

**CITY OF ANNA MARIA  
JOINT WORK SESSION OF THE  
CITY COMMISSION AND PLANNING & ZONING BOARD  
HELD AT ANNA MARIA COMMISSION CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
THURSDAY, AUGUST 21, 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, Randall Stover (6:04 p.m.), Chair Doug Copeland, Mike Yetter, Sandra Mattick, and Margaret Jenkins.

**ABSENT w/excuse:** City Commissioner Duke and P&Z Boardmember Frank Pytel.

**Staff present:** City Clerk Alice Baird, City Planner Alan Garrett, City Attorney Jim Dye (6:05 p.m.), Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

**PRESS:** Islander and Sun.

**MOTION:** Chair Quam moved that the rules be suspended for the August 21, 2008 Joint City Commission and Planning & Zoning Work Session. Commissioner Woodland seconded the motion.  
**Motion carried – All Aye.**

- 1. Discussion regarding the Residential, Office, Retail (ROR) District related to use regulations and lot, yard, bulk, and parking regulations.**  
*City Planner Garrett* informed that nine questions dealing with the major topics that the City Staff deals with on a daily basis would be discussed that evening in order to obtain consensus.

**QUESTION # 1 – Should the ROR District require a mix of commercial and residential uses?**

**CONSENSUS - No**

*Planner Garrett* explained that the City's Comprehensive Plan (CP) allows that up to 60% of the ROR District to be solely residential. He further asked for consensus of whether or not an applicant applying for commercial would also need to incorporate residential. He stated that the CP states that it does not require mixed use - that a single use is allowed.

Discussion followed relating to the 60% restriction of lots being solely residential and that 100% of the District can be mixed-use.

**Commissioner Woodland** said he agreed with a past comment made by John Cagnino that everything in the ROR District should have a commercial component.

**Boardmember Stover** referred to the question and pointed out that the ROR District, as stated in the question, should be answered as yes. However, if it stated an "individual lot", the answer should be no. He pointed out that the question did not refer to "parcel".

**Planner Garrett** explained that the zoned district regulates land, whether a lot or a parcel, so if the zoned district states it "must" be met in the district, it would then relate the same to the lot or parcel.

**QUESTION # 2 – Is a commercial use required to have an upper-story residential use?**

**CONSENSUS - No**

**Planner Garrett** stated if an applicant came in with a Commercial request in the ROR that based on the consensus of Question # 1 they should not be mandated to have residential as the upper-story above.

**Boardmember Mattick** felt that the City should better define the 60% residential and 100% mixed-use calculation and said she saw many loopholes in determining the calculation.

**Commissioner Tollette** said she did not feel upper-story residential use should be required. She agreed with Boardmember Mattick that the wording should be better defined. Examples were given.

**Planner Garrett** said if in the future the percentage is capped, it could be addressed at that time. He reminded that Mr. Arrant had performed a survey that even if the City were developed out with the remaining parcels, the 60% would not even be met. However, the issue of redevelopment may become an issue. He informed that if an applicant requests a change of commercial to residential, the applicant will be required to provide the burden of proof to demonstrate to the City that the 60% had not been met. Planner Garrett explained that commercial without residential is limited to one-story only – can either be an elevated one-story or one-story on grade.

**Commissioner Mattick** voiced concern relating to Mr. Arrant's survey that it may have been conducted prior to the Commission approving the change of certain lots in the City.

**Planner Garrett** said he and Building Official Welch could determine how the percentages were affected by utilizing a short one-hour windshield survey.

In referring to a property with commercial on the bottom level and residential on the top, **Boardmember Mattick** said she had no objection if the owner did not want to run a business out of the bottom level as long as the business component is left there for the future.

**QUESTION # 3 – must the tenant of the upper-story residential be the:**

- a) **Owner or tenant of the retail**
- b) **Short-term rental unit**
- c) **Rental unit for longer stay, or**
- d) **No restriction on tenancy**

**CONSENSUS: No restriction on tenancy**

**Planner Garrett** reminded that the City Code currently requires that only either the owner of the property or a tenant who has the retail space on the lower level occupy an upper-story residential. That wording has since been removed from the CP. He pointed out that no other residential uses in the City have any type of restrictions as far as occupancy, time limit, etc.

**Mayor Barford** informed that Commissioner Miller had provided his recommended responses to each of the questions and felt there should be no restriction on tenancy.

**P&Z Chair Copeland** questioned if placing no restrictions would open it up to a bed and breakfast opportunity or possibly transient rentals.

**Planner Garrett** answered it would be the same as any home in the City allowing for short-term occupancy. He also provided the example of the lower level being a commercial restaurant and the upper level being rented out on a daily or weekly basis and thus the renter could support the restaurant. However, the upper story is restricted to only one residential unit per lot so it could not serve as a true bed and breakfast.

**Boardmember Mattick** felt a condo situation could occur if restrictions were placed on the tenancy. It was her opinion that the ROR District serves as the perfect district for shorter-term residential use.

**Boardmember Stover** voiced concern that the upper levels could be rented out as a motel and the bottom level could be leased out as a shopping mall. He said the intent of the community is to not have that type situation occur.

**Planner Garrett** explained that the Code states that a residential character must be maintained.

**Commissioner Mattick** made reference to the number of homes in the City that are currently being rented out. She stated that the ROR District is meant to be utilized for a more intense use.

**QUESTION # 4 – Can residential parking be tandem parking (one behind the other)?**

**CONSENSUS: Yes**

**Planner Garrett** said tandem parking is allowed throughout the City. The ROR District, however, requires side-by-side parking. He pointed out that each residential unit above is allowed two parking spaces and must be signed accordingly.

**Commissioner Tollette** suggested that the residential owner be given the option of tandem or side-by-side parking. She said she would like to see the flexibility.

**Chair Quam** questioned if there would be sufficient space for tandem parking.

**Planner Garrett** answered that the space would be along the side. He gave the example of Mr. Gagney's property.

**Commissioner Woodland** did not agree that the tandem parking should be allowed. He felt the current requirements for residential parking was not a problem and was a more attractive setting.

**Chair Quam** reported that **Commissioner Miller** had submitted his opposition to the tandem parking.

**Commissioner Mattick** agreed with allowing tandem parking where room permits.

**Boardmember Conoly** asked if back-yard (rear) parking was prohibited.

**Planner Garrett** informed that driveways must be 5 ft. off the property line, however, he knew of nothing that prohibited parking in the rear. He pointed out that Mr. Gagney was allowed a handicapped space in the rear of his property and also used the example of the Betsy Hill property. No exemptions are required.

**Boardmember Stover** asked if tandem parking would be inside all setbacks. Discussion and examples followed.

**Boardmember Mattick** said with the 50-foot lots, the current parking requirements could not be met – that the tandem parking and other creative means would be required. **P&Z Chair Copeland** agreed.

**Boardmember Conoly** asked if parking in the right-of-way was allowed. He said if there is a current restriction for parking in the right-of-way then the City was not enforcing it. He said he would be happy to tour the area with Planner Garrett to show where it was being done.

**Planner Garrett** informed that currently all parking must be met on the parcel. Parking in the right-of-way would require a right-of-way use permit and a variance to the Code. Planner Garrett said he would be happy to meet with Boardmember Conoly because it may come up in the future. However, those properties permitted by the City are not allowed parking in the right-of-way.

**Chair Quam** indicated he would need additional review time before making a decision on the question.

**Commissioner Tollette** requested visual examples be provided and **Planner Garrett** agreed to provide them at the Public Hearing.

**QUESTION # 5 – Based on the Comprehensive Plan density, a 7,500 sq. ft. lot is required for a dwelling unit. Should the 7,500 sq. ft. lot area also be required for the upper-story residential unit?**

**CONSENSUS: No**

**Planner Garrett** informed that the lots on the north side of Pine Ave. are predominately 5,000 sq. feet. The lots on the south side of Pine Ave. are mostly 7,500 sq. feet. He explained that a 7,500 sq. foot lot is required for strictly residential use. The CP states that the ROR, for the residential density is limited to six units per gross acre (totals = 7,260 sq. feet). Therefore, the 5,000 sq. foot lots along the north side can not be developed solely for residential – only retail or office since the CP dictates the density.

**Commissioner Mattick** asked how the single-family homes got developed (old Marina property). Discussion followed. Commissioner Mattick made reference to the previous discussions relating to this issue and said it was the intent to not penalize those who had purchased 5,000 sq. foot lots.

**Boardmember Conoly** suggested that the minutes be researched and referred to prior to a determination relating to the question.

**Commissioner Woodland** stated that the Code had not been changed in reference to building a single-family home. He said evidentially there had been a past interpretation of the code in reference to why some of the homes were built on the north side of Pine Ave. Commissioner Woodland felt the persons owning the 5,000 sq. ft lots should have the same ability to develop their property the same as anyone else in the City.

**Commissioner Stover** recalled that homes mentioned by Commissioners Mattick and Woodland (four of) was rushed through and built just prior to a Code change.

**City Attorney Dye** advised that Sec. 114-135, which governs non-conforming lots, was the section that had been changed. Because the 5,000 sq. ft. lots are smaller than the required 7,500 sq. ft. lots, they are non-conforming. However, since they were platted earlier, they are legal non-conforming. The section was changed to allow them to be used for anything allowed in the zoning district – retail, commercial, or office. He informed that the previous language had indicated that any non-conforming lot could be used for residential purposes. He explained the language that needed to be addressed and stated the consensus indicates that the lots be used either for residential or commercial purposes.

**Commissioner Mattick** made reference to the prior discussion that persons be required to have 7,500 sq. foot lots. She felt requiring that on Pine Ave. would be a disaster and would be the opposite effect of what is trying to be achieved.

**Boardmember Mattick** pointed out that the 5,000 sq. ft. lots have 45-feet less depth than those in the south side of Pine Ave.

**Boardmember Conoly** reiterated his suggestion that the proper research be made to see what the City had agreed to.

**Planner Garrett** said he would present research relating to the density issue and provide graphics as far as the parking at the Public Hearing.

**Commissioner Woodland** reminded that the Commission did not want to see two 7,500 sq. foot lots re-platted into three 5,000 sq. ft. lots.

#### **QUESTION # 6 – Should all front yards be standardized at 29-feet no matter of the lot depth?**

##### **CONSENSUS – Yes**

**Planner Garrett** explained that the larger lots on the south side of Pine Ave. have a 140-foot depth and require a 35-foot setback. The lots on the north side are less than 140-ft in depth and all require 29-foot setbacks.

**Commissioner Mattick** said the advantage to standardizing the lots to 29-feet is that there would be more parking in the rear, which she felt is more attractive. She said the most attractive cottages along Pine Ave. have the 29-foot front yards.

**Boardmember Mattick** agreed with the 29-feet.

**Chair Quam** said his concern relating to the 29-feet is due to a safety issue and provided examples. He further stated that ten lots along Pine Ave. have 35+-foot frontages and only five homes are closer to the street. He was in favor of the 35-foot setbacks which he felt would also provide the opportunity to place bushes and trees in the front

**Boardmember Mattick** disagreed and felt there would be less green space that it was safer to persons for walk in front of parked vehicles rather than behind, and felt that a safe walkable area could be established.

*-- By a show of hands, it was the majority consensus (two were opposed) that all front yards be standardized at 29-feet. It was noted that Commissioner Miller was also in favor of the 29-feet.*

**QUESTION # 7 – Should landscaping be required in the rear if an alley is between the ROR and Residential area?**

**CONSENSUS - No**

**Planner Garrett** explained that the City only requires walls, fencing, and landscaping on the north side of Pine Ave. Most of the south side has the alley where no buffering is required. He informed that **Commissioner Miller** did not feel landscaping should be required.

**Commissioner Mattick** suggested it be handled on a case-by-case basis. Stipulations can be placed on the Site Plan during its review.

**Planner Garrett** said it was currently being handled that way through the Site Plan review.

**Boardmember Mattick** agreed with Commissioner Mattick that determination should be dependent upon the usage.

**QUESTION # 8 – Should the City continue to mandate that the front yard MUST BE used for parking?**

**CONSENSUS – No**

**QUESTION # 9 – Should parking be at the required “straight in” or angled in the direction of the traffic flow?**

**CONSENSUS – No - Allow flexibility**

**Planner Garrett** pointed out that the Code states that the front yard MUST BE used for parking. He suggested the language be changed to state that the front yard CAN BE used for parking.

**Chair Quam** asked for clarification of how angled parking would work on a 50-foot lot.

**Planner Garrett** said there could be three or four angled parking spaces. The example of Betsy Hill Real Estate followed. He suggested that “with cars to face straight into the sidewalks” be removed from the Code.

**P&Z Chair Copeland and Boardmember Jenkins** said they were in favor of allowing flexibility and that it should be left up to the individual property owners.

**Boardmember Mattick** pointed out that each lot along Pine Ave. creates a different situation in regard to the parking and felt it should be closely reviewed.

**Additional Discussion**

**Zero Lot Line Clarification**

**City Attorney Dye** asked if the City Commission and P&Z Board perceived the recent action allowing two adjoining houses to be a zero lot line to be a violation of the single-family nature of ROR. He said there had been some criticism heard

that it is not in keeping with the single-family style required in ROR. He asked if anyone felt that when two structures touched, it would turn them into a duplex situation.

**Planner Garrett** referred the City Commission and P&Z Board to the new language that had been approved relating to “Adjoining structures”.

**P&Z Chair Copeland** reminded that in two of the recent Site Plan reviews, the applicant had chosen to use zero setbacks but not adjoin the buildings.

*--It was agreed there was no concern relating to the new language.*

**QUESTION – Should the Zoning Map match the FLUM and should a blanket rezoning be considered for the twelve parcels that are not consistent with the Comprehensive Plan?**

**CONSENSUS - Yes**

**P&Z Chair Copeland** felt that there should be a blanket rezoning.

**Boardmember Stover** agreed.

**Planner Garrett** explained that the City has the right to rezone properties. He stated that a blanket rezoning could be approved and handled by the City at the City’s expense. He gave the example of someone purchasing a C-1 property but designated as ROR and not being aware of the CP uses.

**Boardmember Mattick** said she would have no objection to a blanket rezoning, however, if a property had a present use that would become non-conforming it could lead to other restrictions on the property.

**Planner Garrett** said that was his only concern and that it was never a good idea to make something a non-conforming use.

**Boardmember Jenkins** did not feel the zonings should be changed. When the current property owners were to sell their property, the City should then rezone it.

**Chair Quam** informed that the majority of all properties changed in the CP were at the request of its current property owner.

In answer to **P&Z Chair Copeland’s** question, **Planner Garrett** informed that the R-2 District would be discussed at the next City Commission/P&Z Work Session. He explained that the rezoning would require the P&Z Board to hold a Public Hearing prior to the City Commission taking final action. He said the City Commission would need to take action to authorize staff to process the zoning amendments to be consistent with the Future Land Use Map.

**Permitted and Prohibited Uses in the ROR**

**Commissioner Mattick** asked that the permitted and prohibited uses in the ROR be discussed. The following uses were addressed:

*Permitted Uses:*

- (c) (3) Swimming pools – should be allowed for businesses and not restricted to single-family.

*Prohibited Uses:*

- (5) Manufacturing Establishments. Planner Garrett will research for clarification

- (11) Amusement arcades. Planner Garrett to research for any definition of amusement arcades.
- (16) Package sales – Questioned if beer and wine are classified as package sales. Discussion followed relating to the footage restrictions for selling alcohol near schools and churches. Attorney Dye explained that the distance for hard liquor is 2,500 feet. He informed there is an exception in state law for convenient stores to sell beer and an exception in Anna Maria for wine sales.

The following *Prohibited Uses* will be removed:

- (7) Secondhand merchandise establishments
- (10) Radio and television broadcasting facilities
- (11) Amusement arcades
- (12) Outdoor flea markets or outdoor sales complexes
- (17) Commercial radio and television broadcast studios and antennas

**Side yard Setbacks – Street Side**

**Commissioner Mattick** questioned the purpose for side yard setbacks on the street side being required to be 20-feet.

**Planner Garrett** responded. He further stated that more conformity in the Residential would be addressed at a later date.

**Off-street Parking – Bumpers**

**Planner Garrett** clarified that “must be marked for parking” under the Off-street parking language did reflect that bumpers are now required.

**Lot Coverage**

**Commissioner Woodland** said as the City uses more pervious materials, he hoped to see that the “Maximum Impervious Surface Coverage” percentages would no longer be required in the Code.

**Planner Garrett** informed that Building Official Welch is currently working with a committee relating to development standards for materials.

**Permitted Uses – Hotels/Motels Discussion**

**Commissioner Woodland** asked about the status of the memo he had written suggesting hotels/motels be permitted in the Commercial District. He felt there should be discussion on this issue by the City Commission and P&Z Board together.

**Commissioner Mattick** felt that allowing hotels/motels should be looked at and commented there are many small guesthouses that already have or are going out of business in the City. She felt if the City were to ever reach the benefit of getting beach renourishment money (due to the collection of the county tourist/bed tax) it would be necessary to see what having hotels/motels would mean to the City as a whole.

**Commissioner Woodland** said he was opposed to hotels/motels in the ROR but felt it was worthy of consideration in the Commercial District.

**Boardmember Stover** felt this “tiny little City” could only accommodate so much.

**Boardmember Jenkins** stated there are currently four motels in the City and felt that was enough for a City of its size.

**Boardmember Mattick** responded that the current motels are all now non-conforming and it's the City's job to make them go away since they are non-conforming. She said if the City did not want to rezone the residential areas where the current businesses are located in order for them to remain, then the City will need locations for others.

**Commissioner Tollette** pointed out that one of the reasons the beaches are not getting renourished is due to the lack of bed tax dollars. She was in favor of discussing the hotel/motel issue.

**Chair Quam** said after doing some research, he found that in Anna Maria there are currently 360 single-family homes, along with 13 others (condos, motels), paying the bed tax. The amount paid in 2007 was \$142,000. He informed that since the last renourishment (seven years ago), over \$1 million has been paid toward the bed tax from Anna Maria and questioned where the money had gone.

Chair Quam said to add another five or ten units would only add an additional \$5,000 to \$10,000. He did not feel the bed tax would make an impact.

**Commissioner Mattick** said it was important to bring in enough people to support the local businesses. She agreed to small guesthouse situations versus a large hotel and pointed out the City could place restrictions as needed.

*--After discussion, it was the majority consensus that the City Commission and P&Z Board discuss the hotels/motels issue at a later date. By a show of hands, five were opposed to any further discussion relating to hotels/motels.*

#### **Additional Business**

**Mayor Barford** advised City Attorney Dye that P&Z Chair Copeland would like to meet with him at the end of the meeting.

**City Clerk Baird** announced that the August 28, 2008 City Commission would be held at 5:00 p.m.

#### **Adjournment**

**Commission Chair Quam adjourned the meeting at 7:53 p.m.**