

# Woman challenges Sarasota's downtown plan

SARASOTA -- Diana Hamilton wants property owners in her Laurel Park community to have the chance to operate bed and breakfast inns or art studios or work as massage therapists from their homes.

That won't happen now because the residential neighborhood south of downtown was excluded from a plan to guide redevelopment in and around downtown for the next two decades. That plan allows limited small offices and retail stores on some corners in other neighborhoods.

"It was foolish that we were left out," said Hamilton, who has filed a challenge to the downtown master plan. "We should have been included in the beginning, and they (the City Commissioners) know it. This is for the future."

The crux of her argument is fairness: Gillespie Park and Park East, as close to downtown on the north side as Laurel Park is on the southside, are part of the new plan. Hamilton said those residential communities will benefit from the new land-use classification -- Downtown Urban General -- that allows limited office and retail use with the appropriate zoning or permits. Laurel Park, still restricted to homes and apartments, will not.

An administrative law judge is considering the merits of Hamilton's petition. But when and how it may be decided is unclear. Hearings scheduled for last week were canceled. The challenge was dismissed, temporarily, earlier this month, until the judge reversed his order.

Now, Hamilton has until 5 p.m. Monday to file additional paperwork. And the city has 10 days to respond.

Even if she succeeds in getting her neighborhood included, Hamilton's challenge has further delayed the implementation of a master plan created by consultant Andres Duany of Miami to make downtown and the bayfront more pedestrian-oriented.

And it's put her at odds with some neighbors in the community she says she's trying to help.

Dan McNicol, who lived in the neighborhood of renovated 1920s-era bungalows and cottages for 10 years, says any changes that would open the door to commercial development are unwelcome.

"It's kind of an island in the middle of town," said McNicol, who moved out in April but still owns property there. "It's a beautiful neighborhood, and it's probably worth more (as) residential than commercial."

Laurel Park resident Brian McInnis fear signs cropping up in

yards, bevys of customers and parking problems. Business discussed, like coffeehouses, soda stands, even counselors, would have to depend on people coming in; they couldn't survive on neighborhood traffic, opponents reason.

"It would destroy the tranquil residential nature we have here right now," McInnis said.

But Hamilton says the "New Urbanist" bent of the Duany plan -- one goal is creating walk to work neighborhoods -- should apply uniformly. And opportunities to operate businesses out of homes would give owners a way to get more out of their land in a community where values have soared in recent years, more than doubling in some cases.

City officials hired Duany in 2000, and amended their comprehensive growth plan in December 2001 to include his \$332,500 blueprint for downtown land use.

City leaders answer criticism about the plan boundaries by saying Gillespie Park and Park East were priorities under a city initiative to revitalize blighted communities.

Laurel Park -- bounded by Morrill Street on the north, Mound Street on the south, Orange Avenue on the west and Washington Boulevard on the east -- had its problems with drug dealers, prostitutes and declining property values, McNicol said. Since the early 1990s, when an influx of new

owners renovated homes, the community has been on an upswing.

The city provided funding for a community park, and approved special districts to preserve the residential character.

The challenge by Hamilton is not the first to the city's plan.

A consortium of business representatives and land owners filed a challenge in March 2002. City attorneys and planners negotiated a settlement, changing some provisions on parking, building height and setbacks.

Hamilton filed her challenge in March. City Attorney Bob Fournier argues it had nothing to do with the settlement and should be dismissed because she was past the limit for appeals. "She has to explain why she didn't challenge when the others did," Fournier said.

Hamilton said saw no reason to challenge the plan earlier. City officials told planners in 2000 to work with Laurel Park residents. Hamilton said she thought that meant they eventually would be added to the plan. Now she said she believes the city reneged on a promise.

"If we can ever get to the table and have a conversation," Hamilton said, "people will see that a lot of those fears will be allayed."

