



City of Naples

CITY COUNCIL MINUTES

Workshop Meeting 11-04-91

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

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office; Mr. Michael Bird, Managing Director of the development project; Mr. Guy Muse, Project Designer, Cooper, Carr & Associates, Atlanta, Georgia; and Attorney Gar Farquhar of the firm Ruden, Barnett, McCloskey, Smith, Schuster & Russell, P.A., legal counsel for the project.

Attorney Pickworth explained that his firm, acting as the developer's local counsel, had asked to meet with City Council at the onset in order to inform them what was planned. He noted that the formal process would begin with application for the DRI (Development of Regional Impact) approval. Coastland Mall is currently zoned Highway Commercial and a PD (Planned Development) ordinance must be submitted. Attorney Pickworth stated that it had been staff's consensus that PD zoning would allow more flexibility. The review and approval process will take place over a period of six to seven months. Attorney Pickworth said that the petitioners and their representatives would be meeting with the Regional Planning Council (RPC) staff. After the RPC submits its recommendations, the PAB (Planning Advisory Board) will schedule a hearing to consider the DRI development ordinance and the PD ordinance. Finally, the issue will come before City Council.

Attorney Pickworth acknowledged that there were many local issues to be addressed and that Council would be kept apprised.

NOTE: Mayor Anderson left the meeting at 11:45.

Attorney Pickworth noted that the major task of the developer was to bring all parties involved together and that a mall, by its nature, has a multiplicity of ownership.

Plans for the Mall's expansion were described by Attorney Pickworth, who explained that renovations would be made both inside and out and the landscaping would be upgraded and enhanced. He emphasized that the Mall was of significant

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importance to the City and currently was the primary outlet-type mall in the County. Should Coastland Mall not remain the primary mall in the County, cautioned Attorney Pickworth, it would become a different type of mall with a lower revenue generation and different quality of stores.

Attorney Pickworth addressed the traffic impact on Tenth Street and assured Council that the developers were sensitive to that issue. He pledged to keep Council updated, either in person or in writing.

Next, Mr. Brad McNeeley, Managing Director of LaSalle Advisors, Ltd., addressed Council with respect to the business aspects of the project. He reviewed his firm's qualifications, saying that although Coastland Mall was the firm's first investment in this community, it was not a new type of project for them. Mr. McNeeley pointed out that since the mid-1970's, Naples had grown dramatically and its population warranted and demanded appropriately priced retail facilities.

Mr. McNeeley told Council that three out of the four major department stores currently at Coastland Mall have expressed an interest to expand their size. He advised Council that unless the stores within the Mall stay in stride with the changing market, people will go elsewhere to shop. Mr. McNeeley directed attention to the fact that the Mall occupies a different market niche than Third Street South and similar shopping areas and would therefore, not impact those areas.

Architect for the project, Mr. Guy Muse, described the site plan and the physical redevelopment proposed, including landscaping and the ingress and egress to the site. He said that the existing Mall entrances would be maintained, a second level built above Dillard's and a seven screen cinema and a food court added. Sears and Burdines also want to add a second level and J.C.

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Penney's would enlarge its store on the first level. Mr. Muse said that the locations of parking decks would be determined by their visibility from US 41 and maintaining the existing front entrance.

There is currently a problem with circulation, said Mr. Muse, since the Mall does not have a ring road and it is awkward for shoppers to go from one end of the Mall to the other in their vehicles. By introducing a circulatory road, the traffic would be kept inside rather than on the outside roads. In addition, all existing parking areas would be reworked. The proposed expansion of the Mall would result in 379,631 square feet of gross leasable area, said Mr. Muse.

Mr. Jack Barr of Barr, Dunlop & Associates, Inc., will do an engineering and traffic analysis, said Mr. Muse. He pointed out that because the Mall is bordered on three sides by major arterial streets, it has excellent accessibility and ease of entering and exiting. Impacts created by the added traffic will be investigated, although studies have shown that when a smaller shopping center is expanded traffic is effected at a somewhat lower rate. For instance, said Mr. Muse, if the site is increased by 80%, traffic would increase by approximately 60%; this smaller increase results because people are more likely to do more shopping at one site.

Mr. Muse assured Council that an accurate estimate of additional traffic would be made. Should the Mall be expanded as proposed, it would have seven entrances, and it is essential that the site maintain continued excellence in accessibility. Mr. Muse said that the entrance at the north end of Tenth Street would be reviewed very closely and alternate scenarios are being considered for that entrance. Evaluation of all alternatives will be brought to staff and to Council if Council so wishes. Mr. Muse stressed the fact that his firm is interested in responding to all of Council's concerns relative to traffic.

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| Mr. Muse reviewed the landscaping proposed for the site and assured Council that the developers were aware of all border management requirements and would comply. As much of the existing landscaping as possible will be maintained and enhanced, with some seasonal landscaping added. Mr. Muse recognized that there is a concern for green space parking and the developer had located several areas along the perimeter of the site which could be used for green space parking. | | | | | |
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| A theme which will be appropriate to the area is being researched, said Mr. Muse. He displayed a sketch of the proposed parking déck which he acknowledged as being a sensitive concern and will be more of a backdrop to the landscaping. Other views of the major intersections were displayed. | | | | | |
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| <u>Council Member Muenzer said, "We have room for one primary mall and it is important for us to determine if it will be Coastland." Mr. Muenzer requested that staff inquire into several similar situations where smaller malls have become regional malls. He mentioned the cities of Sarasota, Fort Myers and the St. Petersburg area, where similar situations had taken place. Mr. Muenzer requested that, if possible, staff should visit several such malls and determine the effect which those malls have had on other malls in the area which were bypassed. Staff should research whether those malls had helped or hindered the surrounding neighborhoods and whether property values in the area were maintained or diminished. Mr. Muenzer also asked that staff study the impact of traffic in such regional mall areas.</u> | | | | | |
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| <u>Council requested further information from both staff and the developer, including: Furnish Council with complete plans of the property indicating owned and leased sites. Council Member Muenzer requested a complete record of the Malls history with reference to lease and ownership to include the length of the leases.</u> | | | | | |
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The developer should provide a thorough report with respect to water management/retention in the area.

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Council Member Herms asked if present City zoning ordinances would allow the proposed parking structures to be constructed and City Manager Woodruff reported that certain variances would be required. Community Development Director Missy McKim said that a conditional use would be required as well as GDSP (General Development Site Plan) approval and expansion of the nonconformity if the project does not go to a PD.

Discussion followed with regard to parking requirements at the Mall and Council Member Herms posed the question of whether Council wanted to get into the concept of the "big city design aspect," with visible parking garages, or to maintain a lower density level, possibly through the addition of underground parking.

City Manager Woodruff reminded Council that there are only 70 acres there and that the major tenants come up for lease renewal soon. He urged Council to consider this seriously because, "What's good for the Mall is good for the economy." Dr. Woodruff pointed out that history has shown that some cities were not wise in not encouraging malls.

BREAK: 1:10 p.m. - 1:22 p.m.

Council Member Sullivan expressed his appreciation for the presentation so that concerns could be addressed prior to any changes being made. He agreed that the City should want Coastland Mall to be the primary mall in the area.

Vice Mayor Passidomo commented that this issue personifies the part Naples would play in the area for the next twenty to thirty years. He asked if any Comprehensive Plan constraints or

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considerations had been identified, and Attorney Pickworth said that none had been found and that all requirements would be complied with.

In answer to the Vice Mayor's question about ownership, Attorney Pickworth explained that Burdines and Sears owned their own buildings and grounds, Dillard's owns its building but leases the grounds and that J.C. Penney leases its building and grounds. Should denial of the project force development of another mall, said Attorney Pickworth, Coastland Mall would be hurt and the newer mall would not be very prosperous. He emphasized that the area cannot support two large malls.

City Manager Woodruff told Council that this "unusual presentation" had been requested because of the magnitude of the project and Council should be a part of the process from the beginning.

NOTE: Mayor Anderson returned to the meeting at 1:50 p.m.

ITEM 3

OVERVIEW OF SATELLITE DISH REGULATIONS.

ITEM 4

DISCUSSION OF LAWN MAINTENANCE HOURS OF OPERATION.

ITEM 5

DISCUSSION OF PROPOSED REGULATIONS FOR SIDE-YARD SETBACKS.

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Mayor Anderson requested that Items 3, 4, and 5 be scheduled for a Workshop Meeting in the near future.

ITEM 6

REVIEW OF ITEMS ON NOVEMBER 6, 1991
REGULAR MEETING AGENDA.

Item 6-b Bid award/Environmental audit and contamination assessment at the Pulling property site

City Manager Woodruff explained that the assessment is for the purpose of defining the exact degree of contamination and whether any contaminants other than human waste exist at the site. He said that no type of log was kept which would identify what had been dumped at the Pulling site. Staff will verify the manner in which ATEC (the recommended vendor) intends to monitor the test area.

Staff was asked by Council to provide information relative to what is being done with pesticides and herbicides. Staff was also requested to study the environmental impact of all the City facilities, siting locations of such things as underground tanks and report to Council. Council also asked that staff draw up a list of potential environmental impacts that could be suffered as a result of normal operations.

Item 6-c Bid award/Goodlette-Frank Road median landscape improvements

City Manager Woodruff briefly reviewed the Naplescape improvements, reminding Council that the County had requested work at the intersection of Goodlette Road and Golden Gate Parkway be

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completed. The City Manager will schedule a presentation of the final Naplescape design plans for Council's review.

Items 9-a and 9-b Transfers from the contingency fund

With regard to Item 9-a, City Manager Woodruff explained that the requested transfer would provide budget funding for the purchase of computer software and hardware for real estate mapping.

Item 9-b, contingency fund transfer to provide budget funding for computer aided drafting, will draw maps based on the most recent surveys. All water and sewer lines, meter and manhole locations, etc. will be added to the computer base, so that complete information can be pulled up on the computer screen. This is the first phase of a project which will take several years to complete.

Item 10 Appointment of one member to the City of Naples Airport Authority

Mayor Anderson announced that Airport Authority Board Member Phillip A. Strohm's letter of resignation had been received and accepted. City Manager Woodruff asked if Council would prefer to choose a new member based on the previous interviews or to re-advertise the vacancy. Council discussed the situation and Mayor Anderson suggested that in order to alleviate any controversy, this item should be delayed. Staff will re-advertise for Airport Authority applicants, delaying appointment until it is determined if there are additional interested parties.

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Item 11 Allow City Council to set mooring rental rates by resolution

City Manager Woodruff emphasized that this action was simply the first step in abolishing the existing ordinance. He told Council that staff wanted to give people a grace period in order to relocate their boats if they chose to do so. Dr. Woodruff recognized that it was not fair to put the new rates into effect immediately, so staff was recommending this phasing-in period.

Council Member Korest noted that some residents believed the Dock should be treated as a park rather than an enterprise. Council Member Muenzer said that if the Dock was going to operate at a loss, he wanted it to be available for City residents only. Council requested that staff furnish some comparable mooring rates, both commercial and private.

Council Member Sullivan commented; "We're just finally getting around to running this as it should be." He said that it made good sense to charge for footage of the slip as opposed to charging for the length of the boat.

Item 12 Naples Cay Development triple impact fees

City Manager Woodruff read a letter from the petitioner's attorney (Attachment #2) requesting that this item be removed from the agenda. Vice Mayor Passidomo suggested that the item be delayed only on the condition that a check for monies due be placed in an escrow account before the November 6th Council Meeting. It was the consensus of Council that this item will only be continued past November 6th if the petitioner deposits the sum of \$140,000 into an escrow account before the Council Meeting on that date. Staff will notify counsel for the petitioner.

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Staff should confirm whether or not the ordinance pertaining to triple impact fees entitles the City to collect interest and then calculate how much interest (at 10%) the petitioner would have to pay to the City from the initial due date to the present.

Item 13 Army Corps of Engineers survey and report in the interest of hurricane and storm damage protection and erosion control

Natural Resources Manager Jon Staiger explained that the Army Corps of Engineers would do a reconnaissance study to determine whether there is sufficient reason to do beach renourishment. The study is funded 100% by the Corps of Engineers and needs Congressional approval. The feasibility study however, is to be funded half by the City and half by the Federal government, Dr. Staiger added.

Council briefly discussed the current Tourist Development Council (TDC) lawsuit. Staff should obtain a copy of the transcript and the Judge's determination with regard to the TDC funds lawsuit. It was the consensus of Council to invite Attorney Joseph Freni to a Council Meeting in order to further discuss this matter.

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ADJOURN: 3:20 p.m.

Janet Cason
JANET CASON
City Clerk

Kim Anderson
KIM ANDERSON, MAYOR

Marilyn McCord
Marilyn McCord
Recording Secretary

These minutes of the Naples City Council were
approved on December 4, 1991.

SUPPLEMENTAL ATTENDANCE LIST

City Council Regular Meeting - November 6, 1991

Charles Andrews
Sue B. Smith
C. Locke Galbraith
Nettie Hathaway
Douglas Speirn-Smith
Tom Riley
Raymond Wulf
William R. Hill
Jim Boula

Werner W. Haardt
Robert Guevin
Julia Longwell
Anthony P. Pires
Edward A. Morton
John W. Cremer
Lloyd Kohl
Dewey Anderson

NEWS MEDIA

Jerry Pugh, Palmer CableVision
Wendy Fullerton, Fort Myers News Press
Eric Staats, Naples Daily News
Sally Kidd, WINK-TV
Paul Kenney, WBBH-TV