

**CITY OF ANNA MARIA  
PLANNING & ZONING BOARD  
REGULAR MEETING HELD AT HOLMES BEACH CITY HALL  
5801 MARINA DRIVE, HOLMES BEACH, FL  
MONDAY, MAY 7, 2007  
7:00 P.M.**

**CALL TO ORDER**

Planning and Zoning Chair Doug Copeland called the meeting to order at 7:00 p.m.

**PLEDGE TO THE FLAG**

**ROLL CALL:** Boardmembers Jim Conoly, Randall Stover, Frank Pytel, Chair Doug Copeland, Douglas Winton, Sandra Mattick, and Margaret Jenkins.

**Staff present:** Mayor Fran Barford, City Commission Chair John Quam, City Commissioner Jo Ann Mattick, City Clerk Alice Baird, Building Official Kevin Donohue, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

**Press present:** Sun News and Islander.

**1. Proposed Amendments to the Site Plan Procedures.**

*Boardmember Pytel* asked if there was any great urgency to approve the Site Plan Procedures and the Set Back and Lot Coverage Standards. He felt it would be counterproductive for the Boardmembers to give their recommendations on a piece-meal basis to the City Commission prior to the approval of the Comprehensive Plan and then have to review it again after its final approval.

Boardmember Pytel suggested a more efficient way would be to address the changes recommended by the Ad-Hoc Committee in context with the overall plan to revise the codes based on the Comprehensive Plan.

*Chair Copeland* stated the reason the issue of the Proposed Amendments to the Site Plan Procedures is being considered by the Planning Commission is due to the flaws in the current Site Plan procedures. He stated that more than likely there is nothing in the Comprehensive Plan that would effect it in any matter and felt it behooves the City to go ahead and address the Site Plan Procedures in the attempt to make it more effective and for streamlining the process for the City and citizens. He pointed out it was a procedural issue only.

Boardmember Pytel said he felt there would be several items in the Comp Plan that would have to be revisited and therefore would make the entire process more difficult. He gave examples.

*Boardmember Mattick* stated she agreed with Chair Copeland.

*City Planner Alan Garrett* said it was a procedural aspect and will be able to be rolled into the future Comprehensive Plan. He stated an element of the Ad Hoc Committee was to insure it would procedurally affect the Comprehensive Plan.

Planner Garrett thanked all Boardmembers for the comments submitted to him to prepare the Proposed Amendment to the Site Plan Procedures. He said most all

items had been addressed based on the Boardmembers recommendations, Ad-Hoc Committee, and the City Attorney's review.

Planner Garrett discussed proposed Amendment changes to the Code:

- *Planner Garrett* stated that hardships normally need to be shown for variances and deviations. However, due to the lay of the land in Florida it is difficult to show a hardship. Language stating, "demonstrating that the deviation results in a superior design" was added. Examples and explanation followed by Planner Garrett.

*Chair Copeland* informed that the current code requires that Site Plans requesting deviations can only be approved by the City Commission once it has received a recommendation from the P&Z Board.

*Boardmember Pytel* voiced concern about providing any loopholes to get around the variance procedures that have been in tact for a long time. He felt determining superior or equal value was basically in the eye of the beholder. Having an applicant present a superior design would result in more nonconformancies rather than less.

Planner Garrett agreed that the burden would be on the applicant. The P&Z, as the recommending body, would hear the case in an open Public Hearing and have the option of approval or denial of which is then forwarded to the City Commission for their final consideration.

*Boardmember Stover* said it would be difficult to weigh how "to preserve and enhance the appearance and beauty of the community." He also felt determining the "superior design" was also objective.

Planner Garrett agreed it would be objective, but the focus would be narrowed and more on focus. He suggested the language be approved as written and if found to need changes throughout the year, can be changed later.

Boardmember Pytel asked for clarification of when a variance procedure versus a deviation/superior design would be used. City Planner explained in detail.

*Boardmember Conoly* voiced his opposition to an applicant having to bring an attorney in order to determine the appropriate route to take in order to get approval.

*Boardmember Winton* discussed what he felt was inconsistent with the proposed language and questioned why two different standards for deviations would be required.

Planner Garrett responded that possibly the variance procedure and hardship criteria may need to be revisited. He again recommended the proposed language be approved and if it is found that the applicant is taking advantage of

the procedure then the language can be later tightened in regard to what is required for a superior design.

*Boardmember Stover* asked if an applicant could request numerous deviations on a Site Plan. Planner Garrett informed they could, that with the proposed language it would encourage the Site Plan and deviation to be asked for at the same time.

Boardmember Pytel reiterated he felt the language, as proposed, opened up leeway to allow for more nonconformancies and the Code should be strict in addressing those functions.

Boardmember Stover suggested and Chair Copeland agreed that the deviation mention should be moved in the proposed new language to the last sentence (reference Sec. 74-350) and read – “Additionally, the applicant shall demonstrate that the public concerns justifying the standard requirements of the zoning district are addressed at an equal or superior level a deviation might be possible from the requirements.”

- Sec. 74-351. Applicability – Add “The term “City” shall mean the Building Official or such person as designed by the Mayor.”
- *Planner Garrett* informed that “in floor area” was added in Sec. 74-351. c.
- *Boardmember Pytel* discussed his concerns relating to the P&Z Boards responsibility in awarding approval or denial of an application and the appeal process.

*Planner Garrett* explained that the applicant should be allowed an appeal procedure. He informed that if the P&Z denied an application an applicant could appeal to the City Commission. If the City Commission denies an application, the applicant then can appeal to the Court, if they desire.

Boardmember Pytel further questioned that since the P&Z’s role would be changing from an advisory group to an approval group then the process of how the P&Z Boardmembers are selected and appointed should also be looked at and re-evaluated. He suggested that term limits even be required for the P&Z Boardmembers.

- Added that the City shall establish a fee schedule to cover the cost for the review by the City and its professionals. Those fees would be included in an upcoming fee schedule / Resolution.
- Discussion followed relating to the difference between the terminologies adjacent, adjoining, and abutting, and structures versus buildings.

*Building Official Donohue* and *Planner Garrett* both responded.

It was agreed that Sec. 74-354. A. 3. be changed to read “The plan should depict adjacent properties and adjacent structures.”

Sec. 74-354. C. 8. – Changed to “Existing structures and adjacent structures.”

After discussion, and at the suggestion of *Boardmember Stover*, Planner Garrett agreed to look into changing “structures” to “improvements.”

- Added to Part – 3. C. (Planning and Zoning Board Procedure) and to Part – 3 D. (City Commission Procedure) that property owners within a 500 foot radius shall be notified of the hearing on the application before the P&Z Board.
- Part – 4 E. Standards for Review were reviewed by *Planner Garrett*. P&Z motions would include citing the standards in which the application was applicable to. He informed that City Attorney Dye has reviewed all standards.
- *Boardmember Stover* asked how changing the Code would allow for and improve the efficiency of the City.

*Planner Garrett* said it would streamline the process through the administrative review and in conducting only one public hearing. It should speed up the process by about four to six weeks.

- It was agreed that the P&Z Board would notify the Mayor of any other comments and that the P&Z Board would receive a copy of the changes prior to being considered by the City Commission.

*Mayor Barford* suggested that a straw vote be taken of the P&Z Board to determine the consensus and willingness to move the Proposed Amendment to the Site Plan Procedures forward.

**ACTION:** Chair Copeland asked how many members of the Board are concerned about the strict interpretation of the variance process as it is currently written, that it should be looked into and allow a similar concept of superior design to become a factor in the variance process.

**Planner Garrett** agreed to add that it is based on a site-by-site case and does not set precedence.

**By a straw vote/show of hands, all Boardmembers except for Boardmember Pytel** voted in favor of the question.

- *Boardmember Jenkins* said she, too, felt that approving the Proposed Amendment would only open up a can of worms.

*Boardmember Stover* felt the Proposed Amendment, as presented to the Board, advertises that an applicant “may request a deviation.”

**ACTION:** Chair Copland asked how many members of the Board are interested in taking the Proposed Amendment to Site Plan Procedures forward to the City Commission with a hard copy being presented to the Board in time to make comments to the City Commission prior to their meeting.

By a straw vote/show of hands, the following members voted in favor: Boardmember Stover, Chair Copeland, Boardmember Winton, and Boardmember Mattick.

Not voting in favor was: Boardmember Conoly, Boardmember Pytel, and Boardmember Jenkins.

- Discussion and debate followed when *Boardmember Stover* asked if placing the variance/deviation were more divided from the Site Plan application - and more indication that it's still an exception to the rule rather than a standard automatic implication. If a variance/deviation is necessary, then it can be reviewed as a separate decision and not implied that it is automatic when applying for a Site Plan.

*Boardmember Pytel* discussed that the Board would be giving up any availability they have in enforcing the nonconformancy rules and it would weaken their position in voting against a request when someone does have a nonconformancy.

Introducing the concept of equal and superior design and expanding what would constitute a superior design was further discussed. Examples of situations followed.

- *Building Official Donohue* informed that the City Commission last modified sections of Chapter 74 of the City's Code on March 23, 2006.

Lengthy discussion followed including:

- Change and tighten the variance rules and leave the Site Plan as is.
- Why Chapter 74 was being reviewed less than six months after it was modified without Planning & Zoning Board's comments.
- Why the P&Z Board was not notified when the Code was modified in March 2006.
- What the P&Z Board's roles are when it comes to Ordinances and why is the Board asked to review the Ordinances.

**ACTION:** Chair Copeland asked for a straw vote/show of hands of how many of the Boardmembers would like to get a definition of what Ordinances come before the Planning & Zoning Board. The vote was 5-2 with Boardmembers Mattick and Jenkins not voting in favor of the question.

**Comments by the Public**

*Tom Turner*, 850 N. Shore, said he served as a former Planning & Zoning Board Chair when the City had no Planner.

He informed at that time, all Ordinance revisions and applications came before the Planning & Zoning Board and the City Attorney would then finalize the recommendations and forward them to the City Commission for their final approval.

The following was addressed by Mr. Turner:

- Mr. Turner asked for clarification on Sec. 74-351. b. 3 & 5.
- Felt that the specific established fee schedule to cover the cost for the review by the City and its professionals, based on past experiences, should be placed on a sliding scale.
- Suggested if Sections 74-352 and 74-353 are not part of the Ordinance they should be referenced as deleted or revoked, or renumbered.  
*Planner Garrett* clarified that once the changes are complete, the entire Ordinance sections will be cleaned up.
- Felt a Site Plan is for a major development versus for a residential home and should be identified in the definitions.
- Suggested the Resolution for fees should be defined as an impact fee.  
*Planner Garrett* explained that impact fees relate to those fees collected for infrastructure - therefore the need to refer to only "fees."
- Ask for clarification on when a Site Plan is required.

*Mayor Fran Barford* addressed the Board explaining that in January the City Commission charged her to develop a fact-finding committee to review the current Site Plan process. She was asked to make recommendations for simplifying the process for the City's residents, both in time and in revenues. That Ad-Hoc Committee met eight times.

Mayor Barford stated that on behalf of the City Commission and the community, there is a tremendous respect for the P&Z Board. She said it was her understanding that additional Ordinances will be forthcoming for the P&Z Board's review. She said that the P&Z Board will be serving as a key player in how the City moves forward in the Ordinances and their review - especially in how they relate to the Comprehensive Plan compliance.

*Mike Colemann*, 311 Pine Avenue, asked for clarification relating to Sec. 74-351. c. 1. After clarification, the Board and Planner Garrett agreed to add "unless as exempted in item A above" after "In all districts" in Sec. 351. c. 1.

Mr. Colemann voiced concern about the City Planner writing language into the Code that mandates a fee structure be provided for the City Planner and other professionals.

### Further Commission discussion

The following motion was presented:

- **MOTION:** Motion was made by Boardmember Stover to forward the Proposed Amendment to the Site Plan Procedures with the P&Z comments as stated and eliminate the deviation language out of the document and ask the Commission to address a re-evaluation of the variance code. Boardmember Pytel seconded the motion.

*Boardmember Winton* felt the real issue involved the inconsistency of someone at the Site Plan level having a blank check in selling the P&Z on the idea of deviations without any standards - versus a homeowner who would have to go through a variance process detailing the hardship rules that must be conformed to in order to get approval.

- ACTION:** After lengthy discussion and clarification, Boardmembers Stover and Pytel withdrew their motion and second.

After further discussion and clarification, the following motion was approved:

- **MOTION:** Motion was made by Boardmember Conoly and seconded by Boardmember Stover that the Planning & Zoning Board recommends to the City Commission that paragraph b., of Section 74-350, be modified to require the deviations to meet the same standards as set forth in the variance procedure.

- ACTION:** Motion carried on a vote of 6-1 with Boardmember Mattick voting No.

- **MOTION:** Motion was made by Boardmember Stover and seconded by Boardmember Mattick that the Planning & Zoning Board request the City Commission reviews the variance code with consideration of updating it and making it less antiquated.

- ACTION:** Motion carried – All Aye.

**2. Set Back and Lot Coverage Standards Review.**

*Chair Copeland* suggested it may be beneficial to address the Set Back and Lot Coverage Standards Review after the approval of the Comprehensive Plan – especially when reviewing building coverage in all zoning districts and their calculations.

*Planner Garrett* discussed the spreadsheet calculations included relating to the building coverage in all zoning district. He pointed out that the cap would be not exceeding 3,500 square feet, regardless of the lot size. The maximum for impervious coverage was established at 4,500 square feet.

Explanation of the City Commission's desire for placing a maximum cap on the floor coverage square footage that can be developed followed by *Planner Garrett*.

*Boardmember Stover* gave the example of his property and those properties next to his. He felt the language, as written, would be challenged. He said he was unsure of what the City Commission's goals were and what they were trying to achieve by the proposed calculations.

*Boardmember Pytel* said if he were told he could build no larger than 3,500 square feet on a large lot, he would subdivide his property. It was his opinion that the unintended consequence of the language, as presented, is to force a person to subdivide their properties.

*Planner Garrett* explained that the City Commission were under the realization there is not uniformity as to the different districts and their setbacks and wanted to look at all the different zoned districts in regard to area and bulk regulations. He agreed that in regard to the building coverage and impervious coverage in all zone districts, as far as mass, does have the possibility of larger lots being subdivided.

*Planner Garrett* said he did not see any urgency in moving this item forward at this time but did not feel there would be any conflict with the Comprehensive Plan - area and bulk regulations.

*Boardmember Winton* said he would like more information as to how and why the calculations were determined as presented and did not feel there was enough support behind the rational why a 3,500 square foot footprint should be the maximum. He did not feel there was a real problem with the setback issue or the footprints.

*Boardmember Pytel* felt it was an important issue but needed more study and support as to determining the appropriate numbers.

*Boardmember Winton* agreed this issue should be deferred and that there was a need for additional rational in order to avoid future lawsuits from property owners who had planned in their future to do something with their property and would no longer be able to.

*Boardmember Mattick* stated she attends the City Commission meetings and had heard the rational. She suggested the Boardmembers also consider attending the City Commission meetings.

**Public Comment**

*City Commission Chair John Quam* informed that the City Commission as a result of the recent three new homes built having seven-foot side yard setbacks discussed the issue of setbacks.

*Mike Colemann*, 311 Pine Avenue, said the three homes were all built with ten-foot setbacks in an area that has seven-foot setbacks and that the builder was trying to blend Residential with ROR.

Mr. Colemann agreed it was important to standardize all the setbacks but felt it would create other problems. He said professionals, site planners, and architects all have difficulty understanding what the codes are suppose to be on Pine Avenue.

*Boardmember Mattick* felt she did not understand changing the lot area under ROR office and retail to 7,500 square feet when the north side of Pine was 5,000 square feet. She stated it would conflict with the Comprehensive Plan as far as the percentage of residential versus business.

**MOTION:** Boardmember Mattick moved to continue discussion of the Set Back and Lot Coverage Standards Review until the Planning & Zoning Board’s next meeting. Boardmember Winton seconded the motion.

**ACTION:** Motion carried on a vote of 6-1 with Boardmember Pytel voting No and stating he would like to see it as part of the Comprehensive Plan.

**3. Approve Minutes of April 9, 2007.**

*Commissioner Mattick* asked that “Commissioner” be corrected to “Boardmember” in three locations.

**MOTION:** Boardmember Mattick moved to approve the April 9, 2007 Minutes, as corrected. Boardmember Jenkins seconded the motion. Motion carried – All Aye.

**4. Old Business – None.**

**5. New Business**

*City Clerk Alice Baird* announced that the City Commission would be holding a Comprehensive Plan Amendments Hearing on Monday, May 21, 2007 at 7:00 p.m.

**6. ADJOURNMENT**

**On motion made by Boardmember Pytel and seconded by Boardmember Mattick, the meeting was adjourned at 9:35 p.m. Motion carried – All Aye.**

**The next meeting is scheduled for Monday, June 4, 2007, 7:00 p.m.**

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**Alice Baird, CMC, City Clerk**

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