



# City of Naples

page 1 of 2

City Council Minutes  
Regular Meeting August 15, 19

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ROLL CALL			1
INVOCATION			1
ANNOUNCEMENTS:			
MAYOR CRAWFORD: Announced that there would be two upcoming vacancies on the Airport Authority.			2
CITY MANAGER JONES: None.			2
APPROVAL OF MINUTES: July 16, 1990, Workshop August 1, 1990, Regular August 8, 1990, NTM			2
PURCHASING: -APPROVE purchase of four utility refuse vehicles.		90-6144	2
RESOLUTIONS:			
-APPOINT two members to the Code Enforcement Board.		90-6145	3
-APPOINT one member to the Board of Appeals.		90-6146	4
-APPOINT one alternate member to the Parks and Recreation Advisory Board.		90-6147	4
-APPROVE variance from CCSL to construct garage, 40 13th Avenue, South.		90-6148	4
-APPROVE vacation of water line easement, 2600 Golden Gate parkway.		90-6151	8
-APPROVE Development/Annexation Agreement for 702 Goodlette Road.		90-6152	9
-NO ACTION TAKEN on Annexation Agreement for Collier Athletic Club.		90-____	10
-APPROVE conditional use petitions for a child care center, 41 Tenth Street, North.		90-6153	12
-APPROVE variance petition for child care center, 41 Tenth Street, North.		90-6154	12
-APPROVE conditional use petition for transient lodging facility at Edgewater Beach Hotel.		90-6155	15
-DENY Southwest Electric Company request to store material outside enclosed building.		90-____	16
-DENY variance request to allow a fence, 186 First Avenue, South.		90-____	18
-APPROVE nonconformity petition for porch enclosure, 1180 Gordon Drive.		90-6156	19
-APPROVE CDBG program to accept \$117,000 grant.		90-6159	23
ORDINANCES - First Reading:			
-APPROVE amendment to Charter to include proposed annexed areas.	90-____		10



# City of Naples

Page 2 of 2

City Council Minutes  
Regular Meeting August 15, 1990

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
-APPROVE rezone petition 90-R4, Troy Property.	90-_____		14
- APPROVE amendment to Ordinance No. 87-5289, Neapolitan Enterprises planned development.	90-_____		20
ORDINANCES - Second Reading:			
-ADOPT ordinance providing for visualization of land use applications.	90-6149		5
-ADOPT convenience store clerk ordinance.	90-6150		6
DISCUSSION/ACTION:			
-General Operating Budget 1990-91.			25
-CORRESPONDENCE AND COMMUNICATIONS			25

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



CITY COUNCIL MINUTES

Time 9:00 a.m.  
Date August 15, 1990

Mayor Crawford called the meeting to order and presided:

ITEM 2

ROLL CALL: Present: Alden R. Crawford, Jr.,  
Mayor

Kim Anderson  
R. Joseph Herms  
Paul W. Muenzer  
John M. Passidomo  
Fred L. Sullivan,  
Councilmen

Absent: William E. Barnett,  
Councilman

Also Present:

Franklin C. Jones, City Manager	Ann "Missy" McKim, Community Dev. Dir.
David W. Rynders, City Attorney	James L. Chaffee, Utilities Director
Mark W. Wiltsie, Asst. City Manager	Christopher L. Holley, Community Svc. Dir.
Jon C. Staiger, Ph.D., Natural Res. Mgr.	Tara Norman, Public Information Ofc.
Stewart K. Unangst, Purchasing Agent	Gerald L. Gronvold, City Engineer
Paul C. Reble, Police Chief	Ralph Cox, Police Sergeant
Ann Walker, Planner II	Rand-Scott Coggan, Fire Chief
Frank "Bill" Hanley, Finance Director	George Henderson, Sergeant-At-Arms
Jodie O'Driscoll, Recording Secretary	

See Supplemental Attendance List - Attachment #1.

\*\*\*

INVOCATION: Reverend Susan Diamond  
First Christian Church

\*\*\*



CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

ANNOUNCEMENTS

ITEM 3

MAYOR CRAWFORD: Announced that there would be two upcoming vacancies on the Airport Authority.

CITY MANAGER JONES: None.

The Council then took a brief recess to celebrate the City's 65th Birthday.

\*\*\*

\*\*\*

\*\*\*

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

APPROVAL OF MINUTES

ITEM 4

July 16, 1990, Workshop  
August 1, 1990, Regular  
August 8, 1990, Neighborhood Town Meeting

MOTION: To APPROVE the Consent Agenda as presented.

\*\*\*

\*\*\*

\*\*\*

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

At the request of Councilman Herms, Item 5 was removed from the Consent Agenda for separate action and consideration.

PURCHASING

ITEM 5

---RESOLUTION NO. 90-6144

A RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) UTILITY REFUSE VEHICLES FOR THE SOLID WASTE DIVISION OF THE UTILITIES DEPARTMENT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson	X		X		
Barnett					X
Herms			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					



## City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson Barnett Herms Muenzer Passidomo Sullivan Crawford (6-0)	X	X	X X X X X		X

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

Title read by City Attorney Rynders.

**MOTION:** To APPOINT Tyler Janney and Robert Meister to the Code Enforcement Board.

\*\*\*\*\*

---RESOLUTION NO. 90-6146

Item 6-b

A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD OF APPEALS TO FILL THE VACANCY CREATED BY THE EXPIRATION OF THE TERM OF R. L. SCHMECKPEPER; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

**MOTION:** To APPOINT Harold Scarlett to the Board of Appeals.

\*\*\*\*\*

---RESOLUTION NO. 90-6147

Item 6-c

A RESOLUTION APPOINTING ONE ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

**MOTION:** To APPOINT Jill Stephen as the alternate member to the Parks and Recreation Advisory Board.

\*\*\*

\*\*\*

\*\*\*

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

---RESOLUTION NO. 90-6148

ITEM 7

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF AN ADDITION TO THE EAST SIDE OF AN EXISTING GARAGE AT 40 13TH AVENUE, SOUTH; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson Barnett Herms Muenzer Passidomo Sullivan Crawford (6-0)	X		X X X X X		X
Anderson Barnett Herms Muenzer Passidomo Sullivan Crawford (6-0)	X	X	X X X X X		X
Anderson Barnett Herms Muenzer Passidomo Sullivan Crawford (6-0)	X		X X X X X		X

## City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson Barnett Herms Muenzer Passidomo Sullivan Crawford (6-0)	X	X	X X X X X		X



CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

USES; ADDING A NEW PARAGRAPH AT THE END OF SUBSECTION 3-84-2 OF SUBSECTION 3-84, PROCEDURE FOR EXPANDING, ENLARGING OR CHANGING A NONCONFORMITY; ADDING A NEW PARAGRAPH (5)(d)(10) TO SUBSECTION (C) OF SUBSECTION 3-85-2 OF SUBSECTION 3-85, PROCEDURE FOR OBTAINING VARIANCES; AND ADDING A NEW PARAGRAPH (5) TO SUBSECTION (B) OF SUBSECTION 3-85-3, ZONING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO RESERVE THE RIGHT BY CITY COUNCIL TO REQUIRE A MODEL OR OTHER VISUALIZATION BEFORE APPROVAL OF ZONING APPLICATIONS REVIEWED BY COUNCIL.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:41 a.m.  
Closed: 9:41 a.m.

No one present to speak for or against.

City Attorney Rynders noted a language change to the second WHEREAS recital as follows: first five lines remain with the addition of "for zoning and land use approvals", and then delete the rest of that paragraph.

Councilman Anderson asked the Community Development Director to make certain that this item was placed on the upcoming workshop agenda between staff and area contractors.

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

\*\*\*

\*\*\*

\*\*\*

---ORDINANCE NO. 90-6150

ITEM 9

AN ORDINANCE ADDING SECTION 15-4 TO CHAPTER 15 OF ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ESTABLISH RULES AND REGULATIONS FOR CONVENIENCE STORES THAT STAY OPEN BETWEEN 10:00 P.M. AND 6:00 A.M. IN

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson	X		X		
Barnett					
Herms		X	X		X
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

ORDER TO REDUCE THE POTENTIAL OF LOST  
PROPERTY OR INJURY OR LOSS OF LIFE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:50 a.m.  
Closed: 9:55 a.m.

City Attorney Rynders advised that there have been a couple of changes since the last reading. After several discussions with the Police Chief, Mr. Rynders explained, it was determined that the placement of signs and the like shall be left up to the discretion of the Police Department as to whether they are conspicuous or obstructive.

Police Chief Reble introduced Sergeant Cox, who will be in charge of crime prevention, and advised that he believed the ordinance would be best served if such decisions were left up to Sergeant Cox' discretion and experience.

Councilman Herms asked if the crime prevention course for the merchants' employees had been designed yet. Police Chief Reble replied negatively and advised that he was waiting until some guidelines from the State had been issued so that his Department could provide criteria for the classes.

Discussion then ensued as to the illumination a two-foot candle per square foot measurement provided. City Manager Jones advised that staff was still working on that issue and would report its findings as soon as possible to the Council.

Mr. Gary Swanson of the Southland Corporation advised that his group was in support of the ordinance, but asked if the classes Southland uses to train its employees could be certified by the Police Department. Chief Reble advised that he would review Southland's criteria and try to incorporate some of it into the City's design criteria.

Referring then to Sections 4 and 7, Councilman Anderson asked that some additional language be added so that the City would not become

CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

responsible for the installation of security equipment.

MOTION: To ADOPT the ordinance at second reading with the following amendments: Sections 1, 2, 3, and 5 shall include "size and placement of signs subject to Police Department approval"; Section 4 shall include "...placed and used."; and Section 7 shall include "...provide, use, and maintain...".

Councilman Anderson thanked the Police Department, Southland Corporation, and Circle K for their cooperation throughout this effort.

\*\*\*

\*\*\*

\*\*\*

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES  
PLANNING ADVISORY BOARD

---RESOLUTION NO. 90-6151

ITEM 10

A RESOLUTION APPROVING ALLEY VACATION NO. 90-EV1 VACATING A WATER LINE EASEMENT WHICH INTERFERES WITH A PROPOSED BUILDING SITE AT POINCIANA PROFESSIONAL PARK, 2600 GOLDEN GATE PARKWAY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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

No one present to speak for or against.

City Attorney Rynders noted a minor mistake in the title, "Alley Vacation" should be changed to "Petition."

Community Development Director McKim advised that this item had been tabled quite some time ago to provide the necessary documentation for transfer of the easement.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson	X		X		
Barnett					X
Herms			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					



## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

Discussion then ensued as to previous deliberations wherein two easements were being considered, the aforementioned and one on Airport Road. Mr. David Borden of 2600 Golden Gate Parkway, representing the petitioner, advised that the dedication of the Airport Road easement was removed from this petition as it had no bearing on the subject property.

Councilman Passidomo advised that he was a member of the Planning Advisory Board (PAB) when the petition was originally heard, and it was the consensus of the Board to remove the Airport Road easement consideration from this petition.

**MOTION:** To APPROVE the resolution as presented.

\*\*\*

\*\*\*

\*\*\*

ITEM 11

---RESOLUTION NO. 90-6152

Item 11-a

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT/ ANNEXATION AGREEMENT FOR A FIVE ACRE SITE AT 702 GOODLETTE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:20 a.m.  
Closed: 10:20 a.m.

No one present to speak for or against.

Community Development Director McKim advised that this Development/ Annexation Agreement was a follow-up to the Comprehensive Plan Amendment previously approved by Council at first reading. The Planning Advisory Board (PAB) recommended approval subject to a height restriction of 35 feet along the southern boundary and up to 45 feet along the northern boundary.

Councilman Muenzer asked what the current height restrictions were for the Commons, an adjacent DRI (Development of Environmental Impact). Community Development Director McKim advised that PUD

Anderson  
Barnett  
Herms  
Muenzer  
Passidomo  
Sullivan  
Crawford  
(6-0)

X

X

X

X

X

X

X

X

X

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

(planned unit development) from the County provided for six stories over two of parking.

Discussion then ensued as to building setbacks for the proposed property. Community Development Director McKim noted that those standards would be developed and outlined in the PD (planned development) documents. Generally, she further explained, the Code provides that as building heights increase, the setbacks become greater.

Councilman Herms said that he did not believe the proposed Agreement sufficiently addressed the Corridor Management Study. Mr. Jack Conroy, representing the petitioner, explained that this building would be the same height as its adjacent neighbor on Goodlette Road. Community Development Director McKim noted that the proposed development did meet the Corridor Management Study guidelines.

Councilman Anderson asked if there was an opportunity on this site to provide for a public boardwalk system which might be able to connect through the entire Commons' property. Mrs. McKim explained that she had not yet reviewed that possibility with the petitioner, but would do so prior to the submittal of their PD documents.

**MOTION:** To APPROVE the resolution subject to staff findings A, B, C, D, and E, of the staff report dated July 27, 1990; and subject to the addition of language to Page 3, Paragraph 5, of the Development/Annexation Agreement restricting height to 35 feet on the southern boundary.

\*\*\*\*\*

---RESOLUTION NO. 90-\_\_\_\_

Item 11-b

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ANNEXATION AGREEMENT FOR PROPERTY EAST AND SOUTH OF THE COMMONS PD AND EAST OF THE GOODLETTE RACQUET CLUB; AND PROVIDING AN EFFECTIVE DATE.

---ORDINANCE NO. 90-\_\_\_\_

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson		X	X		
Barnett					X
Herms			X		
Muenzer			X		
Passidomo	X		X		
Sullivan			X		
Crawford			X		
(6-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

AN ORDINANCE AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA, RELATING TO THE BOUNDARIES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ANNEX THE IDENTIFIED PROPERTY TO THE CITY OF NAPLES AT THE REQUEST OF THE PROPERTY OWNERS AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY.

Titles read by City Attorney Rynders.

Community Development Director McKim advised that this property was not annexed previously as it would have created an enclave by leaving the Goodlette Racquet Club.

Councilman Muenzer asked how much additional property could be developed on this site. Mrs. McKim advised that this property would be subject to the Commons' PUD and a six story building with two stories of parking could be constructed on-site. She further noted that the FAA (Federal Aviation Association) would have the final say relative to height restriction if the property was in the Airport's flight zone. City Attorney Rynders, however, pointed out that this property was not in the Airport's flight path.

Referring to the original DRI and PUD, Councilman Herms said that he would be more comfortable if he could review the plans for this site. City Attorney Rynders advised that the Council could wait until second reading before considering the Annexation Agreement if it so choose.

Mr. Jack Conroy, representing the petitioner, advised that the property, in fact, had approximately 5 1/2 to 6 acres of developable land. While it would not be economically feasible, he continued, the Collier Athletic Club could demolish its existing structure and replace it with six stories over two of parking. Mr. Conroy further explained that the original DRI was split between the City and County; however, it would be easier if the entire project was in the City.



CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

City Manager Jones pointed out that if this property were in the City, the Council would ultimately have the power to review any land use issues pertaining to this site.

Discussion then ensued as to the possibility of a boardwalk system and dedicated easements throughout the Commons PUD. Mr. Conroy advised that he certainly would consider participating in such a project, but there were other partners involved who must first be consulted.

Councilman Herms asked that prior to second reading a detailed plat of the property be submitted for Council's review as to what portion of the property can or cannot be developed.

Prior to the roll call, Councilman Anderson noted that her firm was a tenant in the Commons which could be perceived as a possible Conflict of Interest. However, City Attorney Rynders advised that there was no conflict evident and that Mrs. Anderson should vote on this issue.

MOTION: To APPROVE only the ordinance as presented at first reading. The resolution shall be considered at second reading.

\*\*\*

\*\*\*

\*\*\*

---RESOLUTION NO. 90-6153

ITEM 12

A RESOLUTION GRANTING CONDITIONAL USE PETITIONS 90-CU9 AND 90-CU11 TO ALLOW A CHILD CARE CENTER IN A "C3" ZONING DISTRICT AT 41 TENTH STREET, NORTH AS REQUIRED BY THE COMPREHENSIVE DEVELOPMENT CODE 7-4-15 AND TO ALLOW EIGHT (8) OFF-SITE PARKING SPACES FOR THE CHILD CARE STAFF; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 90-6154

A RESOLUTION GRANTING VARIANCE PETITION 90-V7 FROM THE PROVISIONS OF SECTION 8-2-4(C)(2) OF THE COMPREHENSIVE

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson				X	
Barnett					X
Herms		X	X		
Muenzer			X		
Passidomo	X		X		
Sullivan			X		
Crawford			X		
(6-0)					

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990COUNCIL  
MEMBERSM  
O  
T  
I  
O  
NS  
E  
C  
O  
N  
D

VOTE

Y  
E  
SN  
OA  
B  
S  
E  
N  
T

DEVELOPMENT CODE WHICH REQUIRES  
LANDSCAPING ALONG INTERIOR PROPERTY  
LINES ADJACENT TO ON-SITE PARKING OR  
VEHICULAR USE AREAS, IN ORDER TO ALLOW A  
12-FOOT WIDE DRIVE TO BE UTILIZED FOR  
INGRESS TO THE PROPOSED CHILD CARE  
CENTER AT 41 TENTH STREET, NORTH; AND  
PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

Community Development Director McKim advised that this project requires two conditional use permits and one variance request encompassed by two resolutions. The staff recommended denial of this request as it did not believe the variance criteria had been met; however, the Planning Advisory Board (PAB) recommended approval subject to an appropriate screening fence adjacent to the car wash property and a buffered hedge along the vacant property to the west. The petitioners have procured a lease for that property and approval should be contingent upon that buffer remaining.

Mr. Ken Griggs, representing the owner and petitioner, advised that his group fully supported the PAB's recommendations. In response to Councilman Sullivan, Mr. Griggs confirmed that his group was certain they could procure off-site parking in the event the current lease for the adjacent lot was terminated.

Discussion then ensued as to the removal of Australian Pines on-site. Mr. Griggs explained that the Natural Resources Manager had recommended those trees be removed; however, HRS (Health Rehabilitative Services) requires that a certain amount of shade be provided for the children to play. The petitioner has agreed to replace the Australian Pine within two year with a fast growing species.

Councilman Passidomo asked if the petitioner was willing to expend the amount of capital necessary to renovate the existing structure to accommodate the proposed use. Mr. Griggs advised that his group was willing to do so.

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

MOTION: To APPROVE the resolutions as presented.

\*\*\*

\*\*\*

\*\*\*

---ORDINANCE NO. 90-\_\_\_\_\_

ITEM 13

AN ORDINANCE GRANTING REZONE PETITION 90-R4 REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF U.S. 41 AND GOLDEN GATE PARKWAY (THE TROY PROPERTY) FROM "HC", HIGHWAY COMMERCIAL, AND "R1-7.5", SINGLE FAMILY RESIDENTIAL, TO "PD" DESIGNATED FOR HIGHWAY COMMERCIAL USES AND "PS", PUBLIC SERVICE, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE REQUEST OF THE PROPERTY OWNER.

Title read by City Attorney Rynders.

Community Development Director McKim advised that there were two petitions for Council's consideration, the conditional use approval for the 3.92 acre tract and the rezone petition for Parcel 2.

City Attorney Rynders explained that there was an error in the agenda preparation and the notation relative to conditional use approval for this item. That approval, he said, should not be held off until the second reading of the ordinance inasmuch as it pertained to the 3.92 acre site. If this Council supports such a conditional use, then it can, by consensus, so indicate; however, final approval cannot be given until a formal document has been provided and properly advertised for Council's consideration. This can be accomplished at the Council's next meeting on the Consent Agenda.

Referring to the east access on Golden Gate Parkway, Mayor Crawford suggested that the median cut into the site be extended to discourage left hand turns. Mrs. McKim advised that appropriate language could be added to the petition to provide for that. She further noted that the Development

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson	X		X		
Barnett					X
Herms			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					



## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

Agreement prohibits left hand turns from that access.

Discussion then ensued as to Section 3.5, Page 6, final paragraph of the rezone petition. Councilman Passidomo suggested the following language preface that paragraph: "The setbacks are specifically intended to be minimums only if Schedule A is adopted, but otherwise, the City reserves all rights to establish appropriate setbacks for that site." Attorney Dave Sexton, representing Cooper Development, however, strongly objected to the aforementioned language and offered the following instead: "... (GDSP), such review to include consideration of setbacks."

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

(Note: This ordinance will not be considered for second reading until December when the Comprehensive Plan Amendment for the site will also be considered.)

Mayor Crawford then informally polled the Council as to whether each member would support a conditional use for a drive-through banking facility. It was the consensus of Council that it could support such a request.

\*\*\*

\*\*\*

\*\*\*

---RESOLUTION NO. 90-6155

ITEM 14

A RESOLUTION GRANTING CONDITIONAL USE PETITION 90-CU12 AMENDING A PREVIOUSLY APPROVED CONDITIONAL USE FOR A TRANSIENT LODGING FACILITY AT THE EDGEWATER BEACH HOTEL IN ORDER TO PROVIDE FOR MODIFICATIONS WITHIN THE FOOTPRINT OF THE EXISTING BUILDING AND UPGRADING OF FACILITIES WITHOUT INCREASING THE NUMBER OF UNITS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson					
Barnett					
Hermes					
Muenzer					
Passidomo	X	X	X		
Sullivan			X		
Crawford			X		
(6-0)					

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Barnett					X
Herns		X	X		
Muenzer			X		
Passidomo			X		
Sullivan	X		X		
Crawford			X		
(6-0)					

Community Development Director McKim advised that when the original conditional use petition was approved, it was contingent upon that any future renovations or remodeling would come back for Council's consideration and approval. The petitioner has proposed to renovate eight suites into four penthouse units and construct an additional four suites. This construction should not increase the number of rooms which the hotel currently provides.

Petitioner John Ayers of the Edgewater Beach Hotel distributed photographs of the site. He then noted that his goal has been to provide International prestige to this hotel and create a nice place for people to enjoy long vacations. His request originally included a jacuzzi and exercise room, but those items must be handled separately via Coastal Construction Control Line (CCCL) variance. The CCCL request will be considered by Council at its September meeting.

In response to Councilman Herms, Mr. Ayers advised that the footprint of the hotel would not be increased nor would the number of rooms.

**MOTION:** To APPROVE the resolution as presented.

\*\*\*

\*\*\*

\*\*\*

---RESOLUTION NO. 90-\_\_\_\_\_

ITEM 15

A RESOLUTION GRANTING VARIANCE PETITION 90-V8 FROM SECTION 7-4-15(B) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES THAT ALL MERCHANDISE BE STORED AND DISPLAYED IN AN ENCLOSED BUILDING IN THE "C2" ZONING DISTRICT IN ORDER TO ALLOW THE OUTDOOR STORAGE OF PLASTIC PIPE AND OTHER ELECTRICAL SUPPLIES IN THE REAR YARD OF THE SOUTHWEST ELECTRIC BUILDING AT 670 GOODLETTE ROAD NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this was a request to store merchandise outside of

CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

an enclosed structure. The staff and the Planning Advisory Board (PAB) has recommended denial of this petition as it did not meet all the variance criteria.

Councilman Sullivan asked if staff had reviewed the possibility of requiring a greater landscaped buffer to the rear of all commercial properties along the canal. Mrs. McKim explained that staff was still reviewing the possibility of requiring additional landscaping, but unless the ordinance was amended, the existing Code would still be in effect.

Referring to a dilapidated boat in the canal, Councilman Muenzer asked if there was any ordinance available to have that half-sunk vessel removed. Natural Resources Manager Staiger advised that he has spoken with the owner of that boat who has high hopes of refloating the vessel.

Councilman Herms suggested that it might be appropriate to allow the petitioner to store merchandise outside in exchange for an eight-foot ficus hedge. The view from the adjacent residential neighborhood would be greatly enhanced from a heavily landscaped buffer.

Community Development Director McKim, however, pointed out that the ordinance does not require such extensive landscaping unless the property abuts residential. This particular parcel is separated from the residential properties by a canal. She further noted that a precedent would be set if this petitioner was allowed to store materials outside of an enclosed structure in exchange for extensive landscaping. It would be very difficult to deny future applications if this request was approved.

Discussion then ensued as to whether an ordinance could be adopted which would require all the commercial properties adjacent to this canal to provide greater landscaping. City Attorney Rynders advised that he would have to review the merits of such an ordinance, and if, in fact, it could be retroactive to those properties. He advised that he would bring his findings back to



CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

Council at a future date. Councilman Sullivan said that he could not approve legislation which was supportive only of a specific group.

**MOTION:** To APPROVE the resolution with the stipulation that an eight-foot ficus hedge be planted surrounding the total exterior of the rear fenced area, excluding the drive entrance. The hedge is to be well-maintained in accordance with City Code.

Councilman Passidomo said that he could not support the motion as the petitioner's request did not meet any of the variance criteria outlined in the Code. This approval, he continued, would set a dangerous precedent.

**MOTION:** To DENY the resolution as presented.

Councilman Anderson said that she concurred with Mr. Passidomo's comments. She noted that Council has identified the problem it would like staff to review, and it should now wait to address all of those properties at one time.

Councilman Passidomo further encourage staff to continue with its study of the possibility to impose an ornamental hedge throughout all the commercial properties along this canal.

Councilman Sullivan said that he would support the motion as he did not believe the variance criteria had been met, and as such he could not grant approval.

\*\*\*

\*\*\*

\*\*\*

---RESOLUTION NO. 90-\_\_\_\_

ITEM 16

A RESOLUTION GRANTING VARIANCE PETITION 90-V9 FROM SECTION 9-1-5 OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH LIMITS FENCE HEIGHTS IN FRONT YARD SETBACKS TO THREE FEET IN ORDER TO ALLOW A NEWLY CONSTRUCTED FENCE WHICH EXCEEDS THREE FEET TO REMAIN AT 186 FIRST AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson					
Barnett					X
Herms	X		X		X
Muenzer		X	X		
Passidomo				X	
Sullivan				X	
Crawford				X	
(2-4)					
FAILED					
Anderson	X		X		X
Barnett					
Herms				X	
Muenzer			X		
Passidomo			X		
Sullivan		X	X		
Crawford			X		
(5-1)					

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

Title read by City Attorney Rynders.

Community Development Director McKim advised that the petitioner has substantially renovated the subject property and erected a fence. However, the fence height adjacent to Second Street exceeds the allowable height limitation for front yards. Councilman Passidomo asked if the petitioner could plant a hedge in that area in lieu of a fence, Mrs. McKim replied affirmatively so long as it did not affect corner visibility.

Petitioner David Peebles of 186 First Avenue South asked the Council to consider his request favorably as it was not an intentional violation of Code. He noted that his superintendent had misread the plans for this project and did not understand that there were two front yards for this property. Mr. Peebles further advised that he erected a fence instead of a hedge out of concern for his adjacent neighbors. A hedge, he contended, would be too difficult to maintain properly as he was only a part-time resident.

Discussion then ensued as to the markings on the plans. Community Development Director McKim advised that staff was only directed to point out violations in Code and red-line plans which are not in compliance.

Councilman Sullivan pointed out that the variance criteria had not been met, so he did not believe variance approval was appropriate.

MOTION: To DENY the resolution as presented.

\*\*\*

\*\*\*

\*\*\*

---RESOLUTION NO. 90-6156

ITEM 17

A RESOLUTION GRANTING NONCONFORMITY PETITION 90-N6 FOR EXPANSION OF A NONCONFORMITY IN ORDER TO ENCLOSE THE EXISTING SCREENED PORCH WITH WINDOWS AND WALL TO REDUCE THE EFFECTS OF INCREASED STREET NOISE AT 1180 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Anderson  
Barnett  
Herms  
Muenzer  
Passidomo  
Sullivan  
Crawford  
(6-0)

X

X

X

X

X

X

X

X

X

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

Title read by City Attorney Rynders.

Community Development Director McKim explained that this request was to expand an existing non-conformity. The subject site has one main house and three guest houses, also non-conforming.

Petitioner Paul Arsenault advised that this request was to allow for the enclosure of an existing screened porch. The subject structure has experienced significant noise obtruding from the Plaza and adjacent street, he said.

MOTION: To APPROVE the resolution as presented.

\*\*\*

\*\*\*

\*\*\*

---ORDINANCE NO. 90-\_\_\_\_\_

ITEM 18

AN ORDINANCE AMENDING ORDINANCE NO. 87-5289 RELATING TO THE NEAPOLITAN ENTERPRISES PLANNED DEVELOPMENT; REQUIRING THAT THE PLANNED DEVELOPMENT MEET THE PARKING, LANDSCAPING, AND WATER MANAGEMENT REQUIREMENTS IN EFFECT AT THE TIME PERMITS ARE REQUESTED; REQUIRING A PHASING SCHEDULE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REQUIRE PHASING AND THAT PARKING, LANDSCAPING, AND WATER MANAGEMENT REQUIREMENTS BE MET AT THE TIME PERMITS ARE REQUESTED.

Title read by City Attorney Rynders.

Community Development Director McKim reviewed the Planning Advisory Board's (PAB) recommendation that this PD (planned development) should remain as originally approved with the provision that Neapolitan Enterprises should review their ability to provide additional parking on vacant lots. Staff, however, had recommended that the PD meet parking, landscaping, and water management requirements in effect at the time permits are requested and to provide a phasing schedule for the proposed construction.

Mayor Crawford noted that the Comprehensive Plan requires that redevelopments should try to comply

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Barnett			X		
Herns				X	X
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford	X		X		
(6-0)			X		



CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

with current Code as closely as possible, but not necessarily meet them if existing grandfathered buildings are to remain.

Discussion then ensued as to the legality of the PAB and Council's review of this PD after-the-fact. City Attorney Rynders said that he believed the Council had grounds to review this PD and amend it according to land use decisions. Attorney Vega, representing Neapolitan Enterprises, however, respectfully disagreed and said that previously two parties had entered into a contractual agreement and that to amend the agreement without the expressed consent of the other party was illegal.

City Attorney Rynders continued that Council might have to defend its position in Court, but he said he was comfortable with the Council requiring an amendment within their jurisdictional rights. He further advised that a PD was merely a document which sets forth a different type of zoning for property other than what the Code requires. The only agreement which cannot be "down-zoned", he explained, would be a Development Agreement whereby there is a commitment that the zoning of a particular area shall remain constant for a specified number of years. If the Council considerably "down-zones" this property, City Attorney Rynders advised, it could possibly rely upon future PD requests to be accompanied by Development Agreements as added insurance for the petitioner.

Referring to possible litigation of this item, City Attorney Rynders further explained that if there has been a "taking" on the part of the City by its action today, then the Courts would rule that compensation be awarded the petitioner. However, he further noted that since the parking garage was not constructed yet, this Council could make decisions relative to required parking for the development.

Discussion then ensued as to the issues that the PAB reviewed. Councilmen Sullivan and Muenzer, who had attended the PAB meeting, advised that they believed the PAB was reluctant to recommend

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

## City Council Minutes

[illegible]

MOTION: To APPROVE the ordinance with the following amendments: remove Buildings C & D (site plans dated March 31, 1987 (A4)); reduce height of Naples Building to two stories; any new or renovated sites to remain one story; other buildings to the north to be reduced to

CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

two stories; remove one story of the parking garage; all parking to meet current Code standards (no grandfathering); and that the parking garage shall be constructed first.

Councilman Anderson said that she believed the aforementioned motion was unethical and not representative of the Council's best interest for all its citizens. This Council has a responsibility to its citizenry of standing by its decisions unless it affects the health, safety, and welfare of the community. When this proposal was reviewed by the previous Council, it was determined at that time to be appropriate and beneficial to the Third Street South area, she said. Mrs. Anderson further said that she could not, in good faith, support the motion.

Councilman Herms said that he believed this project, as originally approved, would create serious problems for the Third Street South area, and as such, it should be amended considerably.

Councilman Sullivan said that since this was the first reading of the ordinance, he would support the motion. However, he said he hoped that the petitioner would meet with the City to try and amicably come to terms relative to this PD.

Mayor Crawford said that he was horrified by the capricious manner by which this issue was considered. He believed it was appropriate to remand this item to the PAB for its further consideration of the issues discussed at this meeting. He would, therefore, vote no.

\*\*\*

\*\*\*

\*\*\*

---RESOLUTION NO. 90-6159

ITEM 19

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF \$117,000.00 TO PURCHASE A SITE DESIGNATED BY THE COMPREHENSIVE

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENTEE
			YES	NO	
Anderson					X
Barnett					X
Herms		X	X		
Muenzer	X		X		
Passidomo			X		X
Sullivan				X	
Crawford					
(3-2)					



CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

PLAN FOR AFFORDABLE HOUSING; AND  
PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that the Community Development Block Grant (CDBG) program provided funds to be used for affordable housing developments. The staff has proposed to spend the money it receives this year to purchase land for affordable housing developments. The City has been approached by a developer who has expressed an interest to construct affordable housing units on the proposed site.

Councilman Herms, however, said that he did not believe the proposed site (adjacent to the Naples Daily News) was appropriate to place housing. This is an industrial area, he said, and there would be an extreme hardship on the residents from the noise generated by the commercial interests. He suggested that instead of purchasing this site, the City locate a more suitable site along either Goodlette Road or Golden Gate Parkway. Mr. Herms further suggested that this money could be better used to renovate some of the existing housing units in the River Park area. Mrs. McKim, however, pointed out that those units were privately owned, and the property owner has not agreed to the terms which would have to be placed on the site for this money to be expended at that location.

Mr. Chuck Mohlke, supporter of affordable housing, asked Mrs. McKim to relay his support for this expenditure.

Discussion then ensued as to whether the City would be required to purchase that site with this money if it found a more appropriate location. Community Development Director McKim advised that the grant could be amended; however, she noted that the City must spend some of the money prior to the end of this calendar year to be eligible for future grants.

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date August 15, 1990

Councilman Muenzer suggested that Council proceed with this request, but discuss future expenditures of the CDBG funds at a future workshop session.

MOTION: To APPROVE the resolution as presented.

\*\*\*

\*\*\*

\*\*\*

ITEM 20

DISCUSSION AND OPPORTUNITY FOR PUBLIC  
COMMENT REGARDING THE PROPOSED 1990-91  
GENERAL OPERATING BUDGET.

City Manager Jones advised that because of the length of time between the budget workshops and actual consideration of the budget, it might be appropriate to illicit comments from the public relative to the budget.

Mayor Crawford advised that the City has adhered to the roll back rate and reduced ad valorem taxes by 17%.

Fern Aitchison of 613 14th Avenue South commended the Council for its actions during the budget workshops. She further asked that the Council continue to be concerned about unnecessary expenditures and positions.

Mr. John Anson Smith of 15 11th Avenue South asked Council to consider removing one item from the budget, the voluntary historic district ordinance study. This expenditure, he said, is not needed or wanted by the residents of the Old Naples area. Mr. Smith then distributed material relative to other Florida cities' historical districts and ordinances to the Council.

Mayor Crawford commented that the voluntary historical district ordinance would be reviewed at an upcoming Council workshop session.

\*\*\*

\*\*\*

\*\*\*

CORRESPONDENCE AND COMMUNICATIONS: None.

\*\*\*

\*\*\*

\*\*\*


COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson					X
Barnett					X
Herms		X	X		
Muenzer	X		X		
Passidomo					X
Sullivan			X		
Crawford			X		
(4-0)					

## City Council Minutes

Date August 15, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

ADJOURN: 2:40 p.m.

  
ALDEN R. CRAWFORD, JR.,  
Mayor

ALDEN R. CRAWFORD, JR.,  
Mayor

*Janet Cason*  
JANET CASON  
CITY CLERK

JODIE O'DRISCOLL  
RECORDING SECRETARY

These minutes of the Naples City Council were approved on September 5, 1990.