with pervious pavers. Mr. Rudacille said that in addition, two additional spaces would also be delineated behind the building, as well as a loading space, which would meet the City's requirements for office use.

Scott Rudacille said that the deviation of 2 ft. 9 in. on the north side yard setback of the property is basically the only place providing safe and convenient access from the handicapped parking space to the public entrance of the building. He pointed out that the ramp had been aligned with the existing building, and would not increase the existing non-conformity.

Relative to buffering, the attorney for the Applicants noted that significant buffering already existed on both sides of the fence where the setback deviation is requested, and noted that the existing use on the other side of the fence was a parking lot.

Mr. Rudacille stated that he and his clients felt the proposed site plan was consistent with the requirements of the City's Comprehensive Plan. He noted that the Plan requires the City to assist in the rehabilitation and adaptive re-use of historically and architecturally significant buildings, such as Roser Cottage. In conclusion, he requested the Board's approval of the Preliminary and Final Site Plans, as well as their recommendation for approval of the deviation of 2 ft. 9 in. from the north side yard setback.

Vice-Chair Frank Pytel asked why handicapped persons could not be allowed to enter from the rear door of the building, instead of being required to walk around the building. Mr. Rudacille responded that the design from the rear could not be accommodated due to degree of rise restrictions on ADA approved designs for ramps.

Mr. Pytel questioned the accessibility for package delivery trucks through the narrow driveway, and asked where, alternatively, they would stop. Discussion followed, during which Board members acknowledged that the UPS trucks stop and routinely block traffic on Pine Avenue. Mr. Rudacille noted that delivery trucks backing out onto Pine Avenue would be undesirable, and pointed out that there was also a large parking lot located on the south side.

Vice-Chair Frank Pytel addressed now the number of parking spaces had been arrived at, and questioned the floor area that had been used in the calculations. Mr. Rudacille explained that this was improperly shown on the first site plan submitted. He said that the under roof area had been shown, and noted that the figure that was used was shown on the revised site plan as 1,198 sq. ft.

Sandra Mattick confirmed that the proposed ramp did not encroach any further into the setback.

Vice-Chair Frank Pytel asked Building Official Kevin Donohue if there were any building or structural differences required as a result of change of use from residential to office space in the Residential / Office / Retail (ROR) district. The Building Official said that the Florida Building Code required the design professional to review any changes in floor load. He indicated that a well-defined process existed to evaluate the changes and structural differences from the public safety point of view. Building Official Donohue confirmed that the architect, with whom he has worked in the past, had indicated nothing on the detailed plans that caused concern for safety.

Building Official Donohue explained for Sandra Mattick that the site plan review process in this case was required by Section 74-351, dealing with major development, and quoted from Section 74-351, A-1, and referred to Section 75-352, 1. through 8.

MOTION: Sandra Mattick moved to recommend approval of the proposed Preliminary Site Plan review for 519 Pine Avenue, because the requested deviation of 2 ft. 9 in. from the north side yard setback would result in a superior design to that which would have resulted if the standard requirement had been followed. Margaret Jenkins seconded the motion.

Vote: All Ayes. Motion carried.

Public Comment

None offered.

Chair Doug Copeland confirmed that the P&Z Board would recommend approval of the Preliminary Site Plan for 519 Avenue for the City Commission's review, scheduled for January 24th, 2007.

3. Re-Organization and Adoption of Rules

Chair Doug Copeland noted that due to the moving of City Hall operations, the Board did not have copies of the current regulations, and that these would be available at the next meeting. **He recommended continuing in the meantime with the existing rules, and there was consensus to do so.**

Vice-Chair Frank Pytel confirmed that the next meeting of the Board would take place at Holmes Beach City Hall.

4. New Business

Chair Doug Copeland requested that the P&Z Board change its meeting date to earlier in the month. He noted difficulties involved with scheduling the hearing the same week as the Regular Commission Meeting. Chair Copeland recommended meeting the first or second Monday of the month so as to allow more time for the Commissioners to review P&Z decisions.

Jim Conoly said he would like to see meetings changed from Monday nights to Tuesday nights.

Discussion followed regarding the noticing requirements for public hearings. Building Official Kevin Donohue noted that an Ad-Hoc Committee had been formed to review and streamline City processes, and that meeting scheduling and noticing requirements were under review.

After discussion, there was consensus to change Regular P&Z Board meetings to the second Tuesday of each month.

The Building Official located pertinent language in Article 2, Administration, in Section 114, as well as 114.71, 114.101, as well as 114-76 Notice of Planning & Zoning Board Hearings. *Chair Doug Copeland said he would like Board members to begin reviewing Section 114 in its entirety, because the Comprehensive Plan requires changes to be made. He noted that all the land development regulations (LDR's) should be reviewed to make them more user friendly, because they contain many contradictions and ambiguities between codes and sections.*

Jim Conoly confirmed that the LDR's could be discussed by Board members and among the community.

Chair Copeland said he would like to see the Board members, as well as Building Official Kevin Donohue, and Code Enforcement Officer Gerry Rathvon begin making notes of items in the Code that they find to be contradictory or unclear. He recommended that the expertise of City Planner Alan Garrett also be used. **Chair Doug Copeland received consensus from the Board members to discuss this approach with the Mayor and initiate this process.**

Building Official Donohue recommended that the Chair request a base line from City Attorney Dye as to the minimum statute requirement for a public hearing for a variance, and for changes in zoning, etc.

After discussion, there was consensus among members of the Board to request input into the Ad-Hoc Committee review of the site plan review process.

Chair Copeland invited input from the community's citizens, as well as the press, regarding the City's LDR's and review processes.

ADJOURNMENT

MOTION: Vice-Chair Frank Pytel moved to adjourn the meeting, seconded by Margaret Jenkins.

Vote: All Ayes. Motion carried.

The meeting adjourned at 8:00 p.m.