



*City of Naples*

Special Meeting Jan. 8, 1985

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
PUBLIC HEARING WITH REFERENCE TO PROPOSED AMENDMENTS TO COMPREHENSIVE PLAN		85-4638	1



Time 6:35 p.m.

Date Jan. 8, 1985

Mayor Billick called the meeting to order and presided as Chairman.

ROLL CALL:

Present: Stanley R. Billick  
Mayor

R. B. Anderson  
William E. Barnett  
William F. Bledsoe  
Lyle S. Richardson  
Wade H. Schroeder  
Kenneth A. Wood  
Councilmen

Also present:

Franklin C. Jones, City Manager      Steve Cramer, Chief Planner  
Roger Barry, Community                  Ellen P. Weigand, Deputy  
Development Director                      Clerk

See Supplemental Attendance list - Attachment #1

PUBLIC HEARING WITH REFERENCE TO PROPOSED  
AMENDMENTS TO COMPREHENSIVE PLAN

Mayor Billick noted that the Planning Advisory Board (PAB) had held Public Hearings while considering their recommended amendments to the Comprehensive Plan and that this was the second of two required Public Hearings to be held by the Council to consider the PAB's recommendations.

---RESOLUTION 85-4638

A RESOLUTION APPROVING A DRAFT OF THE COMPREHENSIVE PLAN FOR THE CITY OF NAPLES; DIRECTING THAT AN ORDINANCE BE PREPARED FOR THE ADOPTION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Title read by Community Development Director Barry.

PUBLIC HEARING: Opened - 6:40 p.m. Closed - 7:40 p.m.

Mr. Schroeder moved adoption of the resolution as presented, seconded by Mr. Wood.

Attorney Douglas Rankin addressed Council in support of Dr. Moses Howard's request for rezoning his property on Fourth Avenue North (Attachment #2). Dr. Howard also spoke in support of the petition. Citizens Tyler Janney, Louis Doria, Frank Gofton, Thomas Chancy and Arnold Lamm spoke in opposition to the proposed rezoning, noting that the property was adjacent to single family residential. Dr. Ralph Peterson and his assistant, Richard Wragg, spoke in support of his request for rezoning as noted in his letter to Mr. Anderson (Attachment #3). Citizens Arnold Lamm and Tyler Janney spoke in opposition to the proposal.

MOTION: To ADOPT the resolution as presented.

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ADJOURN: 7:42 p.m.

*Janet Cason*  
Janet Cason  
City Clerk

*Ellen P. Weigand*  
Ellen P. Weigand  
Deputy Clerk

*Stanley R. Billick*  
Stanley R. Billick, Mayor

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Barnett			X		
Bledsoe			X		
Richardson			X		
Schroeder	X		X		
Wood		X	X		
Billick (7-0)			X		

Supplemental Attendance list - Special Meeting, 01/08/85

Mrs. Lyle Richardson  
Arnold Lamm  
Mrs. Stanley Billick  
Dr. Moses Howard

Dr. Ralph Peterson  
Douglas Rankin  
Tyler Janney

Louis J. Doria  
Frank Gofton  
Thomas J. Chancy  
Richard Wragg

News Media

Todd Holzman, Naples Daily News

Other interested citizens and visitors

LAW OFFICES  
PARKS AND RANKINBENJAMIN G. PARKS  
DOUGLAS L. RANKINPARKS BUILDING  
865 FIFTH AVENUE SOUTH  
NAPLES, FLORIDA 33940  
TELEPHONE (813) 262-0400

December 18, 1984

Naples City Council  
City Council Chambers  
735 Eighth Street, South  
Naples, Florida 33940Re: Dr. Moses Howard's Property at  
621 and 651 Fourth Avenue, North

Gentlemen:

The following are reasons for changing the Comprehensive Planning Designation on the above-referenced property from "Residential" to "Medical."

(1) THE ORIGINAL BOUNDARY LINE OF THE HOSPITAL AREA WAS ERRONEOUSLY DESIGNATED AND SHOULD BE CORRECTED.

My client and myself have on several occasions asked members of the Planning Department of the City of Naples for the reason why Dr. Howard's property was not originally included in the Medical Zone. To date, no one in the City Staff has been able to offer a single reason for the exclusion of Dr. Howard's property and the inclusion of the properties both to the South and East of Dr. Howard's property.

To support the contention that Medical Zone was improperly drawn, to begin with, the City Zoning Staff admits in its memorandum of July 23, 1984, on page 2, that "the configuration of the existing office and medical zone district boundaries is certainly not perfect; it is irregular." What we propose will help improve the perfection of this Medical Zone boundary, which the Zoning Staff admits is imperfect.

Further, the same type of development that we are proposing for Dr. Howard's property is being proposed for the vacant lot immediately next to my client's property. Also, the street conditions do not support the reason for the exclusion of Dr. Howard's property from the Medical Zone. Fourth Avenue North remains the same width and does not change until beyond Dr. Howard's property.

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Additionally, Dr. Howard's property is not next to the hospital area residential neighborhood that the City Zoning Staff is attempting to protect (as that neighborhood is designated on figure 17, page 72 of the proposed changes to the Comprehensive Plan). In fact, the property next to my client's, which is vacant lots owned by the hospital, is directly across the street from the impacted residential neighborhood. However, this piece of property is included in the Medical Zone. Further, I would state that even if the Medical Zone was correct in 1979 when the Comprehensive Plan of the City of Naples was adopted, it is not now correct due to the change in circumstances in the neighborhood.

(2) THAT THE CITY HAS ACTED IN AN ARBITRARY, CAPRICIOUS AND DISCRIMINATORY MANNER IN ESTABLISHING THE PORTION OF THE MEDICAL ZONING IN QUESTION.

Since the City Staff has been unable to give any reason for the original exclusion of my client's property from the Medical Zone, and since it had included other residential properties immediately abutting my client's, the only cognizable difference between these properties and my client's property is that these properties were owned by the hospital.

The property directly to the South of my client's property was originally all single family homes. This property now is a parking lot for the hospital. The property to the immediate East of my client's property, on which someone will be building a medical facility very similar to the one my client proposes to build, would have the same impact on the houses behind it as my client's property.

(3) THE RESIDENTIAL ZONING OF MY CLIENT'S PROPERTY IS NOT THE PROPER ZONING FOR THE PROPERTY, NOR IS IT THE HIGHEST AND BEST USE OF MY CLIENT'S PROPERTY.

To support this allegation, I have submitted to the Planning Advisory Board a brief outline of Dr. Howard's receipts and expenses on the subject property. Not in any one of the last five years has my client shown anything but a substantial loss in renting these houses as single family residences. Further, as is borne out in a letter which has also been supplied to the Planning Advisory Board, from one of Naples oldest realtors,

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which states that if either one of these properties were one more block from the hospital they would demand rentals in excess of what they are able to demand now by their proximity to the busy hospital and emergency room. In fact, to quote the realtor's letter, "their close proximity to the hospital-parking and emergency-is a negative factor in realizing the most attractive rental."

My client cannot be expected to charitably take money out of his pocket each and every month to maintain properties which, because of improper zoning, are not and cannot be made profitable.

To further support this fact, my client has had six tenants in and out of the property at 621 Fourth Avenue North within the last six years. Many of these persons gave, as their reason for leaving, the close proximity of the houses to the noisy emergency and parking areas and the danger to the children caused by the busy traffic in and out of the emergency parking lot. Due to this danger, my client has been unable to rent to tenants with children.

(4) RESPONSES TO SPECIFIC OBJECTIONS RAISED BY CITY ZONING STAFF.

The City Staff has objected to this change because it will remove residential units from the City's inventory. This is not a valid objection because, as I pointed out above, for all intents and purposes, these two houses are no longer usable as residential units due to their proximity to the emergency room and other facilities.

The City Staff has further objected that my client's project will increase traffic on the alleyway behind the property. This is also not a valid objection since the building which the hospital will soon be erecting on the vacant property immediately to the East of my client's will also create traffic on the alleyway in question. The City Staff has also made a comment that the only changes being made in the hospital zone are changes converting "C2" property to "Medical." This is not a valid point since the large portion of the property being changed was already owned by the hospital before the proposed change.

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CONCLUSION: To refuse to grant the requested change as it relates to my client's property will only create two houses within one of the city's better neighborhoods that are not useful as houses; therefore, the condition will gradually deteriorate and become a liability to the community, due to the type of tenant or buyer who will occupy such houses. Whereas, a clean, modern medical office facility, used only on Mondays through Fridays, 9:00 to 5:00, will not have any adverse impact on the surrounding neighborhood.

The only other possible effect of refusing my client's request would be to force him to sell these properties to the hospital at a bargain price, since they would be the only logical buyer for these properties due to the hospital's high rate of success in the granting, by the City Staff, of their zoning applications in the past.

Very truly yours,

PARKS AND RANKIN



Benjamin G. Parks

BGP/amr  
Attachment



Certified American Board  
of Orthopaedic Surgery

Diplomate, American Academy  
of Orthopaedic Surgeons

RALPH E. PETERSON, M.D., P.A.  
49 Eighth Street North  
Naples, Florida 33940-6078  
Phone: (813) 262-1119

24 December 1984

General Roland Anderson  
City of Naples  
City Council  
735-8th St. So.  
Naples, Florida 33940

Dear General Anderson:

I want to thank you for taking the time and effort to come by the office on the p.m. of December 18. Mr. Richard Wragg, my assistant said he spoke with you and showed you our problem.

A few days previously we had been called that you were coming down to inspect the area and Mrs. Judy Ek, my assistant in the office, was out there to show you at that time what we are dealing with. At that time, apparently according to your statement to Mr. Wragg, we had only 2-3 cars in back and there appeared to be no parking problem. In discussing this with Mrs. Ek, earlier that date, there were two cars parked in the lawn area of the residence behind Dr. Reilly and Rogers' office, as well as another person illegally parked in the alley. We, of course, were completely at that time with every parking space being occupied during that period of time. When you were coming by here it was an overflow left over from the morning until before the afternoon had started and these were people that were residual from that mornings overflow of patients.

There are many many times when we are dealing with high density parking as it relates alternately to both offices at various unpredictable times. We are finding many instances where people are parking here when they should not be and probably there also is illegal parking occurring of our patients who are going across the street and parking in private property across on 848 First Ave. No. We try to keep this to an absolute minimum. I am a solo physician and have adequate number of spaces here but with the other office overflow, plus our office needs, there are many many times when we are dealing with a major bottle neck here.



Also the entrance and exit from the alley onto 8th Street is also a major problem because of traffic volume, high speed velocity and other adverse factors.

I also have the problem of Dr. Roland Hayes having a railroad tie beam fence which is legally on his own property but which certainly precludes an exit point around the southern boundary of my property. In fact, we will be permanently blocking that off. Thus, I am dealing with a very sharp turning corner to be able to have the people come into my area behind this office.

I truly feel that my needs are very realistic and completely in the interest of the professional aspects and patient accommodation aspects for this corner. As you are, I am sure, aware, Mr. Don Winn is using an office zoned area now for his employee and various Sunshine parking which extends to and parallel with the western boundary of Dr. McCree's office. This in turn is parallel with the eastern boundary of Mr. Tarvin's property and that, in turn through a major portion of my property at 777 Central Avenue which is behind my actual office location.

Mrs. Olsen at the western boundary of 777 Central Ave. is not only agreeable, she asked me the other day why nothing had happened as it relates to the green boundary and the using of the 777 Central Avenue as a parking area. She is completely in agreement with this.

The removal of the Florida room would give a very wide exit site that could be utilized by all offices concerned to decompress the high density exit site which is now going on 8th Street and further causing bottleneck for egress and exit.

What I am talking about is the fact that we have a major functional bottleneck which is very difficult for all people concerned. Professionally it would be able to have a very good traffic flow, decompress the congestion, etc.

I hope that you, the Mayor and the other Councilmen will look upon this request upon its own merit.

I am confident that with the accomplishment of this parking area, the green zone that would be applied, the making of two disabled parking areas in front of my building plus a green zone in front of my building, would meet the needs of the practicing dentists and myself to accommodate our patients as well as the comfort and safety of the patients ingress parking and egress.

I have a practice where people need to be in close proximity to this office. I do not like to have them try to find non existent off site parking. It is with no minimum expense that I purchased this property behind me because I know that the people with the present blockage on my southern boundary, cannot make a satisfactory ingress and egress without encroaching upon the 777 Central Avenue property. Thus, even at some major expense to myself I bought this property and I have no feeling of guilt when

people now do encroach upon the property in the turn. However, this does not make for an aesthetic appearance that I feel should be present in this area. Obviously this is of great concern. I hope I have explained it in understandable terms. It is not my intention to have any form of expansion onto that property other than for parking nor to expand beyond the present western border of my 49-8th Street North building.

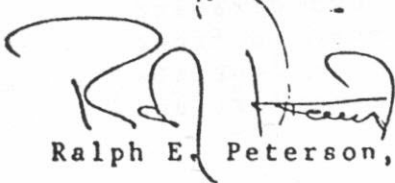
As I previously stated, I plan to be practicing here form many years and it is not my intent with as great certainty as I possibly can assure you, to enlarge to a more than one doctor occupant office. To me it only makes sense that this be allowed. In fact, if it is not allowed, I really would have great disillusionment with what appears to me an extremely logical approach.

This has been the consensus of everyone to whom I have presented this. People in the elderly age group cannot be making the sharp corners and twisting in around these limited parking areas without having some stress upon themselves. I realize that area is of a premium, but in this case, I am more than ready, willing and able to supply additional parking, which can be utilized not only for my personnel and my patients would not be inconvenienced by the present overflow parking that is constantly occurring into my parking area by adjoining offices, etc. which, in actuality, steals from the absolute needed space that I need for my office. The other doctors are trying their best to keep that controlled but the fact remains that people do migrate over here.

I do not want my patients to be forced to cross over 8th Street which is a busy, dangerous street to cross, especially in midstreet from a parking area that is not legal for them to use simply because of restraints in the area, my patients are being deprived of adequate parking spaces many times during the professional day.

I don't know how to say this any more clearly. I hope you understand my strong feelings in this and are understanding that I feel this is definitely in the interest of all concerned and that certainly includes the City of Naples.

Sincerely,



Ralph E. Peterson, M.D.

REPCs

cc: Mayor  
City Councilmen  
Secretary to Mayor

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