

**CITY OF ANNA MARIA
SPECIAL CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, OCTOBER 18, 2007
5:00 P.M.**

CALL TO ORDER

Chair Quam called the Special City Commission Meeting to order at 5:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Duke Miller.

Staff present: City Clerk Alice Baird, City Attorney Jim Dye, Consultant Tony Arrant, Building Official Steve Gilbert, Court Reporter, and Minutes Clerk Stacey Johnston.

PRESS: Sun and Islander.

1. First Reading Ordinance 07-682 – Adopting a Comprehensive Plan Amendment, as Required by Chapter 163, Florida Statutes.

City Clerk Baird read the Ordinance by title.

Chair Quam announced the meeting was a non-voting meeting and was scheduled to accept public and written comments relating to the proposed Comprehensive Plan Amendment.

Chair Quam officially opened the meeting for the purpose of hearing public and written comments.

Public Comment

- a. **Kit Welch**, 216 Archer Way, informed he owned a duplex and asked if it would become a non-conforming structure once the Comprehensive Plan Amendment was adopted.

Consultant Tony Arrant explained that all existing uses would be safeguarded at the time of adoption and that his property would only be affected if the structure were completely torn down. Only at that point would he be required to comply with the new plan.

- b. **Jim Conoly**, N. Shore Dr., asked if there was a specific prohibition in the new plan prohibiting the building of condos and motels.

City Attorney Dye explained the difference between the Future Land Use Element (FLUE), Future Land Use Map (FLUM), and the Zoning Regulations. He informed that the Comp Plan would change the prohibition on hotels or motels not being allowed in the City except as grandfathered uses. However, it would not affect condominiums – that they are a form of ownership not a form of land use and it is illegal to outlaw condominiums.

- c. **Lobeck & Hanson Attorney**, representing Mr. and Mrs. Nally of 110 Spring, addressed the Commission. He informed their firm did not represent Mr. and Mrs. White. He made reference to the September 10, 2007 letter from Jan Norsoph, Vice President, Community Planning & Urban Design, addressed to Ray Eubanks, Department of Community Affairs that supports his argument as to why the C-1 designation is not good for the area and that ROR should be. He did not feel that the City's designation of a commercial land use for the Nally's property was consistent with the intent of the Comprehensive Plan. Review of the Future Land Use Element Goals and intent of the Comprehensive Plan followed.

It was suggested by the Nally's Attorney to redo the ROR in order to enable the Nally's and White's conforming use of their property along with allowing the existing commercial to continue operating all commercial opportunities that were also allowed in C-1. He stated that ROR would allow the Nally's and White's to rebuild or remodel their home in the event of a hurricane, etc. He said it would also create a transition along Gulf Dr., along with creating a buffer along the side partials where the zoning is residential.

- d. **Michele Romeo**, 1502 30 St. W. Bradenton, appeared on behalf of her mother Dorothy Perricone, owner of 117 and 115 Palmetto Ave. Ms. Romeo read a letter on her mother's behalf in support of maintaining the FLUE for designations of Lots 1 & 2, Block 31 as residential. She thanked the Planning Commission for recommending this designation to the City Commission. (Letter is attached and made part of the official record)
- e. **Robin Wall**, 112 Palmetto Ave., read a letter from she and her husband Peter Wall (attached and made part of the official record) in support of maintaining 9702 Gulf Dr., 116 and 118 Palmetto Ave., as residential in the Land Use category.
- f. **Liane Bennati**, 114 Palmetto, read a letter (attached and made part of the official record along with letters from Sam Casello) in support of maintaining 9702 Gulf Dr., 116 and 118 Palmetto Ave., as residential in the Land Use category.
- g. **Tom Peters**, 512 Magnolia, voiced his concern relating to how changes would be made to the Comprehensive Plan after its approval. He suggested that not knowing whom the future Commissioner's would be that the current City Commission approves allowing the public to vote on any future land use changes.
- h. **John Adams**, Holmes Beach, read into the record a letter from Ray Sanchez dated January 2, 1992 (attached and made part of the official record) relating to the scrivener's error of the Cramer property.

Mr. Adams then read a letter he had written (attached and made part of the official record) asking why the error made by the City of Anna Maria 15 years ago, zoning one lot differently from surrounding lots, was being perpetuated by doing it again in the future land use map.

Mr. Adams then stated that if neighbors did not like what a neighbor has done to her property within the law, their remedy is not to petition for unequal and discriminatory rezoning of her property, it is to petition to change the law.

- i. **Linda Cramer**, 9702 Gulf Dr., read a request for review of the City of Anna Maria Comprehensive Plan EAR Amendments into the record on behalf of herself and Dennis & Leslie Matkosky, 118 Palmetto Ave. Ms. Cramer felt they should receive equal treatment to that of the surrounding properties located west of Gulf Dr., Magnolia St. to Palmetto Ave., both on the Future Land Use Map and in the zoning of their property. (Letter and exhibits attached and made part of the official record).
- j. **Michael Coleman**, 311 Pine Ave., spoke in regard to the envisioned Pine Ave. project. He stated it is his hope that the project is consistent with the goals and policies to maintain the cottage character and village look.

Mr. Coleman asked the Commission for assistance in regard to the six parcels at the corner of Pine Ave. and N. Bay Blvd. He asked that the zoning be changed from Commercial to ROR to provide a consistent project falling under one zoning district. Explanation followed.

Written Comment

Chair Quam read the following letters, all in support of maintaining the properties at 9702 Gulf Dr., 116 and 118 Palmetto Ave., in the Residential Future Land Use category and Future Land Use Map.

(Letters attached and made part of the official record)

- **Richard & Shirley Matinez**, 111 Palm Ave.
- **Steven and Mary Stanley**, 105 Palmetto Ave.
- **Marsha Brown**, 206 Palmetto Ave.
- **John and Barbara Kimberly**, 109 Palmetto Ave.
- **Patrick Mullins**, 111 Palmetto Ave.

Hearing no further public or written comments, Chair Quam closed the Public Comment portion of the meeting.

2. Comments from Tony Arrant.

Consultant Arrant referenced the DCA's Objections, Recommendations, and Comments (ORC) materials for the City of Anna Maria. (Amendment 07-1ER)

Consultant Arrant explained that all thirteen external review agencies found the amendments compliant. He stated that none of DCA's objections in the report direct the City to change any Goals, Objectives or Policies of the FLUM, except to add new statutory definition of the Coastal High Hazard Area and incorporating a Coastal High Hazard Area map into the City's map series.

He informed that all of DCA's objections ask for more information, data, and/or analysis. Almost all of the objections asked for data and/or analysis that were provided in the EAR appendices and/or the EAR narrative.

Consultant Arrant noted that the DCA planner that reviewed the amendments was not the same planner that reviewed and approved the EAR. He stated he has now talked to the new planner regarding each objection and the comments he would be presenting to the Commission that evening reflected the preliminary agreed upon understandings.

The DCA has concerns with the proposed amendments regarding the following: 1) Updating of the data and analysis of the plan elements; 2) Coastal High Hazard Area planning; 3) Capital Improvements planning; 4) Affordable housing; 5) Intensity of use standard for the Public/Semi-public future land use category; 6) Water quality standard for the stormwater level of service standard; 7) Updating of the Future Transportation Map; and 8) Supporting data and analysis for the Future Land Use Map amendments.

Consultant Arrant then reviewed and summarized each objection and his first response to the ORC Report for EAR Amendments 07-1ER in detail.

After review, Consultant Arrant informed that he would be meeting with DCA hopefully the first of next week. He said if he is able to meet next week and resolve all issues he will make a report at the October 25 Commission meeting. If unable, he will make the recommendation to continue the Public Hearing to a time and date certain. Discussion of DCA's concern relating to the Affordable Housing issue followed.

Commissioner Mattick asked if the entire Island was considered as a Coastal High Hazard Area or had that changed.

Consultant Arrant explained that legislation changing the definition of Coastal High Hazards Areas changed last year from a Category 1 Hurricane Evacuation Zone to the Slosh Model Flooding Zone for a Hurricane Category 1. Further explanation followed. He informed that it has been recommended that the Coastal High Hazard Area map be adopted as an addendum to the City's map series.

Commissioner Tollette asked for clarification relating to the letter received from the Division of Historical Resources.

Consultant Arrant informed that letter was a standard form letter that had been mailed out for the past 12 to 15 years in an attempt to have every jurisdiction in the State of FL to complete a comprehensive assessment, yet not made public. A matching grant in the amount of \$4,000 would be provided for the report, however, based on bids Consultant Arrant had received the total study would cost approximately \$228,000.

Consultant Arrant pointed out that only the comments made by the State Agencies DCA feels are valid is included in their objections. No other State Agency comments were included by the DCA in Anna Maria's case.

Chair Quam asked that a list of issues be determined by the Commission of items they wished to discuss at the Second Reading of the Ordinance. The following items were discussed:

Commissioner Miller

- 1) How to handle future changes to the Comprehensive Plan.
He further did not feel that items already agreed upon should be discussed any further.

Commissioner Mattick

- 2) Commissioner Mattick said she had researched the referendum issue on line and found a report from the Governor's Coastal High Hazard Study Committee dated January 4, 2006. She informed that the report states that amendments to the FLUE map may be approved without regard to statutory limits and that the Department currently does not review small-scale amendments that increase density in the Coastal High Hazard Areas. Only large-scale amendments are reviewed. She asked for clarification between what a small-scale versus a large-scale amendment would be and the impact that would have as to whether or not it would go to a referendum in the future.
- 3) Address language in paragraph 1.2.1, regarding "To preserve the unique, historic cottage type housing the existing single family residential character of the City, within one year after adoption of the EAR amendments, the City is Anna Maria shall conduct a review of existing development processes and building requirements to develop a listing of actions that the City can implement to encourage property owners to building less than the maximum size buildings on existing small 5,000 sq. ft. lots."

Consultant Arrant informed that the first part of the paragraph relating to the "City shall" was statutory language. He said he was currently working with Planner Garrett in developing a listing of the actions.

- 4) Discuss the FLUM being changed on Pine Ave. and N. Bay Blvd.
- 5) Clarification regarding Linda Cramer's property as follows:
 - Since the property has always been used for residential purposes would any change of use of a lot or parcel or intensity of use of the structure require a site plan review, based on revised Ordinance 07-680, Section 74-351, subset C.
 - Determine if the property would have to meet current parking requirements for the ROR district.
 - Commissioner Mattick stated that under current codes, all lots – regardless of size – are grandfathered in, if future owners desired to purchase the Cramer property and the adjoining property to the south - in order to have sufficient square footage to meet parking requirements, she questioned if it would be allowed based on Ordinance 06-662 which requires that any newly platted lots must be a minimum of 7,500 sq. feet, and therefore the only way for the

property to be used as a business location would be to combine it with an existing lot to the west of north of it.

Commissioner Woodland

- 6) Address City Attorney Dye's concerns regarding Section 1.3.5 in the Land Use Element relating to the inconsistency in the terminology between commercial versus retail and office and between floors and storage.

City Attorney Dye

- 7) Address and clarify language in Section 1.3.4.

Public & Press Comment– None

November and December Meeting Dates Set

It was agreed that the Regular Commission Meeting and Work Session for November would be held on Thursday, November 15, 2007 at 7:00 p.m. The organizational meeting and swearing-in ceremony will begin at 6:00 p.m.

The December Regular Commission Meeting and Work Session will be held on Thursday, December 6, 2007.

The Holiday Recognition Party is scheduled for 6:00 p.m. on Thursday, December 13, 2007.

ADJOURNMENT

The meeting was adjourned at 6:26 p.m. on motion made by Chair Quam and seconded by Commissioner Tollette. All Ayes.

Alice Baird, CMC, City Clerk

Minutes Approved: _____