

**CITY OF ANNA MARIA  
COMMISSION WORK SESSION  
COMPREHENSIVE PLAN  
SEPTEMBER 27, 2006  
10:00 A.M.**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**ROLL CALL:** Mayor SueLynn (10:05 a.m.), Commissioner Christine Tollette, Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Linda Cramer

**Absent with excuse:** Commissioner Duke Miller

**Also present:** Tony Arrant, AICP – Institute of Government, Florida State University (Facilitator & Planning Consultant); City Clerk Alice Baird, Planning & Zoning (P&Z) Board Chair Fran Barford

**Press:** Islander (2:40 p.m.)

**1. COMPREHENSIVE PLAN REVIEW**

**a. Review Intergovernmental Coordination and Capital Improvement Elements**

Chair Quam asked if any of the Commissioners had outstanding issues or questions relative to the elements reviewed at the last meeting, and none came forth.

Tony Arrant stated that the next meeting of the Commission on the Comprehensive Plan was expected to be a formal one, therefore he planned to walk through the elements and answer any questions. Mr. Arrant said that in the weeks following the regular, voting meeting, he would go through the elements and make any changes adopted by the Commission, including those on the Future Land Use Map. He said that this revision would be dated, and would be the version that would be presented at the public hearing.

***Intergovernmental Coordination***

Tony Arrant noted that the EAR would probably indicate that the City did not know what the final revision of the Intergovernmental Coordination Element would look like, because the State still did not know what school concurrency will consist of. Mayor SueLynn reported that the City had received a letter confirming that the City of Anna Maria was exempt from school concurrency requirements. Tony Arrant said that the Department of Community Affairs (DCA) nevertheless wanted the City to address school concurrency, because exemptions are only for a certain period of time. He

indicated that the only thing known at this time is that this issue will need to be addressed before December 2008. The Facilitator indicated that the changes between 1998 and 2002 have, in his opinion, been adequately addressed. He recalled that he had done most of the strikethrough / underline work himself.

Tony Arrant acknowledged that most of the data and analysis was obsolete, and said that what he would be doing with the Commission at today's meeting would be a review of the Goals, Objectives, and Policies.

The Facilitator noted that every city on the Island that he had worked with had dealt with the question of what the intergovernmental coordination entity called the Barrier Island Elected Officials (BIEO) actually was. Mayor SueLynn said that when she was first advised of the existence of a council government body, she had thought it had involved all the municipal mayors of the county meeting with the County government, referring to the Council of Governments. She noted the monthly BIEO meetings only involved Island mayors. Mayor SueLynn observed that these were two intergovernmental organizations. Tony Arrant explained that Florida Statute clearly defines what an intergovernmental coordination entity is, as it pertains to a region. He indicated that the Commission could choose to include a note in the EAR describing the Council of Governments within this county, but cautioned that the DCA is especially sensitive and responsive to such notes.

Continuing with the review, beginning with the element's Goals, Tony Arrant explained that the city is required to coordinate with neighboring governments, maintain concurrency, and establish a regional planning council conflict resolution process for conflicts in the land use and planning arena, according to Florida Statute, Chapter 186.

Relative to *Policy 1.1.1*, Commissioner John Quam said that the name of the intergovernmental entity for the Island needed to be amended to include the word "Barrier", and its description needed to include the City of Longboat Key.

Commissioner Christine Tollette confirmed that it was not necessary to include the Council of Governments. **Tony Arrant stated that he would use the term 'BIEO and/or Council of Governments' in Policy 1.1.4 instead of 'Island Elected Officials Group', and there was consensus for this.**

Tony Arrant noted that there were several redundant policies in the element. He explained that for every change in the EAR, the City must provide a reason to the DCA. Mr. Arrant said he would take the reasons out of the draft and re-write them.

The Facilitator confirmed with Mayor SueLynn that the City had yet to receive information from the County as to annual population projections. He recommended that the City administration make a note to ask the County government for the latest county-wide population projections.

Relative to *Policy 1.1.5*, and *Policy 1.1.9*, Tony Arrant explained that the City had to use, at a minimum, the Tampa Bay Regional Planning Council's (TBRPC) conflict resolution process.

Continuing to *Policy 1.1.7*, Mr. Arrant said he would make a note to himself to obtain a copy of the letter the City had received relative to school concurrency and update the policy accordingly. He noted that the City should also have an interlocal agreement with the county school board. Tony Arrant explained that according to Statute, all cities and counties must appoint a representative from the school board to serve as a non-voting member of their local planning agency, which in Anna Maria's case, would be the P&Z Board. He indicated that, since this had never been put into effect in this city, he believed that the administration had probably at some point received a letter exempting the City from this.

Relative to *Policy 1.1.10*, Mayor SueLynn said she had the document entitled 'Island-Wide Post-Disaster Redevelopment Plan for Anna Maria Island – May 1999', and indicated that she was not sure that this was relevant or up-to-date. Tony Arrant suggested sending the language as it stands to the DCA, and allowing them to inform the City as to whether or not there is anything more current.

During discussion and review of *Policy 1.2.1*, Commissioner Christine Tollette asked if additional emergency planning was required relative to earthquakes. Mr. Arrant responded that this was not necessary, since scientific studies of the geology in the Gulf of Mexico had indicated that the Island would never experience a tsunami as a result of an earthquake. Mayor SueLynn said that City staff is regularly sent to emergency workshops to deal with all kinds of possible disasters.

Commissioner Tollette noted that the City had no evacuation signs, which could be important to inform visitors. **There was consensus among the Commissioners to have more evacuation signs put up inside City limits.**

Commissioner Linda Cramer noted, relative to *Policy 1.2.3*, that for consistency, the word 'Barrier' needed to be included in the term "Island Elected Officials".

Relative to **Policy 1.2.4**, Tony Arrant recommended adding language indicating that the City would *continue to maintain* formal allocation agreements.

The Mayor asked the City Clerk to make a note for the newly elected mayor to review with the County all interlocal agreements it had with the City.

During discussion of **Objective 1.3**, and dredge spoil sites, Commissioner Dale Woodland noted that in addition to the Galati site, the City had another site, just north of the Lake LaVista channel, allowed through a permit from the Department of Environmental Protection (DEP). *Tony Arrant said that he would need either an aerial photograph or map showing the site, so that it could be placed and labeled on the Future Land Use Map.*

### ***Capital Improvements***

**Commissioner Woodland recommended that, rather than continuing to review each goal, objective, or policy in detail, the Commissioners instead bring forward any notes or questions they may have as each section is called out, and there was consensus for using this approach.**

Relative to **Objective 1.4**, Tony Arrant recalled that according to the last letter received from the City Auditor, *the Commission had decided to have him change the level below which the total debt service for the City must not drop. He recommended reviewing this and making this policy change at the next voting meeting on the EAR.*

#### **b. Review Future Land Use Element**

**There was consensus to review the Goals, Objectives and Policies page-by-page.**

Tony Arrant stated **GOAL 1** as being that the City would ensure that the single-family residential character of the city will be maintained and protected. Commissioner Dale Woodland noted that this goal has often been used by parties interested in acting against the business community and in particular the Commercial land use district. He said that he felt the Commercial district had an equal need to be maintained and protected. Commissioner John Quam agreed, indicating that the ROR and Commercial districts are as important to the City's character as the Residential district. Tony Arrant noted that the words "maximizing the potential for economic benefit" did in some way acknowledge and protect those districts.

P&Z Board Chair Fran Barford acknowledged that this subject had been discussed at length, concluding with the decision to leave the 'economic benefit' language out, as recommended by the Ad-Hoc Committee.

Mayor SueLynn noted that the ROR and Commercial districts are already in jeopardy, and recommended restoring the language.

Commissioner John Quam noted that in the 1970's, the City's elected officials had planned for the city to be a single-family residential community along with commercial activity. He noted that with the rise in property values, the Commissioners needed again to be looking at what the city would be like in twenty to thirty years, rather than the current fact that a specific property would be worth more dollars today if it were designated for residential land use. Tony Arrant agreed, indicating that what needed to be addressed was what the city would look like, and how it would function in the future.

Commissioner Linda Cramer indicated that she supported removing the 'economic benefit' language out, but felt at the same time, the Goal should include some language to the effect that the city's commercial activity is a necessary complement to the residential character of the community.

Mayor SueLynn observed that the trend, for people with ROR property, was to opt for residential development, because the monetary value of such property is greater. She said that if the 'potential for economic benefit' language were removed, there would no longer be anything at all in the Comprehensive Plan that would support business in this community. The Mayor said that commercial activity is important to the City's character and the convenience of its residents.

Commissioner Quam said that he interpreted the 'potential for economic benefit' referred to that of the residential property owners, not the City.

Commissioner Dale Woodland agreed that this was not clear. He said many people believed that the City could either have one or the other – a single-family residential community, or a business community. The Commissioner expressed the opinion that the City could have both, and to clarify this, he would like to see language to the effect that the City wanted to ensure the preservation of the single-family character, and also ensure the preservation of the business community and its character.

Commissioner Christine Tollette suggested language that said the City wished to 'foster' the business community to help maximize the potential for economic benefit.

**After continued discussion, there was consensus to include the language: 'while supporting Commercial uses in the Commercial and ROR land use categories, while maximizing the enjoyment...'**

Tony Arrant said he would save this language for the Commission to further discuss and vote on at its upcoming Special Meeting.

Mr. Arrant continued by discussing the interpretation of **Objective 1.1**, and noted that he would be providing the City with a matrix showing how changes in Statute affected the Comprehensive Plan. He said that **Policy 1.1.2** simply restated the Statute, and noted that the City's land development regulations (LDR's) needed to address every one of those statements.

Commissioner Dale Woodland asked if addressing the compatibility of adjacent land uses and providing for adequate and appropriate buffering was one of the things the Commission had said it was going to highlight to ensure that the LDR's in fact reflected the Plan. He recommended putting this and other LDR-related items on the Commission's new business list. *Mayor SueLynn indicated that these would be something to put on the 'to do' list for the new mayor and the Commission to address.*

Tony Arrant explained that **Policy 1.2.1** said that the current and future zoning districts in the city must be consistent with its Future Land Use Map. He explained the difference between the zoning map and the Future Land Use Map for the Commission. Mr. Arrant told the Commissioners they only had planning responsibility under Chapter 163 F.S., and Chapter 9-J5 F.A.C. to designate use on the Future Land Use Map. He noted that there were thirteen possible land use categories. The Facilitator said the Commission was also responsible for setting the density and intensity of use. He noted that under Chapter 166 F.S., the City had the power to enforce subdivision regulations and zoning, and indicated that Chapter 163 F.S. superseded Chapter 166 F.S. Mr. Arrant said that the City's zoning code and zoning districts have to be consistent with the Future Land Use Map and what has been adopted under Chapter 163 F.S.

Tony Arrant explained that within any land use category, a city could have as many zoning districts as it desired, e.g., R-1, R-2, R-3, and RM. He noted that the zoning code has provisions that designate the maximum allowable development levels. Mr. Arrant said that the key is that the Comprehensive Plan states that six units to the acre is the maximum density, therefore the City could never have a zoning district that allows more than six units to the acre. The Facilitator said that in Chapter 163 F.S. there is a clause that says once a Comprehensive Plan is adopted, it has legal status over zoning, and that in the event there is a conflict, the Comp Plan land use provisions always prevail. It further states that a local government shall not issue a development order that is inconsistent with its Comprehensive Plan.

The Mayor observed that the confusion between the terms 'district' [zoning] and 'category' [land use] stems from the fact that the zoning map was never

developed with that distinction in mind. Tony Arrant said that this was the reason, at Mayor SueLynn's request, that once the Comprehensive Plan revision is adopted, he and the Commission would be reviewing the zoning map and adopting a new one that is in fact consistent with the adopted Future Land Use Map. He noted that there are no allowable variances to the Comprehensive Plan, and therefore, when the local planning agency is considering any type of application, it must first determine whether or not it is consistent with the Comprehensive Plan. Tony Arrant pointed out that the Statute allows 'no action' inconsistent with the Plan, and that a public hearing is considered an action. He recommended, therefore, that at the initial stages of evaluating a development application, the reviewer should first determine whether it would be consistent with the Comp Plan, and if it is not, the application should be denied before it even goes before the local planning agency. Mr. Arrant said the applicant's only option after that is to petition the City for an amendment to the Comprehensive Plan.

Commissioner Dale Woodland asked for further explanation of the grandfathering language that had been developed for this revision of the Comp Plan, particularly as it applied to the city's motels. Tony Arrant explained that under home rule, motels in the residential district could be allowed (since it is not disallowed by Statute), if sufficient data and analysis is provided to show that people's property rights are protected and that the integrity of the single-family residential community is being maintained. The Facilitator gave the example of a motel that existed in the residential district before the adoption of Chapter 163 F.S. He said that the Comprehensive Plan recognizes non-conforming land uses, at the same time noting that there is a Florida Statute that says a city's Comprehensive Plan must contain an objective and a policy that eliminates non-conforming uses. Mr. Arrant said that in the absence of a grandfathering clause, the Statute requires the city's Comprehensive Plan to state that within five years, it would force the motel to be developed for single-family residential use. He indicated that the grandfathering clause protects the motel because it was there and functioned as a motel before the current Statute was adopted, and since it has been in continuous use in that function, it can continue to do so, as long as: 1) the use is not destroyed; or 2) the use has not been voluntarily abandoned for one year. Tony Arrant noted that the City was going a step further with its grandfathering language to allow a property owner to rebuild to the existing footprint for a non-conforming use if the structure is destroyed by natural causes, including fire, as long as all the other requirements of the Comprehensive Plan are met. He noted that the larger problem for the motel is to meet the parking and drainage requirements. Mr. Arrant pointed out that the State would object if the policy said the non-conforming use could be rebuilt to a larger footprint. He said that the only policies that he had received as approved were ones where he had put a limit on the larger footprint, no more than 10%, and where the rationale was something like parking.

Mayor SueLynn noted an issue that had already come before the City, where previous Commissions had allowed two residences to be built in the residential district. She said that to her knowledge, they had not gone through the proper processes in granting building permission. The Mayor predicted, if Statute says the City must take measures to eliminate as many non-conforming uses as possible, that the Commission would be faced with taking this into account when considering the non-conforming use issue.

Tony Arrant stated that **Objective 1.2** in the Future Land Use Element deals specifically with residential development. He said that one of the issues that he mentioned to the local planning agency (LPA) [P&Z Board] is that the Comprehensive Plan uses terms that are not defined, and recommended reading this as the objective of the City is the integrity and quality of life be maintained in existing areas designated for residential land use. Mr. Arrant noted that ‘residential neighborhood’ is not defined anywhere, but the term is used in Statute. The Facilitator said that the requirement of this objective is that cities have an objective that protects residential neighborhoods. He stated that the requirement for protection is met by maintaining the quality and integrity of the residential land use category. Tony Arrant said that he wanted the Commissioners to know what they mean by this policy before they are asked to define it on the spot. Mayor SueLynn expressed concern that future administrations will interpret the term in the same way.

Tony Arrant said that **Policy 1.2.1** stated the Statute requirement for land development regulations to be consistent with the land use categories on the Future Land Use Map. He noted that the implementation or action step denoting how the integrity and quality of residential areas will be maintained is that the medium density residential land use category has been eliminated to create one overall category for residential land use.

*Mayor SueLynn said that she had made margin notes on this policy that funds will need to be budgeted to review existing development processes and building requirements to create a list of actions. She indicated that this would be an item on the to-do list for the future administration and Commission. Tony Arrant observed that the language in red stated that this must be done within one year of adoption of the EAR amendments to the Comprehensive Plan, which would be approximately one year from the current date. Mayor SueLynn acknowledged that this was a major undertaking.*

Mayor SueLynn asked if the Commission needed to discuss the implications of 6.0 residential units density per gross acre. She noted that there was currently controversy regarding the splitting and combining of lots, and what can and cannot be built on certain lots in the city. Tony Arrant explained that what the Comprehensive Plan says is that people can only

build on a lot with a minimum of 7,500 sq. ft. in area, but all of the existing 5,000 sq. ft. lots are grandfathered in. He said that 8.7 units per gross acre would allow people to continue to split lots and create lots with an area of 5,000 sq. ft. Mr. Arrant said that to him, the issue would be what happens to someone who has bought a lot that is 4,999 sq. ft., noting that it would need to be left vacant. He reminded the Commissioners that there is no such thing as a variance to the Comprehensive Plan. Tony Arrant pointed out that a non-conforming use is not a non-conforming lot, and that leaving the 4,999 sq. ft. lot vacant would bring it into conformity. He noted that someone could have a legal non-conforming structure, but would not be allowed to have a non-conforming use, unless it is grandfathered in, and no one can create a non-conforming lot.

Mayor SueLynn and Commissioner Dale Woodland recommended leaving **Policy 1.2.1** as it is. Tony Arrant indicated that the Commission may want to leave this policy alone, but change the grandfathering policy to grandfather in the existing non-conforming lots. He said there would only be a problem with creating future non-conforming lots.

**At noon, there was consensus to take a forty-minute break.**

Tony Arrant confirmed that the Commission had finished discussing **Policy 1.2.1** before it broke for lunch. Continuing with **Policy 1.2.2**, he indicated that this dealt with restricting non-residential development in the Commercial and ROR land use districts.

Tony Arrant explained that **Policy 1.2.3** says that all structures in the Residential Land Use category are limited to two habitable, residential, heated and cooled floors elevated above ground floor.

Referring to **Policy 1.2.4**, Tony Arrant said there basically no changes, except that the phrase ‘to be adopted’ was stricken, since this had already been accomplished. *Mr. Arrant reminded the Commission that it should ascertain, when reviewing the land development regulations, that there is something in the City’s zoning codes that says that a commercial zone cannot be put on a residential road.*

Continuing with **Policy 1.2.5**, Mr. Arrant reiterated the requirement that land development regulations must be consistent with the Plan. He indicated that this was the policy that prohibited the creation of lots under 7,500 sq. ft. in area, because the density is 6.0 units per gross acre.

The Facilitator observed that **Objective 1.3** deals with commercial development. He said that once again, preference is given to the maintenance of the single-family residential character of the community.

Tony Arrant said that at this point, the policies become more specific, from the Committee's standpoint, as well as that of the LPA. He noted that in general, it was the position of the Ad-Hoc Advisory Committee was that all structures should be limited to two habitable floors throughout the city. Mr. Arrant said that the LPA had made some significant changes to the policy that allowed for different orientations in the ROR district, and noted that this policy was one that some Commissioners had wanted to revisit.

Relative to **Policy 1.3.1**, Tony Arrant said that the stage was being set for commercial structures in the ROR. He noted that this is where the Commission had said that the first floor, whether it is ground level or elevated, is the only floor on which commercial use is allowed in the ROR district. Mayor SueLynn confirmed that this meant that the City would not allow two-story restaurants in this district.

In addressing **Policy 1.3.2**, Mr. Arrant said that it repeated the objective.

Moving on to **Policy 1.3.3**, Tony Arrant clarified that it essentially said that the responsibility for separation and buffering between commercial and residential uses lies with the non-residential developer. He said that what this implied was that in the land development code, the City has a more restrictive buffering requirement for commercial developments located next to residential development.

Commissioner Christine Tollette asked if there could come a time when the residential land use in the ROR outweighs the office / retail use, and commercial use begins to be a nuisance to residential property owners. She asked if there was some way to keep residential land use from overpowering commercial use in the ROR district. Commissioner Woodland pointed out that this appeared to be addressed in **Policy 1.3.4**. Tony Arrant reported that the position of the Ad-Hoc Committee had been to strongly promote single-family land use throughout the City. He said the City needed to have a density and an intensity standard for all single purpose land use categories, as well as the mixed use category. Mr. Arrant emphasized that a ratio of the mix for the mixed-use (ROR) category still needed to be established by the City, because this is required by Statute.

Commissioner John Quam suggested making the ratio of the mix 50 / 50. Tony Arrant explained that this means that if there were 100 blocks on Pine Avenue, and only 49 of them were residential, only one more could be designated for residential development. Mr. Arrant said that in order to achieve the result it desires, the Commission should probably consider new numbers, and state that in order to have a healthy mix, the ratio should be 50 / 50.

Mayor SueLynn indicated that this ratio caused her concern, because all retail and office uses in ROR could disappear, and the district could end up with just residences. She said that she supported the residential nature of the community except when it came to ROR and Commercial. The Mayor noted that when one use is surrounded by other uses, they need to be compatible and buffered.

Tony Arrant noted that a member of the LPA had suggested policy ratio numbers that were more encouraging of commercial land use, and also recommended writing a policy that would say that the City must have Commercial land use.

The Mayor said that the current definition of ROR allowed single-family residences to be built in that district. She said she would like to see this Commission discuss a new definition for ‘residence’ in the ROR district that would only allow a single-family residence to be built on the second floor above an office or retail establishment on the ground floor. The Mayor said that this would eliminate the problem of only single-family residences being built in the ROR district.

Tony Arrant explained for Commissioner Quam that he had made the ratio of the mix overlap and total over 100 percent because if, for example, there are 10 vacant lots and there are 90 developed lots, 45 of them must be commercial and 45 of them must be residential. That would mean that the next five people could choose either residential or commercial land use, but after that, a tally would need to be kept.

P&Z Board Chair Fran Barford informed the Commission that this policy had been extremely controversial, and that no change had been made to the Ad-Hoc Committee’s recommendation because none could be agreed upon.

Tony Arrant said that usually, the ratio of the mix is 60 / 40 and it is stated that no individual use can exceed 60 percent. He said that the typical ROR district is in an older, downtown area that is gentrified. He said many of the older homes become doctors, and lawyers’ offices. Mr. Arrant said that such a change in use affects parking and traffic, and can transform a 24-hour community into one with residences and daytime businesses.

Tony Arrant said, from the planner’s point of view, he would turn the policy question of the ratio of the mix back to the legislators. He noted that if the Mayor’s suggestion for only allowing a single-family residence to be built in the ROR district on the second floor above an office or retail establishment on the ground floor, the ratio of the mix would need to be defined. Mr. Arrant asked if that would be counted against the 100 percent commercial use, or against the 70 percent residential use. He said, in such a case, a structure that has commercial use on the bottom is either considered

residential or commercial, based on certain criteria. Tony Arrant said that a third ratio could be developed – one for strictly residential structures, one for strictly commercial structures, and a third percentage for mixed structures.

Mayor SueLynn confirmed that the Commissioners had received her memo relative to ***Policy 1.3.5***. Commissioner Dale Woodland recalled that there had been a problem with interpretation of the intent of this policy that led to a lawsuit regarding the Hunt property. He recommended changing the wording of the language “three usable floors with only one residential unit, and *may only* be one of the following”. **After discussion, there was consensus to consider changing the language to ‘shall only’ at the Special Meeting.**

Mayor SueLynn referred to her memo, dated August 15<sup>th</sup>, 2006, and her proposal to remove the fifth and sixth items on the list, and change the paragraph to read: “within the ROR land use category, commercial and/or office uses shall be limited to the first floor. The first floor commercial and/or office may be at ground level or elevated. No residential structures are permitted in the ROR land use category without a first floor commercial and/or office use.”

Commissioner Woodland said he would prefer going back to ***Policy 1.3.4*** and reversing the categories. Tony Arrant indicated that the DCA would probably not approve of this because of the 100 percent. He noted that as of today, the existing ratio of the mix appeared to be 60 – 70 percent residential, 10 percent public / semi-public, and 20 percent commercial. *Mr. Arrant pointed out that on the day this Plan is adopted, the City would need to have a complete, new lot-by-lot inventory, and lock those numbers in. He noted that this needed to be added to the ‘to do’ list.*

Mayor SueLynn suggested a ratio of 40 percent residential and 60 percent commercial, and confirmed that the strictly residential structures already in the ROR were grandfathered. Tony Arrant indicated that to ensure this, the Commission would need now to go back to the policy on grandfathering, and make sure that ‘ratio of the mix’ is now added to ‘density and intensity of uses’. The Mayor confirmed with Mr. Arrant that her suggestion would have the impact of preventing the construction of more single-family structures in ROR than there are today, and that future structures would need to be ground floor commercial use with residential use on the floor above it. Tony Arrant added that it also allowed for an elevated, two-story structure with the first elevated story having commercial use.

Mayor SueLynn said she believed that everyone had as a goal the preservation of the single-family nature of the community. At the same time, she indicated, if the existing commercial development in this

community was to be supported, the City needed to do this immediately, since insurance and other factors had already created an adverse climate.

Commissioner Christine Tollette agreed, saying that the City's basic tenet, as it related to businesses, needed to be identified. She recalled that the Commission had voiced support for commercial use on Pine Avenue. The Commissioner stated that this was the main factor to look at when considering *restricting* what would be allowed for property use on Pine, to make sure that it *enhanced* the City's commitment for the future of mixed use on Pine Avenue.

Commissioner Tollette confirmed that the currently, the ratio stood at 70 percent residential. Tony Arrant confirmed that this what actual use stood at today. Mr. Arrant said the most simple approach would be to say that there would no longer be a mixed use in this district, and to designate it for retail and office use only, with existing single-family residences grandfathered in. He pointed out that this would eliminate a need for a ratio of the mix.

Commissioner Dale Woodland suggested putting two options on the table, including Mayor SueLynn's. Discussion followed. Commissioner Quam asked how Code Enforcement could enforce how the first floor is being used, when the residential floor is occupied, but the lower floor is vacant. Commissioner Cramer indicated the possibilities for elevated structures needed to be carefully considered.

***After continued discussion Commissioner Christine Tollette volunteered to walk Pine Avenue before the Special Meeting on Tuesday, October 3<sup>rd</sup>, 2006 and identify the number of single-family residences, vacant lots, and other uses.***

Continuing with the review, Tony Arrant referenced ***Policy 1.3.6*** and indicated that residential uses would not be allowed there, and there would be a 10 percent requirement for a landscaped area. He also indicated that the height of new development in the area would be limited to 27 ft.

Mayor SueLynn said that she was concerned about drainage and allowing 90 percent lot coverage. Mr. Arrant acknowledged that the 90 percent included parking and drainage. Commissioner John Quam pointed out that the land development regulations could be more restrictive, and the Commissioners moved on with their review of the goals, objectives, and policies.

Tony Arrant indicated that he had re-written ***Policies 1.3.8 and 1.3.9***. Commissioner Tollette referred to Commissioner Duke Miller's memo of August, where it read "...and providing adequate active and passive

recreational areas for the residents of the city and *citizens from surrounding areas...*” She asked, as Commissioner Miller did, if it was the City’s responsibility to provide recreation facilities for citizens of surrounding areas. Tony Arrant responded affirmatively – adding this was only for those coming into the area. He said that the City had established level of service standards (LOS) in the Plan for all existing and future residents, including seasonal residents. He indicated that a day-tripper was also considered a seasonal resident.

Tony Arrant explained for Mayor SueLynn, relative to **Policy 1.3.8**, that the city did not have urban sprawl, therefore it did not need to do anything to limit or eliminate it. ***At the Mayor’s suggestion, there was consensus to add the word ‘historically’ before “not allowed”.***

Mr. Arrant drew the Commissioners’ attention to **Objective 1.4**, dealing with non-conforming uses and the grandfathering clauses. He emphasized that the language dealt with non-conforming *structures*, as opposed to non-conforming *lots*. He indicated that the language said that non-conforming uses, including non-conforming structures that existed prior to the adopting of the Plan, that are destroyed by natural causes, may be re-built to their pre-disaster status and footprint, as long as the re-development meets all other existing requirements of the Plan and Code.

Tony Arrant pointed out that if the Commissioners wanted to grandfather in the ROR percentages, it would need to put in language exempting them from the density and intensity standard, the use, and the ratio of the mix.

**Mr. Arrant said the language that needed to be considered at the Special Meeting for Policy 1.3.4** would be: ***‘may be re-built to their pre-disaster status, (including density and/or intensity, use, and regardless of the ratio of the allowed mix) so long as the re-development is consistent with all other requirements of the Plan and Code.’***

Commissioner Christine Tollette volunteered to check with the Manatee County Property Appraiser’s Office to determine how many vacant / un-improved lots there were in the city that measured less than 5,000 sq. ft. in area.

Referring to **Objective 1.5**, relative to conservation land use, Tony Arrant continued the review through the related policies.

Tony Arrant indicated, relative to **Objective 1.6**, that the drainage level of service standard needed to be adopted. **[tape Side 3 ended]**

Mayor SueLynn noted, relative to **Policy 1.6.2**, that the City's Code needed to be improved. Tony Arrant indicated that every development application that came in to the City needed to be **[not on tape ..Put on to do list]**

Referring to Commissioner Duke Miller's memo, regarding public bathrooms at the beach, Tony Arrant said that **[not on tape]** exempt from the permitting process.

Relative to **Objective 1.9**, Tony Arrant noted that there was an LOS for Recreation and Open Space. He confirmed to Mayor SueLynn that **Policy 1.9.3** had been removed by the LPA because it had never been done. The Mayor noted that, while it had never been done, this did not preclude the City from wanting to do it. **There was consensus to put Policy 1.9.3 on the list of items to be considered by the Commission at its October 3<sup>rd</sup>, 2006 Special Meeting.** Commissioner John Quam confirmed that the requirement stated in the Policy was already in the City's Code of Ordinances. Tony Arrant suggested assigning this requirement for all new development.

Moving on to **Objective 1.10**, Tony Arrant indicated to Commissioner Tollette that he had recommended the removal of **Objective 1.11**, and **Policies 1.11.1** and **1.11.2**, because they were redundant, in that the section repeated what had been written in a previous section. Tony Arrant drew the Commissioners' attention to how the language in blue had been rearranged so that information that was related could all be found in one place in the Plan.

The Facilitator indicated that **GOAL 3** dealt with dealt with emergency management and coastal high hazard issues, and remained basically unchanged. Relative to **GOAL 4**, Tony Arrant noted that this goal, objectives, and policies had been removed, because this goal had already been accomplished since 1989. He said that the last section basically repeated what was on the Future Land Use Map, including the density and intensity standards are for the categories.

Tony Arrant listed the following for review at the Special Meeting:

- Redundancy of **GOAL 4**
- The re-write of **Policy 1.3.4**, and consideration of the options
- The re-write of **Policy 1.3.5** and consideration of the options
- **Policy 1.4.1**
- Restoring **Policy 1.9.3**
- The Future Land Use Map

Commissioner Dale Woodland said he would like to discuss, on the Future Land Use Map, the commercial property across from Bayview Place. He noted that the new owners had proposed that this be changed to the ROR

land use category. The Commissioner said that he could not think of a better place for commercial use, and that if this use is given up, the City would probably never get it back.

Commissioner Woodland noted that there had been discussion surrounding the elimination of the medium density residential land use category, and said that in his opinion, allowing medium density residential use would not solve the City's affordable housing problem. Mayor SueLynn noted that if people would be allowed to rent the residences above the commercial floors in the ROR district, there could be some potential for affordable housing.

The Commissioners examined the Draft Future Land Use Map dated May 4<sup>th</sup>, 2006.

Mayor SueLynn noted that the blocks on Pine Avenue closest to Gulf had been changed to ROR use on both sides of the street. Commissioner John Quam questioned having the lot where the gallery currently exists across from City Hall changed to commercial use. Discussion followed, with Mr. Arrant pointing out that leaving the lot in question with ROR use, depending on the ratio of the mix, could result in it going to residential use. He said that if it is changed to commercial use, it would always be required to be commercial. Commissioner Woodland said that he did not think the resident just north of the lot would like this to be commercial. He said that he would prefer to see commercial land use surrounded and buffered with ROR or mixed use. The Commissioner said he did not think that the lot on the north side at the end of Pine Avenue should be changed to ROR, but rather should be designated for residential use. He noted that the road itself provided some measure of buffering between uses.

*Mayor SueLynn said for the record, relative to the lot being discussed, identified as Lot #10101, that she had made no comment in its discussion, due to her current involvement with that property.*

Commissioner Dale Woodland said that he viewed the difference between a rental property and an ROR property as being very significant.

Tony Arrant added to the items to be considered at the Special Meeting on October 3<sup>rd</sup>:

- Land use category for Lots #10101 and the five lots west of it

Commissioner Linda Cramer said, for the record, that she had understood that most of the current property owners had requested the lots east of Gulf Drive, from the Old IGA property down to the Tip of the Island property to be designated for commercial land use.

Tony Arrant indicated, as he had explained in a previous meeting, that these lots could remain in the ROR land use category, and retain the C-1 zoning, so that, according to the City's land development code, they could be developed as commercial properties. He noted that this was a way to achieve maximum flexibility in the Comprehensive Plan, because if the areas are changed to Commercial on the Future Land Use Map, the only type of development allowed would be commercial.

Commissioner Linda Cramer confirmed that Public Comment would be heard at the Special Meeting on October 3<sup>rd</sup>, so that the affected property owners could have their say. Tony Arrant reminded those present that the Special Meeting would not be considered to be a Public Hearing on the Comprehensive Plan EAR.

Commissioner Cramer said that she had issues, relative to her property and the Future Land Use Map and the official zoning map of the City of Anna Maria. She noted that she had submitted information to the Commission that the property had been traditionally zoned commercial since the late 1950's or early 1960's. The Commissioner stated that due to errors by the Tampa Bay Regional Planning Council's (TBRPC) scrivener, some lots had been inadvertently changed from commercial to residential, or from residential to commercial. Commissioner Cramer noted that Ordinance 523 and the 1992 Future Land Use Map stated areas, as opposed to lots. She maintained that her property had been included in Area 3 referred to in the future land use amendment sent to the DCA, as well as in Ordinance 523. The Commissioner requested, for the record, that she had requested the commercial land use designation for the lots west of Gulf Drive. She said that she would check with City Attorney Jim Dye relative to the possibility of her needing to refrain from the vote affecting her property.

### **Public Comment**

Robin Wall noted that so far, 23 people had sent letters in to the City requesting that Lots 1 and 2, Block 31 not be designated for a change in land use, and had requested the residential land use designation.

Joanne Mattick indicated that she had thought that eliminating the medium density residential future land use category would make existing lots with this use non-conforming.

Tom Turner recommended that the P&Z Board re-consider the setbacks for three story setbacks as compared to two story setbacks, and make necessary adjustments.

Joanne Mattick said that it had been brought to her attention, relative to the new houses on Pine Avenue, that they only needed to have a 20 ft. setback because they were single-family residences. She said that she believed that allowing commercial use one setback in ROR, and residential use another, was an inconsistency that the Commission ought to address. Commissioner Quam confirmed that this was an LDR issue.

Commissioner Linda Cramer indicated that Sarah Thompson, the neighbor directly behind her lot, at 116 Palmetto Avenue, had indicated to her that she had no problem with commercial land use for the Commissioner's property, and in fact had always thought that it had been zoned commercial.

### **ADJOURNMENT**

**MOTION: Commissioner Quam moved to adjourn the meeting, seconded by Commissioner Cramer.**

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

The meeting adjourned at 3:05 p.m.