City of Naples

City Council Chambers 735 Eighth Street South Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Paç
ANNOUNCEMENTS:  MAYOR PUTZELL: None.  CITY MANAGER JONES: None.			1
APPROVAL OF MINUTES: April 24, 1989, Special Meeting May 3, 1989, Regular Meeting May 3, 1989, Special Meeting			1
PURCHASING: -BID AWARD for annual requirements of flocculation aid.		89-5826	1-2
-APPROVE temporary office trailer for Humane Society, Naples AirportAPPROVE easement to Florida Power & Light Company, Naples AirportAPPROVE easement to United Telephone Company of Florida, Naples AirportAPPROVE variance request from CCSL for a rock revetment, Embassy Club, 1717 Gulf Shore Boulevard NAPPROVE variance from CCSL to provide for construction, Park Shore Unit No. 5, Lot 25, Block 12APPROVE variance from CCSL to provide construction, Park Shore Unit No. 5, Lot 29, Block 12DENY variance to allow storage of boats in a front yard setback area, 515 First Avenue NorthAPPROVE conditional use permit to allow two drive up windows, U.S. 41 and High Point DriveAPPROVE conditional use permit for a storage building for chemicals, 1000 Fleischmann BlvdFAILED resolution to provide a time certain to review Resolution No. 88-5577APPROVE Interlocal Agreement with Collier County		89-5827 89-5828 89-5829 89-5830 89-5831 89-5832 89-5834 89-5835	2 3-4 4 4-5 6-7 7-8 8-9
	89 89	89-5836 ,	9-
-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
ORDINANCES - SECOND READING: -ADOPT ordinance permitting sale of alcoholic beverages at the Taste of Collier.	89-583		5-0
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City Council Chambers 735 Eighth Street South Naples, Florida 33940



CITY COUNCIL MINUTES
Regular Meeting

Time 9:00 a.m.

Date 05/17/89

ROLL CALL: Pres	ent: Ed	win J. Putzell, Jr.	, ITEM 2				vo	
Special Processing	Wi Ale Jo	Mayor  Mayor  Manderson-McDonald  Iliam E. Barnett  den R. Crawford, Jr  hn T. Graver  ul W. Muenzer		COUNCIL MEMBERS	M O T I O N	S E C O N D	Y E S	N N O T
ne ne mana Make		le S. Richardson, (left 5:55 p.m.) Councilmen						
*** I <u>NVOCATION</u> : Rev	Manager ld, M Dir. oll, Attenda	Sheldon Reed, Fire Marshal Steven R. Ball, Chief Planner Stewart K. Unangs Purchasing Agen James L. Chaffee, Utilities Direc Jon C. Staiger, P Natural Resourc George Henderson, Sergeant-At-Arm mce List - Attachme  ***  Iter Lauster ch of God	tor h.D., es Mgr.					
*** ANNOUNCEMENTS:	nie one	***	*** ITEM 3					
MAYOR PUTZE	LL: Non	e.						
CITY MANAGE	R JONES:	None.	701994					
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APPROVAL OF MINU	TES .		ITEM 4					
May	3, 1989,	9, Special Meeting Regular Meeting Special Meeting	ESTRABITORO TRUSTA					
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PURCHASING								
<u>RESOLUTION NO</u>	. 89-582	<u>6</u>	ITEM 5					
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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 acquifer 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.  *** RESOLUTION NO. 89-5827  A RESOLUTION NO. 89-5827  ITEM 6  A RESOLUTION NO. 89-5827  ITEM 6  A RESOLUTION NO. 89-5827  ITEM 6  A RESOLUTION NO. 89-5828  ITEM 7  A RESOLUTION NO. 89-5828  ITEM 7  A 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 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 HUNTERD TELEPHONE COMPANY OF FLORIDA FOR THE CONSTRUCTION, OPERATION, OPERATION AND MAINTENANCE OF UNDERGROUND HIRES, CABLES, OR OTHER FIXTURES AT THE NAPLES MUNICIPAL AIRPORT; AND PROVIDING AN EFFECTIVE DATE.  Tibles not wand	Ci	ty Council Mi	inutes *** **	***Date_	05/17	/89	COUNCIL MEMBERS	0 T I O N	ECOND	YES
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RESOLUTION NO. 89-5827  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.  ***  ***  ARESOLUTION NO. 89-5828  ITEM 7  A RESOLUTION NO. 89-5828  A RESOLUTION SAPLES TO EVERHEAD 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.  ***  ***  ***  ***  ***  ***  ***	Refe if s with whil can aske test	rring to the taff had addi area golf ( e saline infi be handled ( d if the go	effluent, ressed the courses. I iltration on manageal lf courses	, Councils saline poor formation of the council saline sal	man Grave roblem ad fee advis e elimina ls. Mr. aff had	er asked lequately led that lted, it Muenzer compared	ia 18			
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CITY OF NAPLES, FLORIDA 0 05/17/89 E Date B City Council Minutes Т C S I 0 E COUNCIL 0 N E N S MEMBERS N D 0 -RESOLUTION NO. 89-5830

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.

City Council Minutes  Date  OS/17/89  COUNCIL  MEMBERS  A D S C  ON E E  NEMBERS  N D S C  Adderson-  MEMORIA  MEMBERS  N D S C  Adderson-  MEDOBAI  Adderson-  MEDOBAI  ARCHONAI  CCARFOR  CCAFFOR  CCAFFOR  NEMBERS  N D S C  OTION: To APPROVE the resolution as presented.  ***  ***  ***  ***  ***  ***  ***	CITY OF NAPLES, FLORIDA		м	S	11,720		A
COUNCIL DI MEMBERS NO DE SE COUNCIL MEMBERS NO	City Council Minutes Date 05/17/89	Garage Carried	0	1	100	· c	15
Citizen Ron Pennington of 269 Spring Line Drive Spoke in favor of the resolution stating he had been opposed until the petitioner agreed to provide the public with an access walkway.  MOTION: To APPROVE the resolution as presented.  ***  ***  ***  ARESOLUTION NO. 89-5831  ARESOLUTION SETBACK LINE TO PERMIT CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION SYSTEM, AND A CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION SYSTEM, AND A CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION SYSTEM, AND A CONSTRUCTION SECURITY FENCE, ON LOT 25, BLOCK 12, PARK SHORE UNIT NO. 5; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  PUBLIC HEARING: Opened: 9:30 a.m.  Closed: 9:30 a.m.  Closed: 9:30 a.m.  No one present to speak for or against.  Natural Resources Manager Staiger explained this request was for landscaping amenities to the Vistas Condominiums. This project had been approved prior to annexation and was presently under construction. The petitioner has asked a sidewalk be constructed between the building and Park Shore dune, an access ramp to the dune, and a temporary construction site security; fence, all of which are seaward of the City's Coastal Construction Setback Line (CCSL) but behind the massive dune. This project would pose no problem for beach erosion unless the dune was broached, Dr. Staiger noted.  In response to Councilman Anderson-McDonald, Dr. Staiger replied the City considers the sandy beach up to the dune to be public property; however, the wegetated dune and walkway are considered private property.  MOTION: To APPROVE the resolution as presented.  ARESOLUTION NO. 89-5832  ITEM 10  A RESOLUTION SETBACK LINE TO PERMIT CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTIO	The second of the property of the second of		0	O N	E	N O	E N T
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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	City Council Minutes  Date  O5/17/89  COUNCIL  NEMBERS  No N E N N N D S O T  COUNCIL  NEMBERS  And Anderson-  MCDonald  Barnett  Crawford  Graver  Numerer  Richardson  X X X  X X  Crawford  Graver  Numerer  Richardson  X X X  X X  X X  X X  X X  X X  X X	CITY OF NAPLES, FLORIDA				vo	TE	
MOTION: To DENY the resolution as presented.  ***  ***  ***  AN ORDINANCE NO. 89-  AN ORDINANCE REZONING THE COLONIAL SQUARE DEVELOPMENT PROPERTY LOCATED AT THE 1000 BLOCK OF GGODLETTE-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; 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 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 III and Phase III, additional	MODION: To DENY the resolution as presented.  ***  ***  ***  ***  ***  ***  ***	City Council Minutes Date 05/17/89		O T I O	E C O N	E		B S E N
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CITY OF NAPLES, FLORIDA		M	SE	T	-
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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.	Anderson- McDonald Barnett	X	X	x x x x x x x x x x x x x x x x x x x	
A RESOLUTION NO. 89-5835  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					

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be stored was potato starch, an ingredient essential to treatment of wastewater.  MOTION: To APPROVE the resolution with an addition that the storage building be located on the interior lot.	McDonald Barnett Crawford Graver Muenzer Richardson	x	X.	X X X X X			
RECESS: 10:20 A.M. UNTIL 10:30 A.M. ***	(7-0)						
AN ORDINANCE REZONING A 3.8 ACRE PARCEL LOCATED AT THE SOUTHERN END OF GORDON DRIVE OFF OF BAY ROAD AND ADJACENT TO GORDON PASS FROM "C1", LIMITED COMMERCIAL, AND "R1-15", SINGLE FAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, IN CONJUNCTION WITH A SPECIFIC SITE PLAN; 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 IDENTIFY THE USES SERVING THE KEEWAYDIN CLUB AND TO PROVIDE FOR LOW DENSITY RESIDENTIAL USE ON THE BALANCE OF THE EXISTING COMMERCIAL AND RESIDENTIAL ZONED PROPERTY.	ons of the second of the secon						
Community Development Director McKim advised that both the staff and Planning Advisory Board (PAB) had recommended approval of a to be submitted plat which met certain criteria outlined at the PAB's meeting of May 9, 1989. The proposed project provides for a single family residential cul-de-sac with a parking lot for customers of the Keewaydin Club; there is sufficient room for vehicles to turn around.  Discussion then ensued regarding submission of those aforementioned changes to the plan. Mrs. McKim pointed out that she had not thoroughly reviewed the submittal, but she would do so prior to second reading. Mayor Putzell expressed reservations that there was nothing specific in the ordinance which addressed Council's concerns or those required changes. It was the consensus of Council to state in the body of the ordinance those concerns it has so that there would be no future conflict regarding enforcement of the same.  Mayor Putzell then reiterated the City's policy regarding speakers who wish to address Council and the seven minute time limit therein.							
Attorney Michael J. Volpe, representing the petitioner, deferred his comments to Mr. Alan Reynolds of Wilson, Miller, Barton, Soll & Peek and advised that he would be available for questions.  Project Planner Alan Reynolds, also representing the petitioner, advised the resubmitted petition addressed all of staff's concerns regarding the shore station and use of the parking lot. A portion							

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COUNCIL

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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

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, well as light, 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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remarkly is proposed for possible resons						
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. Ir						
response to Mayor Putzell, Mrs. McKim advised the						
marina sales from that location included bait and minor odds and ends.	and setting					
MITTON COURS AND						
Mrs. Anderson-McDonald asked Land Use Planner						
Stewart if his clients were concerned with additional traffic generated by this use. She	MAN TO THE REAL PROPERTY OF THE PARTY OF THE					
additional traffic generated by this use. She suggested Bay Road could be vacated to provide					-	
greater security and perhaps lessen the traffic		1				
impacts. A security gate could also be installed		1				
accessed by a card for transient lodging parking and		1		1		
the four residential homesites. City Attorney Rynders advised that such a suggestion would need		1		1		
more study because the vacated road would be divided		1				
among all the property owners and the petitioner	e de la companya del companya de la companya del companya de la co	1				
could be cut off from access to the public	1804	1		1		
right-of-way.						
Attorney Bruce Anderson of 801 Laurel Oak Drive,		1	1			
representing the Citizens for Protection of Gordon	French Co.					
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		1				
parking lot addressed by a restrictive covenant for		1				
the property which would set forth various			1		1	
commitments on behalf of the petitioner. In				1		
addition his group asked that a special ordinance be drafted which would prohibit parking along the		1				
rights-of-way for the South Gordon Drive and Bay						
Road areas. (The letter submitted by Mr. Anderson			1			
to Council cannot be made a part of the record as				1		
provided for in Resolution 89-5781 relating to submittal of documents to Council.)	qua.	1				
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Referring to Mr. Anderson's suggestion, City						
Attorney Rynders asked if he had drafted any language relative to the proposed restrictive		1	1	1		
covenants. Attorney Anderson, however, replied		1		1	1	
negatively but said he would be willing to draft			1	1	1	
some language for review by the City Attorney and		1	1	1		
the petitioner.		1	1	1		
Attorney Joe Fleming, 620 Ingraham Building, Miami						
Florida, representing the Florida Audubon Society		1	1	1		
and the Conservancy, stated his groups' opposition to this project inasmuch as it was directly related			1	1		
to development on Key Island.		1	1	1	1	
Otherway Edward Byon once anair account to			1	1	1	11
Attorney Edward Ryan once again appeared before Council and reiterated his clients' objections to			1	1	1	11
the project. He said he believed the proposed plan			1	1	1.	
to be an expanded use of what already existed, a		1	1	1	1	
direct violation of the City's Comprehensive Plan.		1	1	1	1	
Citizen John Engelsted also appeared before Council				1	1	
for a second time regarding enforcement concerns for		1		1	1	11
this parking area. He cited an experience he had wherein the caretaker advised if he did not have					1	1
business on the island, he could not be on that				1	1	1
property.	1				1	
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CITY OF NAPLES, FLORIDA City Council Minutes Date 05/17/89 E В T S I 0 E COUNCIL 0 N E N N N DSO MEMBERS AND EXPANSION OF THE KEEWAYDIN CLUB TO INCLUDE 70 SINGLE FAMILY HOMESITES WITH RELATED AMENITIES, SUBJECT TO CERTAIN CONDITIONS; DIRECTING THAT THE 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.

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, This project he said. has undergone several resubmissions to the City, 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, control, improvements to the Club facilities, limitation of vehicles. He said that his client fully intended to meet and exceed all the Federal, requirements of State, 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.

Dearholt of 1550 Mary Galleon representing the Conservancy, spoke briefly 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 Flan. 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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SERA (Cosstal Barrier Resources Act of 1982), night act and area. The intent of CORPKA, he said, was to invest openulation away from the said, was to invest openulation away from the said, was to emed hazardous for the health, safety, and welfare if the public. Mr. Stewart further said that he did not think Council should approve this request nasmuch as hurricane evacuation procedures and the econd shore station have not been identified. It is also important, he said, that the City have in lace performence standards and design criteria as revided for in the Comprehensive Plan prior to onsideration of this request.  iscussion then ensued relative to services which he City would be responsible for providing to the armier island. The City has been providing to the armier island. The City has been providing to the armier island. The City has been providing to the armier island. The City has been providing to the armier island. On the island and would have to misself the control of the control of the city's Water/Sewer Plant wes funded by tax free onds and he would have to further study the issue elative to monetary support of the island's activity.  **Remail School, also representing Messes. Donahue and Sichi, spoke in opposition to the ordinance and aid that while he'believed the petitioner's plan to extraordinary, he did not support implementation if it on a barrier island. He said that should evelopment be permitted on the island, it could oll the entire water statem of Rockery Dollar, and additionally the country of the country of the proposition to the ordinance and aid that while he'believed the petitioner's plan to extraordinary, he did not support implementation in the ordinance. The sensitivity of the formation of the country of the sense of the proposed the proposed development exists of the proposed the proposed of the list of the proposed of		_	- 1		[[] [[] [] [] [] [] [] [] [] [] [] [] []
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CITY OF NAPLES, FLORIDA

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T N E N COUNCIL 0 S

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

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

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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 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 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 opposition to the ordinance and said she believed it important to maintain these barrier islands in their

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natural state for the future generation, our children.	914 396						-
ttorney Nancy Stroud of 1900 Glades Road, Boca aton, Florida, representing Messrs. Donahue and ichi, spoke in opposition to the ordinance and said hat she believed it was the Council's esponsibility to limit government expenditures in OBRA, high hazard areas. The proposed project ould be the recipient of such governmental monies y way of mosquito control, fire, police and the ike, she said.							
r. Gary Beardsley of Collier County Audubon Society lso spoke in opposition to the ordinance and said e believed the ratio of one unit per every five cres of "fast land" to be appropriate, but uestioned the current definition of "fast land."	43 1						
Referring to the previous comments relating to density formula for the island, Natural Resources danager 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 cour 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 is if undeveloped. In response to Councilman anderson-McDonald, Dr. Staiger said he was quite comfortable with the proposed number of homesites.							٥
Councilman Crawford than questioned the definition of "fast land" and said by his calculations, only approximately 42 homes could be built in Parcel Bund Parcel C. He further noted that he did not selieve construction to be appropriate for Parcel Cunasmuch 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 collution of the Rookery Bay estuary. He then indicated that he believed the number of proposed nomesites to be appropriate for this barrier island.							1
Mr. Crawford reiterated his comments that he did not believe construction appropriate for Parcel C . He also expressed concern regarding the environment							1
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COUNCIL MEMBERS N D S 0

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 He then commented that he believed such as this. 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 adequately addressed by staff prior to the second reading of this ordinance.

Anderson-McDonald said that while she Mrs. 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 second shore station location, hurricane evacuation plan, conservation easement, construction structures seaward of anv the Construction Control Line (CCCL).

Councilman Graver commented he believed development to be a good one, but he still had concerns regarding the issue of demsity 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 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. 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 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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figure for this island, Mr. Reynolds explained. In response to Mayor Putzell, he said the COBRE legislation did not indicate a density ratio of more than one unit per five acres would create a deleterious effect upon the environment.  In response to Councilman Graver, Mr. Reynolds further advised the island drains extremely well and he was confident that the proposed structures at an elevation of three feet would be in no real danger.  Mr. Crawford asked where the fill dirt for this project would be obtained. Project Planner Reynolds explained that most of the fill for this project would come from the ponds to satisfy necessary fill requirements under the house pads and provide the minimal amount for the beach dune system.  Council directed staff to prepare a list of questions and concerns expressed at these proceedings and prepare appropriate responses for Council's review prior to the second reading of this ordinance.  MOTION: To APPROVE the ordinance with an amendment to the last sentence in Section 1 which	Anderson- McDonald Barnett Crawford Graver	N		x	x	T
to the last sentence in Section I which begins "Also," by deleting that word and making the entire sentence condition (6) to the ordinance.  ***  ***	Richardson	x	х	X X X		
END COMMUNITY DEVELOPMENT/PAB						
<u>RESOLUTION NO. 89-</u> ITEM 18						
A RESOLUTION AMENDING RESOLUTION NO. 89-5810, RELATING TO THE CONDITIONS ATTACHED TO THE CONDITIONAL USE APPROVAL CONTAINED IN RESOLUTION NO. 88-5577 OF JULY 20, 1988; PROVIDING A ONE-YEAR REVIEW; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  City Attorney Rynders advised the intent of this resolution was to provide a one-year review of the conditional use approval granted to Ms. Elise						
Sechrist for operation of a bed and breakfast facility. In response to Mayor Putzell, the City Attorney further explained that should the facility not operate within the confines of the Code, the Code Enforcement Board could issue citations until the violation was remedied.						
Councilman Muenzer said that when this request was originally approved, staff had recommended approval on a one-year trial basis but it was adopted by Council without that condition. This resolution would provide the concerned neighbors in that area with some measure of comfort that the facility's operation would be reviewed in an appropriate period of time, he said.						
Mayor Putzell suggested that in Section 1 (1) of the resolution that verbiage be added: "Council could take appropriate action." This would clarify the intent that should the petitioner fail to comply						
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	MEMBERS	N	D	S	0
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"	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson	x	x	XX	X X X X X
appropriate action."	Putzell (2-5)			1	X
This motion failed by a vote of (2-5).	FAILED .			-	
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FIRST READINGS		1		1	-
ORDINANCE NO. 89-			-	1	
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;					

(6-0)

	CITY OF NAPLES, FLOR	IDA				L	OTE	
	City Council Minutes		05/17/89			E C O Y		BSE
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	CORRESPONDENCE AND COM		Ma Bishandana					
	Mayor Putzell advised term on the Southwest expire soon and sugges his designee, be appoi	Florida Leagu sted that the	e of Cities would City Manager, or					
	City Manager Jones ext for the Florida C Association Meeting at	City and C	county Manager's					
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921129	ADJOURN: 6:06 p.m.	2) In	ikel	/				
8	JANET CASON	EDWIN J. PUTZ	ELL, JR., Mayor					
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July Marie O. Drussell

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## 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 Erek 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