



City of Naples

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City Council Regular Meeting

November 18, 1992

Convened 9:00 am / Adjourned 9:30 pm

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ROLL CALL	1



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - November 18, 1992 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor
Fred L. Sullivan, Vice Mayor

Council Members:
Kim Anderson
R. Joseph Herms
Alan R. Korest
Ronald M. Pennington
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Kevin J. Rambosk, Assistant City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Comm. Development Director
John Cole, Chief Planner
William Harrison, Finance Director
Leighton Westlake, Engineering Manager
Janet Cason, City Clerk
Ralph A. Lacivita, Chief Accountant
Jon Staiger, Ph.D., Natural Resources Mgr.
Ann N. Walker, Planner II

Mary Kay McShane, Human Resources
Director
Susan Golden, Planner I
Sheldon Reed, Fire Marshal
James Dean, Parks &
Parkways Superintendent
John Reble, Fire Prevention Lt.
George Henderson, Sergeant-At-Arms
Tara A. Norman, Deputy City Clerk
Marilyn McCord, Deputy City Clerk

See Supplemental Attendance List - Attachment #1

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ITEM 1

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Hal Davenport
Naples United Church of Christ

ITEM 3

ITEMS TO BE ADDED

There were no additional items to be added to the Agenda.

ITEM 4

ANNOUNCEMENTS

Item 4-a Mayor Muenzer

Mayor Muenzer announced that Items 16 and 18 would be taken off the Consent Agenda to be discussed separately.

Item 4-b City Manager Woodruff

Dr. Woodruff invited Finance Director Bill Harrison to the podium, who in turn recognized Chief Accountant Ralph Lacivita. Mr. Harrison announced that the Finance Department had won this year's Award of Achievement in Financial Reporting from the Government Finance Officers Association. The award was presented to Mr. Lacivita on behalf of the Finance Department.

City Clerk Janet Cason was recognized by Dr. Woodruff for celebrating her twenty-eighth anniversary of employment with the City.

Dr. Woodruff acknowledged Sergeant-At-Arms George Henderson for volunteering over 500 hours of service during the past year as a Police Volunteer. All of the Police Volunteers were recognized at a separate ceremony on November 17, 1992.

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

ITEM 12

APPROVAL OF MINUTES

November 2, 1992 Workshop Meeting
November 4, 1992 Regular Meeting

RESOLUTION 92-6797

ITEM 13

A RESOLUTION ADOPTING A BUDGET POLICY ESTABLISHING GUIDELINES FOR THE USE OF BUDGETED REVENUES OF THE UTILITY TAX CAPITAL IMPROVEMENTS FUND; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 92-6798

ITEM 15

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF FOUR UTILITY REFUSE VEHICLES FROM STATE CONTRACT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 92-6799

ITEM 17

A RESOLUTION RENEWING THE CONTRACT FOR THE EMPLOYEE ASSISTANCE PROGRAM WITH EMPLOYEE ASSISTANCE SERVICES OF SOUTHWEST FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

ITEM 19

BUDGET AMENDMENTS

Firemen's Pension Plan - shortfall in actuarial funding requirements	\$4,881.00
Solid Waste Fund - operating expenses and capital equipment	\$79,500.00

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Streets Fund - re-budget capital construction projects for 1993	\$160,500.00
Computer Equipment - unexpended balance added to Phase II budget for 1993 in the amount of \$250,00	\$67,968.00
Establish repair and replacement program after elimination of two full-time and part-time salaries for maintenance and trash pickup for 1993 budget	\$50,009.00
Eliminate meter reader position and establish contract costs with Collier County	\$20,925.00
Elimination of Solid Waste Manager to fund facility improvements and internal audit salary, formerly volunteer services	\$94,200.00

MOTION: To **APPROVE** the Consent Agenda, consisting of Items 12, 13, 15, 17, and 19.

Anderson		Y
Hermes		Y
Korest	M	Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

ORDINANCE NO. 92-

ITEM 5

AN ORDINANCE AMENDING CHAPTER 3, ADMINISTRATION, PROCEDURES, AND ENFORCEMENT, AND CHAPTER 11, FEES, OF THE COMPREHENSIVE DEVELOPMENT CODE BY AMENDING SECTION 3-25, PLANNING ADVISORY BOARD, BY CHANGING THE NAME TO PLANNING BOARD THROUGHOUT THESE CHAPTERS; BY AMENDING SUBSECTION 3-25-2, JURISDICTION; DUTIES, FUNCTIONS, TO ALLOW THE PLANNING BOARD TO HAVE FINAL ACTION ON PETITIONS FOR CONDITIONAL USE, EXPANSION OR CHANGE OF NONCONFORMITIES, AND VARIANCES FROM ZONING REQUIREMENTS AND THE COASTAL CONSTRUCTION SETBACK LINE, AND TO CLARIFY ITS DUTIES; BY AMENDING SUBSECTION 3-25-3, PROCEDURES, RULES, AND REGULATIONS, TO CLARIFY THE

PLANNING BOARD PROCEDURES; BY AMENDING SECTION 3-83, PROCEDURE FOR OBTAINING CONDITIONAL USES, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION AND PROVIDING AN APPEAL PROCESS; BY AMENDING SECTION 3-84, PROCEDURE FOR EXPANDING, ENLARGING OR CHANGING A NONCONFORMITY, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION, STANDARDIZING PROCEDURES, AND PROVIDING AN APPEAL PROCESS; BY AMENDING SUBSECTION 3-85-2, PROCEDURE FOR OBTAINING VARIANCES FROM THE COASTAL CONSTRUCTION SETBACK LINE, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION, STANDARDIZING PROCEDURES, AND PROVIDING AN APPEAL PROCESS; BY AMENDING SUBSECTION 3-85-3, PROCEDURE FOR OBTAINING VARIANCES FROM ZONING REQUIREMENTS, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION, STANDARDIZING PROCEDURES, AND PROVIDING AN APPEAL PROCESS; BY ESTABLISHING A NEW SECTION 3-89, PROCEDURE FOR APPEALING DECISION OF THE PLANNING BOARD; BY AMENDING SECTION 11-2, PLANNING BOARD PETITION FEES, TO PROVIDE NEW FEES FOR APPEALS FROM THE DECISION OF THE PLANNING BOARD AND COASTAL CONSTRUCTION SETBACK LINE VARIANCES; BY DELETING SECTION 11-4-1, PERTAINING TO FEES FOR VARIANCES FROM THE STATE'S COASTAL CONSTRUCTION CONTROL LINE; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the item, noting that Council had directed staff to make these changes in order to streamline the process for the development community. Since January, 1991, staff has tracked data related to conditional use petitions, nonconformities, variances and Coastal Construction Setback Line (CCSL) petitions. In the majority of cases, staff, the PAB (Planning Advisory Board) and Council had agreed on either approval or denial. Dr. Woodruff suggested several options:

- Make no changes.
- Revise all four areas (conditional use, nonconformity, variance, CCSL) so that the PAB makes the final determination unless at some point the matter is appealed to Council.
- Make changes on one or some of the four areas and if successful after a trial period, expand to all four areas.

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Dr. Woodruff assured Council that these changes could be done in phases. He added that Council Member Pennington was of the opinion that a citizen should not have to file an appeal and pay fees to go before both the PAB and Council. Dr. Woodruff distributed copies of, and read into the record, suggested language for an alternate procedure for appealing decisions (Section 3-89 of the Ordinance). (Attachment #2) Dr. Woodruff asked Council for direction with respect to appeals, activities to be covered, and whether property owners' associations should be specifically notified.

Planner Ann Walker reviewed requirements for notice, pointing out that there was no uniformity in those notice requirements. Staff will make the necessary changes to the language, specifying that the appropriate property owners' association be notified for Coastal Construction Setback Line variance petitions.

Council Member Anderson said that she was comfortable with the process as it presently exists and suggested that Council explain to the PAB Members that the current procedures represent a check and balance process. Mrs. Anderson commented, "I've heard numerous times that we're the elected officials. We have the vote. Citizens have vested us that charge." Council Member Pennington agreed, however, he expressed support for shortening the process if at all possible, for the benefit of the petitioners. He reiterated his opinion that property associations should be notified, especially in the case of CCSL variance petitions.

Council Member Korest said that although he had hoped to see the process shortened making it more user friendly, he was concerned that Council would lack the necessary knowledge to make decisions should there be an appeal. It is important for Council Members to attend PAB meetings, emphasized Mr. Korest, in order to remain knowledgeable. Mr. Korest said that he would not support these changes which would remove Council from the decision process except in cases of appeal.

Council Member Herms stated, "We're the end decision makers. Any zoning changes occur with us. If we're not participating in this process, we won't have the experience necessary." Mr. Herms said that it had been suggested, should the process change, that PAB Members also be elected. Mr. Herms did agree that notification of property owners' associations should be required. He also commented, "I think the cost should be zero. If someone wants to appeal, I think that's their right. Every citizen should have the right to appeal something."

Council Member Van Arsdale said that he was not trying to abdicate Council's responsibilities but was trying to make the process more efficient. He noted, "I do have a problem when I see people here with their attorneys, for the second time, when we give approval in most cases." Mr. Van Arsdale agreed that there should be no fees for appeals, nor should there be any time limit for filing those appeals. He acknowledged that Council must stay abreast of zoning issues but believed that this could be accomplished without putting the petitioner through such a lengthy process, since most often Council agrees with staff and the PAB. Mr. Van Arsdale said that in

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his opinion property owners' association could be notified as a courtesy but did not believe it should be required as part of the process. In conclusion, Mr. Van Arsdale stressed, "We aren't trying to save time; we're trying to make it easier."

Vice Mayor Sullivan remarked that he had some concerns about abrogation of responsibility as a result of some comments he had received. It had never been the intent of Council, he said, to avoid accountability for what happened in these types of decisions, adding that in fact, efforts had been made to retain that accountability through the appeal process. Mr. Sullivan stated, "I think everyone should have their fair shot at questioning and challenging decisions made by government. As it is currently written, I think we've resolved concerns. Accountability is there. The appeal process is designed to allow anyone to appeal. It merely takes a statement to a Council person. We are the people to whom an appeal should be made." Mr. Sullivan went on to say that in many cases where Council had reversed a decision, it was due to the fact that staff and the PAB made their decisions based upon specific criteria, however, Council was not bound by those criteria. In order to meet the objectives stated by Council, he said, it would be necessary to enable the PAB to make considerations through means other than by criteria.

City Manager Woodruff stated that if the law allows the PAB to be more flexible, they must be notified of such. He said, "I don't believe that staff should have any abilities beyond what the criteria are. If you think they should, we need that in written form." City Attorney Chiaro said that the criteria as set forth is criteria upon which the PAB and Council make their decisions. The present PAB interprets criteria extremely objectively, she added.

Council further discussed the interpretation of criteria by PAB and Council. Vice Mayor Sullivan pointed out that should Council move forward with changes to the Ordinance, PAB must be afforded more latitude and be provided the right to interpret the criteria as freely, or with the same conditions, as Council does. Otherwise, said Mr. Sullivan, all those cases denied by PAB would continue to flow to Council and nothing would be accomplished.

Mayor Muenzer reiterated Mr. Van Arsdale's comments noting, "The original intent was to save some of the cost and convenience of the applicants. With these amendments and suggestions made today, any of us can be approached for appeal."

Public Input:

Charlie Andrews, 5960 Cypress Hollow Way

Mr. Andrews told Council that he agreed with most of what had been discussed, noting that he had been very concerned about allowing the PAB to make the final decisions, especially on variance and conditional use petitions. He said that several past PAB's had been extremely well versed, however, he was slightly concerned about the current PAB because it did not have that same experience, mainly due to the large turnover of Board Members in the past year. Mr.

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Andrews commented that it was a good idea to streamline and to eliminate some of the fees, but noted, "After all, the PAB is an advisory board. They go by criteria. City Council can negotiate. 'If it's not broke, don't fix it' and it has worked well for all these years."

John Remington, 2660 Half Moon Walk

Mr. Remington introduced himself as "the citizen with probably the most hours in this Chambers the last few years." He said that he agreed with the direction Council was headed and thanked them for setting times certain for some items so that petitioners need not wait so long during meetings. With regard to the CCSL procedures, Mr. Remington said that it was a very subjective, rather than measurable, process and should not be determined by the PAB. He agreed that the PAB had been restricted. Mr. Remington stated that, in his opinion, a fee should not be charged for anyone to come before the elected officials (Council). In closing, he said, "Look at the ordinance and what's broken. I think maybe that's what you want to change rather than what's before you today."

Marjorie Jones, 205 11th Avenue South

Mrs. Jones remarked that she believed final decisions should be made by the elected officials, not by their appointees. She said, "Council seems to be taking my line of thought. In certain circumstances some things are too important for appointees to make decisions on."

Council Member Anderson expressed her appreciation for the amount of work invested by staff on this item. She stressed the importance of having citizens first approach the PAB, then Council, noting that the procedure provides a system of checks and balances as well as allowing additional time for more information to be considered, hopefully negating last-minute appeals. Mrs. Anderson stated that she was not in favor of any changes except for the waiving of fees and suggested further discussion of the matter at a future Workshop.

MOTION: To **TABLE** Item 5, and rescheduled for further discussion at a Workshop Meeting within six months.

Council Member Pennington clarified that staff should not do additional work on this item at the present time. At Workshop discussion on this matter, Council will determine whether changes should still be pursued.

Anderson	S	Y
Hermes		Y
Korest		Y
Pennington	M	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION 92-6800

ITEM 11

A RESOLUTION GRANTING NONCONFORMITY PETITION 92-N4 TO ALLOW THE REBUILDING OF THE WEST COAST FURNITURE BUILDING LOCATED AT 850 SIXTH AVENUE, SOUTH WHICH WAS DAMAGED BY FIRE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff told Council that the PAB had recommended that this nonconformity petition be approved. Community Development Director Missy McKim explained that the size of the lot made it difficult to develop. She said that staff would recommend approval subject to the conditions that:

- Enlargement of the building or a change in use to a more intensive commercial activity will require compliance with City zoning regulations and,
- All reconstruction will be required to comply with all applicable City Building and Fire Codes.

Ms. McKim explained that development on this site should not affect redevelopment of the surrounding properties and staff believed that parking is accommodated by using the area in front of the store or the City lot across the street. In reply to Council Member Herms' question, Ms. McKim verified that a few parking spaces could be located in the rear of the building.

Dr. Woodruff pointed out that this was an example of what exists in the overall downtown area. It is important to consider property owners' specific needs, he stated, adding however, that it will be necessary to review the City's regulations in terms of its future. Ms. McKim added that as the City goes forward with redevelopment, attempts will be made to form incentives for properties to develop together.

Agent for the petitioner Attorney Benjamin G. Parks thanked Council for considering the time and expense of the petitioners. Attorney Parks reviewed Mrs. McPherson's situation, asking that Council "help make our client whole again." He asked Mrs. McPherson to address Council as well and she gave some historical background on the store. With respect to parking, Mrs. McPherson said that it had never been a problem, adding that she and her late husband had helped to pay for the City lot across the street at the time the City Parking Authority was developed. She told Council that there would be no problem adding four additional parking spaces behind the building. In response to Council Member Herm's question, Mrs. McPherson also confirmed that the mansard-style roof would be rebuilt.

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MOTION: To **APPROVE** the resolution with staff's recommendations and the requirement that parking be added in the southwest corner of the rear of the property and that the landscaping be maintained as it previously existed.

Council Member Anderson commented that this issue represented one of the situations which Council will be addressing in the redevelopment district. She informed Council and staff that insurance exists which provides for people to recover from catastrophic situations such as this. Mrs. Anderson said that everyone should be mindful of such information and suggested that it may be appropriate to discuss at a future Workshop what is available in order for commercial buildings to be properly insured. She added that Council must try to be logical in its discussions pertaining to zoning so as not to act emotionally.

Anderson		Y
Hermes	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

BREAK: 11:07 a.m. - 11:19 a.m.

ORDINANCE 92-6801

ITEM 7

AN ORDINANCE ADDING SUBSECTIONS 11-1-4(A)(4), (B) (4), (E)(8) AND (F)(3) TO THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE" TO PROVIDE FOR MANDATORY WATER CONNECTION, SERVICE DEPOSITS, AND FEES FOR DISCONTINUED SERVICE AND METER RE-READS IN THE JOINT SERVICE AREA OF UNINCORPORATED COLLIER COUNTY; AMENDING SUBSECTIONS 11-1-4(E) (2) AND (4) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE" TO PROVIDE FOR REQUIRED BILLING TO PROPERTY OWNERS AND MONTHLY BILLING IN THE JOINT SERVICE AREA OF UNINCORPORATED COLLIER COUNTY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

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City Manager Woodruff reviewed Item 7, informing Council that the changes were necessary for the City's ordinance to comply with the County's ordinance.

MOTION: To **ADOPT** the ordinance at second reading.

Anderson	M	Y
Harms		Y
Korest	S	Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

ORDINANCE 92-

ITEM 8-A

AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 84-4448 OF THE CITY OF NAPLES, FLORIDA, ENACTED ON MARCH 21, 1984, AS AMENDED AND RESTATED BY ORDINANCE NO. 84-4564 ENACTED ON OCTOBER 3, 1984, BY AUTHORIZING THE REFUNDING OF CERTAIN PRESENTLY OUTSTANDING OBLIGATIONS OF THE CITY; AUTHORIZING THE OUTSTANDING OBLIGATIONS OF THE CITY; AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 1992A, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000, TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF THE SERIES 1992A BONDS FROM THE REVENUES OF THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE HOLDERS OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Finance Director Bill Harrison reviewed this item, informing Council that approximately \$200,000.00 will be saved through this refunding process. Mr. Harrison distributed a handout which lists the refinancing figures and options available. (This information is contained in the file for this meeting and is available in the City Clerk's Office.) He explained how the water and sewer debt and the utility tax debt will be combined and how there would not be any

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financial impact on the water and sewer bond as a result of this transaction. Mr. Harrison outlined the refinancing options available, noting that staff's recommendation was to combine the bond issues. He emphasized that this was solely a refinancing and no new money was involved.

MOTION: To APPROVE the ordinance at first reading.

Anderson		Y
Herms	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION 92-

ITEM 8-B

A RESOLUTION OF THE CITY OF NAPLES, FLORIDA, PROVIDING FOR THE REDEMPTION ON _____, 199__, OF THE CITY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1987; AND PROVIDING AN EFFECTIVE DATE.

NO ACTION: Item 8-B will be considered at the time of the second reading of Item 8-a.

ITEM 9

DISCUSSION/ACTION REGARDING DEVELOPMENT OF 4.5 ACRE CITY-OWNED AFFORDABLE HOUSING SITE.

(NO TITLE)

City Manager Woodruff reviewed the background of the issue and listed the options available, which include:

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1. Enter into discussions with Contemporary Housing Alternatives of Florida, Inc. of St. Petersburg on the development of 99 units of elderly housing and provide support for their application to the Department of Community Affairs (DCA) for State Apartment Incentive Loan (SAIL) funds and Low Income Housing Tax Credit (LIHTC) program.
2. Support National Church Residences interest in reapplying to HUD in June of 1993 for Section 202 funds with the hope that any revitalization efforts in the Redevelopment Study area will influence HUD to re-evaluate the site more favorably.
3. Evaluate the advantages and disadvantages of establishing a housing authority to develop the site.
4. Meet with officials of the Collier County Housing Authority to determine their interest in developing housing on the site.
5. Research innovative senior housing options and identify alternative funding sources for the development of affordable housing on this site.
6. Create a public/private partnership including City government, healthcare providers, churches and social service agencies to evaluate a joint project combining independent living, assisted living, adult day care facility and medical offices.
7. Sell the 4.5 acre site and utilize the proceeds to purchase an alternative piece of property within the City or within close proximity to the City.

Dr. Woodruff asked that Council seriously consider Options 3 and 4 and to authorize staff to put out a new RFP (Request For Purchase). In that RFP, developers would be asked to list specific activities which they hoped the City would be involved in, for example waiver of impact fees.

Council Member Anderson suggested that a cooperative effort should be initiated between the Affordable Housing Commission and the County Housing Authority, in order to meet the community's needs. Council Member Korest recommended that the entire matter should be re-opened for Council discussion at which time those people involved in the affordable housing issue should be invited.

Public Input:

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Eleanor Wade, 2480 Lakeview Drive

Mrs. Wade distributed and read a proposal to Council which would utilize a forty-acre tract of land at the south end of Bayshore Drive. (Attachment #3) She commented that should the City develop the 4.5 acre site near the Naples Daily News for elderly affordable housing, it would result in forcing the elderly and the poor to remain in an area already considered as undesirable. The property on Bayshore Drive is within the two-mile City jurisdiction, said Mrs. Wade, who added, "The site screams for developing. You would serve both the City and the County." Mrs. Wade told Council that the owner of the property would accept the City's 4.5 acre site as a down payment. Should the City build an affordable housing project on the Bayshore Drive property, said Mrs. Wade, it could become a model for the entire nation.

City Manager Woodruff pointed out that this was the type of proposal he would expect to receive should Council approve another RFP process.

Chuck Mohlke, 375 Second Avenue South

Mr. Mohlke reviewed the history of affordable housing in the area, which began with the formation of the Collier Housing Authority. He remarked that the affordable housing issues in Collier County had always been site specific and always based on a specific proposal. Mr. Mohlke expressed the hope that during further Workshop discussion, Council become very mindful of the many prior efforts to address the issue.

It was pointed out by Mr. Mohlke that the County Housing Authority is appointed by the Governor of Florida and created for a specific entity. He suggested that the City may desire something more suited to the needs of this community. Mr. Mohlke encouraged Council to invite to a Workshop all those who have been involved in affordable housing enterprises in the past. He concluded by saying, "There are a number of people who represent a very fine institutional memory. I hope you will allow them an opportunity to contribute, at a Workshop, their experiences."

In response to a question from Council Member Korest, Mr. Mohlke explained that a City of Naples Housing Authority would be defined by ordinance. It could contain broad funding powers, eminent domain powers, and provide a charter which would give important consideration to housing issues. Mr. Mohlke requested that Council give serious consideration to creating an entity with sufficient powers to enhance the City's needs.

Anderson		Y
Herms	S	Y
Korest	M	Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

MOTION: To schedule a Workshop Meeting for discussion of the City's affordable housing needs and to accumulate more detailed information on the various options available.

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ORDINANCE 92-

ITEM 10

AN ORDINANCE AMENDING SUBSECTION (2) SECTION 2.5 OF PART A, ARTICLE 2, OF THE CHARTER OF THE CITY OF NAPLES TO PROVIDE FOR FROM TIME TO TIME, BUT IN NO EVENT LESS OFTEN THAN EVERY FOUR (4) YEARS, THE APPOINTMENT OF A "BLUE RIBBON" COMMITTEE TO REVIEW THE LEVEL OF COMPENSATION AND BENEFITS FOR THE MAYOR AND COUNCIL MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Human Resources Director Mary Kay McShane told Council that the "Blue Ribbon" Committee charged with studying and recommending the level of compensation and benefits for the Mayor and Council had taken its task very seriously. The Committee Members asked Ms. McShane to publicly thank Council for the amount of time its Members spend on City business. As a point of interest, Ms. McShane noted that Council Members spend an average of eighty-seven hours per month on City affairs. It was the Committee's recommendation that the Mayor and Council Members' compensation and benefits were appropriate and should not change. The Committee also recommended that it meet every four years in the future, rather than every two years.

MOTION: To APPROVE the ordinance at first reading.

Anderson		Y
Hermes		Y
Korest	M	Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

RESOLUTION 92-6802

ITEM 14

A RESOLUTION AWARDING CITY BID #93-01 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF TRAFFIC CONTROL SIGNAGE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Assistant City Manager Kevin Rambosk informed Council that staff's intent was to purchase signs on a basis of need. Based upon past purchases, staff would recommend awarding the bid to Municipal Supply & Sign Company. Staff would also recommend:

- Development of a more accurate tracking record for projecting future sign purchase needs.
- Limiting blanket Purchase Orders for signs to \$11,000.00.

Council Member Herms thanked Mr. Rambosk for his efforts in this matter, particularly for his development of a better tracking plan.

MOTION: To APPROVE the resolution with staff's recommendations as listed above.

Anderson	M	Y
Herms		Y
Korest		Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION 92-6803

ITEM 16

A RESOLUTION AWARDING CITY BID #93-22 FOR FURNISHING AND INSTALLING CARPETING ON THE SECOND FLOOR OF CITY HALL; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

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City Manager Woodruff informed Council that the carpet installed on the lower level of City Hall last year cost \$15.27 per square yard, including take-up and removal of the old carpet. The price for carpeting the second floor of City Hall, with the same material, will be \$13.42.

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

Anderson		Y
Hermes	S	Y
Korest	M	Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

RESOLUTION 92-6804

ITEM 18-A

A RESOLUTION APPOINTING ONE MEMBER TO THE NAPLES AIRPORT AUTHORITY TO FILL THE VACANCY CREATED BY THE EXPIRATION OF THE TERM OF CHAIRMAN RAYMOND E. CARROLL; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To appoint Louis X. Amato to the Naples Airport Authority.

Anderson		Y
Hermes		N
Korest	M	Y
Pennington		Y
Sullivan	S	Y
VanArsdale		N
Muenzer		N

(4-3)

M=Motion S=Second

Y=Yes N=No A=Absent

RESOLUTION 92-6805

ITEM 18-B

A RESOLUTION APPOINTING ONE MEMBER TO THE CODE ENFORCEMENT BOARD TO FILL THE UNEXPIRED TERM OF ELAINE D. DALBY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To appoint Marjorie Prolman to the Code Enforcement Board.

Anderson	M	Y
Hermes		Y
Korest		Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION 92-6806

ITEM 18-C

A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES FIREMEN'S RETIREMENT TRUST FUND; APPOINTING TWO FIREFIGHTER TRUSTEES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To appoint William E. Barnett to the Board of Trustees of the City of Naples Firemen's Retirement Trust Fund.

NOTE: John Reble and James Rivard were reappointed as Firefighter Trustees.

Anderson		Y
Hermes	S	Y
Korest		Y
Pennington	M	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION 92-6807

ITEM 18-D

A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES POLICE OFFICERS' RETIREMENT TRUST FUND; APPOINTING TWO POLICE OFFICER TRUSTEES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To appoint William E. Barnett to the Board of Trustees of the City of Naples Police Officers' Retirement Trust Fund.

NOTE: Tim Cully and Jeff Whittaker were reappointed as Police Officer Trustees.

Anderson	S	Y
Hermes	M	Y
Korest		Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

Deputy City Clerk Marilyn McCord acted as recording secretary for the preceding portion of the meeting while Deputy City Clerk Tara Norman acted as recording secretary after the lunch recess until 5:30 p.m. Ms McCord recorded the meeting from 5:30 p.m. until adjournment at 9:30 p.m.

LUNCH RECESS: 12:45 p.m. - 2:10 p.m.

City Manager Woodruff announced that the South Florida Water Management District has informed the City of Naples of the imposition of mandatory water restrictions which would necessitate residents restricting irrigation to certain days and certain hours. This would, however, have no impact on users of reuse water. Dr. Woodruff indicated that a news release with details of the restrictions would be forthcoming within the next two days.

COASTLAND MALL EXPANSION

ITEM 6

Item 6-a

**PUBLIC HEARING AND SECOND READING OF PLANNED DEVELOPMENT
REZONE PETITION 92-R10, APPLICATION FOR EXPANSION OF COASTLAND
MALL.**

City Attorney Chiaro stated that the testimony of all City staff members participating in the discussion of Item 6 would be under oath and that any speaker wishing to also be placed under oath would likewise be sworn. The record would reflect which testimony was presented under oath, Ms. Chiaro explained.

The following oath was then administered to all in the room who indicated a desire to be sworn at this point in the meeting: "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you, God?" Answer: "I do."

City Manager Woodruff then enumerated the Coastland Center Mall plan modifications which had been accomplished since the first reading of this petition on Wednesday, November 4th; namely, the reduction in anchor stores from five to four; the reduction in size from 1,070,000 to 955,000 square feet; a reduction in the margin square footage from 53,000 to 40,000; improved landscaping; a reduced and improved signage plan; requirement for City approval of a security plan; elimination of the Fleischmann Boulevard access which aligns with Tenth Street; relocation of the eastern parking garage; and an increase in parking deck clearance from 9 to 14 feet.

Chief Planner John Cole then reviewed changes which had been made in the landscape plan since the last City Council review on November 4th. The most significant change, Mr. Cole said, was the replacement of the area reserved for the fifth anchor department store with surface parking in the southeast quadrant of the site. The parking garage in the southeast quadrant had been reduced from three levels to two, with drive-up access to both levels, and had been moved farther from the Goodlette Road right-of-way (to a 170 foot setback). Parameter landscaping on the Goodlette Road right-of-way had been improved to include shade trees, and tree heights have been increased on the entire site. The areas devoted to landscaping, grassed parking and water retention have been increased from 19% of the site to 21%, Mr. Cole concluded.

With reference to traffic impacts on the area, Dr. Woodruff first referred to Alternative 2 adopted by the City Council at the November 4th meeting, which would permit a right or left turn from the Burdines exit but no direct southbound exit from the site to Tenth Street. Dr. Woodruff then displayed a map of the streets surrounding Coastland Center Mall showing impacts upon projected 1995 traffic counts on Goodlette Road, Golden Gate Parkway, U.S. 41 and Fleischmann Boulevard (Attachment #4). He indicated that the figures are estimated on a mall expansion of 1,070,000, not the reduced square footage of 955,000 that was currently being proposed. He also

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provided data on peak traffic impacts per peak minute (within peak hours) at various locations around the shopping center site. (Copies of these charts are contained in the file for this meeting in the City Clerk's Office.)

Police Sergeant Ralph Cox explained that members of the Department had received training in crime prevention through environmental design. At Coastland, the Police Department was requesting an open design of the parking garages so that passersby, patrol cars and users of the garages are afforded clear observation of the area, with a limited number of access points to deter loitering as well as to deter criminals who feel trapped in a well lighted and well travelled area.

Dr. Woodruff noted that the final Planned Development document requires a security plan approved by the Police Chief, although the plan could also be submitted to the Council if it wished prior to approval. Council Member Anderson announced that the mall developer had agreed to certain security measures, being mindful that it is in the City's interest to prevent problems. Those measures are: the mall will have 24 hour security and patrols dedicated to the parking decks during operating hours; foot and vehicle patrols will be structured to prevent an observable pattern being established; and at the time of construction of the parking garages, wiring via electrical conduit will be installed to allow installation of intercoms and closed circuit television. Additional security measures are being required by the Police Department, such as intercom call boxes, Mrs. Anderson said.

Police Captain Paul Sireci then presented crime data from 1990 to 1992 for Coastland Center Mall based upon various reporting categories: auto theft, sexual battery, sexual offense, robbery, aggravated assault, burglary, drugs, battery, larceny and murder (Attachment #5). Captain Sireci responded to various questions regarding specifics of recent crimes and indicated that the statistics showed that Coastland was comparable to other shopping centers in the area, but that the crime rate was much more favorable than Edison Mall in Fort Myers which, Captain Sireci said, was impacted by the socio-economic conditions of the surrounding area. On the other hand, the Police Department maintains a very close relationship with Coastland Mall, he said, and provides a high level of patrol as well as training for mall security.

Dr. Woodruff then provided the Council with a tabulation of responses to a post card poll by the Citizens Political Committee (Attachment #6). This showed 2,232 cards received with 869 opposed to expansion, 737 in support of limited expansion and 510 in support of expansion.

Mayor Muenzer then advised the Council that he had contacted representatives of each of the three anchor stores currently in Coastland Center Mall -- Penney's, Burdines and Dillard's -- and had, in separate conversations, asked each a variety of questions. All had indicated that they wished to expand the square footage available to them in Naples, he said, but confirmed that they were not being pressured by the mall owners into expanded facilities at Coastland. Nevertheless, each indicated that they would leave Coastland Center Mall if more space was not made available. Burdines had indicated a need for a minimum of 140,000 square feet, Dillard's

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180,000 square feet and Penney's also indicated a need for additional space. When asked how many more anchor stores each would project in the Collier County area, Dillard's responded that none were projected for Collier County although one other might be considered if it were north of Estero, as did Burdines, which also cited the area near the new state university. Penney's responded similarly. Mayor Muenzer also said that he asked the three for their views on the number of anchor stores which normally work best in malls. The Burdines representative said that a minimum of four would be needed with five preferred; Dillard's had indicated that five anchors were definitely needed; and the Penney's representative agreed that five was a preferred number of anchor stores. In conclusion, Mayor Muenzer asked each if their answers had been suggested by the mall developers, LaSalle Partners. Each confirmed that their responses were their own with no prompting by LaSalle.

Chief Planner Cole then reviewed the actions before the Council at this meeting; namely, action on the second reading of a rezone ordinance (Item 6-a) and action on a development order (Item 6-b) relative to the mall expansion. The latter will be transmitted to the Southwest Florida Regional Planning Council and the State of Florida for determination of its consistency with regional approvals and State Department of Community Affairs (DCA) criteria. Mr. Cole also confirmed for Council Member Herms that a building permit for the project could not be issued by the City of Naples until the necessary DCA approval is received. In addition, City Attorney Chiaro indicated that the City has 30 days to transmit the Council's action to the State and if no appeal is filed with the State within the subsequent 30 days, the building permit may be issued. A challenge could, however, be lodged at the State level, she added.

Attorney Donald Pickworth, representing the petitioners, listed the members of his group and the elements of their presentation. (This listing is contained in the file for this meeting in the City Clerk's Office.) He explained that the group would focus on issues raised since its last presentation to the Council and noted that there was, at this point, a good familiarity on the part of both the Council and the public with reference to the elements of the Coastland Center Mall expansion petition. Mr. Pickworth also pointed out that there appeared to be consensus that the mall is in need of upgrading, but opinions differ with reference to the extent of that upgrading. He then introduced Peter H. Schaff, Vice President of LaSalle Partners, owners of Coastland Center Mall.

Mr. Schaff noted that the most significant changes in the petition since the November 4th City Council meeting were the elimination of the fifth anchor store and a 22% reduction in the square footage. In addition, parking decks were reduced in height and size (approximately 42%) as well as increasing the setback from Goodlette Road. Mr. Schaff also pointed out the clearance height now proposed for the parking decks; namely, 17 feet of floor-to-floor height with 14 feet below structural beams. He illustrated this height by comparing it with various points around the Council Chamber.

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Mr. Schaff also noted that based on the provision of parking structure design drawings showing their compatibility with the overall mall design theme, the staff had removed the requirement for future architectural review on that level; nevertheless, the Planning Advisory Board must review the architecture for the parking deck entrances.

Mr. Schaff then provided the Council with a landscape analysis showing the amount of existing plantings, code required landscaping, and landscaping proposed in conjunction with the expansion. He said that LaSalle had committed to complete landscaping on the Golden Gate Parkway/U.S. 41 corner by April, 1993; to complete landscaping on U.S. 41 at burdines by December, 1993; and to have all parameter landscaping in place by December, 1995, irrespective of other activities on the site. In addition, a 4:5 parking ratio would be maintained at all times during construction; and at least one parking deck will be completed before the certificate of occupancy is issued for Dillard's or the food court/theater building. Mr. Schaff also stated that LaSalle was committed to complete interior landscaping in conjunction with adjacent structures and listed as their commitment the completion of the loop road in conjunction with adjacent structures and on the western side of the site no later than 1995.

He also reviewed the group's construction phasing commitment which had not been in place at the last Council review. He said that it was his understanding that the details of on-site construction and staging of materials would require staff approval; however, if off-site staging occurred, this schedule would necessitate City Council review.

Traffic Consultant John W. Barr then addressed the Council and responded to a previous question on the advisability of using the Naples area transportation model as the best analytic tool. Concern had been raised that it projects, on one particular link, future traffic volumes which appear low. In actuality, Mr. Barr said, one such link, U.S. 41 north of Golden Gate Parkway, projected on peak season traffic counts, actually experienced a 7% to 8% decrease. While these locations would not continue to decrease, he said, a levelling out had been projected, and an increase with the expanded mall. Peak season trends were used to project peak season counts, he said.

Mr. Barr then addressed concerns which had initially been expressed by the Florida Department of Transportation (FDOT) in early 1991 that the petitioner's analysis may have underestimated the impact of the mall expansion on U.S. 41. After the FDOT had a more full understanding, Mr. Barr said, they no longer had concerns and read into the record a letter, dated November 18, 1992, from FDOT District Planning Manager C. William Ockert (Attachment #7) which expressed that viewpoint.

John B. Chapman, retail consultant with HSG/Gould Associates was the next member of the group to address the Council. Based on data collected over the history of regional shopping malls, there had been no consensus that the concept should be down-sized. Malls are always

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driven by their anchors, Mr. Chapman pointed out, and said that indications from the marketplace are in keeping with the responses Mayor Muenzer had received in his interviews with Coastland anchors. All the anchors in Coastland are smaller than the national average, he added.

LaSalle Partners Managing Director Brad A. McNealy then addressed the Council on the issue of security. He pointed out that any incident could cause irreparable damage to the asset which LaSalle was spending hundreds of thousands of dollars a year to promote. Safety, he said, begins with architecture and continues with management, mentioning specifically the theme of openness which will be in place in the parking garages.

Mr. McNealy then reviewed other aspects of planned security procedures, both inside and outside the mall: two-way radio contact will be provided to the entire staff of Coastland; there will be staggered hours for movies, food court operations and mall openings; extensive contact with the City of Naples Police Department has begun and will be maintained; internal security audits will be conducted and the home office updated annually; and a third party security audit will also be performed if required by the City.

Mr. McNealy then provided the Council with a size comparison of Coastland Center Mall with the average of the ten largest malls in the State of Florida and stated that Coastland Center Mall is less than 35% of the size of the true "mega-malls" and 71% of larger Florida malls listed on the size comparison chart. (A copy of this chart is contained in the file of this meeting in the City Clerk's Office.) He also noted that the Mayor's survey of the three Coastland anchors confirmed that mall developers are unable to exert pressure on them and that even if the Development of Regional Impact (DRI) and Planned Development (PD) petitions were approved, operating agreements must then be negotiated by the developer with anchor stores. Only then will there be a commitment for the stores to remain for 15 to 20 years, he added.

Council Member Herms noted that, at the last Council meeting, LaSalle representatives had indicated they did not feel it necessary to station a security guard on each level of the parking garage. Mr. McNealy said that LaSalle would provide roving patrols but still did not feel it necessary to provide security to this extent unless law enforcement recommends it.

In a discussion initiated by Council Member Van Arsdale, it was determined that some building heights of the anchor stores within the Coastland Center Mall PD would appear to be 46 feet tall including decorative facings; the current code allows a building which appears 41 feet tall under Highway Commercial Zoning District regulations. The height of the current Dillard store is 34 feet. Other structures within the complex, such as in-line shops and parking garages, are within the allowed height, Mr. Cole pointed out.

Mr. Herms requested additional information with reference to compliance with the City's water retention requirement. Engineer Mike Byrd (Kimley-Horn and Associates, Inc.) responded to the effect that the Coastland Center Mall project would be required to meet not only the City's

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regulations but those of other review agencies such as the South Florida Water Management District. Among the requirements, which Mr. Byrd called "incredibly complex," would be not only drainage associated with new construction, but also actions to correct existing drainage problems on the 78 acre site. Dr. Woodruff additionally pointed out that no building permit could be issued until all water management requirements had been met.

Break: 4:09 p.m. to 4:20 p.m.

Public Input:

Pam Mac'Kie, 575 Whispering Pine Lane - Supports proposed expansion.

President, Naples Better Government Committee

(Sworn by City Attorney)

Ms. Mac'Kie indicated that approval was the right thing for a majority of citizens in the community.

Gary Carlson, 5255 12th Avenue Southwest - Supports proposed expansion.

Chairman, Economic Development Council

(Sworn by City Attorney)

Mr. Carlson indicated that the expansion would benefit all by increasing employment and the tax base.

Michael McComas - Supports proposed expansion.

1141 Tenth Avenue North

(Not sworn)

Mr. McComas cited his previous comments before the Council and a Letter To The Editor in support of the expansion. The developer's proposal provided a viable shopping center while protecting neighborhoods and citizens, he said.

James D. Kieley, 3710 Estey Avenue - Neither supports nor opposes proposed expansion.

Director of Energy & Safety, Collier County Public Schools

(Sworn by City Attorney)

Mr. Kieley reminded Council that the Coastland Center Mall is nearly 50% surrounded by facilities which serve children and young people, and stressed the importance of taking into consideration the safety of pedestrians and motorists. The planned school expansion, he said, would correlate with the construction of the mall expansion.

Richard J. Baker, 2330 Kingfish Road - Supports proposed expansion.

Vice President, Royal Harbor Association

(Sworn by City Attorney)

Mr. Baker indicated that a poll of the Association's 15 board members showed that a substantial majority was in favor of the proposed expansion. He said that Coastland must change in order to remain viable and a contributor to the tax base.

Irv Maslick, 4601 Gulf Shore Boulevard, North - #17 - Supports proposed expansion.

(Sworn by City Attorney)

It was clarified, in questioning by Mayor Muenzer, that Mr. Maslick was not being paid by anyone to support approval of the petition. Mr. Maslick indicated that it was "ludicrous" to compare the size of the Coastland Center Mall expansion with a "mega-mall" and that the need for the proposed expansion was justified, based on his experience as a consultant to large malls.

Lance Donovan, 1066 12th Avenue North - Opposes proposed expansion.

President, Lake Park Association

(Sworn earlier in the meeting by the City Attorney)

Mr. Donovan reviewed the list of changes which his Association had proposed to the Council at the November 4th meeting which, he said, they felt would make the Coastland Center Mall more palatable and considerate to its residential neighbors. These recommendations had to do with issues of noise, traffic, nuisance and safety which would affect residents of Lake Park, he said. Although the Association's position had been characterized as reactionary and myopic and had been criticized for having only its interests at heart, he said that the Association's desire for quality growth was the same as the rest of the community.

Susan K. Lennane, 4160 Cutlass Lane - Opposes proposed expansion.

(Not sworn)

Ms. Lennane urged the Council to vote against the proposed expansion on the grounds that it would increase crime. She said she based her comments on experiences she had had with expansion of a shopping mall in the Sacramento, California, area.

Mary P. McCourt, 1010 13th Street North - Opposes proposed expansion.

(Sworn earlier in the meeting by the City Attorney)

Ms. McCourt expressed the view that the mall was currently sized correctly and that increased numbers of stores could mean business failures which would, in turn, result in the mall declining.

Dave Rice, 255 Champney Bay Court - Opposes proposed expansion.

(Not sworn)

Mr. Rice indicated that he was not representing the City's Community Services Board of which he is a member. He cited the presence of two schools and a regional park within six blocks of Coastland and another nearby shopping center, and the fact that a parking problem now exists on the Fleischmann Boulevard right-of-way due to activities at the park. He also questioned the

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validity of the traffic data presented because the traffic expert was in the employ of the mall developer. Traffic and other negative impacts upon the citizens of Naples will continue to increase, Mr. Rice concluded.

Wayne Arnold, 1111 12th Avenue North - Opposes proposed expansion.

(Not sworn)

Mr. Arnold stated that, in his job, he applies Collier County codes daily and noted that the 20% open space which would remain on the Coastland Center Mall after expansion was less than both national standards and Collier County standards, and considerably less than the 40% open space which is required by Lee County. The Council, he said, should get something in exchange for the variances being granted to the mall developers and asked that the Council consider the impacts represented by other uses which would compound the effects of the expanded mall on the metropolitan area.

Mark May, 1265 Forest Avenue - Opposes proposed expansion.

(Not sworn)

Mr. May displayed a map of the Lake Park Area showing what he said was commercial encroachment on the area, and took the position that crime would increase in parking garages. He said the parking garages proposed for Coastland Center Mall would be large cement structures with little landscaping and would equal, in area, nine acres of parking space.

Penelope Taylor, 995 13th Street North - Opposes proposed expansion.

(Sworn by City Attorney)

Ms. Taylor referred to petitions which were now being circulated among households in Lake Park as well as the area north of Naples High School. She pointed out that there are over 3-million people living within a two hour drive of the City who will enjoy improved access with the completion of I-75 and its additional Naples exit. This will increase both crime and traffic, she said. She also explained how a "concentric circle pattern" would result in commercial pressure on surrounding areas in addition to Lake Park.

Audree Karlosky, 712 12th Street North - Opposes proposed expansion.

(Not sworn)

Ms. Karlosky disputed traffic counts on which projections were made, stating that they did not take into consideration any other increased future activity over and above the mall expansion. She said that by 1993, US 41 would have increased over its level of service requirements, and by the end of 1995, it would have exceeded its capacity by 151 cars per hour.

Robert C. Gebhardt, 2500 North Tamiami Trail - Opposes proposed expansion.

(Sworn by City Attorney)

Mr. Gebhardt clarified that he was representing five residents who were unable to attend this meeting, that he was Penelope Taylor's attorney, and she was the only client compensating him with reference to this petition. He told Council that it was unfair to compare Coastland with

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other malls in cities much larger than Naples as had been done previously in this meeting. Mr. Gebhardt predicted that if Coastland Center Mall were expanded, there would soon be application for a "power strip mall" similar to those which have been permitted in Fort Myers. These malls contain major national chain stores such as Toys 'R' Us and TJ Max, he said. In conclusion, Mr. Gebhardt urged the Council to adopt moderation in allowing the Coastland Center Mall to expand.

Daniel J. Gaudiana, 905 13th Street North - Opposes proposed expansion.

(Not sworn)

Mr. Gaudiana said that increasing the mall would increase traffic to an unacceptable level in his neighborhood and that the mall now provided sufficient shopping facilities without expansion. He also noted that malls and their parking lots were, in general, dangerous places at night for the elderly.

**Alfred W. French, Architect, 659 Fifth Avenue South - Supports proposed expansion.
Director, South Florida Land Preservation Trust**

Mr. French called Council's attention to the fact that the R/UDAT (Rural/Urban Design Assistance Team) study had identified the area around Coastland Center Mall as an activity center which is very important to the development of Naples and Collier County.

Mr. French encouraged Council to request the developer to prepare documentation showing how additional social and community programs can be integrated into the Mall structure. He concurred that concerns about increased traffic activity were very real and encouraged Council to limit the City's urban sprawl and recommended that growth be channeled into the activity centers, such as the Mall.

**Robert Sullivan - Supports scaled-down expansion; does not support parking garages
2400 Gulfshore Boulevard #701**

(Sworn by City Attorney)

Mr. Sullivan, who is Chairman of the Board of Herberger's Department Stores in the midwest, referred to his letter of November 16, 1992 addressed to Council Member Herms, which had been distributed to all Members of Council (Attachment #8). Mr. Sullivan's letter described how he believed the Mall's expansion could be scaled down. He specifically expressed disappointment in the possibility of a 4:5 parking ratio. He said, "Expansion can be cut back so the Mall lives on the property it owns. Parking ramps are not a small-town quality kind of thing. I urge you to consider those facts and other things I wrote in my letter." Mr. Sullivan suggested a 200,000 to 240,000 square foot reduction. In response to Council Member Korest's question, Mr. Sullivan assured Council that he had no financial interest in Coastland Mall.

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Marybeth Thomas, 790 Tenth Street North

(Not sworn)

Mrs. Thomas described how, once she and her husband began renovations on their home, many of their neighbors did likewise, and renovations continue to be made in the neighborhood. She expressed concern for the quality of life in the area.

Dick Young, 3323 Gin Lane - Opposes proposed expansion.

Representing the Citizens Political Committee

(Sworn by City Attorney)

Mr. Young's comments were as follows: "The sense of the Council Meeting when you held the first reading on the Coastland Mall expansion was that you were voting for the proposal in part to move the process along and to allow the expected additional input to the Council from everyone involved, including the citizens of Naples, prior to today's second reading. I believe that was a very sanguine attitude on your part and we appreciate it very much. To the contrary, LaSalle's unfair claim that our input is disruptive to the process, as they advertised in a full-page ad in the Naples Daily News, is totally without merit and in our opinion is indicative of the insensitivity of LaSalle Partners to this Council, to its processes, and to the input of Naples' citizens."

Mr. Young continued, "We're very grateful, very grateful, for your honest and patient willingness to discuss and receive additional comments from the neighbors, other citizens of the community, and from our Committee, during the past two weeks. In particular, we are very grateful for your consideration of the input generated by a mailing of postcards to voting households in the City of Naples by our Committee, for direct return to the Mayor and Council's Office for tabulation. Many of these cards have already been returned to your office and tabulated." Mr. Young referred to a letter dated November 18, 1992 from the Citizens Political Committee Chairman James Kessler to the Mayor and Council (Attachment #9), then went on to list the results of the tabulations, as follows:

♦ Total cards returned	2,232
♦ Number of respondents opposing the proposed expansion	859
♦ Number supporting a limited expansion	735
♦ Number opposing expansion proposed but supportive of limited expansion	95
♦ Number supporting the proposed expansion	510
♦ Number supporting the expansion but also supporting limited expansion	9
♦ Number of cards rejected	12

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Mr. Young continued, "The bottom line is that 76% of the voting households responding to this survey support no expansion of this Mall or limited expansion of the Mall. Only 23% support the expansion proposal that we've been talking about the last couple of weeks and earlier. This overwhelming show of preference for no expansion or a limited expansion speaks volumes regarding the feeling of voting households in the City. Moreover, in the past two weeks experts have volunteered their opinions concerning the viability of a scaled-down version of the proposal. Our Committee has maintained the position that we would support a modest expansion of the Mall. We have been very consistent in that position. Now, there is a proposal before you from a disinterested third party specifying in some detail how the proposed expansion could be down-sized and serve well the owners, the retail anchors, and to a large degree provide a more acceptable alternative to the neighbors and to all the citizens of Naples.

"May I request that you take the time you need, all the time in the world, to consider the survey of voter households when it is completed, or to conduct one of your own, and consider the compromise of a limited Mall expansion detailed in a letter to you of November 16th by Mr. Sullivan, from whom you just heard. You could serve the entire community and the developer as well in this manner. We need to be led out of this wilderness of honest disagreements for the future of our City. We look to you, our elected officials, for an acceptable compromise solution of this matter and will appreciate your efforts in that direction."

Michelle Edwards, 1111 14th Avenue North - Supports scaled-down expansion.

(Not sworn)

In reply to Ms. Edwards' questions, Mr. Barr explained how the exit near Burdines would be channeled so that no through traffic could proceed out onto Tenth Street, and that the easterly entrance onto Fleischmann Boulevard would be channeled at the discretion of the City. Ms. Edwards requested that Council require the developer to monitor the traffic flow out of the Mall and if traffic should increase more than 5%, a fence or gateway at the two entrances be required. She also requested that the County's standards with respect to trees be required and Ms Edwards concluded by expressing deep concern for the quality of life in the area.

Edith Williams, 3300 Gin Lane - Opposed to full-scale expansion.

(Sworn by City Attorney)

Mrs. Williams expressed concern about crime at the Mall as well as the impact on the schools in the area from increased traffic.

Joe Delate, 210 Timber Lake Circle

(Not sworn)

Mr. Delate told Council that any approval should include upgrading of the existing landscaping and impose landscaping standards similar to Collier and Lee Counties, including increased open green space and retention of native vegetation. He pointed out that this was a great opportunity to upgrade the site and create an image of lush landscaping.

Bob Lenahan, 1262 Tenth Street North

(Not sworn)

Mr. Lenahan asked that Council consider the permanent impact of automobiles on Tenth Street, U.S. 41, and Golden Gate Parkway. He noted that the speeding on Tenth Street was "obscene."

NOTE: Dr. Woodruff verified, for the record, that he had given no traffic statistics for Tenth Street itself. In response to Council Member Van Arsdale's question, Mr. Lenahan said that he would totally support closing off Tenth Street to all through traffic.

James Weigel, 2825 Leeward Lane - Supports scaled-down expansion.

(Not sworn)

Mr. Weigel's comments were as follows: "In the past, Naples' public has had representations made to them by developers, various proponents, and sometimes City and County government advocating a 'bigger is better' philosophy, i.e. a massive marina called Sabal Bay, annexation of Pelican Bay, or a baseball stadium. These environment altering projects were all defeated by the electorate at the polls, sometimes with the consequent spin-off of elected officials being voted out of office too. This trend is indicative of the generally conservative attitude of the residents to massive change. Parking garages and a massive mall of Edison Mall proportion are not what has made Naples the special community in the past. Do you think these things now will add to our uniqueness?

"A first reading - and a vote is always subject to analysis, reflection, public input, and subsequent final decision - that is why we have a first and second reading of issues to be voted upon. It is part of the advise and consent form of local government. It allows people and special interest groups some time to re-examine a situation and allows you Council persons to be more aware of the ramifications of your vote. To change your vote today in no way suggests inappropriate action on your part. It does suggest that you are subjective, responsive to the electorate and to the citizens of the City concerning this second reading process and the way it was devised, I came to Naples fourteen years ago and I've been a permanent resident of Naples for twelve years, civically active for most of that time and hopefully perceived as a conscientious contributor, a giver and not a taker to this community. I think I have a pretty good pulse on this community and I suspect I will be a resident of Naples long after LaSalle Partners and Tim McCarthy have left the community. Most of you probably will be, too. Please use good, long-term judgment. Permit a modest, enlarged nicer Mall, in keeping with the community and respective of the resident. If you need more time, please take it."

End Public Input

Council Member Anderson read, for the record, a Resolution of the Naples Area Chamber of Commerce, dated November 18, 1992. (Included as Attachment #10) The Resolution commends Council for the responsible and farsighted analysis it has given this issue and urged Council's approval of the proposed expansion.

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Vice Mayor Sullivan then read into the record (Attachment #11) a letter from Mr. Bob Rier, 1611 Murex Lane. The letter included the unanimous support of all ten Directors of the Board of the Coquina Sands Neighborhood Association of the Mall's expansion.

Mayor Muenzer announced that several telephone messages had been received by his office during the course of this meeting. Those messages expressed the following opinions:

- **Jean Rochford - Opposes proposed expansion.**
473 12th Avenue South
- **Bell Foster - Supports proposed expansion.**
1360 Fifth Avenue North
- **Maggie Lloyd - Supports proposed expansion.**
1370 Fifth Avenue North
- **Floyd Bickel - Supports proposed expansion.**
1153 Tenth Avenue North
- **Robert Graham - Opposes large-scale expansion.**
1127 Royal Palm Drive

BREAK: 6:20 p.m. - 6:37 p.m.

Attorney Pickworth began this portion of the meeting by stating that the Coastland Mall representatives would answer any further questions from Council.

Managing Director McNealy responded to Mr. Robert Sullivan's letter, clarifying first that his group had no Herberger's Stores among its clients, however, that chain did have a very good reputation in the midwest. With respect to the feasibility of expanding Sears, it has been indicated to LaSalle Partners that from the very beginning Sears has hoped to expand. Burdines originally wanted to expand to 160,000 square feet, said Mr. McNealy, however, proposed plans allow for 140,000 square feet. Mr. McNealy noted that Mr. Sullivan had suggested in his letter that Dillard's expanded space be 150,000. He told Council that the last ten Dillard's stores averaged 180,000 square feet and the local Dillard's store continues to submit plans for 192,000 square feet. LaSalle Partners is continuing to negotiations with Dillard's in order to reduce the expanded store to 180,000 square feet.

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It is probably true, said Mr. McNealy, that major department stores have no interest in having theaters in the Mall. However, LaSalle hopes to diversify by adding theaters, restaurants, and expanded food court, etc., so that the Mall remains a major activity center for the community.

Referring to Mr. Sullivan's statement that a 200,000 reduction in the expanded area would eliminate the need for some parking structures, Mr. McNealy pointed out that many enthusiastic responses had been received from people who prefer parking their vehicles out of the sun.

Mr. McNealy told Council that his group did still support a fifth anchor store, although one is not included in the plans. In reply to Council Member Anderson's comments, Mr. McNealy stated that LaSalle Partners would make every effort to meet the needs of the community, including the addition of a meeting room which would be made available to the public. The "Mall Walkers" program will also be continued.

Council Member Herms inquired about the cost of the land lease; Mr. McNealy explained that it was a complicated transaction involving a leasehold purchase, however, the documents could be provided if necessary. Mr. Herms expressed displeasure in the fact that the information had not already been provided, pointing out that the financial aspects of the project should be available. Mr. McNealy apologized for the misunderstanding and said that he understood that he had offered to meet with Mr. Herms and review that information.

Vice Mayor Sullivan inquired about criminal activities at the Mall, asking whether any incidents are mitigated by Mall representatives in order to maintain a low crime incident report. Mr. McNealy informed Council that written policies exist which require every Mall employee to report every incident of criminal activity to the Police Department. LaSalle Vice President McCarthy described additional Mall policy requiring accurate records for every personal injury and spill, adding that this intricate record keeping process was vital for liability protection.

Mr. Sullivan next read the information related to traffic impacts on Tenth Street North, including the impact which would result from five different expansion alternatives. (Attachment #12) Mr. Sullivan proposed that the total impact on Tenth Street traffic would be greatly relieved if it was one-way northerly from 14th Avenue North to Fleischmann Boulevard, although that proposal had been made in the past and rejected.

Chief Planner Cole drew attention to the developers' responsibilities for traffic improvements as they are contained in the PD Narrative. The developer will reimburse the City for any expenditures for additional four-way stop signs. Engineering Manager Westlake said that, in his opinion, the developer had made a very affirmative commitment to traffic improvements. Mr. Cole explained further that the Comprehensive Plan and Comprehensive Development Code require the City to monitor the level of service on its streets. If any street reaches a point beyond the accepted level of service, it must be addressed.

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Council Member Pennington asked about City control over U.S. 41 and Mr. Westlake clarified that U.S. 41 was the State's responsibility. The only control the City could exercise would be as a member of the M.P.O. (Metropolitan Planning Organization). City Manager Woodruff commented that at some point in the future, the City will probably have to consider giving up either the medians or the front setbacks on U.S. 41. Mr. Westlake assured Council that long-range plans do not specify U.S. 41 as being over capacity, however this will be highly dependent on the adoption of County projects which will relieve U.S. 41. Another factor to consider is that when any road falls below acceptable levels of service, a building moratorium is enforced in areas that would further affect those roads. Dr. Woodruff noted that although there is a great deal of undeveloped land near the Mall, it will be developed only if the Concurrency Plan is at the level it should be.

In response to Council Member Anderson's questions about a parking agreement between the Mall and Fleischmann Park, Dr. Woodruff explained that the petitioner did not choose to put that in writing since a future City Council could find the Mall deficient in parking. However, a plan could be implemented to stripe the cross-entrance and to post the area so that no parking is allowed along Fleischmann Boulevard. Council Member Herms suggested installing a light at that crossing.

Landscaping improvements were the next topic of discussion and Attorney Pickworth reviewed the Landscape Code Analysis dated November 16, 1992 (Attachment #13). The Landscape Code Analysis depicts existing, required, and proposed landscaped areas, trees, and open space.

NOTE: Before the motion was made and vote taken, City Attorney Chiaro read the Ordinance title:

ORDINANCE NO. 92-6808

ITEM 6-a

AN ORDINANCE APPROVING REZONE PETITION 92-R10, REZONING THE PROPERTY DESCRIBED HEREIN, FROM "HC" HIGHWAY COMMERCIAL TO "PD" PLANNED DEVELOPMENT PROVIDING FOR THE EXPANSION OF THE EXISTING COASTLAND CENTER REGIONAL SHOPPING MALL; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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MOTION: To **ADOPT** the Ordinance pursuant to those conditions listed in the November 16, 1992 Staff Report, the Landscape Code Analysis dated November 16, 1992 as submitted by the petitioners, and the memorandum from Attorney Donald A. Pickworth to Council Member Kim Anderson dated November 18, 1992 with respect to Mall security. In addition, the following revisions shall be made to the Ordinance:

Anderson	S	Y
Hermes		N
Korest	M	Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(6-1)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

SECTION 2. 3) Landscape buffers shall be placed immediately adjacent to the southeastern parking garage.

SECTION 2. 4) The final architectural design of the southeastern Mall entrance shall be revised to include a trellis feature similar to the treatment of the U.S. 41 Mall entryway.

The following shall be added to the Ordinance:

SECTION 2. 8) All installed shade trees shall be a minimum of twelve (12) feet in height.

Council's comments and votes were as follows:

Council Member Anderson:

"Yes. Throughout the review of this issue, beginning a year ago, this Council has endeavored to deal up front and honestly with the public and also the petitioner. Due to the extent of considerations necessary to undertake this project, the Manager and I, then as Mayor, asked the developer to come in and go over in detail the development, for the benefit of the Council and the public. Now this is only important if you consider that the reason that we brought this to a Workshop was not because we had an empty day and needed a filler, but it was in fact to generate public input at the time and a conscious awareness on behalf of the Council, knowing that this was a future issue of some magnitude, in hoping to address the public's concerns in a timely manner and not an eleventh-hour flurry.

"As with all voting issues before this Council, both the public and the petitioner have been heard. In sensitivity to both sets of input and combining the future needs of economic viability of this City, the modifications approved November 4, 1992 and those agreed to tonight, have been put

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forth. To further evidence sensitivity on any potential increased crime in the area, I have insisted on additional security measures which have been accepted by the petitioner and worked into this agreement and outlined in the opening of the session today.

"I have received many phone calls from citizens in the past two weeks supporting the actions taken by the Council November 4th. In fact, the communications I have received, both of approval and disapproval, track very closely with the percentages reflected in the CPC's cards of response, 39% opposing and 61% in favor of the proposed expansion or expansion with some limitation. I would submit to you that the modifications that have been made to date, 22% square footage reduction, the Tenth Street traffic impediments, a construction phasing schedule, increased security, and the increased landscaping amenities, address those concerns. I submit to you, being a Member who was raised in Naples and having had one of the greatest years of longevity in Naples on the Council, that I have a great emotional commitment to this City's past, present, and particularly its future.

"Balancing the needs of many and the wants of a few is a delicate issue. Based on the number of people who vie for this office, however, it is obvious it is not a widely-envied position. How you individually may feel as an elected official is not important. The consideration at looking for a balance on every issue and the future of Naples is the only thing that really counts and I believe that I have done this to the best of my ability."

Council Member Herms:

"I'm going to vote 'No' which is probably no surprise to anyone. I guess I look at a different balance here. I see a balance that is saying that the citizens of this community, 76% of them, are unhappy with the present plan. It's too intense and it's too much out of character with the community.

I had a gentleman who was sitting here a few hours ago. He made a comment to me that really struck me. He said, 'There are malls like this in Sarasota.' And he said, 'Twelve years ago when I came down to this community, I drove through this community, and if I saw a mall like this planned in this community, I would have just kept on going.' And I think that really hit home with me, and I think we're very, very rapidly losing control of our zoning, our density levels.

I think what we're trying to become is a magnet to this complete County and I see limits, as they stand right now, that are going to be changing. Our City limits in ten years will probably be out by Livingston Road. We'll have the Grey Oaks commercial district within our area. We'll have a lot of the Airport Road district within our City limits. We're going to have all of the Fleischmann property on the north side of Golden Gate Parkway and probably the same thing on the south side. What we're doing here is we're stuffing a whole bunch of the commercial into an area that I think is going to become severely congested over the next five to ten years. I think really what's occurred here is that the developer will actually regret the density levels that you're requesting, because I think you'll find other developments that come into the area and don't have

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these kinds of densities and these types of garages that will scare people, and the people will go other places. You don't see Waterside with parking garages. In fact Waterside has the opposite of that. And that's where the people are going to go. And I think you're going to find that this...and again, you stated, you're not a developer of malls. And I think this is a major mistake.

If you would have stayed with a smaller level in intensity, the 750,000 square feet, a lot of landscaping as your plan has shown here, everything on the ground, I think you would have gotten a lot better response from the community on this particular issue. You know the other thing that's really bothering me is the...we still have some place between eight and 9.6 acres of parking garage, depending upon what you end up with and whether you add the 40,000 square feet. We've still got some place between 34% and 37 1/2% lot coverage, when our standards say Highway Commercial 25%. We still have 46 feet as the variance on heights when our Code says 41 feet, being five feet difference and higher. We still have 4.5 spaces per 1,000, instead of at least a five which our Code requires, and we still have signage standards that have been exceeded drastically. So for anyone to say that this particular project meets the standards of our Development Code is full of baloney, and I just think it's an extremely poor-planned project that is taking this community in a totally new direction."

Council Member Korest:

"I have a couple of comments to make. I think I made about the same comments last session after Mr. Herms and I believe that we, as a Council, have looked at this issue very carefully. I think we've addressed the issues of crime, traffic, parking. I think we are seeing a tremendous improvement in landscaping. Obviously this is not something that makes everybody happy. There are many people in the community that I know favor this. There are many people who have told me that they would much prefer to be able to shop here where there is an activity center already existing, with all the infrastructure, with the kind of buffering that we have seen here, and this buffering is like no other site available. So I think it represents reasonable use of this property. If we were all starting out fresh, we had all kinds of land, obviously we would like to be able to have more amenities. But under the conditions, under the economic conditions that we live under, this represents a reasonable balance. I think that in years to come the community will find this a very useful and much-appreciated addition, much like the Philharmonic which brings culture, this brings more choice in the shopping arena, and additional restaurants. These things, which the Mayor pointed out, are not available in a community much smaller, and I think we tend to want to take on only the best things and not accepting what goes with a larger population base. So, I vote 'Yes' for this project."

Council Member Pennington:

"About less than a year ago, when I decided I would be a candidate for public office, one of the things that I gave consideration to are what are those things that I'm for, what are those things I'm opposed to, and on this particular thing which had just come to light a few months before that. As I thought about it, I thought, 'Well, I am opposed to a growth increase in the size of the Mall.' I felt at that time that there was a need for expansion of the anchors, based on preliminary

information that I had. I had a concern, as do many of us, about major growth, major impact in the community. In particular, I had concerns about intrusion of commercial areas into residential areas, but at that time, that was my initial thought about it. And I still have concerns about growth, kinds of increases in size, as a philosophy. Two weeks ago I voted 'Yes' on this with a condition that I might change my vote second time around. In this intervening two weeks, I've gone into excruciating detail in looking at numbers, as I'm wont to do on things, and as a philosophy, being opposed to a growth increase is one thing. When I tried to come down with finite numbers, I personally was having some difficulty with that. There seems to be general agreement that yes, we need to have the anchors expand. They have that need and many of our people are in need of that. Penelope Taylor, I know, has also commented that yes, she recognized a need for that. And I also would like to state that both Penelope Taylor and Audree Karlosky have obviously done a tremendous amount of work on this, and regardless, I think they're to be complimented on their efforts, something they believed in and they've really been working toward that.

"So along with that, I look at how much of this proposed expansion, as we have now down-sized it somewhat, goes to anchors? Out of the leasable area, 68% of that is increase in the size of anchors. Now we can deliberate on how much do they need and that prompted my question to Mr. Sullivan about what difference if they're reduced by 30,000 in a particular department store, or if we reduce the whole thing by 100,000. He said the difference was in density. I have a lot of concerns about density in residential areas and such. When it comes to the Mall, what would density do to us? I'm not sure it does anything to us as a community as far as density within the confines of that structure are concerned. As we look at it from the outside, what does it do to us? So 68% of the increase is for anchors. Other retail, 32%. How much other retail is reasonable to be expected? Is 32% too much of an increase? I don't know. Do we put a finite number on it and say 20% is okay, 30% is too much? I'm not sure that we really recognize the difference.

"As far as impact on the community is concerned, and that's my major concern, is about impact on the community. This Mall will not remain static. Nothing does. It's either going to change for the better or for the worse. I think that we have a responsibility to see that it changes for the better and we may view that a little bit different. But I also look at this as an increase. How much of this increase goes to common area; that's area that the people use. We talked about community things that are done. That is where the community endeavors take place. The people walking, the school functions that take place in the Mall. That increases by 70%. So there's a significant amount of this increase that goes to either the department stores or the common area. That's a relatively small amount, in my view, that goes into the other retail kinds of things. So, is that a growth expansion? Well, it depends upon how one wants to define growth and what is growth. As I look at it, it does not seem unreasonable to me, and my main concern is impact on the community. As I look at this, and I have followed this very closely with particular concerns about the community. I have been at Lake Park meetings, I have met with Lance Donovan at my request on at least two occasions that I know of. I have talked with him on

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others. I have had that concern. I attended Coquina Sands at their general meeting last year when this was presented to them and I observed their reaction. I was at the board meeting of the Moorings Property Owners Association when this was first presented to them. And along with that, there was little actual negative comment. In fact, at Lake Park when I went over, probably it was the last meeting held at the school, I was surprised. There were very few people there, but there was no real negative comment made at the time. There were some good questions asked, but there was nothing really negative that I heard. The majority of people that I have spoken with, up until the last couple of weeks, have been very much in favor of this Mall expansion, and even as it was originally proposed. And I think a lot of that...people in the community maybe don't have a deep appreciation of the more finite aspects of this all. Fifth anchor, for example. A lot of people in passing really hadn't given that much thought, people that I'd talked with. But I looked at it as to what is the impact. There's been a lot of concerns in Lake Park about what is going to happen traffic-wise there, and there's been very intensive study by Audree of that, about the traffic not just in Lake Park but in the entire community. I think she has a lot of data that could be used by the traffic engineer. But it had appeared to me, by when I look at a map, or aerial photograph of the overall area, we in the present City of Naples, within the present City limits, and I differ with Mr. Herms in this, I would not want to see the City limits expanded and will do everything that I can to keep that from happening, but within the present confines of the City, the Mall sits, not in the center of the City but on the periphery of the City. So, if we look at the impact on the existing City, and in my view it will be very little really, because most of the traffic impact is going to be coming from the north and the east and I think that's going to be a tremendous impact on Goodlette Road for example, particularly, and I had asked previously about traffic studies after '95. We talked up to '95, but '95 and after I think is a concern because we'll have a widened Gordon River Bridge then, of which two lanes will funnel up Goodlette instead of the present one. We have the potential of another bridge across the Gordon River, so I think there's going to be heavy traffic on that side. Is that going to be a negative to us? Perhaps to some extent, but I don't think it's going to be a significant impact on the existing City. What is the alternative though?

"If there is a downside on this Mall, if it is not allowed to improve as such, it is my view, not shared by everyone, but I think the majority, that if the Mall starts down, if these anchor stores move out, history tells us that lesser stores move in, and this tends to have a degenerative effect on the entire Mall, and I think then we have a major impact on the City, if that was to happen.

Mr. Pennington continued, "I did go through what I thought was, in my mind, a cost-benefit analysis. I itemized some things that were positive, those things that were negative. I did a validity check on each of these, how much of these attributes were really valid, and the bottom line came out that we should go ahead and approve the Mall. Now, there's a question about are we responsive to the vote of the citizens that has come in? The majority, and here again we can play with numbers and speak to them any way we want there were some that said the majority either wanted no expansion or limited expansion. The other side of the coin I think, which Dr. Woodruff had mentioned, was the majority wanted some expansion of the Mall, and of those

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some wanted what was proposed. So I think the majority of the people actually want some expansion of the Mall and then we can play with numbers as to how much. It is my view, it is in the interest of the community, to approve what has been downsized at this point, and it certainly is not all that the developer wanted, it's more than what I wanted. We have compromised. The compromise means no one is fully satisfied; everyone is somewhat dissatisfied. I'm somewhat dissatisfied, but I vote yes".

Vice Mayor Sullivan:

"I took this job I ran for office on the basis that I would listen to anybody who would have input on any given situation and that I would weigh the evidence as it was presented to me and then I would make a decision based upon what I thought were the best interests of the community at large and I have tried to do that in this case.

Mr. Sullivan was here today and spoke to you. I asked him last night when I was talking to him, to please come here today and talk and to present his position on the entire project. The fact of the matter, though, is that the simple. I consider it to be a very simple and clear statement to the Mayor by the representatives of three of the anchor firms, that they have absolutely no intention of staying in Coastland Mall if they are not permitted to expand and each of them expressed their concerns about what expansion meant to them. And that expansion went, in total, beyond what I would like to have seen as the total expansion of the Mall. But these are the key players. These are the people who determine the future of that Mall and I don't think that they could have been any more explicit when they stated their positions to the Mayor, and, in fact, Mr. Sullivan himself was in at least two situations in accord with the desires with the people representing the anchor stores. In J.C. Penney he said it was a totally appropriate addition. In the case of Dillards he felt that 150,000 would be max, but that is a significant expansion, and again, the will of people representing Dillards is the key issue, and they made the statement that they want, as was pointed out when Mr. Pickworth was talking to us, they want 192 (thousand), and LaSalle was trying to get them down to 180.

"The alternative, if we were to deny this and go back to the drawing board, the alternative that faces us is one which I think would be a flight from the Mall by key elements, the anchor stores, and if they leave, we're going to have some problems in that Mall that I just don't like to even think about. Those problems would make the problems of dealing with growth minimal problems. So I am persuaded. I would like to have been able to negotiate with the anchor stores, but I think that the position they stated, as expressed by the Mayor, mitigates against that kind of negotiation. Therefore, I vote yes."

Council Member VanArsdale:

"I would have liked to have had other information on the feelings of voters because I don't think the information we did get in the eleventh hour here was reflective of what my sense of what the people's feelings are. I wouldn't have wanted it so much to help me make up my mind, because quite frankly my mind is pretty well made up, but I think that it would have been valuable to

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provide a lot of factual and accurate information to citizens who chose to get involved in the last minute here, but that didn't fly. But in general, my feelings are the same this day as they were two weeks ago. The impact of this expansion, specifically on the neighborhood roads is not significant. The impact on Tenth Street is significant. I would like to do something about it. I would like to take care of the people who live on Tenth Street. I can't for the life of me understand why we have to have that as a through road, but there are more people in Lake Park that do want to create a nuisance for their neighbors on Tenth Street. They want to truly solve the problem. I don't understand that, because I think this is a great opportunity to just fix it and fix it right. But we'll come up with a bunch of stop signs and Mickey Mouse left and right turns that make you drive around the moon, but it will seem like it's a good solution, but it doesn't make sense to me.

"The real issue here is everybody, the majority of people think this thing needs to get bigger and get better and be better for Naples. The question is, how big? In a meeting with the developer the other day I said, 'You guys made a big mistake; you didn't come in for enough area. You could have come for a million and a half square feet. We could have beaten you up, knocked you down another 600,000. We would've looked good. You would've looked like you made a lot of concessions and everybody would be happy because obviously a million and a half square feet would've been too big and would've had too much traffic impact. We get them down to where the impacts are minimal and then that's okay. I don't understand what we're gaining by giving up 200,000 or 300,000 feet on this expansion. They're just numbers. But the facts are there. The traffic impacts on U.S. 41 are 5% or 4%. They're not significant, and so it's not going to destroy the quality of life. And I think there are a lot of people who like the Mall and who use the Mall and see benefits from it. I think we're doing the right thing. It's not Naples, but to tell you the truth the Mall has never been Naples when you come right down to it. Naples is Third Street. It's our nice little residential communities, things like that. The Mall hasn't been that since its inception. But you know what? A lot of people like it and a lot of people use it and in fact it is one of our good assets and it's important to us that we keep it that way and I think that's what we're doing here. And I think we're addressing concerns, and there's people....obviously....I've never had a problem with parking garages. A lot of people do, primarily for security. Well, one thing you can do here, you don't have to park in the parking garage. You can park outside. You don't have to do that. I mean, I'm always going to park in the parking garage because I like that. I like the convenience. I like the shade. But, you know, I do wish we...it's an interesting process that we go through on something of this interest where...golly, we've been talking about it for a year and then all of a sudden it becomes so controversial in the eleventh hour where it becomes very difficult. I think we're doing the right thing, and I wish the people in Lake Park would let us block off Tenth Street and be good to your neighbors that live there, where most of them are at, they don't vote and they don't have a lot to say, but that would go an awful long way. It's not that big a deal to drive over another block to get to the Trail and then go north on that road, but I'll go with whatever people want. But I do think we're doing the right thing. We're not compromising our values just because we've put a parking garage in here. This is where a Mall belongs. This doesn't mean I'm going

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to want to see a parking garage in other...it doesn't commit me one iota to making other parking garages in the City. This is a good place for the Mall. We've all agreed to that. It's well buffered, it's on the outskirts of the town and it fits. So what we're doing is not, in my mind, going to have an adverse effect on the neighborhood and in fact, if it does, we can change it. In other words, we can get the traffic around these neighborhoods. It's easy to do. So obviously I'm voing yes for this project and I think it will be good for Naples.

Mayor Muenzer:

"Joe (Herms), in your comment that you made about the gentleman that if he'd been here twelve years ago if he'd seen something like this Mall, he would have kept going, all I can say is 'Different strokes for different folks,' because twenty years ago when I came and saw what we had I almost did keep going. Because we used to have, every three to four months, to go up to my brother-in-law's in St. Pete for the weekend so we could shop and do things. And I wonder where this gentleman is shopping, where he expects to shop. To say had he seen something like this he'd have kept going, where does he think he's going to go that he doesn't need shopping? And I know it's easy to make the statement, but instead of moving me, I would have asked him, 'Where do you shop?' I would have asked him, does he go to Smallwood Store or something? This is the thing I would have asked.

"Emotion runs high in this, naturally so. Fear of the unknown is always strong, and any change is always unknown, and I understand that. I'm absolutely convinced, from where this project first started, where I was on the negative side, and Don knows and Tim knows, and the others, as I've gone into it. This is not a decision that comes easy. There probably will be over 100 hours alone of deliberation between this, Workshops, PAB. I've also been through this in Regional Planning quite extensively, and this is not a decision I make lightly, on the spur of a few moments. It's a well thought out, well concerned and studied decision. I'm absolutely convinced that I've not been misled by LaSalle. To meet our needs or else...a fear tactic has been said. I'm convinced that if we don't do this that we are going to see the exodus of Burdines and Dillards and possibly Penneys, possibly Sears. But Burdines and Dillards, there's not a doubt in my mind, they're gone, if something else were to open up. I can't afford to be wrong in this vote and be part of another Harbourtown abandonment, which we have just come through. All we have to do is just remember what we had over there for a few years, the homeless, the fires, the crime, you name it, everything. People who are upset about the Mall should talk to people in Mariner's Cove and they'll tell you stories about Harbourtown. We're just coming through that. I can't be the authority to run the risk of something like this.

"I don't think that you have used scare tactics. I think in talking to the various other people and your research, I think you've painted the picture exactly as it stands and I've accepted this. I voted to expand the Hospital and the Library, in my own neighborhood. Many others have gone along with things in their own neighborhood. We've all enjoyed the fruits of the Villages of Venetian Bay, we've all enjoyed the fruits of Waterside, we've all enjoyed....Those have meant impacts to the people in those communities. We all like it, but we've all had to bear some of the

City Council Regular Meeting - November 18, 1992

traffic and the inconvenience. I myself went with the Medical Center, the Hospital, the garage, the expansion of the Hospital and the Library. It was interesting today to hear three people protest this, who by the same token were three people that were dunning me to go ahead and approve the Hospital because it was necessary for central Naples and for the good of the City to have the Hospital expand, but it couldn't be relocated. In one thing, we've got to expand the Hospital, but we don't want to expand the shopping, and I just wonder if these people are consistent in what they support and what they don't.

"I've listened to the traffic concerns about Tenth Street. I've been driving Tenth Street for a long time and I've driven it each day for about the last week. I've made two attempts to go back up and down, mid-afternoon and somewhere around 7-8:00 o'clock at night. And I'll tell you, Tenth Street doesn't know what traffic is. All you have to do is compare. If you think it's bad, you need to go see what the rest of the City is sharing. See what Park Shore Drive is doing, Crayton Road, Harbor Drive, Central Avenue, 22nd Avenue, Third Street. See what they're bearing in the City. We're all sharing from all the benefits of construction, of medical, of shopping, of tourism, getting to the beaches, we all share it and those streets all bear it. It does mean at times that we have to share the benefits and the pressures of the expansion. We also share in the benefits, but we have to share the pressures, and I myself do not see Tenth Street as it's been represented, to be a bumper-to-bumper disaster. To hear that all of our driveways back out of Tenth, near as I know of, so do they on Third Street, so do they on Crayton Road, so do they on Park Shore, so do they on Harbor Drive. It's all over the City it's happening, we back up. The benefits of expansion are great. We all love it. More jobs, more shopping, more entertainment, more restaurants, more convenience, but nobody wants to share in what might be a problem.

"I do not see that this is going to be a major property deterrent. I think, indeed, I heard from as many people in that area say that they support it. Some old-time people that support it, some old-time residents as well as the people that oppose it, it's about a 50/50. So is the sampling of today's phone calls - 50/50. And I don't think it's going to be the destruction of Lake Park nor do I think these other expansions of the Hospital, Library, Venetian Village and Waterside, are going to be the destruction of those neighborhoods. We are all enjoying it. We are all benefitting from it. And I think that we have to end this and I think it's time to cast it and my vote is yes."

BREAK: 9:00 p.m. - 9:05 p.m.

City Council Regular Meeting - November 18, 1992

NOTE: Council Member Herms left the meeting at 9:00 p.m.

ITEM 6-b

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE CITY COUNCIL OF THE CITY OF NAPLES HAS HEARD, AT A PUBLIC HEARING CONVENED ON NOVEMBER 18, 1992, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR COASTLAND CENTER, WHICH CONSISTS OF 70.27 ACRES TO BE DEVELOPED IN THE MANNER DESCRIBED IN THE APPLICATION FILED BY LA SALLE PARTNERS DEVELOPMENT LIMITED, AS AGENT FOR COASTLAND CENTER JOINT VENTURE FOR SAID DEVELOPMENT.

Chief Planner Cole informed Council that staff had attempted to draft a Development Order so that the maximum square footage expansion corresponds with the elimination of the fifth anchor store, and the ability of staff to approve certain minor modifications to the plan which may add square footage. The total buildout of Coastland Center will be 995,000 square feet, with a limit of 5,350 parking spaces, which represents more than the 4.5 spaces per 1,000 square feet required. There is an ability for the City to require the developer to undertake some parking studies should a parking problem develop. The 5,350 limit would accommodate any action which the City may take in that regard.

Attorney Pickworth requested that the square footage, as originally proposed, be restored so that the developer would not be required to go through State and regional review again should a fifth anchor store become a possibility in the future. A fifth anchor would still require an amendment to the PD by Council, he pointed out. Vice Mayor Sullivan said that he could appreciate the rationale behind the request, because it is time consuming and expensive to go through State and regional review. Mr. Sullivan continued, "Please appreciate what we've been through and will go through as a result of today. This is all we're going to allow. You're maxed out." Mr. Sullivan further cautioned Council that should it approve the original requested square footage, a message would be sent to the developer and the public that Council would entertain further expansion.

Public Input:

Lance Donovan, 1066 12th Avenue North
(Previously sworn by City Attorney)

Mr. Donovan thanked Council for re-opening the Public Input segment. He expressed appreciation for the Vice Mayor's comment that Council would appear to be sending mixed

City Council Regular Meeting - November 18, 1992

signals, adding that many people had already left the meeting with the opinion that there would be nothing additional added to the allowed expansion.

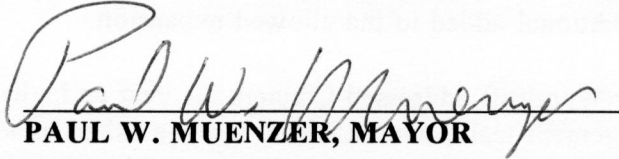
City Manager Woodruff addressed Council: "A year and a half ago when you put together your present management team, one of the things you asked us to do was to correct the things that were wrong with government, and you have stood beside us as we have done that, and together we have corrected it. And one of the things that you said to us as a group, and you supported 100% and you have supported 100%, is that we're going to eliminate any things that are wrong or the impression of any things that are wrong. You have said that you want the appearance of smoke and mirrors to be eliminated. As I look at this from one standpoint, and Mr. VanArsdale makes a good point on that by approving the DRI at the 1,070,000 square feet, you really haven't changed anything legally because you haven't given them any rights. They still have to come back, go through the PD process, the public hearings have to be there, and this Council or a future Council can say 'No' or they can say 'Yes.' The problem is, though, the perception that Lance just spoke of. I think it is awfully important to be consistent. As a staff, we recommend to you that the DRI and the PD be consistent because that sends, not just a legal consistency, but it sends a public trust consistency and I apologize if I offend any of you as I say that, if you feel differently."

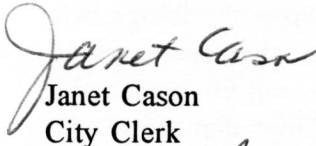
MOTION: To **APPROVE** the resolution calling for Development Order 92-DRI1, to include a maximum of 995,000 square feet.

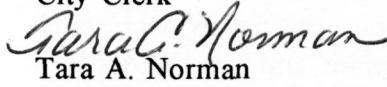
Anderson	S	Y	
Herms			A
Korest	M	Y	
Pennington		Y	
Sullivan		Y	
VanArsdale		N	
Muenzer		Y	
(5-1)			
M=Motion S=Second			
Y=Yes N=No A=Absent			

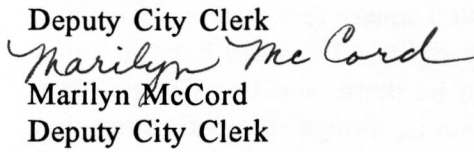
City Council Regular Meeting - November 18, 1992

ADJOURN: 9:30 p.m.


PAUL W. MUENZER, MAYOR


Janet Cason
City Clerk


Tara A. Norman
Deputy City Clerk


Marilyn McCord
Deputy City Clerk

These minutes of the Naples City Council were approved on 12/16/92.

**SUPPLEMENTAL ATTENDANCE LIST
NOVEMBER 18, 1992 CITY COUNCIL MEETING**

Werner W. Haardt
Charlie Andrews
Chuck Mohlke
Lance Donovan
Artie D. Pratt
Gary Carlson
James D. Kieley
Susan K. Lennane
Dave Rice
Mark May
Audreëe Karlosky
Daniel J. Gaudiana
Robert Sullivan
Dick Young
Michelle Edwards
Bob Lenahan
Edith Williams
Brad A. McNealy
Peter H. Schaff
Timothy J. McCarthy
Gar Muse
John L. Farquhar
John B. Chapman

Marjorie H. Jones
John Remington
Eleanor Wade
John Passidomo
Pam MacKie
Michael McComas
Richard J. Baker
Mary P. McCourt
Wayne Arnold
Penelope Taylor
Robert C. Gebhardt
Alfred W. French
Marybeth Thomas
James Kessler
James Weigel
Joe Delate
Irv Maizlish
Robert N. Rea
John J. Tenanty
Michael N. Byrd
Mark W. Smith
John W. Barr

Other interested citizens and visitors.

MEDIA

Jerry Pugh, Colony Cable
Eric Staats, Naples Daily News
Traci Griffith, WNOG

Alternate Procedure for Appealing Decisions

Section 3 - 89 The decision of the Planning Board relative to petitions for conditional use, expansion or change of nonconformity and variances from zoning requirements and to the Coastal Construction setback line, and zoning requirements shall be forwarded to the City Council for their information. Unless a Notice of Intent to request further review is filed by a member of the City Council within five working days after the decision of the Planning Board, then the decision of the Planning Board shall be final. If, however, any member of the City Council files the Notice of Intent to request further review, then the City shall proceed to notify the petitioner and cause the necessary advertisements to appear for the item to be heard in official Council session. In Council session, the Council may by resolution vote to uphold, reverse, or uphold with conditions, the decision of the Planning Board. The City Council may impose conditions in addition to those imposed by the Planning Board. The City Council may request additional information before taking action on any petition.



DOWNING-FRYE REALTY, INC.

November 17, 1992

Dr. Richard Woodruff
Members of City Council
735 8th Street South
Naples, Florida 33940

Re: Affordable Housing: 40 acre tract, S. Bayshore Drive

Dear Dr. Woodruff and Council Members:

Following the denial by Hud's Mr. Chaplin last week, I would like to bring to your attention a very suitable tract of land in an area that is fairly crying out for affordable housing.

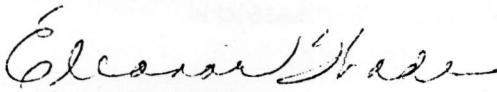
This is the 40-acre tract at the south end of Bayshore Drive.

It has much to offer to the City:

1. Sufficient land mass to create hundreds of units presently: 40 acres, RMF 3 plus 8 bonus = 11/acre 440 units
2. Owner willing to accept 4-acre tract as down payment on this 40-acres
3. Owner willing to subordinate to developer, with proper caveats: Price \$1,600,000/40 acres/subordinated!!
4. Developer ready to proceed: complete plans, drawings, already accepted by City and County
5. Interlocal Agreement already in place affording working arrangements between City and County
6. Land/Project would satisfy large portion of housing needs

Summary: I offer you both land and developer in one complete package: We will accept your 4 acres as part of the proposal: We are ready to proceed and need only your approval.

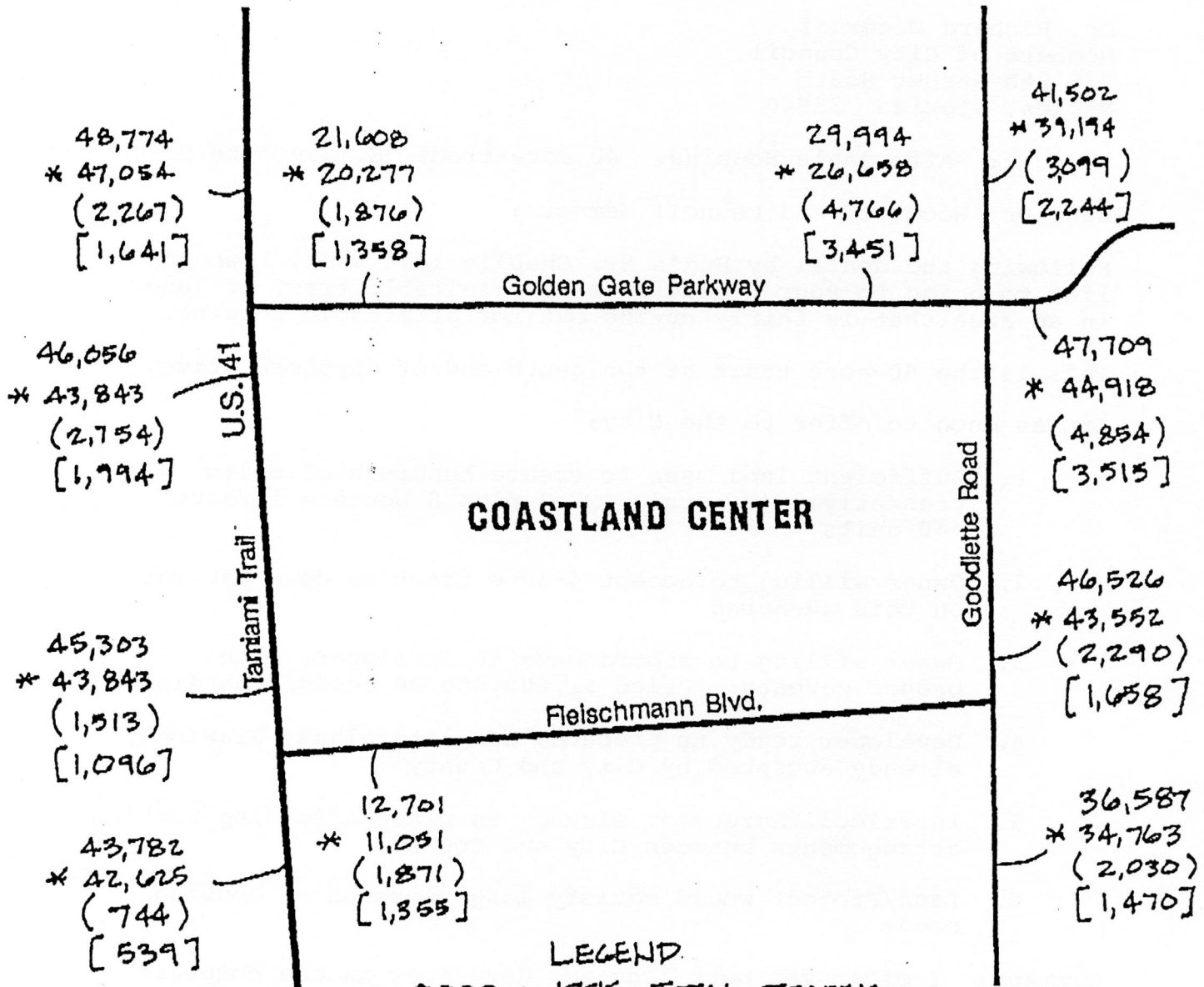
Sincerely,


Eleanor T. Wade

TRAFFIC IMPACTS
of
COASTLAND CENTER
With Pass-by Trips Subtracted

Attachment #4
11/18/92

Peak Season Daily



LEGEND

- 0000 = 1995 TOTAL TRAFFIC
- * 0000 = 1995 TRAFFIC W/O EXPANSION
- (0000) = EXISTING MALL TRAFFIC IMPACTS
- [0000] = ADDED MALL EXPANSION TRAFFIC IMPACTS

BDA
11/17/92

NAPLES POLICE DEPARTMENT
INTER-OFFICE MEMO

TO: Capt. Paul Sireci
FROM: John J. Daly - Communications Supervisor *[Signature]*
SUBJECT: Coastland Mall Stats
DATE: October 13 , 1992

Listed below are crime stats for Coastland Mall based upon UCR reporting categories.

	Total	1990	1991	1992
Auto Theft	39	10	19	10
Sexual Battery	0	0	0	0
Sexual Offence	1	0	0	1
Robbery	7	3	1	3
Agg Assault	10	4	5	1
Burglary	15	4	8	3
Drugs	26	7	14	5
Battery	34	13	11	10
Larceny	566	198	209	159
(retail theft)	352	109	126	117
Murder	0	0	0	0

COASTLAND CENTER PROPOSED EXPANSION

(Post Card Poll by Citizens Political Committee)

	<u>Nov. 16, 1992</u>	<u>Nov. 17, 1992</u>	<u>Nov. 18, 1992</u>	<u>Total</u>
Oppose proposed expansion	377	415	77	869
Support limited expansion	296	367	74	737
Support proposed expansion	202	263	45	510
Oppose proposed expansion, but favor limited expansion	51	36	8	95
Support proposed expansion and limited expansion	4	5	0	9
Blank cards	3	1	4	8
Indeterminable	2	2	0	4
Total cards received	935	1089	208	2232

Note: These figures include the cards
received by CPC and, in turn,
delivered to Mayor's office.

FLORIDA

LANTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

SEN O. WATTS
SECRETARY

CWO-L205-92
November 18, 1992

Attachment #7
11/18/92

Mr. Mike Byrd
Kimley-Horn, Inc.
9280 Bay Plaza Boulevard
Suite 705
Tampa, FL 33619

RE: COASTLAND CENTER DRI PROPOSED DEVELOPMENT ORDER
COLLIER COUNTY

Dear Mike:

This letter confirms your telephone conversation today with Sherry Sikes of my staff regarding the proposed development order for the Coastland Center DRI.

We believe that the mitigation and monitoring process defined in the proposed document adequately addresses concerns regarding impacts to US 41 previously expressed by the Department. Based on our review, we find that we conceptually agree with the proposed development order. However, please be advised that the Department reserves the right to review the development order after final adoption by the City during the formal 45 day review period.

If you have any questions or need additional information, please contact Sherry Sikes of my staff at (813) 533-8161, extension 2348.

Sincerely,

Charles William Ockert

C. William Ockert
District Planning Manager

CWO/SKS/jm

cc: James Stansbury, DCA
Dan Trescott, SWFRPC
Norman E. Feder
Dick Shine

P.O. Box 1030
Fort Myers, FL 33903-1030

District One Southwest Area Office

Regional Service Center
2295 Victoria Avenue - Suite 292
Fax: (813) 338-2353 Fax SunCom: 748-2353

Phone: (813) 338-2341
SunCom: 748-2341



ROBERT J. SULLIVAN
2400 Gulfshore Boulevard #701
Naples, Florida 33940

November 16, 1992

The Hon. R. Joseph Herms
City Hall
735 Eighth Street
Naples, Florida 33940

Dear Councilman Herms:

I am a long-time winter resident having first come to Naples in the Spring of 1978. I am also currently Chairman of the Board of Herberger's Department Store, a major department store chain headquartered in St. Cloud, Minnesota. Herberger's currently has thirty seven department stores located in the Midwest. The size of those stores range from 50,000 to 100,000 square feet and are located in cities ranging in size from 10,000 to 50,000 people. Our company has no plans to enter the Naples market.

I have been reading with some concern about the proposed expansion of the Coastland Mall and would like to share with you some of my thoughts regarding the size of the proposed expansion. First, let me say a modest expansion of the Mall would be in the best interests of the residents of the City of Naples. However, a doubling of the mall and construction of three parking garages would, in my opinion, be an over-expansion which would adversely affect the residential character of this community. In my judgment a mall of this size would be more appropriate in a highly populated, urban area and would not be appropriate for the City of Naples.

The question that many of you have is whether the proposed expansion can be scaled down without affecting the economic viability of the Mall. In my opinion it can, for the following reasons:

1. The expansion of Sears by adding another story does not appear to be economically feasible. In the past week I requested a friend who is a structural engineer to review the current Sears store blueprints on file at the City. He has concluded that Sears cannot be doubled in size without a massive restructuring of the current building; Sears agrees with this. In my opinion, it would not make economic sense for a department store to undertake that project. Thus, it appears unlikely that the expansion of Sears would be undertaken. If this is true, the additional 67,000 square feet proposed by the

Mall would be unnecessary thereby eliminating the need for one of the parking garages.

2. The same structural engineer reviewed Burdine's plans at the City and concluded that it was constructed in a manner that could economically permit the construction of a second story. Such construction, however, would result in the addition of only 60,000 square feet leaving an additional 11,000 square feet that would be unnecessary for Burdine's expansion.

3. The expansion of Dillard's is desirable both for the City and the Mall. However, an expansion from 80,000 to 150,000 square feet would give Dillard's sufficient space to create a first class department store in the mall. This reduction in size would eliminate an additional 30,000 square feet of the proposed expansion. You should be aware that the largest store in the Edison Mall is 150,000 square feet.

4. The Department stores would have no interest in seeing theaters built in the mall. They provide no additional traffic for the department stores and no additional customers. Thus, the absence of such theaters would not be of any concern to those stores. If the theaters are eliminated this would reduce the expansion another 33,000 square feet. It should be noted that the mall used to have two theaters and those theaters were closed.

5. The expansion of the small tenant retail space would not be required by the major department store tenants. While some expansion would serve as a financial incentive for the mall owner the proposed expansion of 110,000 square feet of small retail space could be reduced by 30,000 square feet without significantly impacting the owners of the mall. At the same time this reduction would be of no concern to the major tenants. With these changes it would appear that the undesirable parking garage could be eliminated.

You have received a letter from Irvin B. Maizlish, a Naples resident, who is a consultant on shopping centers. His letter says that the expansion of all other areas besides the major department stores would be necessary because the owner of the mall would not receive any of the benefit from the expansion of the major department stores. While in the past this has been the case, under current mall leasing programs the major department stores pay for most of the hard cost of making the additions and are obligated to pay a percentage rent to the mall owner which would significantly increase as the sales in the stores are increased. It should also be pointed out that the relocation of Dillard's and the conversion

of that current 80,000 square feet of retail space would be a major economic benefit to the mall owner since the current space is most likely leased at very low rates (less than \$5 a square foot and conversion to small retail space would yield very high rates (\$15 to \$75 per square foot) to the Mall owner. Thus, the amount of retail space could be reduced by 30,000 feet and still provide substantial economic advantages to the owner of the mall.

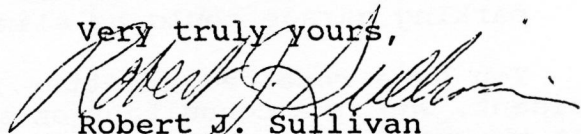
Finally, I would like to correct that portion of the Mr. Maizlish's letter which relates to current mall expansion theories. Today the concept of the mega-mall is rapidly declining as the prevailing view in the construction of regional shopping centers. The current theory for the construction of malls is that they should be made smaller; the excess is taken up in other areas with so-called power strip malls. Power strip malls are malls that have a specialized department store or discount store as an anchor tenant. These specialized department stores are known in the trade as category killers. These department stores such as ToysRUS, T. J. Max, Marshall's, KidsRUS, Builders Square and the like are constructed as the anchor tenant with small retail stores in the power strip. This has been found to diffuse congestion and reduce traffic that is created by the so-called mega-malls.

From the foregoing, you can see that with careful planning the mall size could easily be reduced by about 200,000 square feet which would eliminate the necessity for the three very expensive parking garages. The elimination of these costly structures would reduce the need for additional retail space lease income that would otherwise be required to pay for the garages.

I assure you that this scenario will work and will be a real plus for Naples, the developer and the success of Coastland Mall for many years to come.

If you have any questions, please feel free to call me. I will be at my home Tuesday afternoon, after 1:00 P. M. My phone number, which is not to be given to the public, is 263-3441.

Very truly yours,



Robert J. Sullivan
Chairman of the Board
Herberger's Department Stores

11/18/92

THE CITIZEN'S POLITICAL COMMITTEE

P.O. Box 2175

NAPLES, FLORIDA 33939

(813) 262-5585

JAMES K. KESSLER
ChairmanTOIVO TAMMERK
PresidentCYNTHIA WILSON
Treasurer

Directors

JERRY BROWN

A. BRUCE DURKEE

DAVID L. RICE

E. BRENT SNODGRASS

FREDERICK R. VALENTINE

JOHN C. VAN ARSDALE

JOHN S. WADSWORTH

JAMES R. WEIGEL

J. RICHARD YOUNG

November 18, 1992

Mayor and Members of City Council
City Hall
735 Eighth Avenue South
Naples, FL 33940

Dear Mayor and Council Members:

For the record, the CPC mailed its Coastland Mall expansion preference survey to all registered City voters (as appearing on the December 1991 rolls), reduced to registered voting households. When this amount is adjusted to take into account estimated undeliverables-owing to the age of this list, our mailing reached approximately 6,000 Naples homes. We made no effort to mail to CPC members. If a CPC member was not on the 1991 list, he or she did not receive our letter.

Enclosed are the Coastland Mall expansion survey postcards received by the CPC, today and to-date (which includes yesterdays), as tabulated below:

	Nov. 18	To-date
TOTAL CARDS RETURNED	<u>15</u>	<u>151</u>
Cards marking the first block <u>only</u> .	<u>7</u>	<u>65</u>
Cards marking first block <u>and</u> second block.	<u>1</u>	<u>5</u>
Cards marking the second block <u>only</u> .	<u>6</u>	<u>61</u>
Total number against the proposal to approximately double the size of the mall.	<u>14</u>	<u>131 282</u>
Cards marking the third block <u>only</u> .	<u>1</u>	<u>19</u>
Cards marking the second <u>and</u> third blocks.	<u>0</u>	<u>1</u>
Cards rejected, if any.	<u>0</u>	<u>0</u>

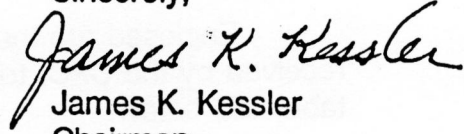
Mayor and Council
November 18, 1992
Page 2

Today's totals, when added to yesterday's tabulation, show a clear majority of Naples residents favoring a rejection of the "doubling proposal" (which includes dropping the fifth anchor store) and asking the developer to resubmit a new plan for limited expansion.

We ask that you add the enclosed cards mailed back to the CPC to those received by your office and be guided by the sentiments expressed by the majority of your constituents.

The Citizens Political Committees "special interest" remains the public and protecting this community's quality of life. We are pleased to have participated in this process and ensure that our residents not only hear both sides of this issue, but also become involved in the final decision regarding it.

Sincerely,


James K. Kessler
Chairman

P.S. Inasmuch as there may be a question in the minds of a few as to the validity of our survey, we ask, and in fact encourage, that the City Council conduct its own polling on the matter before making final action on this extremely important issue.

Enclosures
JKK/pb

cc: The media

**RESOLUTION OF
NAPLES AREA CHAMBER OF COMMERCE**

NOVEMBER 18, 1992

**THE BOARD OF DIRECTORS OF THE NAPLES AREA CHAMBER
OF COMMERCE IS MEETING TODAY IN ALL DAY RETREAT.**

**PRESIDENT CAROL GIRARDIN AND THE MEMBERS OF THE
BOARD OF DIRECTORS REGRET THAT THEY CANNOT
PARTICIPATE IN WHAT THEY RECOGNIZE IS A PUBLIC HEARING
OF VITAL IMPORTANCE TO THE PEOPLE OF NAPLES.**

**THE BOARD HAS NONETHELESS ADOPTED A RESOLUTION
CONCERNING THIS ISSUE AND APPRECIATES THIS OPPORTUNITY
TO HAVE THAT RESOLUTION READ INTO THE RECORD.**

THE NAPLES AREA CHAMBER OF COMMERCE RECOGNIZES THE EXTRAORDINARY EXPENDITURE OF TIME, TALENT AND EFFORT BY CITY COUNCIL AND YOUR STAFF IN CAREFULLY SCRUTINIZING THIS PETITION AND MITIGATING ITS IMPACT TO THE GREATEST EXTENT POSSIBLE ON THE ADJACENT RESIDENTIAL NEIGHBORHOOD.

WE COMMEND CITY COUNCIL FOR THE RESPONSIBLE AND FARSIGHTED ANALYSIS YOU HAVE GIVEN THIS ISSUE AS PART OF YOUR NEAR UNANIMOUS ADOPTION OF THE PETITION AT FIRST READING TWO WEEKS AGO.

WE ACKNOWLEDGE THAT THE CONDITIONS IMPOSED BY CITY COUNCIL AT FIRST READING:

- . RECONCILE A COMPLEX MIX OF COMPETING INTERESTS; AND**

. ENSURE A DEVELOPMENT THAT IS NOT ONLY
COMMERCIALY VIABLE, BUT ALSO ONE WHICH IS
COMPATIBLE WITH THE CHARACTER OF OUR
COMMUNITY.

THE BOARD OF DIRECTORS OF THE NAPLES AREA CHAMBER
OF COMMERCE GENERALLY BELIEVES THAT IT IS
INAPPROPRIATE FOR IT TO TAKE A POSITION ON BEHALF OF
OUR 1,800 MEMBER FIRMS IN LOCAL LAND USE AND ZONING
ISSUES BECAUSE OF THE DIVERSE AND VARIED INTERESTS OF
OUR CONSTITUENTS.

THE BOARD OF DIRECTORS HAS NONETHELESS
DETERMINED THAT THE EXPANSION OF THE COASTLAND MAIL
IS:

. OF SUCH A COMPELLING NATURE, AND

. SO INEXTRICABLY CONNECTED TO THE ECONOMIC
VITALITY OF OUR CORE COMMERCIAL CENTER AND
THE QUALITY OF LIFE WE ENJOY IN NAPLES THAT

. WE URGE CITY COUNCIL TO HOLD A STEADY
COURSE AND RATIFY THE APPROVAL ADOPTED
AT FIRST READING.

THANK YOU.

①

MY NAME IS BOB RIER, I LIVE AT 1611 MURKX LANE, IN THE COQUINA SANDS NEIGHBORHOOD.

BECAUSE OF A CONFLICT I CANNOT BE HERE THIS AFTERNOON, BUT IF I COULD, I WOULD SPEAK THE FOLLOWING, WHICH I HAVE ASKED COUNCILLOR SULLIVAN TO ADDRESS ON MY BEHALF.

I AM THE VICE PRESIDENT OF THE COQUINA SANDS NEIGHBORHOOD ASSOCIATION. ~~AND SPEAK FOR THIS ORGANIZATION.~~ IN JANUARY OF THIS YEAR WE HAD THE REPRESENTATIVES OF THE CASTLE MALL AS THE FEATURE SPEAKER AT OUR ANNUAL MEETING AT THE BEACH HOTEL, TO PRESENT THEIR EXPANSION PLAN AND TO ENTERTAIN QUESTIONS AND SUGGESTIONS FROM THE CLOSE TO 200 IN ATTENDANCE.

WE HAVE FOLLOWED VERY CLOSELY THE CHANGES TO THE PLAN, AS NEGOTIATED BETWEEN THE MALL AND THE COUNCIL DURING THE YEAR.

ON FRIDAY OF LAST WEEK WE WERE ALL, IN OUR NEIGHBORHOOD, IN RECEIPT OF A POSITION PAPER REGARDING THE MALL FROM

(2)

THE CITIZENS POLITICAL COMMITTEE. WE WERE TROUBLED BY A NUMBER OF STATEMENTS MADE IN THIS DOCUMENT WHICH ARE IN ERROR, BUT NONE MORE THAN THE FOLLOWING:

"THE NEIGHBORHOODS AFFECTED THE MOST BY THE PROPOSED MALL STAND STRONGLY AGAINST IT, AND ARE CONCERNED ABOUT SAFETY, SECURITY, SCHOOLS, TRAFFIC AND PROPERTY VALUES."

OF THE FOUR NEIGHBORHOODS AFFECTED THE MOST, COQUINA SANDS IS THE CLOSEST TO THE MALL, FOLLOWED BY THE MOORINGS, 22ND STREET (N) AND FOURTH, THE LAKE PARK NEIGHBORHOOD.

AS THE AFOREMENTIONED STATEMENT BY CPC, HAD TO MEAN THEY HAD BEEN IN TOUCH WITH OUR HOMEOWNERS ASSOCIATION, AS WE ARE BY OUR POSITION AS THE CLOSEST NEIGHBORHOOD TO THE MALL, THE NEIGHBORHOOD MOST AFFECTED.

IN ORDER TO TRACK DOWN WHO THEY MIGHT HAVE TALKED TO, I CALLED EACH OF THE NINE OTHER MEMBERS OF THE BOARD OF DIRECTORS. NONE OF THE TEN OF US

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HAD BEEN CONTACTED BY CPC AND
FURTHERMORE, ALL 10 OF US BY A
TELEPHONE VOTE, STAND UNITED IN
FAVOR OF THE PLAN AS NEGOTIATED
BY THE CITY COUNCIL.

THANK YOU VERY MUCH!

TRAFFIC IMPACTS ON 10TH STREET NORTH
FROM COASTLAND EXPANSION

Scenario	Description	Impact	Count (TPD)
Status Quo	1995 traffic levels without expansion	_____	4270
Expansion Alternative			
1	Burdines exit operates as at present, i.e. no restrictions	37% increase	5870
2	Right or left from Burdines exit, no direct southbound exit to 10th Street	21% increase	5170
3	Alternate 2 plus four-way stop signs at 12th, 3rd, 2nd Avenues North and 3rd Avenue South	0% increase	4270
4	Alternate 2 plus the eastern mall exit to Fleischmann Boulevard only allows left turns	5% increase	4470
5	Alternate 4 plus four-way stop signs at 12th, 3rd, 2nd Avenues North and at 3rd Avenue South	14% decrease	3670

None of these alternatives cause the Level Of Service on any other road to deteriorate.

Coastland Center

Landscape Code Analysis

NAPLES, FLORIDA
NOV 16, 1992

LEGEND

EXISTING
REQUIRED
PROPOSED

TREES

Perimeter	Existing	53	500	1,000
	Required	1242		
	Proposed	384		

Interior	Existing	404	712	
	Required	601		
	Proposed			

Total	Existing	457	1,078	
	Required			
	Proposed			

LANDSCAPE AREA

Perimeter	Existing	79,500	500,000	1,000,000
	Required	1,148,750		
	Proposed	206,500		

Interior	Existing	30,800	285,904	
	Required			
	Proposed	304,500		

Total	Existing	179,300	345,404	511,000
	Required			
	Proposed			

OPEN SPACE

Total	Existing	365,904	500,000	1,000,000
	Proposed			

As % of Total Site	Existing	0%	14%	21.2%
	Proposed			

THIS REPRESENTS IN EXCESS OF A 50% INCREASE IN SITE OPEN SPACE