



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
MAYOR PUTZELL - none.			1
CITY MANAGER JONES - Introduced Dr. Jon Staiger, the new Natural Resources Manager, to Council.			1
<u>APPROVAL OF MINUTES</u> - September 24, 1986, Workshop Meeting October 1, 1986, Regular Meeting			
			1
<u>RESOLUTIONS</u>			
-AUTHORIZE Jon Staiger to participate in the deferred compensation plan, ICMA.		86-5116	1
-ADOPT warranty deed for ten foot right-of-way, southeast corner of U.S. 41 and 26th Avenue North.		86-5117	2
-ADOPT Grant of Improvements within Easements and approve final plat for Century Estates.		86-5118	2
-ADOPT variance from Section 11-A, zoning ord., to permit six-foot fence at 5160 Crayton Place South.		86-5133	5
-ADOPT conditional use permit, allow existing chickee structure, 1300 Cabio Court.		86-5126	6
-ADOPT preliminary and final subdivision plat, Park Shore Villas, northeast corner of Crayton Road and Park Shore Drive.		86-5127	7
-ADOPT Public Participation Procedures for the Comprehensive Plan Revision Process		86-5128	7
-ADOPT authorization to allow Richard Condon to construct two small ponds located on Lot 9, Palmer Estates, southe end of Gulf Shore Blvd. and 20th Avenue South.		86-5129	8
-ADOPT authorization for the Mayor and the City Clerk to execute a contract between PRC Engineering, Inc. and the City.		86-5130	9
-APPOINT a Selection Committee to provide professional services for additional water storage for the 1986/87 fiscal year.		86-5131	9
-APPOINT a Selection Committee to provide professional services for raw water wells and auxiliary power for 1986/87 fiscal year.		86-5132	10
<u>PURCHASING</u>			
-BID AWARD annual requirements for photographic supplies.		86-5120	2
-BID AWARD annual requirements for thermoplastic material, used by traffic control division for pavement marking projects.		86-5119	2
-BID AWARD two (2) submersible water pumps.		86-5121	3
-BID AWARD annual requirements for fertilizer.		86-5122	3
-BID AWARD resurfacing and drainage improvements to Spyglass Lane.		86-5123	3
-BID AWARD change order to cover annual requirements for sodium polyphos.		86-5124	3
<u>ORDINANCES Second Reading</u>			
-ADOPT permit for the sale of beer and wine on Sunday, November 9, 1986, for the Southwest Florida's Fantasy in Flight event.	86-5125		4
<u>DISCUSSION/ACTION</u>			
-Pension Plan Benefits			10
<u>TABLED</u>			
-TABLED authorization for partial reimbursement of a 12" water line, installed on Goodlette Road in 1980.			10
<u>CORRESPONDENCE AND COMMUNICATIONS</u>			
-None.			

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	

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD

ITEM 10

---RESOLUTION NO. 86-5133

ITEM 10-a

A RESOLUTION GRANTING A VARIANCE FROM SECTION 11-A OF THE ZONING ORDINANCE, CODE OF ORDINANCES OF THE CITY OF NAPLES, IN ORDER TO PERMIT A SIX-FOOT FENCE AT 5160 CRAYTON PLACE SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Barry advised that the petitioner Mr. Kalman, had met with Code Enforcement Officer Sherburne and a church representative. The church agreed to comply with the City's Code requirements, although Mr. Kalman still insisted on his fence. Staff recommendation is for a 20 foot encroachment for the six foot fence; Mr. Kalman had requested a 40-foot front yard encroachment.

Mayor Putzell asked if a hedge would serve the same purpose. Mr. Crawford advised that the petitioner said he would prefer a hedge, but the church would still be visible from his house.

Mrs. Anderson-McDonald asked if there was a time frame within which the church had to comply. Community Development Director Barry advised that there was a 30-day review after Council's adoption of the resolution.

Mayor Putzell announced a message that because Mr. Kalman had thought this was to be a night meeting, he had not attended but now planned to arrive at 10:00 a.m. Mayor Putzell therefore suggested tabling the matter until the petitioner arrived.

RETURN: 9:52 a.m. after petitioner arrived.

Mr. Kalman read a prepared statement into the record which is incorporated as Attachment #2 herein. Mayor Putzell asked if a hedge would serve his purpose and Mr. Kalman explained if it was high enough or thick enough, it would be his first preference. Mr. Kalman further advised that his house is in close proximity to the property line (pointed out on the map) and that a hedge would be better than a fence; however, the hedge that the church intends to put in will take two to three years to grow as a screen.

In response to Mr. Graver, Mr. Kalman advised that it would take five to six months for his house to be built; however, he wanted to settle this issue before construction began. Mr. Crawford observed that because this was a unique circumstance, it would not be setting a precedent.

Mayor Putzell asked if the fence were gradually decreased in height as it approached the street, would it serve the same purpose. Mr. Kalman advised that because of flood level regulations, he was required to build his house on higher ground and would, therefore, need the six-foot fence the entire forty feet.

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-McDonald			X	X	
Barnett				X	
Bledsoe					X
Crawford				X	
Graver				X	
Richardson	X			X	
Putzell				X	
(6-1)					

Mr. Kalman further advised that the church was in violation of the Code because it failed to comply with the terms of the variance the City granted. Landscape was to be done and according to the current site plan, there is a french drain that was not in the original plans, he continued.

When Mr. Barry confirmed for Mr. Crawford that property line fences were not normally permitted, Mr. Crawford suggested that the fence be allowed if the church planted shrubbery next to it. Mr. Barnett then added the proposal that the fence be removed when the plantings matured.

In further discussion, Mr. Barry confirmed that the church would indeed comply with present landscaping requirements and City Attorney Rynders confirmed the Council's intent that removal of the fence was contingent upon shrubbery maintenance.

Mr. Graver, however, expressed his desire to follow the recommendation of the Planning Advisory Board and further asked if the Church could upgrade the gravel area in question. Mr. Kalman advised that the gravel area was just part of the problem; on Sunday, the parking lot is full and the congregation parks on both sides of the right-of-way, he said.

Mr. Bledsoe questioned traffic visibility. He said that the staff recommended a 20-foot encroachment because any more would adversely affect traffic. Mr. Kalman then presented pictures from various street locations showing that traffic visibility would not be impaired by the erection of the 40-foot fence. He advised that a traffic visibility problem was caused by street trees.

Mr. Graver asked what the Code requirements were for planting. Mr. Barry advised that the plants had to be two-feet in height and from 24 to 30 inches apart.

MOTION: To ADOPT the resolution with the following changes: to allow the fence to encroach 40 feet into the front yard setback area, that the Church landscape 40 feet, and at the end of a three-year period, remove 20 feet of the fence commencing at the street.

---RESOLUTION NO. 86-5126

ITEM 10-b

A RESOLUTION AUTHORIZING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN EXISTING CHICKEE SHADE STRUCTURE TO REMAIN IN A REAR YARD SET BACK AREA AT 1300 CABIO COURT, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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-McDonald				X	
Barnett				X	
Bledsoe				X	
Crawford		X		X	
Graver				X	
Richardson	X			X	
Putzell				X	
(7-0)					
Anderson-McDonald				X	
Barnett				X	
Bledsoe		X		X	
Crawford				X	
Graver				X	
Richardson	X			X	
Putzell				X	
(7-0)					

Community Development Director Barry advised that the zoning ordinances had been revised to permit such structures and staff believes this request fits all the criteria.

Mr. Crawford asked what the vote from the Planning Advisory Board was and Mr. Barry advised that it was unanimous to approve, with one member absent.

Mr. Graver expressed his concern that this might set a precedent and provide the potential for everyone to build a chickee for any purpose. Mr. Richardson, however, advised that there were already quite a few chickees in the Royal Harbor area.

Mayor Putzell cautioned that the nearby property owners' views of the canals may be obstructed. Mr. Barry advised that there were strict regulations in the zoning ordinance regarding erection of chickees and pointed out that there are other obstructions, like boats anchored in the canal, besides the chickees that also obstruct the nearby owners' views.

MOTION: To ADOPT the resolution as presented.

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---RESOLUTION NO. 86-5127 ITEM 10-c

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL SUBDIVISION PLAT FOR A PROPOSED 31 LOT SUBDIVISION TO BE KNOWN AS PARK SHORE VILLAS LOCATED AT THE NORTHEAST CORNER OF CRAYTON ROAD AND PARK SHORE DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Barry advised that the developer had received a General Development Site Plan approval. The developer then advised the City of his intent to create a subdivision within the project so that the units could be sold on individual parcels of land, Mr. Barry continued. Staff recommended approval.

Mr. Crawford asked why this was not done before construction began. "It is a little hard to disallow something after they start building", he said. City Attorney Rynders advised that this was more of an administrative issue than a zoning issue and no discretion is permitted if the conditions of the ordinance are met. He further pointed out that Florida Statutes are strict pertaining to subdivision of property. There are also certain specific criteria, on state and local level, that allow for subdivisions, Mr. Barry added.

MOTION: To ADOPT the resolution as presented.

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---RESOLUTION NO. 86-5128 ITEM 10-d

A RESOLUTION ADOPTING PUBLIC PARTICIPATION PROCEDURES FOR THE COMPREHENSIVE PLAN REVISION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver				X	
Richardson		X		X	
Putzell				X	
(7-0)					

---RESOLUTION NO. 86-5130

ITEM 12

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT BETWEEN PRC ENGINEERING, INC. AND THE CITY OF NAPLES RELATING TO THE ENGINEERING SERVICES FOR THE DESIGN OF THE COMPUTERIZED CLOSED LOOP SIGNAL SYSTEM.

Title read by City Attorney Rynders.

City Engineer Gronvold advised that a contract has been negotiated with PRC Engineering for an amount not to exceed \$50,000. The County has issued a purchase order for \$20,000, their share of this contract.

Mayor Putzell asked how much the net cost would be and City Engineer Gronvold advised that as long as the City did not add more intersections to the plan, that it would cost approximately \$33,000 for the engineering study. Mr. Richardson advised that the Department of Transportation has authorized \$167,000 for the whole two-year program and Mr. Gronvold said that the City has committed to spend \$100,000 over a two-year period.

Mr. Richardson advised that this program was to help the traffic problems that encompass Route 41 from Pine Ridge Road all the way through the Gordon River bridges and Goodlette-Frank Road. This should decrease traffic problems by 15%, he added.

Mr. Bledsoe noted that the River Point Drive area should be a part of the plan and was advised by City Engineer Gronvold that they had already anticipated making that a part of the plan.

Mayor Putzell asked if the contract was approved by the City Attorney and was advised by the City Attorney that this was indeed the case.

MOTION: To ADOPT the resolution as presented.

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---RESOLUTION NO. 86-5131

ITEM 13

A RESOLUTION APPOINTING A SELECTION COMMITTEE FOR THE PURPOSE OF PROVIDING PROFESSIONAL SERVICES FOR ADDITIONAL WATER STORAGE FOR THE 1986/87 FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Utilities Director Chaffee advised that this item and the next item were in the Capital Improvement Program for this fiscal year.

Mayor Putzell suggested that Councilman Crawford be appointed to the Committee.

Mr. Richardson suggested that the City staff contact the County in an effort to reduce design costs. The County has already approved a project like this, he continued. Mayor Putzell asked if it would, therefore, be possible to use the County's design.

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	
Mr. Chaffee advised that although the designs may be similar, the engineering functions are quite different and further that the staff did not have the time to give the project the attention it deserves.					
Mayor Putzell suggested further that the Committee contact the County in an effort to economize on the project engineering and report back to Council.					
<u>MOTION:</u> To <u>ADOPT</u> the resolution as presented and appoint Alden R. Crawford, Jr., to the selection committee.					

--- <u>RESOLUTION NO. 86-5132</u>					
<u>ITEM 14</u>					
A RESOLUTION APPOINTING A SELECTION COMMITTEE FOR THE PURPOSE OF PROVIDING PROFESSIONAL SERVICES FOR RAW WATER WELLS AND AUXILIARY POWER FOR THE 1986/87 FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
(See discussion for Item 13).					
<u>MOTION:</u> To <u>ADOPT</u> the resolution as presented and appoint Alden R. Crawford, Jr., to the selection committee.					

--- <u>RESOLUTION NO.</u>					
<u>ITEM 15</u>					
A RESOLUTION AUTHORIZING PARTIAL REIMBURSEMENT OF A 12" WATER LINE INSTALLED ON GOODLETTE ROAD IN 1980; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
City Attorney Rynders advised that Mr. Jack Stanley, the attorney representing the petitioner, requested a continuance.					

<u>DISCUSSION/ACTION</u>					
<u>ITEM 16</u>					
DISCUSSION/ACTION WITH REFERENCE TO PENSION PLAN BENEFITS. REQUESTED BY CITY MANAGER.					
Title read by City Manager Jones.					
City Manager Jones advised that the General Pension Board had just met yesterday, October 14, 1986, and that information would be forthcoming later to Council and further that information on the Police and Fire Pension Plans would be presented to Council within the next 30 days.					

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

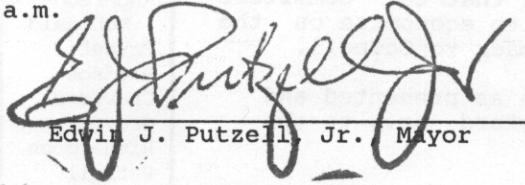
Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

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	

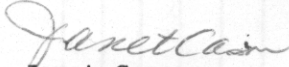
CORRESPONDENCE AND COMMUNICATIONS

None.

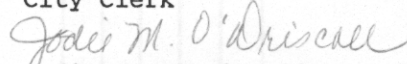
ADJOURN: 10:22 a.m.



Edwin J. Putzell, Jr. Mayor



Janet Cason
City Clerk



Jodie M. O'Driscoll
Deputy Clerk

These minutes of the Naples City Council were approved NOV 05 1986.

SUPPLEMENTAL ATTENDANCE LIST

Reverend Randall Cook
Charles Andrews

Tish Gray
Joseph Kalman

Steve Ball

NEWS MEDIA

Tom McCutcheon, TV-9
Chuck Curry, Naples Daily News
Bill Upham, Naples Times
Gary Arnold, WEVU TV-26
Hilary Hutchison, TV-9

Other interested citizens and visitors.

October 15, 1986

Mr. Mayor and Members of the Council:

My name is Joseph Kalman, and my prepared statement will take a little more than the five (5) minutes allowed so I'm asking your permission to be allowed to complete it.

I am here representing my son, Arnold, and we are requesting a variance at 5160 Crayton Place South in Park Shore which would allow us to erect a six (6)-foot fence on our side yard property line beyond our setback. This fence would provide us with a privacy screen. Our dilemma is that we are faced with a two-edged sword; either an unsightly, empty black-topped and gravel parking lot or one that is over-flowing with cars right next to our property.

We were here last on September 17 and the Council suggested at that time that we meet with the church in an effort to resolve the problem. I met with Mr. Robinson of the church and Mr. Sherburne of your staff on September 29 and the church told us they would do only what is required of them and they think that is a three (3) foot hedge every thirty (30) or fifty (50) feet.

In reviewing our request we wish to point out that we purchased our property in 79 and at that time the lots directly behind us were zoned single family residential. In 80 or 81, the church, which owned those lots behind us, asked for and was granted a variance to change from single family to a parking lot. They were granted their variance request, but at the time were not required to provide a screen to separate their now commercial land use from our adjoining residential land.

With the view that this administration takes toward parking lots and green space, as you have recently exhibited in the outboard marine variance, I'm sure you would have required much more extensive landscaping be implemented than was done in this case.

As I stated on September 17, our first choice for a screen would be a landscape hedge on the church property for the last forty (40) feet of our lot. Our lot is unique in that it is a corner lot and according to zoning is said to have two (2) front yards and two (2) side yards, but no back yard. It is also on a cul de sac and, therefore, we are required to start our forty (40) setback from the short point of the cul de sac, thereby, having to set our house back an additional four (4) feet. This is one reason we feel we don't have the extra rear yard space on our land to plant the landscaping to provide our privacy screen. A wood fence would take only about six (6) inches at most.

Since we are now back to square one, we would respectfully ask this Council to consider our request for a variance and in doing so, keep the following in mind. We meet all criteria requirements under the zoning variance ordinance in the following manner:

1. Since we purchased in 79 and the variance for the parking lot was granted about one (1) year later, these circumstances were not created by us.

Mr. Mayor and Members of the Council
October 15, 1986
Page Two

2. The special conditions and circumstances that exist here are that there is no other lot in the area where a residential lot is bounded by a parking lot and the parking lot owner has not provided a screen on his property (see pictures of Moorings Golf Club, Publix and St. John's Church).

3. A literal interpretation of the ordinance deprives us of our right to privacy and the same desirable view of our next door neighbor's yard and landscaping as others have.

4. The variance will not permit establishment or enlargement of any use or structure in the district in which the variance is requested.

5. The variance would be consistent and in harmony with the intent and purpose of the zoning ordinance, which is intended to provide all residents of Naples the same and rightful use of their property and to enjoy the privacy of their own home in harmony with his neighbors.

It is not only our opinion that we meet the criteria, it is also that of the staff which in its report of August 21, 1986 found that there was "sparse landscaping on the church lot and that such landscaping is inadequate for the purpose of screening the parking lot from the residential zoned lot."

They further went on to say and I quote again, "Proposed fence would serve as an appropriate screen and that is consistent with the ordinance." Their only objection was the last twenty (20) feet of the fence because they felt it might cause a traffic visibility problem. However, as these plats will indicate, such a fence would not cause any visibility problem and therefore the staffs' recommendation should be given some weight based on its findings.

We certainly don't think that a good looking, well built wood fence would take away from the aesthetics of a parking lot and if anything, it would enhance them.

I would point out that there were no objections to our request and we do have a four-page petition in support of it which has been signed by residents of Park Shore. Many of these signers, as members of Park Shore Association (see the letter you received at the last meeting from Mr. Williams of the Park Shore Association), obviously does not speak for all of its membership.

I would also like to point out with regard to this petition that almost all of the signers asked why did we buy property next to a parking lot. When we told them that we owned the land prior to a variance permitting the parking the lot, they all said that under those circumstances, we were entitled to a fence.

In as much as the church is unwilling to do anything about the problem that they have created and I think this Council cannot now impose any conditions on a variance that has already been granted, unless there are discrepancies from their original plan which may well be the case here. I think the only relief which you can give is to allow our request. We are merely asking for what any Council member here or any other property owner would do given our circumstances, and we sincerely believe we have met all the

Mr. Mayor and Members of the Council
October 15, 1986
Page Three

criteria and have given this Council enough grounds for granting us a variance and respectfully ask that you do so.

Thank-You.

Joseph Kalman

4. The variance will not permit establishment or enlargement of any use or structure in the district in which the variance is requested.

5. The variance would be consistent and in harmony with the intent and purpose of the zoning ordinance, which is intended to provide all residents of the area and adjacent use of their property and to enjoy the privacy of their own home in harmony with the neighborhood.

It is not only our opinion that we meet the criteria, it is also that of the staff which in its report of August 21, 1986 found that there was "space landscaping on the church lot and that such landscaping is inadequate for the purpose of screening the parking lot from the residential street lot."

Thereafter went on to say and I quote again, "Proposed fence would serve as an effective screen and that is consistent with the ordinance." Their only objection was the lot twenty (20) feet to the fence because they felt it might cause a traffic visibility problem. However, as these plots will indicate, such a fence would not cause any visibility problem and therefore the staff's recommendation should be given more weight based on its findings.

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