

**CITY OF ANNA MARIA  
JOINT WORK SESSION OF THE  
CITY COMMISSION AND PLANNING & ZONING  
HELD AT ANNA MARIA COMMISSION CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
THURSDAY, APRIL 10, 2008  
6:00 P.M.**

**CALL TO ORDER**

Commission Chair John Quam called the meeting to order at 6:00 p.m.

**PLEDGE TO THE FLAG**

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

**PLANNING & ZONING BOARD ROLL CALL:** Boardmembers Jim Conoly, Frank Pytel, Chair Doug Copeland, Sandra Mattick, Randall Stover, and Margaret Jenkins.

**ABSENT w/excuse:** City Commissioner Duke Miller and Planning & Zoning Boardmember Mike Yetter.

**Staff present:** City Clerk Alice Baird, Deputy City Clerk/Director of Finance Diane Percycoe, City Planner Alan Garrett, City Attorney Jim Dye, Building Official Bob Welch (6:35 p.m.), and Minutes Clerk Stacey Johnston.

**PRESS:** Islander and Sun.

**1. Review Draft Ordinance that Defines the Terms ‘Lot/Structure’ in Policy 1.3.5 of the Comprehensive Plan.**

**City Attorney Dye** provided background pertaining to the Ordinance involving lot/structure and how it works. He informed there were several questions relating to the issue. He stated the ROR District seems to be the source of most of the questions that come up regarding the City’s land use and building regulations. He felt the reason there were so many questions is that the ROR District had never really be discussed thoroughly as far as creating a vision of how it is suppose to work. An example is that it is suppose to be a mixed-use district but many of the regulations speak only to residential or non-residential uses and not to the mixed-use. The meeting that evening was to discuss what the City’s view of the ROR District is.

**City Planner Garrett** provided an overview of the ROR District stating the first level was to be a mixed-use district. However, there is currently no incentive to have a mixed use. Most all of the ROR has been only residential.

Planner Garrett stated there is concerns relating to the square footage of the lots that are required for the different types of uses, parking, setbacks, etc., however, Current Policy 1.3.5 - All developments and redevelopments in the ROR District will be limited to one residential unit per lot/structure - was the language that would be discussed that evening.

Lot/structure is combining two types of concepts. A lot is a partial of land, a structure is what goes on the parcel of land and Planner Garrett felt it was contradictory to see the two words together.

Planner Garrett referenced a proposed site that included both the concept of redefining lot/structure and then a copy of a site that complies with the current Comprehensive Plan language. He felt the intent of the City is for one residential unit above one structure on one lot.

He explained if the Commission and P&Z Board wanted to combine two structures – side-by-side – it would be necessary to determine how to better define lot/structure.

Planner Garrett stated that two structures together have a nice appeal to him; however, his concern involved the possibility of a strip center. He explained that pushing two structures together, limiting one residential unit above each structure on the lot, only combining two or three lots, could be possible.

#### **City Commission Discussion**

**Commissioner Woodland** stated he disagreed with what Consultant Tony Arrant suggested the lot/structure language meant. He felt that placing one residential unit per lot/structure meant one residential unit per lot no matter its size and or one residential unit per structure no matter its size.

Commissioner Woodland said he supported the interpretation of “lot/structure” and used the example of a strip mall built within a small City he had visited that he felt was so out-of-character with the rest of the community. He also stated he had no problem with air space between buildings whether being businesses or residences. He said his biggest concern involves intensity and density and felt the size of a structure is more intense than smaller structures.

**Commissioner Tollette** agreed she would not want to see a strip mall mentality on Pine Ave. She said she would not, though, want to see all three-story structures on individual lots all along Pine Ave. She stated she liked the suggestion of combining two or three lots together.

Commissioner Tollette suggested looking at what is being proposed (Pine Ave. project) in order to put a viable plan together.

**Commissioner Mattick** felt the City’s responsibilities as representatives for the citizens was to do what can be done to further the goal that reflects what the residents want to see. She agreed an incentive should be given to those individuals who were willing to stay at the 27-foot height limitation and still allow a live/work opportunity.

Commissioner Mattick thought clustering at least two buildings together had a lot of advantages such as the ability for additional property, parking, more landscaping opportunities, and open space. Language could be written that it

would not be allowed to cluster buildings together if wanting to build over 27-feet in height.

She said her vision was to not see three-story buildings built all the way down Pine Ave. It was her opinion it was not financially feasible for an individual to live in Anna Maria without also being able to live above the businesses. She also felt Anna Maria needed more permanent residents.

**Planner Garrett** explained language could be written into the LDR's that allows for the clustering of two or three lots with residential over business with building height limitations. He said he would not recommend any more than three lots having that ability.

**Chair Quam** asked if clustering the lots with the structures attached could be classified as a duplex. He pointed out that the Comp Plan removes the R-2 District.

He stated if two lots were combined he would not want to see three-story structures on those lots.

Planner Garrett said the upper story residential would need to be defined differently from a single-family or two-family attached.

**Commissioner Mattick** said she saw it as more like a row house situation having common walls and not as a duplex.

Having a serious parking situation in the City, Commissioner Mattick felt the clustering idea would help in solving that issue.

Planner Garrett informed the ROR currently mandates a 90° parking in the front.

**Mayor Barford** reminded that the Comp Plan was finished and had been submitted to DCA. What the City is now trying to do is define lot/structure by Ordinance in order to articulate what that language is defined to mean.

### **Planning & Zoning Board Discussion**

**P&Z Chair Copeland** asked if an Ordinance could be adopted to override the existing Comp Plan language or would a Comp Plan amendment be required.

**City Attorney Dye** referred to the Ordinance he prepared that addresses the lot/structure definition.

He said the Comp Plan would need to be modified to allow two units per structure if the structure was larger than one lot.

**Boardmember Pytel** commented that Anna Maria was a City of single-family dwellings. He referenced the following sections of the filed Comp Plan:

- Policy 1.3.1 relating to duplexes being limited. He felt a duplex was defined as a building with two units having a common wall. The Comp Plan removed duplexes and multi-unit structures.
- Policy 1.3.2 relating to commercial developing in the ROR shall be consistent with the single-family residential character of the City.
- Policy 1.3.4 regarding the ROR land-use category and that residential uses shall be single-family dwellings.
- Policy 1.3.5 stating that structures in the ROR category shall be limited to three useful floors with only one residential unit.
- FLUM – ROR – commercial and office uses shall be limited to the first floor. Structures having commercial on the first floor/residential on the top are limited to one residential unit.

Boardmember Pytel felt it was very clear that the City's intent defines the City of Anna Maria's character as a single-family community that allows one building per family per lot. He said if the City wanted to physically change the character of the City it would cause getting away from the single-family concept.

**Boardmember Mattick** said a duplex is two residences on one lot and that none of the proposals conflict with the single residential character of the City. She did not feel the proposal would be defined as duplexes.

She said she would be in favor of joining structures up to three lots with a 27-foot height limitation. It would allow for more open space and parking and would not add to the intensity.

**Planner Garrett** said in order to not have to amend the Comp Plan the City's side-yard setbacks could be amended to allow a zero setback. The ROR would need to be amended if it was agreed to condition the 27-foot height limitation.

**Boardmember Stover** stated a duplex is a duplex and all the work put into the Comp Plan that no longer allows duplexes or multi-family units should stay.

He then made reference to the property being purchased for use as a duplex and felt that property should be allowed in that case only.

Boardmember Stover said if combining three lots they would no longer be three lots that it would become one lot. Making that change he felt would require going back through the entire Comp Plan that relates to duplexes and multi-family.

### **Other Discussion**

**Mayor Barford** read excerpts from previous minutes relating to duplexes, lot/structure, and the issues that could be controlled in the Land Development Code. She stated that since the Comp Plan had already been filed with the DCA the "lot/structure" issue would be handled through the LDC. City Attorney Dye

had suggested adopting an Ordinance as an immediate fix; however, the lot/structure language would need to be cleaned up at the first Comp Plan amendment.

**Boardmember Stover** said he felt the slash mark "/" (referring to lot/structure) means and/or – One residential unit per lot and/or structure.

**City Attorney Dye** asked the Commission to determine its interpretation of the slash mark.

**Planner Garrett** said he could craft language in the ROR section that would not conflict with the policy but would allow the cluster of lots.

**City Attorney Dye** said he felt it was unanimous that there not be more than one residential unit per lot. The question then would be the zero lot line – two individual structures except that they have a zero lot line with residential above – would that become a duplex and violate the single-family character of the City. He suggested voting for that concept.

**Planner Garrett** pointed out a duplex is two living units on one lot. To allow the cluster of lots would be only one living unit per lot.

Discussion followed as to the differences between the two proposed site drawings relating to the side-yard setbacks, building coverage, and parking for the structures.

**Commissioner Woodland** did not see the incentive and voiced concern an individual could join two lots and build a 37-foot structure.

**Mayor Barford** read an e-mail into the record from Commissioner Miller that in his opinion the issue of Policy 1.3.5 is clear – there shall be only one building per lot and one residence per structure. He felt if 1.3.5 was legally confusing then an Ordinance could be written. It was his opinion that crossing lot lines in the ROR with multiple residences and/or multiple businesses is not in keeping with the long-standing desires of the citizens and is not consistent with the existing character of the City that the Comp Plan was clearly written to protect.

**Chair Quam** said he did not see the slash mark as and (and or) or.

**City Attorney Dye** confirmed he reads the language as one residential unit per lot, one residential unit per structure.

**Commissioner Tollette** agreed that a larger home could be built but the ability to make a choice with incentives should be provided.

**Boardmember Stover** asked where the persons living upstairs would park.

**Planner Garrett** informed the code requires two parking spaces per unit and those spaces must be designated and signed separately for each unit.

**Boardmember Stover** again referenced the property that was originally purchased to be used as duplex. In answer to Boardmember Stover's question, **Planner Garrett** informed that if the property were demolished and rebuilt on it would not be a grandfathered property in the future.

Planner Garrett also confirmed if a single structure straddling two lots were demolished and replaced by a single structure built, it would not become one lot.

He answered if a person owns two lots and have a development plan that straddles more than one lot it then becomes a parcel. If the structure is then removed there still remains two buildable lots.

### **Public Comment**

**Michael Coleman**, 311 Pine Ave., said the core of the Pine Ave. Restoration project would not be affected but it would affect those on the North side of Pine Ave. He stated that his project could operate within the existing codes and Ordinances prior to the new language. The advantage of clustering the lots would be to complete the idea of the project.

He suggested the biggest issues seemed to be density and intensity. He also believes a duplex is two buildings run together on one lot.

Mr. Coleman stated the City already has language relating to a zero lot line. Explanation followed.

He asked if mixed-use on Pine Ave was wanted or not.

**Don Schroeder**, Holmes Beach, Realtor representing property at 308 Pine Ave. owned by Robert Hinsch, said adjoining the two lots at that location would allow for greater open space on either side. He confirmed that the property owner would have no objection to the 27-foot height restriction and it would still allow him to sell the properties if he desired.

Mr. Schroeder felt joining the lots was a positive way to move forward and solve the problem.

**Ed Chiles**, Anna Maria, said he and Mr. Coleman began the Pine Ave. Restoration project in an attempt to provide the City with what they envisioned and expressed. Doing so they have sacrificed a floor and not building a three-story development. He felt there has not been a development prior to the Pine Ave. project that reflects the character of the community more than what is the intent of the Pine Ave. Restoration project.

Mr. Chiles encouraged the clustering of lots feeling the future of Pine Ave. was critical to the character of the City. Otherwise, without additional commercial Anna Maria is only a neighborhood and not a town or community. He voiced encouragement that the City provides incentives for commercial along Pine Ave.

**ACTION:** After lengthy discussion, the City Commission and Planning Commission considered the following question:

Are you in favor (Yes) or are you not in favor (No) of allowing a zero side-yard setback for two lots so that two structures can have a zero side-yard setback provided:

- 1) That portion of the set-back is moved to the other side-yard combined, and
- 2) The two structures cannot exceed 27-feet in height.

Commissioner Mattick – Yes  
Commissioner Woodland – Yes  
Chair Quam – Yes  
Commissioner Tollette – Yes  
P&Z Boardmember Conoly – No  
P&Z Boardmember Pytel – No  
P&Z Chair Copeland – Yes  
P&Z Boardmember Mattick – Yes  
P&Z Boardmember Stover – No  
P&Z Boardmember Jenkins – Yes

By majority consensus with a vote of seven in favor and three opposed, an updated draft will be prepared.

### Adjournment

On motion made by Commission Chair Quam and seconded by Commissioner Woodland, the meeting was adjourned at 7:15 p.m. Motion carried – All Aye.

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Alice Baird, CMC, City Clerk

MINUTES APPROVED: \_\_\_\_\_