



City Council Minutes

Special Meeting 10-16-91

City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
<u>ORDINANCES:</u>			
-APPROVE amendment to The Comprehensive Development Code through the addition of a new residential zoning classification	91-		1
-APPROVE to rezone property within the Port Royal subdivision	91-		2

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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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specific to the Port Royal neighborhood. Mr. Cole told Council that some of the opponents of the proposed changes had been meeting with some of the proponents in an effort to modify some of the restrictions.

Discussion ensued with regard to building heights, and Community Development Director McKim said that there is a potential to have a wall higher than ten feet. Staff had suggested earlier that walls be measured from the natural grade, however, that could have presented a hardship because of FEMA (Federal Emergency Management Agency) regulations.

Council Member Herms stated that he wanted the public to be very clear in understanding how the proposed changes would impact the design process. Mr. Herms requested that staff calculate the building envelope that would be allowable on a typical 20,000 square foot lot.

Vice Mayor Passidomo asked what role the Port Royal Architectural Review Committee had played in the development of the proposed changes. Mr. Cole answered that although the Committee had been reluctant to take a formal position, it did offer some options. One concern expressed by the Committee was the inclusion of lanais and open roof areas within the lot coverage.

Mr. Cole next explained that in terms of setbacks, the proposed 45 degree angle is over and above what the Port Royal deed restrictions state. In that area, the Architectural Review Committee would play an active role. Mr. Cole said that in his opinion the adopted spatial perception changes would "go a long way" in addressing the concerns of the Port Royal Property Owners Association.

Vice Mayor Passidomo asked what safeguards were provided in the spatial perception ordinance to measure the impact on the community. Mr. Cole answered that currently, when someone applies for a building permit, they are given a questionnaire

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asking what, if any, impact the City-wide spatial perception ordinance has had. The same question will be asked of people building in the Port Royal area. Mr. Cole emphasized that the PAB has recommended that the "R1-15A" zoning be revisited in one year by a citizens' committee.

Council Member Barnett reported that he was encouraged by what he had heard and hoped a compromise would be reached by the second reading of the ordinance. He added, "Those opposed in the beginning perhaps did not understand. I think you'll find less opposition now."

PUBLIC HEARING: Opened: 6:05 p.m.
Closed: 6:40 p.m.

Mrs. Edith Williams, 3300 Gin Lane, thanked the Mayor and Council for proposing the "R1-15A" zoning district. She said that although covenants exist in Port Royal, she wanted to maintain what was there. Mrs. Williams said that her main concern would be the possibility of an enormous pool cage being allowed on the property next to hers, since it would spoil her view.

Mr. Bill Morris of 1905 Gordon Drive told Council that he had followed the spatial perception discussions over the past year, and his main concern was that the City residents would experience reduced property values. He asked Council to consider the wisdom of the proposed changes. Mr. Morris pointed out that prices of Port Royal properties were coming down approximately 30%, therefore, taxes would be reduced 30%. "That is the economic reality of it," said Mr. Morris. He stated that the Port Royal Architectural Review Committee already does an excellent job, and suggested that an independent study of Port Royal residents, paid for by the Property Owners Association be conducted.

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Mr. Frederick L. Swetland III, 2164 Frederick Street, who is an architect and Chairman of the AAIA Government Affairs Committee, addressed Council. He said that the issue had been raised whether or not it was constitutionally right to put the Port Royal covenants into the "R1-15A" zoning criteria. Mr. Swetland asked Council to review the Port Royal covenants and be selective about what should be codified. He told Council that the Government Affairs Committee would be photographing homes depicting what the Committee was trying to achieve, and hoped to return to Council with a slide presentation and potential alternatives. In reply to Vice Mayor Passidomo, Mr. Swetland said that every reasonable means to find common ground between opponents and proponents of the zoning changes would be attempted before returning to Council.					

Mr. John Remington of 2660 Halfmoon Walk told Council that he had also been involved in this process from its onset and he was disappointed that the local architects had not been included more in past discussions. "I don't want architectural creativity stifled," he stressed. Mr. Remington said that certain areas had been identified by some of the architects, and they would be asked for numerical qualifications in order to allow for some creativity in the future. Those points are: gables, porches and verandas, screen enclosures, garages, and dormers. Mr. Remington stated that his only concern with moving forward with the changes was the time factor between the present and October 30th, the date scheduled for second reading. He assured Council that the AAIA would be submitting its information to staff within one week.					

Chairman of the Port Royal Architectural Review Committee, Mr. Robert W. Morris, 3815 Fort Charles Drive, told Council that representatives of the building industry and the architectural					

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community had met at the Port Royal Club and would continue to do so. Pool enclosures are presently covered within the deed restrictions although not many Port Royal residents opt for those enclosures. Maintaining the building setback is essential, he said, because of the impact on neighbors' views. Mr. Morris commented that he too believed there may not be sufficient time before the second reading to properly address this issue.

Mr. Morris went on to say that it should not be too difficult to comply with the proposed "R1-15A" zoning regulations, and that those regulations could help to maintain property values.

Mrs. Geraldine Allina, 1111 Spyglass Lane, suggested that when the new proposals are mailed to Port Royal residents, a ballot be included so that people could express their opinions. She said that in her opinion many of those people who voted in the past were not totally aware of what they were voting for. "This proposal has hurt us tremendously," said Mrs. Allina, adding that her home had been on the market but when prospective buyers learned of the proposed changes, they lost interest in the property.

Council Member Korest said that he realized all the comments being heard were very valid ones, but he was surprised so many questions were still being raised in terms of this ordinance. There had been more than sufficient time for public input, he added.

In answer to Council Member Herms' query, Vice Mayor Passidomo explained that because of the Port Royal boundaries, very few adjacent properties would be affected by the proposed changes because of the existing spatial perception regulations and deed restrictions.

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<p>Council Member Muenzer remarked that it had been very educational listening to both points of view in this matter and noted that Council must protect the value of Naples' property. He said, "The time has come that we have to make a decision with our conscience that what is best today will be best for tomorrow."</p> <p>Vice Mayor Passidomo outlined the principal objectives of staff and Council, which were ensuring that the size of a home would not be out of proportion to the size of the lot; that nothing be done to constrain designability of homes; and that property values be enhanced. None of the three objectives are exclusive, he said, and he believed Council should encourage those interested to return to Council.</p> <p>Mayor Anderson stated that Council had three options: accept the proposed schedule at first reading; move on the first reading and delay second reading; or table this issue and reschedule both first and second readings. City Attorney Rynders informed Council that this issue could be continued to a date certain. City Manager Woodruff recommended that if Council was not prepared to move forward at this time with actual adoption, this item should be continued, in order to allow time for the parties involved to meet and for the property owners to be notified.</p> <p>MOTION: To <u>CONTINUE</u> this item to November 20, 1991 for first reading, and December 4, 1991 for second reading.</p> <p>Discussion followed, and it was determined that more time would be needed in order to notify the residents and for the interested architects and builders to meet.</p> <p>AMENDED MOTION: To <u>CONTINUE</u> this item to December 4, 1991 for first reading and December 18, 1991 for second reading.</p>					
<p>Barnett</p> <p>Herms</p> <p>Korest</p> <p>Muenzer</p> <p>Passidomo</p> <p>Sullivan</p> <p>Anderson</p> <p>(7-0)</p>	X	X	X	X	

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Before casting his vote, Council Member Korest observed that this rezone petition had been requested primarily by Port Royal itself, that it was not requested by the City. The PAB had unanimously approved the proposed changes and the Property Association's poll confirmed that the vast majority of the residents were in favor of the new regulations. Mr. Korest recognized the fact that there were concerns, but when a group registers such a strong feeling, he added, it was quite apparent that this is what it wants. Mr. Korest expressed the hope that all differences could be resolved but emphasized that Council should be governed by the fact that a cohesive group wanted these changes which are in no way negative to the City's best interests.

Council Member Sullivan said that he reluctantly voted in the affirmative and had believed that Council had been close to concluding this issue, in response to the residents of Port Royal. He commented that he was not convinced Council would be any closer to a decision on December 4th, but hopefully the interested groups would meet in the interim and work together in resolving their differences. Mr. Sullivan noted that the propensity of responses, from the older, long-time homeowners, seemed to support the changes.

Mr. Robert Morris commented that he had a feeling of "Catch 22". He pointed out that in his opinion any further discussions and changes could have been handled between first and second reading. Mr. Morris said that he could not perceive that anyone in Port Royal could be injured in any way by virtue of any of the proposed modifications. He concluded by saying, "It seems we're being penalized to try and work this out. We've put lots of energy into this and I don't understand what we accomplished."

Council Member Barnett agreed with Mr. Morris, however, in consideration of staff he said, more time should be allowed in order to gather the requested information.

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Mayor Anderson noted that although staff was not required to notify the residents, it would do so. The City Manager confirmed that staff would send out copies of the proposed compromise and ask that the residents' opinions be mailed back to City Hall.

ADJOURN: 7:10 p.m.

Kim Anderson
KIM ANDERSON, MAYOR

Janet Cason
JANET CASON
City Clerk

Marilyn McCord
Marilyn McCord
Recording Secretary

These minutes of the Naples City Council were approved on November 6, 1991.

SUPPLEMENTAL ATTENDANCE LIST

City Council - October 16, 1991

John Remington
Frederick L. Swetland, III
Bill Morris
Edith Williams
Geraldine Allina
Robert W. Morris

Other interested citizens and visitors.

NEWS MEDIA

Eirc Staats, Naples Daily News
Wendy Fullerton, Fort Myers News-Press
Paul Kenney, WBBH-TV