

CITY COMMISSION WORKSHOP MEETING
October 25, 2010
5:30 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2
Alan Zirkelbach, Commissioner-at-Large 1
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3 (Entered the meeting at 6:58 p.m.)

Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Lorraine Lyn, City Planner
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 5:30 p.m.

1. COMPREHENSIVE PLAN AMENDMENT

Discussion of the Comp Plan Amendment pursuant to receipt of the DCA Objections, Recommendations and Comments Report.

City Planner Lorraine Lyn began the discussion on page 56. She pointed out three types of residential units being introduced based on a previous policy.

Page 61, Policy 6.1.6: Period needed at the end of the sentence.

Page 64, Policy 7.1.1: Following discussion, decision was made to add "and any extension that may be granted" following December 31, 2015 [the end of the water contract date]. DCA wants to see dates, but dates may be problematic if Amendment 4 passes.

Page 65, Policy 7.3.4: Reuse: "Any future development must expand water to the site and within the development and will have to hook up to reclaimed when it is available." The City is only responsible for existing sites. Mrs. Varnadore had requested clarification.

Policy 7.3.6: Mr. Tusing asked to delete "or payment to City for future pipe installation shall be required." He explained that the developer will be required to install dry lines.

Page 67: The subtitle will be changed to Protection and Enhancement of Coastal Resources and Wildlife.

Page 68, Policy 8.1.7: The policy states that by December 31, 2011, the City shall map native coastal areas and adopt rules and policies regarding the protection of manatee habitat areas. The data analysis packet has the map called for. The City's objective is to adopt rules and policies, etc. The City will probably adopt the County's policy.

Commission asked Ms. Lyn if dates in the Comp Plan are calendared in order to meet the requirements in the Comp Plan. Mr. Tusing said a matrix will be done to track the dates, and Commission will be kept informed. The dates for compliance will be monitored. At some point the Comp Plan will be updated to show compliance. Mr. Barnebey said soon the City will go through the EAR and check for dates. They will either be shown as met, or the City will ask for an extension.

Page 69, Policy 8.3.3: Mr. Barnebey commented that Mixed Use will be changed to Planned Community.

Page 70, Objective 8.4: Mayor Bryant questioned the wording that the City would “ensure” that adequate shelter will be provided during hurricane evacuations. Ms. Lyn pointed out that it just meant the City’s **objective** would be to work with the County. Mr. Barnebey will reword this section.

Objective 8.4.1: Mr. Barnebey asked that “within the Coastal High Hazard Area” be deleted.

Policy 8.4.4: Following discussion initiated by Commissioner Cornwell, Mr. Barnebey commented that “new” is not defined, and he will look at this section. Commissioner Varnadore asked if there is a criteria to apply. Mr. Barnebey said probably 50%. This Comp Plan has no grandfathering provision. He will make it consistent with City Codes. [References “new” mobile home parks being required to provide accessible hurricane-safe shelter for 100% of the residents.]

Page 72, Policy 8.5.7: Commissioner Varnadore asked about the expanded language in this section. It has reworked this whole section and the densities in the Coastal High Hazard Areas. Ms. Lyn said this is just a reword except for the last paragraph which is new. Mr. Barnebey commented this was based on DCA comments, and DCA is happy with this language. The City may revisit this at some time in the future. Mrs. Varnadore asked if the chart or Section #2 in this section will rule in formulating densities. Mr. Barnebey said #2 will cap the maximum density. Ms. Lyn said the last paragraph was new because a developer was approved for eighteen condo units, and he wanted to switch to a single-family house. Mr. Barnebey said this allows a low level of development without having to go through the whole plan process, and preempts a property rights challenge.

Page 73, Objective 8.6: Commissioner Cornwell commented that this section calls for the City to establish Post Disaster Redevelopment Plans, and she asked where those plans would be found. Mr. Barnebey said they would be by separate ordinance or resolution. Some will be in the Land Development Code. It is not required to be in the Comp Plan.

Page 74, Policy 8.6.5: Mayor Bryant asked about the statement, “the City shall continue to fund the Emergency/Disaster Contingency Fund.” Mr. Freeman said this is an internal fund which the City sets aside that could be supplemented in the event of a disaster.

Page 75, Policy 8.6.7: Commissioner Cornwell said this is the language she was referring to adding in Policy 8.4.4. Mr. Barnebey said this language should be everywhere in the Comp Plan.

Page 80, Policy 9.3.5: Mayor Bryant asked where the educational materials should be made available. Consensus was at City Hall or on the website.

Page 83, Policy 10.1.3: Commissioner Varnadore asked for a definition of recreational development. Following discussion it was decided to leave this broadly defined; however, Mr. Barnebey will modify this section. This refers to parks in new development and those near the waterfront.

Page 84, Policy 10.3.3: Following discussion on Commissioner Varnadore’s comments, it was decided this section will be deleted.

Page 85, Policy 10.5: Policy 10.5.1, the Level of Service standard will be deleted. Policy 10.5.3 will end after boat ramp on line 2. Policy 10.5.5 will read “the City will continue efforts to improve the boat ramp facilities at the DeSoto Bridge.” Mr. Barnebey said the actual stated objective in 10.5 is okay.

Page 91, Policy 11.6.1: Commissioner Cornwell pointed out that a period needs to be added at the end of the second bullet after 11.6.2.

Commissioner Zirkelbach remarked that the City needs to look at maximum FAR in regards to public facilities.

Mr. Barnebey said he will be recommending that Commission move this to November 1, 2010 to continue the discussion. Mr. Zirkelbach informed Commission that he will be absent from the November 1 meeting.

Commissioner Cornwell pointed out that a period is needed after School Board in 12.3.4 on page 98. On page 100, Policy 13.1.1, she questioned the amount of \$30,000 [re capital projects]. Mr. Barnebey said it is in the existing policy. Mr. Freeman will check on this amount.

Page 100, Policy 13.1.3: Mayor Bryant noted this eliminates elected officials and the Police Chief from the prioritization of capital projects included in the CIP. Mr. Barnebey commented that it should say to bring to City Commission for review. She asked that the CRA Director be added.

Lorraine Lyn will provide a clean copy of the Comp Plan to City Commission on November 1.

Ms. Lyn discussed the Data Analysis Report handed out prior to the meeting which will remain a part of the permanent record of this workshop. This document identified the subject areas of the Department of Community Affairs (DCA) recommendations and comments (shown in bold type).

Mr. Barnebey said he will make a modification in policy based on the DCA comment regarding the water supply and population projections. He will review the document to see if any other policy changes are required.

Ms. Lyn commented that mobile home parks were added to RES 14.

The City will have enough water until 2030 based on 105 gallons per day per person level of service. Mr. Barnebey will adjust the policy to recognize what we have now and get a new contract. He pointed out the MPO maps project a different future than what has been discussed, and this will have to be looked at later.

Commissioner Varnadore asked about the 2030 Future Land Use Map (FLUM). Mr. Barnebey said once this is adopted and approved by DCA, it will be the official future land use map. In answer to her question, Mr. Barnebey said that if there is an inconsistency between the FLUM and the zoning maps, the Comp Plan governs. Transitional areas need to be reviewed. Inconsistencies need to be brought into compliance. Densities are governed by FLUM. Commissioner Zirkelbach pointed out that 100% of any changes must come to City Commission for approval.

Mrs. Varnadore asked about Planned Community (PC). Ms. Lyn said it is the same as the Planned Development category that was created originally. It requires a site plan and densities are based on surrounding densities. Mrs. Varnadore asked to meet Ms. Lyn outside of a meeting for clarification.

Ms. Lyn informed Commission that she went back to the minutes of the November 20, 2006 public hearing in which the Commission approved an increase in the FARs and density of the new Planned Community category. It was clearly the intent of the Commission to allow increased densities and intensities when property was in the CRA, so she went back to the base FAR and base density of 1 FAR and 16 units per acre in that category. The only way it can be increased is if the property is in the CRA.

Mr. Barnebey informed Commission that the ordinance did not reflect that intention, and that change could give the City property rights claims. Nothing in the adopted Comp Plan limits the Comp Plan designations of 10 FAR and 45 units per acre. Commissioner Varnadore opined that the Commission always took that as a guideline for the downtown core. Mr. Tusing said it is possible that projects outside the downtown core and in PUD designations may not have ever been aware they had those densities. Mr. Tusing also commented that Commission approved an ordinance allowing those densities with the intent of just one property in the downtown core and not every PUD in the City.

Following discussion, Mr. Barnebey said the potential for litigation still exists if the densities are changed, even though there are no applications currently submitted. He recommended not making the change.

Commissioner Varnadore asked for clarification. Mr. Barnebey said Ordinance 06-898 amended the Comp Plan in 2006 to increase the densities. Commission approval would be required for anything over FAR 1 and 14 units per acres. She asked how there could be a challenge if Commission approval is required. Mr. Freeman said with current PC designation, whether or not the property is in the CRA, there is the ability, with Commission approval, to get the increased density. With a change, those outside the

CRA with the designation will not even have that as an option, and that creates the risk. Ms. Lyn commented that there are not that many properties affected; only 14 parcels.

Commissioner Zirkelbach pointed out that in RES 6-10-14 categories limiting the FAR to 2.5, community centers, schools and libraries would be non-conforming.

Mr. Zirkelbach commented that the 10th Street extension and 23rd, designated PC, limiting to .5 FAR discourages a commercial core corridor. There should be a more of a transition. On main thoroughfares, there should be business corridors where appropriate. He thinks an FAR of 4 would be best. Mr. Barnebey will speak to Manatee Fruit Company (MFC) as this is their property. Mr. Barnebey said everything east of 10th and south of 23rd is General Commercial.

The map will be changed to show the agreement reached with MFC.

Mr. Zirkelbach agreed to an FAR of 3 in the PC zoning district for commercial structures. He commented that anything over 1 will have to come to Commission. Mr. Tusing said PC allows for mixed use. Mrs. Varnadore commented that since this document just came to Commission prior to this meeting, she needs time to review it. Mr. Zirkelbach said he wants to encourage compatible commercial uses in neighborhoods. FARs are solely for commercial uses.

Mr. Barnebey commented that currently marinas are not compliant, but an FAR of 3 would probably make them compliant.

Mr. Tusing asked for clarification. Commission agreed on an FAR of 3 in PU and PC and anything over FAR 1 would come to Commission. Regarding density, following discussion, Commission agreed on 16 units to the acre outside the CRA, with a maximum FAR of 3. Public facilities will be an FAR of 3, so that all schools and libraries will be conforming. Mobile home parks will be .5 for community centers and to support neighborhood services.

Commissioner Varnadore asked to look at recreational resorts again. Consensus was to keep the section but remove the definitions. Mr. Barnebey will limit to RV's with accessory recreational and appropriate community uses.

The discussion will continue at the workshop on November 1, 2010.

Mayor Bryant adjourned the meeting at 8:17 p.m.

Minutes approved: November 15, 2010

James R. Freeman

James R. Freeman, City Clerk