



# City of Anna Maria

## MINUTES PLANNING AND ZONING BOARD MEETING CITY OF ANNA MARIA COMMISSION CHAMBERS TUESDAY – JULY 12, 2016 - 4:00 p.m.

**Pledge of Conduct:** We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

### CALL TO ORDER

Chair Crane called the meeting to order at 4:00 p.m.

### PLEDGE TO THE FLAG

### ROLL CALL

**Present:** Boardmembers Jim Conoly, Margaret Jenkins, David Youngs, Chair Jonathan Crane, and Carl Pearman.

**Staff present:** City Clerk Diane Percycoe and City Planner Bruce McLaughlin.

### Public Comment

*Jeff Rodencal*, 855 North Shore Drive, informed he was new to the Island and was there to observe the meeting.

### OLD BUSINESS

#### 1. **Update Coastal and Conservation Element – Information Only**

*Planner McLaughlin* informed when the Coastal and Conservation Element was reviewed the previous month, he reviewed all the cross-referenced language, and discovered the City does have a Recreation Trust Fund. There is a balance in the account, however, there has been no activity in it since 2001.

Planner McLaughlin presented the information to Mayor Murphy's attention, with the recommendation the funds be transferred somewhere else.

*Chair Crane* felt prior to removing the fund, and striking it from the Element, he would like to see the formation documents. He would rather have the funds applied to the purpose for which they were collected. He would rather that type fund remain, and there are impact fees placed into it.

*Planner McLaughlin* noted the fund was created by Ordinance, and it will be necessary to repeal the Ordinance. As a result, it would not come before the P&Z Board – only striking the fund through the Conservation Element would go before the P&Z Board.

It was agreed documentation relating to the creation of the fund would be researched and brought back for the P&Z Board's review.

### NEW BUSINESS

#### 2. **Ordinance 16-816 -- Amendments to Historic Preservation Code**

*Planner McLaughlin* explained Ordinance 16-816 was intended to bring the City's Historic Preservation Ordinance into compliance with the requirements to become a Certified Local Government. The Ordinance:

- Moves the definitions from the Historic Preservation Chapter to Chapter 70 – General definitions. As the P&Z Board moves forward with the Land Development Regulations (LDRs), Planner McLaughlin will be recommending all definitions are placed together in one chapter.
- Incorporates features of a Historic Preservation Ordinance that are necessary for the City to become certified as a Certified Local Government for Historic Preservation proposes.

There is a statement in the Comprehensive Plan that needs removed that states Historic Preservation is not an issue for the City.

In working with the City Attorney, Planner McLaughlin recommended the Public Hearing is opened to receive any comments. That Public Hearing should then be continued to a date and time certain.

*City Clerk Percycoe* informed City Attorney Vose will be rewriting the Ordinance title. As a result, she will be required to re-advertise the Public Hearing notice.

*Chair Crane* stated he would like to comment on something he would like fixed in the new draft. He referred to page 11 of 20 in the Draft Ordinance – Section 12 c. He stated it puts the burden, apparently, on property owners who have checked into the designation to do so in a form provided by the City, that must be notarized, and contain proof of ownership, and in his opinion would be a burden. He felt it should be to encourage voluntarily participation for qualifying properties. He does not want someone to be out of town for two weeks and forget to have their document properly notarized, and then suddenly find themselves on the list subject to the rules.

*Planner McLaughlin* said it was his understanding the only properties on the list would be those property owners that volunteered to be on the list. The language was straight from the State's requirements.

*Chair Crane* stated that information was not clear to him.

*Boardmember Youngs* pointed out the Ordinance refers to voluntary.

*Boardmember Jenkins* said she objects to a person having to file papers saying they do not want it, feeling it was kind of taking over what to do with their property.

*Planner McLaughlin* reiterated the only properties listed will be listed as a result of a voluntary action. The language is required by the State for the City to become a Certified Local Government. The language is in a checklist made and sent to the City by the gentleman who made the presentation a couple of weeks earlier on Historic Preservation.

*Chair Crane* stated it seems to be the feeling of many on the Board that the Ordinance does not clearly differentiate, and if it has to be in there, it should be surrounded by stars and arrows stating it must be on a voluntarily participation. Otherwise it's a burden.

*Boardmember Youngs* said it was not clear if it's referring to a property owner adjacent to the historic property. It could be someone next to a historic property that objects.

*Planner McLaughlin* agreed to bring the comment to the City Attorney's attention as she works on the next Ordinance draft. He will let her know the P&Z recommends that the voluntary participation be better highlighted.

*Boardmember Jenkins* did not feel the City should have the authority to tell a person they have to have this if they do not want it.

*Planner McLaughlin* answered it was his understanding that was not the City's intention, and that it will be 100% voluntary.

*Boardmember Jenkins* stated it does not read that way.

*Planner McLaughlin* stated the language is required by the State, even though it won't apply, and participation will be entirely voluntary. In order to be certified as Certified Local Government, the wording will have to be in the Ordinance because the State requires it.

*Chair Crane* noted the Ordinance will be rewritten and what will really be in the Ordinance will not be before the P&Z for another month.

*Boardmember Pearman* said the two sections seem to be contradictory and needs to be clarified.

*Boardmember Conoly* said earlier someone was going to have a meeting with the Mayor about what would happen with the information.

*Chair Crane* stated he was proposing a Historical Element and a Tourist Enhancement and Impact Element, and had met with Mayor Murphy two months ago to discuss. It was determined the Tourist Enhancement Element was going to be looked at as a Resolution. The Historic Element would sit on the sidelines until seeing what was sought with the Historic Ordinance. He felt they do need to have a Historic Element in order to have a Historic Ordinance.

*Boardmember Conoly* stated he would feel better about getting a summary of everything before agreeing to the Ordinance.

Chair Crane suggested an executive summary on this issue be presented by the City Attorney.

*Planner McLaughlin* announced they will do their best to coordinate the Historic Preservation into the next round of Comp Plan updates, which cannot be done until completing the Evaluation and Appraisal Report. He stated in the Future Land Use Element, where it refers to being 'historically significant properties meriting protection are not to be found in the city' is incorrect and needs corrected. As a result, there would be no way to recommend that the P&Z Board find any draft of the Ordinance consistent with the Comprehensive Plan until that language is stricken.

*Chair Crane* suggested striking reference to it in the Ordinance, but continue to create an Element which is consistent.

*Planner McLaughlin* felt the Mayor and Commission will need to provide guidance on timing since they have now met this obstacle in the Historical Preservation Ordinance.

*Chair Crane* suggested striking the reference to the Element of the Ordinance, and it doesn't run afoul of the checklist, and the P&Z Board can work on the Element.

*Planner McLaughlin* responded the problem is the State within the Future Land Use Element says it's not needed. Until that statement is stricken, he and City Attorney Vose's opinion is that the Board cannot find any Ordinance to be consistent with the Comprehensive Plan. He recommended the Public Hearing be continued until the August 9, 2016 meeting.

**Motion: Move that the Public Hearing for Ordinance 16-816 be continued to the time and date certain of August 9, 2016, 4:00 p.m.**

**Action: Approved. Moved by Boardmember Carl Pearman, Seconded by Boardmember Jim Conoly.**

**Motion carried – All Aye.**

*Planner McLaughlin* said ideally the language should be adopted as an Ordinance and also go into the Comprehensive Plan. Most jurisdictions that have historic areas have a Historic Preservation Element, which is implemented by the Historic Preservation Ordinance. The Historic Preservation Ordinance will be stronger than the Historic Preservation Element.

Planner McLaughlin explained the Comprehensive Plan is the general policy adopted, similar to the Constitution, and the Ordinance should be in much greater detail and more specific. The Element will be more general in terms of its content. That's not to say the Historic Preservation Ordinance cannot stand on its own, because it can once the statement from the Comp Plan is removed. He stated the policies are in the Comp Plan, and the regulations are in the Land Development Regulations. Further explanation followed.

*Boardmember Pearman* had asked why it was needed in both locations. He said he was looking for ways to declutter things and had discussed that before with different subjects. He asked what statement Planner McLaughlin wants eliminated.

*Planner McLaughlin* noted it was in the Future Land Use Element of the Comp Plan.

*Chair Crane* paraphrased they are things not to be found in the City, therefore not applicable – industrial use, agricultural use, educational use, historical district boundaries, and designated historically significant properties meriting protection.

Discussion followed relating to designation of Historical Districts. *Chair Crane* stated a Historical District, as opposed to a Historical Element, a District will sweep everyone in and gets rid of the involuntary nature. If there's a Historic District and there's criteria, and the criteria has been met and are located in the boundaries of the District, they would be in.

*Planner McLaughlin* agreed but stated his understanding is there's no intent to designate a District, but obviously a District could form with five or six adjacent property owners. Encouraging a way to get incentives for the program could encourage more people to seek the designation.

**3. Recreation and Open Space Element of the City of Anna Maria's Comprehensive Plan**

*Planner McLaughlin* reviewed the proposed updates to the Recreation and Open Space Element. He referred to TABLE 1 – Site Guidelines for Anna Maria Outdoor Resources and Facilities. He said the concern for suggesting the City have any input on the Element is that District Parks (#4) are all an approximate 30-minute drive to get to, and are not in the Anna Maria's jurisdiction. In addition, no Interlocal agreement was found for Holmes Beach (ref: Objective 1.2, Policy 1.2.2). There is one, however, with the State and county relating to Bayfront Park.

*Chair Crane* also discussed Table 1, stating the beach accesses are not a park and have no picnic tables. If the items on Table 1 that did not have picnic tables were removed from the list, it would be hard for someone to point out the misuse of the beach accesses.

*Planner McLaughlin* clarified he was not recommending the removal of beach accesses – and would actually place that category higher on the Table 1 listing. The table comes from a textbook back in the early 1970's. He agreed a better table would be more appropriate to draft.

GOAL ONE

Objective 1.1

- Policy 1.1.7 – After discussion, there was consensus that Policy 1.1.7 be stricken.

*Chair Crane* informed The Center of Anna Maria Island is listed in Florida as a non-profit organization by the name of Anna Maria Island Community Center, Inc. with no d/b/a. However, all their promotional materials, website, social sites, etc. have them listed as The Center. As a result, it's difficult to know how to refer to them as part of the Element.

*Planner McLaughlin* suggested rather than naming the facilities, they instead are referenced as “City owned properties.”

Objective 1.2

- Policy 1.2.1 – The City does not currently have a Parks and Recreation Advisory Board. *Planner McLaughlin* recommended the policy remain.

*Chair Crane* said based on the City's Construction & Regulatory Board – a sub-board of the Planning & Zoning Board – he suggested a Parks and Recreation Advisory Board also be a sub-board of the P&Z.

*Boardmember Pearman* disagreed, stating he did not feel members of the P&Z had the appropriate expertise.

After discussion, it was agreed the Policy should be left in the Element. The Commission will be asked to either strike the Policy, or proceed with appointing a Parks and Recreation Advisory Board.

- Policy 1.2.3 – Discussion followed relating to Planner McLaughlin’s recommendation to include language that additional Public Hearings will be held when an application is deemed to have an additional potential impact on local art or cultural institutions. Examples of events followed.

Objective 1.4

- Policy 1.4.1 – *Boardmember Youngs* asked what “handicapped and economically disadvantaged” refers to. He suggested there be further clarification. He also felt the term “handicapped” needs changed.
- Policy 1.4.2 – *Boardmember Youngs* noted Anna Maria’s City Pier Park has a handicapped accessible restroom, however, no handicapped accessible parking.

*Planner McLaughlin* will discuss with the City’s Public Works Director.

*Boardmember Youngs* pointed out the beach is not included with the Parks and other Recreation Facilities. However, it is stated the City will provide access for the elderly, and persons with disabilities, to the beaches as listed in Table 1. He asked if it could be construed as to the beach accesses. And if it is the intent, there is clearly no parking and no access.

*Planner McLaughlin* felt the intent was to include the beach accesses. He will discuss with the Public Works Director to see what can be done, and will then report back to the Board.

Objective 1.5

- Policy 1.5.5 – Discussion followed relating to public land acquisition funds, and if a requirement to look for those type funds should be added to the Policy.

It was agreed to add language that the City will seek any available funding for beach acquisition to implement this policy,

- Policy 1.5.7 – *Chair Crane* stated he was not in favor of striking this Policy as recommended by Planner McLaughlin. In his opinion, there was a good reason for having a Recreational Trust Fund. He reminded the City recently adopted a Gift Policy that brings transparency when the City were to receive any gifts.

There was consensus the Recreation and Open Space Element be brought back at the August 9, 2016 meeting.

**4. Intergovernmental Coordination Element of the City of Anna Maria’s Comprehensive Plan**

*Planner McLaughlin* pointed out all references to Section 9J. 5015 (3) FAC have been repealed. Therefore, all references to that Section throughout the Plan have been stricken.

GOAL 1

- Objective 1.1 – As questioned by *Boardmember Youngs*, *Planner McLaughlin* confirmed both the Sarasota Bay Estuary Bay Program, and the Tampa Bay Estuary Program, are still active. They exist to promote the health and usefulness of Tampa Bay and Sarasota Bay for planning recreation, sport fishing, commercial fishing, etc.

*Boardmember Youngs* asked how Sarasota Bay would affect the evaluation and integration of the City’s local Comprehensive Plan, and development proposals. He noted there are also different bodies off the Gulf of Mexico, and asked if those bodies should also be included.

- Policy 1.1.2 – *Boardmember Youngs* questioned why the different entities should be invited to participate in the Barrier Island Elected Officials (BIEO) meetings.

*City Clerk Percycoe* informed representatives from Manatee County will often attend the BIEO meetings. Though the BIEO meetings are public meetings, the Manatee County School Board, MPO, SBEP, and TBEP are not

specifically invited to the BIEO meetings - unless a specific topic will be discussed. She further noted the BIEO meetings move from City to City each month.

- Policy 1.1.7 – *Planner McLaughlin* recommended the entire Policy be deleted. Explanation followed.

Objective 1.2

- Policy 1.2.2 – *Boardmember Youngs* referred to the language in Policy 1.2.2. He noted Anna Maria has both a population of residents, and also a seasonal population and day-trippers who come to the City. He did not feel simply addressing only Anna Maria’s population was enough, and that the tourist population should also be considered.

*Planner McLaughlin* will rewrite Policy 1.2.2 to reflect Boardmember Young’s suggestion.

- Policy 1.2.4 – *Planner McLaughlin* recommended the following language be stricken from Policy 1.2.4:  
 “Should it prove not feasible to establish a formal allocation with Manatee County, then the City shall continue to utilize a formal allocation agreement with Manatee County, the City shall continue to utilize a formal contractual arrangement with Manatee County for the provision of adequate potable water and sanitary sewer disposal service.”

**Motion: Move to approve the Intergovernmental Coordination Element of the City of Anna Maria’s Comprehensive Plan as amended and discussed.**

**Action: Approved. Moved by Boardmember David Youngs, Seconded by Boardmember Carl Pearman.**

**Motion carried – All Aye.**

**MINUTES**

**Consider approval of the June 14, 2016 Planning & Zoning Board Meeting Minutes.**

The following amendments were made:

- Pg. 1 – Correct “Mayors” to read “Mayor” in the first paragraph of item # 1.
- Pg. 4 – GOAL 2. Objective 2.1 – *Planner McLaughlin* presented language he asked be added that explains “subsidizing development”, as it relates to improving infrastructure as part of that Objective. He suggested adding “In this context, subsidizing development means providing infrastructure.”
- Pg. 4 - P&Z Board Discussion – Correct “Young” to “Youngs”.

**Motion: Move that the June 14, 2016 Planning & Zoning Board Meeting Minutes be approved as amended.**

**Action: Approved. Moved by Boardmember David Youngs, Seconded by Boardmember Margaret Jenkins.**

**Motion carried – All Aye.**

**FUTURE P&Z BOARD TOPICS**

There was Board consensus for Planner McLaughlin to bring back the Evaluation & Appraisal Report at the next meeting - versus discussing the Analysis and Capital Improvements Element. The Recreation and Open Space Element will also be readdressed.

**ADDITIONAL DISCUSSION**

*Boardmember Youngs* asked that the last two month’s meeting packets, and all future meeting packets, be emailed to the Board in a .pdf format.

**NEXT MEETING**

The next meeting is scheduled for Tuesday, August 9, 2016, 4:00 p.m.

**ADJOURNMENT**

**The meeting was adjourned at 5:36 p.m. on motion made by Boardmember Jenkins and seconded by Boardmember Youngs. Motion carried – All Aye.**

*Diana L. Percycoe*  
Diana L. Percycoe, CMC, City Clerk

Minutes approved: 9/13/16