

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
COMPREHENSIVE PLAN MEETING
APRIL 10, 2006
7:00 P.M.**

CALL TO ORDER (7:03 p.m.)

PLEDGE TO THE FLAG

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

Also present: Facilitator Tony Arrant, Mayor SueLynn

Press: Sun, Islander

1. Review March 27th, 2006 Meeting Minutes

Chair Fran Barford called the meeting to order and asked for a motion to approve the March 27th, 2006 meeting minutes.

Relative to the last sentence of the second paragraph under Item 2., and Margaret Jenkins' rationale for changing her consensus support, Fran Barford confirmed that Ms. Jenkins had said that if she were currently in the 'ROR' district, [not the 'Preservation' district], she would be upset. **There was consensus to make this change.**

MOTION: Margaret Jenkins moved to approve the March 27th, 2006 Planning & Zoning Board Meeting Minutes, as amended, seconded by Jim Conoly.

Vote: All Ayes. Motion carried.

2. Presentation of Final Draft Land Use Map

Chair Barford indicated that the copies of the revised Draft Future Land Use Map were not available for this meeting, although there were several people present from the public who wished to speak regarding the changes that had been made to date. She asked Facilitator Tony Arrant to review these changes for those present.

Tony Arrant explained that the proposed Future Land Use Map revised by the Comprehensive Plan Ad-Hoc Committee had been submitted to the Planning & Zoning Board, which is this community's local planning agency (LPA). He indicated that the Board was now reviewing the changes before forwarding them to the City Commission for final approval to send the revised Comprehensive Plan to the Department of Community Affairs (DCA) in Tallahassee.

Mr. Arrant noted that the Board had proposed making further changes to the map submitted by the Ad-Hoc Committee by extending the ROR land use district all the way to the Gulf side. He pointed out two properties, Lots 1 & 2 in Block 31, that had formerly been designated for the Commercial district were now proposed to be changed back to Residential land use.

Chair Fran Barford noted that the proposal was also to change the old IGA property at the corner of Magnolia Avenue and Gulf Drive, currently the site of Ginny and Jane E's, now designated Residential, to the ROR land use category. Ms. Barford confirmed that the P&Z Board had by consensus approved these, as well as the changes described this evening by Tony Arrant, at previous Board meetings.

Public Comment

David Meyer, attorney with the law firm of Loebeck, Hanson & Wells, P.A. of Sarasota, introduced himself as the representative of Barbara and Fred Nalley and Marie and Joseph White, who own, respectively, the properties at 110 and 111 Spring Avenue. He said that his clients had requested that he address the Board this evening regarding possible inconsistencies in the Comprehensive Plan that appeared to only affect their block. Mr. Meyer pointed out the properties' location on the Map.

The counsel for the Nalleys and the Whites noted that the Board had contemplated Commercial land use all the way down Pine Avenue, and ultimately made a wholesale shift of properties that abut Pine Avenue into the ROR land use category. David Meyer said that the City appeared to be essentially seeking to improve the area with more locally owned business, as opposed to non-locally owned businesses, which are possible in a Commercial land use district. He said that when his clients had bought their homes, their lots had not been Commercial, and that they both continued to live in homes on land they had purchased and developed as Residential. Mr. Meyer indicated that he could thus far not provide, at least in the instance of the Nalley's lot, the date at which the property was changed from Residential to Commercial.

David Meyer said it appeared that on Gulf Drive in this area, the City wished the first lot to be Commercial, however looking at Pine Avenue's ROR district extending back toward the water, it would be more consistent to do the same on the north / south stretch of Gulf Drive. He said his clients' lots were in a wedge designated Commercial when not all the property there was Commercial. Mr. Meyer suggested that if these lots were designated ROR, non-conforming uses would be eliminated, and asked that the Board consider this proposal.

3. Review of Comprehensive Plan Elements

a. Infrastructure Element

Tony Arrant confirmed that all Board members had before them the draft revision, researched and written by Ad-Hoc Committee member Doug Copeland. The Facilitator indicated that the Infrastructure Element established level of service standards (LOS) for 'hard infrastructure', and therefore was a very important element in the Comprehensive Plan. He noted that the planning term 'hard infrastructure' referred to such services as roads, sewers, solid waste collection and disposal, potable water and stormwater drainage, and that these were the sub-elements in the Infrastructure Element.

Tony Arrant reminded those present that State law required that the City adopt an LOS standard for each of the infrastructure services. He defined a 'level of service standard' as being *a unit of capacity per demand*, stating as an example that for water this would be *gallons of usage per capita per day*.

Mr. Arrant noted that the City of Anna Maria's solid waste disposal, as well as water and sewer services were provided by Manatee County, and that the capacity of the systems is maintained by the provider. He said that the City had interlocal agreements with the County to provide service to the existing, current and projected future population of this community. Tony Arrant noted the stormwater drainage LOS is based on an engineering design standard that he would address later in the review of this element.

Beginning the review of the redline / strikethrough language in the Infrastructure Element, Tony Arrant indicated that the first part dealt with data and analysis, a section that would not be adopted, as it consisted of facts, figures and narrative supporting the Goals, Objectives and Policies at the end of the Element. He noted that Doug Copeland had re-written the data and analysis section and was present this evening to answer any questions those present might have regarding any sources or editorial corrections.

Frank Pytel noted expressed a concern about the degradation of water services to the Island by large developments nearby. He confirmed with Mr. Arrant that significant developments such as Perico would not affect the City's LOS, which was locked in by its interlocal agreement with the County. He pointed out that the City of Bradenton would be required to provide the necessary LOS to the Perico development. Doug Copeland noted that the County's sanitary sewer interlocal agreement with the City of Anna Maria provided for the stated LOS up until December 31st, 2011.

Chair Fran Barford said she thought this was a real concern among the citizens of Anna Maria.

Randall Stover noted that Manatee County had a contract to sell water to Sarasota County. Doug Copeland indicated that the intention with regard to the contract was not to renew it. He reiterated that, according to his research for the Element and newspaper reports since that time, the County only actually had sufficient water to maintain the LOS up until 2011, and that there were now a number of proposals being considered for the provision of additional water beyond that year.

Tony Arrant said that normally, by approximately 2008, the State would require the County to submit a solution. He said that if the County could not provide the necessary LOS in 2011, it would not be allowed to issue any more building permits. He said the State was now addressing exponential population growth by requiring a yearly update of municipalities' five-year capital improvements plans along with verification of solvency.

Doug Copeland noted a typographical error under Solid Waste on Page 5, near the bottom of the page, where instead of "71 pounds per day" it should read "7.1 pounds per day", and Frank Pytel noted this error could be found in two places. Tony Arrant noted that the current level of consumption of this service in communities across the U.S. averaged 4 to 5 lbs. per capita per day, with a high of 9 lbs., while Europe's average was 2.2 lbs. of solid waste per capita per day.

Relative to sanitary sewer services, Doug Copeland confirmed that the County had adequate projected capacity extending up to the year 2030.

Mayor SueLynn noted, relative to potable water, that the County had put a new pumping station on-line last year, which had a noticeable beneficial effect on water pressure in homes in Anna Maria. Tony Arrant noted that there was a State requirement for potable water service to be delivered to faucets at 40 psi.

Doug Copeland noted that the Lena Road landfill site had capacity up until the year 2042. Chair Fran Barford confirmed that all Board members were comfortable with the language in the Solid Waste portion of the Infrastructure Element, and noted the next section dealt with drainage.

Tony Arrant asked those present to keep in mind when reviewing the Drainage sub-element that the law of the land is, for every new development and re-development, post-development run-off rates, flows, volumes and water quality cannot be any worse than pre-development. The Facilitator said that this essentially meant that from the date of adoption of the plan, every lot owner needed to treat drainage and prevent problems from being exacerbated. He noted that the Comprehensive Plan being reviewed had been written in 1989. He noted that an inventory of drainage problems had been made at that time, and a level of service standard for future drainage had been set.

Tony Arrant explained that the engineering design standard applicable to drainage said that based upon a certain type of rainfall event, over a certain amount of time, the developer will manage the first inch or two inches, depending upon the location in Florida, on-site. He noted that State law allows no exception to run-off LOS standards.

Various Board members asked how the LOS standards for drainage could be administered and enforced in the City. Tony Arrant said that this would be reviewed during the permitting stage, in consultation with a civil engineer.

Jim Conoly drew attention to an existing situation indirectly referred to by Margaret Jenkins, where continual development had created real flooding properties on a street. He asked if an attorney would be required to achieve relief, and if so, which court should be addressed. Tony Arrant said that the first step would be to speak with City Hall, noting that for court the property owner would need proof of the exact causes the drainage situation.

Discussion followed regarding the role of the consulting engineer and City staff in verifying during the pre-development approval process that LOS standards will be met.

Doug Copeland noted that on Page 7, in the second paragraph in red, second line, there was a typographical error 'q', as well as another typographical error on Page 8, first line in the third paragraph in red.

Chair Barford confirmed that Doug Copeland had no further comments relative to the Potable Water sub-element, other than that the County was going to run out of water in 2011. Tony Arrant noted that options for expanding capacity were being addressed.

Doug Copeland noted that on Page 11, there was a typographical error in the word "surface" [water], and that "rivers" in the next line was also misspelled.

Tony Arrant drew attention to Page 17, and Natural Water Recharge, saying that it is an important issue affecting development in many areas of the state, but not one pertaining to the Island. He noted that on Page 18, level of service standards were set out.

During discussion of reference on Page 25 to a master drainage study, Doug Copeland noted that after careful consideration, it had been decided to re-word the language to read "seek resources" to protect the City from defined commitment to funding a very expensive project.

Public Element

Chair Fran Barford called for comments from the public, and none were offered.

4. Date for Next Meeting

Chair Fran Barford indicated that two Board members would be absent in May, and therefore the next meeting would need to be in June. She confirmed with Mayor SueLynn that there was an advertised request for volunteers for the Planning & Zoning Board, and that she hoped to have confirmation on the Regular Commission Meeting Consent Agenda. Chair Fran Barford noted that a regular P&Z business meeting was scheduled for April 24th, 2006. **There was consensus to schedule the next Comprehensive Plan meeting for Monday, April 17th, 2006 at 7:00 p.m.** *Chair Barford confirmed that Vice-Chair Copeland would chair this meeting in her absence, and that the Coastal Conservation, Recreation and Open Space, Capital Improvements, and Intergovernmental Coordination elements would be scheduled for review.*

Tony Arrant recommended that members read ahead through the data and analysis sections of the remaining elements.

Relative to the request submitted by the Nalleys and the Whites, Frank Pytel asked the Board what the problem would be in granting such a request. He said he did not want to

see these residents have any difficulty in selling or re-building their properties in the future. He urged Board members to think about this case.

Chair Fran Barford noted that there are many emotional and personal issues attached to determining where Commercial areas should be located in a small community such as this one. She said that she was pleased that the Nalleys and the Whites had brought the subject to the Board's attention, and acknowledged that this was a very significant issue.

At the recommendation of Randall Stover, Chair Fran Barford said she would consult with the Mayor and the Building Official to come up with an agenda that addresses old and new business and allows opportunity for residents to introduce topics for discussion.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Chair Doug Copeland moved to adjourn the meeting and Margaret Jenkins seconded the motion.

Vote: All Ayes. Motion carried.

The meeting adjourned at 8:55 p.m.