



City of Naples

City Council Minute
Regular Meeting 07/20/88

City Council Chamber
735 Eighth Street South
Naples, Florida 339

-SUBJECT-	Ord. No.	Res. No.
<u>COMMENDATIONS</u>		
-Ceremony recognizing City employees for years of service.		
-COMMEND Planning Advisory Board members for service to City.		88-5569
<u>ANNOUNCEMENTS</u>		
MAYOR PUTZELL: None.		
CITY MANAGER JONES: None.		
<u>APPROVAL OF MINUTES:</u> June 8, 1988, Town Meeting June 8, 1988, Workshop June 15, 1988, Regular June 22, 1988, Special June 22, 1988, Workshop June 29, 1988, Workshop		
<u>PURCHASING</u>		
-BID AWARD for water distribution division materials, Utilities.		88-5570
-APPROVE amended final subdivision plat, Villas of Park Shore, Phase II.		88-5571
<u>RESOLUTIONS</u>		
-APPROVE variance from CCSL for revetment repairs.		88-5572
-APPROVE transmission of proposed Comprehensive Plan for the City to the State for review.		88-5574
-APPROVE conditional use permit for a bed and breakfast facility, 287 11th Avenue South.		88-5577
-APPROVE variance from zoning code to permit construction of an addition, 1058 8th Avenue South.		88-5579
-APPROVE expansion of a non-conforming structure, 1058 8th Avenue South.		88-5578
-TABLE variance to allow six-foot wooden fence, 180 8th Avenue South.		88-_____
-APPROVE conditional use permit to allow drive-up remote, 2375 Ninth Street North.		88-5580
-APPROVE conditional use permit to allow a child care center, Harbourtown Mall.		88-5581
-APPROVE conditional use permit to allow a 3-story hotel, U.S. 41 and Davis Boulevard.		88-5582
-DENY vacation of utility easement, 13th and 14th Avenues South.		88-_____
-CONTINUE vacation of utility easement, Naples Community Hospital.		88-_____
-CONTINUE appointment of City physician.		88-_____
-APPROVE designation of Rogers, Wood, Hill, Starman & Gustason, P.A., CPA, City auditors for FY end 9/30/88.		88-5583
<u>ORDINANCES - Second Reading</u>		
-ADOPT financing the cost of improvements to canals and waterways in the Moorings Bay and East Naples Bay Special Taxing District.		88-5573
-ADOPT amendment to the Comprehensive Plan to allow an "Historic District Overlay".		88-5575
-APPROVE criteria for review of bed and breakfast operations.		88-5576
<u>ORDINANCES - First Reading</u>		
-APPROVE rezone from "R3-12" to "O", to construct single-story office building.		88-_____
-APPROVE amendment to site plan to allow five single-family units.		88-_____
-APPROVE expansion of the beach parking program.		88-_____
-APPROVE franchise agreement with United Telephone.		88-_____
<u>CORRESPONDENCE AND COMMUNICATIONS:</u> None.		

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENCE
			YES	NO	

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES PLANNING ADVISORY BOARD

---RESOLUTION NO. 88-5574

ITEM 10

A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA THE COMPLETE PROPOSED COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, AS REQUIRED BY THE STATE OF FLORIDA GROWTH MANAGEMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:25 a.m.
Closed: 10:05 a.m.

Community Development Director McKim reviewed previous comments outlining the State's Growth Management Act. Once the Plan is reviewed and approved by Council, it is then submitted to the State for consideration. After examination and comment by the State, it is returned for final changes and adoption by Council.

Before opening the public hearing, Mayor Putzell pointed out that the Chair had heard comments regarding the Future Land Use and Conservation and Coastal Management elements at its last meeting; therefore, it will not allow any further comments on those elements. This public hearing is to discuss the remaining elements of the Plan. Mayor Putzell advised that the Chair would entertain public input on each of the elements to be discussed at this meeting and then would hear Council's comments.

INTRODUCTION

Mr. George Williams said that he was not aware the public could not speak to all of the Plan elements and said that he was opposed to certain parts of the Future Land Use element which limits property usage.

TRAFFIC CIRCULATION

No one present to speak for or against.

HOUSING ELEMENT

Attorney John Cardillo, representing businessman Richard Myers, objected to staff's recommendation to purchase a certain parcel of land on Goodlette- Frank Road adjacent to the Carver/River Park area. Such acquisition for low to moderate income housing would devalue his client's property and result in possible down zoning of the same. Staff advised that this property was not critical to the Plan and was to be used strictly for water retention and open space. Councilman Barnett advised that he would be in favor of deleting the proposed land use for this acreage on Goodlette-Frank Road. It was the consensus of Council to follow Mr. Barnett's suggestion.

Jim McGrath said that he was opposed to subsidy housing in this area because there currently is low income housing, Carver/River Park, and, further, he believed such designation to be a form of segregation. Mr. Graver concurred and asked if the Department of Housing

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			Y E S	N O	
Anderson-McDonald			X		X
Barnett	X				X
Crawford					
Graver					X
Muenzer					X
Richardson					X
Putzell					X
(6-0)					

and Urban Development (HUD) allowed grant monies to be used for moderate income housing as well as low. Mrs. McKim advised that it did; however, most of the grant must be spent on low income housing.

Marcia Flinn asked Council to consider budgeting matching funds for the \$10,000 State grant awarded the City for writing the first historic district ordinance. She also asked that zoning regulations be changed to encourage owners of historic homes to upgrade and renovate those structures to their original status.

PARKS, RECREATION AND OPEN SPACE

No one present to speak for or against.

PUBLIC FACILITIES AND WATER RESOURCES

No one present to speak for or against.

INTERGOVERNMENTAL COORDINATION

No one present to speak for or against.

Referring to page 19 of the Plan, Councilman Graver asked how the intergovernmental coordination mechanism was implemented. Mrs. McKim advised that both the City and County have previously executed an Interlocal Agreement to coordinate items such as planning which affect both government entities.

CAPITAL IMPROVEMENTS

No one present to speak for or against.

MAPS

No one present to speak for or against.

The following is a discussion by Council of each of the Plan's elements and approval of same.

INTRODUCTION

There was no discussion either for or against.

MOTION: To APPROVE as presented.

FUTURE LAND USE ELEMENT

Community Development Director McKim outlined major changes proposed for this element (Attachment #3). Mayor Putzell suggested another amendment to the Plan wherein approved developments under the current Plan would be protected and not required to comply with the new Plan via a Development Agreement.

Referring to the designation of a high noise impact area near the airport, Mr. Graver asked if the adjacent commercial land use designation was appropriate. Mrs. McKim advised that, although the Planning Advisory Board (PAB) had recommended a commercial use, staff still believed that this land should be designated for Conservation - Limited development. This area is an environmentally sensitive area inasmuch as it is surrounded by wetlands. Mr. Richardson said that he

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		YES	NO	
believed it should be designated for mixed uses. Councilman Muenzer asked that a letter from Collier Enterprises outlining appropriate land uses for 30 of the 72.84 acres be made a part of the meeting record and, further, that a copy of this letter be routed to the Parks and Recreation Advisory Board (Attachment #4).				
Mr. Muenzer expressed concern that there have already been two instances of possible infringement upon property owners rights and suggested that Council include a paragraph from Attorney Michael J. Volpe's letter (Attachment #5) which states: "Planned Development (PD) zoning which has been approved and which is in effect at the time of the adoption and implementation of the Comprehensive Plan should be deemed to be in compliance with the Comprehensive Plan and existing development rights shall not be altered or rescinded by the City of Naples."				
Mayor Putzell then noted on Land Use 70 that the area designated for high noise impact was to be used for airport/commercial. He said that he did not believe this land should be earmarked for use solely by the airport.				
<u>It was the consensus of Council to allow the land adjacent to the airport to remain Conservation - Limited development as recommended by staff.</u>				
Regarding the shore station located on Gordon Drive, Mr. Graver asked if the City could ensure such use. City Attorney Rynders advised that it would be grandfathered and the City could not take away that right unless it purchased the property; however, should the shore station cease to operate for 12 months, there is a provision in the Zoning Code which allows the City the right to revoke such a non-conforming use. Mayor Putzell noted that the sale of gasoline on the site was outside the current zoning designation and asked how this site could be zoned to bring it into conformance. Mrs. McKim suggested that the Plan be amended to allow the station to remain as a conditional use to a planned development with the appropriate landscaping and buffers. This amendment would designate the shore station parcel for limited commercial use. City Attorney Rynders agreed and added that if the Zoning Code was changed it could affect other properties in the City which might create inappropriate land uses.				
<u>Councilman Anderson-McDonald moved that a paragraph be added to the Comprehensive Plan as quoted by the City Attorney: "relative to the shore station that it would be rezoned to a Planned Development (PD) category to permit the present existing commercial uses or residential use compatible with the surrounding properties."</u>				
Mrs. McKim advised staff had recommended that the conservation land use designation be split into two categories, Conservation - Limited and Conservation - Vital, to ensure that environmentally sensitive areas are adequately protected. There was no discussion either for or against this categorization.				
Addressing a previous suggestion from Councilman Muenzer, Mayor Putzell asked if Development Agreements would be appropriate for any PD approved under the				
Anderson-McDonald	X		X	
Barnett			X	
Crawford				
Graver			X	
Muenzer		X	X	
Richardson			X	
Putzell			X	
(6-0)				

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				Y E S	N O	
existing Plan. City Attorney Rynders advised that he could not recommend Attorney Volpe's language regarding such agreements. There is only one planned development which will be affected by the implementation of the new Plan, Key Island. This can be taken care of by site plan approval inasmuch as the property owner's rights are vested within the confines of the old Plan. Attorney Rynders pointed out that if the developer's site plan was approved and he failed to comply with the Code's requirements for construction, it may be possible that the new Plan would become effective once his vested rights have expired due to non-performance.						
Mr. Graver referred to Land Use 77 which outlines medical use for property surrounding the Naples Community Hospital and expressed concern regarding the limitation of uses for that area. Mrs. McKim, however, pointed out that a medical designation could be amended by conditional use permits which would require Council approval.	Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (6-0)	X		X X X X X		
<u>MOTION:</u> To APPROVE this element with the aforementioned amendments.						
<u>TRAFFIC CIRCULATION</u>						
Mr. Muenzer referred to Traffic 19 relating to public transportation, in particular the trolley system, and suggested that the wording be changed from seasonal to as permitted by Council. It was the consensus of Council to support this amendment.						
After a brief discussion regarding a second bridge over the Gordon River, Council directed staff to remove the proposed crossing on the traffic circulation map and add an aggressive statement indicating the City's intent to build a bridge and the reasons why.	Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (6-0)		X	X X X X X		
<u>MOTION:</u> To APPROVE this element with the aforementioned amendments.						
<u>HOUSING</u>						
Councilman Barnett reiterated his suggestion to withdraw the purchase of 2.9 acres on Goodlette-Frank Road from the Plan to be used for low to moderate income housing.	Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)	X		X X X X X		X
Mr. Muenzer asked what recourse the City had regarding demolition of undesirable property to which the City Attorney advised that it had the right to demolish any property which adversely affected the public health, safety and welfare.						
<u>MOTION:</u> To APPROVE this element with the aforementioned amendments.						
<u>PARKS, RECREATION AND OPEN SPACE</u>						
There was no discussion either for or against.						
<u>MOTION:</u> To APPROVE this element as presented.						
<u>PUBLIC FACILITIES AND WATER RESOURCES</u>						
There was no discussion either for or against.						
<u>MOTION:</u> To APPROVE this element as presented.	Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (6-0)	X	X	X X X X X		

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE	
			Y E S	N O
<u>CONSERVATION AND COASTAL MANAGEMENT</u>				
Community Development Director McKim reviewed the proposed Conservation - Vital designation for Key Island and reiterated staff's belief that such designation should remain.				
Following a rather lengthy discussion regarding the Velocity Zone (V-Zone) and the high hazard area on Key Island, Councilman Richardson said he did not believe the Conservation - Vital designation appropriate for this V-Zone. Mrs. McKim admitted that staff was very conservative in assigning this designation to that portion of Key Island; however, she pointed out that even if there were not a proposed development for this site, staff would still assign such a designation for the island. Mr. Graver said that he believed the island V-Zone should be designated Conservation - Limited development inasmuch as the City would not be at risk for any construction in that area.				
Mayor Putzell noted that the State is in the process of revising its Coastal Construction Setback Lines (CCSL) landward of the existing line and asked Council to take this into consideration when making its decision. Mrs. McKim added that the State's CCSL study was to be completed by this fall.				
Councilman Anderson-McDonald expressed concern that the City still may be at risk if it allowed construction in this high hazard zone.				
<u>Mr. Muenzer moved to designate the high hazard, V-Zone located on Key Island Conservation - Limited development rather than its current designation, Conservation - Vital, excluding the wetland areas.</u>				
Anderson-McDonald				X
Barnett				X
Crawford				X
Graver		X		X
Muenzer	X			X
Richardson				X
Putzell				X
(6-0)				

RECESS: 11:35 a.m. to 11:40 a.m.				

Policy 5-3 on Conservation/Coastal 11 seems to be vague, Mayor Putzell said and suggested that it be deleted. Mrs. McKim advised that staff had previously recommended such deletion.				
Mayor Putzell referred to Dr. Jon Staiger's memorandum dated July 8, 1988, (Attachment #6) and noted the deletions made by the FAB which he was asking to be reinstated. Natural Resources Manager Staiger said that he believed Policy 2-17 should be reinserted because it strengthens the City's commitment to conservation of its natural resources. The FAB had deleted this policy because the Coastal Barrier Resources Act of 1982 (COBRA) reiterates its intent. Mrs. Anderson-McDonald said she supported the FAB's decision to delete this policy and Policy 2-18 because the language was contradictory.				
<u>Mr. Richardson moved to uphold the FAB's decision to delete Policy 2-17 from the Conservation and Coastal Management Element of the Comprehensive Plan.</u>				
Anderson-McDonald				X
Barnett				X
Crawford		X		X
Graver				X
Muenzer				X
Richardson	X			X
Putzell				X
(6-0)				
Before discussion ensued regarding Policy 2-18, Mayor Putzell made a brief statement with reference to				

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			Y	N	
<p>In support of her petition, Ms. Sechrist provided Council with a memo outlining the specific criterion for a conditional use and how her establishment would conform to such requirements (Attachment #8).</p> <p>Councilman Muenzer said he had contacted Sam Colding, Collier County Appraiser, to determine the actual square footage of the establishment and he believed it to be less than 3000 s.f. which is required for six guest rooms. Chief Planner Ball advised that he had personally visited the site yesterday, measured the square footage, and he had determined it to be 3450 s.f., including the guest house.</p> <p>Mr. Graver reiterated previous comments of his opposition to this application and as he did not believe it preserved the character or integrity of the area.</p> <p>Mayor Putzell pointed out that the ordinances establishing the criteria for a bed and breakfast facility were confined to the historic district only and, further, that there are only three homes which could qualify.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the resolution as presented.</p> <p>*** *** ***</p> <p>RECESS: 12:40 P.M. to 2:05 P.M.</p> <p>*****</p> <p>---<u>ORDINANCE NO. 88-</u> <u>ITEM 14</u></p> <p>AN ORDINANCE REZONING THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SEVENTH AVENUE NORTH AND EIGHTH STREET NORTH FROM "R3-12", MULTI-FAMILY RESIDENTIAL, TO "O", OFFICE, IN ORDER TO CONSTRUCT A SINGLE-STORY OFFICE BUILDING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE PROPERTY AT REQUEST OF OWNER.</p> <p>Title read by City Attorney Rynders.</p> <p>City Attorney Rynders indicated that this ordinance to rezone, if approved on first reading, would be presented on second reading with the accompanying variance. The petitioners' previous request to rezone the property to General Commercial (C2) had been denied and they were redirected to pursue a rezoning to the "O" Office category.</p> <p>Mark Moran (867 17th Avenue South), one of the petitioners, reminded Council that this property is adjacent to a convenience store on a heavily used corner where Eighth Street, North, ends at Seventh Avenue. He said he intends to build a residential style office, of which area residents are in favor. It will be beautifully landscaped, he said, because it is an "anchor" lot in the area; ingress/egress will be from Eighth Street, North, with none on Seventh Avenue.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the ordinance as presented at first reading.</p> <p>*** *** ***</p>					
	<p>Anderson-McDonald</p> <p>Barnett</p> <p>Crawford</p> <p>Graver</p> <p>Muenzer</p> <p>Richardson</p> <p>Putzell</p> <p>(4-2)</p>	X		X	X
<p>Anderson-McDonald</p> <p>Barnett</p> <p>Crawford</p> <p>Graver</p> <p>Muenzer</p> <p>Richardson</p> <p>Putzell</p> <p>(5-0)</p>	X	X	X	X	X

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---ORDINANCE NO. 88- ITEM 15

AN ORDINANCE APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN FOR PROPERTY LOCATED ON THE NORTH SIDE OF NINTH AVENUE SOUTH BETWEEN SEVENTH AND EIGHTH STREETS SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN, AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PERMIT THE CREATION OF FIVE (5) SINGLE-FAMILY LOTS CONFORMING TO "R1-7.5", SINGLE-FAMILY RESIDENTIAL ZONING.

Title read by City Attorney Rynders.

Community Development Director McKim explained that this is to amend the site plan for a planned development in order to allow the existing two-unit to remain and to develop the balance of the block (five lots) in single family homes in accordance with the "R1-7.5" Residential criteria. Both the staff and Planning Advisory Board have recommended approval and Board added the conditions that no stilt homes be permitted and that architectural compatibility be assured between existing and new units.

MOTION: To APPROVE the ordinance as presented at first reading.

Councilman Graver asked if the sidewalk shown on the plan would be completed and Ms. McKim said that it would indeed be extended as shown on the existing plan. City Manager Jones then clarified for Council that extension of sidewalks is required in multifamily and commercial zoning but not in single family, therefore, the City attempts to assure sidewalk construction in single family areas wherever possible. In light of the fact that there are stilt houses nearby, Mr. Graver questioned the FAB's condition that none be built on this parcel. Ms. McKim responded that it was the desire of the Board to assure architectural compatibility on this particular parcel and had therefore recommended against stilt homes.

---RESOLUTION NO. 88-5579 ITEM 16

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.14F(2), APPENDIX "A" - ZONING OF THE CODE OF ORDINANCE OF THE CITY OF NAPLES, TO PERMIT THE CONSTRUCTION OF AN ADDITION TO AN EXISTING STRUCTURE WHICH WILL EXTEND INTO THE SIDE YARD SETBACK AREA AT 1058 8TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 88-5578

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE TO PERMIT CONSTRUCTION OF AN ADDITION TO AN EXISTING STRUCTURE AT 1058 8TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald			X		
Barnett			X	X	X
Crawford					
Graver	X		X		
Muenzer					X
Richardson			X		
Putzell			X		
(5-0)					

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
<p>Community Development Director McKim stated that this property had at one time been a single family home which was converted, via variance, to a commercial use; now the petitioner is asking for extension of the building to expand the office area. A variance is required, she said, because the setback in this district is zero or ten feet and the petitioner wants to build within four feet of the property line. Both staff and Planning Advisory Board recommend approval.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the resolutions as presented.</p> <p>*** **</p> <p>---RESOLUTION NO. 88- ITEM 17</p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.11 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, IN ORDER TO PERMIT CONSTRUCTION OF A SIX-FOOT WOODEN FENCE AT 180 8TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Community Development Director McKim said that staff felt this petition did not meet the criteria for a variance since there was no land-related hardship, nor was it a unique circumstance. Many corner properties have two front yards and must comply with the fence height limitations. In addition, this fence encroaches into corner visibility at the adjacent alleyway. Both staff and Planning Advisory Board had recommended denial with the Board also taking the position that other alternatives could be found for security.</p> <p><u>MOTION:</u> To <u>CONFIRM DENIAL</u> of the petition. (See later motion below.)</p> <p>Petitioner Caroline Cabot, 180 Eighth Avenue South, said that the alley visibility at her property is much better than other alleys in Olde Naples. She also said that she feels she has been made an "example" and that the utility and garbage trucks, which are the primary users of the alley would have adequate visibility because of the drivers' high seating.</p> <p>Ms. Cabot said that she realized that other alternatives had been suggested, and although she now has an alarm system and a small dog, she needs more protection because of crime and drug problems in Olde Naples. She contended that these problems are concealed by the City.</p> <p>In further discussion it was clarified that although the fence running along the Second Street side of the property was only three feet in height, Ms. Cabot would accept this because plantings along the fence gave the appearance at night that the fence was higher. The contention involves the corner of the fence which is at Second Street and the alley which zoning enforcement has found to obstruct corner visibility.</p>					
<p>Anderson-McDonald</p> <p>Barnett</p> <p>Crawford</p> <p>Graver</p> <p>Muenzer</p> <p>Richardson</p> <p>Putzell</p> <p>(5-0)</p>					
			x		
				x	
					x
				x	
				x	
					x

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			YES	NO	
<p>Councilmen Barnett and Anderson-McDonald then retracted their motion and second until this matter could be further clarified.</p> <p>Mayor Putzell then confirmed with Ms. Cabot that her petition is for the existing six foot fence to remain along the alley to Second Street and, in addition, for the six foot fence which extends from the carport to Second Street to remain; she is requesting no additional fences nor an increase in height of the three foot fence which runs along Second Street.</p> <p>Councilman Graver requested clarification of the Code of Ordinance requirements pertaining to corner visibility. Community Development Director McKim explained that the corner visibility requirement extends 30 feet from the corner of the property in each direction.</p> <p>MOTION: To <u>TABLE</u> this item until the next Regular Meeting (August 3, 1988).</p> <p>***</p> <p>---<u>RESOLUTION NO. 88-5580</u> ITEM 18</p> <p>A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A DRIVE-UP REMOTE AUTOMATED TELLER AT PROPOSED BANK FACILITY LOCATED AT 2375 NINTH STREET NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN, AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Community Development Director McKim advised Council that offsite parking for this petitioner had been previously approved and that the matter before them at this time involves a drive-up window positioned to allow for adequate storage of waiting vehicles. It has been recommended by staff and the Planning Advisory Board for approval, subject to three conditions: 1) That the developer repave alley from their egress point to Wedge Drive; 2) That the northernmost drive onto US 41 be eliminated; and 3) That the City Engineer approve the final plan for access to the alley.</p> <p>Mayor Putzell noted that this last condition did not appear in the resolution as submitted.</p> <p>MOTION: To <u>APPROVE</u> the resolution, as amended, to include the third condition listed above.</p> <p>Ralph Carter, representing Mercantile Bank, thanked Council for this approval, but noted that his group felt they had compromised with the Planning Advisory Board in relocating the drive-up facility to the west which allowed for more vehicle storage. He then asked the Council's further consideration of the northernmost access onto US 41 and took the position that two curb cuts would not affect traffic at the site. Many area properties in that area, some of which are smaller, now have two, he said. Traffic movement would also be smoother from US 41 westerly along the drive-up window with the second curb cut.</p>	<p>Anderson-McDonald</p> <p>Barnett</p> <p>Crawford</p> <p>Graver</p> <p>Muenzer</p> <p>Richardson</p> <p>Putzell</p> <p>(5-0)</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p>
<p>Anderson-McDonald</p> <p>Barnett</p> <p>Crawford</p> <p>Graver</p> <p>Muenzer</p> <p>Richardson</p> <p>Putzell</p> <p>(5-0)</p>	<p>X</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>

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It was determined in further discussion that this property is 160 feet wide and that a normal curb cut is approximately 24 to 32 feet. The northernmost curb cut being request would be extremely close to that for the Burger King restaurant next door.

Mayor Putzell pointed out that both the City and the State are attempting to reduce the number of curb cuts onto such thoroughfares. Mr. Carter, however, said he felt the State had no problem allowing this additional curb cut and, further, that this is the last property to be developed in that area, but Councilman Richardson noted that the many curb cuts in that area are part of the traffic problem on US 41.

Councilman Graver asked how traffic would move through the narrow lane to the offset drive-up window. Mr. Carter said using the single permitted curb cut, traffic would move along east side of the building and traverse to north side. There is no parking on the street side where the entrance will be.

---RESOLUTION NO. 88-5581

ITEM 19

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CHILD CARE CENTER IN "C2", GENERAL COMMERCIAL, ZONING AT HARBOURTOWN WAY (FORMERLY CENTRAL MALL) IN THE 400 BLOCK OF GOODLETTE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim indicated that this petition was to allow a child care facility in the existing building adjacent to the Naples Players theatre and to provide for a play area west of the building. Parking and other considerations are in order, she said. There will, however, be redevelopment of the mall in the future although plans have not been submitted. This use will doubtlessly be incorporated into those future plans, she concluded.

In response to a question from Mayor Putzell, Ms. McKim clarified that the proposed play area will be incorporated into the area now occupied by the Naples Players trailer. City Manager Jones indicated that prior to leaving City Hall after this morning's session, Councilman Muenzer had questioned whether water management studies had been done on the site and Mr. Jones stated that the Council may want to require that the YMCA do water management work on the area they are planning to convert to a playground.

Councilman Richardson and Mayor Putzell indicated that they felt the area chosen was a poor one for a play area for children and Mrs. Anderson-McDonald asked if there were any alternatives which could be considered.

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COUNCIL MEMBERS	MOTION	VOTE		ABSENT
		YES	NO	
Kevin Miller, staff member of the YMCA, explained that the play area is separated from Goodlette Road by a hedge, a traffic lane and parking space which equates to a separation of approximately 40 feet. The other alternative is, as redevelopment of the mall occurs, to place the play space on the opposite end of the building, away from Goodlette. The developer, he reiterated, has not finalized plans for the mall, so there could be no commitment to that positioning. The YMCA, on the other hand, has a need to move forward with the project immediately. Water retention and screening will be addressed further, if necessary, he continued, but expressed the opinion that there would be no hazard to the children because of the play area being set back some 40 feet from the road.				
In response to Mrs. Anderson-McDonald, Mr. Miller stated that the space to be occupied is the one used by the bottle club.				
Mayor Putzell and Councilman Richardson continued to express concern about the children's safety and Councilman Anderson-McDonald asked how the children would get from the building to the play yard. Mr. Miller stated that a fence will be built to shield children on their way to the lot.				
In further discussion Mr. Miller stated that the asphalt currently covering the play area site would be taken up and the area mulched. Playground equipment will be installed as well as an open play area.				
He stressed the critical need for child care in the downtown area, although there are not that many ideal settings; the YMCA has attempted to convert an available setting to an acceptable one.				
In response to further questioning by Mrs. Anderson-McDonald, Mr. Miller indicated that there could be as many as 100 children at the center at one time. The YMCA had not intended to lease the entire building but, rather, would lease 5,500 square feet of the 8,100 square feet available.				
Councilman Graver commended the YMCA for the playground at its permanent facility and that this new facility might actually spark further activity at the Harbortown Center improving its overall character.				
MOTION: To <u>APPROVE</u> the resolution as presented. (See amendment below.)				
When casting an affirmative vote, Mayor Putzell again noted Councilman Muenzer's concern about water standing on this site and that this should remain in the minds of both the City and the YMCA.				
Mr. Jones asked Mr. Miller if the YMCA would agree to a water management study on the playground area to determine what drainage improvements might be needed, and although Mr. Miller stated he felt this would be part of the State's review of the center permit, Mr. Jones recommended that it, too, be a part of the Council's approval.				
Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)	x	x	x	x

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			Y E S	N O	

Both maker and seconder of the motion the accepted the amendment that a water management study approved by the City be a condition of the approval.

---RESOLUTION NO. 88-5582

ITEM 20

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A THREE-STORY HOTEL COMPLEX ON PROPERTY ZONED "C2-A", WATERFRONT COMMERCIAL, LOCATED AT THE NORTHWEST CORNER OF U.S. 41 AN DAVIS BOULEVARD, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim stated that this petition was for a 106-room motel (45,000 square feet) and two restaurants (6,000 and 3,000 square feet, respectively). The upland portion of the property is approximately five acres. The staff recommended approval with one access point and one restaurant, their position being that this is a very crucial corner intersection and will continue to be one of the busiest in the entire County, therefore, the hotel and one restaurant would provide appropriate use of the property. Staff, in addition, recommended that the one restaurant designated as architecturally compatible with the lodging facility be that which remains on the property. The Planning Advisory Board's recommendations with nine criteria were noted for the Council as well as the Board's recommendation that two restaurants be allowed and the two requested access points.

Mayor Putzell reminded Council that this (The Wellsley Inn) had been reviewed in a previous workshop and called on Attorney George Varnadoe, representing the Wellsley Group. Mr. Varnadoe also indicated that engineer Stanley Hole would address the site plan, water management and landscaping aspects of the plan; traffic consultant Don Moore of Kimley-Horn & Associates would address traffic circulation; and Jeff Epstein would represent the Wellsley Group.

Mr. Varnadoe showed site photos and stated that the property was approximately 18 acres on the north side of US 41 at its intersection with David Blvd. It is zoned "C2-A" at the present time which allows many retail uses but requires conditional use approval for hotels. He also noted that the Planning Advisory Board had unanimously recommend approval.

The developers, Mr. Varnadoe continued, are hostellers and not speculators having developed 28 hotels in the United States and six in Florida. They operate all the facilities they have constructed. The average time of construction for the six Florida facilities was 250 days from issuance of the building permit to certificate of occupancy.

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			Y E S	N O	

There will be 1,100 feet of frontage on US 41, Mr. Varnadoe said, and development will involve the cleared 4.9 acres. No convention center or meeting rooms will be featured but two restaurants totalling 9,000 square feet are proposed.

Mayor Putzell asked about price range of rooms and Mr. Varnadoe said that in season they would be in the \$75 to \$90 range, explaining that the facility is an up-scale inn but not in the deluxe class.

Continuing his presentation, Mr. Varnadoe stated that the other 13 acres (mainly wetlands) would be deeded to the City for preservation. He then briefly reviewed the nine criteria used in judging the appropriateness of the conditional use. He stated that his clients acknowledged that ingress and egress would be on one of the County's busier roads, but because the property is commercially zoned, some commercial use is to be expected there. The use proposed by his client, he contended, is much less significant from a traffic standpoint than what others might generate.

He continued addressing the conditional use criteria by stating that the developers have accommodated the City staff's concern regarding the parking of larger vehicles by enlarging some of the parking spots and providing parallel parking for even larger vehicles. Other items, such as refuse and service areas and utilities, he said, were addressed in the staff report. Screening and nuisance buffering is handled by the 13 acres of protected areas; signs and exterior lighting will be coordinated with the staff to avoid hazards on US 41. With respect to the provision involving development of nearby vacant properties, Mr. Varnadoe stated that none exist in the vicinity within the city limits. He also said that the staff has noted that the land and buildings are adequate for transient lodging facilities and, finally, that the use is extremely compatible with adjacent uses; namely, a restaurant, motel and marina.

Engineer Stanley Hole advised Council that in looking at the character of land and they had found that permits from the Department of Environmental Regulation (DER) and Army Corps of Engineers had either already been issued for development within area proposed or advised that it was exempt from certain permitting; development other than on the filled portion of the land could not be accomplished without further permits. Water retention areas have been approved by the County and discharge factors have been approved by DER. Mr. Hole also advised that the internal road layout was reviewed by the staff who had been complimentary of the design.

Don Moore, representing Kimley-Horn & Associates, was next to address Council. He explained that his firm was retained to evaluate the traffic impact of the project as well as traffic operations. He noted a traffic analysis report provided in the Council packet and indicated that traffic impact of the proposed use is in reality a down-scaling of use, given the present zoning.

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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	

Mr. Moore then addressed what he termed were operational problems with reference to restricting the site to one access point; two access points, he said, seem to be more reasonable. He displayed a plan showing the geometrics of two driveways which had not previously been presented to the Council. (A copy of this plan is on file in the City Clerk's Office.) Mr. Moore said that his analysis centered, rather than on traffic volume, on the safety conditions along US 41 in peak traffic hours.

He pointed out that there are no cross accesses between this and other parcels, the only access being off US 41. In the 1,100 foot total length of this parcel, the distance between the proposed drives would be 550 feet and good planning concepts, Mr. Moore stated, for such commercial developments would call for two access points in case of emergency as well as to provide better service. Given this busy intersection, he continued, there will be few gaps in traffic in the height of the tourist season.

Mr. Moore then indicated that award of a contract by the Florida Department of Transportation (DOT) to reconfigure the Davis Blvd./US 41 intersection is imminent and would result in signal control of traffic turning from Davis Blvd. west on US 41. Without this proposed signal, he said, the DOT would not permit their second proposed (easternmost) driveway. Looking at operational problems on US 41 Mr. Moore said that they were attempting to assure that vehicles turning left in and out of the facility would not be competing for the same traffic gaps as others turning into the facility. Two driveways would distribute this traffic.

He said another concern is that if any improvements such as widening were done to US 41, the geometry of the westernmost driveway would not allow services vehicles to make right turns there, causing a backup on US 41 if anyone is awaiting exit from that driveway. In addition, if the roadway were improved, he contended that larger vehicles need a second access point.

Finally, Mr. Moore pointed out the importance to assure ease of left turns for people unfamiliar with the roadway to avoid their having to search for places to make u-turns along US 41. He said that the DOT has given conceptual approval of two driveways in a letter dated June 27 (Attachment #9) which would require the installation of a right turn lane and relocation of the existing median opening slightly to the west as well as the installation of a left turn lane on US 41 to allow for left turns into the property.

Mayor Putzell asked how wide a driveway could be on this type of highway. Mr. Moore indicated that for a "class three" driveway, up to 48 feet is permitted and that the one entry into the property could in fact be this wide.

Mr. Graver then clarified with Mr. Moore that the first and only time the easternmost driveway would be permitted by the DOT is when the right turn lane

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			Y E S	N O	

from Davis to US 41 is improved and signalized. Mr. Moore added, however, that because the roadway improvement schedule is now somewhat parallel with construction of this project, it could coincide.

Richardson pointed out, however, that the DOT's project has not actually been let and is approximately 20% over estimates so there are still no assurances that the project will actually go forward. Mr. Moore said that in conversations with DOT's Dean Heflin, however, he had learned that the project may not have been overbid and that the final decision could be made by August 5. Councilman Richardson requested and was shown a copy of the above referenced June 27 letter.

Mr. Richardson said that he felt, due to the small amount of anticipated traffic generated by the site, one access would be sufficient but that he would be guided by whatever layout DOT approved. He indicated that he would want to see this approval before making a final decision.

Mr. Moore, however, reiterated that traffic volume was not the consideration in requesting two driveways. He further explained that the layout being shown the Council is the one DOT has conceptually approved; it has also been discussed with adjacent property owners, such as Boat Haven, with no objection being noted.

Councilman Graver then confirmed with Mr. Moore that under their proposal eastbound traffic could make a left turn at a current median cut on US 41. Council was given closer look at the diagram.

Mayor Putzell said he still felt that one 45 foot driveway with the current median openings would be sufficient and that two accesses would compound the problem. Mr. Moore then indicated further geometric characteristics of the design indicating difficulties which could be experienced and the separation of right turns in and out from left turns in and out.

After reading the letter provided by Mr. Moore, Councilman Richardson said he noted DOT's position that they were not actually making a commitment for the driveway locations and, in addition, that the individual writing the letter has no authority to make that type of decision. Mr. Moore, however, stated that the DOT's final commitment would have to be based on a final submission and that the drawings shown DOT and Council to date were conceptual.

Attorney Varanadoc read the letter in question into record and took the position that until the permits are issued there were, in fact, no guarantees.

Mr. Varnadoc then summarized for his group by citing their agreement with the staff contention that there isn't enough traffic generated by the site at the present time to justify two curb cuts. The considerations are for safety, not traffic, in proposing two driveways, he said. In addition, the wetlands areas impose additional restraints in the location of driveways.

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Mr. Varnadoe then briefly addressed landscaping, indicating that landscape architect Hank Buckhannan had been engaged to do the landscaping, including the small median which will remain when the Davis Blvd. intersection is improved.

Mayor Putzell then opened discussion of the proposed two restaurants and said he felt that only one architecturally compatible restaurant is appropriate on this small site. He took the position that the petitioners were trying to locate a large operation on an area which is bound by constraints such as those imposed by the wetlands. Mr. Varnadoe said that one restaurant might be sufficient if it were viewed as merely serving the motel guests but there is a need to provide some flexibility and choice, the small one to be a "fast fare" breakfast and lunch facility with the other more traditional in service. To accomplish these two types of needs in one facility, he said, the restaurant would have to be expanded to approximately 8,000 square feet.

Mayor Putzell, addressing Mr. Varnadoe's position that two separate sections would be needed in one restaurant to serve both needs, questioned why this would be the case. Mr. Varnadoe replied that he felt the discussion was now entering the area of market considerations and leaving the realm of the land use considerations being addressed.

Mr. Richardson asked if the smaller restaurant could be a Burger King or McDonald's, and Mr. Varnadoe said that one of these type of facilities could not be allowed on the site because no take-out service is permitted.

Mr. Barnett asked why both restaurants could not be architecturally compatible with the motel. Mr. Varnadoe said he felt that his client could commit to this, particularly if only one restaurant is permitted.

MOTION: That this petition be APPROVED with the inclusion of one (8,000 square foot) architecturally compatible restaurant and that a final plat of the road system, approved by DOT, be submitted as well as Council approval being subject to the other conditions listed in the resolution as submitted.

*** ***

---RESOLUTION NO. 88- ITEM 21

A RESOLUTION VACATING AND ABANDONING TWO 20 BY 100 FOOT SECTIONS OF A 20 BY 400 FOOT UTILITY EASEMENT LOCATED BETWEEN 13TH AND 14TH AVENUES SOUTH AND GULF SHORE BOULEVARD AND GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 3:20
Closed: 3:35

Community Development Director McKim said that the petitioner is requesting use of an existing easement

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	
Crawford				x	
Graver				x	
Muenzer				x	
Richardson		x			x
Putzell					x
(5-0)					

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	

because the property involved has been subdivided; the request is for vacation of each side of the easement but not the middle portion. Staff has recommended, however, that whole piece be vacated because there would no longer be access to the remaining portion; the Planning Advisory Board took the position that there was no foreseeable use of the easement and recommended approval as requested.

Mayor Putzell noted that this had been discussed by the Council on a previous occasion when the item had been tabled.

MOTION: To APPROVE request on the condition that the entire easement be purchased. (Withdrawn below)

Attorney Donald Pickworth reviewed the facts of this issue, showing the parcel on a drawing which had been included in the Council packet. He said that the property is part of original Plan of Naples which was platted with 20 foot alleyways.

Mr. Pickworth explained further that the alley had been vacated by the City in 1951 but utility easements were retained. He said he actually questioned whether there were any utility rights to retain at that time, but to set the record straight before division of the lots, the vacation was requested. The utility easements affect only the two ends of the property and not the middle portion, Mr. Pickworth said, which is why his client did not apply for vacation of the middle. He noted that the City charges for vacation of these rights.

Mayor Putzell articulated the main issue as being the value of the property which he said should be taken into consideration. He further stated that it seemed senseless to leave an unvacated, inaccessible easement in the middle of the block.

In addition, City Attorney Rynders gave the opinion that leaving the section in the middle unvacated did not meet the test prescribed in the Code of Ordinances for vacation of easements in that there must be no foreseeable use. If there is an easement in the middle of the property, therefore, there would have to be some way to access it.

Mr. Pickworth said he had no objection to vacation of the whole easement, but is prepared at this time to tender a check for 25% of the fee simple value of the portion his client has requested be vacated, or \$12,440.

Mr. Graver expressed concern that Council had set a precedent in previously allowing vacation of a portion of an alley.

Mr. Rynders noted that in this case an enormous value is added to the property by action of the City to vacate the easement, therefore, it doesn't seem unreasonable to take the position that with this added value should come compensation to the City for relinquishing its rights.

Motion was withdrawn by maker and seconder.

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald	x		x		
Barnett			x		
Crawford				x	x
Graver				x	
Muenzer				x	
Richardson		x	x		x
Putzell			x		
(5-0)					

MOTION: To DENY the petition to vacate the 20 foot wide utility easement because the petitioner is unwilling to pay the compensation required by the City.

*** *** ***

---RESOLUTION NO. 88- ITEM 22

A RESOLUTION VACATING AND ABANDONING UTILITY EASEMENTS LOCATED IN THE APPROXIMATE CENTER OF THE NAPLES COMMUNITY HOSPITAL'S SOUTH PARKING LOT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Rynders indicated that the Naples Community Hospital had requested continuance of this petition until the August 3, 1988, meeting in order to allow the petition to be modified.

CONSENSUS: That this item be continued to the Regular Meeting of August 3, 1988.

*** ***

-----END COMMUNITY DEVELOPMENT/PAB-----

-----END ADVERTISED PUBLIC HEARINGS-----

-----FIRST READINGS-----

---ORDINANCE NO. 88- ITEM 23

AN ORDINANCE AMENDING SECTION 23-14(a)(2) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO EXPAND THE BEACH PARKING PROGRAM.

Title read by City Attorney Rynders.

Assistant City Manager Mark Wiltsie noted that last November the City's parking ordinance had been amended to include placement of parking meters at the avenues west of Gulf Shore Blvd. There have been recently identified areas where the staff believes parking meters could be placed to the west between Gordon Drive, Second Street and Gulf Shore. He gave examples of these locations as being Broad Avenue, Central Avenue and Fifth Avenue South. This proposed ordinance would provide for placement of parking meters in some of these locations.

Mayor Putzell asked whether this was prompted by problem or complaints and Mrs. Anderson-McDonald inquired if it was prompted by the fact that many people are parking in these unmetered spaces and not contributing funds to the beach program through parking fees. City Manager Jones confirmed that this was one of the reasons but that another consideration was that there are currently avenues which have marked spaces which could be easily metered. There are some other areas that will be designated for no parking, he added.

Mr. Richardson noted that the ordinance provisions as submitted would allow meters on each street north

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and south between Second and Gulf Shore. In further discussion, therefore, it was determined that the ordinance would be amended to cite Fifth Avenue, South, Broad Avenue, Central Avenues and other avenues as they are improved for this type of parking.

MOTION: To APPROVE the ordinance, as amended, at first reading.

Councilman Graver expressed concern about the installation of meters being an inconvenience for adjacent residents. City Manager Jones clarified the staff's intent as taking steps to allow people to share in the cost of the beach program through meters and also to identify areas where people are parking to avoid putting money in meters; those would be designated as no-parking.

Mayor Putzell then noted a vacant lot at the southeast corner of 21st Avenue South and Gordon Drive where many beachgoers are now parking. Mr. Jones indicated that because the land is now being developed some of the barriers formerly in place have been removed; he said that the property owner would again be contacted.

---ORDINANCE NO. 88-

ITEM 24

AN ORDINANCE GRANTING TO UNITED TELEPHONE COMPANY, A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE TELEPHONE, TELEGRAPH AND TELEPHONIC RADIO AND OTHER TYPES OF COMMUNICATION SYSTEMS IN THE CITY OF NAPLES, COLLIER COUNTY, FLORIDA, FOR A PERIOD OF FIVE (5) YEARS FROM EFFECTIVE DATE HEREOF, AND PRESCRIBING CONDITIONS, LIMITATIONS, RESERVATIONS AND PROVISIONS RELATING THERETO. PURPOSE: TO GRANT UNITED TELEPHONE COMPANY, A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE WITHIN THE CITY OF NAPLES.

Title read by City Attorney Rynders.

In discussion of the provisions of the ordinance it was indicated that it was a non-exclusive, five year franchise which renews the previous agreement which has expired. Mr. Jones indicated that many of the provisions included are set by State Statute and identified only three items which had actually been changed from the previous agreement: 1) insurance requirement that the City be a named insured for work or activities performed in the City's rights-of-way; 2) audit of revenues from telephone company accountants to verify figures on which the franchise is based; and 3) shorter term to allow more flexibility in the agreement.

MOTION: To APPROVE the ordinance as presented at first reading.

-----END FIRST READINGS-----

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald	X		X		
Barnett			X		
Crawford					X
Graver			X		
Muenzer					X
Richardson		X	X		
Putzell			X		
(5-0)					
Anderson-McDonald	X		X		
Barnett			X		
Crawford					X
Graver			X		
Muenzer					X
Richardson			X		
Putzell			X		
(5-0)					

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COUNCIL MEMBERS	MOTION	SECTION	VOTE	
			YES	NO
Anderson-McDonald				
Barnett			X	
Crawford			X	
Graver				X
Muenzer				X
Richardson			X	
Putzell			X	
(5-0)				

---RESOLUTION NO. 88-

ITEM 25

A RESOLUTION APPOINTING A PHYSICIAN TO PROVIDE MEDICAL SERVICES FOR CITY EMPLOYEES PERTAINING TO JOB-RELATED INJURIES, DETERMINATION OF PHYSICAL ABILITY TO PERFORM DUTIES, ELIGIBILITY FOR DISABILITY RETIREMENT AND PRE-EMPLOYMENT PHYSICALS, PURSUANT TO SECTION 2.12 OF THE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE.

Because, according to City Manager Jones, there were some individuals who were not present but who had requested to address this item, he requested that it be deferred to the August 3, 1988, Regular Meeting.

CONSENSUS: To CONTINUE this item to the August 3, 1988, Regular Meeting.

---RESOLUTION NO. 88-5583

ITEM 26

A RESOLUTION DESIGNATING ROGERS, WOOD, HILL, STARMAN & GUSTASON, P.A., CERTIFIED PUBLIC ACCOUNTANTS, TO CONDUCT AN AUDIT OF THE CITY'S FINANCIAL TRANSACTIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1988; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

CORRESPONDENCE AND COMMUNICATIONS:

Mayor Putzell asked City Manager Jones and City Attorney Rynders whether anything further needed to be done at this meeting regarding the Comprehensive Plan.

City Attorney Rynders advised that the staff would be working on the changes made earlier in the meeting and these changes would be referred individually to the Council. The resolution which had been approved would officially transmit the amended Comprehensive Plan to the State of Florida.

ADJOURN: 3:50 P.M.

Edwin J. Putzell, Jr.
EDWIN J. PUTZELL, JR., Mayor

Janet Cason
JANET CASON
CITY CLERK

Jodie M. O'Driscoll
JODIE M. O'DRISCOLL
DEPUTY CLERK

TARA A. NORMAN
ADMINISTRATIVE ASST.

These minutes of the Naples City Council were approved on August 17, 1988.

SUPPLEMENTAL ATTENDANCE LIST

Ralph Carter	Bill Hill	Don Pickworth
George Varnadoe	W. W. Haardt	Marcia Flinn
Robert Flinn	Luise Lopez	Georgia William
John Lawhorne	Mary Dearholt	Richard Wu
Robert Holsbeke	Lee Layne	Mrs. R. Richmond
Bruce Anderson	David Stephens	Charles Andrews
J. Dudley Goodlette	Robert Schroer	Pat McDonald
John Passidomo	Al French	Alan Korest
Tor Kolflat	Robert Galloway	Kathy Granoff
Ed Oates	Mark Moran	George E. Williams
John P. Cardillo	Dick Myers	

Other interested citizens and visitors.

NEWS MEDIA

Laurie Grant, Palmer TV-10	Gerry Pugh, Palmer TV-10
Jim Glasscock, WINK-TV	Allison Schaeffer, WINK-TV
Marty Bonvechio, Naples Daily News	

7/20/88



City of Naples

EMPLOYEE RECOGNITION PROGRAM

Anniversary Dates Between January 1, 1988 through June 30, 1988

-----FIVE YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Louise M. Lopez	Police	1/3/83	School Crossing Guard
Steven C. Moore	Police	1/3/83	Police Officer
Bossa St. Louis	Community Services	1/3/83	Service Worker II
Susan D. Villani	Personnel	1/31/83	Training & Development Coordinator
David T. Stephens	Utilities	1/31/83	Wastewater Plant Op. III
William R. Lanzisera	Police	4/5/83	Police Officer
George E. Patneau	Police	4/6/83	Police Officer
Robert F. Woods	Utilities	5/18/83	Water Plant Op. III
Steven L. Young	Police	6/6/83	Police Officer

-----TEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Daniel R. Crisp	Police	2/27/78	Police Officer
Berry Alexander	Utilities	3/13/78	Water Treatment Plant Supv.

Employee Recognition Program
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-----TEN YEARS-----
(cont.)

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Ronald Keen	Engineering	5/15/78	Equipment Operator IV
William R. Moses	Engineering	5/15/78	Service Worker III
Frank W. Hanley	Finance	6/12/78	Finance Director
Johnny Walker	Utilities	6/19/78	Equipment Operator II

-----FIFTEEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Clyde R. Palmer	Engineering	2/19/73	Equipment Operator V
Paul F. Sireci	Police	3/5/73	Police Captain
Charles Longieliere	Fire	4/22/73	Firefighter (driver/engineer)
Gary M. Phillips	Police	4/23/73	Police Sergeant

-----TWENTY-FIVE YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
G. David Dampier	Police	1/28/63	Asst. Police Chief



City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of City Council
FROM: Franklin C. Jones, City Manager
RE: Revisions to the Comprehensive Plan
DATE: July 7, 1988

Background:

The City Council is scheduled to review the Comprehensive Plan on July 13th and July 20th. The meeting on the 13th will focus on the Future Land Use Element and the Conservation and Coastal Management Element.

The following is a brief summary of the major issues from these elements, along with reference pages in the plan. The Council should have all the updated plan changes, as recommended by the PAB, with the exception of the maps which are attached. Staff is in agreement with most of the proposed changes, except where noted. The Planning Division and Natural Resources staff will be available at the public hearings to summarize the recommendations and answer any questions.

Major Changes to the Future Land Use Element:

- 1). Preservation of historic resources and to develop a historic district ordinance and design guidelines (pages 10, 11, 45, 47).
- 2). Studies of Central Naples commercial area and the development of an Urban Design Master Plan for the area (pages 14, 15, 33, 34, 35). Also see revised study area map (attached).
- 3). Designation of land for low to moderate income housing off Goodlette Road (pages 58, 60).
- 4). Designation of a high noise impact area near the airport, establishing limitations for development and review processes for this area. Also designation of

the land adjacent to the airport as commercial on the Future Land Use map. Staff has recommended this land be designated for conservation/limited development (pages 67-71).

- 5). Designation of waterfront commercial area as a mixed land use area and develop revised zoning standards to promote public access and water dependent land uses (pages 19, 20, 51, 52).
- 6). Provision for a boardwalk along city owned waterfront property of Naples Bay (page 15).
- 7). Change in the Future Land Use map for the shore station at the south end of Gordon Drive from limited commercial to low density residential and provide for future zoning designation of R1-15 (pages 37, 38).
- 8). Change the conservation designated land use category to conservation/vital areas and conservation/limited development, and provide for future zoning districts (pages 21, 22, 23).
- 9). Recognize the Keewaydin Club as a historic site and designate it as being in a conservation/limited development area (pages 36, 37, 38).
- 10). Right of way landscaping improvements on Broad Avenue (pages 45, 48).

Major Changes to the Conservation/Coastal Management Element:

- 1). The addition of background information on coastal barriers and high hazard areas and policy additions (pages 12, 37, 38, 39).
- 2). Inclusion of the velocity "V" flood zone as a high hazard area and providing for the transfer of density to upland areas on Keewaydin Island (pages 12, 39).
- 3). Change of conservation land development standards from preferred uses to permitted uses (pages 47, 50, 51, 52, 53, 54, 55, 56, 57).
- 4). Removal of policy 5-3 of the current Conservation/Coastal Management Element which allows for exceptions to other policies within the element (page 165 of the current 1984 plan).
- 5). Addition of environmental mitigation policy (pages 11, 12).

- 6). Development of marina siting criteria (pages 6, 25, 55).
- 7). Development of a post disaster redevelopment policy (page 12).
- 8). Hurricane evacuation information and policies (pages 22, 23).
- 9). Other policy changes which staff did not support (see attached memo from Jon Staiger).

Recommendations:

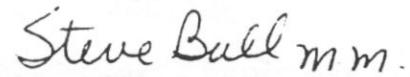
At a public hearing on June 24th, the Planning Advisory Board recommended that the City Council adopt the revised Comprehensive Plan, as presented.

Respectfully submitted,



Franklin C. Jones
City Manager

Prepared by:



Steve Ball

Reviewed by:



Missy McKim

B:plan

COLLIER ENTERPRISES



3003 TAMiami TRAIL N., NAPLES, FL 33940/PHONE 813/261-4455

July 19, 1988

HAND DELIVERED

Mr. Paul Muenzer
49 6th Street North
Naples, Florida 33940

Dear Mr. Muenzer:

As per your request, we are providing herein a correct description of our properties identified as parcel "G" and highlighted on the attached map which was presented to the City Council in Workshop on June 22, 1988. In actuality, these lands total 72.8± acres with approximately 30± acres being upland.

<u>Legal Description</u>	<u>Acreage</u>	<u>Assessed Value</u>
Section 3, Township 50 Range 25:		
Gov't Lot 1	12.51	86,300
Gov't Lot 5	2.0	600
Gov't Lot 6	23.88	161,200
Gov't Lot 7	29.5	75,775
Gov't Lots 8 & 9	4.85	1,450
TOTAL	72.84	\$ 326,325

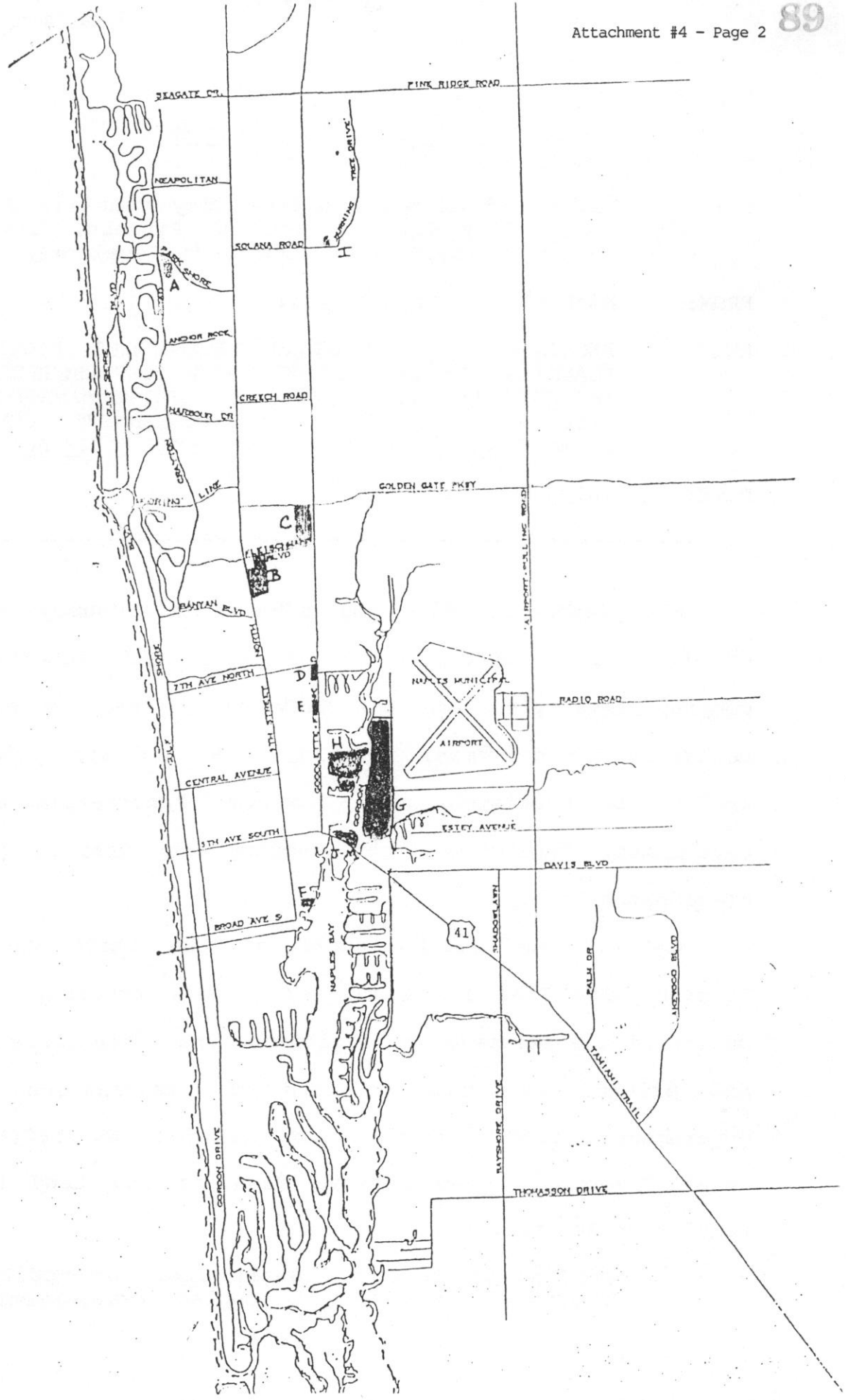
If you have any additional questions, please don't hesitate to give me a call.

Sincerely,

Richard P. Henderlong
Director of Planning

RPH/ljc
rph/muenzer

Parks + Rec Board A. ✓
 + Chris Halley
 Frank Jones B. _____
 Missy McKim C. _____
 Back to Paul Muenzer D. _____



M E M O R A N D U M

TO: Mayor and Members, Naples City Council; Franklin C. Jones, City Manager; David W. Rynders, City Attorney; and Ann "Missy" McKim, Community Development Director

FROM: Michael J. Volpe, Esquire

RE: RECOGNITION OF EXISTING DEVELOPMENT RIGHTS IN THE PLANNING AND ADOPTION OF A NEW COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, UNDER THE GROWTH MANAGEMENT ACT OF 1985 AND AMENDED LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

DATE: July 20, 1988

The purpose of this Memorandum is to encourage the members of the City Council, in reviewing and adopting a new comprehensive plan for the City of Naples, to establish a mechanism for determining the fairness and appropriateness of applying the provisions of the new comprehensive plan and related development regulations to on-going and previously approved development rights.

One of the stated goals of the State of Florida's Comprehensive Plan is to protect private property rights, and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action. To this end, Section 163.3167(8), of the Local Government Comprehensive Planning and Land Development Regulation Act provides as follows:

Nothing in this act shall limit or modify the rights of any person to complete development that

has been authorized as a development of regional impact pursuant to Chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

The LGCPLDRA, however, does not address the development expectations arising out of previously approved developments that are not of regional impact or, for that matter, development expectations of any private property owner arising under the current Comprehensive Plan of the City of Naples or the development regulations promulgated thereunder. Specifically, the Urban Land Institute has adopted a policy of encouraging state and local governments to recognize existing development expectations when adopting a new comprehensive plan, and to establish a mechanism for protecting these expectations which are in the development process. Specifically, the Institute recommends:

State and local governments should not adopt regulations which harm the development expectations of property owners, without first considering the potential effects of such legislation on private properties in the development process, and weighing these effects against the public interest at stake. Property owners and developers who have spent time and money to realize development regulations should not be ignored in the process of formulating and adopting new or changed regulations. Indeed, state governments and local communities should act to avoid vested rights disputes before they arise. Provisions should be incorporated in all development plans and regulations to establish rights to continue development.

Several courses of action have been suggested in order to recognize and resolve the issue of development expectations in context of a changing regulatory system. These suggestions include, among others, the following:

1. The inclusion of savings or grandfather clauses in comprehensive plans and regulations specifying that the plan and/or regulations do not effect development already in progress;
2. The establishment of time periods in which the new comprehensive plan will not effect a planned or on-going development;
3. The recognition in the comprehensive plan and/or regulations that on-going construction should be allowed to be completed as a non-conforming or conditional use or special exception;
4. Inclusion in the comprehensive plan and/or regulations of a provision authorizing the local government to enter into development agreements with developers specifying the nature of the development, the time during which the developer will be protected from new or changed regulations, and procedures for reviewing and revising the agreement; and

Memorandum
July 20, 1988
Page 4

5. The inclusion in the comprehensive plan and/or development regulations of performance standards which encourage project modifications to reflect new and innovative planning techniques while allowing these projects to be completed.

It should be noted, that the current draft of the proposed comprehensive plan that the City Council presently is reviewing does not recognize or address the issue of existing development expectations in the context of the adoption of a new comprehensive plan for the City of Naples. This matter was brought to the attention of the Planning Advisory Board at the time that it reviewed the comprehensive plan, but, although the City Attorney advised the Planning Advisory Board of the desirability of addressing existing development rights in the new comprehensive plan, the draft of the plan which has been provided by the PAB to the City Council does not contain any procedures or guidelines for formulating, adopting and applying the new comprehensive plan to existing development expectations.

The County of Collier has addressed the matter of existing development rights in its comprehensive plan by establishing a zoning re-evaluation program which is to be carried out within three (3) years of the adoption of the

County's comprehensive plan. Pursuant to the re-evaluation program, if at the time a particular development expectation is re-evaluated it is determined to be inappropriate and further if it is determined not to be vested, then, the zoning is required to be changed to an appropriate zoning classification.

It is submitted that the City of Naples, like the County of Collier, should establish time periods during which the new comprehensive plan will not affect existing development expectations. If the development expectations are not realized during this time period, then, in that event, the provisions of the new comprehensive plan should be deemed to apply. Alternatively, the comprehensive plan should include a savings or grandfather clause which provides as follows:

"Planned Development (PD) zoning which has been approved and which is in effect at the time of the adoption and implementation of the Comprehensive Plan should be deemed to be in compliance with the Comprehensive Plan and existing development rights shall not be altered or rescinded by the City of Naples.

Predictability and certainty are essential elements of any land use planning and regulatory system, and benefit both the regulatee and governmental official charged with administering a program. Therefore, the sooner the status of previously established development expectations are

addressed and resolved in the land use control process, the more coherent and complete will be the planning program. The City of Naples should not take a laissez faire approach to status of previously established development expectations in approving and adopting a new Comprehensive Plan for the City. Rather, the City should take a proactive role and, at the very least, establish a time limit on outstanding zoning or development approvals indicating that of development rights, have not been used by the expiration of an established time period that those rights are subject to adjustment.

Respectfully submitted,

QUARLES & BRADY

Michael J. Volpe, Esquire

cc: John Remington
Allan Reynolds

Key1/MJV20:d



City of Naples

--- MEMO ---

TO: MISSY MCKIM, COMMUNITY DEVELOPMENT DIRECTOR
FROM: JON C. STAIGER, PH.D., NATURAL RESOURCES MANAGER
DATE: JULY 8, 1988
SUBJECT: COMPREHENSIVE PLAN CHANGES

The Planning Advisory Board made four changes to the draft Comprehensive Plan which I feel should be reconsidered.

Two policies, proposed under Objective 2 of the Conservation and Coastal Management Element, were deleted. I believe they should be restored, as follows:

Policy 2-17: Recognize Key Island, as delineated by the Coastal Barrier Resources System, as an undeveloped coastal barrier for which the most appropriate use is as an undisturbed, functioning natural system.

Policy 2-18: Coordinate review of any coastal barrier development or redevelopment proposals with the Southwest Florida Regional Planning Council, in compliance with their stated regional goal: from 1990, there shall be no further development on barrier islands that disrupts the natural processes of the barrier island.

The present (1984) Comprehensive Plan contains wording (pp. 178, 180) addressing the Development of Significant Environmental Impact Review Process. The same wording appears on pages 59 and 60 of the PAB-approved draft, with two deletions. I believe the original wording should be reinstated, because it strengthens the City's position that coastal zone resources shall be protected and utilized in a non-destructive manner. The restored wording is underlined, as follows:

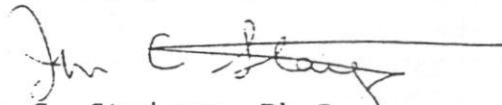
MEMO TO MISSY MCKIM
COMPREHENSIVE PLAN CHANGES
PAGE TWO
JULY 8, 1988

1. Development of Significant Environmental Impact Review Process

All developments and their associated activities proposed to take place in Conservation/Vital or Conservation/Limited Development Areas shall be presumed to cause significant impacts upon the environmental functions and benefits of these areas. Therefore, the developer/owner shall be required to submit a Development of Significant Environmental Impact (DSEI) assessment for review and approval by the City. When appropriate, the DSEI assessment should be coordinated with the Development and Site Plan (GDSP) Review process provided for in the Zoning Ordinance, in addition to those other permitting processes stated elsewhere in the City's Code of Ordinances. No building permits shall be issued until the DSEI assessment has been reviewed by staff and the City's Planning Advisory Board, and approved by the City Council. This requirement shall not apply to the installation of mooring piles; construction of docks; to bulkheads or seawalls where the installation thereof is a simple continuation of the existing seawall or bulkhead line; or to repairs or restoration of docks for which city or state permits have been issued.

The purpose of the DSEI assessment is to encourage flexibility in the use of land, and the activities necessary to develop such uses, without delineating specific uses and activities permitted. The DSEI assessment will ensure that the proposed uses or activities are compatible with, and will not diminish the natural resources of the site or of the surrounding area unless it is clearly demonstrated to be in the public interest. The requirement for development of a DSEI may be waived by the Community Development Director in those instances where county, state, or federal permitting procedures require a similar environmental impact assessment process, provided the said assessment is of sufficient detail and is submitted for review and approval by the City.

Sincerely yours,



Jon C. Staiger, Ph.D.
Natural Resources Manager

JCS:ljc

JULY 20, 1988 - REGULAR MEETING
MAYOR'S STATEMENT FOLLOWING MOTION TO UPHOLD
THE PAB'S DECISION REGARDING POLICY 2-17 AND 2-18.

Mayor Futzell:

Well, I feel...

Well, I guess maybe this is the time for me to make this statement that I was going to make later, if I may. This whole process that we are going through with respect to the Land Use Element as well as this Conservation and Coastal Element is one of the typical conflicts of philosophy that we need in our society. And, here we have a situation where, on the one hand, private property rights, which have been a keystone of many elements of this country through the centuries of its existence, traditionally recognized are now coming into violent conflict with recent explosive awareness on the public of the need to protect the environment, not just on Key Island, not just in Naples. We all know the problem of the Greenhouse effect on the ozone, we know about the concern over acid rain, of the concern over depleting the forest and having topsoil wash away into the rivers, of the extinction of birds and rare species, of the concern for water pollution... Every aspect of our environment to date, finally, at last, is becoming a matter of monumental concern to our society. And, so here we sit trying to reconcile and find some reasonable basis for compromising, if you will, these two understandable and tremendously important principles of our society.

Now, I happen to feel very strongly that if there were no development on Key Island, it ought to remain undeveloped. I think that we cannot reproduce nature's gift to us and the depletion of our other natural resources, minerals and the like, hydrocarbons, you name it, are things we cannot reproduce and we better be darned concerned about how we handle those remaining, with us. On the other hand, the reality of it is that these are interests, whether these parts or any others in any other part of the county, have and have relied on the principle of property rights. I am concerned that we deal within the legal premises over which we are operating, that we do what is right in the interest of the community, and at the same time, find some molecule of measure of regulation that recognizes both of these important principles.

The group has already voted to leave this out, so my vote doesn't mean a thing. But, I do think that while we are leaving this out, we have got to recognize the nature of what we are dealing with, not just on Key Island but in this entire community. And, I hope that even though we leave it out, that we are sensitive and in the City's future attitude

MAYOR'S STATEMENT AT JULY 20, 1988, MEETING
Page Two

towards development and those of redevelopment of those assets we have, natural assets which exist in the City, that we are sensitive to this with due respect to private property rights. This Plan today, for the first time, makes great emphasis on protecting the environment. It goes beyond anything that previous Comp Plans had, and for obvious reasons, because of this new awareness we are all experiencing. And, I personally feel rightly so. And at the same time, I hope that those who feel that their property rights are being diminished, not eliminated, because that is something we cannot do in my view, but diminished, I hope they realize that it is being done by us because we feel a commitment to the public, including those who own the properties, to do what is right in the long range interests of this community, not to be punitive, not to play sides, not to have an attitude towards our society, a form of government that is different from that which we exposed before the matter came before us. And, while I am going to support the decision here, I am doing it with this long-winded speech because I feel very strongly that we cannot fail to recognize both of these elements as we go forward here, not only here today, but when the planned development application comes before us in the future, if it does. I vote yes.

INN BY THE SEA

Naples has adopted a zoning ordinance permitting the establishment of bed and breakfast inns.

I would like to convert my home at 287 Eleventh Avenue South to a bed and breakfast inn, called Inn By The Sea.

My home meets the criteria established in the ordinance in the following ways:

1. My home is located in the Naples Historic District, in a designated historic structure, in multifamily zoning.
2. Parking: J.Roland Lieber, the landscape design firm working on my home, has drawn plans providing for seven parking spaces. This meets the zoning criterion of one parking space for each guest room and one for the owner.
3. My home has ³⁴⁵⁰~~3000~~ square feet. Six guest rooms are permitted in 3000 square feet.
4. Bedrooms for all permanent residents will be in areas NOT used by guests.
5. Separate bathroom facilities will be provided for the exclusive use of guests. I will provide five bathrooms for six guest rooms.
6. My sign will conform to stated specifications.
7. No cooking or cooking facilities will be allowed in any of the guest rooms.
8. Conditions: a) through h) will be complied with prior to opening.

YOUNG, VAN ASSENDERP, VARNADOE & BENTON, P. A.

ATTORNEYS AT LAW

R. BRUCE ANDERSON
 RICHARD E. BENTON
 TASHA O. BUFORD
 FORREST K. CLINARD
 DAVID L. COOK
 J. WAYNE FALBEY
 GEORGE V. MATLOCK
 G. DONALD THOMSON
 KEN VAN ASSENDERP
 GEORGE L. VARNADOE
 ROY C. YOUNG

BENJAMIN K. PHIPPS
 OF COUNSEL

REPLY TO:

Naples

July 26, 1988

GALLIE'S HALL
 225 SOUTH ADAMS STREET, SUITE 200
 POST OFFICE BOX 1833
 TALLAHASSEE, FLORIDA 32302-1833
 TELEPHONE (904) 222-7206
 TELECOPIER (904) 222-3494

SUN BANK BUILDING
 801 LAUREL OAK DRIVE
 SUITE 300
 POST OFFICE BOX 7907
 NAPLES, FLORIDA 33941-7907
 TELEPHONE (813) 597-2814
 TELECOPIER (813) 597-1060

Attn: Janet
 City Clerk's Office
 City Hall
 735 Eighth Street South
 Naples, Florida 33940

Re: Spiegel Tract

Dear Janet:

Enclosed please find correspondence from the Florida Department of Transportation dated June 27, 1988, that was presented to the City Council on Wednesday, July 20, 1988, in regard to the above-referenced matter. Further, you will receive a copy of an Access Plan for Curb Cuts simultaneously with this package that was also presented at said City Council meeting. I understand that you have requested these items in order to make them apart of the Public Record.

Thank you for your attention to this matter. If you have any questions, or if I can be of further assistance, please do not hesitate to call.

Sincerely,

YOUNG, Van ASSENDERP, VARNADOE & BENTON, P.A.



Bonnie J. Curme, Secretary to:
 George L. Varnadoe, Esq.

/bc

Enclosures as stated.

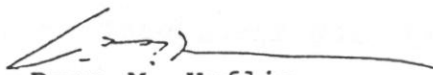
cc: Jeff Epstein
 Frederick Spiegel

Mr. C. W. Monts De Oca
June 27, 1988
LH-73-88
Page 2

Our policies and procedures are subject to change, therefore we would encourage your client to proceed with the formal permitting process as we are not in a position to make a long term commitment for the driveway locations as shown. As indicated in our previous letter, the formal application should be filed with our Naples Maintenance Office, 4300 Davis Blvd.

If we can provide you with further assistance regarding this matter, please feel free to call.

Yours very truly,



Dean M. Heflin
P.E. Administrator

DMH/gg

cc: Mr. G. G. Lott
Mr. G. L. Gronvold
Mr. T. T. Garcia

C.W. MONTS DE OCA and ASSOC., INC.

2120 Sylvester Road
Lakeland, FL. 33803
Phone: (813) 686-4370

June 29, 1988

Mr. Frederick B. Spiegel
21 Palm Avenue
Miami Beach, Florida 33139

Re: Driveways from U. S. 41 to your property - Naples, Florida

Dear Fred:

I have been advised by Mr. Dean Heflin, P. E., Administrator for the Department of Transportation, that with minor changes they approve the proposed driveway connection to your property on U. S. 41 in Naples.

I have redrawn my plan incorporating the changes.

Mr. Heflin advises that Boat Haven has elected not to pursue a driveway connection at Sta. 55+50; therefore, you will not be required to make median changes except those required for your driveway opening at Sta. 55+50. My drawing indicates the necessary construction for this connection.

They recommend the roadway widths for the driveway at Sta. 61+00 be increased from 14' to 16' as I have shown. Mr. Heflin also advises that since their roadway drainage flows west to Gordon River in a swale behind the north curb, side drain pipes will be required for both driveways.

As I discussed with you, I am not in a position to provide the necessary information required to obtain a D.O.T. driveway permit. You will need a site plan showing grading, paving, and drainage, a traffic impact analysis based on the approved site plan, a D.O.T. drainage permit, (if required), and plans showing drainage and construction details. You indicated you had a firm that could handle this.

(Continued on Page 2)

C.W. MONTS DE OCA and ASSOC., INC.

2120 Sylvester Road
Lakeland, FL 33803
Phone: (813) 686-4370

Page 2

Due to changing policies and procedures, Mr. Heflin recommends that you proceed with your permit request as soon as possible. This application should be filed with the D.O.T. Maintenance Office, 4300 Davis Blvd., Naples, Florida.

I am enclosing three copies of my revised drawing. If you need more copies, please advise.

Sincerely,

CWM:dm

C. W. Monts De Oca, P. E.

Enclosures

CC: Mr. Jeff Epstein
Wellesley Group
100 S. W. 12th Avenue
Deerfield Beach, Florida 33442