

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, AUGUST 13, 2009
7:00 P.M.**

CALL TO ORDER

Deputy Chair Tollette called the Work Session to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, and Deputy Chair Christine Tollette.

Absent: Chair John Quam and Commissioner Chuck Webb.

Staff Present: City Clerk Alice Baird, City Attorney Jim Dye, Planner Alan Garrett, Public Works Director George McKay, Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

1. AMI Boat Slip/Utilities.

Erik Abramhamson, 857 N. Shore, presented the Commission with information relating to six boat lots (no homes on the lots) located east of the Community Center. He informed he is a weekend resident of Anna Maria and full-time resident in Pinellas County. Mr. Abramhamson explained that the 1950's Bimini Bay Estates plat contained mostly residential size lots - except for the six 20-ft. x 20-ft. lots indicated as B through G. He said he owned lots B and C.

Mr. Abramhamson is requesting an Ordinance change so he could add water and electric access to his docks. He would like water usage for the purpose of washing the boat and the ability for fresh watering the boat engine. The electric need is to provide lighting and add a boatlift, ability to use electrical equipment, etc. Mr. Abramhamson stated that though the City may not object to the idea of water and electric, the current code language would not allow for it since there was no house on the land. He pointed out that the land was originally platted in the 1950's for the intended use as a boat dock.

Bob Hendrickson, 5907 Flotilla Dr., Holmes Beach, informed he was a previous City Attorney in Anna Maria. He acknowledged that the City had been very cautious to follow the Ordinances to ensure a person would not purchase a vacant lot only for the purpose of constructing a boat dock on it.

He informed that the six 20-ft. x 20-ft. lots of record were platted in 1953 for use as boat docks. Mr. Hendrickson said he and City Attorney Dye had reviewed all City plats and found only one other instance where similar boat docks – 10-ft platted lots – were platted. However, a home is located at that location. He said while the City does not want to open the door to allow boat docks without a home associated with it, Mr. Hendrickson suggested that a code revision be crafted that would allow the existing small lots to be provided water and electric.

City Attorney Dye acknowledged that the 20-ft. x 20-ft. platted lots were too small for a home. He noted that since the lots were on a canal, the plat looks clear that the lots were for the purpose of water uses such as a boat dock. He informed that the City's current Lot Regulations do not allow adding utilities to the dock when there is no home. He informed that lots are required to have a 10-ft. setback, a certain location from the lot line, which could not occur on a 20-ft. x 20-ft lot.

City Attorney Dye pointed out that amending the Ordinance would be a policy issue. Changing the Ordinance would be cause for the following concerns: 1) Not wanting a person the ability to purchase a lot only for use as a boat dock, and 2) Security issues and concerns.

City Planner Garrett read the current Residential Docking Facilities code language, which the City is currently bound by. After researching, it was found that the six lots were platted for boat docks most likely for the interior lots in the Bimini Bay Subdivision. The Code could be amended to deal only with the six lots as far as allowing for water and electric, prohibiting live aboard activities, trash regulations, bath facilities, adequate parking, etc.

Commissioner Mattick suggested that the Code be amended that would allow certain advantages so long as the owner also owned a home in Anna Maria.

ACTION: It was the unanimous consensus of the Commission that City Attorney Dye and City Planner Garrett draft an amended Ordinance.

2. Ordinance Amendment Request to Allow a Bed & Breakfast by Special Exception (public hearing process) at 60 North Shore Drive.

Kent Ellsworth, 35421 Platt Rd, Dade City, FL, said he and his brother purchased the home at 60 N. Shore Dr. (corner of Harden and N. Shore Dr.) in 1995 and updated it in 1996. The 5 bedrooms, 5-bath home sets on three lots and is currently being rented out on a weekly basis. He said when placing it on the market for sale, all interested persons indicated they would like to remove the home, rebuild a home on one of the lots, and sell the other two lots. Recognizing this, Mr. Ellsworth is requesting by Special Exception process that he be allowed to operate a Bed & Breakfast that would house a full-time manager. Only mature adults and no children would be allowed. It was his opinion that that a Bed & Breakfast would be a less intensive use than the current weekly rentals and would be a more compatible use in the neighborhood.

Mr. Ellsworth noted that no Comp Plan changes would be required and the Manatee County Appraiser's office informed him that Bed & Breakfast facilities were most always located in Residential Districts - approved by Special Exceptions. He then presented and reviewed his suggested Ordinance provisions to allow for a Bed & Breakfast.

City Attorney Garrett explained that the current Code language allows for a Bed & Breakfast so long as there are no more than four related individuals. Mr. Ellsworth was asked to expand for a larger facility. A Public Hearing is required for the Special Exception request.

City Attorney Dye said Mr. Ellsworth was asking to create another category of use that could be controlled through the permitting process. A formal Site Plan and Public Hearing would be required.

Public Comment

Robin Hall, 112 Palmetto Ave., stated that in the past the residents of Anna Maria had made in clear that hotels, motels, and Bed & Breakfast facilities were not a wanted use. She said she did not appreciate having to take the time and energy to address the issue again. She questioned why the issue was placed on the agenda.

Attorney Jeremy Anderson addressed the Commission on behalf of his clients Mr. and Mrs. Nally, 110 Spring Ave. He stated that the LDR's have to be consistent with the Comprehensive Plan. Attorney Anderson then quoted a portion of the goals and objectives of the Comp Plan. Stating that a Bed & Breakfast is regulated by the State, allowing it, in his opinion, would require an amendment to the Comp Plan.

Tom Turner, N. Shore Dr., did not feel a Bed & Breakfast was much different than an assisted living facility, which is allowed in Anna Maria. He questioned how much staff time had been involved in the request and why the P&Z had not reviewed it first.

Kent Ellsworth said he had presented the idea to his neighbors and that they were in favor especially since it would be a less intensive use. Due to the size of the home, currently two or more separate families will rent it together. Also, wedding parties to include a caterer and a band on the back porch often will rent it – which he said would not occur if it were a Bed & Breakfast.

Commission Discussion

Commissioner Woodland felt that a Bed & Breakfast should only be located in a commercial area and not in a residential zoning. He used the example of the Harrington House located in Holmes Beach and the various deliveries such as food and linens. He was concerned that approving the Special Exception would create precedence. All resident comments and emails he had received were opposed.

Mr. Ellsworth responded that a full-time manager would be onsite at all times. No linen deliveries or food deliveries would be made to the property.

Commissioner Mattick said she would be in favor of a Bed & Breakfast but only in the ROR or Commercial Districts. She agreed that approving Mr. Ellsworth's request would set precedence.

ACTION: **It was the unanimous consensus of the Commission that no action be taken and that it not be moved onto P&Z for their consideration.**

3. One-time Expansion, With Limited Expansion, of Two Family Dwellings.

Planner Garrett informed that the P&Z had discussed potential expansion of two-family dwellings (duplexes). He informed that any changes would require an Ordinance change and that the P&Z Board recommended the following:

- Limit two-family structures that are one-story in height to remain one-story in height.
- Limit to one-time expansion.
- Maintain the character of the existing structure by limiting the rebuilding/remodeling to the existing structure footprint.
- Two-family structures that do not meet the minimum of 900 sq. feet would be limited to only the 900 sq. ft. minimum expansion.
- Limit expansion to an increase of 5% of the building coverage from 35% to 40%.

Commission discussion followed.

Commissioner Mattick felt that a two-bedroom unit should be allowed to add an additional bathroom. She agreed with the one-time expansion and felt that the kitchen and main living space should be allowed modernization.

In answer to *Commissioner Toilette's* question, *Building Official Welch* informed that removing a roof from a structure would disturb mechanical, electrical, and plumbing, and would fall under the 50% FEMA threshold.

Planner Garrett confirmed that a screened-in porch would be considered part of the footprint and could become another room – but would also fall under the percentages required by FEMA.

Commissioner Woodland said he would still prefer the duplexes as non-conforming uses. However, he suggested the following:

- That the two or three duplexes that were legal conformities should not be allowed any expansion.
- Opposed to increasing the lot coverage.
- No additional bedroom or bathrooms.
- Agreed that the character of the existing structure should be maintained by limiting the rebuilding/remodeling to the existing structure footprint.

Planner Garrett pointed out that most property owners prefer to bring the kitchen facilities up to a better standard rather than the bedrooms.

Commissioner Mattick felt that duplexes are an important part of the City. She suggested that allowing the remodeling of kitchens and adding another bathroom would allow for more permanent residents rather than short-term rentals.

Deputy Chair Tollette agreed with Commissioner Mattick so long as not increasing the lot coverage.

Public Comment

Ray Sackett, 307 Palm Ave., read a letter on behalf of his mother who planned to move into a duplex she purchased on Harden when she retires. He said his mother was concerned about not being able to add an additional bedroom and bathroom.

Mr. Sackett said he, his wife, and five children lived on the other side of the duplex and were also in need of an additional bedroom and master bathroom. He suggested that properties be grandfathered to avoid duplexes from being removed and rebuilt. He asked that the Commission “care about the residents who have been there for twenty years.”

Tom Turner, N. Shore Dr., questioned why an individual would want to expand if not to add another bedroom. It was his opinion that a duplex owner should be allowed to add a bedroom and bathroom and also remodel a kitchen.

Mr. Turner felt if a duplex was allowed to expand 250-ft, or 375-ft., then a single-family Pre-FIRM home should be allowed the same.

Micheal Coleman, 311 Pine Ave., did not feel an investor would purchase a duplex and add 250 sq. ft. Mr. Coleman suggested that incentives be allowed in order for a duplex and single-family owner to maintain and improve their property as it currently exists.

Robin Wall, 112 Palmetto, spoke in opposition of allowing an increase in lot coverage. She was in favor of an existing duplex having expansion limitations.

Bob Barlow, 212 Oak Ave., referenced the 7-28-09 email he sent to the City. Mr. Barlow felt the City should address the fairness and equality of both single-family dwellings and duplex owners. It was opinion that owners of existing duplex structures in the City should have the same property rights as all single-family owners.

ACTION: **Planner Garrett will draft a neutral Ordinance to be presented and reviewed at the August 27, 2009 City Commission meeting.**

4. Proposed Revisions to Flood Protection Ordinance.

Building Official Welch presented the proposed revisions to the Flood Protection Ordinance for the purpose of cleaning up and streamlining the existing ordinance, and to make it more easily enforceable. Issues that do not apply to the City of Anna Maria will be removed. The new concept of substantial demolition has been added. Explanation and details relating to other changes followed.

Action: **Building Official Welch will provide the Commission with a cover letter prior to the August 27, 2009 meeting. The proposed revisions to the Flood Protection Ordinance will be placed in Ordinance form and considered for First Reading on August 27.**

5. Addition of Administrative Regulations to Chapter 74 – Request for Height and Setback Survey.

Building Official Welch reported that Chair Quam asked him to look into this issue due to the number of questions received relating to the heights of buildings.

Building Official Welch explained that spot surveys are required at the time the slab is poured and elevation certificates are also requested. The height of the roof is required at the end of the project. A checklist is utilized. However, the Ordinance does not specify when the documents are required - it is only implied.

ACTION: **A cover letter and proposed Ordinance change will be presented to the Commission for review at their September 2009 Work Session.**

6. Adoption of Manatee County's Disaster Re-Development Plan.

Building Official Welch informed that the document was currently on file in the City Clerk's Office. Building Official Welch brought attention to the map showing the 100-yr flood areas in Manatee County and evacuation zones for a Category 1 hurricane. Anna Maria is located in a Coastal High Hazard Area.

It was noted that the most recent Post Disaster Re-Development Plan was an Island-wide plan put in place in 1999. That plan no longer meets the State and Federal Government requirements. The new Manatee County Disaster Re-Development Plan is proposed to include small to large disasters. Building Official Welch recommended that the City adopt the new plan.

ACTION: **A Resolution will be presented at the August 27, 2009 meeting relating to the adoption of the Manatee County's Disaster Re-Development Plan.**

7. Application for Grant Funding for Turtle Friendly Lights.

Commissioner Mattick explained that Director of AMI Turtle Watch Suzi Fox attended one of the TEG meetings to inquire about the lighting for the new boardwalk. Ms. Fox informed that the Florida Fish and Wildlife Conservation Commission's Marine Turtle Protection Program offered grants under three categories - conservation, education, and research. Over \$1 million is raised annually through the sale of the FL Sea Turtle Specialty License Plates and approximately 70% of the money collected goes towards the grant program. The typical grant award is in the \$15,000 to \$25,000 range.

Commissioner Mattick asked for Commission consensus to work with the Mayor and City staff for submitting a grant application, due November 13, 2009, for replacing the

existing lights on the length of the City Pier and for covering the cost of installing lights on the length of the new boardwalk. The proposed lighting was explained and would not only protect nesting sea turtles with the use of low-level ambient lighting but would ensure public safety. The Sea Turtle Grant Committee meeting to award funds is scheduled for March 2010 and the funded project contract execution is scheduled for May 2010. Commissioner Mattick felt that the one-year completion date schedule would fit perfectly in conjunction with the Pier Centennial celebration.

ACTION: It was the unanimous consensus of the Commission that Commissioner Mattick works with the Mayor and City staff relating to the application for grant funding for Turtle Friendly Lights.

Additional Information

Cell Phone Ordinance

Deputy Chair Tollette stated that a presentation was presented at the recent BIEO meeting relating to cell phone expansion and use in Anna Maria. She felt it was important the City Attorney research this issue in preparation of the issue presenting itself in Anna Maria.

Public Comment.

Boardwalk Lighting

Robin Wall, 112 Palmetto Ave., said she would prefer no lighting at all on the boardwalk since darkness is best for the sea turtles and further suggested the Boardwalk be closed at night. She said if lighting did exist she recommended fully shielded lighting on the Pier and Boardwalk.

Micheal Coleman, Pine Ave., felt it was important that those who provide the turtle lights be more available and encouraged seeking additional resources.

Press Comment – None.

Adjournment

On motion made by Commissioner Mattick and seconded by Commissioner Woodland, the meeting was adjourned at 8:47 p.m. The next regular meeting will be held on Thursday, August 27, 2009, 7:00 p.m.

Alice Baird, CMC, City Clerk