

**CITY OF ANNA MARIA  
PLANNING & ZONING BOARD  
REGULAR MEETING AT ANNA MARIA COMMISSION CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
WEDNESDAY, NOVEMBER 5, 2008  
6:30 P.M.**

**CALL TO ORDER**

Planning and Zoning Chair Doug Copeland called the meeting to order at 6:30 p.m.

**PLEDGE TO THE FLAG**

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

**Staff present:** Building Clerk Diane Sacca, City Planner Alan Garrett, Building Official Bob Welch, City Commission Chair John Quam, City Commissioner Dale Woodland, and Minutes Clerk Stacey Johnston.

**Press:** No press present.

1. **A continued Public Hearing from October 7, 2008 – Site Plan & Variance Request - 503 Pine Avenue – Pine Avenue Restoration, LLC.**
  - a. **Review of a Site Plan for a Mixed-use Project Located Within the ROR District at 503 Pine Avenue – Lots 13, 14, and 15, Block 2, Anna Maria Beach Subdivision – as submitted by Pine Avenue Restoration, LLC.**
  - b. **Review of Requested Variances Pertaining to the Site Plan for a Mixed-use Project Located Within the ROR District at 503 Pine Avenue – as submitted by Pine Avenue Restoration, LLC for the following:**

**1-Section 90-3(m) Requiring all parking Spaces to be on the Subject Parcel.**

*City Planner Alan Garrett* explained that a generic description is utilized for advertising purposes. The actual request is for lessening the total number of required parking spaces by three. He noted that the P&Z Board serves as a recommending Board relating to the variance request and that it would be forwarded to the City Commission for final approval.

*On behalf of City Clerk Alice Baird, Certified Municipal Clerk Stacey Johnston officially administered the oath to all persons wishing to speak.*

**Michael Coleman**, applicant on behalf of Pine Avenue Restoration, LLC, apologized to the Board for previously missing the full setback issue requiring all parking spaces being located onsite. He said the only variance they were seeking at this time is reduction of the parking spaces by three. He pointed out that the historic house takes up five spaces and they are asking for relief as an offset of those spaces. He informed that one car for each of the three residential units has been allocated, rather than two.

In answer to *Boardmember Pytel's* question about the rendering showing a continuous roof, Mr. Coleman informed that the renderings are conceptual drawings only and the Site Plan shows that the buildings are disconnected.

*Boardmember Pytel* suggested that there appeared to be space behind the rear of the house for parking purposes. He said if he were renting one of the units towards the rear of the property and were bringing in groceries for instance, he would want to drive closer to the stairwell of his unit. He felt not allowing parking in the back would make it difficult for the residents to get to their homes.

Mr. Coleman informed that curb stops will be installed and parking would not be allowed in the back. The goal is to insure that those properties adjacent to the residents along Spring Ave. did not absorb the consequences of the commercial development on Pine Ave. The commercial aspect is all placed towards Pine Ave. with the residential buildings all being located in the back towards Spring Ave.

Mr. Coleman explained that the neighbors on Spring Ave. are concerned about turning the rear yards of the Pine Restoration project into parking lots. He said it was important to the project, as well as the responsibility to the residents along Spring Ave., to insure that the rear areas be restricted to residential backyards only. In addition, there would be no garages.

Boardmember Pytel voiced his concern that if there is an area that allows for additional parking spaces, that the variance request would not meet the eight criteria for approving a variance. He felt approving it would also set a precedence that he did not feel comfortable with.

*Boardmember Conoly* asked how much footage there was between Buildings 3 and 4. He also asked what type businesses would be operating that would only require parking spaces for one employee each.

Mr. Coleman informed there is 6-feet between Buildings 3 and 4 and a 7-foot separation between Building 1 and the covered walkway for Building 2. There is an 8-foot covered walkway to Building 2.

Mr. Coleman said it was difficult to anticipate the type of businesses that would be operating. However, they had received inquiries from a Gourmet Market, Jeweler, and an Artist.

*Boardmember Stover* felt Unit # 5 would be limited in respect to who would be happy with having to walk the distance from the proposed parking space required to get to their home. He suggested that a single-car driveway be placed in the back of the property for use by Units # 3, # 4, and # 5. Doing so would eliminate the requirement for a variance and would be more serviceable for the residential units.

Mr. Coleman said the focus is on the overall project and development of Pine Ave. for good mixed-use development and the residential space has taken a

backseat. He was confident there would be someone willing to rent each of the units. He informed that when speaking to the neighbors on Spring Ave., the only concerns they raised were cars parking in the back adjacent to their properties.

Boardmember Stover agreed that commercial parking would be a problem in the back, however, did not feel residential parking would be.

*Boardmember Mattick* agreed there could be parking in the back. She suggested that if an exception were to be made it should be for the commercial parking and not to the residential parking.

*Boardmember Yetter* said that the applicant could solve the parking problem by opening up the parking space behind the north side unit. However, it was his opinion that the applicant was attempting to be a good neighbor and that he, too, would share in the neighbor's concerns. He said he was in support of the variance request.

As requested by *Chair Copeland*, Mr. Coleman addressed the Variance Findings and explained how the applicant felt they comply with the findings as follows:

- 1) Stated that there were substantial practical difficulties and hardships in carrying out the strict letter of the regulation due to the existing preservation of the historical house.
- 2) Mr. Coleman said they did not create the circumstances and therefore the condition giving rise to the variance is due to unique circumstances not created by the applicant.
- 3) The variance request is not based exclusively upon a desire to reduce the cost of developing the site. He explained they are actually increasing their exposure.
- 4) The proposed variance will not substantially increase congestion on surrounding public streets and pointed out that all parking is placed on the property with a large right-of-way behind that would not be affected by the variance.
- 5) The proposed variance substantially diminishing the property values in, or alters the essential character of, the area surrounding the site was not addressed by Mr. Coleman.
- 6) The variance request is based on the presence of nonconformities in the district or adjoining district. Mr. Coleman pointed out that the existing house is nonconforming being 12-feet off the setback.
- 7) The proposed variance is the minimum modification of the regulation at issue that will afford viable relief.
- 8) The effect of the proposed variance is in harmony with the general intent of the comprehensive plan, this chapter, and the specific intent of the subject area of the provision.

*Planner Garrett* said though he understood the concern relating to the approval of the variance setting precedence, a variance is a case-by-case situation. It would not, however, preclude someone from referencing the case in the future.

*Chair Copeland* officially opened the Public Hearing.

**Chair Copeland** informed that a November 4, 2008 letter had been received from Waterside Homes, R and N R Hunt, 303 Pine Ave. He asked that the letter be included in the official record.

**Public Comment**

**Tom Turner**, N. Shore Dr., suggested signage be erected in the 10-foot alley located in the back that allowed for 15 to 30 minute parking for residents only.

*Hearing no further Public Comment, Chair Copeland officially closed the Public Hearing.*

*Boardmember Pytel* said he did not feel Variance Findings # 1, #2, and #7 are met. He did not believe there were unique circumstances with hardship. It was his opinion that there was a solution to avoid a variance, and he further felt it was easy to take care of the required three vehicle spaces.

*Boardmember Mattick* presented the example of the neighbor behind her property recently installing a pool. She said prior to the pool being installed, their property was quiet and now there does not seem to be any buffer. She understood the concerns of the residents on Spring Ave. and did not feel it was a good idea to have parking in the back.

*Planner Garrett* presented options for consideration of the Site Plan and Variance requests. The City Commission will review the Site Plan at their November 20, 2008 meeting.

In answer to *Boardmember Yetter's* question, Planner Garrett explained that it is a requirement of the Code that the following two provisions of the upper-story residential are met: 1) must have a separate entrance – there can be no entry to the residential through the retail, and 2) the residential parking spaces must be signed separately. Adding the stipulation that the easternmost three parking spaces shall be signed for residential use only will allow the applicant to be placed on notice.

*Chair Copeland* requested that a stipulation be added to the Site Plan motion that requires fencing be placed along the rear property line.

- 1. b. **Consider Variance Request pertaining to the Site Plan for a Mixed-use Project Located Within the ROR District at 503 Pine Avenue – as submitted by Pine Avenue Restoration, LLC for the following:**
  - 1-Section 90-3(m) Requiring all parking Spaces to be on the Subject Parcel.**

**MOTION:** Motion was made by Boardmember Conoly and seconded by Boardmember Yetter to recommend approval of the Variance Request as requested by Pine Avenue Restoration, LLC for three parking spaces based upon the Findings of Fact in the affirmative as stated by the applicant.

**Variance Findings:**

- 1) There *are* substantial practical difficulties and hardships in carrying out the strict letter of the regulation, and these difficulties and hardships *are* due to existing special conditions and unique circumstances which are peculiar to the specific property involved and which are not generally applicable to other properties or structures in the same district.
- 2) The condition giving rise to the request variance *is* due to unique circumstances not created by the applicant or any person presently having an interest in the property;
- 3) The variance request *is not* based exclusively upon a desire to reduce the cost of developing the site.
- 4) The proposed variance *will not* substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
- 5) The proposed variance *will not* substantially diminish property values in, or alter the essential character of, the area surrounding the site.
- 6) The variance request *is* based on the presence of nonconformities in the district or adjoining districts.
- 7) The proposed variance *is* the minimum modification of the regulation at issue that will afford viable relief.
- 8) The effect of the proposed variance *is* in harmony with the general intent of the comprehensive plan, this chapter, and the specific intent of the subject area of the provision.

*Boardmember Pytel* reiterated that he continues to disagree with the granting of the variance and that the eight criteria would not be met.

*Boardmember Stover* said if there was three parking spaces located in the back then that would free up three spaces along the street to eliminate the need for a variance. Discussion followed.

Explanation followed by *Building Official Welch* relating to commercial versus residential Fair Housing guidelines for handicap parking requirements.

**ACTION:** On Roll Call Vote, the motion carried on a vote of 5 to 2 with Boardmembers Pytel and Stover voting No.

**1.a. Consider Site Plan for a Mixed-use Project Located Within the ROR District at 503 Pine Avenue – Lots 13, 14, and 15, Block 2, Anna Maria Beach Subdivision – as submitted by Pine Avenue Restoration, LLC.**

*Boardmember Pytel* asked if there would be signage for the loading zone.

*Planner Garrett* informed that it would be looked at during site development review and suggested that loading zone signage on the Site Plan itself could be added as a condition in the motion.

**Public Comment**

*Michael Coleman* said they would agree to a 6-foot fence being placed along the rear property line.

**MOTION:** Boardmember Yetter moved to accept the Site Plan for a Mixed-use Project Located Within the ROR District at 503 Pine Avenue – Lots 13, 14, and 15, Block 2, Anna Maria Beach Subdivision - as submitted by Pine Avenue Restoration, LLC., contingent upon approval of the variance request by the City Commission and with the stipulation that the Site Plan include a 6-foot fence along the rear-yard, that the three easternmost parking spaces be designed as residential parking only, and that the loading zone shall be signed for loading and unloading only. Boardmember Mattick seconded the motion. On roll call vote, the motion carried unanimously.

**2. New Business.**

**Manatee Bridge Re-opening**

*Chair Copeland* announced that the Manatee Bridge would re-open November 6, 2008 at 8:00 p.m.

**Meeting Dates Announced**

*Planner Garrett* announced that the next P&Z Work Shop for discussion of the LDR's would be held Wednesday, November 19, 2008. There will be a wrap-up of the R-1 and R-2 District.

Planner Garrett thanked the Board and said he was pleased with the progress that had been made. He indicated that the April 2009 deadline would be met for making all changes to the Comprehensive Plan.

The next P&Z regular meeting will be held Tuesday, December 2, 2008, 6:30 p.m. for the purpose of holding a Public Hearing relating to the changes involving the ROR District.

The December LDR Work Shop will be held Tuesday, December 16, 2008, 6:30 p.m.

3. **Old Business – None.**
  
4. **Approve Minutes of October 7, 2008.**

**MOTION: Boardmember Conoly moved to approve the October 7, 2008 P&Z Minutes as written. Boardmember Jenkins seconded the motion. Motion carried – All Aye.**

**Adjournment.**

**The meeting was adjourned at 7:18 p.m. on motion made by Boardmember Mattick and seconded by Boardmember Jenkins. Motion carried – All Aye.**

**The next workshop is scheduled for Wednesday, November 19, 2008, 6:30 p.m. The next regular meeting is scheduled for Tuesday, December 2, 2008, 6:30 p.m.**

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**Alice Baird, CMC, City Clerk**

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