



City of Naples

FAA350

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS:</u> MAYOR PUTZELL: None. CITY MANAGER JONES: None.			1 1
<u>APPROVAL OF MINUTES:</u> April 24, 1989, Special Meeting May 3, 1989, Regular Meeting May 3, 1989, Special Meeting			1
<u>PURCHASING:</u> -BID AWARD for annual requirements of flocculation aid.		89-5826	1-
<u>RESOLUTIONS:</u> -APPROVE temporary office trailer for Humane Society, Naples Airport. 89-5827 2 -APPROVE easement to Florida Power & Light Company, Naples Airport. 89-5828 2 -APPROVE easement to United Telephone Company of Florida, Naples Airport. 89-5829 2 -APPROVE variance request from CCSL for a rock revetment, Embassy Club, 1717 Gulf Shore Boulevard N. 89-5830 3-4 -APPROVE variance from CCSL to provide for construction, Park Shore Unit No. 5, Lot 25, Block 12. 89-5831 4 -APPROVE variance from CCSL to provide construction, Park Shore Unit No. 5, Lot 29, Block 12. 89-5832 4-5 -DENY variance to allow storage of boats in a front yard setback area, 515 First Avenue North. 89-_____ 6-7 -APPROVE conditional use permit to allow two drive up windows, U.S. 41 and High Point Drive. 89-5834 7-8 -APPROVE conditional use permit for a storage building for chemicals, 1000 Fleischmann Blvd. 89-5835 8-9 -FAILED resolution to provide a time certain to review Resolution No. 88-5577. 89-_____ 19- -APPROVE Interlocal Agreement with Collier County regarding Halstatt DRI. 89-5836 21			
<u>ORDINANCES - FIRST READING:</u> -APPROVE rezone of property, Gordon Drive and Bay Road, Keewaydin Club Shore Station. 89-_____ 9-1 -APPROVE rezone of a portion of Key Island to allow 70 homesites. 89-_____ 12- -APPROVE cable television franchise ordinance which would regulate the operation of cable television franchise businesses. 89-_____ 20- -APPROVE rezone of property, Goodlette-Frank Road, Colonial Square Development. 89-_____ 7			
<u>ORDINANCES - SECOND READING:</u> -ADOPT ordinance permitting sale of alcoholic beverages at the Taste of Collier. 89-5833 5-6		89-5833	5-6

COUNCIL MEMBERS

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In response to Councilman Graver, Utilities Director Chaffee advised this material was necessary in the treatment of wastewater to help remove liquid from the sludge.

Discussion then ensued regarding the City's current water situation. Staff advised that approximately 5 1/2 million gallons of wastewater had been treated and used as effluent. This equated to a savings of approximately 5 1/2 million gallons of water from the aquifer which did not have to be pumped.

Referring to the effluent, Councilman Graver asked if staff had addressed the saline problem adequately with area golf courses. Mr. Chaffee advised that while saline infiltration cannot be eliminated, it can be handled on manageable levels. Mr. Muenzer asked if the golf courses and staff had compared test results to which Mr. Chaffee responded affirmatively.

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---RESOLUTION NO. 89-5827 ITEM 6

A RESOLUTION EXTENDING AUTHORIZATION FOR THE HUMANE SOCIETY TO USE A TEMPORARY OFFICE TRAILER AT THE NAPLES AIRPORT FOR THE HUMANE EDUCATION PROGRAM UNTIL AUGUST 30, 1990; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION NO. 89-5828 ITEM 7

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NAPLES TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC UTILITY FACILITIES AT THE NAPLES MUNICIPAL AIRPORT; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 89-5829

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NAPLES TO UNITED TELEPHONE COMPANY OF FLORIDA FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND WIRES, CABLES, OR OTHER FIXTURES AT THE NAPLES MUNICIPAL AIRPORT; AND PROVIDING AN EFFECTIVE DATE.

Titles not read.

MOTION: To APPROVE the Consent Agenda as presented.

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

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

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

COUNCIL MEMBERS

M O T I O N	S E C O N D	VOTE		A B S E N T
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---RESOLUTION NO. 89-5830

ITEM 8

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A ROCK REVETMENT IN FRONT OF AN EXISTING SEAWALL AT THE EMBASSY CLUB OF NAPLES, INC., 1717 GULF SHORE BOULEVARD NORTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:12 a.m.
Closed: 9:26 a.m.

Natural Resources Manager Staiger advised that the Embassy Club had submitted a similar petition almost two years prior which was for a considerably larger structure. The petitioner has asked for a variance from the Coastal Construction Setback Line (CCSL) to construct a rock revetment approximately 8' x 10' to support the existing seawall.

Mr. Robert A. J. Bordley had registered to address Council but had declined to speak when the Mayor called upon him.

Engineer William J. Johnson, representing the petitioner, advised the permit his client had obtained for this project two years prior was still valid and asked Council to approve the request. In response to Councilman Crawford, Mr. Johnson explained the proposed rock revetment would be constructed so that it was completely submerged in sand and would create no obstruction to beach access. However, as a condition to the resolution, the petitioner must provide lateral public access with steps at either end and be posted with signs which read "Public Access Walkway".

Referring to the hardpan core, Mayor Putzell asked what the procedure was once such a layer was encountered. Engineer Johnson explained that the Department of Natural Resources (DNR) has taken the position that once the hardpan layer has been encountered, it not be penetrated.

In response to Councilman Crawford, Dr. Staiger advised that a DNR inspector would frequent the site as well as a member of City staff to ensure all requirements have been met, both City and DNR. Mr. Johnson added that he must certify that all conditions have been adhered to as outlined in the resolution.

Mr. Muenzer asked the petitioner if he believed this compromise to be fair and equitable to all parties involved. Mr. Johnson, on behalf of the petitioner, answered affirmatively. Councilman Graver noted the petitioner had hired an engineer from University of Miami who was experienced in beach dynamics. After thorough study of the area, Mr. Johnson explained, it was this expert's belief that the adjoining properties would benefit from the proposed rock revetment as well as possibly providing some beach renourishment.

COUNCIL MEMBERS

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PUBLIC HEARING: Opened: 9:33 a.m.
Closed: 9:40 a.m.

Natural Resources Manager Staiger explained this request was very similar to Item 9 except this petitioner had asked that an existing privacy wall be extended to the Coastal Construction Setback Line (CCSL).

In response to Council's questions about materials to be used and height of the wall, Mr. Jim Bailey, representing the petitioner, advised it would be a 9-foot concrete block privacy wall which would be considered breakaway providing reinforcement rods were not installed.

Discussion then ensued regarding an appropriate buffer between the condominiums and the public beach access walkway. This petitioner contended that landscaping would not provide adequate protection for the property as on weekends there are several incidences of vandalism. Such acts would be somewhat deterred by a continuous privacy wall.

Mr. Dick Baker, Vice-president of the Scottsdale Company, also representing the petitioner, offered a compromise wherein his client would decrease the wall's height from 9 to 6 feet to provide a less forbidding appearance from the public walkway.

MOTION: To APPROVE the resolution with an amendment to the privacy wall height by a decrease of three feet.

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

X
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X
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X
X
X

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---ORDINANCE NO. 89-5833 ITEM 11

AN ORDINANCE AMENDING ORDINANCE NO. 89-5786, PERMITTING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY, MAY 21, 1989, BETWEEN THE HOURS OF 12:00 NOON AND 4:00 P.M. BY THE COLLIER COUNTY RESTAURANT ASSOCIATION OR THEIR AUTHORIZED AGENTS AT THE "SIXTH ANNUAL TASTE OF COLLIER" FUNDRAISING EVENT HELD IN THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND THE DATE TO MAY 21, 1989, DUE TO INCLEMENT WEATHER ON THE PREVIOUSLY SCHEDULED DATE OF APRIL 30, 1989; AND TO APPROVE THE REQUEST TO SELL ALCOHOLIC BEVERAGES FOR THE PURPOSE OF RAISING FUNDS FOR THE MENTAL HEALTH ASSOCIATION OF COLLIER COUNTY AND THE SCHOLARSHIP FUND OF THE FLORIDA RESTAURANT ASSOCIATION, CHAPTER 15.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:42 a.m.
Closed: 9:42 a.m.

No one present to speak for or against.

Councilman Richardson asked staff to determine if an ordinance could be drafted which would permit charities to obtain permission for alcoholic

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beverage sales on Sunday without the necessity of Council approval.

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

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

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES PLANNING ADVISORY BOARD

---RESOLUTION NO. 89---

ITEM 12

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.5 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ALLOW THE PETITIONER TO STORE TWO BOATS IN A FRONT YARD CORNER LOT ALONG FIFTH STREET NORTH AT 515 FIRST AVENUE NORTH.

Title read by City Attorney Rynders.

Community Development Director McKim advised the petitioner has a corner lot which provides for two front and two side yards. According to Code, the Zoning Administrator has the responsibility of designating which yard boats can be stored. The rear yard in this case has been determined to be that portion of the northern side yard which is behind the building envelop. Staff and the Planning Advisory Board (PAB) have both recommended denial of the request.

Petitioner David Burns of 515 First Avenue North, explained that approximately 14 years earlier, the Zoning Officer had designated the west side of his property as a rear yard in which to store boats. Mr. Burns then presented photographs of his property indicating where the boats currently were stored.

Discussion then ensued regarding a review of this section of the Code which addresses corner lots. Mrs. McKim said she was quite comfortable with the existing Code, but would welcome any recommended changes by the Council. Staff currently is in the process of reviewing the entire zoning ordinance, she said. Mayor Putzell pointed out that it was Council's responsibility to enforce all the City's written laws, a responsibility which each member of Council took an oath to uphold.

In response to Mayor Putzell, Mrs. McKim advised she did not believe a change in the ordinance or comprehensive plan appropriate with respect to corner lots. It has been the City's intention to maintain a neat appearance of the neighborhoods and this request would be diametrically opposed to that position.

Councilman Muenzer asked if Mr. Burns could park one of his boats under the carport, an action to which Mr. Burns was opposed. Mrs. McKim, however, pointed

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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
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out that a boat could only be parked in the designated rear yard area or in an enclosed garaged.

MOTION: To DENY the resolution as presented.

---ORDINANCE NO. 89-

ITEM 13

AN ORDINANCE REZONING THE COLONIAL SQUARE DEVELOPMENT PROPERTY LOCATED AT THE 1000 BLOCK OF GOODLETTE-FRANK ROAD FROM "HC" HIGHWAY COMMERCIAL TO "PD" PLANNED DEVELOPMENT WITH A HIGHWAY COMMERCIAL DESIGNATION, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE PROPERTY OWNER'S REQUEST IN ORDER TO COMPLETE THE DEVELOPMENT OF A 9.48 ACRE PROFESSIONAL OFFICE PARK.

Title read by City Attorney Rynders.

Community Development Director McKim explained this development had voluntarily annexed into the City. The Development Agreement for this property required that it be rezoned to a PD (planned development) designation. This project is unique inasmuch as it already has strict land use regulations built into the condominium documents. Staff and Planning Advisory Board (PAB) have both recommended approval providing the ordinance conditions be strictly enforced, including a requirement for fire sprinklers in Phase II and Phase III, additional landscaping, and parking monitoring.

In response to Councilman Crawford, Mr. Bruce Hayhoe, representing the petitioner, advised his client had estimated the construction completion dates based on a velocity of sales for the land use condominium units thus far.

Mr. Robert F. Lyle had registered to address Council but had declined to speak when the Mayor called upon him.

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

---RESOLUTION NO. 89-5834

ITEM 14

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF TWO DRIVE UP WINDOWS FOR A PROPOSED BANK FACILITY ON A 1.98 ACRE PARCEL ZONED HIGHWAY COMMERCIAL AT THE SOUTHEAST CORNER OF U.S. 41 AND HIGH POINT DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised this property was also voluntarily annexed into the City and its Development Agreement provided that a GDSP

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

COUNCIL MEMBERS

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(general development and site plan) be submitted to the City for review and approval. The Planning Advisory Board (PAB) has reviewed and approved the GDSP and has also recommended approval of the petitioner's conditional use permit request.

In response to Councilman Graver, Mrs. McKim noted the road to the drive up windows would be unique to this building and not shared with any adjacent structure.

Mr. Stephen Erek of Bruce Green and Associates advised he was available to answer any questions.

Mr. Crawford asked if the petitioner had provided a site plan when the Development Agreement was approved. City Attorney Rynders noted that the site plan had been withdrawn prior to consideration of the Agreement by Council.

In response to concerns expressed by Councilman Crawford, Mr. Erek explained the property was under two different ownerships which would not predicate the need for a subdivision plat submittal. City Attorney Rynders clarified that the State had given local municipalities authority to require subdivision plats for property which could be divided into three or more parcels. Such action was to protect the property owners by providing adequate access to City streets and rights-of-way be obtained. Mr. Muenzer asked if this property was subdivided, could the Council still require that only two curb cuts be made on U.S. 41. Mrs. McKim replied affirmatively and pointed out that the issue of curb cuts was addressed in the executed Development Agreement.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 89-5835 ITEM 15

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 1,200 SQUARE FOOT BUILDING TO BE USED TO STORE CHEMICALS FOR POTABLE WATER SUPPLY TREATMENT AT THE CITY'S WATER PLANT, 1000 FLEISCHMANN BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained this property was zoned PS (public service) and that the storage building would be located on the interior lot. The Building would not be visible from the street or any adjacent property.

Mayor Putzell asked that the resolution reflect placement of the building on the interior lot. City Attorney Rynders agreed to such an amendment.

Councilman Graver asked if the material to be stored was hazardous and how it would be handled. Utilities Director Chaffee advised the material to

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

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	X	X
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	X	X
	X	X

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of this property is proposed for possible rezone to R1-15 to allow construction of four homesites which have been deemed an appropriate use of that property in the City's Comprehensive Plan. One other change in the proposed plan has been to construct a two-story structure which would house the existing bait shop and the caretaker's residence. In response to Councilman Graver, Mr. Reynolds further advised the existing Keewaydin Dock would remain operational.

Councilman Crawford expressed several concerns regarding this proposed project and asked how enforcement of parking would be handled, whether it would be utilized by island residents or Club guests. In addition, he asked how the extra dock space would be utilized and monitored. Project Planner Reynolds advised the parking lot would be monitored and enforced by whatever municipal department took care of such action. The additional dock space was designed only for use by the four homesites and would be monitored by a homeowner's association, he said.

The public hearing was then declared open.

Mr. John Engelsted of 225 Cove Lane, representing several neighbors in that area, spoke in favor of the project and said that his group did not believe such use would negatively impact the adjacent neighborhood.

Ms. Nancy Stroud had registered to address Council but had declined to speak when the Mayor called upon her.

Attorney Edward Ryan of Burke Bosselman & Weaver, representing Messrs. John Donahue and Harry Sichi, spoke in opposition to the project and had several guest speakers in attendance to support his clients' position. He referred to the written testimony and evidence presented in compliance with Council's document submittal policy (a copy of which can be reviewed from the meeting packet in the City Clerk's Office) and stated that those documents clearly supported their opposition to this request.

Mr. Paul Stewart of Sedway Cooke Associates, a land use planner, spoke on behalf of Messrs. Donahue and Sichi. Mr. Stewart said he believed the proposed development would be contrary to existing uses in the area and that it would create negative impacts upon the community such as: increased noise, odor, light, as well as visual impacts upon the neighborhood. He said this proposed plan doubled the parking lot capacity and was not consistent with the City's Comprehensive Plan. In response to Council, Community Development Director McKim, however, estimated the current parking capacity at between 30 to 40. She further explained staff believed the access road to this parking lot provided a buffer for the residential community. In response to Councilman Crawford, Mrs. McKim said the petitioner would not expand its current use, which would be in violation of the Comprehensive Plan, but would allow the uses previously approved at Council's July 20, 1988, proceedings.

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Councilman Graver pointed out that the shore station had been at its present location for quite some time now within this residential community and was utilized by other vessels to purchase fuel, bait, etc. He further said that he was not convinced the proposed plan provided an expansion of use. In response to Mayor Putzell, Mrs. McKim advised the marina sales from that location included bait and minor odds and ends.

Mrs. Anderson-McDonald asked Land Use Planner Stewart if his clients were concerned with additional traffic generated by this use. She suggested Bay Road could be vacated to provide greater security and perhaps lessen the traffic impacts. A security gate could also be installed accessed by a card for transient lodging parking and the four residential homesites. City Attorney Rynders advised that such a suggestion would need more study because the vacated road would be divided among all the property owners and the petitioner could be cut off from access to the public right-of-way.

Attorney Bruce Anderson of 801 Laurel Oak Drive, representing the Citizens for Protection of Gordon Drive, Inc., presented Council with a letter of support from his group with one exception. His clients would like the issue of enforcement for this parking lot addressed by a restrictive covenant for the property which would set forth various commitments on behalf of the petitioner. In addition his group asked that a special ordinance be drafted which would prohibit parking along the rights-of-way for the South Gordon Drive and Bay Road areas. (The letter submitted by Mr. Anderson to Council cannot be made a part of the record as provided for in Resolution 89-5781 relating to submittal of documents to Council.)

Referring to Mr. Anderson's suggestion, City Attorney Rynders asked if he had drafted any language relative to the proposed restrictive covenants. Attorney Anderson, however, replied negatively but said he would be willing to draft some language for review by the City Attorney and the petitioner.

Attorney Joe Fleming, 620 Ingraham Building, Miami Florida, representing the Florida Audubon Society and the Conservancy, stated his groups' opposition to this project inasmuch as it was directly related to development on Key Island.

Attorney Edward Ryan once again appeared before Council and reiterated his clients' objections to the project. He said he believed the proposed plan to be an expanded use of what already existed, a direct violation of the City's Comprehensive Plan.

Citizen John Engelsted also appeared before Council for a second time regarding enforcement concerns for this parking area. He cited an experience he had wherein the caretaker advised if he did not have business on the island, he could not be on that property.

COUNCIL MEMBERS

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In response to Councilman Graver, Mr. Reynolds advised his client would provide a security gate within the confines of his property, but had a few reservations regarding Mrs. Anderson-McDonald's suggestion of vacating Bay Road.

Referring to the four homesites on that property, Mrs. Anderson-McDonald asked how the petitioner could ensure those property owners would form a homeowner's association to monitor the dock space. Mr. Reynolds said the petitioner could establish such an association prior to sale of those lots.

Discussion then ensued relative to number of required parking spaces for the Keewaydin Club. Mrs. McKim pointed out that the transient lodging facility itself required approximately 66 parking spaces; this lot provides for 51 parking spaces. The formula for the restaurant and Club equate to approximately one space per 100 square feet of those facilities; however, if it were a private Club, then the ratio would be one space per 100 square feet for the entire structure. In response to Councilman Crawford, Mrs. McKim further advised staff had recommended guests, other than those of the transient facility, use the second shore station.

Mrs. Anderson-McDonald asked if the petitioner had plans to increase the restaurant capacity of the Club. Project Planner Reynolds advised that there were no plans to do so. The petitioner has covered some of the porches, but has in no way increased seating capacity.

MOTION: To APPROVE the ordinance with certain conditions which state that all PAB recommendations be met; definition of marina sales be clarified; number of parking spaces be enforced by restrictive covenants; ensure the homeowner's association would be responsible for additional dockage facilities; and also to ensure that the public would be able to use the shore station facility.

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

	X	
X	X	
	X	
	X	
	X	
X	X	
	X	

Project Planner Reynolds asked that his client be given ample opportunity to review drafted language relative to the aforementioned restrictive covenants. It was the consensus of Council that as soon as such language was received by Attorney Bruce Anderson, that the petitioner be notified so that he might review the same.

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RECESS: 12:00 NOON UNTIL 1:30 P.M.

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---ORDINANCE NO. 89- ITEM 17

AN ORDINANCE REZONING APPROXIMATELY 460 ACRES OF KEY ISLAND LYING WITHIN THE CITY LIMITS FROM "R3T12", MULTIFAMILY RESIDENTIAL, AND "R1-15", SINGLE FAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, IN ORDER TO ALLOW THE PROPOSED IMPROVEMENT

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CITY OF NAPLES, FLORIDA

City Council Minutes

Date 05/17/89

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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AND EXPANSION OF THE KEEWAYDIN CLUB TO INCLUDE 70 SINGLE FAMILY HOMESITES WITH RELATED AMENITIES, SUBJECT TO CERTAIN CONDITIONS; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE PROPERTY OWNER'S REQUEST IN ORDER TO ALLOW THE PROPOSED IMPROVEMENT AND EXPANSION OF THE KEEWAYDIN CLUB TO INCLUDE 70 SINGLE FAMILY HOMESITES WITH RELATED AMENITIES.

Title read by City Attorney Rynders.

Community Development Director McKim summarized the staff report relative to this item and briefly outlined staff's recommendations: use of a maximum density standard of one unit to five net acres of Conservation/Limited Development area; structures should be clustered with a maximum of 15,000 square feet per lot and minimum of a 50-foot separation between each structure; structures in Parcel B should be above the four foot elevation west of the scrub oak area; Parcel C should not contain the recreation facility as this should be sited inland on Parcel B; the proposed dune development for Parcel B is inappropriate for that location; a second shore station must be provided; and voluntary annexation of adjacent County lands with adequate public beach access must also be provided. Staff has received approximately 520 responses in favor of the petition and 1,260 opposed. The Planning Advisory Board (PAB) had recommended approval of the request with the following conditions: the public beach access provision outlined in the staff report be adopted by the petitioner; the timetable for voluntary annexation, also delineated in the staff report, be adopted; the proposed 30 foot buffer zone be accepted for the migration of mangroves as sea level rises; the five units indicated on the site plan as 46, 28, 63, 66, and 65 be eliminated; and the recommendation for approval by the PAB shall in no way imply approval relative to parking and hurricane emergency evacuation. This motion passed by a 3-2 vote of the PAB.

Councilman Barnett asked if staff was aware of any other projects pending for the south end of Key Island. Mrs. McKim replied negatively.

Referring to the recommendation that public access be provided, staff said an easement would be necessary as the petitioner had deeded a portion of sovereign lands from the mean high water line to the bulkhead to the State in order for Key Island to receive spoils from the dredging of Doctors Pass. There are still some submerged lands, however, which are privately owned and if an easement is not obtained, public access could be restricted at certain times of the day and tide.

Mayor Putzell suggested a drafting change to the ordinance to replace the "Also", which begins the last sentence, with a "(6)" thereby emphasizing it as a condition to the ordinance. It was the consensus of Council to accept this change.

COUNCIL MEMBERS

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Project Planner Alan Reynolds of Wilson, Miller, Barton, Soll & Peek, made a brief presentation summarizing the proposed plan before Council at these proceedings. The petitioners have strived to provide the City with single family colonies of homesites incorporated with the ambience of the island's beauty, he said. This project has undergone several resubmissions to the City, Mr. Reynolds explained, in an attempt to reach some compromise with regard to the project. He then thanked those opponents to this development for encouraging his group to further study alternatives to the original design. Mr. Reynolds said that he believes the plan before Council today addressed the staff's, PAB's, and Council's concerns as well as provided the City with a better plan submittal. After addressing all the changes made to the plan thus far, Project Planner Reynolds then addressed the issues of a solid waste structure, mosquito control, improvements to the Club facilities, and limitation of vehicles. He said that his client fully intended to meet and exceed all the requirements of State, Federal, and local municipalities.

Mayor Putzell reiterated Council's procedures for public speakers prior to opening the public hearing.

Mr. Bob Tiffany of 370 Rudder Road spoke in favor of the ordinance and commended Mr. Remington for his efforts.

Ms. Mary Dearholt of 1550 Galleon Drive, representing the Conservancy, spoke briefly in opposition to the ordinance and indicated her group had voted unanimously that no barrier island should be developed because of ecological, economical and environmental reasons. She further believed this proposed plan was in direct violation of the City's current Comprehensive Plan. In response to Mayor Putzell, Ms. Dearholt explained that her group interpreted the Comprehensive Plan as restricting development on barrier islands.

Attorney Edward Ryan of Burke, Bosselman & Weaver, representing Messrs. John Donahue and Harry Sichi, advised he had several experts in attendance and asked that Council allow his group the opportunity to speak at one time.

Dr. Harold Wanless of the University of Miami, Rosensteil School, also representing Messrs. Donahue and Sichi, spoke at great length outlining the elevation of the island, its water management system, and coastline. In response to questions by Council, Dr. Wanless said that he believed the island's system to be very unstable which could eventually lead to possible flooding of the residential area. Additionally, the stormwater runoff from those homesites could contaminate existing ponds and should a severe storm occur the entire area up to the weirs would be submerged.

Mr. Paul Stewart of Sedway Cooke Associates, also representing Messrs. Donahue and Sichi, spoke in opposition to the ordinance and discussed his belief that barrier islands should not be developed in the

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COUNCIL
MEMBERS

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COBRA (Coastal Barrier Resources Act of 1982), high hazard area. The intent of COBRA, he said, was to direct population away from those areas which it deemed hazardous for the health, safety, and welfare of the public. Mr. Stewart further said that he did not think Council should approve this request inasmuch as hurricane evacuation procedures and the second shore station have not been identified. It is also important, he said, that the City have in place performance standards and design criteria as provided for in the Comprehensive Plan prior to consideration of this request.

Discussion then ensued relative to services which the City would be responsible for providing to the barrier island. The City has been providing police and fire assistance to the island and would have to expand those services. The initial cost for installation of water and sewer lines would be assumed by the petitioner, Natural Resources Manager Staiger noted. City Attorney Rynders advised the City's Water/Sewer Plant was funded by tax free bonds and he would have to further study the issue relative to monetary support of the island's facility.

Dr. Samuel Snedaker of the University of Miami, Rosensteil School, also representing Messrs. Donahue and Sichi, spoke in opposition to the ordinance and said that while he believed the petitioner's plan to be extraordinary, he did not support implementation of it on a barrier island. He said that should development be permitted on the island, it could pollute the entire water system of Rookery, Dollar, and Naples Bay. The pollutants experienced from residential living on the island would include, but not be limited to, pesticides, fertilizers, sewage, and stormwater runoff, Dr. Snedaker advised.

Dr. Bernard Yokel of the Florida Audubon Society, representing Messrs. Donahue and Sichi, also spoke in opposition to the ordinance. He advised his group strongly opposed the proposed development because of the potential and real damage to Naples, Dollar, and Rookery Bay systems. There are many pristine areas in this system which lend themselves to breeding and spawning of wildlife such as plankton, snook, oyster bars, etc. The sensitivity of this water system could be damaged considerably by such a development as is the case with current water quality of Naples Bay. In response to questions by Council, Dr. Yokel advised he did not believe any development on this barrier island to be appropriate and further that any such development could adversely affect the pristine environment which currently exists in Rookery Bay.

In response to Mayor Putzell, Natural Resources Manager Staiger explained that the petitioner has agreed to xeriscape instead of manicured lawns for the homesites in order to retain the natural atmosphere of the island. He further commented that he did not believe waste from this residential use would adversely impact the Rookery Bay system, most household waste is biodegradable. Dr. Yokel suggested the xeriscape proposal be enforced through deed restrictions and should the property owner fail to comply, that instrument could then be enforced

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through the Courts. Mrs. Anderson-McDonald asked if such restrictions could be a condition to the ordinance to which City Attorney Rynders advised he would look into the matter further.

RECESS: 3:20 P.M. UNTIL 3:30 P.M.

Dr. Mark Benedict, representing the Conservancy, spoke at great length in opposition to the project. The proposed plan should be denied, he said, as it would negatively impact the pristine Rookery Bay estuary. While reiterating past comments regarding wildlife habitat, density issues relative to the island, COBRA requirements, and other conservation concerns, Dr. Benedict concurred with the aforementioned speakers and urged Council not to approve this project as it would be detrimental to the environment.

Discussion then ensued regarding density allowances for the island. In response to Councilman Crawford, Dr. Benedict advised that while one unit per five acres was a guideline outlined in the City's Comprehensive Plan, he did not think it appropriate for this particular island inasmuch as it was so closely situated to the estuary.

Attorney Edward Ryan again briefly addressed Council reiterating his groups' comments and asked Council to deny this request as submitted.

Attorney Joe Fleming of Miami Florida, representing the Florida Audubon Society and the Conservancy, concurred with previous statements regarding the environment and also strongly opposed the ordinance. He said he did not believe the number of homes proposed for the island to be appropriate and questioned the definition of "fast land" used to determine density allowances. Attorney Fleming further recommended that the ordinance provide protection to the City by including a clause which would indicate that the City would not be responsible for restoration of the island in the event of a major storm or hurricane.

Attorney George Vega of 2660 Airport Road spoke in favor of the ordinance and commended the petitioner for a fine development. Mr. Vega expounded on Mr. Remington's community achievements and said he believed the petitioner would provide the City with a project of which it could be proud. He then briefly outlined the objective of the Conservancy when it was first formed: to acquire property in the name of conservation or to work with the developer to determine if there was a better means by which to construct his project.

Mr. John Engelsted of 225 Cove Lane, spoke in favor of the ordinance and said he believed development would not negatively impact the environment.

Ms. Edith Williams of 3300 Gin Lane, spoke in opposition to the ordinance and said she believed it important to maintain these barrier islands in their

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VOTE

natural state for the future generation, our children.

Attorney Nancy Stroud of 1900 Glades Road, Boca Raton, Florida, representing Messrs. Donahue and Sichi, spoke in opposition to the ordinance and said that she believed it was the Council's responsibility to limit government expenditures in COBRA, high hazard areas. The proposed project would be the recipient of such governmental monies by way of mosquito control, fire, police and the like, she said.

Mr. Gary Beardsley of Collier County Audubon Society also spoke in opposition to the ordinance and said he believed the ratio of one unit per every five acres of "fast land" to be appropriate, but questioned the current definition of "fast land."

Referring to the previous comments relating to density formula for the island, Natural Resources Manager Staiger explained that the Comprehensive Plan calls for structures to be constructed above the five foot elevation; however, in that elevation, there are habitats of scrub oak, a highly endangered species, which the petitioner has agreed to protect providing the elevation requirement be dropped to four feet. Staff believed this to be an appropriate compromise. The ratio of one per five, he said, relates to the COBRA legislation wherein it was decided that this ratio would have no adverse affect upon a barrier island and, in fact, let it function as if undeveloped. In response to Councilman Anderson-McDonald, Dr. Staiger said he was quite comfortable with the proposed number of homesites.

Councilman Crawford than questioned the definition of "fast land" and said by his calculations, only approximately 42 homes could be built in Parcel B and Parcel C. He further noted that he did not believe construction to be appropriate for Parcel C inasmuch as that was considered a vital area.

City Attorney Rynders pointed out that during the Comprehensive Plan hearings, the Council had announced it would establish some criteria for development of barrier islands by August, 1989. The petitioner has asked Council to establish such criteria now by approving this request. The City Attorney then suggested Council consider establishing such criteria prior to consideration of this petition.

Councilman Muenzer said he did not believe the island to be more prone to disaster than Aqualane Shores or Port Royal. Those two areas would be flooded before the island, he said, inasmuch as they are at a lower elevation. Mr. Muenzer then noted that if there was a ban on construction for the island, there should be such a ban for the Port Royal area because it also contributes to possible pollution of the Rookery Bay estuary. He then indicated that he believed the number of proposed homesites to be appropriate for this barrier island.

Mr. Crawford reiterated his comments that he did not believe construction appropriate for Parcel C. He also expressed concern regarding the environment

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and possible pollution therein and asked why the land earmarked for conservation was not simply donated to the City instead of an easement granted. Councilman Crawford also said he further believed the location of a second shore station an important consideration of this request.

Councilman Richardson said he was pleased the State and Federal governments allow local municipalities the opportunity to decide density formula for issues such as this. He then commented that he believed the project to be well developed and would fully support it.

Vice-Mayor Barnett concurred with Mr. Muenzer's remarks and asked that all Council's questions and concerns expressed at these proceedings be adequately addressed by staff prior to the second reading of this ordinance.

Mrs. Anderson-McDonald said that while she completely supported the Conservancy's position against development of barrier islands, she was also responsible to her other constituents which included property owners of barrier islands. The developer has done the best job possible in mitigating the effects of any development on this island, she said, but still must address some concerns of Council such as: second shore station location, hurricane evacuation plan, conservation easement, construction of any structures seaward of the Coastal Construction Control Line (CCCL).

Councilman Graver commented he believed this development to be a good one, but he still had some concerns regarding the issue of density and construction in Parcel C designated as a vital area. Mr. Graver further stated that he believed 42 homesites more appropriate than the recommended 70 units and also asked staff to address questions and concerns expressed at these proceedings.

Mayor Putzell then advised he had several concerns relative to the environmental aspects and said he believed Council had an obligation not to perpetuate or exacerbate the problem. He expressed uncertainty as to whether the PAB had adequately addressed the issue of density and thought the PAB might need to further address that issue. There must be some scientific evidence, he said, by which to establish the proper density formula for this barrier island. In response to Mayor Putzell's concerns about density, Councilman Graver pointed out that the PAB had wrestled with the density issue for quite some time and recommended 70 units; he, however, still believed 42 homesites to be more appropriate. Mr. Muenzer concurred.

Project Planner Reynolds briefly summarized his client's position on density. While the City has no standard in place by which to address this issue, he said the petitioner was quite comfortable with the recommended 70 units. However, he pointed out that the current zoning for the island would provide in excess of some 1,300 homesites. After considerable analysis by experts in the field of planning and science, it was determined that 75 homesites, as proposed in the plan, was an appropriate density

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with the guidelines and standards provided in the Code, Council could take appropriate action.

Ms. Elise Sechrist, owner/operator of the bed and breakfast facility, strongly opposed this request and said that she believed if the facility was not complying to Code, Council had the authority to close the business without this instrument in place.

Councilman Graver said that he did not believe this to be an unreasonable document as many conditional use permits are approved on a one-year trial basis. Mr. Richardson concurred.

Vice-Mayor Barnett supported Ms. Sechrist's opposition to this resolution and reiterated that if she was not in compliance, the City had the authority to close the business.

MOTION: To APPROVE the resolution with additional language that "Council could take appropriate action."

This motion failed by a vote of (2-5).

*** *** ***

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

---ORDINANCE NO. 89-

ITEM 19

AN ORDINANCE RELATING TO CABLE TELEVISION FRANCHISES AND OPERATIONS IN THE CITY OF NAPLES, FLORIDA; PROVIDING THE TITLE AND PURPOSE OF THE ORDINANCE; PROVIDING DEFINITIONS; PROHIBITING THE CONSTRUCTION, INSTALLATION AND OPERATION OF CABLE TELEVISION SYSTEMS IN PUBLIC EASEMENTS AND RIGHTS-OF-WAY WITHOUT A FRANCHISE; DECLARING ALL FRANCHISES TO BE NON-EXCLUSIVE; PROVIDING THE APPLICATION PROCEDURE, TERM, FEES AND RESTRICTIONS FOR ALL FRANCHISES; PROVIDING FOR RENEWAL OF FRANCHISES; RESERVING CERTAIN RIGHTS FOR THE CITY; REQUIRING CERTAIN PERFORMANCE GUARANTEES, INDEMNIFICATION AND INSURANCE COVERAGE; IMPOSING REQUIREMENTS REGARDING QUALITY OF SERVICE AND SIGNAL; PROVIDING PENALTIES FOR NONPERFORMANCE; REGULATING THE CONSTRUCTION, INSTALLATION AND OPERATION OF CABLE TELEVISION SYSTEMS; PROVIDING FOR THE OPERATION AND MAINTENANCE OF CABLE TELEVISION SYSTEMS; PROVIDING FOR THE REMOVAL, ABANDONMENT AND RESTORATION OF CABLE TELEVISION SYSTEMS; PROVIDING CONSUMER PROTECTION REQUIREMENTS; PROVIDING PENALTIES FOR VIOLATION; AUTHORIZING INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING THAT CONFLICTING ORDINANCES ARE SUPERSEDED; PROVIDING FOR CURRENT FRANCHISEES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE A UNIFORM MEANS OF AWARDED CABLE TELEVISION SYSTEM FRANCHISES, AND TO PROVIDE UNIFORM REGULATION OF THE OPERATION OF CABLE TELEVISION FRANCHISE BUSINESSES IN THE CITY OF NAPLES.

Title read by City Attorney Rynders.

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Anderson-McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(2-5)
FAILED

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Councilman Richardson asked if staff could schedule a workshop so that Council could study this issue further. It was the consensus of Council that a motion to approve this ordinance, at first reading, was appropriate providing a workshop session take place prior to second reading.

Mr. Rich Gunter of Cablevision, Industries, asked Council to reconsider approving this ordinance at first reading as he had a number of concerns which he believed should be addressed. After a brief discussion regarding some of those items, Council directed Mr. Gunter to compile his recommendations in a letter to the City Attorney and asked if he could attend the workshop meeting relative to this issue, May 24, 1989. Mr. Gunter advised that he would be able to attend that meeting.

Attorney Bruce Anderson, representing Telesat Cablevision, Inc., advised that his clients have had an application pending with the City since March and asked the status of that application. City Attorney Rynders explained that the City did not have an ordinance at present by which to process that application, but if the applicant wished to proceed with the current Florida State Statutes, he could so insist. Attorney Anderson so insisted that the application be considered under the Florida State Statutes.

Attorney Don Pickworth, representing Palmer Cablevision, asked if the workshop meeting could be postponed until June 7. This was not satisfactory to Council and it was the consensus of Council that the workshop meeting regarding this item be held on May 24, 1989.

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

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

---RESOLUTION NO. 89-5836

ITEM 20

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL GOVERNMENT AGREEMENT WITH COLLIER COUNTY, FLORIDA, FOR APPROXIMATELY 1,601.00 ACRES AT THE NORTHWEST CORNER OF GOLDEN GATE PARKWAY AND AIRPORT ROAD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised this Agreement would provide that the Halstatt Development of Regional Impact (DRI) application would be reviewed by the County and site plan review, including permits to be issued therein, would be examined by the City for a period of five years. This coincides with the executed Development Agreement for the property. Staff has recommended approval of this resolution.

MOTION: To APPROVE the resolution with an amendment to the amount of acreage located in the northwest corner.

Anderson-McDonald
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(6-0)

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COUNCIL MEMBERS

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CORRESPONDENCE AND COMMUNICATIONS:

Mayor Putzell advised that his and Mr. Richardson's term on the Southwest Florida League of Cities would expire soon and suggested that the City Manager, or his designee, be appointed in their stead.

City Manager Jones extended an invitation to Council for the Florida City and County Manager's Association Meeting at the Registry Resort.

*** *** ***

ADJOURN: 6:06 p.m.

Janet Cason *E. J. Putzell, Jr.*

EDWIN J. PUTZELL, JR., Mayor

JANET CASON
CITY CLERK

Jodie M. O'Driscoll

JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on _____.

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Jodi O'Driscoll



SUPPLEMENTAL ATTENDANCE LIST

Jim Bailey
 Tom Missimer
 W. Voytko
 Dick Baker
 Horace Graig
 Lee Layne
 David Burns
 Bob Lyle
 Carlo Paterno
 Mike Volpe
 Ernie Preston
 Bob Johnson
 Laverne Gaynor
 John Van Arsdale
 Robert Schroer
 John Engelsted
 Mary Dearholt
 George Vega
 Don Pickworth

Emilio Rabau
 Nancy Stroud
 Robyn Blandy
 Ruth Richmond
 Charles Andrews
 Sam Snedaker
 Sarah Sauer
 Herb Anderson
 Steve Ere
 Egon Hill
 Mary Jo Volpe
 Tom Campbell
 Michael Stephens
 Dr. Mark Benedict
 Gary Beardsley
 Bruce Anderson
 Harold Wanless
 Edith Williams

W. W. Haardt
 Edward Ryan
 Alan Reynolds
 Andrew DeLong
 Glen Landor
 Sharon Kelly
 Ron Pennington
 Robert Bordley
 Terry Keppel
 M/M John Hale
 Paul Stewart
 John Remington
 Bob Tiffany
 C. Lodge McKee
 Bruce Hayhoe
 Joe Fleming
 Bernard Yokel
 Rich Gunter

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer Cablevision Lori Darvas, Naples Daily News
 Denis Husty, Ft. Myers News-Press Donna Howell, WEVU TV-26
 tim Hass, WBBH TV-20

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