



City of Naples

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City Council Regular Meeting Wednesday, August 5, 1992

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INVOCATION AND PLEDGE OF ALLEGIANCE **ITEM 1**

Invocation by The Reverend Harold Brown, Jr.,
Lely Presbyterian Church

Mayor Muenzer reviewed speaker registration procedures as listed on the agenda and, in addition, explained that a public comment segment would be provided later in the meeting for individuals to address issues which are not on the published agenda.

ANNOUNCEMENTS **ITEM 3**

PLAYGROUND PROJECT - LOWDERMILK PARK (Item 3-a)

Mayor Muenzer introduced three representatives of the Naples Area Board of Realtors (NABOR): Marie A. Easley, Mary Ann Barnheisel and Rosemarie Hobert. Ms. Easley described the project, whereby members of NABOR would donate an \$11,000 modular playground unit to Lowdermilk Park, as outlined in her letter of August 5th, entered into the record as Attachment 2. (Also provided was a site diagram which has been placed in the file for this meeting in the City Clerk's Office.) Mayor Muenzer thanked the NABOR representatives for their contribution to the young people of the community.

RECOGNITION OF STATE LICENSED EMPLOYEES/PUBLIC WORKS DEPARTMENT **(Item 3-b)**

Dan Mercer, Utilities Manager, indicated that members of the Water and Wastewater Divisions were being recognized for achieving Technician "C" license certification in their respective fields. In order to reach this level, applicants must have been on the job one year, must take a Florida Pollution Control Association course and must undergo a four hour state examination. The following individuals were then presented with their Wastewater or Water Technician "C" certificates:

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(Wastewater) James Ambrose, Ronnie Stewart, William Whitis, and Dave Graff accepting for Michael Dudash; and (Water) Bob Evans and Mark Singletary.

ORDINANCE NO. 92-

ITEM 4

AN ORDINANCE CREATING SECTION 9-1-23, COMPREHENSIVE DEVELOPMENT CODE, TO BE ENTITLED "BOATS STORED ON THE BEACH"; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the changes which had been incorporated since the Council last reviewed this legislation. These changes were outlined in his memorandum to the City Council of July 1st, a copy of which is contained in the file for this meeting in the City Clerk's Office.

City Attorney Chiaro also reviewed for Council the intent of the ordinance; namely, to provide notification to owners of sailboats stored on the public beach in case of storm or dangerous conditions, not to regulate the number of boats stored. The residency requirement was included to facilitate notification, although it was Ms. Chiaro's opinion that this could be extended to County residents, as requested by Council Members Anderson and Sullivan.

The staff was also requested to include new language to address concerns expressed by Council Members Anderson and Korest relative to the possible stacking of boats.

Public Input: Four individuals registered to speak.

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George Orban, 11 Bluebill Avenue (owner of beachfront property on 17th Avenue South)

While he said he felt the most recent draft of this ordinance struck a fair balance between boat owners and property owners, Mr. Orban expressed concern that the ordinance still placed the property owner in a difficult situation in being the one to report violations which are certain to occur because private property is the natural location for these boats to overflow. He cited his letter of August 3rd to Community Development Director McKim, included herewith as Attachment 3.

Jennifer Boreham, 1620 Round Table Court

Ms. Boreham, a County resident who said she had stored her sunfish sailboat on the beach for approximately five years, expressed concern that now only City residents would be able to do so. No boat storage is permitted on County beaches and many areas, such as Kings Lake where she lives, do not permit residents to store boats at their homes.

Ed McMahon, 611 13th Avenue South

Mr. McMahon praised the Council for addressing this issue, indicating that the Old Naples Association had long ago hoped that such action would be taken. He recommended that the space available for storage be plotted to show how many of the smaller sunfish type boats and how many of the larger catamaran type craft could be stored at each location.

M. L. Greeley, 67 Eighth Avenue South

Mr. Greeley sought clarification of whether he would be able to store his boat on the private beachfront property owned by a friend and, if so, would he be required to provide the same indemnification as those who store their boats on the public beach area.

In response to Mr. Greeley, Community Development Director McKim indicated that, in his case, registration is needed only for notification purposes; insurance and a signed indemnification would not however be necessary. In further discussion it was determined that the ordinance would be clarified to reflect the aforementioned intent. Mrs. McKim nevertheless recommended that Mr. Greeley obtain a letter of permission from the property owner involved.

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In further discussion, it was also noted that if a boat was not stored on the beach overnight, a registration would not be needed nor would a registration be needed if a boat were stored on private property that did not front on the beach.					
In response to Mr. Orban's concerns about enforcement of the ordinance on private property, it was noted that owners could report to the City any unauthorized boats on their properties using the registration number; the City would in turn notify the boat owner that if the boat was not removed, the City would revoke the storage permit. Dr. Woodruff indicated that notification of the new ordinance would also be placed on boats stored on private property, although it would remain within the purview of the property owner to actually have the craft removed.					
Ms. Boreham was urged by Mayor Muenzer and Council Members Anderson and Pennington to begin immediately to address with the County Commission the need to make provision for County residents to store small sailboats on the beach. It was also noted by Mayor Muenzer that as the County population continues to grow, the City cannot continue to absorb these recreational needs.					
Based on Council's further discussion, the staff will also address the following issues prior to this ordinance being returned for second reading: <u>clarification of which indemnity requirements apply to storage of boats on private property; information on the cost of liability insurance for certain sizes of boats; clarification regarding at which time of year installation of anchors is not permitted but that anchors must be used throughout the year; consideration of the possibility of placing informational signs at beachends to notify the public of the registration program; and having Police Volunteers inform boat owners at which beachend their vessel is to be stored.</u>					
MOTION: To <u>APPROVE</u> this ordinance, as written, on First Reading.					
MOTION: To schedule a review by Council of the ordinance on February 1, 1993, to determine if amendment is needed.					

Anderson					X
Hermes	X		X		
Korest		X	X		
Pennington			X		
Sullivan				X	
VanArsdale			X		
Muenzer (4-3)				X	
Anderson			X		
Hermes		X	X		
Korest			X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(7-0)					

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ORDINANCE NO. 92-

ITEM 5

AN ORDINANCE APPROVING REZONE PETITION 91-R8, REZONING THE PATIO AREA TO THE WEST OF THE CHEF'S GARDEN RESTAURANT, MORE PARTICULARLY DESCRIBED HEREIN FROM "R-10", SINGLE FAMILY RESIDENTIAL, TO "C1", RETAIL SHOPPING, IN ORDER TO COMPLY WITH THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Community Development Director McKim explained the background of this item as being a request to rezone the patio area west of Chef's Garden Restaurant, from "R1-10" Single Family Residential to "C1" Retail Shopping, an action which had been outlined in the City's Comprehensive Plan to square off uses which apply to the Third Street commercial area. The property owner on the south had objected, she said. Dr. Woodruff called Council's attention to the written responses staff had provided to questions which had been asked at their June 3rd meeting when action on this item had been deferred. (This material appears in the file of this meeting in the City Clerk's Office.)

Mrs. McKim also indicated that she had inquired of Roger Barry of Neapolitan Enterprises, who had formerly served as the City's Community Development Director, whether any documentation existed regarding the history of this recommendation contained within the Comprehensive Plan. No information was available, she said, nor were any members of the current planning staff directly involved and therefore able to recall whether this provision of the Comprehensive Plan had been requested by the property owner. Nevertheless, it seemed to be appropriate that this rezoning occur since this property, and another in a block to the south, were held by adjacent commercial property owners, Mrs. McKim noted.

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[illegible]

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			Y E S	N O	

Council Member Herms then noted that with a commercial rezoning of this property, the owner could then merely apply for a building permit and greatly increase the size of the building, provided parking and setback regulations were met; it would then increase the value of the property from approximately \$10 per square foot for residential purposes to approximately \$30 per square foot for commercial. He said he felt a mistake had been made when this rezone was called for in the Comprehensive Plan. Mr. Herms then asked City Attorney Chiaro whether the petitioner could legally agree not to use the lot for further commercial intensification.

Ms. Chiaro indicated that the petitioner could include any restrictions he chose, such as the covenant already offered with reference to landscaping required. Covenants would run with perpetuity in the land, she added.

In further discussion, the Council received clarification from staff that the Chef's Garden 14-foot screen enclosure actually encroached four feet into the residentially zoned Lot 7 and that encroachment into another zoning district had apparently been allowed by the City in error. Although at this time no property survey is required for issuance of a building permit, Mrs. McKim indicated that implementing such a requirement was a future goal of her department. Such a survey would have prevented the building permit from being issued for the Chef's Garden screen enclosure, she added. Mrs. McKim also explained that when this petition had initially been received, the staff had recommended that it be in the form of a Planned Development (PD) which would have required not only a survey but other data, should expansion of the building occur in the future; however, the Planning Advisory Board (PAB) had not been comfortable with this recommendation due to concern that this petition did not constitute a true PD plan. Therefore, the rezone was pursued with the voluntary covenant to provide additional landscaping which was currently before the City Council, she concluded.

Although Attorney Grant did not confirm that his client would offer a covenant restricting further commercial development on that parcel, he indicated that he would work with staff to expand the existing voluntary landscaping covenant to give some additional level of control for the future.

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			Y E S	N O	
Anderson		X	X		
Herms	X		X		
Korest			X		
Pennington			X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(7-0)					

MOTION: To CONTINUE this item for 45 days with the understanding that this item will again be advertised on a subsequent agenda as a First Reading.

RECESS: 11:20 a.m. to 11:32 a.m.

RESOLUTION NO. 92-6695

ITEM 6

A RESOLUTION GRANTING VARIANCE PETITION 92-V12 FROM SUBSECTION 7-4-16(F) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES A 25 FOOT REAR (WATERFRONT) YARD SETBACK FOR BUILDINGS OTHER THAN BOAT SERVICE BUILDINGS IN THE C2-A, WATERFRONT COMMERCIAL, ZONING DISTRICT, IN ORDER TO RECOGNIZE THE EXISTING RESTAURANT ON THE BOAT HAVEN PROPERTY AT 1484 5TH AVENUE SOUTH AND TO ALLOW FOR ITS FUTURE ENCLOSURE, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by Community Development Director McKim.

Mrs. McKim explained that this petition was to enclose existing buildings at Rosie's Waterfront Cafe and provide for outdoor seating between the existing building and the waterway to the west; however, staff had recommended that the outdoor seating not be allowed because this was an intensification of use which could not be sufficiently mitigated. The PAB had approved the petition 3-2 based on this staff recommendation, those dissenting expressing concerns that no overall plan existed for the Boat Haven property on which the restaurant is located.

Public Input: Three individuals registered to speak.

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			Y E S	N O	

Scott M. Ascher, 1484 Fifth Avenue South (petitioner's representative)
Mr. Ascher indicated that to avoid further misunderstanding, his client would withdraw the request for outside seating, although the outside seating would have been merely a displacement of some of the former inside seating. The petition currently under consideration would, therefore, address the ability to enclose the present building.

Tony Phielan, 823 102nd Avenue North

Mr. Phielan indicated that he was the manager of Rosie's Waterfront Cafe and would be available to answer Council's questions.

Philip C. Morse, Jr., 1320 Bald Eagle Drive (owner of the Boat Haven property on which Rosie's Waterfront Cafe is located)

Mr. Morse explained that he was making an effort to correct whatever problems existed on the Boat Haven property, including parking, access, and the location of garbage containers. Mr. Morse also urged the Council to give businesses in that area as much latitude as possible in order to help them overcome some of the reasons the area is now considered depressed. He indicated that he had received excellent cooperation from City staff and that he would continue to work with them on parking and other issues.

During questioning of staff and petitioners, Council learned that the original building had been floodproofed according to FEMA (Federal Emergency Management Agency) requirements and that in actuality a variance was being pursued at this time in order to allow for enclosure of the building at some future date. A variance approved in 1987 had allowed the building to be converted to a restaurant with a five foot rear setback and a seating of 150 people to accommodate the 150 patrons of the boat it served. Although the building will continue to serve patrons of the boat (the Rosie O'Shea), the management wishes to serve patrons other than those of the boat. It was also clarified that an initial Fire Department objection had been satisfied by meeting standards for exit widths between tables; also, the petitioner must provide proof to the Public Works Department that a proper grease trap assembly had been installed. Council also discussed "Right Turn Only" designations for both driveways on the property, and staff indicated that such a

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			Y E S	N O	
Anderson			X		
Herms		X	X		
Korest			X		
Pennington	X		X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(7-0)					

designation now exists on the western exit but not on the east and that planned highway work by the Department of Transportation would effect changes in these accesses in the future.

MOTION: To APPROVE this resolution as presented.

PLEASE NOTE: NO ORDINANCE WAS SUBMITTED FOR ITEM 11 AT THIS MEETING.

ORDINANCE NO. 92-

ITEM 11

PUBLIC HEARING AND SECOND READING OF AN ORDINANCE - REZONE TO PLANNED DEVELOPMENT PETITION 92-R4:

Planned Development Rezone Petition 92-R4 - Rezone from C1-A Commercial Cord District to Planned Development in order to facilitate the construction of a two-level (one-story) parking garage, expandable after further City review and approval to a possible four-level facility. Approved on First Reading at July 15, 1992, Regular Meeting.

Petitioner: Community Development Corporation of Southwest Florida

Agent: Stuart Kaye

Location: Block 16, Tier 8, Lots 1-12, Plat Book 1, Page 8, Collier County, Florida
(Southwest corner of Fourth Avenue and Eighth Street South)

PLEASE NOTE: NO RESOLUTION WAS SUBMITTED FOR ITEM 12 AT THIS MEETING.

RESOLUTION NO. 92-

ITEM 12

PUBLIC HEARING AND SECOND READING OF A RESOLUTION-DEVELOPMENT AGREEMENT PETITION 92-D1:

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Development plan for parking garage, drive-through bank facility and parking management. Approved on First Reading at July 22, 1992, Special Meeting.					
(It is noted that Council Member Anderson has filed "Form 8B - Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers" which is included herewith as Attachment 4.)					
Dr. Woodruff indicated that, following a meeting he had had with the petitioners, the Smith and Wynn families, the City Attorney, the Community Development Director and the Chief Planner, several issues for Council's consensus were being introduced for discussion at this meeting. It was, therefore, being recommended that final action on Agenda Items 11 and 12 be deferred until the August 19th Regular City Council Meeting.					
Dr. Woodruff then highlighted the following items presented for clarification to assist in the formulation of a final Development Agreement on this project:					
1. Performance Bond - Irrevocable Letter of Credit Council Consensus: Irrevocable Letter of Credit Approved					
Dr. Woodruff indicated that the petitioner would issue an irrevocable letter of credit for the parking structure which is comparable to a performance bond. The letter of credit would be issued for 100% of the bid amount for the parking structure and each time draws are made, 10% would be withheld so that at completion of the project, 10% of the total would have been withheld to assure that all issues are covered. Kim Kobza, Attorney for the petitioner, indicated that this letter of credit would be obtained as closely as possible to the start of construction on the parking structure since financial institutions keep these instruments open for only a specified length of time. In addition, it was noted by Council Member Pennington that this letter would be executed only when the option for the parking garage is exercised.					

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			Y E S	N O	

diagram has been included in the file for this meeting in the City Clerk's Office.) Ms. McBride also pointed out that the sidewalk would be an important collector for pedestrian traffic from the garage to the alleyway and provide for safe passage.

5. Smith/Wynn Option for Parking Structure

Council Consensus: Eliminate Smith/Wynn option on parking structure (Council Member Herms dissenting due to concerns that option should be less than ten years).

Jim Smith, representing the Smith/Wynn interests, clarified that they would like to see the City have the remaining term of the option after the developer's option has expired. It was also clarified that any construction of a parking garage within the ten year life of the development agreement, either by the developer or by the City, would have to be consistent with the terms of that agreement, and that removing the Smith/Wynn option places the continued development of additional levels of the parking structure under City control. City Attorney Chiaro also pointed out that the development agreement contains a procedure to be followed in case of amendment and that all parties must agree to the change as well as the City complying with a public hearing process.

6. Ground Lease Square Footage - Bank Drive-Thru Facility
Council Consensus: Sale rather than lease of land for drive-thru bank facility, pending report from City Attorney on August 19th regarding legal requirements.

City Attorney Chiaro noted that sale of real property is not covered under the Charter provision covering declaration of personal property as surplus. She indicated the need to review statutory requirements to assure that protections are in place for both the City and the developer in the event such a sale were challenged.

The Council then determined that the staff should meet with the other two parties to draft the necessary documentation to accomplish the above directives and schedule an item for action on the August 19th City Council agenda.

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			Y E S	N O	
Anderson			X		
Herms			X		
Korest	X		X		
Pennington		X	X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(7-0)					

MOTION: Continue Items 11 and 12 until the August 19th Regular Meeting so that staff may work with other parties and return with necessary documentation on the issues discussed.

ITEM 7

**SPECIAL EVENT TEMPORARY USE PERMIT
REQUEST: FESTIVAL OF LIGHTS, THIRD
STREET SHOPPING AREA -- MONDAY,
NOVEMBER 23, 1992.**

Public Input: Three individuals registered to speak; two present when item was considered.

Robert E. Noble, 1100 Ninth Street South, #101-C (Old Naples Association)

Mr. Noble said that he was not in opposition to events such as the Festival of Lights but favored those which were family oriented, were supported by a broad sponsorship, and where no alcoholic beverages were available to the public. The Festival of Lights, he said, presented a parking, traffic and litter problem, although he commended organizers for use (and publication) of shuttle service to off-site parking. He recommended that in the future the City consider requiring a traffic plan for such events, using one-way traffic to facilitate access and having police foot patrols. He also suggested that parking violators be cited and have vehicles towed and that this also be well publicized prior to the event. In conclusion, Mr. Noble said that he did not understand the City's rationale in stopping distribution of questionnaires for a recent special events survey at Sixth Street South, particularly due to the fact that the Great Dock Canoe Race impacts the area east of Sixth.

Artie Pratt, 1051 Third Street South

Mr. Pratt, who indicated that he had in the past served as President of the Third Street Area Association, said that he felt the Festival of Lights had a good record and that it provided entertainment not just for City residents but for people from throughout the community. He also

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pointed out that all City requirements are complied with and, in fact, police foot patrols are used. Although it is crowded, he said he felt it was a wonderful evening and that the Third Street Area Association each year critique the event to determine where improvements could be made.

MOTION: APPROVE the Festival of Lights on Monday, November 23, 1992.

RECESS: 2:18 - 2:56 p.m.

ORDINANCE NO. 92-

ITEM 8

AN ORDINANCE APPROVING REZONE PETITION 92-R5, AND DEVELOPMENT OF SIGNIFICANT ENVIRONMENTAL IMPACT PETITION 92-DSEII, REZONING PROPERTY LOCATED EAST OF NAPLES BAY, SOUTH OF HALDEMAN CREEK, NORTH OF THE SOUTHPOINTE YACHT CLUB AND WEST OF CITY OF NAPLES JURISDICTIONAL LINE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-15A", SINGLE FAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Chief Planner John Cole explained that the property in question is the spoil containment site used for the East Naples Bay dredging project and that in the Comprehensive Plan the Council had assigned a maximum of 26 units to be built in a cluster type arrangement. The petitioner, WS Realty, Inc., was now requesting that the property be rezoned to accommodate, on the northern 2.1 acres, a development of 16 units with the remainder of the site being divided between a driving

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson		X	X		
Harms			X		
Korest	X		X		
Pennington			X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(7-0)					

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			Y E S	N O	

range and a transitional conservation zone to protect the surrounding mangrove forest. Another significant component of this proposal, he said, was the request for two docking facilities, one on the north side for eight slips to be assigned to residential properties, and one on the southside for the mooring of a shallow draft boat to ferry Windstar homeowners to their beach on Key Island and to receive visitors to the clubhouse. Mr. Cole called Council's attention to staff stipulations which had been accepted by the applicant to address most of the previously expressed concerns (Attachment #5).

Also noted was public input received by the Planning Advisory Board from William V. Branan, Director of Environmental Protection at The Conservancy, to the effect that no docks should be permitted (Attachment 6), and from Wheeler Conkling of Citizens to Preserve Naples Bay, also in opposition to the proposed docks.

Mr. Cole confirmed for Council Member Herms that the entire area east of Naples Bay is zoned R1-15A Single Family Residential, although before development can occur, it must be rezoned to PD Planned Development which would take into consideration environmental concerns.

Attorney John M. Passidomo, representing WS Realty, indicated that other members of the project planning team were also present to provide information and to answer questions. He expressed appreciation to the planning staff for thoughtful analysis and cooperation to achieve consensus on various issues which had resulted in a better land use and zoning proposal than originally had been submitted. Mr. Passidomo then provided a brief overview of the project and introduced Michael Stephen of Coastal Engineering. Mr. Stephen assured Council that in designing the project, the primary emphasis had been in preservation. He displayed an aerial photograph showing the relationship of the site in question to the 72-acre Windstar development, a traffic circulation plan showing vehicular access points, and a general site map. Drainage from the driving range involves utilization of a swale to preclude direct discharge of water into the mangrove area; drainage from the residential parcel will be returned to the main

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Windstar project. The proposed residential area will be bermed and heavily landscaped for security with special vegetation treatment in the transitional zone between the wetlands and upland uses.

Among other materials displayed by Mr. Stephen was a general vicinity map illustrating main and subordinate navigation ways and delineating dockage points in Port Royal and Royal Harbor across Naples Bay. The goal, he said, was to be compatible with the Naples Bay system. In addition, Mr. Stephen showed photos of architectural styles which would be used to guide the purchaser of the property, although no architectural renderings had been done at this point.

The residential tract would be accessed by a gated private access road, Mr. Stephen said, and it is this private character which prompted the application for two dockage facilities. The eight-slip facility would be for residential units with no fueling, maintenance or other such facilities. Both this dock and the second dock proposed for the Windstar boat were designed to bridge over sensitive environmental areas; no dredging is anticipated for the northern pier, he added. Mr. Stephen further explained, through the use of an aerial photograph, that these piers were located away from the Bay and would not interfere with boat traffic. The docks are sheltered on the north and south by oyster bars which tend to shelter them from wave action and serve to restrict boat traffic.

The south pier, Mr. Stephen indicated, would replace the dockage at Southpointe Yacht Club which, while currently owned by Windstar, is an entirely separate development and is to be sold in the future. The Southpointe Club and the Windstar club are distinctly separate operations, he added. Mr. Passidomo also noted that the dock at the proposed development would be the only access available for Windstar club members to Naples Bay once the Southpointe Yacht Club is sold.

On another series of photographs, Mr. Stephen showed how the proposed cluster buildings would appear from a point across the Bay. He said that the design of the proposed project was intended to optimize visual compatibility through the maximum use of open space and a minimum of vertical building faces. He also said that visual impact would be reduced by the buildings' distance and by the

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mangrove screen. In discussion with the Council it was determined that the peak of the Windstar clubhouse was 50 feet above flood elevation. Council Member Herms said that he felt the proposed buildings would appear higher than the photos used for illustration and that he was concerned that use of solid walls in clustering would be more objectionable than single family dwellings spread out on the site.

Mr. Stephen also provided tax records showing ownership of the property in question and taxes paid. This is included herewith as Attachment 7.

In further Council discussion of the proposed docks, it was clarified that while the State of Florida is reluctant to permit this type of facility for use as a pedestrian boardwalk, permitting is much less difficult for water dependent uses. Natural Resources Manager Jon Staiger pointed out that because of the length of the pier, it passes through sensitive oyster beds and grass beds to avoid extensive dredging. Vice Mayor Sullivan, however, said that his concern rested with construction of two separate cuts through mangroves to provide for the docks as proposed.

Council Member Herms reiterated his concern regarding density and noted that the existing R1-15 zoning would yield much fewer units. He also pointed out that the remainder of the surrounding subdivisions were zoned single family. Attorney Passidomo, however, noted that if the dwellings were not clustered as proposed on this site, it would result to two units per acre which is less dense than in Port Royal, Royal Harbor and Aqualane Shores.

Mr. Herms then asked whether at some point the owner of the adjacent driving range property would be able to return with a request to rezone it for additional development. Mr. Passidomo responded, however, that the driving range site would be sold to the club facilities and that the developer of this parcel would have a parallel interest with the City in keeping the remainder of the site as open space. Mr. Passidomo also noted that the GDSP (General Development and Site Plan) standards would assure visual compatibility with Royal Harbor and also provide architectural guidelines.

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MOTION: To APPROVE the ordinance on First Reading with the addition of staff stipulations (Attachment 8) and Recommendations 1, 2, and 3 contained in Natural Resources Manager Jon Staiger's memorandum to Chief Planner Cole of July 1, 1992, (Attachment 9).*

*During his vote, Council Member Herms requested that the Port Royal, Royal Harbor and Aqualane Shores property owner associations be notified so that they may provide feedback on the visual compatibility issue.

ORDINANCE NO. 92-

ITEM 9

AN ORDINANCE AMENDING SUBSECTION 9-1-5, FENCES, OF THE COMPREHENSIVE DEVELOPMENT CODE TO CLARIFY THE LANGUAGE REGULATING THE MAXIMUM PERMITTED HEIGHT OF FENCES WHICH MAY BE ALLOWED FOR THOSE PROPERTIES WEST OF GULF SHORE BOULEVARD AND GORDON DRIVE WHICH ABUT A PLATTED PUBLIC BEACH ACCESS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Dr. Woodruff observed that this item was discussed at the Council workshop and that he believed it addressed Council's direction.

MOTION: To APPROVE the ordinance on First Reading with the inclusion of Exhibit "C".

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson	X		X		
Herms					X
Korest			X		
Pennington		X	X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(6-1)					
Anderson			X		
Herms			X		
Korest			X		
Pennington	X		X		
Sullivan		X	X		
VanArsdale			X		
Muenzer			X		
(7-0)					

CITY OF NAPLES, FLORIDA

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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
			Y E S	N O	
Anderson				X	
Hermes				X	
Korest	X			X	
Pennington		X		X	
Sullivan				X	
VanArsdale				X	
Muenzer				X	
(7-0)					

ORDINANCE NO. 92-

ITEM 10

AN ORDINANCE AMENDING SECTION 21A-11 OF ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, ENTITLED "UTILITIES SERVICES TAX", TO INCREASE THE TAX ON EACH AND EVERY PURCHASE OF ELECTRICITY, METERED OR BOTTLED GAS (NATURAL, LIQUIFIED PETROLEUM OR MANUFACTURED, WHETHER BOTTLED OR OTHERWISE), TELEPHONE AND TELEGRAPH SERVICE IN THE CITY OF NAPLES, TO EIGHT (8%) PERCENT OF THE PAYMENTS RECEIVED BY THE SELLER THEREOF; PROVIDING SAID INCREASE TO BE DEPOSITED DIRECTLY TO THE CITY'S STREETS FUND; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Dr. Woodruff explained that the initial estimate of revenue from this increase had been revised from \$300,000 to \$335,000. When this is combined with the \$425,000 to \$435,000 anticipated annual savings from privatization of the Street Department, he said, it would fund the City's road overlay program. The revenue from the 1% increase in the utilities services tax will be earmarked for road overlay construction with the understanding that it will be on the priority list approved by the Council, he added.

MOTION: To APPROVE this ordinance on First Reading as amended to state that the additional 1% tax be used "exclusively" to fund an annual streets overlay program.

CITY OF NAPLES, FLORIDA

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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
			Y E S	N O	

ORDINANCE NO. 92-

ITEM 13

AN ORDINANCE ADDING A NEW SUBSECTION 3-2(e) TO SUBSECTION 3-2, CHAPTER 3, ARTICLE I, OF THE CODE OF ORDINANCES TO ESTABLISH A PROCEDURE FOR CITY COUNCIL APPROVAL FOR THE SALE OF LIQUOR, WINES OR BEER FOR CONSUMPTION ON OR OFF THE PREMISES FOR SPECIAL USES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

ORDINANCE NO. 92-

AN ORDINANCE AMENDING SUBSECTION (A), (B), AND (E) OF SUBSECTION 9-3-1 OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES; ADDING A NEW SUBSECTION 9-3-1(F) TO THE COMPREHENSIVE DEVELOPMENT CODE, WAIVER OF DISTANCE REQUIREMENT, TO ALLOW CITY COUNCIL, BY RESOLUTION, TO REDUCE THE DISTANCE REQUIREMENTS OF 9-3-1 FOR AN ESTABLISHMENT WHICH SELLS ALCOHOLIC BEVERAGES; ADDING A NEW SUBSECTION 9-3-1(G), TO THE COMPREHENSIVE DEVELOPMENT CODE, CITY COUNCIL APPROVAL FOR SPECIAL USES, TO ALLOW CITY COUNCIL TO WAIVE BY RESOLUTION THE LOCATION CRITERIA IN SUBSECTION 9-3-1 FOR SPECIAL USES; ADDING A NEW SUBSECTION 9-3-1(H) TO THE COMPREHENSIVE DEVELOPMENT CODE, REFERENCING THE REQUIREMENTS OF CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES FOR THE CITY OF

CITY OF NAPLES, FLORIDA

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**NAPLES; PROVIDING A SEVERABILITY
CLAUSE, A REPEALER PROVISION AND AN
EFFECTIVE DATE.**

City Attorney Chiaro indicated that two ordinances were necessary to effect the following changes: one to amend the Code of Ordinances, and one to amend the Comprehensive Development Code. She read the titles of both.

Community Development Director McKim further explained that the Code of Ordinances amendment would provide for a process where the City Council could waive required hours of alcoholic beverage sales such as when requests are made in conjunction with special events. The amendment to the Comprehensive Development Code, on the other hand, allows waiver of the location requirement for establishments which serve alcoholic beverages rather than through the variance procedure currently in place. The authorization is issued to an individual rather than a piece of property. These waivers would not require review by the PAB, she added.

The Council noted receipt of letters from Michael Watkins of Naples Beach Hotel & Golf Club and John Ayres of Edgewater Beach Hotel requesting consideration of an amendment to permit hotels to serve alcoholic beverages prior to noon on Sunday (Attachments 10 and 11). It was determined, however, that these changes would be further considered at second reading of the ordinance. According to City Attorney Chiaro, such amendment would constitute a substantive change, so readvertisement and another second reading would be necessary. The Council, therefore, determined that these ordinances could be acted upon as presented at this meeting. Council Member Herms, however, requested an amendment to the language of Section 3-2 (amendment to Code of Ordinances) to remove reference to specific festivals in paragraph (e) and substitute the words "certain festivals."

MOTION: To **APPROVE** this ordinance on First Reading adding Subsection 3-2(e), eliminating reference to specific festivals, and adding the phrase "certain festivals" thereto.

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		
Herms	X		X		
Korest					X
Pennington			X		
Sullivan		X	X		
VanArsdale				X	
Muenzer				X	
(4-3)					

CITY OF NAPLES, FLORIDA

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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
			Y E S	N O	
Anderson			X		
Herms		X	X		
Korest			X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(7-0)					
Anderson		X	X		
Herms			X		
Korest			X		
Pennington	X		X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(7-0)					

MOTION: To APPROVE this ordinance on First Reading as submitted amending the Comprehensive Development Code.

RESOLUTION NO. 92-6696

ITEM 14

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) IN THE AMOUNT OF \$136,000.00 TO BE USED AS PARTIAL PAYMENT OF THE CAPITAL IMPROVEMENT REVENUE BOND ISSUED TO ASSIST IN THE ACQUISITION OF 2.73 ACRES OF PROPERTY DESIGNATED FOR AFFORDABLE HOUSING; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Dr. Woodruff explained that this was the City's annual application to assist with the purchase of the property north of the Naples Daily News building and also to cover administrative costs

MOTION: To APPROVE this resolution as presented.

***** CONSENT AGENDA *****

Workshop Meeting - June 11, 1992

Workshop Meeting - June 15, 1992

Regular Meeting - July 15, 1992

Special Meeting - July 22, 1992

City Council Minutes

Date 8/5/92

[illegible]

City Council Minutes

Date 8/5/92

COUNCIL MEMBERS	MOTION	SECOND	VOTE		ABSENT
			YES	NO	

CITY OF NAPLES, FLORIDA

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Date 8/5/92

	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	
COUNCIL MEMBERS					
COCONUT PALMS; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.					

RESOLUTION NO. 92-6704					
ITEM 23					
A RESOLUTION AWARDED CITY BID #92-79 FOR TWENTY SHORE BUOYS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.					
A correction on the June 15th Workshop Meeting minutes was noted; namely, that the first sentence in the second paragraph should read as follows: "Council Member Korest commented that he also had observed no evidence of problems and he did not have a strong opinion that the event's location should be changed."					
On Item 18, it was agreed that the staff would provide, as part of the new employee orientation, information to all individuals that they will not be covered by the group health insurance program for approximately 90 days after employment. They will be given a list of supplemental coverages available so that they may contact insurance companies directly to obtain this coverage.					
On Item 20, it was clarified that the County's use of the easements was only to construct turn lanes, not for the installation of utility lines.					
MOTION: To <u>APPROVE</u> the Consent Agenda, consisting of Items 15, 16, 17, 18, 19, 20, 21, 22 and 23.					

Anderson X X					
Herms X X					
Korest X X					
Pennington X X					
Sullivan X X					
VanArsdale X X					
Muenzer X					
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 8/5/92

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	

CORRESPONDENCE AND COMMUNICATIONS

It was noted that City Manager Woodruff's employment agreement would be on the next Council meeting agenda. Mayor Muenzer urged Council Members to complete evaluation forms.

Dr. Woodruff indicated that he would meet with Council Member Herms to discuss the possible need for refinement of an administrative policy that no tapping equipment used in the Wastewater Division would also be utilized in the Water Division.

OPEN PUBLIC INPUT

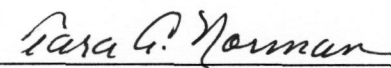
None.

ADJOURN: 5:26 p.m.



PAUL W. MUENZER, MAYOR


JANET CASON
City Clerk



Tara Norman, Deputy Clerk

These minutes of the Naples City Council were approved on _____
August 19, 1992

SUPPLEMENTAL ATTENDANCE LIST

City Council Regular Meeting - August 5, 1992

The Reverend Harold Brown, Jr., Lely Presbyterian Church
Marie A. Easley, Naples Area Board of Realtors
Mary Ann Barnheisel, Naples Area Board of Realtors
Rosemarie Hobert, Naples Area Board of Realtors
Edward Verdesca, Redevelopment Task Force
John T. Conroy, Jr., Redevelopment Task Force
Robert Noble, Old Naples Association
Werner W. Haardt, Naples Civic Association
Michael Watkins, Naples Beach Hotel
Scott Salley, Holland Salley, Inc.
Charles Andrews
George Orban
Jennifer Boreham
Ed McMahon
M. L. Greeley
Richard C. Grant
Bruce MacDonald
James Shoemaker
Scott M. Ascher
Tony Phielan
Philip C. Morse
Kim Kobza
James Smith
Janice McBride
Artie Pratt
John M. Passidomo
Michael Stephen

NEWS MEDIA

Eric Staats, Naples Daily News
Wendy Fullerton, Fort Myers News-Press
Jerry Pugh, Palmer Cablevision

RECORD

8/5/92



August 5, 1992

Mayor Paul W. Muenzer
City Council Chamber
735 8th St. S.
Naples, FL 33940-6796

Dear Mayor Muenzer:

Our members are currently involved in a fund raising effort to enable us to purchase a modular playground kit to be constructed at Lowdermilk Park. All funds raised for this project will come from our own members. The total value of the kit is estimated at over \$11,000.00.

During the weekend of August 29th volunteer members from the Naples Area Board of Realtors will assemble the clipper type "ship" at Lowdermilk Park with a dedication to the City on September 5th.

Materials used for our ship give the same appearance as lumber but are made from recycled plastic, which is easy to maintain and demonstrates NABOR'S concern for the environment. Community Services Director, Mark Thornton, will have the site prepared for this project after ground breaking which is scheduled for August 18th. The City will be responsible for equipment maintenance after construction by our members.

It is with great pride in our community that the Naples Area Board of Realtors makes this donation to the City of Naples and Collier County children, present and future.

Sincerely,

Marie A. Easley
President

(00/NABORNEWS/myr.1tr)

"Success through Service"



1455 PINE RIDGE ROAD ■ NAPLES, FLORIDA 33942-2997
(813) 597-1666 ■ FAX (813) 597-7725



August 3, 1992



11 Bluebill Avenue
Naples, Florida 33963

Missy McKim
City of Naples
735 8th Street South
Naples, Florida 33940

Dear Ms. McKim,

Re: Boat storage on the beach

I appreciated the opportunity to discuss the draft ordinance with you Friday July 24th and would like to confirm my thoughts to you in writing.

My property is on the beach on the south side of 17th Avenue South which currently has the highest concentration of boats on the sand. The street end is 60 feet wide and the distance from Art Allen's property on the north side of 17th Avenue to mine including the street end is 78 feet. With one or two exceptions all the boats stored on the beach there are catamarans. The average boat takes approximately 9 feet of storage space. Assuming boats are not pushed up against private property lines, there is theoretically room for seven boats. However, because of the location of Mr. Allen's seawall and the position of the pedestrian walkway, boat owners have customarily pulled up their boats south of the walkway. Between the walkway and my property line there is only room for three to five boats and I would suggest therefore, that if you wish to provide comfortable unrestricted pedestrian access to and from the beach, you should limit storage to that number at 17th Avenue South.

Also, I hope that the final ordinance and subsequent permitting process will be precise enough that we do not just create a forum for ongoing disputes between boat owners and property owners. For example, if more boat owners with permits show up at 17th

Cont/.....2

Cont/.....2

Avenue South than there is available city property, the boats will wind up on private property and/or obstruct beach access. Making permits site specific and demarcating property lines might be among the possible ways to avoid ongoing disagreements.

Thank you for your consideration of this letter.

Yours truly,

A handwritten signature in dark ink, appearing to read 'G. Orban', written in a cursive style.

GEORGE ORBAN
GO:lg

cc: City Council
City Manager

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Anderson, Kim A.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Council	
MAILING ADDRESS 525 Yucca Road		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Naples	COUNTY Collier	NAME OF POLITICAL SUBDIVISION: City of Naples	
DATE ON WHICH VOTE OCCURRED August 5, 1992		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kim A. Anderson, hereby disclose that on August 5, 19 92:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain;
- ☐ inured to the special gain of my business associate, _____;
- ☐ inured to the special gain of my relative, _____;
- ☐ inured to the special gain of _____, by whom I am retained; or

☒ inured to the special gain of Community Development Corporation of Southwest Florida, Inc., which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am the insurance broker for this corporation

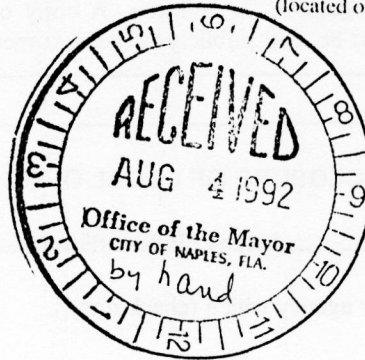
August 5, 1992
Date Filed

Kim Anderson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: REPRIMAND, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

The Conservancy

Offices and Nature Center • 1450 Merrihue Drive • Naples, Florida 33942 • 813-262-0304
(located off Goodlette Road at 14th Avenue North)



Item #8

8/5/92

03 August 1992

Mayor Paul Muenzer
City Hall
Naples, Florida

RE: Windstar rezone request with docks protruding 300 feet into Naples Bay

Dear Mayor Muenzer,

The Naples Council is scheduled to consider a rezone request by Windstar, on 5 August 1992. The petition as presented before the Planning Advisory Board (PAB) on 8 July requested two docks; one would extend more than 300 feet westward into Naples Bay, to berth a single boat and, while the second would extend more than 300 feet northwestward into Halderman Creek, to berth eight boats. The PAB recommended against the dock extending into Naples Bay, suggesting that the two docks could be combined into the one requested into Halderman Creek.

The Conservancy, Inc. recommends that no docks be permitted with the rezone. Windstar already has sufficient dock space at South Pointe Yacht Club. Docks should not be built over oyster bottom shallow water in an area frequented by dolphins and manatees. Naples Bay should not be further intruded by such long docks.

Windstar attorney John Passidomo told the PAB that if the requested docks were denied, the individual homeowners could each apply for separate dock permits. In reality, such docks may not be permitted by the Department of Natural Resources, following the Krieter decision, case 91-2145 in the Third Florida District Court of Appeal. Given the City Council's pledge to protect Naples Bay, The Conservancy recommends denial of any docks extending into Naples Bay.

Thank you for your consideration.

Sincerely,

Bill Branan

William V. Branan, Ph.D.
Director of Environmental Protection

cc: Naples City Council

UNPLEASANT
IN CONVICTION

SEE REVERSE SIDE FOR FURTHER INFORMATION

0000002762440022 00000004=05 0000000000 00000 0000004709 045787 09 112591

THIS AREA FOR TAX COLLECTOR'S OFFICE USE ONLY

1991 COLLIER COUNTY NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
ESCOUNT IN NOV 2% IN DEC 2% IN JAN 2% IN FEB 2% IN MAR 2%

AMOUNT DUE 52.04

ASSESSED VALUE 3,400

TABLE 3,900

MILL RATE	AMOUNT	AUTHORITY	COMBINED TOTAL
4.0706	15.86	COUNTY	15.86
5.4477	21.34	SCHOOL - STATE	21.34
2.5100	8.53	SCHOOL - LOCAL	8.53
1.0000	3.40	CITY	3.40
0.0000	0.00	DEPENDENT	0.00
0.0000	0.00	WATER MGT.	0.00
0.0000	0.00	INDEP. SPECIAL	0.00
0.0000	0.00	VOTER APPR. DEBT	0.00
13.9124	54.26		54.26

PROPERTY AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

UNPLATTED LANDS 15 50 25 A TRACT 105

LAND LYING IN SE 1/4 OF SEC 15 AS DED

C IN OR 1521 PG 1532

SEE REVERSE SIDE FOR FURTHER INFORMATION

0000020765400909 0000005426 0000000000 00000

THIS AREA FOR TAX COLLECTOR'S OFFICE USE ONLY

0000005209 045790 09 112691

COLLIER COUNTY TAX COLLECTOR
COURTHOUSE COMPLEX - BUILDING C-1
NAPLES, FLORIDA 33962-4997

WINDSTAR DEV CO
1700 WINDSTAR BLVD
NAPLES, FL

WINDSTAR DEV CO
1700 WINDSTAR BLVD
NAPLES, FL

1991 COLLIER COUNTY NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
ESCOUNT IN NOV 2% IN DEC 2% IN JAN 2% IN FEB 2% IN MAR 2%

AMOUNT DUE 22.03

ASSESSED VALUE 2,400

TABLE 2,400

MILL RATE	AMOUNT	AUTHORITY	COMBINED TOTAL
4.0706	9.77	COUNTY	9.77
5.4477	13.03	SCHOOL - STATE	13.03
2.5100	6.02	SCHOOL - LOCAL	6.02
1.0000	2.40	CITY	2.40
0.0000	0.00	DEPENDENT	0.00
0.0000	0.00	WATER MGT.	0.00
0.0000	0.00	INDEP. SPECIAL	0.00
0.0000	0.00	VOTER APPR. DEBT	0.00
13.9124	33.06		33.06

PROPERTY AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

UNPLATTED LANDS 15 50 25 A TRACT 105

LAND LYING IN SE 1/4 OF SEC 15 AS DED

C IN OR 1521 PG 1532

SEE REVERSE SIDE FOR FURTHER INFORMATION

0000020765400909 0000005426 0000000000 00000

THIS AREA FOR TAX COLLECTOR'S OFFICE USE ONLY

0000005209 045790 09 112691

COLLIER COUNTY TAX COLLECTOR
COURTHOUSE COMPLEX - BUILDING C-1
NAPLES, FLORIDA 33962-4997

WINDSTAR DEV CO
1700 WINDSTAR BLVD
NAPLES, FL

WINDSTAR DEV CO
1700 WINDSTAR BLVD
NAPLES, FL

PD PETITION 92-R5
AND 92-DSEI 1

STAFF STIPULATIONS ACCEPTED BY APPLICANT

General

1. Incorporate approximately 69.6 72.0 acres of mangrove forest as conservation area in city as generally described in Sec. 2.2 of the PD Document.

Fire and Police

2. All applicable fire codes will be enforced.
3. Provide fixed fire protection features on docks.
4. Access drive and cart paths serving the docks must be designed to support the weight of fire vehicles.
5. Applicant will provide a letter of service for fire and police protection.

Water/Wastewater

6. All DER water/sewer permitting must be signed by City (County).
7. Master water metering to be required in an easement dedicated for that purpose along with backflow assemblies.

Engineering

8. All signage will conform to U.S. Coast Guard, DNR, DER and COE requirements; dredge and fill permit is required for docks and marker piles.
9. Modify SFWMD permit to accommodate stormwater discharge.

Dockage

10. Northern Docks
 - a. Accessory to the 16 units in residential track ("R").
 - b. Not to be offered for lease outside this development.
 - c. May not be constructed until 8 dwelling units are built.
 - d. Dredging is permitted only for maintenance purposes and only upon strict compliance with all federal, state and local permitting requirements. The term

"Maintenance dredging" is defined as the dredging of a canal or channel or dockage area, where the spoil material is to be removed and deposited on a self-contained upland spoil site which will prevent the escape of the spoil material into the waters of the state; provided that no more dredging is to be performed than is necessary to restore the canal or channel to original natural depth contours and provided that control devices are utilized to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging; provided that the applicant or his successor establish a baseline record of original natural depth contours by a survey of Naples Bay bottom depth at the site of the proposed dock made at the time of dock permit application. This survey will be recorded with the City Clerk to provide a permanent public record of prior existing natural conditions.

- e. Refueling and lubrication of watercraft, pump out facilities, boat and boat motor sales or rentals, outfitting, maintenance and repair, haul out facilities, boat launching, retail sale of boating or fishing supplies and accessories, restaurants or refreshment facilities and laundry facilities are strictly prohibited.

11. Southern Docks

- a. Accessory to Windstar Master Association.
- b. Leasing is prohibited.
- c. Usage is restricted to Windstar Master Association.
- d. No dredging is permitted.
- e. Refueling and lubrication of watercraft, pump out facilities, boat and boat motor sales or rentals, outfitting, maintenance and repair, haul out facilities, boat launching, retail sale of boating or fishing supplies and accessories, restaurants or refreshment facilities and laundry facilities are strictly prohibited.

Residential District

12. All definitions are as provided in City Comprehensive Development Code.

- a. The term "building height" is defined for the purpose of construing the maximum height requirements for multi-family residences and cluster development as "The vertical distance measured from the average crown of the abutting

road, or the established 100-year flood elevation, whichever is applicable, as determined by the zoning administrator, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof or to the mean height between eaves and the ridge of a gable, hip or gambrel roof."

b. The term "building height" is defined for the purpose of construing the maximum height requirement for single-family residences as "The vertical distance measured from the greater of:

- (1) The FEMA first habitable floor height requirement; or
- (2) Eighteen (18) inches above the DNR requirement for the first habitable floor structural support; or
- (3) Eighteen (18) inches above the elevation of the average crown of the adjacent road(s); or
- (4) The average natural grade (natural contours of a land area generally unaltered by man's intervention), to the highest point of the roof surface or parapet."

13. Two parking spaces to be provided for single-family units.
14. All lighting to be directed or shielded away from Conservation Vital areas.
15. Future construction on this site shall be subject to a GDSP review process. The GDSP will assure visual compatibility with Port Royal and Royal Harbor. Architectural Review Standards which encourage variable roofline and visual compatibility will be utilized. A copy of the Architectural Standards which will govern GDSP review are attached. Windstar internal architectural review approval will be submitted as a condition precedent to the submittal of the GDSP application.

Golf Course Driving Range

16. Height limit lowered to a maximum of twenty feet.
17. There will not be any major structures constructed in this district.

Transitional Conservation

18. Towers are deleted and any construction is limited to small open air structures, one story in height, lower than the adjacent mangroves.

19. The review procedure, for which additional subdivision or construction approvals will be issued by the city, will be in accordance with the City Comprehensive Development Code (p. 541 etc.).

D.S.E.I.

20. Additional design information for the access drive must be provided prior to construction.
21. A general development site plan must be prepared for the 2.1 acre residential site prior to its development.
22. Final alignment of the pier accesses through the mangroves must be approved by the Natural Resources Manager.

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ARCHITECTURAL STANDARDS

A. Architectural Design

1. Design consideration will be guided by a common architectural theme.
2. The elements of this theme include, but are not limited to exterior building articulation, roof material and configuration, eave and corner details, window configuration, colors and material, and landscaping.
3. This architectural theme is intended to reflect one of the following styles: Bermuda, British Colonial, or the West Indies (English influence).

B. Elevations

1. The exterior will have the proper scale, massing, solid-void articulation and roof configuration that responds to the architectural theme.
2. Porches and enclosures shall have a Bermuda or nautical architectural style. The design of such elements shall be an integral part of the total building. No bare, skeleton frame aluminum screen enclosures are permitted.
3. Exterior materials shall be consistent with the surrounding waterfront communities and have a color value that is pastel in nature.
4. Awnings, canopies, shutters and similar elements are encouraged to accent the buildings.

C. Roofs

1. Large massed roofs shall be broken into smaller roof sections with varied heights, and with dormers, bays as accent features.
2. Visible flat roofs are prohibited.
3. Roofing material shall be flat or banal concrete or clay tile, slate or metal and be pastel in nature.
4. Gutter and downspouts shall be constructed to blend with architecture.
5. Skylights shall be constructed so as to minimize their visual impact on buildings elevations and roof plane.
6. Solar collectors, satellite dishes and antennae are not allowed.



Memo

City of Naples, Florida

TO: JOHN COLE, CHIEF PLANNER
FROM: JON C. STAIGER, PH.D., NATURAL RESOURCES MANAGER
SUBJECT: REVIEW OF WINDSTAR BAYFRONT D.S.E.I.
DATE: JULY 1, 1992

JCS

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I have reviewed the DSEI submission prepared by Coastal Engineering Consultants, Inc. on behalf of W.S. Realty, Inc. The information provided is sufficient to satisfy our DSEI requirements, as set forth in Section 10-8 of the Comprehensive Development Code.

BACKGROUND: The Comprehensive Plan specifically addresses the subject property (Future Land Use Element: 61) and sets forth the following:

1. The 8.47 acre dredge spoil disposal site is low-density residential, and can be developed with a maximum of 26 dwelling units.
2. A 3.36 acre Conservation/Limited Development area (TC zone) lies between the development area (R zone) and the Conservation area (C zone).
3. Development in the R zone must be accompanied by a recontouring and revegetation of the TC area to "restore its natural resource protection value."

At the time that the aforementioned quote was drafted, the entire site was a diked dredge-spoil containment cell, with the outer slope of the dike system ending in the TC area. Following completion of the East Naples Bay maintenance dredging project, much of the dredge spoil was removed, the dikes were broken down, and the site was graded to achieve the contours shown on the Existing Conditions Map (Plan 6-2, Sect. VI of the DSEI), dated June 8, 1992. Following the grading, the site was planted with grass sprigs and irrigated. Transitional wetlands vegetation, such as sea oxeye daisy and seashore saltgrass, have re-colonized the transition area wherever the elevations are suitable. They have simply spread back into the turf area from their undisturbed habitat on the edge of the mangrove fringe.

MEMO TO JOHN COLE
FROM JON STAIGER
WINDSTAR BAYFRONT DSEI
July 1, 1992
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Maintenance of a transition area between the developed property and the mangrove wetlands serves several purposes. One concern is simply the preservation of a vegetated buffer between the upland and wetland areas, to provide filtration of storm runoff and nutrient uptake.

A second concern is focused on the area adjacent to the narrow mangrove fringe. In that area, the buffer also serves as a wildlife corridor, connecting the broader mangrove forests to the north and south of the site. Such a function is important for movement of the larger mammals, such as raccoon, opossum, and bobcat, that utilize the mangrove forest.

A third purpose of the buffer area is the provision of an open area that allows the wetland fringe to migrate inland as sea level rises. This is of particular importance in maintaining the integrity of the narrow mangrove fringe.

ENVIRONMENTAL IMPACTS The proposed development may impact both the wetlands system, which lies on three sides of the site, and Naples Bay, to the west of the wetlands system.

Short-term impacts on the wetlands and the Bay can occur whenever development is carried out nearby. Of primary concern are mechanical damage and root burial from silt. Both of these can be prevented by erection of appropriate barriers and maintenance of the buffer zone. This has already been done successfully three times, when the spoil containment dike was initially constructed, when it was expanded at DER request, and when it was bulldozed down to restore the driving range. None of these activities had any adverse impact on the wetlands or Bay.

Since the development plans call for clustering the residential units at the north end of the site (2.1 acres), and retaining the remaining 6.4 acres as a golf driving range (its existing condition), the only wetland fringe in jeopardy is adjacent to the residential area. In the latter, approximately 600 feet of buffer zone lies south of the mangrove forest and 200 feet lies east of the fringe mangroves. The buffer zone between the driving range and the mangroves is approximately 1,250 feet long.

Long-term impacts on the wetlands and the Bay can be anticipated from improper management of stormwater runoff and inappropriate human activities. The latter includes the desire to obtain a bay-view through or over the wetlands and improper vessel operations in the near-shore area off the driving range.

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WINDSTAR BAYFRONT DSEI
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Historically, stormwater runoff from the site consisted of sheet flow off the upland area into the wetlands. This persisted even after initial modification into a driving range. The petitioner proposes construction of a perimeter swale, located at +4.0 ft. NGVD, designed to retain the first inch of rainfall for the entire site. The location of this swale is shown on Plan 6.4, Preliminary Water Management/Utility Plan, which includes the water management volume calculations. Plan 6.6, Landscape Plan, shows a cross-section of the swale. As designed, the turf waterward of the swale will be maintained as a golf course rough, and mowed to keep it + 2 inches in height. The actual transition zone (20-40 ft. in width) will not be mowed, but will have a maintenance program to eliminate exotic vegetation (some Brazilian Pepper is present).

Stormwater runoff from the residential portion of the tract, including the proposed pervious road and cul-de-sac, will be directed into the existing Windstar stormwater management system. This system utilizes an interconnected series of detention lakes scattered throughout the development. This commitment is contained in Section 5.5 of the DSEI document.

Approximately 675 linear feet of the Transitional Conservation area along the north end of the site will be impacted by the proposed access drive and cul-de-sac. In that area the transitional zone vegetation is absent. All that is present is turf grass. Transitional vegetation is present in the open area, 30 to 50 feet in width, that lies between the mangrove forest and the inner edge of the Conservation area (the DER wetlands jurisdiction line). The open area is a functional transition zone which will not be disturbed. The proximity of the access drive right-of-way to the Conservation area raises questions concerning the elevation of the roadway in relation to the adjacent preserve area. There does not appear to be sufficient area for a naturally stable slope along with a functioning stormwater detention swale. Additional detail is needed to clarify this issue.

The mangrove forest and fringe areas are under the regulatory jurisdiction of the Department of Environmental Regulation, as set forth in Ch. 17-321, FAC (Mangrove Protection). Any mangrove trimming or alteration requires a permit from DER. While permits are issued, the guidelines and criteria are quite conservative. Windstar has had a permit to maintain the height of part of the mangrove fringe for several years. It is not inconceivable that additional trimming could be permitted, but only if it did not

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FROM JON STAIGER
WINDSTAR BAYFRONT DSEI
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reduce the biological integrity of the fringe trees.

The proposed piers will require dredge and fill permits from both DER and the Corps of Engineers. Both have been sited to minimize impacts to the fringing mangroves and to avoid impacting the near-shore system bars and seagrass beds. In addition, their length precludes the need for dredging to allow boat access. While both City Fire and Police Departments expressed safety concerns about the piers, neither present natural resources problems. The presence of nearby shoals and areas susceptible to propeller scarring mandates the posting of warning signs to keep boaters away. All such regulatory signs must conform to U.S. Coast Guard standards, so the signs shown on the General Development Site Plan (Plan 6.3) will have to be modified.

RECOMMENDATION: I recommend approval of the Planned Development Rezone (92-R5) and Development of Significant Environmental Impact (92-DSEI 1) applications, with the following stipulations:

1. Additional design information for the access drive must be provided prior to construction. Pavement elevation, side slope/swale stabilization, load bearing capacity, and stormwater management need to be addressed in detail. If access road construction is to await residential site development, then the required information can be incorporated into the GDSP required below.
2. A general development site plan must be prepared for the 2.1 acre residential site prior to its development. The GDSP must detail the stormwater management system for the site, as well as all utility easements and pedestrian walkways.
3. Final alignment of the pier accesses through the mangrove fringe must be approved by the Natural Resources Manager.



Item #13
8/5/92

August 4, 1992

The Honorable Paul Muenzer
Mayor, City of Naples
735 8th Street South
Naples, Florida 33940

Dear Paul:

I understand the Naples City Council will review the Alcoholic Beverage Ordinance tomorrow. I support this review and the proposal to facilitate granting permission for certain special event requests in the future.

In the process of reviewing this Ordinance, please consider that hotels in the City are at a competitive disadvantage relative to our counterparts in the County. Specifically, we cannot serve alcohol on Sundays prior to 12:00 noon. In the County, Sundays are treated the same as other days of the week.

I request that when you revise our City Ordinance that you make it compatible with the County's in this regard - treating Sundays the same as the rest of the week. Many of our European guests, golfers, and beach-goers while on vacation enjoy a beverage before noon. It is awkward for us to explain that because it is Sunday, we cannot serve them, especially if they have stayed in the county at a resort property previously.

My purpose in raising this issue at this time is that you are in the process of reviewing the Ordinance. I thought it might be timely to point out this issue in hopes you might include it in the changes you were making.

Thank you for your time and interest.

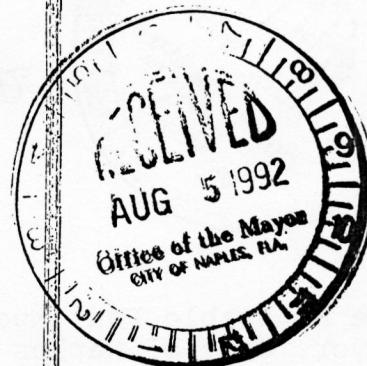
Sincerely,

Michael E. Watkins

MEW/jew
cc: John Ayres
Maria Chiaro

Edgewater Beach Hotel
1901 Gulf Shore Boulevard North
Naples, Florida 33940
Phone: (813) 262 6511. Fax: (813) 262 1243.

Item #13
8/5/92



August 4, 1992

Honorable Mayor Munzer
735 8th St. S.
Naples, FL 33940

Dear Mayor Munzer,

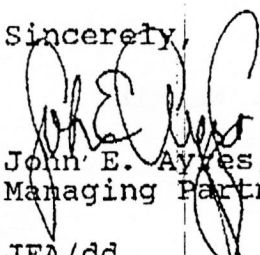
It has come to my attention that City council is amending certain ordinances as they pertain to the consumption of alcoholic beverages. One stipulation as you know is the validity for hotels to provide liquor sales prior to 12:00PM on Sundays.

Although by no means a big issue, it would be helpful if you and council could discuss amending this to normal serving times already in place Monday through Saturday. We customarily serve an expanded breakfast or a brunch on Sundays and the inclusion of a glass of champagne, a bloody mary or a mimosa helps to complete the picture. Again it is not a major problem. It would however add to the enjoyment of our guests and Club Members. Further it would help on a competitive basis and avoid some confusion as it relates to other Naples hotel properties but not within the city limits who currently operate full service on Sunday.

If I can be of any help regarding this issue please let me know. I just thought it might be appropriate to look at this issue while amending other liquor related statutes.

As usual thank you for paying attention.

Sincerely,


John E. Ayres, Jr.
Managing Partner

JEA/dd



John E. Ayres
Managing Partner