

**CITY OF ANNA MARIA
CITY COMMISSION PUBLIC HEARING
EAR COMPREHENSIVE PLAN AMENDMENTS
MEETING HELD AT HOLMES BEACH CITY HALL
5801 MARINA DRIVE, HOLMES BEACH, FL
MONDAY, MAY 21, 2007
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

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

Staff present: Consultant Tony Arrant, City Clerk Alice Baird, and Minutes Clerk Stacey Johnston.

Planning & Zoning Board Members present: Chair Doug Copeland and Boardmembers John Conoly, Margaret Jenkins, and Sandy Mattick.

PRESS: Sun, Islander.

- 1. The purpose of the public hearing was to allow for the City Commission to receive public comments, suggestions, and concerns regarding the current comprehensive plan and the proposed updates to the plan, and to take action.**

Chair Quam asked City Clerk Baird and Consultant Tony Arrant if the meeting had been properly noticed and were materials available to the Public.

City Clerk Baird informed that the meeting was noticed in the Bradenton Herald on May 9 and 14, 2007. All materials were made available to the public upon official publication of the meeting notice.

Consultant Tony Arrant informed that State Statute requires one display ad that shows the jurisdiction of the community and where the proposed changes will occur.

To assure consistency with all State Statutes the ad was ran two separate times – one time with the existing legally binding land use map and map of the jurisdiction. The second ad included the proposed Land Use Map.

Chair Quam declared the Public Hearing open.

Tony Arrant stated that the Planning & Zoning Board (a/k/a LPA – Local Planning Agency) made no recommended changes to the text; however, there are two recommended changes to the proposed Land Use Map.

The first change recommended by the P&Z was indicated in the map dated March 6, 2007. Mr. Arrant explained that an area existed where the conservation line went into some lots. The property appraiser did not show those

lots. For cautionary purposes, the P&Z recommended that the conservation line be drawn exactly like it was on the existing 1992 Future Land Use Map.

The second change involved changing the lots across from the pier, 101, 103, 105, 107, & 109 N. Bay Blvd. from Commercial to ROR.

Commissioner Tollette asked how the error occurred relating to the lots that were excluded from the map and should not have been designated as Conservation.

Mr. Arrant explained that when the GIS database was corrected, the most current property appraisal records from Manatee County were utilized. Those lots were not shown. At the P&Z meeting it was recommended to add the lots to coincide with the current approved Land Use Map. Though the County does not show the lots, the subdivision map researched by Chair Copeland did show the lots.

Public Comment

Future Land Use Element

- a. ***Amador Salinas, Jr.***, 4913 Gulf Dr., Holmes Beach, addressed the Commission relating to his property at 203 Spring a/k/a 9907 Gulf Dr.

Mr. Salinas informed he had spent the past two years trying to get the City of Anna Maria to follow through with an approval recommended to the P&Z and approved by the City Commission in 1997.

When trying to obtain the Building Permit in 2005 he was asked to prove that their lot was designated as Residential and not Commercial. The City showed the lot as Commercial, whereas, the County and State shows it as Residential. He then brought all documentation, minutes of the meetings, and letters showing it as a residential designation. He was informed on March 23, 2006 that the City Commission and Mayor agreed for him to proceed.

However, the City Planner told him at that time they could not proceed - that the City had not passed the appropriate Ordinance.

Mr. Salinas asked that he be treated fairly and have the decision of previous city representatives honored. He asked that the designation of the lot be changed from C-1 to R-2 or R-1. He stated he had been waiting for more than two years to have his home built.

Tony Arrant pointed out that rezoning the property would be a separate issue to come before the Commission. However, under the proposed map, the lot could be designated as any Residential zoning.

Commissioner Miller stated it was approved as ROR and a home could be built there, however, there is a 60% limitation of residential in ROR and if the home is not built prior to the 60% cap is in place then it cannot be built.

- b. **Sandy Mattick**, 307 Pine, spoke on behalf of the lots at 101 through 109 N. Bay Blvd. She recommended they be designated as ROR.

Ms. Mattick further recommended that the 37-foot versus the 27-foot maximum building height in the Commercial zoning remain as the 37-foot. She did not feel it should be any lower than any other zoning designation in the City.

- c. **Mike Galati**, Galati Yacht Sales, 900 S. Bay Blvd, voiced concern with the proposed maximum building height change from the 37-foot down to the 27-foot. Changing the maximum building height would require them to build a two-story building on the ground level. Though he had no concerns with two useable floors, however, felt it was:
- 1) Not consistent with the goals and objectives in the Comprehensive Plan – not coincide with the State floodplain uses, and
 - 2) Extreme increase in costs to build on the ground level. Insurance ramifications of building on the ground level in a floodplain has made it almost impossible and cost prohibitive.

Mr. Galati did not feel changing the maximum height limit would protect the rights of the City. He stated that retaining the 37-foot in height would allow them additional parking room, loading zones, hiding dumpsters, etc.

- d. **Ed Chiles**, 113 Tern, agreed with Mr. Galati's comments and pointed out that only 1% of the lots in Anna Maria are Commercial. He felt the commercial properties are extremely important to the character and tax base of the Island by providing revenues and jobs.

Mr. Chiles further voiced support to change the lot designation of Linda Cramer's property at 9702 Gulf Drive.

- e. **Peter Petros**, owner of Lots 5 – 10, Blk 59, Anna Maria Beach (101 through 109 N. Bay Blvd), reminded the Commission that the lots at that location still remain vacant. He asked that the City Commission approve the P&Z recommendation to change the lots to ROR.

Mr. Petros also addressed Ms. Cramer's property at 9702 Gulf Drive encouraging the Commission to change the zoning designation to ROR.

- f. **Linda Cramer**, 9702 Gulf Dr., submitted a letter from Dennis and Leslie Matkosky, 118 Palmetto Ave., dated May 21, 2007. The letter requests the City designate the zoning of their property as ROR.

Ms. Cramer then submitted a petition of forty-two residents in support of designating Lot 1, Block 31, being designated in the Comprehensive Plan as ROR.

Ms. Cramer, in relating to the scrivener's error changing the historically zoned lot from Commercial use to Residential, read the January 2, 1992 letter addressed

to Mark Ratliff from former Anna Maria Mayor Ray Simches. A copy of the letter was presented to Chair Quam for the record.

Ms. Cramer read letters, minutes, and reviewed the detailed history of the 9702 Gulf Dr. property zoning issue. All information was presented to the City for the official record.

Ms. Cramer stated that Mr. Arrant had previously cautioned the P&Z Board not to go lot by lot in making their decision, that to look into the future instead. She felt the more conforming use of the property would be ROR designation.

Ms. Cramer further voiced her support regarding 101 through 109 N. Bay being designated as ROR as a more appropriate use. She also was in support of the Nally's request to change their property to ROR use.

Ms. Cramer was also in support of leaving the maximum height for Commercial as 37-feet.

In response to Ms. Cramer's comments, *Tony Arrant* stated he would have informed her that a logical boundary should be in place when dividing land uses and compatibility.

- g. **Steve Kring**, 309 N. Bay Blvd., spoke in support of Ms. Cramer's property to be included in the ROR. Mr. Kring informed he owns two businesses located at 420 Pine – Steve Kring Construction and Horizon Realty.

Mr. Kring said he had contacted twelve of his neighbors who are willing to sign a petition in support of Ms. Cramer's request.

In regard to the maximum height limit, Mr. King felt that with FEMA's long-term goal of flood-proofing the houses and wanting to make everything conforming if at all possible, the height maximum should remain at 37-feet.

- h. **Brendan Rowe**, Lobeck & Hanson, 2033 Main St, Ste 403, Sarasota, FL addressed the Commission representing Fred and Margaret Nally, homeowners at 110 Spring Avenue. Mr. Rowe asked that the Nally's property be designated as ROR.

Mr. Rowe addressed Policy 1.4.1 Non-conforming uses and how the properties can be reconstructed in case of disaster. He felt the language was very ambiguous and unclear and gave examples of his concerns. Mr. Rowe pointed out that the Nally's are currently a non-conforming use as Residential use in a Commercial zone. He asked that the Commission look at the definition of "re-development" in the policy, especially in regard to the "natural disaster" language in the same section.

Mr. Rowe then addressed Policy 1.3.4 as being inconsistent with policy 1.3.5.

Tony Arrant clarified the idea of National Disaster versus the redevelopment. He informed that the P&Z added the last sentence in Policy 1.4.1 whereas an action by the property owner when asking for a permit when voluntarily requesting a change they would be required to abide by the new regulations. However, all other issues would be grandfathered in.

- i. **Maurice Grubbs**, owner of property at 117 Palm Ave, said he currently lives out of town and asked how his property is being zoned. He is requesting it zoned as ROR.

Mr. Arrant clarified the Future Land Use Map shows the property as ROR.

Mr. Grubbs stated his property is adjacent to Linda Cramer's property and has no objection to her property being designated as ROR.

- j. **John Cagnina**, 306 73rd St, Holmes Beach and owner of property at 9007 Gulf Drive, spoke in support of Ms. Cramer's property being designated as ROR. He stated it was one of the goals of the Comprehensive Plan to enhance commercial in the City.

Mr. Cagnina said it was his philosophy that the properties located at 101 through 109 S. Bay Blvd. should remain Commercial.

In regard to the commercial maximum height of 37-feet, Mr. Cagnina did not understand why residential interest should have a preference over commercial interest.

Mr. Cagnina pointed out that the Nally's had to know their home was zoned Commercial in a Residential district and questioned why the issue was being discussed.

- k. **Barbara Nally**, 110 Spring Ave., spoke on behalf of Joe and Marie White, owners of property at 111 Spring Ave.

Ms. Nally informed the White's asked her to request that their property at 111 Spring Ave. also be zoned as ROR.

Ms. Nally said she still contends her property at 110 Spring Ave. was zoned Residential when they purchased it in 1973.

- l. **Robin Wall**, 112 Palmetto Ave, **appointed by Patrick Mullins**, 111 Palmetto Ave., read a letter from Mr. Mullins in the support of the City keeping Residential Future Land Use Map designations for Lots 1 & 2, Block 31 at Gulf Drive and Palmetto Avenue. A copy of the letter was presented to the City Commission for the official record.

- m. **Robin Wall**, spoke on behalf of her husband Peter and herself. Ms. Wall read a prepared statement whereas they strongly support the City in keeping a Residential future land use designation for the following three properties:

- 1) 9702 Gulf Drive
- 2) 118 Palmetto Ave
- 3) 116 Palmetto Ave

The prepared statement and supporting documentation was presented to the City for inclusion in the official record.

Ms. Wall referred to Policy 1.3.5 stating she agreed with the language as proposed. She felt on an elevated floor, the sale of merchandise such as home furnishings or clothing would be very compatible with the residential properties. She was concerned though that the definition of retail could be stretched to food and alcohol and it would be very difficult to buffer elevated commercial floors.

Ms. Wall suggested language be added to Policy 1.3.5 that excludes the sale of food or alcohol.

Ms. Wall also suggested that the general Commercial Land Use category in Policy 1.3.6 elevated floors should also be limited to professional office and retail – where retail means the sale of merchandise.

- n. **Liane Bennati**, 114 Palmetto, read a prepared statement for the record and submitted both the letter and a five page written opinion by Certified Planner Sam Casella to the City for the official record.

Ms. Bennati voiced her support in keeping the Residential Future Land Use Map designation of 9702 Gulf Drive, 118 Palmetto Ave, and 116 Palmetto Ave. As an adjacent property owner to the properties she was very concerned about the issue.

- o. **Michelle Romeo**, 1502 30th Street W, Bradenton, read a prepared letter submitted into the official record on behalf of her mother Dorothy Perricone, owner of 115 and 117 Palmetto Ave.

Ms. Perricone is in favor of the City keeping the properties of 118 Palmetto Ave, 9702 Gulf Drive, and 116 Palmetto Ave. in the Residential Future Land Use category.

- p. **Matt Taylor**, Mackey Law Group, 1402 3rd Ave. W, Bradenton, spoke on behalf of LBK Realty, LLC, owners of property located at 101, 103, 105, 107 and 109 N. Bay Blvd.

Mr. Taylor presented for the record a copy of previous minutes and a three-page chart demonstrating the reasons why they felt the Commission should approve that the Future Land Use Map should include the properties of 101 through 109 N. Bay Blvd. as ROR. He reminded that in the 1980's the former owners sued the City to request the property be changed from Residential to Commercial.

Mr. Taylor informed that the new property owners are wanting to develop the property on the base level with residential on the second level. They are asking that the Commission approve designating the property as ROR. They feel it will preserve the village atmosphere and also anchor that end of the corridor in ROR with a nice transitional buffer between commercial and residential.

- q. **Joe Chiles**, 759 N. Shore Ave, felt approving the 27-foot maximum building height for commercial properties only seemed to be irregular in that all other maximum building heights in the City are established at 37-feet in height.
- r. **Diane Malesco**, 832 S. Bay Ave, felt the 27-foot maximum building height for commercial should stand in order to keep the balance between residential and commercial properties and in keeping a good quality of life for the residents.

Ms. Malesco stated that commercial properties currently enjoy many exclusions that residents do not have. Examples followed.

Other – Letters submitted for the official record.

Chair Quam read portions of the following letters that had been received and were asked to be made part of the official record:

- **Marcia Brown**, 206 Palmetto Ave, encouraged the City Commission to keep the Residential future land use status for Lots 1 & 2, Block 31 on the corner of Palmetto Ave, and Gulf Drive, west of Gulf Drive. She felt by doing so, the integrity of their residential neighborhood would be keep intact and the residential quality of life would not be diminished.
- **John & Elaine Gardner**, 114 Willow Ave., requested that the City Commission adopt the Future Land Use Map showing a Residential designation for Lots 1 & 2, Block 31 in order to keep with the current use and quality of life in their neighborhood.
- **John and Barbara Kimberly**, owners of property at 109 Palmetto Ave, urged the City Commission to adopt the Comprehensive Plan with a Residential Future Land Use Map designation for all lots on the 100 block of Palmetto Avenue so that the single-family residential character of the neighborhood would be maintained and protected.
- **Richard and Shirley Martinez**, 111 Palm Ave., stated they are in full support of the City Commission keeping the properties at 9702 Gulf Dr., 118 Palmetto Ave, and 116 Palmetto Ave., in the Residential future land use category on the Future Land Use Map.
- **Florian Predd**, 212 Palmetto Ave., strongly urged the Commissioners to maintain the residential quality of their neighborhood, specifically Lots 1 & 2, Block 31.
- **Louise Sperry**, 216 Palmetto, wrote strongly in favor of the Commission retaining a Residential Future Land Use Map designation for 9702 Gulf Dr., 118 Palmetto Ave., and 116 Palmetto Ave.
- **Steven and Mary Stanley**, 105 Palmetto Ave., asked that the City Commission continue to protect the residential quality of life on the 100 block of Palmetto Ave.

- by maintaining a Residential Future Land Use Map designation for Lots 1 and 2, Block 31.
- **Dr. Richard and Phyllis White**, owners of property at 108 Palmetto, requested that the Future Land Use Map be adopted and sent to the state agency showing a Residential future land use designation for Lots 1 & 2, Block 31.
 - **Michael Wylie**, property owner of 113 Palm Ave., wrote in support of assigning a Residential Future Land Use categorization on the Future Land Use Map for all properties on Block 31 in the City of Anna Maria that presently are designated as Medium Density Residential on the Future Land Use Map, including the two Lots (Lots 1 & 2, Block 31) on the corner of Palmetto Avenue and Gulf Drive.

Traffic Circulation Element - No public comments received.

Housing Element - No public comments received.

Infrastructure Element - No public comments received.

Coastal and Conservation Element - No public comments received.

Recreation and Open Space Element - No public comments received.

Capital Improvements - No public comments received.

Hearing no further Public Comment, Chair Quam declared the Public portion of the public hearing closed at 8:21 p.m.

Commission Discussion

Commissioner Mattick addressed the language in the Future Land Use Element – density of 0 to 6 residential units per gross acre. She suggested that the 6 residential units per gross acre be corrected to read 5 in order to be consistent with the recent Ordinance approved by the Commission requiring 7,500 sq feet per lot.

Mr. Arrant said that issue was discussed at great length with the Ad-Hoc Committee and also the P&Z Board. He stated a local Ordinance can be passed that is more restrictive just not one that is more than the 6 residential units per gross acre.

The idea of placing the number of 6 was if at sometime a natural disaster occurred and someone accumulates multiple lots wanting to re-plat, the ability to know what the maximum density was would be there.

Commissioner Mattick felt the last paragraph under Policy 1.2.1 as currently proposed is ambiguous, unenforceable, and illogical. Explanation followed. Commissioner Mattick felt the statement reflects that the City is going to develop a process to encourage.

MOTION: Commissioner Mattick moved to strike the paragraph under Policy 1.2.1 – “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 build less than the maximum size buildings on existing small 5000 sq. ft. lots”.

Chair Quam felt the Comprehensive Plan was a general vision and just having the language in the Plan to encourage does not say it has to done.

Commissioner Woodland said encourage was placed in the Plan and was not intended to reflect as mandatory.

ACTION: Motion failed due to a lack of a second.

Commissioner Mattick felt Policy 1.3.1 was redundant with 1.3.5 except for “Commercial development shall not be permitted in the Residential Land use Category” in Policy 1.3.1. Commissioner suggested the remaining language be removed.

Mr. Arrant said the language may be redundant but does not hurt anything. The basic core of the two policies have been in existence since 1989, however, if it reads better it can be changed.

Commissioner Mattick then commented on the height reduction for commercial property from 37-feet to 27-feet. She stated she had reviewed all of the City’s codes from 1945 to present. In 1969 a height of 30-feet was established for all buildings in the City regardless of zoning. In 1974 it was revised to establish a maximum height of 37-feet for all buildings regardless of zoning and based on new FEMA requirements. The height has been established at 37-feet for the past thirty plus years.

Commissioner Mattick said she further reviewed all minutes of the Ad Hoc Committee, the P&Z Board, and the City Commission relative to the Comprehensive Plan. The only mention for changing the height in the commercial district was on February 26, 2006 when P&Z member Doug Copeland proposed the change.

Commissioner Mattick stated she and other residents in the City believe the proposed 27-foot height limitation is discriminatory and punitive to commercial property owners. Commissioner Mattick, regarding Ms. Douglas’ disappointment of the proposed change in maximum height requirements, then read a January 11, 2007 letter received by the City Commission from Suzanne Douglas, member of the Ad Hoc Committee. It was noted in the letter that the Ad Hoc Committee at no time recommended the change.

Commissioner Mattick stated at numerous occasions the Commission had professed their support for the business community. She asked if the present Commission would be the first administration in the history of Anna Maria to take unprecedented action of singling out commercial property owners by restricting the height of commercial structures to less than that permitted for every other zoning district in the City.

Commissioner Mattick then made the following motion:

MOTION: Commissioner Mattick moved to strike the last sentence in paragraph two of Policy 1.3.6 which reads as follows: “All commercial structures are limited to 27 feet in height”. Commissioner Tollette seconded the motion.

Commissioner Woodland said he was in support of maintaining the 37-foot height maximum. He stated he verified the information regarding the difference in insurance costs between commercial buildings on the ground level versus building on an elevation and was informed the information was correct.

Though not supporting the 27-feet, Commissioner Woodland voiced concern about intensity. He suggested that the language state “it be limited to two usable floors”.

Commissioner Tollette said in looking at the minutes, the letters from the Galati’s regarding not being able to get insurance if building on the ground level, and in the amount of money spent by the Community Center just in concrete for anchoring the gymnasium due to FEMA regulations, she also felt it was unjust to limit the 37-foot restriction to only the residential property owners.

Commissioner Miller said he, too, would like to consider limiting to two usable floors. Pointing out that Policy 1.3.5 did not define what retail is, he suggested that any elevated floor be restricted to retail, as in sale of merchandise, excluding food and beverage served on premises.

Chair Quam suggested if the Commission wanted to regulate the use it should be placed in the LDR’s. He further suggested that to be consistent with the ROR, that Policy 1.3.5 should state that Structures in the category are limited to two occupied floors - one-story ground level commercial, one ground level commercial with one story elevated, or two-story elevated commercial.

ACTION: Commissioner Tollette withdrew her second to the motion on the floor. Commissioner Mattick withdrew her motion.

PUBLIC COMMENT

Tony Arrant informed the focus of Policy 1.3.5 was for mixed-use land use category. He recommended the Commission determine the maximum height issue in one motion and determine any restrictions in the commercial category separately.

MOTION: Commissioner Mattick moved to strike the last sentence in paragraph two of Policy 1.3.6 which reads as follows: “All commercial structures are limited to 27 feet in height”. Commissioner Tollette seconded the motion.”

On roll call vote, the motion carried unanimously.
****Note:** Commissioner Miller later withdrew his yes vote on this question.
 As a result, the motion carried on a vote of 4-1 with Commissioner Miller voting No.

In referring to Policy 1.3.8 **Commissioner Mattick** asked if the Commission was obligated to say, “strongly discouraged” regarding strip commercial development.

Mr. Arrant responded that Policy 1.3.8 was specifically rewritten so a policy would be in place.

Discussion followed relating to limiting commercial buildings to two usable floors.

MOTION: Chair Quam moved to include the following language in Policy 1.3.6 –
 “Structures in this category are limited to two usable floors:
 1) One story ground level commercial
 2) One ground level commercial with one story elevated
 3) Two-story elevated commercial
 Commissioner Woodland seconded the motion.

Public Comment

Steve Kring, 309 N. Bay Blvd., addressed the motion on the floor and asked – two-story elevated based on what?

Ed Chiles, 113 Tern, asked not to place commercial in the same situation expressed by the Galati’s. He said if the first floor could not be used for parking, loading, unloading, or storage, it would severely restrict the commercial property on the Island in the event they would have to re-build.

The Commission informed that was not the intent.

John Cagnina suggested some sort of accommodations be made relating to the pitch of the roof in respect to commercial and maximum height requirements.

Mike Galati, 900 S. Bay, said he was in support of two usable floors but was opposed to limiting the sale of beverages on the second floor. He suggested that the regulations of specific usages be placed in the City's Ordinances in order to allow for any change to the Ordinance at a later date if required.

MOTION: Noting it was 9:00 p.m., Chair Quam moved to continue the meeting until completion. Commissioner Woodland seconded the motion. Motion carried – All Aye.

Chair Quam called for a five-minute recess to reconvene at 9:05 p.m.

Public Comment - continued

Tom Turner, 815 N. Shore Dr., referred to Policy 1.3.4 and felt it conflicted with language on page 15 of the Future Land Use Element. He suggested the sections be reviewed and that Commercial is more specific regarding what it allows versus the language included in the motion on the floor.

Robin Wall, 112 Palmetto, asked that Policy 1.3.5 state it be limited to professional office and retail.

Sandy Mattick, 307 Pine, asked that commercial use not be restricted. She noted that all restaurants are in commercial areas and if they chose to elevate it would take away their ability to do business. She also gave the example of having a gym on a second floor and taking away their ability to serve protein shakes, drinks, or food.

Michael Colemann, 311 Pine, asked what the problem was that was trying to be solved and was it already solved by something else.

Mr. Colemann recommended that any allowable use requirements not be placed in the Comprehensive Plan and rather be placed in the LDR's.

Mr. Colemann further commented on a brochure he had reviewed listing businesses supporting the community. He said he was very resistant to restrict the businesses effort to act within the culture already established in the community.

ACTION: On roll call vote the motion relating to the addition of language in Policy 1.3.6 carried unanimously.

-- **MOTION:** Commissioner Miller moved that the elevated commercial floors be restricted or limited to professional office and retail excluding the sale of food and beverage for consumption purposes.

Commissioner Miller stated the reason for his motion was that Anna Maria is only a one-mile City. Allowing food or beverage for consumption purposes on

the elevated level would only impose on the surrounding residential neighborhoods. He pointed out that 100% of the commercial is surrounded by residential neighborhoods.

ACTION: Motion failed due to lack of a second.

****Note: As a result of the motion failing, Commissioner Miller withdrew his Yes vote regarding striking the last sentence in paragraph two of Policy 1.3.6 which reads as follows: "All commercial structures are limited to 27 feet in height."**

Grammatical and Typographical Corrections

Commissioner Mattick reviewed several grammatical and typographical corrections in each of the Elements. Clarification relating to certain sections followed by Mr. Arrant. It was agreed that all corrections be forwarded to City Clerk Baird. City Clerk Baird will forward to Mr. Arrant for correction in the official document.

Salinas Property at 203 Spring a/k/a 9907 Gulf Dr.

Discussion followed when **Commissioner Miller** referred to the Salinas request regarding his property at 203 Spring a/k/a 9907 Gulf Dr. Commissioner Miller stated that the Commission promised Mr. Salinas that he would be able to build on this property. However, the 60% cap was slipped in.

Commissioner Miller suggested that an exception be built into that one piece of property that it is not to be restricted by the cap or just remove the 60% cap - especially since 100% is allowed for commercial.

Mr. Arrant explained that State law requires a ratio to the mixed-use category in order to plan for the future. He informed that the ratio had changed from the time the Ad-Hoc Committee was reviewing the Comprehensive Plan to the determination by the P&Z Board.

He said the 60% residential cap would never be met, that the City was now less than 30%. He suggested zoning the property to what the resident is requesting in order to lock in his zoning.

9702 Gulf Dr., 118 Palmetto Ave., and 116 Palmetto Ave

Commissioner Tollette discussed the property owned by Linda Cramer that are currently designated as Residential. In regard to the scrivener's error, she said mistakes can be made.

Commissioner Tollette said no one could convince her it was a good idea to end Commercial in the middle of the block directly across from Commercial. She stated she has read all resident concerns, however, based on the City's codes there would never be much of a change if permitted as ROR. It was her opinion that the previous error occurring on this property be corrected at this time.

MOTION: Commissioner Tollette moved to allow the properties located at 9702 Gulf Dr., 118 Palmetto Ave., and 116 Palmetto Ave.

ACTION: Motion failed due to lack of a second.

Lots at Block 39, Anna Maria Beach Subdivision - 101, 103, 105, 107, & 109 N. Bay Blvd.

Commissioner Woodland addressed the lots at 101, 103, 105, 107, & 109 N. Bay Blvd. and said he disagreed with the recommendation of the P&Z Board.

Commissioner Woodland stated that Anna Maria does not have a lot of commercial property and those lots represent approximately 15% of the commercial property in Anna Maria. He felt if the designation of the property was changed from Commercial to ROR it would be lost and never gotten back.

It was Commissioner Woodland's opinion those lots are a perfect location for Commercial. Examples followed.

Commissioner Tollette agreed with Commissioner Woodland.

Commissioner Mattick felt ROR was more compatible for the property and would be more likely developed into one continuous building. She said it was her understanding the property owners were wanting to operate a business out of the ground level floor and maintain their residence on the second floor. She felt if it were zoned as Commercial the property would remain vacant. She stated that it was almost impossible to operate a commercial business in the City of Anna Maria.

Commissioner Miller pointed out that the ROR designation could be either residential or commercial.

Chair Quam said the common sense decision was that the property remains as Commercial, however, he agreed with all points presented. He stated that he did, however, respect the decision of the P&Z Board.

MOTION: Commissioner Woodland moved to change the Land Use designation on Block 39 - Lots 101, 103, 105, 107, and 109 N. Bay Blvd., from ROR to Commercial. Commissioner Tollette seconded the motion.

Public Comment

- a. **Matt Taylor**, Mackey Law Group, addressed the Commission on behalf of the property owners. He disagreed that the commercial designation would never be gotten back, instead it would be properly used as 100% Commercial in ROR and would have the best of both worlds.

Mr. Taylor pointed out that any changes on the property would have to comply with the City's LDR's. It is planned that the property owners would be operating a business at that location and as it is currently not feasible to operate a Commercial business on that property unless for an already established business. He stated it is necessary that the property remain as ROR in order to make a go of the proposed business. To designate as Commercial would render the property as useless, versus allowing a property that has remained vacant for several years as ROR to be useful to the property owners, citizens, and the City of Anna Maria.

- b. **Sandy Mattick**, 307 Pine Ave., informed that the P&Z Board had discussed the traffic with the humpback bridge being there. She did not feel it would be feasible to have a Commercial business at that location and it would become a hazard.
- c. **John Cagnina**, stated there are properties on Bay Blvd. that are currently not profitable. The cost of insurance is an issue and the cost of taxation is being addressed for Commercial properties. He felt the property would be reappraised based on the operating income.

Mr. Cagnina asked that the village type atmosphere be maintained and felt there was an opportunity to develop the property.

- d. **Peter Petros**, property owner at 101 through 109 N. Bay Blvd., stated the property has remained vacant for many years. There is now an opportunity for them to build on the property if zoned as ROR. Mr. Petros asked that the City Commission accept the recommendation of the P&Z Board.
- e. **Ed Chiles**, 113 Tern, said he felt the property was a restaurant site. He voiced concern if the Commission takes away the ability to serve food, beverages, or alcohol on the second floor. He said the only thing that can be done in ROR that cannot be done in Commercial is to operate as a Marina.

Mr. Chiles said he wants to protect Commercial in ROR in the City of Anna Maria, pointing out that the City is 97% Residential.

Mr. Chiles agreed with either Commercial or ROR on the lots.

- f. **Michael Colemann**, 311 Pine Ave., said after hearing there is so little Commercial in the City he was first leaning in favor of Commercial designation of the properties. However, he now feels if designated as ROR, it is essentially Commercial.

He asked if the City should be run on the basis of the negative comments from those that will complain forever and always.

Mr. Colemann stated the property is not viable at this time and it is hard to operate a Commercial business in Anna Maria. To designate the property as ROR will allow for a dense spot to become live, taxes and jobs will be added, and he encouraged the Commission to consider that.

Further Commission Discussion

Commissioner Miller reminded that the City will eventually have to deal with the humpback bridge. When it is ready to be condemned it cannot be built back the way it is and felt that would limit commercial operation. ROR would give the ownership the flexibility that's needed to develop the property and further did not feel it was irretrievable.

Commissioner Tollette voiced her concern regarding the traffic, dumpsters, trash trucks, etc. and stated the property owners would not be there forever.

Commissioner Mattick pointed out her residence is across from the Rod & Reel Pier. She said though many thought she would be unhappy if moving to that location, she loves to people watch, noted that the business closes early, she can smell the dumpster from the business, however she loves being there. She said she knew what she would be getting into when purchasing the property.

Commissioner Mattick did not think the Commission should be concerned about future property owners and mentioned that when the Nally's and White's moved to a commercial area they knew at that time what to expect.

Further discussion followed including what the Commission would like the area to look like in ten years and the issues involved in determining whether to change the property to either the ROR or Commercial designation.

After discussion, the following action was taken regarding the motion on the floor:

ACTION: **As a result of the roll call vote, the motion to change the designation of the lots from ROR to Commercial was approved on a vote of 3 –2 as follows:**

Commissioner Miller	- No
Commissioner Tollette	- Yes
Chair Quam	- Yes
Commissioner Woodland	- Yes
Commissioner Mattick	- No

Comprehensive Plan Concept Proposal

Commissioner Miller said he forwarded an e-mail to the Commission relating to a proposed Comprehensive Plan concept. Commissioner Miller read the e-mail in its entirety.

Noting there is presently a citizen's initiative underway to place on this November's ballot - a State mandate requiring voter approval of the Comprehensive Plan changes, the following proposal was presented by Commissioner Miller:

- Let the citizens decide via referendum to amend the City Charter. This could be accomplished with a ballot item in the upcoming election in November. The amendment would simply stipulate that future changes to

the Comprehensive Plan, once approved by the City Commission, would require voter approval in the upcoming November election before being sent to DCA.

- Or add the same stipulation to the administrative portion of the Comprehensive Plan now before the Commission.

Commissioner Miller informed that the second option was his preference due to its simplicity of requiring only a majority vote of the Commission.

Commissioner Woodland agreed the second option would be the best approach. He asked Mr. Arrant if an amendment to the Comprehensive Plan would be required in the event the item was discussed at a future Work Session.

Mr. Arrant informed that the action the Commission would take that evening was to approve transmitting the proposed amendment to the Comprehensive Plan to DCA and would not be for its official adoption. After the 90-day review by DCA it will then be returned to the City for final adoption.

It was the consensus of the Commission to place the proposal of the Comprehensive Plan Concept on the June 14, 2007 Work Session agenda.

Official Approval of the Proposed Amendment to the Comprehensive Plan

Mr. Arrant informed the minutes of the Public Hearing would need to be approved by the City Commission and included with the approved Proposed Amendment to the Comprehensive Plan when submitted to DCA for their review.

MOTION: Commissioner Miller moved to transmit to the DCA for their review the Evaluation Appraisal Report Amendment and the Future Land Use Map as amended at the City Commission's Public Hearing of May 21, 2007. Commissioner Woodland seconded the motion.

ACTION: On roll call vote, the motion was approved unanimously.

Chair Quam thanked Mr. Arrant, the City Staff, City Commission, P&Z Board members, Ad Hoc Committee members, and the residents for all the hours of involvement relating to this issue.

It was agreed that typographical or grammatical errors, including those reviewed by Commissioner Mattick, would be submitted to City Clerk Baird and Mr. Arrant will see that the corrections are made.

ADJOURNMENT

**On motion made Chair Quam and seconded by Commissioner Woodland
the meeting was adjourned at 10:23 p.m.**

Alice Baird, CMC, City Clerk

Minutes Approved: _____