

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, JUNE 15, 2010
6:30 P.M.**

CALL TO ORDER

Chair Stover called the Meeting to order at 6:30 p.m.

PLEDGE TO THE FLAG

PRESENT: Boardmembers Margaret Jenkins, Tom Turner, Bob Barlow, Vice-Chair Sandy Mattick, and Chair Randall Stover.

Staff Present: City Clerk Alice Baird, City Planner Alan Garrett, Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

Also present: Court Reporter not paid by City.

Press: Sun and Islander.

PUBLIC HEARING:

City Clerk Baird swore-in all persons wishing to speak at the Public Hearings.

1. PUBLIC HEARING - To Consider a Preliminary / Final Site Plan for 210 Pine Avenue – Lots 4 and 5, Block 46, Anna Maria Beach, Third Addition, in an ROR Zone District.

Applicant – Micheal Coleman, Pine Avenue Restoration LLC

Architect Lynn Townsend Burnett, presenting the Applicant, addressed the Board. Ms. Burnett entered the following documents into the record by presenting them to the City Clerk: Copy of her resume and a copy of letter dated June 15, 2010 addressed to Alan Garrett from the applicant, Michael Coleman, Pine Avenue Restoration, LLC.

Ms. Burnett provided a brief overview of the application as follows:

- The application is for 210 Pine Avenue with two lots located in the ROR.
- Total requested square footage is for 4,620-sf building coverage.
- Lot coverage of 5,410-sf – 46.8% impervious lot coverage.
- All applicable Codes and requirements for the Water Management District, the City of Anna Maria, and the Comp Plan have been complied with.
- Retail below residential.
- All parking is located within the subject parcel. Handicap and loading zones provided. Parking designated specifically for the residential units are tandem parking within the property boundaries.
- Ms. Burnett has reviewed the staff report and Site Plan Analysis prepared by the City Planner and noted the Applicant was in agreement with everything contained herein and with the recommended stipulations.
- The June 15, 2010 letter to Planner Garrett from Micheal Coleman was read by Ms. Burnett. The following stipulation was recommended by Mr. Coleman:
“Applicant shall, at its expense, install a sidewalk across the front of the property, between the buildings and the street, in accordance with the determination of the City Commission as to whether, where or when to place sidewalks on the north side of Pine Avenue. This shall be done via established procedures for administrative review.”

Ms. Burnett addressed *Commissioner Turner’s* questions as follows:

- Why there is a 96-ft discrepancy between the lower retail areas versus the upper residential area.

Ms. Burnett explained that the patios are at the level of the residential above with sand underneath. She explained that the plans were designed in order to maximize impervious surface coverage – and in keeping with a Beach community.

The square footage discrepancies were a result of the sq. footage for the residential unit above. The overall footprint is different and is being presented as a design concept.

Boardmember Turner suggested that the use of sod, etc. would be best.

- Boardmember Turner addressed Chapter 90 and questioned why the two tandem parking spaces were right up against the property line rather than being setback 5-ft.

Ms. Burnett explained that the section referenced in Chapter 90 relates specifically for a driveway. A driveway, by definition, is an accessway. Driveways are only required if having more than ten parking spaces. No driveway is required to access a parking space.

- Boardmember Turner referenced Chapter 114 relating to privacy fences not allowed between the buildings. He felt the fence should be eliminated back to the property line.

Ms. Burnett informed that the intent of the fence was for screening the mechanical equipment. If a concern, the applicant had no objection to eliminating that portion that falls between the two buildings.

- Suggested that the sidewalk from the parking to the back of the building be paver block to eliminate a person from having to walk through sand (shell) in order to get to their residence.

Ms. Burnett stated it was an architectural design eliminate included for the esthetics as well as from a coverage standpoint - and is consistent with the PAR projects. No sidewalk is required.

Micheal Coleman, Pine Ave, stated that the placement of shell was part of their agreement with SWFMUD – to maximize water retention and absorption and minimize run-off. Their guests and customers are relied upon to indicate if they like the type of surface or not that is being provided. He said it is an essential design aspect that they have – and that they are entitled to it.

- Boardmember Turner disagreed with parking against the property line and felt there should be a setback of 5-ft. Explanation followed.

Micheal Coleman pointed out that the proposed plan was identical in all aspects to the 308 Pine Ave. recently approved by the P&Z board. They have been told they would be allowed to have parking spaces right up to the property line.

Chair Stover officially opened the Public Comments portion of the Public Hearing.

Public Comment

Attorney Jeremy Anderson, representing Mr. and Mrs. Nally at 110 Spring Ave, stated that the similar plan at 308 Pine Ave. had been denied by the City Commission.

Attorney Anderson referred to how the residential density was calculated, the separation of traffic issues that is required and not shown, and explained how there was no evidence of circulation as required by Chapter 90. 3 (m), and the Code requirement for a driveway.

Attorney Anderson said the project was filled with errors and recommended the Board not approve the project.

Hearing no further Public Comments, Chair Stover closed the Public Comments Portion of the Hearing.

Applicant Response

Ms. Burnett addressed Attorney Anderson's concerns. She stated that the project had been designed and calculated in accordance with the LDC and Comp Plan objectives. She believed there was an interpretation discrepancy relating to how the density was to be calculated. She further stated that Attorney Anderson was not a registered professional Engineer, nor was he a Planner, and therefore his testimony could not be accepted as substantial evidence by the Board.

The separation of traffic uses, from a design standpoint and from a commonly accepted traffic pattern standpoint, is consistent and has been approved at other locations throughout the City. As far back of 2004, it was interrupted that backing out across the sidewalk was commonly accepted in small communities like Anna Maria. She said there is separation of vehicular and pedestrian traffic and there is a designated sidewalk and parking spaces, therefore clear defined areas for the pedestrians - and for the cars to park.

The circulation concern, as referred to by Attorney Anderson, is in accordance with commonly accepted traffic patterns approved within the City of Anna Maria. She said the definition read to the Board referred to a curb cut and driveway such as one in front of a house. However, that definition is different than a definition for on-street or off-street parking. The proposed Site Plan has been designed with off-street parking only contained within the parcel. They are not designed as driveways; so therefore, do not have to meet the requirements of driveways. The proposed parking spaces are designed as individual parking spaces being accessed directly from the street.

Ms. Burnett asked City Planner Garrett if he had reviewed and agreed that the proposed Site Plan is in compliance with the LDC and Comp Plan.

City Planner Garrett responded that he had reviewed the plans and based on the City's definitions and criteria, the plans do meet the Land Development Regulations and the Comprehensive Plan. The staff report provided to the P&Z Board notes that the fencing was designed for screening. If felt the fence is not appropriate, the applicant has agreed to remove the fence. If agreed to be removed, Planner Garrett recommended that landscaping be required between the two buildings as a stipulation in order to screen the mechanical equipment.

P&Z Chair Stover questioned the tandem parking spaces as it related to opening the vehicle doors and exiting.

Ms. Burnett answered that parking spaces, by Code, are designed to be of a width sufficient and to allow all of the maneuvering for the people and their vehicles and doors to open within the limits of that space – and not to encroach. She confirmed that the parking spaces were designed at a sufficient width so as not to be parking right up

against the property line. Sufficient space is allowed on both sides for opening doors and exiting.

Discussion followed relating to the proposed fencing between the two buildings and the tandem parking. It was pointed out that the tandem parking was implemented when the Community Center was approved.

MOTION: P&Z Boardmember Mattick moved that the Preliminary / Final Site Plan for 210 Pine Avenue, Lots 4 and 5, Block 46, Anna Maria Beach, Third Addition, in an ROR Zone District be approved with the following stipulations:

1. The parking spaces for the residential units shall be signed for residential use only.
2. The retail trash receptacles shall be within a completely enclosed structure.
3. The site shall be operated or managed as a unified site. If the site should cease to be operated or managed as a unified site, each lot will then be subject to additional review and amendment to ensure continued compliance with City Codes.
4. The site plan may be amended to accommodate any future parking plans approved by the City.
5. Applicant shall, at its expense, install a sidewalk across the front of the property, between the buildings and the street, in accordance with the determination of the City Commission as to whether, where or when to place sidewalks on the North side of Pine Avenue. This shall be done via established procedures for administrative review.

P&Z Boardmember Barlow seconded the motion.

Discussion

Chair Stover said he would like to see the fence proposed between the two buildings moved back to the building line.

P&Z Boardmember Mattick amended her motion to include the following stipulation:

6. That the fence shall be moved to the back of the building and all mechanical equipment shall be screened by vegetative matter from the front property line.

Boardmember Barlow agreed to second the amended motion.

ACTION: On Roll Call Vote, the motion carried on a vote of 3 to 2 with Boardmembers Jenkins and Turner voting No.

2. PUBLIC HEARING – To Consider a Preliminary / Final Site Plan for 503 and 507 Pine Avenue, Lots 13, 14, 15, and 16, Block 2, Anna Maria Beach, in an ROR Zone District.

Architect Lynn Townsend Burnett addressed the P&Z Board on behalf of the Applicant. Contractor Dan Gagne was also available to answer questions.

Ms. Burnett informed that the Site Plan request was for the Anna Maria Historical Village located at 501, 503, 505, and 507 Pine Ave. An overview of the project was provided as follows:

- The project is consistent with the ROR District that proposes a mix of uses – both commercial and retail contained within five buildings - plus a restroom addition (Building D).
- Two existing historical structures will be renovated and will remain on the property. One building (Sear's building) has already been relocated to the property.
- All parking is contained on-site.
- All stormwater requirements have been met and are consistent with the LDC, Comp Plan, Water Management District, and Florida State Statutes.
- There will be two residential units – one located on the second story of proposed Building A located on Tarpon St. – the second location is proposed for the second story of Building G located on the NE corner of the property. Building G is one of the existing structures currently having an 830-sf second floor that will be renovated to include a 378-sf addition over an existing concrete slab.
- The loading zone is located adjacent to Building F on the northern portion of the property.
- 24 parking spaces are required to accommodate the two residential units and 8,000-sf of commercial/retail office. However, 25 parking spaces are proposed.
- *Dan Gagne*, Gagne Construction, 214 Pine Ave. informed that the deck will be determined but will most likely be of synthetic product.
- A 240-sf gazebo will be built and is referred to as Building B.

Planner Garrett informed there's a requirement to have a fence along the entire back property line as part of the landscape buffer. However, there is an existing driveway requiring a 10-ft visibility. *Planner Garrett* recommended, in this case, that the fence should set back a couple of feet so it will not block the visibility coming up Tarpon. Moving the fence back will allow for the visibility triangle to be maintained. Therefore, approximately 3-ft of the fence will not be placed along the back portion of the property.

Boardmember Turner suggested the buildings on Tarpon be setback 5-ft to allow for a sidewalk to be placed in front of the parking. He felt it would serve as a safety hazard to avoid a person having to walk out onto the street/right-of-way.

Planner Garrett agreed with *Boardmember Turner* and though the Code does not currently regulate it, he informed that the Applicant could apply to the City for a right-of-way use permit and come back about the 5-ft setback that would give them the ability for a path in front of the cars. The City would give the Applicant the ability to pull the spaces back slightly in order to place their own internal path to get out of the vehicle and walk safely up to the building.

Ms. Burnett informed that moving the buildings back 5-ft could not be accomplished. She explained that if the stipulation was approved, there was only a width of 3-ft.

Discussion followed relating to the buildings being set back. *Ms. Burnett* explained that an economic analysis is performed on plans when submitted. As a result, the footprints and configuration of the buildings are required to achieve the 8,000-sf minimum.

Dan Gagne suggested the following two options:

- 1) Omit the sidewalk which is not required, or
- 2) Move Building A over 1 additional foot to accommodate for a sidewalk in the front of the vehicles. Doing so would allow for a 3-ft path which would be maintained at the Applicant's expense.

Explanation followed by *Planner Garrett* as to why only one loading space would be required for the one parcel. He explained that the proposed plan was on five lots - creating one parcel. He pointed out loading was based on the square footage of the commercial or the square footage of the office and that based on what had been submitted by the Applicant, only one loading space was required.

Ms. Burnett said it was her understanding that with the proposed City parking plan, additional parking spaces would be gained due to converting the spaces on Tarpon to accommodate the City's plan. Any parking changes on Pine Ave. would also add additional parking.

Mr. Gagne informed that the three existing buildings will be the first ones completed. Building C will be first, Building E second, and Building G will then follow.

Chair Stover officially opened the Public Comments portion of the Hearing.

Preservation Trust President **Sissy Quinn**, 301 N. Bay Blvd, expressed her appreciation for Mr. and Mrs. Thrasher's desire to protect the historical value of the three existing homes that Ms. Quinn had placed on the Historical Site Plan years before. She informed that the three buildings include the "Sears & Roebuck Cottage", the "White House", and the "Rosedale Cottage" – former home of the Bean's. She encouraged the P&Z Board to approve the plan.

Attorney Jeremy Anderson, representing the Nally's at 110 Spring Ave, asked if there would be seats at the proposed commercial gazebo. If so, it would require the parking to be increased.

Attorney Anderson said they would support the Applicant placing the sidewalk in front of the parking spaces.

Jill Morris, 307 Spring Ave., felt as a resident of Anna Maria since 1963, there were three options for Anna Maria:

- Leave everything as it currently exists – causing to deteriorate.
- Developers choose to tear down and rebuild, or
- Allow for the opportunity to renovate the existing structures.

Ms. Morris recommended that the P&Z Board approve allowing for the renovation of the existing structures as proposed.

Hearing no further Public Comment, Chair Quam officially closed the Public Comments portion of the hearing.

Applicant Response

Ms. Burnett explained that the parking calculations had been determined based on the maximum number of spaces required and based on the generator provided in the LDC.

Ms. Burnett requested the P&Z Board's approval of the proposed Site Plan with the two stipulations as recommended by the City Planner and also to add two additional stipulations as follows:

- Address altering the Building A footprint to allow for a 3-ft wide path in front of the parking spaces in order to eliminate the sidewalk currently behind the parking.

- That the Applicant is in agreement and support of the City's recommended plans for parking on Pine Ave. and would cooperate with the City's plans as they are adopted and on an administrative basis.

Planner Garrett confirmed that the City Commission had recently recommended that no administrative approvals would be approved relating to the parking changes. The changes would not be reviewed again by the P&Z Board but though not a full Site Plan, the changes would be reviewed by the City Commission.

MOTION: Boardmember Turner moved that the Preliminary/Final Site Plan for 503 and 507 Pine Avenue, Lots 13, 14, 15, and 16, Block 2, Anna Maria Beach, in an ROR Zone District, be approved with the following stipulations:

1. The parking spaces for the residential units shall be signed for residential use only.
2. The site shall be operated or managed as a unified site. If the site should cease to be operated or managed as a unified site, each lot will then be subject to additional review and amendment to ensure continued compliance with City Codes.
3. The parcel shall be modified to remove the sidewalk along Tarpon Street and in its place the proposed deck and Building A shall be reduced, moved, or modified so as to allow a 3-ft walkway between the parking spaces and the deck in Building A.
4. That the Site Plan may be amended administratively to accommodate any future parking plans approved by the City.

ACTION: Boardmember Mattick seconded the motion.
On Roll Call Vote, the motion carried – All Aye.

City Planner Garrett informed that both the 210 Pine Ave. Site Plan and the 503 and 507 Pine Ave. Site Plan would be considered by the City Commission at their June 24, 2010 meeting at 7:00 p.m.

NEW BUSINESS - None.

OLD BUSINESS

Segways

Boardmember Mattick stated that the City Commission, at their last meeting, had indicated it was not the responsibility of the P&Z Board to discuss the issue of Segways.

Chair Stover said there were issues in the works relating to Segways and he would advise the Board of the status.

1. Consider approval of June 1, 2010 P&Z Meeting Minutes.

MOTION: Boardmember Pytel moved that the June 1, 2010 P&Z Meeting Minutes be approved as written. Boardmember Turner seconded the motion.
Motion carried – All Aye

Adjournment

The meeting was adjourned by Chair Stover and seconded by Boardmember Tom Turner at 7:39 p.m.

The City Commission/P&Z Board will meet for a Joint Work Session on Thursday, June 17, 2010 at 6:00 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____