

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

**CALL TO ORDER (7: 07 p.m.)**

**PLEDGE TO THE FLAG**

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

**Also present:** Facilitator Tony Arrant (7:09 p.m.), City Clerk Alice Baird, Minutes Clerk Sylvie Reichmann

**Press:** Sun, Islander

Chair Fran Barford opened the public hearing and called the meeting to order. She thanked the public for their interest and participation, and the City staff for their assistance in this long process, one that would affect the City for the coming years. Chair Barford stated that the format for the meeting would be to address each Element of the Comprehensive Plan, revised as proposed by the Planning & Zoning Board, in the order in which it appears in the Plan. She indicated that it would not be necessary for those wishing to speak at this evening's meeting to be sworn in.

**PUBLIC COMMENT ON THE CITY OF ANNA MARIA EVALUATION AND APPRAISAL REPORT (EAR) AND PROPOSED PLAN AMENDMENTS**

**Land Use**

Chair Fran Barford indicated that she had before her letters that she would now read into the minutes, and would be calling upon any writers present at this meeting to offer comment, followed by any member of the public wishing to address the Board regarding this Element. She asked members of the Board to make notes of their concerns, to be discussed at the end of Public Comment regarding this Element.

***Letters***

*Florian M. Predd*, of 212 Palmetto Avenue, in a letter received by the City on July 5<sup>th</sup>, 2006, expressed favor for keeping potential business uses out of existing residential use areas, and requested that the residential properties at the northwest corner of Gulf Drive and Palmetto Avenue, Lots # 1 and #2, Block 31, remain designated for future residential land use. [please see attached]

*John A. Gardner and Elaine K. Gardner*, of 114 Willow Avenue, in a letter dated June 30<sup>th</sup>, 2006, requested that Lots #1 and #2, Block 31, at the northwest corner of Gulf Drive and Palmetto Avenue, remain designated for future residential land use. [please see attached]

*Marsha Brown*, of 206 Palmetto Avenue wrote: "For the Record to Planning & Zoning: I am the property owner of 206 Palmetto Avenue. I appreciate the small-scale residential

character and the wonderful residential quality of life that we enjoy in the City of Anna Maria. I would be highly opposed to the City extending the business district on the west side of Gulf Drive, down to Palmetto Avenue. Please retain the residential future land use designation for Lots #1 and #2, Block 31, so that our residential neighborhood is kept intact.”

*Ed Chiles* “It is my understanding that anyone who has concerns with future land use categories must be on record in order to preserve their standing in this process. This Email is intended to serve that purpose. Please let me know if anything else is needed in this regard. The P&Z Board is recommending the rezoning of certain lots that my corporation owns in Anna Maria. I attended numerous meetings of the P&Z in this regard. I would respectfully ask that this letter be read into the record at the July 10<sup>th</sup> P&Z meeting, as I will be unable to attend.”

Diane J. Harrison of Mackey Law Group, P.A. came forward, indicating that her firm was representing *LBK Realty, LLC*, owner of record of the properties located at 101, 103, 105, 107, and 109 North Bay Boulevard, and submitted a letter for the record. She referred to her letter, dated July 10<sup>th</sup>, 2006, addressed to Vice-Chair Doug Copeland, and noted that she had requested, at the last meeting that she attended, that the Board recommend a change of the zoning of each of the referenced parcels from commercial to residential / office / retail (ROR). Ms. Harrison said that this would be consistent with the zoning of the neighboring properties along Pine Avenue, which are currently ROR and residential, and would provide a transition from those properties zoned commercial (to the south of the properties), to residential (to the north of the properties). She said that the owner is ready and able to proceed with construction of ROR structures on their lots. Diane Harrison expressed the opinion that keeping the referenced lots zoned commercial would have the effect of their remaining vacant, and that it would be in the best interests of everyone to have those lots near the beach improved. [please see attached]

*Betsy H. Hills*, in a letter dated July 10<sup>th</sup>, 2006, wrote on behalf of her sister and her sister’s husband, *Dennis and Leslie Matkosky*, who own property at 118 Palmetto Avenue, suggested that the P&Z Board recommend a change in zoning from commercial to ROR for this particular property. [please see attached]

*Commissioner Linda Cramer* submitted for the record a cover letter, dated March 27<sup>th</sup>, 2006, for the copy of a letter by former Mayor Ray Simches, dated January 2, 1992, to Mark Ratliff, which she also submitted for the record, relative to Lot #1, Block 31. [please see attached] The Commissioner indicated that she supported her neighbors’ request for ROR zoning west of Gulf Drive, to Palmetto Avenue, and felt that this would be appropriate, as the lot was adjacent to commercial property use across the street.

The January 2, 1992 letter from Mr. Simches to Mr. Ratliff had been given to Commissioner Cramer upon her purchase of the property from Mr. Ratliff and his grandmother, Dorothy Snyder. The letter indicated that Lot 1, Block 31 had

inadvertently been “rezoned” to residential use from commercial use. Mr. Simches wrote: “This lot has been historically zoned for commercial use and as a result of the scrivener’s error, this use was changed to residential. The City of Anna Maria has the authority to correct such a scrivener’s error and since correcting this error will not increase density, this correction does not have to be reviewed by the Department of Community Affairs.” Mr. Simches indicated that the error would be corrected when the City received its official map from the planners, Adley and Associates, and that Mr. Ratliff could, in the interim, “use this letter as proof that this lot is commercially zoned”.

*Dr. Richard White and Mrs. Phyllis White*, of P.O. Box 779, wrote for the record, “We appreciate that in March 2006, the Planning & Zoning Board agreed to retain the residential future land use on the future land use map for the Lots 1 & 2, Block 31, at the northwest corner of Palmetto Avenue and Gulf Drive. As we stated in our prior letter, we love our residential neighborhood and do not want ROR or Commercial land use on the 100 block of Palmetto Avenue. Parking, noise, unpleasant smells and congestion could compromise our lovely neighborhood. We do not want our quality of life or our property value negatively affected. We respectfully request that the Planning & Zoning Board recommend that the residential future land use for Lots 1 & 2, Block 31 be kept.” [please see attached]

*Steven and Mary Stanley* of 105 Palmetto Avenue, in a letter to the Planning & Zoning Board, postmarked July 7<sup>th</sup>, 2006, wrote for the record: “Please retain the residential future land use on the future land use map for Lots 1 & 2, Block 31 at the northwest corner of Palmetto Avenue and Gulf Drive. We do not want business development expanding to the 100 block of Palmetto Avenue. We see no need that justifies an increase in business property area in the City of Anna Maria.”

*John & Barbara C. Kimberly*, property owners of 109 Palmetto Avenue, wrote for the record: “We, the property owners at 109 Palmetto, Lots #9 and #10 Block 30, urge the Planning & Zoning Board to retain the residential future land use of all properties on the 100 block of Palmetto Avenue so that the single-family residential character of the neighborhood is protected. We would not be in favor expansion of the business district ROR to include the northwest corner of Gulf Drive and Palmetto Avenue.” Chair Barford went on to indicate that the letter described their years of residence at their address and the summary of their concerns. [please see attached]

*Louise Sperry*, owner of 216 Palmetto Avenue, and resident of 3714 Obispo Street, Tampa, Florida 33629, wrote: “As I have said in a previous letter, I have maintained a residence at 216 Palmetto Avenue, Anna Maria (Lot 2, Blk 22) for 25 years. I am thus very concerned about retaining the residential environment as it exists in our area today. The City’s Comprehensive Plan contains language that is supposed to protect the existing residential neighborhoods. I strongly urge the Planning & Zoning Board to continue to retain the residential future land use for the properties at the northwest corner of Gulf Drive and Palmetto Avenue (Lots 1&2, Blk 31) so that the quality of life in our neighborhood may be preserved.” [please see attached]

*R. & N.R. Hunt*, in a letter to the Planning and Zoning Board dated July 6<sup>th</sup>, 2006, wrote: “We write to express our concern at your proposal to change the zoning of several of the commercial properties on Gulf Drive to ROR. First and foremost Anna Maria is a City needing a balance of all types of property including commercial. By changing the zoning of the commercial properties on Gulf Drive to ROR you will be seriously depleting the number of commercial properties. Secondly it would seem that the owners of these commercial properties are seeing a change in zoning as they believe, due to the run up in property values over the last few years, that their lots will be far more valuable if they are residential. This is not a reason to change the zoning. The owners knew what they were buying when they purchased their commercial properties. Third and possibly most importantly, without a doubt if you switch the zoning to ROR, for the reasons laid out above, these commercial properties will be replaced with residential houses along the lines of what we have already seen, to the City’s great detriment, built on the old Marina site on Pine Avenue. Not only will they be able to just go ahead and build houses but the setback requirements with ROR are completely different to SFR which will allow them to build bigger homes than if they were on a SFR lot. I have heard absolutely no argument that justifies this change in zoning other than that individuals have asked for it. How does this benefit the City we all live in and you are surely opening the floodgates by setting a precedent in this way. If you do not wish to see what has been built on Pine Avenue along Gulf Drive then do not change the zoning. If you change the zoning you may just as well go straight to residential as that is exactly what will be built. I seriously hope that you will reconsider this change.” [please see attached]

David C. Meyer, Esquire, of the law offices of Lobeck & Hanson, 2033 Main Street #403, Sarasota, Florida 34237 introduced himself as counsel for *Fred and Barbara Nally*, the owners of property at 110 Spring Avenue, as well as *Mr. and Mrs. White*, owners of property at 111 Spring Avenue. He introduced Jan Norsoph, AICP, as a certified planner with over twenty-nine years of extensive and diverse experience in planning. Chair Fran Barford confirmed that the Board already had received copies of the exhibits submitted to the City Clerk and displayed at this evening’s meeting, including a letter by Mr. Norsoph addressed to the Planning & Zoning Board, dated July 10<sup>th</sup>, 2006.

Jan Norsoph, AICP, of Engelhardt, Hammer & Associates, introduced himself to the Board and thanked them for the opportunity to make his presentation to them at this evening’s meeting. He proceeded to address the pertinent issues in his letter [please see attached]. Mr. Norsoph said that in terms of the planning process, one of the important things the Board would want to consider is the creation of compatibility of land uses, especially those adjacent to residential uses; another is an efficient land use pattern, which might entail use of mixed use districts, such as ROR; and a third factor is the creation of conformity of use, and not apply land uses that create a non-conforming use situation. He drew specific attention to the area west of Gulf Drive along Spring Avenue, noting that commercial land use was proposed along Spring, with ROR land use proposed for Pine Avenue. Mr. Norsoph said that he and his clients proposed designating the Spring Avenue area for ROR land use, retaining the commercial land use designation for those lots already being used commercially. He said that the idea was to create a

transition area between the lots that are used for single-family residences and those being used for commercial purposes. Jan Norsoph pointed out that Spring Lane consisted only of a ten-foot wide alleyway. He said that designating ROR land use for the lots mentioned would serve also to create a transition area along Pine Avenue.

Mr. Norsoph pointed out on a graphic exhibit the location of existing Residential properties in the Commercial use district. He noted that if the existing non-conforming, residentially used lots were designated for ROR land use, the current use could be brought into conformity. The city planner added that designating the current commercially used area ROR would not be creating a non-conformity.

In summary, Jan Norsoph concluded that his clients' proposal satisfied the three planning goals outlined at the beginning of his presentation, and overall was an advantageous solution. Chair Barford requested that the graphic exhibits presented by Mr. Norsoph be left on display for the public at this evening's meeting.

David C. Meyer took the floor to comment that the impact of retaining the Commercial land use designation for the properties at 110 and 111 Spring Avenue would be more dramatic than that of changing the designation to ROR. He noted that of the thirteen pieces of property in the area, four are being used commercially, six will be used for parking, and three are currently used for residential purposes. Mr. Meyer said that designating the area for ROR future land use would create compatibility with adjacent properties by creating a buffer zone between commercial and residential uses, and would also reduce non-conformities. He commented that the only difference between the Commercial and ROR future land use designations is that one allows for residential use with swimming pools as an accessory use, and the other does not. Mr. Meyer quoted from Jan Norsoph's letter, referred to in his presentation: "Policy 1.2.2 ... existing residential areas shall be protected from the encroachment of incompatible activities." He requested that the Board consider his clients' request, and grant them the same courtesy that they recently granted homeowners on Pine Avenue.

*Robin Wall*, of 112 Palmetto Avenue, came forward and submitted written comment for the record, indicating that she would first speak on behalf of her husband, *Peter Wall*, and herself. [please see attached] She voiced appreciation to the Board members for reviewing future land use map issues regarding the two lots on the northwest corner of Gulf Drive and Palmetto Avenue, specifically 118 Palmetto Avenue and 9702 Gulf Drive, (Lot 1, Block 31) and 116 Palmetto Avenue (Lot 2, Block 31). Ms. Wall noted that the lots mentioned had been designated for residential future land use for the past fourteen years, and that on the current draft of the Future Land Use Map, were designated again for Residential land use. She said that doing this protected the residential character of the city and maintained the neighborhood quality of life, consistent with the intent of Future Land Use Element Goal 1 and Objective 1.2. Ms. Wall indicated that the location of the edge of the business district is extremely important to residents who live near it. The Walls thanked the Board and requested that the Board continue with its recommendation to the City Commission for Residential land use for Lots 1 & 2, Block 31.

Robin Wall proceeded to present comments for the record on behalf of *Patrick Mullens*, 111 Palmetto Avenue, in his absence, as requested by Mr. Mullens: “Patrick Mullens has lived at 111 Palmetto Avenue, Lots 11 & 12, Block 30, for the past forty-three years. He and his and his family have enjoyed a wonderful quality of life on the residential side street of the 100 block of Palmetto Avenue. He thinks that it is important that the City follow its Comprehensive Plan Objective 1.2, which states that “the integrity and quality of life shall be maintained in existing residential neighborhoods.” Mr. Mullens would like to point out the fact that all of the developed properties on the 100 block of Palmetto Avenue have had residential uses on them since he has lived on the street since 1963. Any introduction of ROR and commercial business use to this existing residential use of 100 block on Palmetto Avenue could create a potentially incompatible situation where business uses ...produce burdens such as increased traffic, parking problems, noise, and others.” Robin Wall said that Mr. Mullens had previously submitted a letter of comment to the P&Z Board in February 2006 requesting that the future land use designation for Lots 1 & 2, Block 31, at Gulf Drive and Palmetto Avenue be kept Residential, as on the current draft Future Land Use Map. She expressed appreciation, on behalf of Mr. Mullens, that the P&Z Board agreed to do so in March 2006. Ms. Wall stated Patrick Mullens’ request that the Board uphold this decision and recommend the Residential future land use designation for the area mentioned to the Commission.

Robin Wall submitted the written comment of *Joe & Dorothy Perricone*, 117 Palmetto Avenue, for the record, as they had requested in their absence. She quoted, “Joe and Dorothy Perricone are longtime homeowners and residents who purchased their property at 117 Palmetto Avenue, Lots 13 & 14, Block 30, in 1975. The Perricones’ property is located on the southwest corner of Palmetto Avenue and Gulf Drive, directly across from 118 Palmetto Avenue, Lot 1, Block 31, and across from 116 Palmetto Avenue, Lot 2, Block 31. The Perricones would have been particularly affected by potential negative impacts arising from additional business uses, had the business district been expanded down to Palmetto Avenue, west of Gulf Drive. The Perricones are very relieved that in March 2006, the P&Z Board considered the facts and public comments and voted to retain the Residential future land use for 118 Palmetto Avenue and 9702 Gulf Drive (Lot 1, Block 31) and 116 Palmetto Avenue (Lot 2, Block 31). The Perricones are pleased that the P&Z Board decision is in keeping with the City’s Comprehensive Plan, which says that the integrity and quality of life shall be maintained in residential neighborhoods. Not expanding the ROR and Commercial business districts will do much to maintain the quality of life for residents in the Palmetto Avenue residential neighborhood area. The Perricones also want to stress that there is no need to expand the business district, since there are plenty of existing business properties and spaces currently available for sale or lease to provide for the needs of the city’s people. Joe and Dorothy Perricone would like to thank the P&Z Board for their attention to this neighborhood issue of keeping the future land use for 118 Palmetto Avenue and 9702 Gulf Drive and 116 Palmetto Avenue residential, just as it exists today.” [please see attached]

*Liane Bennati*, of 114 Palmetto Avenue, came forward and submitted a letter and five-page written opinion of Sam Cassella, FAICP, PP of The Planning Authority, LLC, relative to 116 Palmetto Avenue, 118 Palmetto Avenue and 9702 Gulf Drive, along with a copy of his resume, for the record. [please see attached] Ms. Bennati noted that Mr. Cassella was a former president of the American Planning Association and a Fellow of the American Institute of Certified Planners (AICP), as well as a former president of the AICP, with over thirty years of extensive experience in Florida in planning, consulting, and education. She said that Mr. Cassella's opinion contained three conclusions relative to possible re-designation of 116 Palmetto Avenue, 118 Palmetto Avenue and 9702 Gulf Drive from the current Residential land use designation to the ROR or Commercial designation. Ms. Bennati stated, "First, the existing Future Land Use Map designation of Residential is critical, and it carries the highest priority, since the municipality was required by law to adopt land development regulations that are consistent with the adopted Comprehensive Plan. Second, at this time, re-designation of these three parcels from Residential to ROR or Commercial would be inconsistent with the city's goals, objectives, policies and ordinances, which place value on five points:

- 1) The importance of residential character
- 2) The City's zoning code, Section 114-282, requires a minimum lot size and depth in ROR and Commercial districts, which two of these properties do not possess
- 3) Providing adequate open space, on-site traffic flow, and parking in office and commercial areas
- 4) Discouraging strip commercial development
- 5) Encouraging a defined commercial center

Liane Bennati said that Mr. Cassella's third conclusion was, that on the basis of these findings, the City should leave these three parcels in the Residential category for the foreseeable future. She stated that she hoped the Board would consider Mr. Casella's expert opinion, and not make any change to the Residential designation of 116 Palmetto Avenue, 118 Palmetto Avenue and 9702 Gulf Drive.

*Joan Dickinson*, of 865 North Shore Drive, came forward in person and submitted written notes for the record [please see attached]. Ms. Dickinson indicated that she had spoken with two P&Z Board members and a City Commissioner regarding this subject, expressing concern regarding the Comprehensive Plan's effect on property values. She said that she appreciated that initially the Board was going to limit the size of structures to one additional story, and that this had since been removed from the language. Ms. Dickinson said that her request was to delete certain proposed language on Page Four of the Future Land Use Plan, which contains the words, "To preserve the unique historic cottage type housing and the existing single family residential character of the City". She indicated that the existing character of the city consisted of multiple architectural styles, and her concern was that if she should need to sell her house, a potential buyer would only make an offer based on duplicating the existing size and type of her small, two-bedroom home. Ms. Dickinson also requested that the remaining sentences in the paragraph also be deleted from the proposed language.

*Tom Turner* of 850 North Shore Drive took the floor and commented that throughout discussions of future land use, there had been mention of six buildable lots per acre. He noted that there were many small lots in the city, and that he had recommended at the last meeting of the P&Z Board to have a note placed at the bottom of each page of the Element, and language to the effect that homes could be built upon these platted lots, even it entailed building smaller homes on them.

*Joanne Mattick* of 876 North Shore Drive commented regarding the lots on South Bay Boulevard that were currently designated for Commercial land use, and suggested that these could be instead designated ROR, with the requirement that the first floor of the structure be used for commercial purposes. She said that she would also support the ROR land use designation for property owned on Gulf Drive, since she and co-owners believed that it would be beneficial to the city to maintain a small business district, but also to be able to put the property to its best use. She noted that insurance costs made it difficult for everyone. Ms. Mattick objected to elimination of the R-2 zone, as there are currently 112 duplexes in the City of Anna Maria, with at least one on virtually every street. She said that such properties were valuable to their owners and provided affordable housing for renters. Joanne Mattick said she thought duplexes had less transient occupancy than absentee-owned, single-family homes that were being rented. She further noted that eliminating R-2 would create many non-conformities.

*Tara O'Brien*, of 520 Magnolia Avenue noted that her property was currently in the R-2 district, and objected to its elimination. She noted that she had submitted information to the P&Z Board in 2005 stating the belief that such a change would be inconsistent with the rules of the Plan that the city must designate some form of affordable housing in its plan. Ms. O'Brien said that she had not seen the Board address remedies to the affordable housing situation in the Future Land Use plan, and indicated that Longboat Key had also eliminated duplexes and affordable housing from their plan, and Tallahassee had sent it back to them. She expressed the hope that the Board would address multi-family and low-income housing issues before sending the Plan to the Department of Community Affairs.

*John Cagnina*, property owner of 9807 Gulf Drive, requested for the record that the two platted lots he owns on the east side of Gulf Drive, proposed to be designated ROR, be restored to their current Commercial land use category.

#### **BOARD DISCUSSION**

Jim Conoly noted, regarding Lots #1 & #2 on Palmetto Avenue, that Lot 1 actually consisted of two lots, and that people had been talking about three parcels as if they were two parcels.

Sandra Mattick asked if there actually had been a mistake in the case of Lots #1 & #2, Block 31 and the lots really are designated Commercial, except for a technicality. Vice-Chair Doug Copeland confirmed that the Commission never adopted an ordinance to legalize the designation. City Clerk Alice Baird confirmed that no evidence could be found that the Commission had formalized their decision through adoption by ordinance.

Chair Fran Barford confirmed with City Attorney Jim Dye that it could not be proven that there was a “scrivener’s error”. City Attorney Jim Dye indicated that this fact did not preclude the Board from considering the land use designation request and making a decision. Sandra Mattick cautioned against granting a request based on such a letter as submitted, and denying a request by the owner of a different property, also based on such a letter.

Margaret Jenkins commented that the property owners had bought their land knowing it was residential, and it could be upsetting to adjacent landowners to place ROR properties next to them now.

Randall Stover clarified that Palmetto Avenue was the fourth street down from Pine Avenue and on the proposed Future Land Use Map it was currently designated as residential. He confirmed that there was a difference of opinion between that corner and the next corner north. Mr. Stover said that the three small lots on the southern corner are not, by current standards, buildable in conformity with the Code.

Mr. Stover recalled that the Board had lengthy discussion relating to the fact that an ROR designated lot would inevitably have a residential structure built on it. He said he believed that Lots 1 & 2, Block 31 should remain residential. Randall Stover confirmed with Chair Barford that he did not prefer that situation, but felt that it was a necessary compromise.

**Chair Fran Barford asked the Minutes Clerk to call the roll to determine consensus for retaining the Residential future land use designation for Lots 1 & 2, Block 31 as they are on the proposed Future Land Use Map.**

**Roll Call Vote: Margaret Jenkins – Aye; Vice-Chair Doug Copeland – Aye; Chair Fran Barford – Aye; Sandra Mattick – Nay; Frank Pytel – Aye; Randall Stover - Aye; Jim Conoly – Aye. Six to one. There was no consensus.**

Frank Pytel expressed the concern that there would be vacant lots in the Commercial district because businesses could not afford the taxes and other necessary expenses. He suggested allowing for mixed use to ensure that lots did not become or remain vacant.

Randall Stover indicated that only one and a half percent of the property in Anna Maria was designated for Commercial land use, and that designating Commercial property for ROR future land use would be taking a slippery slope toward eliminating small business amenities for the citizens in the city. He noted that today, the pressure on homeowners in the city was to sell their homes for a million dollars and leave.

**MOTION: Frank Pytel moved to convert the Commercial land use of properties at North Bay Boulevard and Spring Avenue, north of Pine Avenue, to ROR mixed use, seconded by Fran Barford for consensus building purposes.**

**Roll Call Straw Vote: Margaret Jenkins – Nay; Vice-Chair Doug Copeland – Nay; Chair Fran Barford – Nay; Sandra Mattick – Nay; Frank Pytel – Aye; Randall Stover - Nay; Jim Conoly – Nay. Six to one. There was no consensus.**

Sandra Mattick said she was in favor of keeping R-2 zoning in the interests of providing affordable housing in accordance of the requirements of Tallahassee. Chair Fran Barford asked for Tony Arrant's comments. Tony Arrant noted that 'affordable housing' was defined by the federal and state governments, is anything that is fifty to one hundred and twenty percent of the county median income, which is currently approximately \$30,000 per year. However, he indicated it was clear that it was not possible to have a house payment in Anna Maria that was not more than thirty percent of such a low annual family income. Tony Arrant noted that speaker that owned a duplex and rented the other side out would have housing that was more affordable than single-family housing, however, this would not address the 'affordable housing' as legally defined. Mr. Arrant pointed out that R-2 affected density but was still a residential land use, therefore this would not affect a lot's designation on the Future Land Use Map. Tony Arrant noted that the affordable housing issue was bigger than Anna Maria alone, and was a County issue.

City Attorney Jim Dye noted that elimination of the R-2 zone was not under discussion this evening in that it would consist of a change in the land development code. He indicated the medium density category was an appropriate issue to address in this evening's forum, noting that the proposal was to change the maximum allowable density in the Comprehensive Plan.

Jim Conoly confirmed with Tony Arrant that the free trolley assisted with addressing affordable housing concerns.

Randall Stover recalled that discussion of the elimination of R-2 had been related to density issues. Vice-Chair Doug Copeland noted that the proposal was to reduce density from more than 8.7 units per gross acre to 6. Tony Arrant noted that the Board had grandfathered all existing density and use.

Randall Stover clarified discussed Joan Dickinson's comment relative to Policy 1.2.1 with Vice-Chair Doug Copeland. Tony Arrant pointed out that the series of debates resulted in not having a restriction but rather the City exploring ways to encourage cottage type structures. Mr. Stover agreed that the intent was not to restrict homeowners from building box-like structures but not to encourage them.

Sandra Mattick noted an Email submitted at one time from the Galati's to the City was neither addressed nor received by the Board with this evening's meeting materials. Ms. Mattick said she would follow up on this for the next meeting, as she had received this correspondence as a forwarded message.

Sandra Mattick referred to Policy 1.2.2 and the striking of the language "protected from the encroachment of incompatible residential activities", and said that she would like to see this language restored. Regarding Policy 1.3.4, she said that she objected to the ratio of the mix in ROR being 100% residential and 70% nonresidential. With reference to Policy 1.3.6, Ms. Mattick requested creation of a special category for motels in

residential areas that would provide conformity to protect motels in the district, and provide property owners with the option to build a residence.

Chair Barford requested a Roll Call vote to determine consensus for restoring language in Policy 1.2.2 to protect Commercial land uses from residential encroachment. Tony Arrant noted that last one in (e.g., residence next to an existing business) needs to provide the effective buffer for the adjacent land use. He indicated that the concern was a legitimate planning issue, but not relevant to this Policy.

**Tony Arrant said the Board had the option of not including the ratio of the mix. He said that the ratio of the mix in land use was a policy decision on the part of the City.**

**Sandra Mattick requested, relative to Policy 1.3.4, that the ratio of the mix be changed to 80% residential. Chair Barford called for an informal, Roll Call vote to determine consensus.**

**Roll Call Straw Vote: Margaret Jenkins – Nay; Vice-Chair Doug Copeland – Nay; Chair Fran Barford – Nay; Sandra Mattick – Aye; Frank Pytel – Nay; Randall Stover - Aye; Jim Conoly – Nay. Five to two. There was no consensus.**

**Chair Fran Barford asked for a Roll Call vote to determine consensus relative to Policy 1.3.6, and Sandra Mattick’s request that a category be created to designate motel properties in residential areas for either motel use or residential use.**

**Roll Call Straw Vote: Margaret Jenkins – Nay; Vice-Chair Doug Copeland – Nay; Chair Fran Barford – Nay; Sandra Mattick – Aye; Frank Pytel – Nay; Randall Stover - Nay; Jim Conoly – Nay. Six to one. There was no consensus.**

City Clerk Alice Baird expressed concern that the Galati’s correspondence referred to by Sandra Mattick was missing and asked Chair Fran Barford how to handle bringing the document before the Board, once it is located. Chair Fran Barford responded that it could be brought for review at an interval later in this meeting or could be noted as an oversight to be addressed at the next public EAR meeting.

At 8:50 p.m., Chair Fran Barford confirmed that this Element would now be passed on to the Commission for their review and discussion.

**Traffic Element**

Chair Fran Barford asked for Public Comment and comments from the Board on this element.

**MOTION: Vice-Chair Doug Copeland moved that the Traffic Element go forward as written, seconded by Margaret Jenkins.**

Chair Barford indicated that she would move on through the remaining elements, and call for a vote on the proposed Plan in its entirety upon completion of the Public Hearing.

**Housing Element**

No comment offered from the public.

Randall Stover asked Tony Arrant for clarification of the proposed methods of dealing with affordable housing. Mr. Arrant confirmed that the City would continue to do all the things it had been doing to support affordable housing, such as public education, support of the trolley, streamlining the permitting process, and providing information to encourage the private sector to work with people to provide housing to meet the needs while continuing to ensure the health, safety and welfare of the residents. He clarified that the City was not obligated to enter the housing business and provide housing to someone who only makes \$30,000 a year.

**Infrastructure Element**

No comment offered from the public or members of the Board.

**Coastal and Conservation Element**

Chair Fran Barford read a letter from the Environmental Enhancement and Education Committee (EEEC) into the record [please see attached]: “The Environmental Enhancement and Education Committee requests that the following proposed policy be incorporated into the Coastal and Conservation Element:

The City shall implement an environmental committee to make recommendations to the City and to disseminate information to the city and to the public in order to help conserve and improve natural resources in the city through application of sound ecological principles.

EEEC members suggest that this policy fits well within the Coastal and Conservation Element, under Goal 1, Objective 1.3. The policy could become Policy 1.3.7.

... The EEEEC proposes that the City ensure that an environmental committee continues to exist and function well into the future. The addition of the proposed policy would serve to achieve this goal. The EEEEC urges the P&Z Board to recommend to the City Commission that the above proposed policy be incorporated into the Coastal and Conservation Element of the Comprehensive Plan.”

Chair Fran Barford asked Tony Arrant if this would not be a policy decision on the part of the Commission and not appropriate for inclusion in the Comprehensive Plan. He responded that this would be a policy decision on the part of the City, since this body was only advisory in nature. Mr. Arrant pointed out that the disadvantage of including such language would be that changing any language in it would be a difficult process if included in the Comprehensive Plan.

City Attorney Jim Dye agreed that there could be a problem with putting the Committee language in the Comprehensive Plan, since the City may, through no fault of its own, be unable to staff such a committee at some point in the future. He recommended rather using wording related to the Commission’s soliciting of citizen input, possibly by the

formation of advisory committees. Randall Stover said he thought this would be outside the scope of the Comprehensive Plan. Chair Fran Barford said the Board felt this was an important issue for the Commission to address. **There was consensus not to recommend putting the proposed EEEEC language into the Comprehensive Plan, and to send the Commission a recommendation that they address this issue as part of a policy decision.**

### **Recreation & Open Space**

Craig P. Colborn, Jr., of the law firm Norton, Hammersley, Lopez and Skokos, P.A., introduced himself as counsel on behalf of *Terry and Pat Oleson*, property owners at 504 South Bay Boulevard, with beach access. He said that his comments were relative to the recreation and open space existing site inventory on Table 3 in the 1989 Comprehensive showing incorrect dimensions for the beach access.

Tony Arrant said this was the old data & analysis from the 1989 Plan, and as such was never adopted and would not be proposed for adoption this evening. Tony Arrant noted this was the wrong forum for presentation of the Oleson's problem. He explained that the data and analysis portions of Elements are not adopted as part of the Comprehensive Plan review process, since this information was constantly changing, and often subject to frequent change.

City Attorney Jim Dye said that data and analysis considerations and the property owners' dispute with the City were outside of the Board's focus function at this evening's meeting. He recommended accepting the documents submitted by and on behalf of the Olesons and moving on. Chair Fran Barford explained to Mr. Colburn that the Board was not prepared to deal with a dispute at this hearing, however any documents he would like to submit for the record would be accepted. [please see attached]

Randall Stover asked if a list of recreational spaces would be forwarded to the Commission. Tony Arrant noted that the City had not generated any new data and analysis since 1989. He said that the EAR would contain acknowledgement of what existed in 1989, and now the area the City has for recreation and open space is depicted on this map.

### **Intergovernmental Coordination**

No comment offered from the public or from members of the Board.

### **Capital Improvements**

*Ted Turner*, of 850 North Shore Drive, expressed the desire to see the Board keep debt service at 10%. Chair Fran Barford provided Frank Pytel, who had been absent, with background relative to the recommendation of the City Auditor and the Board's recommendation to increase the allowable annual debt service percentage to 15% of annual revenues. Vice-Chair Doug Copeland said that since rethinking it, he felt that 15% was excessive.

**Chair Fran Barford asked for a Roll Call vote to determine consensus relative to Vice-Chair Doug Copeland's request that the allowable annual debt service percentage be restored to 10%.**

**Roll Call Straw Vote: Margaret Jenkins – Aye; Vice-Chair Doug Copeland – Aye; Chair Fran Barford – Aye; Sandra Mattick – Nay; Frank Pytel – Aye; Randall Stover - Aye; Jim Conoly – Aye. Six to one. There was no consensus.**

*Chair Fran Barford confirmed that the consensus determination along with this proposed recommendation would be forwarded to the Commission for their discretion.*

Chair Fran Barford asked for further comment from the public, and receiving none, declared the Public Hearing closed. She thanked her fellow Board members for accomplishing a monumental task.

**MOTION: Vice-Chair Doug Copeland moved to recommend the entire revised Comprehensive Plan be moved forward to the Commission as approved, seconded by Randal Stover.**

**Vote: All Ayes. Motion carried unanimously.**

Chair Fran Barford said the next P&Z Meeting was scheduled for July 24<sup>th</sup>, 2006 at 7:00 p.m.

1. b) **Approval of the Planning & Zoning Board EAR Meeting Minutes (7:30 p.m.) dated June 26<sup>th</sup>, 2006**

**MOTION: Margaret Jenkins moved to approve the Planning & Zoning Board EAR Meeting Minutes (7:30 p.m.) dated June 26<sup>th</sup>, 2006, seconded by Frank Pytel.**

**Vote: All Ayes. Motion carried unanimously.**

Chair Fran Barford, on behalf of the Board, thanked Tony Arrant for his invaluable assistance.

#### **PRESS COMMENT**

None offered.

#### **ADJOURNMENT**

**MOTION: Vice-Chair Doug Copeland moved to adjourn the meeting, seconded by Randall Stover.**

**Vote: All Ayes. Motion carried.**

The meeting adjourned at 9:20 p.m.

(continued)

Respectfully submitted:

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Alice Baird, City Clerk

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Date