

**CITY OF ANNA MARIA  
COMMISSION  
PUBLIC HEARING ON THE COMPREHENSIVE PLAN  
EVALUATION AND APPRAISAL REPORT  
NOVEMBER 30, 2006  
7:00 P.M.**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

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

**Also present:** Facilitator Tony Arrant, City Attorney Jim Dye, Deputy City Clerk Diane Percycoe

**Press:** Sun, Islander

Chair John Quam brought the meeting to order at 7:00 p.m. and declared the Public Hearing on the Comprehensive Plan Evaluation and Appraisal Report (EAR).

Chair Quam expressed appreciation, on behalf of the Commission, for the comments received by the City and the participation of the public during the EAR process, and noted that the document presented at this evening's meeting would affect the City of Anna Maria for the next ten to twenty years. The Commission Chair also thanked the staff for their contribution to the comprehensive planning process over the past years. He expressed further appreciation for the work and participation of the Ad-Hoc Committee members, as well as the Planning & Zoning Board (P&Z), the local planning agency (LPA) members. Chair Quam gave special thanks to Tony Arrant (AICP) of the University of Florida Department of Governmental Affairs, who had come from Tallahassee to facilitate the Comprehensive Plan meetings for the City.

In conclusion, Chair John Quam thanked his fellow Commission members, and indicated that at the conclusion of this evening's meeting, they would adopt the EAR and authorize the transmission of the City of Anna Maria Comprehensive Plan Evaluation and Appraisal Report to the Florida Department of Community Affairs (DCA) in Tallahassee.

Chair Quam explained that the format of the current public hearing would be to address each Element of the Comprehensive Plan in the order in which it appeared on the agenda. He asked those wishing to participate in Public Comment to spell their names and state their addresses for the record, and indicated that swearing in of speakers would not be necessary at this evening's meeting.

Chair John Quam stated that letters received by the City relating to the Element being considered would be read first, followed by Public Comment by those present at this evening's meeting.

(continued)

**PUBLIC COMMENT ON THE CITY OF ANNA MARIA EVALUATION AND APPRAISAL REPORT (EAR)****1. Future Land Use Element**

Chair Quam referred to the following letters aloud for the record:

***Letters***

*Otto Sorini*, of 103 Palmetto Avenue, requesting that the Commission retain the current residential future land use designation of Lots #1 and #2, Block 31, corresponding to 9702 Gulf Drive, and 116 and 118 Palmetto Avenue on the Future Land Use Map. [please see attached]

*Michael Wyle* of 113 Palm Avenue, requesting that Block 31, Lots #1 and #2 retain their current future land use designation. [please see attached]

*Florian M. Predd*, of 212 Palmetto Avenue, requesting 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]

*Steven and Mary Stanley* of 105 Palmetto Avenue, requesting for the record that the Commission 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. [please see attached]

*Louise Sperry*, owner of 216 Palmetto Avenue, and resident of 3714 Obispo Street, Tampa, Florida 33629, requesting that the Commission continue to retain the residential future land use designation for the properties at the northwest corner of Gulf Drive and Palmetto Avenue (Lots #1 and #2, Block 31). [please see attached]

Chair Quam read a letter to the Commissioners from *Marcia Brown and Mary McNichol*, of 206 Palmetto Avenue in its entirety: The letter stated that the writers are the property owners at 206 Palmetto Avenue, Anna Maria, and that they appreciate the small-scale residential character and the magnificent quality of life here. The writers requested that the City retain the residential future land use designation for Lots #1 and #2, Block 31, so that the integrity of their residential neighborhood is kept intact. [please see attached]

*Richard and Shirley Martinez* of 111 Palm Avenue requesting that the Commission continue to retain the residential future land use designation for the properties at the northwest corner of Gulf Drive and Palmetto Avenue (Lots #1 and #2, Block 31).

*Dr. Richard White and Mrs. Phyllis White*, of Palmetto Avenue, P.O. Box 779, requesting for the record, that the residential future land use designation for Lots #1 & #2, Block 31 be retained. [please see attached]

*John & Barbara C. Kimberly*, property owners of 109 Palmetto Avenue, Lots #9 and #10, Block 30, urging the Commission to retain the residential future land use category designation for all properties on the 100 block of Palmetto Avenue so that the single-family residential character of the neighborhood will be protected. [please see attached]

### ***Public Comment***

*Tom Turner* of 850 North Shore Drive took the floor and referred to Policy 1.2.1, recommending that the word ‘ non-conforming’ be added to the language relating to 5,000 sq. ft. lots.

Attorney *Michael A. Connolly*, of Fournier & Connolly P.A., Sarasota, introduced himself as counsel for former Commissioner Linda Cramer, property owner of land under consideration by the Commission for re-designation of its future land use category. He requested and received six minutes to speak about this subject.

Mr. Connolly noted that Ms. Cramer was the owner of Lot 1, Block 31, Anna Maria Beach Subdivision, located at 9702 Gulf Drive, and that she was seeking an Residential / Office / Retail (ROR) future land use designation for her property. He indicated that there were two reasons for this request:

- 1) Gulf Drive from one half a block north from Pine Avenue, all the way southward to Palmetto Avenue, on both the east and west sides is either proposed to be designated for Commercial or ROR future land use, except for the one lot owned by Ms. Cramer. Mr. Connolly noted that a popular restaurant and tavern is located directly across the street from Ms. Cramer’s property; and questioned why her property should have been singled out for the less intense, residential land use. He noted that the property at 9702 Gulf Drive is zoned Commercial, and if it receives a Residential future land use designation, a conflict would result with the City’s Comprehensive Plan;

and

- 2) The history of the property supports at least the ROR, if not the Commercial future land use designation. Mr. Connolly said he would explain how he arrived at the conclusion that 9702 Gulf Drive was currently zoned Commercial by the City. He noted, given this premise, that the ROR designation would be a less intense land use than its current zoning. The attorney distributed copies of the property’s chronology to review with the Commissioners and entered a copy for the record. He noted that the property had first been zoned Residential when it was built in the 1950’s, and that at some point in the 1960’s, the property was rezoned Commercial. Mr. Connolly indicated that the City’s 1971 zoning map showed the subject property in the C-1 district. The attorney explained that in the early 1990’s, the owner previous to Linda Cramer discovered that somehow the zoning map had been changed to show his property as being in the Residential

district. He said that this owner's investigation had revealed that the change had been due to a scrivener's error by the maker of the October 1991 zoning map. Mr. Connolly noted that there was a handwritten note on that map that read "Plus Lot 1 Block 31 to be Commercial". He went on to read a quote from the November 26, 1991 local planning agency meeting minutes. "These lots were inadvertently changed from Commercial to Medium-Density Residential on the Comprehensive Plan map. They [Tampa Bay Regional Planning Council (TBRPC)] are going to restore them back to their Commercial designation." Mr. Connolly noted that the motion was passed unanimously at that meeting.

Michael Connolly submitted for the record a copy of a letter written by a member of the 1991 local planning agency, dated November 29<sup>th</sup>, 2006, indicating that it had been the intent of the Commission on November 26<sup>th</sup>, 1991 to restore Lot #1, Block 31 to its historic Commercial future land use designation.

Mr. Connolly further submitted for the record a letter from former Mayor Simches, dated January 2, 1992, to the previous owner of 9702 Gulf Drive, acknowledging the scrivener's error relative to Lot #1, Block 31, and asserting that this error would be officially corrected. The writer of the letter indicated that it could be used as documented proof that the property was commercially zoned until such time as the error was finally corrected.

Michael Connolly noted that in March 2006 the Comprehensive Plan advisory committee proposed the ROR designation for the subject property, and submitted to the Mayor and the Commission that this evening was the time to correct the error on the Future Land Use Map of the Comprehensive Plan. He reminded those present that by law, the City's zoning map must implement the Comprehensive Plan, and that no conflict could exist between the Future Land Use Map and the zoning map.

Linda Cramer's counsel explained that what he and his client were asking for at this evening's meeting was an ROR future land use designation. He noted that the property is small in area, and therefore would not be suitable for intense commercial development in the future. Mr. Connolly maintained that it would not be appropriate or consistent to restrict Lot #1, Block 31 to residential future land use.

*Robin Wall*, of 112 Palmetto Avenue, came forward on behalf of herself and her husband Peter Wall and submitted written comment for the record, [please see attached] She voiced support for designating 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) for Residential use on the Future Land Use Map. Ms. Wall noted that the lots mentioned had been designated for Residential future land use for the past seventeen years (since 1989),

and that on the current draft of the Future Land Use Map, they were designated again for Residential land use. She further noted that the current owners of Lot #1, Block 31 had purchased the property with the knowledge that it was designated for residential land use. Robin Wall said that such a land use designation protected the residential character of the city and maintained the neighborhood quality of life, consistent with 9-J5 F.A.C. as well as the desires expressed to the City by twenty-five other local property owners. Ms. Wall indicated that she and her husband *Peter Wall* were requesting that the City Commission approve Residential future land use designation for Lots #1 & #2, Block 31, Anna Maria Beach Subdivision.

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, strongly supporting the Residential future land use designation for Lots #1 & #2, Block 31, at Gulf Drive and Palmetto Avenue [please see attached]. Mr. Mullens pointed out that all of the developed properties on the 100 block of Palmetto Avenue have had residential uses on them since he first began living at his address on the street in 1963. He expressed concern for maintaining the integrity of the single-family residential quality of life in his neighborhood, along with fears that introduction of ROR and Commercial business use to this existing Residential use of the 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. Ms. Wall stated Patrick Mullens' request that the Commission uphold the recommendation for Residential future land use designation for the area mentioned.

Robin Wall next submitted the written comment of *Joe & Dorothy Perricone*, of 117 Palmetto Avenue, for the record, as they had requested she do in their absence. [please see attached] She noted that 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. Ms. Wall indicated that the Perricones would be particularly affected by potential negative impacts arising from additional business uses, which would be contrary to Comprehensive Plan Goals, Objectives and Policies. In their letter, the Perricones suggested that the size of the lot at 9702 Gulf Drive was too small to accommodate adequate, safe, and convenient on-site parking, and that therefore the 100 block of Palmetto Avenue would bear the burden of the parking situation that would be created.

Robin Wall said that the Perricones also wanted to stress that there was 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. She indicated that Joe and Dorothy Perricone were requesting the Commission to keep the Residential future land use designation for Lot #1 and Lot #2, Block 31.

*Linda Cramer* of 9702 Gulf Drive recalled that when she purchased the property, she had been considering using it for an assisted living facility, and further maintained that her purchase of the property on Lot #1, Block 31 had been with the understanding that the property was zoned Commercial. Ms. Cramer said that if she were to canvass residents of her immediate neighborhood, she could also come up with twenty-five letters or more in support of Commercial future land use designation for her property. She indicated that she was disheartened to find that hers had been the only property in the immediately surrounding business district that had been singled out for Residential future land use. Ms. Cramer noted that Steve Lardas, who has been a resident and property owner in Anna Maria for over forty years, had confirmed to her in a recent conversation that it had been to him standard and unquestionable knowledge that her property at 9702 Palmetto Avenue was zoned Commercial. Former Deputy Commission Chair Linda Cramer recalled that it had been the practice in the past, when errors had been made on the map, that the owners of the affected properties had been asked what the desired designation for their properties would be, and had subsequently approved them. She asked that Marie Franklin be allowed to take the floor to discuss the map that she had received from the City of Anna Maria, the day after the Commission had passed the map amendment, which was described to her as a copy of the amended Future Land Use Map that had been sent to the DCA.

*Marie Franklin* came forward and introduced herself as a property owner in the City of Anna Maria who currently resides in Holmes Beach. She indicated that the map she received, adopted in 1971, showed the correct Commercial land use designations. Ms. Franklin said that the Future Land Use Map compiled from this map had contained errors, because the colors red and orange had been too close together on the map to be easily identified

*Liane Bennati*, owner of Lot #3, Block 31 at 114 Palmetto Avenue, came forward and read her statement, a copy of which was provided for the record [please see attached]. She described her property as being adjacent to 116 Palmetto Avenue, 118 Palmetto Avenue and 9702 Gulf Drive, and expressed strong support for the Residential future land use designation for these properties. Ms. Bennati also submitted for the record a copy of a letter to the City of Anna Maria Planning & Zoning Board from her planner, Sam Casella, A.I.C.P., dated July 5<sup>th</sup>, 2006, along with a copy of his resume. Ms. Bennati noted that Mr. Casella is 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. Casella'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. Casella'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 indicated that she appreciated the P&Z Board's July 2006 decision to recommend to the Commission that the three properties be designated for Residential future land use on the Future Land Use Map. Ms. Bennati stated that she hoped the Commission would consider her comment Mr. Casella's expert opinion, and continue to retain the Residential future land use designation of 116 Palmetto Avenue, 118 Palmetto Avenue and 9702 Gulf Drive.

*Esther Mattick*, of 520 Magnolia Avenue said that she did not claim to be an expert in this matter, however, it seemed to her that the ROR future land use designation at 116 Palmetto Avenue, 118 Palmetto Avenue and 9702 Gulf Drive would afford an appropriate buffer to the area designated for Commercial future land use.

*John Cagnina*, property owner of 9807 Gulf Drive, said it was clear to him that the three lots being discussed had always been Commercial, and that the question to be decided this evening was whether or not this would officially be the case for future land use, or whether a compromise could be achieved with an ROR future land use designation.

*Georgia Van Cleave* of 525 Magnolia Avenue indicated that she felt that Residential future land use had been grandfathered for the three lots being discussed, and therefore she wished to see this designation made official on the Future Land Use Map.

*Tara O'Brien* of 520 Magnolia Avenue distributed copies, with one for the record, of a letter that she read aloud to the Commission [please see attached].

Matt Taylor with the Mackie Law Group at 1402 3<sup>rd</sup> Avenue West, Bradenton, Florida 34205 introduced himself as counsel representing three different homeowners on six parcels of property. He requested, and was granted, time to speak to the Commission regarding some of the concerns his clients had.

Mr. Taylor said that he represented *LBK Realty, Inc.*, owners of Lots #10, #9, #8, #7, #6, and #5, Block 39. He noted these lots were addressed as 101, 103, 105, 107, and 109 North Bay Blvd. Mr. Taylor indicated that present with him at this evening's meeting were property owners Pete Petras and Curtis Byte. The property owners' counsel requested that the Commission right a wrong that had occurred some time ago, by approving ROR future land use designation for the properties described. He explained that such a designation would reduce the density and intensity of land use for these properties.

Mr. Taylor noted that the previous owners of the properties, the Kilpatricks, had successfully sued the City in 1982 to change their Residential land use designation to Commercial. He indicated that his clients agreed with the City's position in the 1980's that the property needed to be restored to a land use less intense than Commercial, to create a buffer zone preserving the city's single-family, residential village atmosphere.

Matt Taylor described the properties' location as being at the end of the ROR corridor on Pine Avenue, by a church. He distributed copies of a chart to members of the Commission, with a copy for the record [please see attached]. Mr. Taylor quoted **Policy 1.1.2**, bullet 6 and discussed the compatibility of adjacent land uses and the provision of adequate and appropriate buffering. He maintained that an ROR future land use designation for his clients' properties would ensure a less intense, mixed use buffer between commercially and residentially used properties.

Mr. Taylor noted that the Commission needed to consider future planning concerns, such as preserving the village atmosphere of the City by increasing ROR use, (i.e., commercial uses on the ground floor with residential uses above), and providing buffering between residential and commercial uses with ROR uses. He offered his clients' request as an opportunity to repair the problem created by the Kilpatricks. In conclusion, the counsel for *LBK Realty, Inc.* said that this would preserve the village atmosphere of the area while providing a buffer district with less traffic impact.

*Mike Eiffert*, CFO of *Galati Marine, Inc.*, referred to the last sentence in **Policy 1.3.6**, and indicated that the firm is currently working on a new facility on the east end of its property that, when completed, would not comply with the change in the commercial use height restriction to 27 ft. He reported that any need to change the plans that the City approved six months prior to this evening's meeting would cause his company economic hardship.

*Ed Chiles* of 113 Tern Avenue stated his strong objection to the height restriction change in **Policy 1.3.6**, noting that a Residential or ROR structure could still be 37 ft. in height. In trying to understand the logic of this change, he pointed out that the density issue is counterweighed by the fact that Commercial use is already being diminished in the city. He expressed the perception that the City was further financially penalizing commercial usage, given the common knowledge that the

insurance on his commercial property had recently tripled, with the situation compounded by the increase in property taxes. The business owner noted that throughout the Island communities, businesses were experiencing growing pressure on margins. He related the difficulty he had already experienced with complying with the City's strict parking requirements, since the ability to put parking spaces underneath his structure had been legislated away.

Mr. Chiles said that he did not support the change in usage designation for his two residential properties next to his commercial property to ROR, and noted that he had participated in discussions with the City on that subject. He indicated that he believed that history, as well as the desires of the owners of properties should be considered.

*Sandra Mattick* of 307 Pine Avenue objected to **Policy 1.2.1** Page 4, restricting the size of structures on 5,000 sq. ft. lots, and expressed the opinion that owners of such residentially used lots were being penalized. Relative to **Policy 1.3.1**, she noted that her one-story property on Pine Avenue had a business in the front of it, with residential usage at the back. Ms. Mattick observed that FEMA regulations did not allow this type of usage anymore, and suggested a compromise allowing split use for one-story buildings, and but not on additional stories. She noted that removal of the right to split usage of the first floor would render her property, as well as others on her street, non-conforming.

Sandra Mattick stated her objection to the new language, **Policy 1.3.6** on Page 6, and her support for retaining the current height restriction of 37 ft.

Referring to discussion regarding Linda Cramer's property, Sandra Mattick expressed support for a change to the ROR designation, noting that the property had historically been designated Commercial. She asked the City to protect the integrity of its commercial area.

Sandra Mattick lastly expressed the opinion that the property discussed earlier, located at the Bay end of Pine, should be designated ROR instead of Commercial.

*Michael Colemann*, 311 Pine Ave, voiced his concern about the impact of business on the Island. He pointed out that if businesses were unable to survive on Anna Maria Island, then tourists would not visit. With the tourists, properties would not be rented, thus causing a domino effect on the City as far as taxes, etc.

Mr. Colemann's opinion was that there should be uniformity in allowing for the 37-foot height. He also felt that business owners should not be punished and their property values decreased.

*Tom Turner* of 850 North Shore Drive said that from Pine to Lake LaVista, in the late 1980's, the owners of the property came forward with a proposal to change the usage designation to ROR. He said that he believed that the location of the

humpback bridge presented a good, and much discussed reason to designate the North Bay property for ROR property for future land use.

*John Cagnina* of 9807 Gulf Drive indicated that he thought the 27 ft. height restriction for commercial properties did not make any sense, and was arbitrary discrimination. He further objected to the ability of owners of ROR property to build entirely residential properties in that district, and predicted problems with owners of new residential properties entering complaints against nuisances from their commercial neighbors. Mr. Cagnina recommended including language to provide for a percentage of commercial usage for every ROR structure.

*Linda Cramer* of 9702 Gulf Drive referred to the City Code that requires commercial usage of property fronting on Gulf Drive or Pine Avenue. The former Commissioner indicated that she had mentioned the fact to the City Planner that the neighbors located behind her property did not desire Commercial designation, and that the situation with side streets and usage would need to be discussed in the future. Ms. Cramer expressed the opinion that the property at 118 Palmetto Avenue should retain its current Residential use designation.

*Glen Hineman* 758 North Shore Drive introduced himself as having a history of working with the community planning organization at the federal government level. He encouraged the writers to go through the policies, and where particular land uses are referred to, include such uses that the language does not currently mention, giving as examples: Page 25 in the Infrastructure Element, relative to pervious coverage. Relative to Page 26, he cautioned against policies pertaining to rebuilding because of quickly rising construction costs.

**There was consensus to take a two-minute break, and the meeting resumed at 8:19 p.m.**

*Carol Ann Magill* of 403 Spring Avenue commended all the people involved in working on the Comprehensive Plan EAR over the recent years. She said it appeared to her that despite lengthy discussion over numerous reviews, there had been new information and objections brought forward at this evening's meeting, which was the second public hearing on the document. The former Commissioner expressed concern that people were in the habit of waiting until the last minute before bringing their issues to the City's attention. She noted that her duplex property had now been designated for single-family use, however, she had accepted the newly created non-conforming status of her property and decided to support the change as she could understand the rationale behind the LPA's recommendation and its benefit to the community as a whole.

Relative to former Commissioner Cramer's property on 9702 Gulf Drive, former Commissioner Magill said she felt the documented wishes of the rest of the property owners on the block needed to be respected, and consideration should be

given to the effect on that Residential block, should one small part of it be used for commercial purposes.

Chair John Quam closed the Public Comment portion of the public hearing on the Future Land Use Element.

### **BOARD DISCUSSION**

Deputy Commission Chair Christine Tollette expressed concern regarding information and objections heard from the public at this evening's meeting, and asked for comments from the City Attorney and Tony Arrant.

City Attorney Jim Dye responded that since this was not a legal document, there was not much upon which to comment. He said that the Commission was adopting a report, and was not at this point actually legally changing the Comprehensive Plan. The City Attorney said that the City could possibly change the plan next summer, however, the current process was one involving administration, persuasion and planning relating to a policy document.

Tony Arrant said he wanted to stress that this was the advisory portion of a legislative process, not a quasi-judicial process. He indicated that the document would again come before the LPA after having been reviewed by the DCA, and would come again before the Commission before any of the legal process for changing the Comprehensive Plan could begin. He stated for all present that there had not been a new issue raised before the Commission at this evening's meeting.

Commissioner Joanne Mattick indicated that she was divided in her thinking relative to former Commissioner Cramer's property at 9702 Gulf Drive. She agreed that it was illogical for the previous drafters of the Future Land Use Map to have stopped one lot short when designating the Commercial district. Commissioner Mattick said, however, that since the parcel had been divided some time ago, and the intent was to use the neighboring property as residential, this presented a concern as to how all the requirements for parking and accessibility could be incorporated on such a small lot.

Commissioner Mattick expressed support for the requested change from Commercial to ROR on the property located at North Bay Boulevard and Pine Avenue. The Commissioner said that this was the most attractive vacant Commercial property remaining in the city, and that she would not like to see it used for a strip mall, which would be the most logical development strategy, given the land's current future land use designation. Commissioner Mattick pointed out that lot coverage would be reduced and water views and airflow would be possible between individual buildings with ROR use designation. She said that ROR designation would also attract more permanent residents to the city, affording a place to both live and work in. Commissioner Mattick said she believed an ROR land use for the North Bay Boulevard property would be more compatible with Residential uses to the west of it.

**MOTION: Commissioner Joanne Mattick moved to change the future land use designation for the property located at North Bay Boulevard and Pine Avenue from Commercial to ROR.**

**Motion failed for lack of a second.**

Commissioner Mattick expressed support for keeping the allowable height for Commercial structures at 37 ft.

**MOTION: Commissioner Joanne Mattick moved to retain the currently permitted height allowance in the Commercial future land use district at 37 ft.**

**Motion failed for lack of a second.**

Commissioner Jo Ann Mattick indicated her opposition, relative to *Policy 1.2.1* on Page 4, to the change that would require smaller houses to be built on 5,000 sq. ft. lots. She said that this position was contrary to the desire to preserve the village atmosphere in the city, since this was largely due to the existence of 5,000 sq. ft. lots. The Commissioner said that this position also implied that the construction of a house on a 5,000 sq. ft. lot would have more impact than construction on a 7,500 sq. ft. lot, noting that both sized lots have the same setback and coverage requirements.

**MOTION: Commissioner Jo Ann Mattick moved to strike the entire new paragraph in Policy 1.2.1 on Page 4. Commissioner Dale Woodland seconded the motion.**

**Roll call vote: Commissioner Mattick – Aye; Commissioner Woodland – Nay; Commissioner Quam – Nay; Commissioner Tollette – Nay; Commissioner Miller – Nay. Motion failed by a vote of four to one.**

Commissioner Dale Woodland asked Commissioner Mattick to again explain her reasoning relating to her perception of the identical impact of home construction on 5,000 sq. ft. and 7,500 sq. ft. lots. Commissioner Woodland confirmed with Commissioner Mattick that her concern with the new language was that it could be materialized as a land development regulation (LDR). Commissioner Woodland explained that he supported the new language because of its inclusion of the word 'encourage'. He said there was nothing in the paragraph that forced the City to develop an LDR to enforce smaller homes on 5,000 sq. ft. lots.

Commissioner Duke Miller also voiced support for the new language in *Policy 1.2.1*.

Commissioner Dale Woodland commented relative to the elimination of the R-2 land use designation. He said that he supported this for reasons relating to density, and because he did not think that keeping R-2 would create or preserve affordable housing.

Commissioner Duke Miller noted that how important the Comprehensive Plan is, and observed that regardless of what was done during the process in 1991, the job did not get finished. The Commissioner said that over the three years that the meetings on the EAR had been conducted, very few members of the public had participated. Commissioner

Miller indicated he felt that the investment in the professional services of Tony Arrant had been a wise move on the City's part.

Commissioner John Quam referred to *Policy 1.3.1*, and the concern voiced by Sandra Mattick. He said that if a business and a residence are located on the ground floor in ROR, they would not be affected by this language. Tony Arrant affirmed this, saying that FEMA's regulations do not affect the very exhaustive grandfathering clause contained in this version of the Comprehensive Plan.

Commissioner Dale Woodland indicated that he would support designating former Commissioner Linda Cramer's property at 9702 Gulf Drive for Residential future land use. He said that it would be impossible for him to ignore the desires expressed by so many residents concerning this property.

Commissioner John Quam referred to *Policy 1.3.6* on Page 6, and noted that in the City's Code, Section 114-161 prohibited motels. He asked why, if the Commission wished to prohibit motels in the Commercial district, motels should remain in the Comprehensive Plan.

Tony Arrant noted that the Comprehensive Plan allowed motels, however, the local land development regulations (LDR's) could be more restrictive. He observed also that this (Comprehensive Plan language) could not be reversed. Mr. Arrant further explained that if a height of 27 ft. is adopted in the Comprehensive Plan, then an ordinance could be passed to restrict height to 25 ft., but not one to increase height to 35 ft. He indicated to Commissioner Duke Miller that the question of motels had not come up at meetings over the past two years. Commissioner Woodland said that keeping the word 'motels' in the language gave the City flexibility. Tony Arrant noted that ordinances could be changed without applying to Tallahassee.

**MOTION: Commissioner Duke Miller moved to strike the word 'motels' from the sentence beginning "Recognizing that although ..." from the last paragraph in Policy 1.3.6. Commissioner John Quam seconded the motion.**

**Roll call vote: Commissioner Mattick – Nay; Commissioner Woodland – Nay; Commissioner Quam – Aye; Commissioner Tollette – Nay; Commissioner Miller – Aye. Motion failed by a vote of three to two.**

Commissioner Christine Tollette asked for a definition for the word 'motel'. City Attorney Jim Dye responded that the definition for 'motel' was contained in the City's LDR's, and was the same as that for 'hotel', i.e., a place where people pay money to stay for short terms, or transient housing. He said that the definition the City uses is virtually identical to the one the County uses, and that this definition contains nothing unusual. The City Attorney confirmed to Commissioner Quam that motels already existing in the City were grandfathered as non-conforming uses. Tony Arrant also confirmed this to Commissioner Tollette.

Commissioner Woodland said he would like to keep the word ‘motels’ for reasons of flexibility in the future.

**2. Traffic Circulation Element**

Chair John Quam called for Public Comment and none was offered.

**3. Housing Element**

Chair John Quam called for Public Comment.

***Public Comment***

*Tom Turner* of 850 North Shore Drive referred to 3., 4. c. and 4.a. on Page 6 , and expressed the opinion that the statements relating to the 1980 Census and the lack of information for cities with less than 25,000 residents should be removed, as they were meaningless.

Tony Arrant noted that the data and analysis portions of the Elements were an educational orientation process for the Ad-Hoc Advisory Committee, and were not policy. He said that as such, they would be included in the EAR as appendices, and typographical or other small errors were not important. The Facilitator stressed that the need for accuracy was important in the Goals, Policies and Objectives portions of the Elements.

No Commission Comments.

**4. Infrastructure Element**

Chair John Quam called for Public Comment.

***Public Comment***

Lynn Hineman of 758 North Shore Drive recommended that where policies delineate land use categories, the City include all the existing land use categories to prevent ambiguity, and gave as an example the third bullet on Page 24, under ***Policy 2.1.1***. He noted that on Page 26 that a drainage requirement is specified for 25-year frequency, 24-hour duration storm event, and recommended examination of what the actual cost could be to do this.

Tony Arrant responded that the language in the third bullet ***Policy 2.1.1*** is not ambiguous, in that it refers to the private development of lots, as opposed to public institutional development, and not the land usage category. He noted that the 25-year, 24-hour duration storm event language was required in ***Policy 2.2.1***, since it was mandated by State law and was the Department of Environmental Protection’s (DEP’s) minimum standard.

**5. Coastal and Conservation Element**

Chair John Quam called for Public Comment.

***Public Comment***

Tom Turner of 850 North Shore Drive recommended including a statement that all land between the mean high tide mark and the dunes should be designated as Conservation areas, and then the Overlay District currently being discussed by the Commission would not be required.

Commissioner Dale Woodland asked the City Attorney if this could be done. City Attorney Dye said he was not certain this could be done without suffering consequences. He said the reason the property is sensitive is because it is located in the coastal area, characterized by dunes and water and habitat areas. The City Attorney said that if development is to be restricted in an area, the Commission needs to identify what makes the area different to the rest of the city. He indicated that he was not sure that the City had the resources to duplicate what the DEP was already doing. City Attorney Dye noted that the administration was currently working on regulations that would have an impact on development in the area. He said that regulation of private roads and enclave housing should have a discouraging effect on development of these areas. The City Attorney said that the problem in the area being discussed was that there were many platted lots on it between the dune line and the mean high water line. He noted that property development rights could not simply be taken away from owners of these platted properties. Discussion followed relative to accretion and the addition of un-platted property to existing properties. City Attorney Dye expressed the opinion that the treatment of platted property in the coastal area was perhaps one of the toughest issues the Commission had before it.

Commissioner Duke Miller drew attention to Page 10, **Objective 2.2** and language relative to directing population away from coastal high hazard areas, and asked if it conflicted with ***Policy 2.1.1*** that states on Page 9 that the City of Anna Maria shall designate the coastal high hazard area as the entire Island community. Tony Arrant indicated that Chapter 953 F.A.C. defined a barrier island as a high hazard area, and noted federal law required that population be directed away from those areas. He said that what it meant for policy makers was that they could keep and protect the population density in these areas that exists today, however, they could not encourage higher density and more population growth.

**6. Recreation & Open Space Element**

Chair John Quam called for Public Comment.

Craig P. Colburn, 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, which was a property with beach access. The Oleson's counsel distributed color copies of a photograph of the property to the Commissioners, and submitted one for the record [please see attached].

Mr. Colburn distributed information for the Commission's reference and stated he had three technical concerns on how each access is created within the Recreation and Open Space Element.

Mr. Colburn referenced Article III.4.b. relating to the Facility Standards for Specific Activities where it states that "The standards applicable to the City of Anna Maria are in Table 2". He questioned why Table 2 was missing from the document.

Mr. Colburn said Article VI.D. Policy 1.1.1. refers to a Table 1. Also Article III.A.5 refers to a Table 3, which he also does not have.

Mr. Arrant said the he was not sure there ever was a Table 3. He informed that Table 2 is being eliminated because of the change made in Policy 1.1.1. Explanation followed by Mr. Arrant stating that Mr. Colburn therefore only needs to be comfortable with the language in Table 1.

Mr. Colburn suggested that references to Tables that may or may no exist, as part of the EAR, should be eliminated since it does not serve any purpose. Mr. Arrant responded.

Mr. Colburn further stated that Map 14 does not show the beach access adjacent to his client's property, therefore, creating confusion.

In referencing Policy 1.4.4, Mr. Colburn said that policy was referenced often in the current dispute between the City and his client that would not be discussed at the Public Hearing and would be handled in a court of law.

Mr. Colburn felt that anything subject to interpretation as most of the policies are in the Comprehensive Plan should be accurate.

Mr. Colburn made reference to the photo that appeared in the Island Newspaper feeling that it is an important element that the beach access should be maintained and the photo shows it has not.

Mr. Arrant responded that all Mr. Colburn's requests relating to the tables have already been addressed.

No further Public Comment or Commission comments.

## **7. Intergovernmental Coordination**

No Public or Commission comments received.

## **8. Capital Improvements**

Tom Turner stated that the capital improvements for the streets and roads are routine maintenance. He felt that a total debt service of 15% is on the high side and should return to the 10%.

He further suggested that the physical planning should be handled on an annual budget basis. Therefore, if the entire budgeted amount was not used, it can carryover to the next budget year. It was Tom Turner's opinion that by handling the costs in this manner there would have been no need for the recently obtained Line of Credit or the interest payment involved.

He stated that with prudent physical planning there would be no need for the City to have to obtain a Line of Credit for routine maintenance for streets or roads.

Mr. Turner suggested the language be removed that refers to land available for recreation since there is no available land for that purpose in Anna Maria.

Lynn Hineman supported Mr. Turner's comments and as a taxpayer is concerned about spending.

Lynn Hineman said while working at the Federal level, plans were executed, but were restrained by the resources that were allocated to them. He encouraged the Commission to set guidelines and suggested a motion be made to determine a percentage range of the Capital Expenditure budget and place a cap on any borrowing.

Commission Chair Quam said that Mr Hineman's request was covered in Policy 1.4.5. Mr. Arrant acknowledged that both Policy 1.4.1. and 1.4.5. put quantitative measures in place.

### Commission Comments

Commissioner Woodland asked Mr. Hineman if due to his expertise if he would be available if the City developed a comprehensive maintenance plan for its infrastructure.

Mr. Hineman thanked Commissioner Woodland and said he would indeed consider that.

No further comments from the Public or Commission.

**Commission Chair Quam declared the Public portion of the Public Hearing closed.**

## **9. Adoption of Resolution No. R06-623 – Comprehensive Plan Evaluation and Appraisal Report.**

Deputy City Clerk Diane Percycoe read the Resolution by title.

**MOTION: Commissioner Dale Woodland moved to adopt City of Anna Maria Resolution No. R06-623. Commissioner Duke Miller seconded the motion.**

**Roll Call Vote: Commissioner Mattick – Aye; Commissioner Woodland – Aye, Commissioner Quam – Aye; Commissioner Tollette – Aye; Commissioner Miller – Aye. Motion carried unanimously.**

**PRESS COMMENT**

None.

**ADJOURNMENT**

**MOTION: Motion made by Commissioner Miller and seconded by Commissioner Tollette to adjourn the meeting at 9:31 p.m.**

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

The meeting adjourned at 9:31 p.m.

Respectfully submitted:

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Alice Baird, City Clerk

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Date