

**CITY OF ANNA MARIA
SPECIAL COMMISSION MEETING
MAY 25, 2006
6:15 P.M.**

CALL TO ORDER (6:15 p.m.)

PLEDGE TO THE FLAG

ROLL CALL: Commissioner Christine Tollette, Commissioner Dale Woodland, Deputy Mayor John Quam, Commissioner Linda Cramer, Commissioner Duke Miller

Absent with excuse: Mayor SueLynn

Also present: Mark P. Barnebey, Kirk-Pinkerton, P.A. (counsel for the owners of 204 Archer Way); City Attorney Jim Dye, Building Official Kevin Donohue, City Clerk Alice Baird

Press: Sun, Islander (6:30 p.m.)

1. **Public Hearing Regarding 204 Archer Way – 2-Lot Subdivision: Preliminary Site Plan Approval; Recommendation from the Planning & Zoning Board.**

The City Clerk swore in all those wishing to speak regarding this agenda item at this evening's meeting.

The Building Official took the floor and reported to the Commissioners that on March 20, 2006, at 7:00 p.m. a public hearing was held before the City of Anna Maria Planning & Zoning (P&Z) Board regarding a Preliminary Site Plan Approval for a 2-Lot Subdivision at 204 Archer Way. He read the following Motion of the P&Z Board from the March 20, 2006 meeting minutes:

“MOTION: Randall Stover moved to deny the application for a Lot Split, on the grounds that it does not comply with City of Anna Maria Code of Ordinances Section 114-426. He further moved to recommend to the Commission that this undivided lot be approved for the building of a duplex, as the Board sees this as the best use of the land, and also to deny access and egress from Gulf Drive. Frank Pytel seconded the motion.
Vote: Four Ayes, Two Nays. Motion carried four to two.”

Building Official Kevin Donohue said that City Attorney Jim Dye had not been present during the discussion regarding this motion of the Board at the March 20, 2006 hearing, and therefore could not offer his opinion regarding the applicability of Section 114-426.

Deputy Mayor John Quam asked the City Attorney to take the floor to present his comments regarding Section 114-426. City Attorney Dye requested instead the opportunity to take the floor after the Applicants had made their presentation to the Commission, as well as to answer any questions that arose regarding the Application during the Commission's discussion this evening.

Mark Barnebey, of Kirk Pinkerton, (counsel for the owners of 204 Archer Way, Steven and Barbara Szabo, and Robert and Faith Donnelly), noted that the property was a 10,625 sq. ft. lot located in the R-2 zoning district, at Archer Way

and Gulf Drive. He indicated that the owners had submitted an application to the City to split the property into two lots. Mr. Barnebey said that although the R-2 zoning allowed the owners to build a duplex on the property, they felt instead that putting two single-family homes on two separate lots would be more consistent with the neighborhood surrounding it. The counsel for the property owners referred to diagrams showing that the proposed lots would be trapezoidal, and said both would meet the minimum lot size requirements for the R-2 district, and that the density would be consistent with the City's Comprehensive Plan.

Commissioner Dale Woodland asked Mark Barnebey regarding the three other lots he had mentioned in the City with the potential to be impacted. Counsel for the Applicant responded that the survey had just been in the immediate area of the proposed lot split, and not the R-2 district in the city in general.

Commissioner Christine Tollette confirmed that the majority of the lots in the area near 204 Archer Way consisted of single-family residences.

Commissioner Linda Cramer recalled that when discussing an ordinance relating to non-conforming lots, the Commission had considered allowing 50 ft. x 100 ft. lots to have single-family residential development. She indicated that personally, she would support the Applicants' request for a lot split at 204 Archer Way.

Commissioner Duke Miller confirmed that the access to both lots would be on Archer Way.

Commissioner John Quam asked City Attorney Dye for his comments, noting the language in 114-426 indicating that lots being divided must yield a lot of 7,500 sq. ft. in area. The City Attorney responded that he, as City Planner Garrett had, questioned the intent of the language. With reference to the point made by Mr. Barnebey relative to the applicability of the language of the Section if the lots are rectangular, City Attorney Dye said he knew of no language in the Code pertaining to lots that are not rectangular. He confirmed that the size of the proposed lots is in accordance with the area requirements for lots in the R-2 zoning district.

Commissioner Miller confirmed with City Attorney Dye that the Applicants met all the necessary requirements of the Code, in that their lots would be trapezoidal, not rectangular, and that they would fall within the minimum lot area requirements for their zoning district.

Commissioner Woodland said that in his consideration, the most important issue had been density, and noted that the proposal before the Commission would have no impact on density. He said that he had been influenced by the written comments of neighbors who had indicated that they would prefer to see two single-family homes than a duplex on the property.

Building Official Kevin Donohue noted, relative to comments by Commissioner Miller regarding continual difficulties with Code ambiguities and inconsistencies, that the new Site Plan Review process, with its involvement by several professionals, had brought to light more problems in the Code than had been originally imagined, some dating from as far back as the 1950's. He indicated that City staff was making a systematic effort to correct them.

MOTION: Commissioner Linda Cramer moved to approve the Preliminary Site Plan for 204 Archer Way, Application by Steven and Barbara Szabo to Split Lot 36 of the Laguna Maria Subdivision, with the stipulations that the garage be removed, and that the access to both lots be from Archer Way. Commissioner Dale Woodland seconded the motion.

Roll call vote: Commissioner Christine Tollette: Aye, Commissioner Dale Woodland: Aye, Deputy Mayor John Quam: Aye, Commissioner Linda Cramer: Aye, Commissioner Duke Miller: Aye.

Commissioner Miller confirmed that the Applicants were aware that they would be responsible for re-platting the lots and any associated expenses.

Mark Barnebey asked whether or not Section 114-427 would apply, requiring the Planning & Zoning Board to document the change in the City maps with the City Clerk. City Attorney Dye responded that the Final Site Plan that would need to be filed by the Applicant would most likely not look very different from the currently existing one.

PUBLIC COMMENT

None offered.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Linda Cramer moved to adjourn the meeting, seconded by Commission Chair John Quam.

Vote: All Ayes. Motion carried.

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Alice Baird
City Clerk

Date