

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, DECEMBER 3, 2009
6:00 P.M.**

CALL TO ORDER

Chair Quam called the Work Session to order at 6:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Vice-Chair Dale Woodland, Chair John Quam, Commissioner Chuck Webb, and Commissioner Harry Stoltzfus.

PLEDGE OF CONDUCT - Read by Chair Quam

Staff Present: City Clerk Alice Baird, City Attorney Jim Dye, Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

1. Discussion to Amend Regulations to Minimize Safety Hazards for Vehicle, Pedestrian and Bicycle Traffic When Exiting (backing out of) Parking Spaces across Sidewalks and Right-of-Ways to Roads – ROR District.

Chair Quam asked that the Commission and public look into the future when discussing the parking issue. He stated that with the growth in the ROR District, the City could end up with hundreds of cars backing out across the sidewalks out into the traffic and that the problem was being intensified with every approved development.

Commissioner Stoltzfus noted he had been asked by the Commission to address the issue by setting up a committee and making recommendations to the Commission for their consideration. The following recommended changes were presented by Commissioner Stoltzfus to better affect the goals and policies of the Comp Plan.

- Sec. 70-1(b) - Existing definition of driveways
Change to - *Driveway* means a private approach or access within the public right of way connecting a public roadway to adjacent property.
--Language obtained from the American Association State Highway Traffic Officials (AASHTO).
- Sec. 74-354. Site plan application process (c)(4)
Add – (o) Driveway(s)
--Purpose – Would require that driveways be shown on all Site Plans.
- Sec. 74-354 (h) *Standards for review.*
Add – (11) Whether driveways are of sufficient length and size to allow for all vehicular queuing, stacking, maneuvering, standing, and parking to be carried out completely beyond the right of way line.
--Language obtained from AASHTO.
- Sec. 91-1. Purpose of chapter.
Add – Except as noted, these standards shall apply to all zoning districts.
- Sec. 90-2. Access and circulation.
Change to – (1) Private roads and driveways. Minimum requirements for on-site private roads and driveways are as follows:
- Sec. 90-2. (2) *Curb cuts*
Change to: (2) Driveways and curb cuts.
- Sec. 90-2 (c) *Clear visibility triangles.*
Add – (1) Street corners. On a corner lot there shall be no parking area, loading area, structure, or planting...
- Sec. 90-3. Off-street parking requirements.
Change (a) to – (a) General design standards. Every building structure or other land use shall be provided with off-street parking facilities for the use of occupants, employees, visitors or patrons as prescribed in this section. All off-street parking

facilities, including all areas for maneuvering, shall be located solely on the subject property. No parking areas or loading areas shall be accessible from the right of way except by driveway. All off-street parking shall be designed to provide safe and convenient circulation in accordance with commonly accepted traffic engineering practices.

- Delete (m) *General design standards*.

Commissioner Mattick suggested that instead of using the Comp Plan and the existing codes to bludgeon the business district into extinction, they needed to be rewritten to match the conditions that actually exist. She felt that the small lot sizes created limitations that could not be overcome by passing additional laws. She stated that every time the issue had been brought up in the past year, the Commission had recognized that it was not possible to require something that could not be done. She felt, however, there were a number of things that could be done and believed the residents were willing and eager to participate in an objective discussion about the issues of concern.

Commissioner Mattick suggested that a Town Hall meeting be held where everyone had an opportunity to participate. She was opposed to spending thousands of tax dollars on a traffic engineer, a planner, building official, etc.

Commissioner Mattick pointed out that *Commissioner Stoltzfus'* had publicly made his position clear with regard to the Pine Avenue Restoration Site Plans and asked *City Attorney Dye* what *Commissioner Stoltzfus'* status would be if action were to come to the Commission for approval or denial.

City Attorney Dye informed that an elected official could state an opinion prior to taking official action. However, whenever the project was to come before the Board for the Public Hearing, the existing law must be applied to the application fairly and evenly.

Chair Quam stated his main concern was focused on the safety issue of having hundreds of cars crossing the sidewalks in a walking ROR District.

Commissioner Woodland suggested that it was necessary to agree that a problem did exist and then to define and address it. He further suggested that whether or not a Site Plan process problem existed should be looked into. He also questioned if the LDR's should be addressed. He said he had trouble reconciling the existing code. He also felt that every Commissioner needed to clearly understand the ramifications for any changes that are made.

In response to *Commissioner Woodland's* questions, *City Attorney Dye* referred to an e-mail he sent to the Commission earlier that day. He stated that the language in Chapter 90 included head-on parking (and then backing into the adjoining street) throughout the residential and business areas of the City and has been in the Code since at least 1996. He stated that each project approved by the City has included the parking with the existing maneuvering language in place. Each time the projects were approved without any concern that backing out onto the street was a violation of the existing maneuvering language. He advised that the language may need to be changed to explicitly describe what is or is not allowed – rather than trying to determine what the term “maneuvering” means.

Chair Quam said he had no issue with the cars backing out into the street – only the safety of the pedestrians due to the vehicles having to back out across the sidewalks. He referred to the Code language versus the Comp Plan in relation to sidewalks on roadways.

City Attorney Dye responded that if the sidewalks are the only issue, it would be a design situation rather than a code concern and may need to be addressed by an Engineer.

Commissioner Webb stated that that Constitution states that every property owner had a right to use their property as they want so long as it did not harm someone else. He agreed that determining what the health, safety, or welfare problem was would be the first step. He voiced his opposition that the City's current Code did not make a distinction between the commercial and residential districts relating to parking, yet they were being treated differently. He further pointed out that to change the placement of the sidewalks would require a very lengthy Comp Plan change that could only take place two times per year.

Further discussion followed relating to the 50-ft. by 100-ft size lots and the possibility of taking all practical use of the property if changes were made to the Code. Commissioner Webb reiterated his suggestion that a Traffic Engineer was needed.

Commissioner Webb said to his knowledge there had been no accidents.

Commissioner Stoltzfus reminded that if the Pine Avenue Resonation Project continues as expected, there would be over one hundred vehicles backing out over the existing sidewalks.

Commissioner Mattick addressed the suggestions discussed at the recent Safety Committee meeting as follows:

- Stop signs be placed at every side street intersecting Pine Ave.
- The speed zone be reduced beginning at Magnolia, down Gulf to Pine, and both directions on Bay Blvd. to the Humpback Bridge, back to Magnolia.
- Additional parking is established on the vacant lot next to Roser Church.
- Angled parking be established and if it were to affect a business they then would be allowed to utilize the parking lot next to Roser Church.

Building Official suggested that all ideas be presented to the P&Z Board for their recommendations. He informed that the P&Z Board began reviewing Chapter 96 at their October meeting.

Public Comment

Tom Turner, N. Shore Dr., said he had lived in Anna Maria since 1984 and there had never been parking problems to the extent they are now. It was his opinion that any new non-approved Site Plans should be stopped prior to making changes to the Code. Mr. Turner felt that City Planner Garrett may have too much power in regard to the writing and adoption of the Ordinances and suggested that an Ad Hoc committee, ran by the City Attorney, be set up to review language prior to going to the P&Z Board and Commission. He was opposed to the P&Z having the final authority to approve a Site Plan and felt the Commission should be the entity to make the final approval.

Carol Whitmore, Holmes Beach, informed that her daughter lives at 216 Pine Ave. and plans to establish a business at that location. She agreed there was a potential for accidents, however, there had never been one. She suggested that the Commission not make sudden changes just after an election.

Mark Alonzo, 406 N. Shore, said he had been in Anna Maria for twenty years and many businesses had come and gone. As far as the children's safety on Pine Ave., he said he was more concerned about the garbage dumpster and City garages

rather than the traffic situation. Mr. Alonzo was in favor of the Pine Avenue Restoration Project and likes things as they currently are.

Kathy Stoltzfus, 411 Poinsettia, stated that the City had grown over the past four years and the traffic numbers had increased. She agreed that the placement of stop signs on the streets adjacent to Pine Ave. would slow down the traffic, but did not feel they would address the safety of the pedestrians on the sidewalks.

Larry Albert, 711 Gladiolus, felt the only solution was to establish angular parking. He suggested that the approved PAR Site Plans could be changed to allow for angular parking and no parking spaces would be lost.

Mr. Albert pointed out that with the straight-in parking, a person is not directed as to which way to enter or leave a space. Angular parking would take care of that and would prohibit a vehicle from backing out across the street. He further suggested that the setbacks be closer to the road with the parking located in the back of the property.

Robin Wall, 112 Palmetto Ave., agreed there was a safety issue and said she had experienced a close call herself. She discussed the number of Site Plans that had been approved and have been submitted on Pine Ave. and how the safety issue would only increase.

Ms. Wall said she supported the language recommendations presented by Commissioner Stoltzfus. She did not feel that the current Code allows for backing out over sidewalks and suggested that the Code be applied when considering the currently submitted Site Plans.

Ms. Wall said she was not opposed to keeping the commercial and residential languages together and felt that the driveway language should be addressed. She felt there were options, however, was opposed to the placement of stop signs on the streets adjacent to Pine Ave. She also agreed that angular parking would be a better solution than head-in parking but would not solve the issue of backing out over the sidewalks.

Gene Aubrey, 410 Spring Ave., stated he moved to Anna Maria from Houston, Texas when there was no planning or zoning. All issues were discussed by committee towards the writing of the building code for the City of Houston. The issues were based primarily on safety versus how much volume that can be placed on one lot. It was his opinion that the issues occurring today were a result of actions taken years ago.

Mr. Aubrey suggested that a Commission appointed committee of individuals be established who have knowledge of construction, building, developing, etc.

Mr. Aubrey stated that the Code was the letter of the law that could not always be operated under – instead should be operating under the intent of the law. He gave the example of a doctor being required to have a specific number of parking spaces when only needing a couple of spaces total. He further discussed the new sidewalks installed on Gulf Dr. causing the lack of parking at Bortells.

John Cagnino, 9807 Gulf Dr. property owner, informed that Anna Maria once had a State highway, it then became a County highway, and is now a City street. He referenced the current 25 M.P.H. speed limit that is often ignored. He felt that as the traffic increases, the slower the traffic will travel. He said he never remembers anyone getting backed into in Anna Maria as a result of backing out. He stated that as Anna Maria grows, it should not be assumed that there will be a bigger problem in regard to backing out and hitting a pedestrian.

The example of angular parking in Sarasota was discussed by Mr. Cagnino.

Mr. Cagnino did not feel there was a safety issue and made reference to the different businesses that were in operation on Pine Ave. He felt there was more traffic at that time than there is now due to fewer businesses in Anna Maria.

Mr. Cagnino was in favor of the City participating with the costs of relocating the sidewalks closer to the buildings.

Mike Selby, 812 N. Shore Dr., asked if parallel parking was still permitted on Pine Ave.

Building Official Welch informed that some will park in the right-of-way - but it was not allowed.

Tom Aposporus, Crescent Dr., explained his previous governmental history including assisting in writing the City's Charter. He informed that he recently served as Planning Development Director in New York. He agreed there was a valid safety issue and felt that the problem should now be quantified and determination as to if the problem would indeed increase and what the magnitude would be. If so, he felt the Commission would need to bring in Engineers and consultants for further review.

Mr. Aposporus did not feel the parking issue was as bad as some may think. He volunteered his time to assist in any way he could.

Commission Discussion - Continued

Commissioner Stoltzfus explained that FDOT District Traffic Operations Engineer Nandam had reviewed his commentary relating to the back-out parking and then provided a response. He stated that the recommendations he had made regarding the changes in the LDR did not affect or change the intent of the LDR as it is now.

Commissioner Mattick felt the City has caused part of the parking problem by requiring a business to have a specific number of parking spots. She suggested that issue be reviewed.

Commissioner Woodland suggested that a committee be appointed to determine if a parking problem did or did not occur and to bring back any recommendations. He also suggested that the City Commission and P&Z Board have a joint meeting to review the Site Plan review process.

Commissioner Webb agreed that the problem should first be identified – parking in relation to sidewalks, etc. He pointed out that the number of parking spaces required for each business was established for a reason in an attempt to avoid parking spreading out into the residential district. He said if the City were to require a business property owner a certain number of parking spaces and then also require a driveway in order to get to the spaces, it may be taking property away from the property owner.

ACTION: After discussion, it was agreed that each Commissioner recommend one individual to serve on an Ad Hoc committee. Names are to be submitted to Mayor Barford and will be considered for final approval at the December 17, 2009 regular meeting.

Commissioner Mattick said she would not be able to attend the December 17 meeting and wanted to recommend Gene Aubrey to serve on the committee.

Commissioner Stoltzfus said it appeared that the PAR developer had tried to beat the system by submitting three Site Plans to try and get in place prior to any code changes. He asked that Chair Quam propose an emergency Ordinance so that a moratorium would occur.

Chair Quam responded he would not authorize an emergency Ordinance.

City Attorney Dye informed he had recommended to the City administration that any Site Plan applications currently on file be treated the same as all those previously processed by the City.

He stated that if any application has been approved, a permit issued, and work begins on the project, the project would then be vested against any future Code changes. However, if a project is being reviewed prior to approval and the codes change, if the property owner is on notice that the codes may be in flux there is no vesting or tangible rights in an application. It must first be turned into a permit and final approval before any vesting takes place.

City Attorney Dye stated his view was based on Commission action previously taken and discussion held at the meeting that evening that there are changes coming. All applications currently submitted need to be treated as all others has been.

ACTION: It was the consensus of the Commission that discussion relating to a joint City Commission and Planning & Zoning Board work session be placed on the December 17 regular meeting agenda.

Public Comment on Agenda Items - None

Press Comment

Chair Quam responded to a question from Island Reporter *Rick Caitlin* stating that his opening statement that evening was not a written statement.

Adjournment

Chair Quam adjourned the meeting at 7:27 p.m. The next regular meeting will be held on Thursday, December 17, 2009, 7:00 p.m.

Alice Baird, CMC, City Clerk