



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS:</u> None.			1
<u>RESOLUTIONS</u>			
-Accept Bill of Sale and Easement for Jaeger P.U.D. from West Coast Self Storage.		86-5165	1
-Accept Bill of Sale and Deed for Corporate Square, NE corner of Radio Road and Industrial Drive on the Old Swamp Buggy Grounds.		86-5166	2
-Accept Bill of Sale and Easment for Summer Wind, N. of Pine Ridge Road.		86-5167	2
-Accept Bill of Sale and Assignment of Utility Easement from Naples Post Office, Goodlette Road.		86-5168	2
- DENY variance from Code of Ordinances to permit a charter boat to operate out of slip #40 at the Cove Inn Marina.		86-_____	7
-Indicate approval for vacation of a portion of Bay Road, West of Gordon Drive.		86-_____	9
-Authorize Mayor and City Clerk to execute agreement between Collier County Health Facilities and the City of Naples.		86-5174	11
-Accept donation from the Professional Fire Fighters of Naples, Local 2174 of a "SERV" special service vehicle.		86-5175	13
<u>APPROVAL OF MINUTES:</u> November 24, 1986, Workshop Meeting November 25, 1986, Workshop Meeting December 3, 1986, Regular Meeting December 3, 1986, Workshop Meeting December 8, 1986, Special Meeting			
			2
<u>PURCHASING:</u>			
-BID AWARD - one (1) 2 1/2 ton cab and chassis with sewer rodder.		86-5169	2
-BID AWARD - one (1) industrial-type tractor loader equipped with a rear box-type grader blade.		86-5170	3
-Confirming actions of Mayor and City Manager to purchase two (2) Hayward-Tyler submersible stainless steel pumps.		86-5171	3
<u>ORDINANCES - First Reading</u>			
-TABLE proposed rezone for indefinite period of time, "Troy" Property (The Blue Caribbean Golf Driving Range).	86-_____		3
<u>ORDINANCES - Second Reading</u>			
-Adopt amendment to Chapter 22 regulating Dish Antennas.	86-5172		10
-Adopt amendment to General Pension System for City Employees.	86-5173		11
<u>DISCUSSION</u>			
-Vacating and Abandoning a portion of Bay Road, west of Gordon Dr.			9
-Reconsideration of Administrative Appeal 86-AAL regarding building heights.			12
<u>CORRESPONDENCE AND COMMUNICATIONS</u>			
-Ed Kant asked to address Council at the end of its Informal Conf. following this regular meeting.			13
-Mayor Putzell reiterated Council's normal procedures and time limits for speakers.			13

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:00 a.m.

Date 12/17/86

Mayor Putzell called the meeting to order and presided as Chairman:

ROLL CALL: Present: Edwin J. Putzell, Jr. ITEM 2
Mayor

Kim Anderson-McDonald
William E. Barnett
William F. Bledsoe
Alden R. Crawford, Jr.
John T. Graver
Lyle S. Richardson
Councilmen

Also Present:

Franklin C. Jones, City Manager	Christopher L. Holley, Community Services Dir.
David W. Rynders, City Attorney	Stewart K. Unangst, Purchasing Agent
Mark W. Wiltsie, Asst. City Manager	James L. Chaffee, Utilities Director
Janet Cason, City Clerk	Norris C. Ijams, Fire Chief
Roger J. Barry, Community Dev. Dir.	Steven C. Brown, Personnel Dir.
Steven R. Ball, Chief Planner	Patricia Thompson, Planner II
Jon C. Staiger, Ph.D., Natural Resources Mgr.	Gerald L. Gronvold, City Engineer
Lt. Sheldon Reed, Fire Department	George T. Smith, Asst. Fire Chief
Jodie M. O'Driscoll, Deputy Clerk	

See Supplemental Attendance List - Attachment #1.

*** *** ***

INVOCATION: Mrs. Kim Anderson-McDonald ITEM 1
Councilwoman

*** *** ***

ANNOUNCEMENTS ITEM 3

MAYOR PUTZELL: None.

CITY MANAGER JONES: None.

*** *** ***

-----CONSENT AGENDA-----

ITEM 4

---RESOLUTION NO. 86-5165 Item 4-a

A RESOLUTION ACCEPTING A BILL OF SALE AND EASEMENT RELATING TO THE WATER MAIN EXTENSION FOR JAEGER P.U.D. FROM WEST COAST SELF STORAGE; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

Mayor Putzell asked if these water main extensions were outside of the City's normal service area. City Manager Jones referred to an agreement executed

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	

in 1977, by the City and County, delineating areas in the County to be serviced by the City until 1990; at which time, those service areas would be turned over to the County.

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---RESOLUTION NO. 86-5166 Item 4-b

A RESOLUTION ACCEPTING A BILL OF SALE AND DEED RELATING TO THE WATER MAIN EXTENSION FOR CORPORATE SQUARE, LOCATED AT THE NORTHEAST CORNER OF RADIO ROAD AND INDUSTRIAL DRIVE ON THE OLD SWAMP BUGGY GROUNDS; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

See discussion for Item 4-a.

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---RESOLUTION NO. 86-5167 Item 4-c

A RESOLUTION ACCEPTING A BILL OF SALE AND EASEMENT RELATING TO THE WATER MAIN EXTENSION FOR SUMMER WIND, LOCATED NORTH OF PINE RIDGE ROAD, JUST EAST OF THE Y.M.C.A.; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

See discussion for Item 4-a.

*** **

---RESOLUTION NO. 86-5168 Item 4-d

A RESOLUTION ACCEPTING A BILL OF SALE AND ASSIGNMENT OF UTILITY EASEMENT FROM THE NAPLES POST OFFICE, RELATING TO A SEWER MAIN EXTENSION LOCATED ON GOODLETTE ROAD AT THE SOUTHEAST CORNER OF 13TH AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

See discussion for Item 4-a.

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APPROVAL OF MINUTES ITEM 5

- November 24, 1986, Workshop Meeting
- November 25, 1986, Workshop Meeting
- December 3, 1986, Regular Meeting
- December 3, 1986, Workshop Meeting
- December 8, 1986, Special Meeting

*** **

PURCHASING ITEM 6

---RESOLUTION NO. 86-5169 Item 6-a

A RESOLUTION AWARDED THE BID FOR ONE (1) 2 1/2 TON CAB AND CHASSIS WITH SEWER RODDER FOR THE WASTEWATER COLLECTION DIVISION OF THE UTILITIES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald	X		X		
Barnett		X	X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson			X		
Putzell			X		
(7-0)					

Interstate Equipment Sales
Fort Lauderdale, Florida
\$48,173.52 (net bid with trade-in)

Title not read.

*** *** ***

---RESOLUTION NO. 86-5170 Item 6-b

A RESOLUTION AWARING THE BID FOR ONE (1) INDUSTRIAL-TYPE TRACTOR LOADER EQUIPPED WITH A REAR BOX-TYPE GRADER BLADE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Creel Ford Tractor Co.
Fort Myers, Florida
\$22,383.00

Title not read.

*** *** ***

---RESOLUTION NO. 86-5171 Item 6-c

A RESOLUTION CONFIRMING THE ACTIONS OF THE MAYOR AND CITY MANAGER IN REGARD TO THE ISSUANCE OF A PURCHASE ORDER FOR TWO (2) HAYWARD-TYLER SUBMERSIBLE STAINLESS STEEL PUMPS WITH 60-HORSEPOWER MOTORS AND DISCHARGE COLUMNS TO BE USED AT THE EAST GOLDEN GATE WELDFIELD; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Water Resources Corp.
Boca Raton, Florida
\$17,999.00

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

*** *** ***

-----END CONSENT AGENDA-----

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES ITEM 7
PLANNING ADVISORY BOARD

---ORDINANCE NO. 86- Item 7-a

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF GOLDEN GATE PARKWAY AND U.S. 41 (THE BLUE CARIBBEAN GOLF DRIVING RANGE), MORE PARTICULARLY DESCRIBED HEREIN, FROM "HC" HIGHWAY COMMERCIAL AND "R1-7.5" SINGLE-FAMILY RESIDENTIAL TO "PD" PLANNED DEVELOPMENT IN ORDER TO PERMIT A COMMERCIAL DEVELOPMENT AS DEPICTED IN THE APPLICATION AND EXHIBITS AS THE DEVELOPMENT PLAN SUBMITTED BY THE PETITIONER DATED OCTOBER 16, 1986; DIRECTING THAT THE ZONING ATLAS OF THE CITY BE AMENDED ACCORDINGLY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE SAID PROPERTY AT THE REQUEST OF THE PROPERTY OWNER FOR A PROPOSED COMMERCIAL DEVELOPMENT.

COUNCIL MEMBERS

MOTION

SECTION

Y E S

N O

ABSENT

Title read by City Attorney Rynders.

Community Development Director Barry advised Council that the present Comprehensive Plan calls for the property adjacent to Tamiami Trail to be zoned for Highway Commercial use and the remainder of the property zoned for Multi-family use. He continued that the petitioner disagreed with the regulations provided for in the Comprehensive Plan.

Mr. Barry explained the procedure to request a rezone. The Petitioner must first present the City staff with a Planned Development "PD" proposal which assures the staff that any development on that property would be of a high quality, well-planned, attractive addition to the City. The exhibits on the display board, provided by the petitioner, exemplify one of the more poorly conceived Planned Development applications presented in a number of years, Mr. Barry observed.

The Planning Advisory Board members, with the exception of one, urged denial of the rezone due to the lack of an acceptable Planned Development Proposal from the petitioner; however, the Board did suggest that more commercial zoning than the Comprehensive Plan called for might be acceptable. Mr. Barry concluded by advising that the staff and the Planning Advisory Board both recommended denial of the proposed rezone.

City Attorney Rynders advised Council that he strongly urged the petitioner to submit an "appropriate" Planned Development to the City, however, they adamantly refused stating that they could not provide a site plan until the property was rezoned. Upon further discussion with the petitioner, Mr. Rynders said, they then agreed to present the City with tentative site plans; however, the site plans were not acceptable and were met with dissatisfaction from the staff. After the petitioner's meeting with the Planning Advisory Board, Mr. Rynders said that the Board actually begged them to submit a site plan showing development on the property which they could find satisfactory for that location in the City of Naples; however, the petitioner refused, Mr. Rynders advised.

Mr. Barnett asked why the Petitioner did not resubmit the plans from the original request for rezone which was denied because a retail anchor could not be guaranteed. City Attorney Rynders reiterated that the petitioner could not assure Council of a major anchor for the center, therefore, Council denied the request which entailed changing the Comprehensive Plan to approve the rezoning; Council's threshold policy, he continued, is to ascertain whether the rezone would serve a public purpose. The Ordinance says that the zoning of the property must allow for a reasonable use, not the best or most valuable use. Mr. Rynders said that he requested the petitioner resubmit a Planned Development proposal in an attempt to settle this lawsuit.

In response to Mr. Barnett, Mr. Barry also explained that the petitioner needed to bring more than the original plans back to Council. Needed is a project committed to the plans submitted, he said. Mr. Graver concurred.

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	

Mayor Putzell referred to two staff memorandums submitted by Community Development Director Barry dated November 24, 1986, and November 27, 1985, (Attachments #2 & #3) respectively, and asked if the information contained in these memorandums was still accurate pertaining to the property. Mr. Barry advised that he would stand behind the information contained in the memorandums.

Mr. Nelson Faerber, attorney for the petitioner, said that he disagreed with City Attorney Rynders' explanation concerning the history of events leading up to this meeting and also Mr. Barry's comments regarding the characterization of the petitioner's Planned Development proposal. Mr. Faerber advised that at a pre-trial conference, Mr. Rynders announced that this case could be settled without the need for litigation. Mr. Rynders suggested, Mr. Faerber said, that the petitioner submit another Planned Development to the City. "We could not resubmit the original development plan; that plan called for a hotel and there is not a need for another hotel in the Naples area," Mr. Faerber said. Mr. Faerber opined that the staff was not cooperating in attempting to settle this lawsuit and further that Mr. Barry is of the opinion that the Troy property is suitable for residential construction in lieu of commercial construction. Mr. Faerber further advised that he assured City Attorney Rynders that nothing said at this meeting or process would be mentioned in Court, these are settlement negotiations.

In response to Mayor Putzell and Mr. Barnett, Mr. Faerber announced that the petitioner was at this meeting, upon the City Attorney's request, is prepared to submit a new Planned Development and to discuss possible settlement to the lawsuit. Mayor Putzell advised Mr. Faerber that a public forum was not the place to negotiate settlement of a lawsuit and further that it was his impression that Mr. Faerber was before Council to discuss an appeal of the Planning Advisory Board's decision for denial. Mr. Graver concurred. Mr. Faerber advised that he had told City Attorney Rynders that if the staff report was not favorable, they would not go before the Planning Advisory Board. City Attorney Rynders asked why, then, were they here. Mr. Faerber explained that they felt if they had gone this far, they might as well complete the process.

Mr. Crawford commented that it was not Council's responsibility to outline what the petitioner should develop on the property; however, it was Council's responsibility to assure the public that a quality development would be built upon that site. Mr. Faerber requested that the City state what they do not want on that property as a guideline for the petitioner.

Mr. Richardson said that it was his impression from the Planning Advisory Board meeting, which he had attended, that their group had no intention of developing this property. Mr. Faerber responded that the Petitioner did not want to submit a Planned Development unless the property was going to be zoned commercial. At that time, he said, they would come back to Council and show plans for a commercial development.

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. Crawford suggested that the petitioner make the sale of the property conditional to the developers' plans being approved by Council. Mr. Faerber advised that there were no plans for development.

Mr. Graver commented that the area surrounding the Troy property actually had no bearing as to how the Troy property should be zoned. Two things must be taken into account, he said: the school and the fact that the single-family housing bordering the property would need to be buffered. Mr. Faerber said that a residential or commercial development would still require buffering, according to the Code of Ordinances.

Mr. Graver expressed concern that if the Council approved the rezone without a Planned Development, the private citizens of the community would very likely view that as down-zoning. If the property is zoned commercial, he continued, the developer is not required to come back to the Planning Advisory Board for approval of the plans. Mr. Faerber assured Mr. Graver that they would provide Council with a document giving them final approval of any proposed developments for the property.

Mr. Bledsoe suggested that the petitioner submit a "plan certain" to Council for approval or denial. Mayor Putzell asked Mr. Faerber if his client would be able to provide Council with such a plan by the first regular meeting in January (the 7th), 1987. In response, Mr. Faerber requested a brief discussion with his co-counsel.

In reply to Mr. Barnett, City Attorney Rynders advised that the petitioner in the lawsuit will attempt to convince the Court to view the second request for rezone as arbitrary and capricious (highway commercial use throughout) so that the Court will reverse the Council's decision to deny the rezone. "This would be the 'extreme' bottom line," he said.

Attorney Richard Jones, co-counsel for the petitioner, reiterated Mr. Faerber's brief account of the events leading to this meeting. He commented further that the Troy property has lost much of its "marketable" value due to this dispute with the City.

In response to Mayor Putzell's earlier question of Mr. Faerber, Attorney Jones said that they could present a beautiful site plan to Council, receive their approval, and then build something else; however, this was not their intent. Mayor Putzell objected to Attorney Jones' portrayal of the Planned Development process and again asked him if his client would be able to submit an appropriate Planned Development. Mrs. Anderson-McDonald also said that Council would be expecting a plan that is realistic for the property and that would, in fact, be built.

Mr. Graver asked if the Troys intended to sell the property and Attorney Jones advised that they did. Mr. Jones further advised that they wanted the rezone prior to development plans so that the petitioner would benefit from the profit derived by the rezone instead of the developer. Mr. Graver asked if a third party were involved in this

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		
Putzell			X		
(7-0)					

property, and Attorney Jones advised that he was the trustee and had a contract to buy the property. Mr. Crawford reiterated his statement regarding making the sale of the property conditional to the developers' plans being approved by Council. Attorney Jones again opined that no one would be interested in purchasing the property until after the rezone has been approved.

Mayor Putzell assured Mr. Jones that should his client present a plan, through the usual procedures within a reasonable period of time, that it would receive the very careful consideration of the present Council without regard to past happenings and further that all members of Council have taken an oath of office and are required to do what is best for the community. Mrs. Anderson-McDonald concurred and suggested Attorney Jones realize that all Council was asking for was a workable plan for the last large parcel of land in the City of Naples. Mr. Jones said that his client would submit a plan based on those conditions.

Mrs. Anderson-McDonald moved that this item be tabled and asked City Attorney Rynders if a time period needed to be stipulated. Mr. Rynders advised that it did not; however, the petitioner should come back within a "reasonable" amount of time.

Mr. Barnett requested that Community Development Director Barry provide Council with minutes, beginning with the commencement of this request in 1984, of both the Planning Advisory Board and City Council meetings.

MOTION: To TABLE this item for an indefinite period of time to allow the petitioner an opportunity to present to Council future site plans for the property.

*** *** ***
 ---RESOLUTION NO. 86- Item 7-b

A RESOLUTION GRANTING A VARIANCE FROM SECTION 23(I)(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PERMIT A CHARTER BOAT TO OPERATE OUT OF SLIP #40 AT THE COVE INN MARINA; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Barry advised that the petitioner was before Council at the present time to request a variance to the parking requirement. He further advised that the City had received several complaints concerning Captain Samuel Wilson's business which was being operated without an occupational license. Mr. Graver asked if the Captain had any parking spaces at all and Mr. Barry advised that the marina had a common parking area shared by various dock users, however, there may be eight designated parking spaces per slip, but none for charter activities, Mr. Barry said.

Mr. Graver further asked what the parking requirement would be if Captain Wilson were in a regular marina. Mr. Barry advised that approximately nine parking spaces would be required for a boat that accommodates 35 people, a ratio of 1:4.

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	

(Mayor Putzell took a moment to repeat Council's procedures and time limits for speakers.)

Captain Samuel Wilson, of the Miss Natalie II, advised Council that due to the nature of his business, he did not utilize the parking facilities. "Our clientele comes from two hotels, the Ritz Carlton and the Registry," he said. The passengers are shuttled from the hotels to the boat by limousine, thereby, eliminating the need for parking.

Captain Wilson further advised that he was told by an attorney that he was not required to obtain a City occupational license, only a County one. He then asked Council to grant his request until May, in an effort to complete his contract with the hotels, at which time he would either surrender the City's occupational license or comply with the existing Code. Captain Wilson also presented Council with an alternative: pick-up and discharge passengers at Turner's Marina. Turner's gave him permission to utilize their facilities, he added.

In response to Messrs. Richardson and Graver, Mr. Barry advised that Turner's Marina was currently under construction and did not, at this time, have enough parking. It would, however, have less impact than at Marina Cove, but still require a variance, Mr. Barry said.

Captain Wilson, in response to Mr. Barnett, explained that he did not sell tickets to individuals for charters, only to groups and companies which are required to come and go by limousine. Mr. Barnett asked how Captain Wilson could guarantee that everyone from the hotels would utilize the limousine service and the Captain explained that, generally speaking, these tours were arranged as a "group" effort.

Mayor Putzell asked the nature of the charters and Captain Wilson advised that they were strictly for catered entertainment while cruising.

Mayor Putzell and Mr. Graver asked if Captain Wilson had secured contracts prior to coming to the City and Captain Wilson advised that while they were tentative, upon the advice of his attorney, that only a County license was required, he executed the agreements with the hotels. Captain Wilson further advised Council that he had operated all last season with these hotels without any mishaps. Mr. Graver asked if anyone else in the City had this type of agreement and the Captain said he did not believe so.

Mr. Gary Wilson, representing Mr. Robert MacElvain and the Cove Inn Condo Association, advised that they were opposed to the approval of this variance. His client, he continued, is handicapped and has problems gaining access to his boat slips because of the parking situation. It would be hard to regulate people who desire to drive to the charter instead of utilizing the limousine service. Mr. Wilson posed the possibility of a commercial boating accident and the ramifications this would cause.

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. Graver asked that if Captain Wilson picks up and discharges passengers at Turner's, it would relieve some of the congestion. Mr. Gary Wilson said he did not believe so.					
In response to Mr. Crawford, Captain Wilson advised that the lease for his boat slip does not exclude commercial use. Captain Wilson further advised that his vessel is sufficiently covered by insurance, including passengers coming to and from the vessel.					
Mr. Kent A. Walker, Captain of vessel the Alabama, opposed the approval of the variance. He said that should this be approved, it would set a precedent for future requests.					
Mr. Donald Walwer, representing Dalis Charters, advised that the hotels first approached them with contracts; however, they had been denied an application from the City for an occupational license. They, too, were opposed to the approval of this variance because similar requests of Council have been denied.					
<u>Mr. Richardson moved that this request be denied.</u>					
Mrs. Anderson-McDonald explained her vote for denial that because others legitimately had obtained licenses and insurance for chartering operations <u>prior</u> to engaging in the business and due to parking shortage were denied dockage and approval in this area, precedent was thereby set.					
Mr. Barnett was handed an advertising brochure by Mr. Walwer advertising Captain Wilson's Miss Natalie II and asked Captain Wilson to explain. Captain Wilson advised that the brochure was an unauthorized piece of literature. In response to Mayor Putzell, Captain Wilson advised that they have not had any contact nor done business with CAS Charters, the publishers of the brochure.					
Mr. Bledsoe expressed concern that an attorney had advised Captain Wilson wrongly and asked City Manager Jones and Mr. Barry to investigate.					
Mr. Crawford expressed his opinion that Council needed to enforce City laws not only in the case of single individuals, such as this instance, but also with regard to large groups and commercial entities and Mayor Putzell added that the enforcement of current laws was a big public issue during the election campaign and Council was diligently trying to abide by the public's request.					
MOTION: To <u>DENY</u> the resolution as presented.					
***	***				
---	<u>RESOLUTION NO. 86-</u>				
					<u>Item 7-c</u>
<p>A RESOLUTION VACATING AND ABANDONING A PORTION OF BAY ROAD LYING AND BEING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF GORDON DRIVE, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p>					
<p>Title read by City Attorney Rynders.</p>					
<p>City Attorney Rynders advised that Attorney George Varnadoe, representative for the petitioner, was in</p>					

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

attendance and would like to make a brief presentation. Mr. Rynders further advised that the petitioner must compensate the City for the vacation and, once vacated, the City cannot renege. Because the petitioner was not aware of the requirement to compensate the City for the vacation, Council may state its inclinations for either approval or denial and then place this vacation on the Consent Agenda for a later date.

Community Development Director Barry further advised Council that staff and the Planning Advisory Board have determined that there presently is not a necessity for the retention of the property. They recommend approval, subject to retention of a 15' wide easement for utility purposes. City Attorney Rynders explained that the easement could be retained in the document.

Attorney Varnadoe, representing the petitioners, advised that the property proposed for vacation was a dead end street without access to other properties. The only use of that road now is people parking their cars and trespassing on the petitioners' property.

Mr. Bledsoe voiced his opposition to granting this vacation. It would be giving away property that belongs to the citizens of Naples, he said.

Mayor Putzell advised Mr. Varnadoe that there was a 6-1 indication in favor of granting the petitioners' request, subject to working out compensation requirements with the City Attorney.

MOTION: Council took no official action on this item. They did, however, indicate (6-1, Mr. Bledsoe opposed) their sentiment in favor of granting approval.

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-----END COMMUNITY DEVELOPMENT DEPT./P.A.B.-----

-----SECOND READINGS-----

---ORDINANCE NO. 86-5172 ITEM 8

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES REGULATING "DISH" ANTENNAS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PRESERVE THE ATTRACTIVE APPEARANCE OF THE CITY, PROHIBIT THE USE OF BRIGHT, SHINY OR GARISH MATERIALS, LIMIT THE LOCATION, NUMBER AND HEIGHT OF ANTENNAS; PROHIBIT ADVERTISING ON ANTENNAS, REQUIRE SCREENING, AND PROVIDE THAT A CONDITIONAL USE PERMIT PETITION MAY BE PROCESSED TO REQUEST EXCEPTIONS TO THE REGULATIONS.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:45 am Closed: 10:46 am

No one to speak for or against.

MOTION: To ADOPT the ordinance as presented on second reading.

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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	
Graver				X	
Richardson			X		
Putzell				X	
(7-0)					

---ORDINANCE NO. 86-5173

ITEM 9

AN ORDINANCE RELATING TO THE GENERAL PENSION SYSTEM FOR CITY EMPLOYEES, AMENDING SECTIONS 18-22(M), 18-23, 18-35, 18-36, AND 18-40 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CHANGE THE DEFINITION OF FINAL AVERAGE COMPENSATION; TO RESTRUCTURE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE GENERAL PENSION SYSTEM; TO INCREASE THE MULTIPLIER FOR COMPUTING PENSIONS 1.75%; TO PROVIDE FOR REVIEW OF PENSION PLAN EVERY TWO (2) YEARS; TO PROVIDE ADDITIONAL OPTIONS FOR PAYMENT OF PENSION BENEFITS; AND TO DELETE THE PROVISION FOR PENSION OFFSETS FOR INCOME FROM GAINFUL EMPLOYMENT.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:46 am Closed: 10:48 am

City Manager Jones advised that the changes to the Plan are delineated in the proposed ordinance's title and is before Council today with the concurrence of the bargaining unit and the recommendation of the staff.

In response to Mayor Putzell, City Manager Jones advised that he was optimistic concerning negotiations with the Fraternal Order of Police, FOP, in their on-going lawsuit.

MOTION: To ADOPT the ordinance as presented on second reading.

-----END SECOND READINGS-----

---RESOLUTION NO. 86-5174

ITEM 10

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE COLLIER COUNTY HEALTH FACILITIES AUTHORITY, THE MOORINGS, INCORPORATED, AND THE CITY OF NAPLES RELATING TO THE CONVEYANCE OF THE MOORINGS PARK SEWER FACILITIES AND EASEMENTS TO THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders explained that the normal procedure would be for the City to require a conveyance of the easements and pipes for the service in the ground before engaging in sewer service. However, due to the financing requirements for the building, they are unable to make a conveyance in the interest of the property. They have drafted an agreement, he said, that stipulated conveyance to the City as soon as the financing is concluded and the bond is redeemed.

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
Graver					X
Richardson			X		
Putzell (3-4)					X
Anderson- McDonald					X
Barnett			X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson			X		
Putzell (7-0)			X		

Graver disagreed and quoted the 6' above the ceiling height regulation. He reiterated his opinion that this request should be heard through the normal procedures. Mayor Putzell concurred.

Mr. Bledsoe said he believed that the petitioner should wait until after the Rural/Urban Development Assistance Team (R/UDAT) did their study and presented their findings.

MOTION: To DENY the request for reconsideration.

*** *** ***

---RESOLUTION NO. 86-5175 ITEM 12

A RESOLUTION ACCEPTING A DONATION TO THE CITY OF NAPLES FROM THE PROFESSIONAL FIRE FIGHTERS OF NAPLES, LOCAL 2174, OF A "SERV" SPECIAL SERVICE VEHICLE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Lt. Sheldon Reed explained that the Professional Fire Fighters of Naples, Local 2174, were here before Council to donate to the City a "SERV" Special Service Vehicle for use during special events and other activities.

Mayor Putzell expressed his and the community's appreciation for this valuable gift to the City and extended a warm "thank-you" to everyone on the force.

MOTION: Council approved this resolution by ACCLAMATION.

*** *** ***

CORRESPONDENCE AND COMMUNICATIONS:


City Manager Jones advised that at the end of the Council's informal conference, Ed Kant, Chairman of the Airport Authority, wished to address Council.

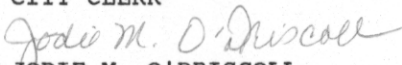
Mayor Putzell reiterated Council's normal procedures and time limits for speakers.

*** *** ***

ADJOURN: 11:12 a.m.


 EDWIN J. PUTZELL, JR., Mayor


 JANET CASON
 CITY CLERK


 JODIE M. O'DRISCOLL
 DEPUTY CLERK

These minutes were approved on JAN 21 1987.

Attachment #1

SUPPLEMENTAL ATTENDANCE LIST

Kent A. Walker
Bob Galloway
Donald Walwer
Robert Schroer
Nelson Faerber

Captain Samuel Wilson
Mr. Mueller
Tish Gray
Don Barber
Richard Jones

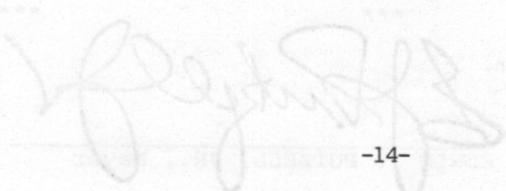
Victor Zeedwk
Charlie Andrews
Herb Anderson
Lt. Sheldon Reed
Gary K. Wilson

NEWS MEDIA

Marty Bonvechio, Naples Daily News
Hilary Hutchison, TV-9
Kevin Parks, News Press

William Upham, Naples Times
Lori Rosza, Miami Herald
Gary Arnold, TV-26

Other interested and citizens and visitors.



STAFF REPORT

TO: Planning Advisory Board
FROM: Community Development Department
SUBJECT: Comprehensive Plan Amendment 86-CP3,
Rezone Petition 86-R9, Conditional Use
Petition 86-CU5

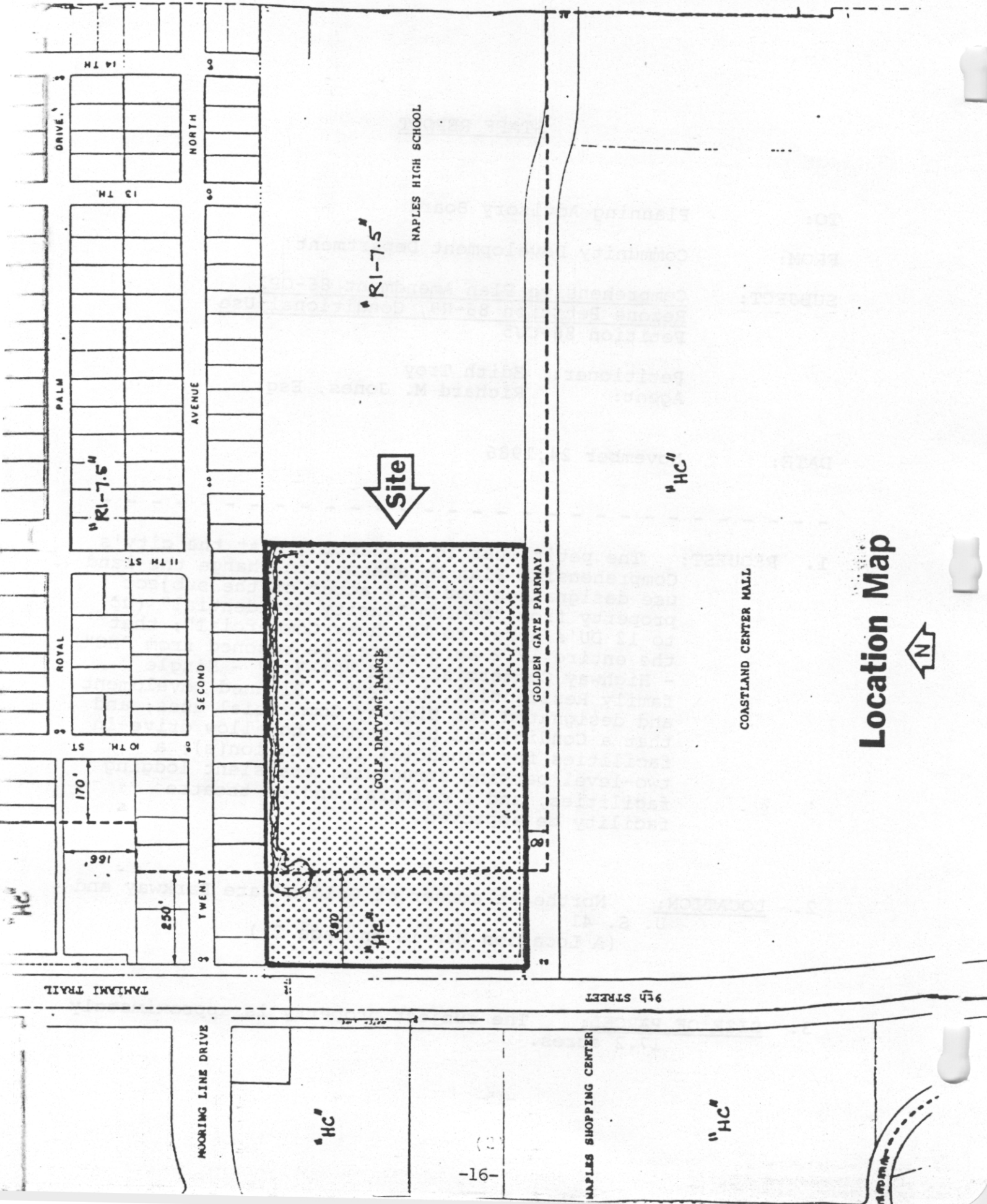
Petitioner: Edith Troy
Agent: Richard M. Jones, Esq.

DATE: November 24, 1986

-
1. REQUEST: The petitioner is requesting that the city's Comprehensive Plan be amended to change the land use designation for 13.3 acres of the subject property from "Medium Density Residential" (up to 12 DU's/acre) to "Highway Commercial"; that the entire 17.2 acre parcel be rezoned from "HC" - Highway Commercial, and "R1-7.5" - Single family Residential, to "PD" - Planned Development and designated for Highway Commercial uses; and that a Conditional Use permit to allow drive-in facilities for financial institution(s); a two-level parking structure, transient lodging facilities, and a cultural and/or theatre facility be approved.

 2. LOCATION: Northeast corner of Golden Gate Parkway and U. S. 41
(A Location Map is on page 2.)

 3. SIZE OF PARCEL: The subject property is approximately 17.2 acres.



Location Map



Comprehensive Plan Amendment 86-CP3,
Rezone Petition 86-R9 and Conditional Use
Petition 86-CU5 (cont'd.)

4. EXISTING LAND USE: Golf Driving Range

5. CURRENT ZONING: The subject property is currently within two zoning districts - a 3.9 acre area adjacent to U. S. 41 is zoned "HC" - Highway Commercial, and the remaining 13.3 acres is zoned "R1-7.5" - Single-family Residential.

6. COMPREHENSIVE PLAN: The city's Comprehensive Plan designates the 3.9 acres adjacent to U. S. 41 as being appropriate for Highway Commercial uses and designates Medium Density Residential (up to 12 DU's per acre) for the balance of the property.

7. UNIQUE SITE CHARACTERISTICS: The subject property abuts a single family residential area to the north and Naples High School to the east.

8. PREVIOUS ACTION: Comprehensive Plan Amendment Petition 84-CP1 and Rezone Petition 84-R4 for a proposed "PD" development were denied on March 20, 1985 and Comprehensive Plan Amendment 85-CP3 and Rezone Petition 85-R9 for a requested change to Highway Commercial ("HC") for that portion of the property not zoned "HC" were denied on December 18, 1985.

9. PENDING AND/OR SUBSEQUENT ACTION: The Planning Advisory Board (PAB) is scheduled to consider this matter at its meeting on December 4, 1986 and make a recommendation to the City Council at the close of the hearing. The Council should consider the PAB's recommendation for a first reading at its meeting on December 17, 1986.

Comprehensive Plan Amendment 86-CP3,
Rezone Petition 86-R9 and Conditional Use
Petition 86-CU5 (Cont;d.)

At that point, if the City Council wishes to proceed with the matter, the proposed plan amendment must be forwarded to the State for its review and comment.

Upon completion of the State's review, the matter will be brought back to the City Council for a public hearing and final action.

10. PROPOSED DEVELOPMENT: The petitioner is proposing a commercial development that would include a variety of highway commercial uses, as explained in the petition.

11. FINDINGS:

A. Development of Regional Impact (DRI)

A determination as to whether or not a project of this type is a Development of Regional Impact (DRI) is based on a variety of thresholds related to the number of hotel rooms, total square footage of building area, size of the site, number of parking spaces and the number of residential units.

We have not received sufficient information to determine whether or not the development is a DRI, but the petitioner should become familiar with the thresholds and may wish to discuss the project with the State Department of Community Affairs (DCA).

B. Review by other City Departments

Other city departments recommended conditional approval of the subject petitions, relative to their areas of responsibility, subject to the following conditions:

1. The Fire Department notes that construction must be in compliance with Chapter 9 of the city's Municipal Code (National Fire Protection Association, National Fire Code, 1985 Edition, with local amendments)

Comprehensive Plan Amendment 86-CP3,
Rezone Petition 86-R9 and Conditional
Use 86-CU5 (cont'd.)

2. The Public Works Department notes that the petitioner must comply with all normal utility installation requirements relative to water, sewer and solid waste and must pay all normally required fees.
3. The Engineering/Traffic Department recommended that "an effort be made to use the traffic light on Golden Gate Parkway for ingress and egress" to the subject site; that the petitioner pay the normal water and sewer fees; and that the installation of any additional utility piping from existing facilities be installed by the petitioner.

They also noted that the city may "want to master meter the entire project area."

C. Community Development Department Review

1. Proposed Comprehensive Plan Amendment

In our opinion, the existing Comprehensive Plan land use designation of Highway Commercial and Medium Density Multifamily Residential are still appropriate and provide for a reasonable use of the property. There is no new information submitted by the petitioner nor any changes in land use patterns in the city since we last recommended denial of a similar request by the petitioner to justify an amendment to the plan at this time.

2. Proposed Rezone Petition

The plans submitted reflect neither the quality nor the detail that we typically require for a project of this type. The plans submitted are not consistent with the stated purpose of the "PD" district, which is to "encourage high quality ...development".

Comprehensive Plan Amendment 86-CP3,
Rezone Petition 86-R9 and Conditional Use 86-CU5 (cont'd.)

Also, the proposed development is not as desirable as the previous "PD" request, which was denied.

3. Proposed Conditional Uses

The intent of the conditional use permit process is to limit such uses as to number and location and to review individual specific proposals for each such use. A detailed review process is necessary because of the unique characteristics of conditional uses which are not ordinarily regulated by the general provisions of the zoning ordinance.

Although we have no general objection to the conditional uses proposed, we have not received sufficient information from the petitioner to enable us to properly review this request.

D. Review of "PD" Submittal:

(Reference attached "Planned Development for Blue Caribbean Driving Range" document and referenced exhibits)

If the PAB and/or the City Council choose to approve these petitions, there are certain changes that should be made in the petitioners proposed " agreement"

1. Ref: page F-4, Subsections Q, R, S, T and U:
The last sentence in each of these subsections should be modified to indicate that the subject conditional use shall not only be "compatible with the development comprehended by the Blue Caribbean PD and that it (the city) shall not arbitrarily or capriciously withhold or delay approval of same" but that such uses shall also be compatible with the surrounding area and in conformance with the process and standards outlined in Section 9 of the Zoning Ordinance.
2. Ref: page F-6, Section X:
Exhibit "E" (one of the site plans referred to in this section) is totally unacceptable and should be deleted from any consideration.

Comprehensive Plan Amendment 86-CP3,
Rezone Petition 86-R9 and Conditional Use
86-CP5 (cont'd.)

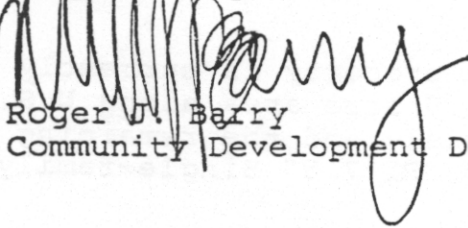
The sentence (five lines from bottom of page) which states that "it (the city) shall expeditiously process such GDSP or GDSPs and that it shall not withhold or delay approval of same" should be modified by inserting the word "unreasonably" before the word "withhold".

3. Ref: page F-7, Section XII. This section should be deleted or modified to conform with the recommendations of Public Works and the Engineering/Traffic Departments relative to the provision of water and sewer service and the payment of all normal fees.
4. Ref: page F-9, Subsection A.1, last sentence. This sentence should be modified to indicate that the subject ten feet shall be landscaped.
5. Ref: page F-10, Subsection B-1, first sentence. This sentence should be modified to indicate that the subject ten feet shall be landscaped (same location as noted in (4) above).
6. Ref: page F-12, Subsection C-4. The words "and granted" should be eliminated.

12. STAFF RECOMMENDATION:

For the reasons noted above, we recommend denial of these petitions.

Respectfully submitted,



Roger J. Barry
Community Development Director

CITY OF NAPLES

STAFF REPORT

TO: Planning Advisory Board

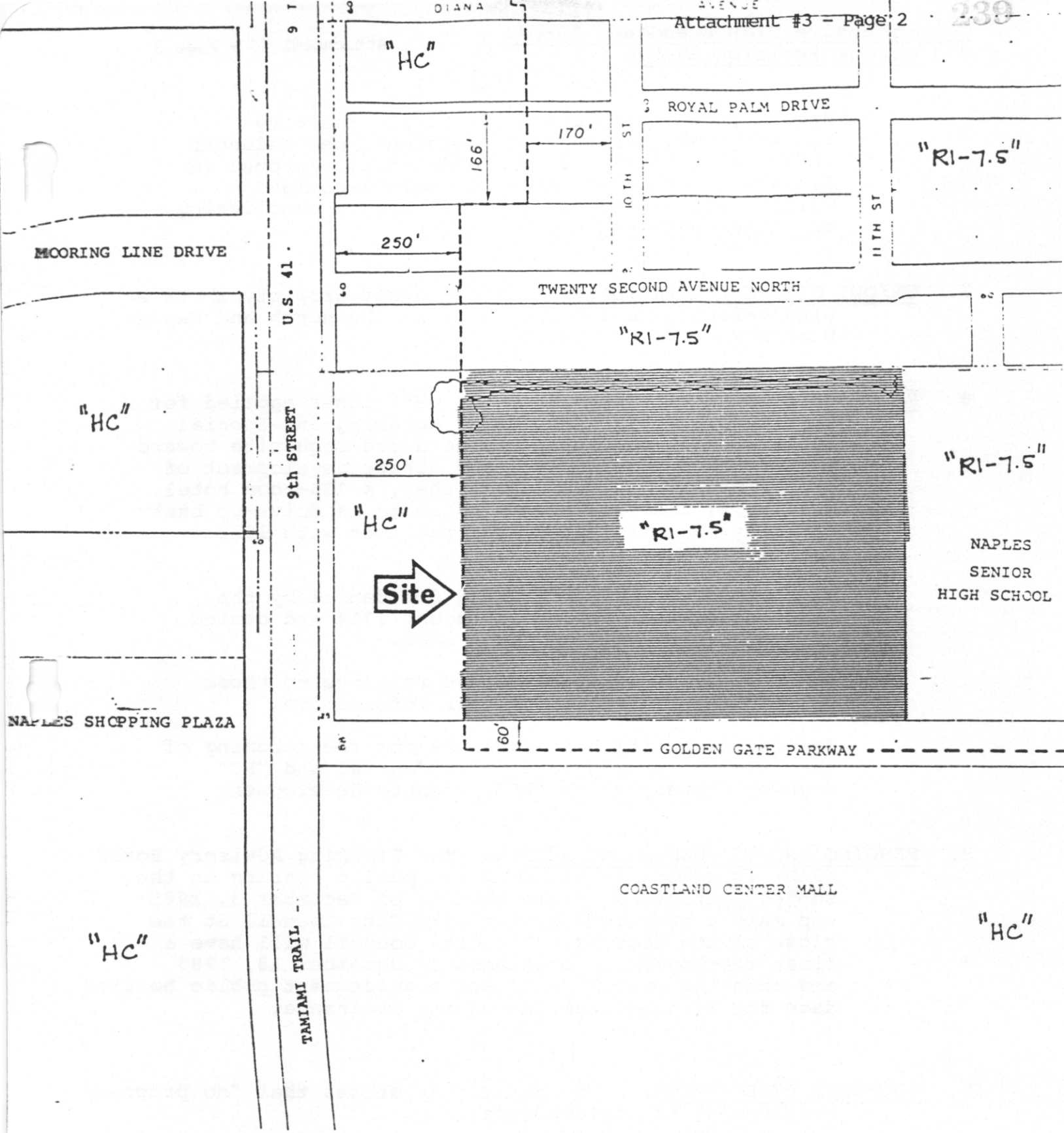
FROM: Community Development Department

SUBJECT: Comprehensive Plan Amendment 85-CP3 and
Rezone Petition 85-R9

Petitioner: Edith Troy, as representative of the
Zigfield Troy Estate; Richard M. Jones, Agent

DATE: November 27, 1985

1. REQUEST: The petitioner is requesting that the city's Comprehensive Plan be amended to change the land use designation on 13.3 acres of the subject property from "Medium Density Residential" (up to 12 dwelling units per acre) to "Highway Commercial"; and to rezone the same portion of this property from "R1-7.5" to "HC" Highway Commercial.
2. LOCATION: Northeast corner of Golden Gate Parkway and Tamiami Trail North (U.S. 41) also known as the Blue Caribbean Golf Driving Range.
(A Location Map is on page 2.)
3. SIZE OF PARCEL: The subject property is approximately 17.2 acres in size.
4. EXISTING LAND USE: Golf driving range
5. CURRENT ZONING: The subject property is currently within two zoning districts - a 3.9 acre area along U.S. 41 is zoned "HC" Highway Commercial, and the remaining 13.3 acres to the east is zoned "R1-7.5" Single-family Residential.
6. COMPREHENSIVE PLAN: The Comprehensive Plan currently designates 3.9 acres of the subject property along U.S. 41 for highway commercial uses and the remaining 13.3 acres for medium density residential uses with up to twelve (12) dwelling units per acre. (See pages 80 and 81 attached)



Location Map



Recent state legislation now limits the city to two Comprehensive Plan amendments per calendar year. If this requested amendment is approved in January or February 1986, we would recommend waiting until June or July 1986 before considering any other amendments.

7. UNIQUE SITE CHARACTERISTICS: The subject property abuts a single-family residential area to the north and Naples High School to the east.

8. PREVIOUS ACTION: In July 1984, the petitioner applied for a Comprehensive Plan Amendment, Rezoning and Special Exception for this property as a pre-requisite toward constructing a commercial and office development of approximately 332,000 square feet, a 120-room hotel, a cultural facility with 1200 seats, a drive-up bank facility and a two-story parking deck with 1613 parking spaces.

This proposal was recommended for denial by the Planning Advisory Board in August 1984 and denied by the City Council in March 1985.

The July 27, 1984 staff report relative to these petitions is attached for your information.

The rezone petition in 1984 was for the rezoning of the "R1-7.5" Single-family Residential and "HC" Highway Commercial to "PD" Planned Development.

9. PENDING AND/OR SUBSEQUENT ACTION: The Planning Advisory Board (PAB) is scheduled to conduct a public hearing on the subject petitions at its meeting on December 5, 1985 and make a recommendation to the City Council at the close of the hearing. The City Council will have a first reading of an ordinance on December 18, 1985 and then the Council will set a subsequent public hearing date for a second reading of the ordinance.

10. PROPOSED DEVELOPMENT: The petitioner states that "no proposed development is contemplated."

11. FINDINGS:

- A. We received the following comments from other city departments relative to their specific areas of responsibility:
- a. Water and sewer service is available, however, the sewer connection may be complicated and costly. A detailed water and sewer service plan will have to be approved prior to the issuance of a building permit.
 - b. Any subsequent development proposal will be required to meet FDOT and Collier County DOT standards relative to vehicular ingress/egress and the storm water management requirements of the city and county.
- B. In 1978-79, when the city first prepared and adopted the present Comprehensive Plan, there was an underlying recognition that the city had a substantial inventory of commercially-zoned land; certainly more than the city needed to support its own needs. As a result of this recognition and for other reasons relating to traffic congestion, character of the city, protection of existing residential neighborhoods and the like, the city determined not to rezone any additional property for commercial use.

The city also decided to retain all of its residentially-zoned properties in order to protect and maintain its primarily residential character and to limit the undesirable impacts of commercial development.

These commitments have been reviewed and reinforced each year since the Plan's initial adoption in 1979. In fact, in some cases, commercially-zoned properties in close proximity to residential areas have been limited to office use only, building heights have been limited, access restricted and the like, through various Comprehensive Plan and Zoning Amendments.

The city is also strongly committed to protecting its existing residential neighborhoods.

11. FINDINGS (continued)

When properties which are permitted to have commercial uses are located adjacent to or in close proximity to a residential area, the best protection is provided through the approval of a specific commercial development plan that is reviewed and approved through a "PD" Planned Development, Change of Zone, process. Such an approved plan not only has to be followed through construction, but consideration of such a plan is made through a public hearing process that includes a public notice to property owners in the area and the City Council. Such a plan may be approved subject to certain very specific conditions that may include the types of uses permitted, landscaped buffer zones, limited building heights and the like.

If a property is zoned "HC", such as the petitioner is requesting, a development plan must be reviewed and approved prior to construction, but such a review is not subject to a public hearing process; does not include the City Council and the city does not have the same level of control over types of uses, building heights and the like, as it does through the "PD" Change of Zone process.

A simple Change of Zone to "HC" cannot be conditioned; you either rezone the property to "HC" or you do not. If the property is rezoned to "HC", then the developer need only comply with the regulations in the "HC" district in terms of permitted uses, building heights and the like.

The Comprehensive Plan states that even a multi-family use on the subject property should only be approved through the "PD" Change of Zone approval process. A proposed commercial development on the subject property should be subject to at least the same scrutiny.

12. STAFF RECOMMENDATION:

In our opinion, the above-referenced Comprehensive Plan commitments are still valid and only a "PD", - Planned Development, - Change of Zone request should be considered favorably so that the city can adequately protect the adjacent single-family residential area and the school site, and address all of the commercial development related problems. We, therefore, recommend denial of these petitions.

Respectfully submitted,

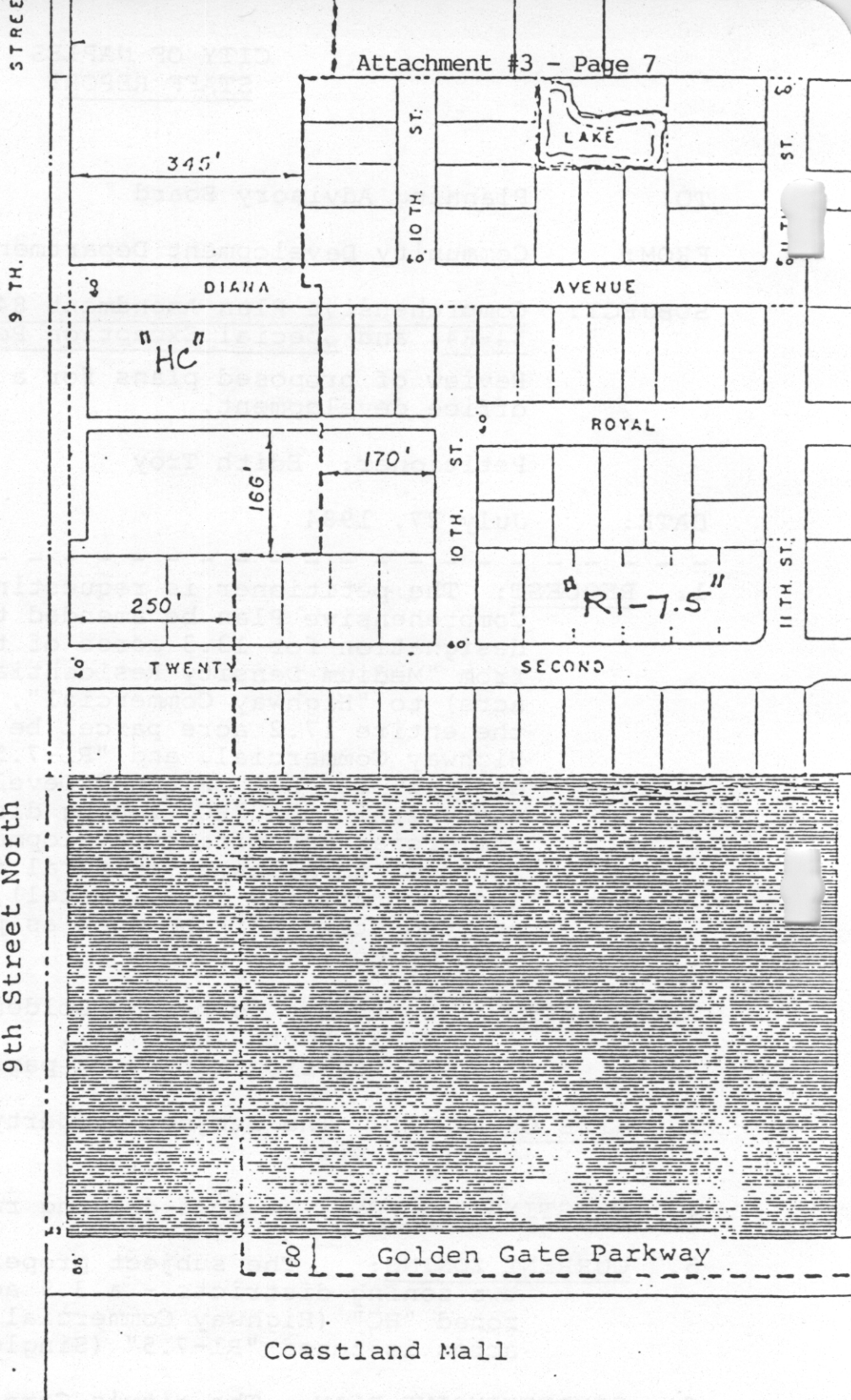
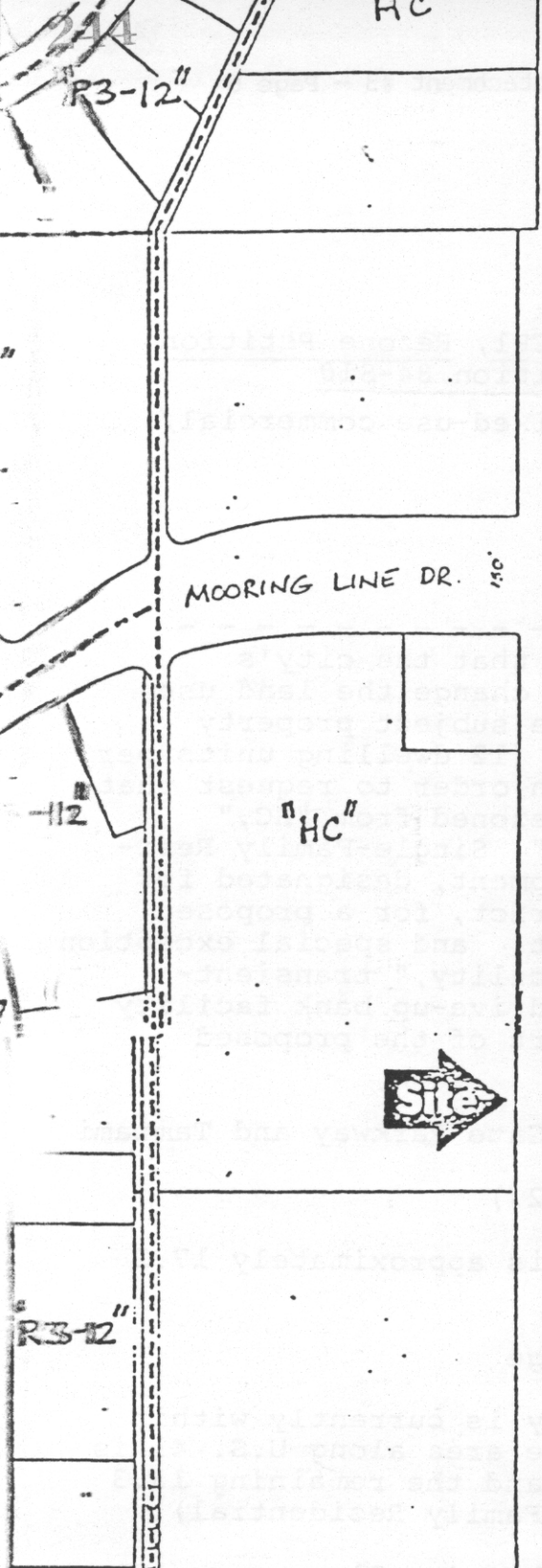
Roger J. Barry

TO: Planning Advisory Board
FROM: Community Development Department
SUBJECT: Comprehensive Plan Amendment 84-CP1, Rezone Petition 84-R4, and Special Exception Petition 84-S10
Review of proposed plans for a mixed-use commercial/office development.

Petitioner: Edith Troy

DATE: July 27, 1984

-
1. REQUEST: The petitioner is requesting that the city's Comprehensive Plan be amended to change the land use designation for 13.3 acres of the subject property from "Medium-Density Residential (12 dwelling units per acre) to "Highway Commercial", in order to request that the entire 17.2 acre parcel be rezoned from "HC," Highway Commercial, and "R1-7.5," Single-Family Residential, to "PD" Planned Development, designated for uses within the "HC" zoning district, for a proposed commercial and office development; and special exception approval to allow a "cultural facility," transient-lodging facility (i.e., motel), drive-up bank facility and two-story parking deck as part of the proposed development.
 2. LOCATION: Northeast corner of Golden Gate Parkway and Tamiami Trail North (U.S. 41).
(A Location Map is on page 2.)
 3. SIZE OF PARCEL: The subject property is approximately 17.2 acres in size.
 4. EXISTING LAND USE: Golf driving range
 5. CURRENT ZONING: The subject property is currently within two zoning districts - a 3.9 acre area along U.S. 41 is zoned "HC" (Highway Commercial) and the remaining 13.3 acres is zoned "R1-7.5" (Single-Family Residential).
 6. COMPREHENSIVE PLAN: The city's Comprehensive Plan currently designates 3.9 acres of the subject property along U.S. 41 for highway commercial uses, and the remainder for medium-density residential uses with up to twelve (12) dwelling units per acre.



Location Map



PAB SENDA ITEM NO. _____

7. UNIQUE SITE CHARACTERISTICS: The subject property abuts a single-family residential area to the north and Naples High School to the east.
8. PREVIOUS ACTION: None relative to this request
9. PENDING AND/OR SUBSEQUENT ACTION: The Planning Advisory Board (PAB) is scheduled to hold a public hearing on these petitions at its meeting on August 2, 1984 and make a recommendation to the City Council at the close of the hearing. At its meeting on August 15, 1984, the City Council should consider the PAB's recommendation and have a first reading of an ordinance for the Comprehensive Plan Amendment and the Rezone Petition. The Council should then hold a public hearing and second reading of the ordinance and also take final action on the Special Exception Petition by resolution, at its meeting on September 19, 1984, in accordance with state requirements regarding public notification of requests to amend the Comprehensive Plan.
10. PROPOSED DEVELOPMENT: The petitioner is proposing to construct a commercial and office development with approximately 332,000 square feet of total floor area, consisting of a 120-room hotel, a cultural facility with 1200 seats, a drive-up bank facility, and a two-story parking deck(s) with 1613 parking spaces.

If these petitions are approved, the proposed development is scheduled to be constructed in two phases. The first phase would include 90,000 square feet of commercial floor area and 132,000 square feet of floor area for office space, the cultural facility and the motel. The petitioner's agents estimate that construction of this phase would start in March 1985 and be completed by July 1986. The second phase would include 85,000 square feet of commercial floor space and 25,000 square feet of floor area for office space. It is estimated that construction of the second phase would start in January 1987 and be completed by January 1988.

11. FINDINGS:

- A. A copy of the legal notice for these petitions was mailed to each property owner within 500 feet of the subject property. Their names and addresses were obtained from the Collier County tax rolls.
- B. The following recommendations and comments were made as a result of the city's Departmental Review Process:
1. The Engineering/Traffic Department made the following stipulations in recommending "conditional approval":
 - a. Provide easements for sidewalks in vicinity of main driveway entrance on Golden Gate Parkway;
 - b. Replacement of existing lake, city street storm system and direct discharge to Goodlette-Frank Road canal, as well as on-site detention/retention system, should be acceptable to the Engineering/Traffic Department and to the Collier County Water Management Board;
 - c. The proposed eastern-most driveway onto Golden Gate Parkway and east-bound left-turn exit from main driveway onto Golden Gate Parkway should be eliminated in favor of exit-only driveway onto Naples High driveway, which is to be signalized.

The Engineering Department also commented that the current plan should be considered only a concept plan since some of the proposed parking areas may be required for stormwater management. Interior retention systems should be encouraged over simple exterior ditches, as these fall into unsightly, polluted water bodies from an upkeep standpoint.

It was also noted that Collier County and the Florida Department of Transportation should review and comment on respective ingress/egress drives.

11. FINDINGS: (continued)

The recommendations of the Public Works, Fire and Police Departments had not been received as of the date of this report, but will be reported upon at the PAB meeting. We do not anticipate any objections to the petitions, only suggested conditions of approval.

C. Planning staff has reviewed the petition, inspected the property and made the following determinations:

1. Regarding the proposed eastern-most driveway onto Golden Gate Parkway (which the Engineering/Traffic Department recommended be eliminated), it should be noted that the distance between it and the development's proposed main driveway onto Golden Gate Parkway is approximately 340 feet, and the Zoning Ordinance requires 500 feet in such situations.
2. If these petitions are approved, staff recommends that the typical landscaping of 20 feet on the subject property, parallel to U.S. 41 and Golden Gate Parkway, be provided, as required by the Zoning Ordinance. This would require the relocation of portions of the internal driveway system. Planter areas on the parking deck(s) should be provided in addition to the proposed "lightwell" planters.
3. It is also recommended that a landscape buffer that exceeds the typical requirements of the Zoning Ordinance be placed along the north and east property lines of the subject property, which lines abut a single-family residential area and the Naples High School, respectively.

A detailed landscaping plan must be approved by this department before a building permit would be issued.

11. FINDINGS: (continued)

4. Signage for internal traffic circulation would need to be approved by the city before a "Certificate of Occupancy" would be issued. This applies mainly to the one-way circulation patterns proposed for the parking areas.
5. Staff recognizes that the proposed project is well conceived and designed and has many amenities not typical of most commercial proposals. We are particularly impressed with the proposed "cultural facility." In our opinion, it is the quality of the concept and the proposed "cultural facility" that could justify the requested amendment to the Comprehensive Plan.

It will also be an expensive project to build, and one that is dependent upon somewhat "elusive" elements, such as an inn, two "anchors" and the "cultural facility."

The city does not "need" another bank or more commercial or office space at this time.

Our concern with the proposal is that the submittal does not include sufficient evidence that the proposal will actually come to fruition. The city should not approve a "speculative" proposal.

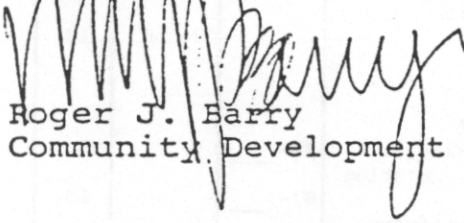
Once the city amends the Plan and grants the "PD" zoning for commercial uses, it becomes very difficult to control the quality of the ultimate development, or to deny the approval of subsequent amendments to the development plan.

Additional information should be provided to the city relative to the qualifications and experience of the developer of the project; identification of the major tenants; the development/management team for the "Inn"; a detailed analysis of the funding, use, etc. of the "cultural facility"; and the overall financing of the proposal.

12. STAFF RECOMMENDATION:

In our opinion, the public benefit that would be gained from the amenities and mix of uses - particularly the proposed "cultural facility" - justify the requested amendment to the Comprehensive Plan. However, the petitions should not be approved until the PAB and City Council are satisfied that the proposal will, in fact, be built as proposed and in a timely manner.

Respectfully submitted:


Roger J. Barry
Community Development Director