

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
BUSINESS MEETING
JANUARY 23, 2006
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Margaret Jenkins, Fran Barford, Vice-Chair Doug Copeland, Chair Christopher Collins, Frank Pytel, Randall Stover, Jim Conoly

Also present: Commissioner Dale Woodland, Building Official Kevin Donohue, Building Department Assistant Diane Sacca, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander

Chair Christopher Collins extended a welcome on behalf of the Planning & Zoning Board to the new Building Department Administrative Assistant, Diane Sacca. He observed that the Board's business this evening would be: 1) to discuss where the Board now stood relative to the Comprehensive Plan review process; 2) to develop a timetable by which the Board would pass its final recommendations on to the next reviewing body.

Chair Christopher Collins noted that approval of the minutes of the P&Z Board's January 9th, 2006 meeting was not included on this evening's agenda. He asked the Board members if they wished to vote on their approval, or if there were any corrections or clarifications to be proposed.

MOTION: Fran Barford moved to accept the minutes of the January 9th, 2006 meeting of the Planning & Zoning Board as submitted, seconded by Jim Conoly.

Vote: All Ayes. Motion carried.

1. Status of Comprehensive Plan Review and Projected Timetable for Committee Completion

Tony Arrant took the floor and observed that Building Official Kevin Donohue had copied the latest changes to the Future Land Use Element agreed upon by the Board for the members' packets this evening. He referred to the existing legally adopted map, the Ad-Hoc Committee's inventory survey map, and the Ad-Hoc Committee's proposed Future Land Use Map, and explained that the Board needed now to suggest changes to the current legally adopted map. Mr. Arrant noted that he had now furnished the members with multiple blank copies of the map for their use in this exercise, which he hoped could be completed this evening, so that he could take the changes to the Ad-Hoc Committee's proposed map and have them re-digitized to produce the Board's proposed Future Land Use Map. In summary, Tony Arrant indicated that this would complete the P&Z Board's work on the Future Land Use Element, clearly the most complex and critical section of the Comprehensive Plan.

Tony Arrant said it would then be hoped by the City Administration that the Board could move quickly through its review of the remaining elements of the Plan so that it could submit its completed review to the City Commission by the end of March. He said the P&Z Board would need to conduct an advertised public hearing, dealing with all its proposed changes to the Comprehensive Plan, at which it would vote on sending its recommendations to the Commission for their consideration.

2. P&Z Committee Policy and Procedure Review

Building Official Kevin Donohue suggested, and there was consensus among the Board members, for suspending regular rules and skipping this agenda item in favor of moving on to Agenda Item #3.

3. Preparation of Land Use Map

Chair Christopher Collins asked if the Board members were comfortable that they had assembled their correspondence from the public, and received an affirmative response from all P&Z Board members.

Tony Arrant noted that the “a.” section of this item was most important to discuss at this time.

a. Review of Ad-Hoc Committee Land Use Map

Vice-Chair Doug Copeland said it was hard to examine the maps from the dais. Fran Barford noted that if someone from the public had something they wished to draw to the Board’s attention, this could be identified by the lot numbers. Jim Conoly asked Vice-Chair Doug Copeland if he would be willing to point out the specified lots for the Board and he agreed to do so.

Vice-Chair Doug Copeland noted that the Ad-Hoc Committee proposed map he was displaying had an error on 9805 Gulf, in that the ‘old IGA’ site needed to remain designated in the commercial category.

Jim Conoly and Chair Christopher Collins noted a request relative to Lots 13 and 14 south side of Magnolia across from the ‘old IGA’ (now Ginny and Janie’s) on the west side of Gulf. Owner Bob Hight has requested that two lots belonging to him be designated as residential lots. Noting the map only showed street addresses, the Board determined that the addresses are 9806 Gulf Drive and 109 Magnolia Avenue, and that they were currently designated for the commercial land use category.

Tony Arrant cautioned the Board, during discussion, not to use the ‘zoning’ nomenclature and mindset. He recommended that members think instead in terms of ‘land use category designation’ and to think in terms of planning. Mr. Arrant reminded the Board that it had already protected current land uses relative to involuntary destruction of a property.

In answer to a question from Frank Pytel, Tony Arrant said the planning rationale for changing a land use category designation, for instance, would be that the City wanted to locate non-residential uses in a certain area because they compliment the overall mix of the city, and that it believed it needed a certain amount of commercial land use to adequately serve the residential land uses in the city. Jim Conoly pointed out that a property owner's rationale for requesting a change to residential use from commercial would be that this would be in keeping with the 'single family residential' character of the city, spelled out in its vision statement (which cost \$35,000 to produce) and also in the Comprehensive Plan.

Vice-Chair Doug Copeland asked the Board if it wanted to see a corridor of commercial use along Pine Avenue. He noted that on the current legally adopted Future Land Use Map, the two lots on the west side of Gulf were included in the commercial category. Randall Stover noted that the Committee had recommended changing the future use to residential for one lot on the east side of Gulf Drive, leaving commercial use lots on either side of it. Frank Pytel asked for the rationale behind this recommendation. Tony Arrant said he believed the reason for curtailing the commercial land use on lots would have been that someone had come in and requested this. Randall Stover spoke in favor of fostering some commercial land use in this primarily residential community, noting that Pine Avenue was rapidly becoming more residential.

Chair Christopher Collins said he was in favor of encouraging a business corridor along Pine Avenue, but opposed to moving the commercial land use district any further south along Gulf than where it stood on the Ad-Hoc Committee's recommended Future Land Use Map. Vice Chair Doug Copeland pointed out that the currently proposed commercial use on Gulf is a slight reduction from the adopted existing commercial use designated for the area, and Chair Collins indicated that he supported this.

Frank Pytel suggested using Magnolia Avenue as the southernmost boundary for commercial land use. Chair Christopher Collins suggested designating the two residential requested lots at 9806 Gulf and 109 Magnolia as ROR instead of commercial. Building Official Kevin Donohue explained that Chair Christopher Collins was suggesting mixed land use. Tony Arrant clarified that commercial districts prohibit residential or mixed use, and said that the area along Pine had been designated in the Comprehensive Plan as ROR because it was a changing area. He said that doing what Chair Christopher Collins had suggested would not only remove support for commercial development, it would encourage encroachment upon it. Tony Arrant noted that the language in the Comprehensive Plan speaks to encouraging commercial nodes in the community.

Tony Arrant apologized for not having accepted Building Official Kevin Donohue's suggestion of providing a table around which the Board members could be seated to more easily examine the maps.

Chair Christopher Collins recommended setting examination of the proposed Future Land Use Map to a future date when the group would be better prepared. He suggested the group should look twenty years ahead and each member should think about where he or she feels each color (land use designation) should go on the Future Land Use Map.

Tony Arrant acknowledged to the Board that some very emotional and personal concerns were being brought before them by individual members of the public. He reminded them that most of these concerns had been addressed when the Board wrote grandfathering language into its Comprehensive Plan review.

Chair Christopher Collins confirmed that P&Z Board members would put individual requests and interests aside and look instead only at the Future Land Use Map and how they would like to see the City look in twenty years.

Vice-Chair Doug Copeland strongly recommended changing the two lots bordering on Gulf to residential as requested, since the City had recommended the change from commercial to residential back in June of 1997, but had omitted to complete the legal change.

The Building Official read aloud an excerpt from the Regular Commission Meeting Minutes of June 24, 1997, containing the adoption of a Resolution requested by owner Larry Albert to change 9807 Gulf Drive (now 201 and 203 Spring) from Commercial to R-2 zoning. Building Official Kevin Donohue said that since that was only a Resolution in the minutes, the change would have required an ordinance and an amendment to the Comprehensive Plan in order to become legal. He recommended that the Board could take this information under advisement or recommend re-designation. Tony Arrant said that this was a 'fixed' problem if the residences were already built. He cautioned against looking at the map lot-by-lot and to remember, as planners, the policy of the City to encourage commercial nodes.

Frank Pytel asked what type of businesses the City would be trying to attract on Gulf, e.g., restaurants, and further, what would the Board like to see on Gulf in the future that it did not want to see on Pine.

Frank Pytel and Randall Stover asked the Board what it wanted to see down Gulf Drive. Randall Stover cautioned that the City is turning residential, and challenged the Board to commit to commercial land use designation. He noted that the ROR district is being forced by the market to become predominantly residential.

Jim Conoly cautioned against encouraging the existence of vacant lots along the commercial corridor, since members had already noted in previous discussions that it was becoming more difficult to have a financially successful commercial

establishment in this city. Tony Arrant noted the category is called General Commercial Land Use, which the Comprehensive Plan policy says is geared to support the seasonal resident, e.g., restaurants, motels, and marinas. Frank Pytel asked if the Board wanted to see a marina or motels on Gulf.

Chair Christopher Collins read the City's ordinance relative to the City's commercial land use district, speaking to convenience goods and services.

Building Official Kevin Donohue said the land use regulation has to reflect the Comprehensive Plan.

Chair Christopher Collins noted that the Board's objective, therefore, is to take the Future Land Use Map, and decide what colors would be on it and where, for the time being, regardless of what subclass of use is described for it. **He received consensus to set a date for the next meeting, to be dedicated to marking the proposed Future Land Use Map. There was further consensus for February 6th, 2006 at 7:00 p.m.**

Tony Arrant offered a CD to the Board containing a map with vacant blocking for the Board members' use in marking their own suggested district boundaries.

Fran Barford asked Building Official Kevin Donohue if Alice Baird could print out another copy of the blank map proposed by the Ad-Hoc Committee for members that had already marked on theirs at this evening's meeting.

Tony Arrant noted that the maps could be printed out in 11" x 17" format for ease of use.

Tony Arrant recommended members also review the individual requests they had received from the public and separate them as to whether the requests originated from people who wished to protect what they had from those that were requests relative to speculative development and look at things relative to future planning. He said that the individual who has a vacant lot does not have a vested property right because there is nothing on the lot, therefore there could not be a taking, relative to use.

Frank Pytel noted that there can be significant financial benefit or loss caused by changing the color designating land use. Tony Arrant reminded the Board that in order to claim a vested right to do something, someone would need to first come and apply for a permit. He said the only thing the Board needed to consider was a property owner's vested development rights. He recommended looking at sectors, not individual lots and parcels. Tony Arrant cautioned that an action 'helping' one individual preserve value or make a financial gain could very well affect their neighbor in the opposite way. Such action could be therefore regarded as choosing one property owner over another.

Chair Christopher Collins referred to Building Official Kevin Donohue's handout for this evening's packet and referred to his own response to the excellent work the Board had done. He recommended the Board review it before the next meeting. He said he would provide the Minutes Clerk with a copy for the record.

Randall Stover recommended addressing agenda item #2.

2. P&Z Committee Policy and Procedure Review

At 8:17 p.m., Chair Christopher Collins referred to the bulleted list supplied in this evening's meeting packets, and asked, relative to the last point submitted by Randall Stover, if a one-paragraph opinion from the City Attorney and the Building Official should be attached to the Board's review packets. Building Official Kevin Donohue said he could not accept such an assignment because he is not a planner and does not have authority or administrative powers and responsibility relative to planning or zoning. Discussion followed with Frank Pytel and Fran Barford both indicating that they needed the best information they could get in order to make their decisions. Chair Christopher Collins asked if a summary could be requested from the Building Official. Building Official Kevin Donohue indicated that the people to provide this would be the City Planner and the City Engineer. Tony Arrant said this type of information is only needed in the quasi-judicial process, in a public hearing. Building Official Kevin Donohue noted that relative to the site plan review process, the Planner and Engineer are giving the information to the Board. Building Official Kevin Donohue explained he had authority to determine completeness, and once this is determined, it gets sent to the City's consultants, and any issues they cannot resolve need to be resolved by the Board. Building Official Kevin Donohue responded further to Chair Christopher Collins's question, recommending that the P&Z Chair and he meet prior to a meeting to determine if the City Attorney's attendance should be requested, and a one paragraph opinion from him could be requested as needed.

The Building Official indicated that he currently had two site plans that he would need to bring before the Board. **Chair Christopher Collins received consensus from the Board to assign dates for these hearings. There was consensus for setting the date for a hearing as February 21st, 2006 at 7:00 p.m.** Building Official Kevin Donohue asked if the Board wanted to hear both site plans, recommending that each hearing be limited to one hour, and if any issues cannot be resolved during that time, the Board would need to be prepared to continue the hearings to a date certain. **There was consensus for holding one hearing from 7:00 p.m. to 8:00 p.m. and scheduling the next one from 8:00 p.m. to 9:00 p.m.** Building Official Kevin Donohue said the agenda packets would be ready for the Board on February 13th. He confirmed with Chair Collins that a packet would be sent to City Attorney Jim Dye for his review, and expressed the opinion that, at the Chair's and his discretion, the City Attorney's attendance should be requested for the hearings.

The Building Official said, relative to next steps regarding the procedure and policy suggestions, (excerpted from the Board's previous meeting minutes), that he could work with Chair Christopher Collins to formulate directives for the Board's review. Relative to timing, Building Official Kevin Donohue noted that the City received its responses according to the consultants' workloads, which could not be controlled, since they are not employees.

PUBLIC COMMENT

Building Official Kevin Donohue recommended the public submit its comments in writing.

ADJOURNMENT

MOTION: Fran Barford moved to adjourn the meeting, seconded by Frank Pytel.

Vote: All Ayes. Motion carried.

The meeting adjourned at 8:35 p.m.