



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Regular Meeting – January 19, 2000 – 9:00 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:** Bill Barnett, Mayor  
Bonnie R. MacKenzie, Vice Mayor  
Council Members:  
Fred Coyle  
Joseph Herms  
John Nocera  
Fred Tarrant  
Peter H. Van Arsdale

**Also Present:**

Kevin J. Rambosk, City Manager  
Kenneth B. Cuyler, City Attorney  
Ron Lee, Planning Director  
Tara Norman, City Clerk  
Jon Staiger, Natural Resources Manager  
William Harrison, Assistant City Manager  
Richard Gatti, Development Svs. Director  
Robert Middleton, Operations Supt/Util.  
Don Wirth, Community Services Director  
William Overstreet, Building Official  
Ann Walker, Planner  
Cory Ewing, Planner  
Jessica Rosenberg, Recording Specialist  
Duncan Bolhover, Admin. Specialist  
Reverend Mallory  
Herb Luntz

James Rideoutte  
Bill Barton  
Ed Morton  
Jack Allrick  
Scott Cameron  
David Corbin  
Richard Woodruff  
Steven Mirowitz  
John Passidomo  
Howard Smith  
Bill Parker  
Other interested citizens and visitors  
**Media:**  
Karen Guglielmoni, ABC 7

**INVOCATION & PLEDGE OF ALLEGIANCE.....ITEM 2**

Reverend David Mallory, First Assembly of God.

**ANNOUNCEMENTS .....ITEM 3**

The U.S. Air Force Band of the Rockies will perform a free concert at Gulf Coast High School on February 12th at 7:00 p.m. as noted by Herb Luntz.

Chairman James Rideoutte noted Planning Advisory Board opposition to the proposed charter amendment limiting building heights in commercial zoning districts.

Deputy City Clerk Virginia A. Neet has been awarded the designation of Certified Municipal Clerk, as noted by City Clerk Tara Norman.

**ITEMS TO BE ADDED .....ITEM 4**

Item 5-h Waive competitive bids and authorize purchase of 11 bronze plaques with wooden posts \ Vendor: Signcraft \ Amount: \$14,190.00 \ Funding: Diamond Jubilee Committee.

Item 5-i Approve a change order with Angie Brewer & Associates in order to update the Stormwater Facilities Plan \ Amount: \$52,283.85 \ Funding: Stormwater Fund professional services budget.

Item 5-j Award bids for landscaping/irrigation on Sixth Avenue South \ Vendors: Landscape Florida, Inc., and Integrity Sprinkling Systems \ Amounts: \$12,799.21 and \$10,897.00 respectively.

Item 18 Authorize negotiations for the construction of a box culvert extension on Golden Gate Boulevard at the Cypress Canal \ Vendor: Zep Construction, Inc. \ Amount: Not to exceed \$195,000.00 \ Funding: CIP No. 99L04.

Item 19 Authorize purchase of a street sweeper \ Vendor: McClain/Southland Equipment Co. \ Amount: \$112,500.00 \ Funding: CIP #00V19.

Item 20 Award a contract for engineering services for Drainage Basin III \ Amount: Not to exceed \$159,445.00 \ Funding: CIP No. 99V14.

**MOTION by Van Arsdale to SET THE AGENDA ADDING ITEMS 5-h, 5-i, 5-j, 18, 19 and 20; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**CONSENT AGENDA**

**APPROVAL OF MINUTES .....ITEM 5-a**

November 17, 1999 Regular Meeting, December 1, 1999 Regular Meeting, December 15, 1999 Regular Meeting, and January 3, 2000 Workshop Meeting.

**APPROVE THE FOLLOWING SPECIAL EVENTS: .....ITEM 5-b**

- (1) 3rd Annual Greyhound Promenade (5th Avenue South) - 2/12
- (2) Cornerstone United Methodist Church Music Festival (Cambier Park)- 3/4
- (3) March of Dimes WalkAmerica 2000 (Cambier Park)- 4/8

**.....ITEM 5-c**

**WAIVE COMPETITIVE BIDS AND AUTHORIZE THE PURCHASE OF OFFICE FURNITURE, UNDER FLORIDA STATE CONTRACT, FOR USE BY THE POLICE & EMERGENCY SERVICES DEPARTMENT \ VENDOR: HAWORTH, INC., NAPLES, FLORIDA \ COST: \$20,237.53 \ FUNDING: CIP #00H23.**

**RESOLUTION 00-8753.....ITEM 5-d**

**A RESOLUTION ACKNOWLEDGING THE ONLY FIRM SUBMITTING A PROPOSAL TO PROVIDE ENGINEERING AND ARCHITECTURAL ANALYSIS SERVICES FOR THE LOWDERMILK PAK RESTROOM/CONCESSION/PAVILION BUILDING; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT**

**WITH THAT FIRM FOR SAID SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

Title not read.

.....ITEM 5-e  
**AUTHORIZE A PURCHASE ORDER TO REBUILD TWO TRANSFER PUMPS USED AT THE WASTEWATER TREATMENT PLANT \ VENDOR: RC BEACH & ASSOCIATES, DUNEDIN, FLORIDA \ COST: \$14,000.00 \ FUNDING: CIP #00M06.**

**RESOLUTION 00-8754.....ITEM 5-f**  
**A RESOLUTION APPOINTING ELECTION CLERKS AND INSPECTORS TO SERVE AT THE VOTING PRECINCTS DURING THE CITY OF NAPLES GENERAL ELECTION TO BE HELD FEBRUARY 1, 2000, A LISTING OF SAID CLERKS AND INSPECTORS ATTACHED HERETO AND MADE A PART HEREOF; AUTHORIZING THE CHIEF ELECTION OFFICIAL TO APPOINT ALTERNATE ELECTION CLERKS AND INSPECTORS AS NECESSARY; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 00-8755.....ITEM 5-g**  
**A RESOLUTION AMENDING RESOLUTION 99-8696 WHICH GRANTED A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND GARAGE AND TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE, SWIMMING POOL, DRIVEWAYS AND LANDSCAPING GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 1150 GULF SHORE BOULEVARD SOUTH, IN ORDER TO REMOVE THE CONDITION THAT THE CUPOLA BE ELIMINATED THAT EXCEEDED THE HEIGHT PERMITTED IN THE R1-15 ZONE; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

.....ITEM 5-h  
**WAIVE COMPETITIVE BIDS AND AUTHORIZE PURCHASE OF 11 BRONZE PLAQUES WITH WOODEN POSTS \ VENDOR: SIGNCRAFT \ AMOUNT: \$14,190.00 \ FUNDING: DIAMOND JUBILEE COMMITTEE.** Vice Mayor MacKenzie explained that the plaques would be placed in various locations in the City to commemorate civic and commercial accomplishments and are funded by the Diamond Jubilee.

.....ITEM 5-j  
**AWARD BIDS FOR LANDSCAPING/IRRIGATION ON SIXTH AVENUE SOUTH \ VENDORS: LANDSCAPE FLORIDA, INC. AND INTEGRITY SPRINKLING SYSTEMS \ AMOUNTS: \$12,799.21 AND \$10,897.00 RESPECTIVELY.**

**MOTION by Herms to APPROVE CONSENT AGENDA ITEMS 5-a THROUGH 5-h AND 5-j; seconded by Tarrant and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**END CONSENT AGENDA**

**RESOLUTION 00-8756.....ITEM 11**  
**A RESOLUTION AUTHORIZING THE PLACEMENT OF NINE TEMPORARY BUILDINGS ON PROPERTY OWNED BY THE FIRST PRESBYTERIAN CHURCH, MORE PARTICULARLY DESCRIBED HEREIN, IN ORDER TO PROVIDE CLASSROOM AND ADMINISTRATIVE SPACE FOR A CONSTRUCTION PERIOD NOT TO EXCEED TWO YEARS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (9:17 a.m.). Planner Ann Walker confirmed that there would be adequate parking and an unimpeded traffic flow during construction. Bill Barton, Chairman of the church Building Committee, explained that approximately 30 employees would occupy the structures during the day.

**Public Input:** None. (9:21 a.m.)

**MOTION by Nocera to APPROVE; seconded by Tarrant and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

Mr. Barton requested that approval include acceptance of an encroachment in order to preserve trees. Council therefore made a subsequent motion.

**MOTION by Van Arsdale to APPROVE RESOLUTION 00-8756 ALLOWING IN THE NORTHERN LOT A TEMPORARY ENCROACHMENT INTO THE WEST SETBACK IN ORDER TO PRESERVE TREES; seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**ORDINANCE 00-8757.....ITEM 6**  
**AN ORDINANCE ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 99-CPA2, ASSIGNING A PUBLIC, SEMI-PUBLIC AND PRIVATE RECREATION FUTURE LAND USE DESIGNATION TO APPROXIMATELY 319.67 ACRES OF LAND EAST OF GOODLETTE-FRANK ROAD AND SOUTH OF SOLANA ROAD, KNOWN AS ROYAL POINCIANA GOLF CLUB, INC., MORE PARTICULARLY DESCRIBED HEREIN, AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (9:23 a.m.). Planning Director Ron Lee stated that the Department of Community Affairs has registered no objection regarding this petition. Council Member Tarrant however objected to the fact that financial information regarding the annexation and development agreement was provided to the Royal Poinciana Board of Directors, but not to the Planning Advisory Board (PAB). He added that there was neither public notice nor advertised meetings to discuss the impact of this substantial capital budget expenditure prior to approval. In addition, Council Member Herms voiced concern regarding a proposed \$750,000.00 expenditure for road improvements to the area, and noted that annexed area residents would not be required to pay stormwater fees.

City Attorney Kenneth Cuyler confirmed that in his opinion the matter is proceeding legally. He stated that the PAB is a land use body, and that Council would determine the appropriateness of the financial outlay.

**Public Input:** None. (9:33 a.m.)

**MOTION by Van Arsdale to ADOPT ORDINANCE 00-8757 ON SECOND READING; seconded by Nocera and carried 4-3, all members present and voting (Herms-no, Coyle-no, Tarrant-no, MacKenzie-yes, Nocera-yes, Van Arsdale-yes, Barnett-yes).**

During the vote, Council Member Coyle noted that although the annexation and rezone would benefit the City by prohibiting development, he could not support placing a financial burden on citizens. Council Member Tarrant stated he construed this to be an abuse of public trust.

**ORDINANCE (First Reading).....ITEM 8**  
**AN ORDINANCE GRANTING REZONE PETITION 00-R1, REZONING THE PROPERTY KNOWN AS GRAND CENTRAL STATION, MORE PARTICULARLY DESCRIBED HEREIN, FROM PD PLANNED DEVELOPMENT TO PD PLANNED DEVELOPMENT IN ORDER TO REVISE THE GRAND CENTRAL STATION PD, PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (9:33 a.m.). Mr. Rambosk confirmed that the petitioner had submitted new plans, but requested the City Attorney's opinion with regard to density, setbacks, and restrictive covenants when internal conflicts exist in the

applicable Code, despite the fact that Code indicates that the most stringent zoning standard prevails. City Attorney Kenneth Cuyler indicated that he had been in the process of researching this matter when he had learned that the petitioner had submitted new plans to bring the project into compliance, however he indicated that he would do so to address future projects. Council Member Herms questioned additional supplemental density laws and said he surmised that staff may have interpreted that Council did not intend to apply said regulations to Planned Development (PD) rezones. Planning Director Ron Lee confirmed that staff had confirmed that the revised plans meet all regulations including density and setbacks. Council Member Van Arsdale commented that Council has historically construed a PD as having no underlying zoning. City Attorney Cuyler stated that he would clarify to what extent a PD can exceed other regulations.

Edward Morton, Chief Operating Officer of the Naples Community Hospital (NCH) Healthcare Systems, stated that professional planners have indicated that redeveloping Grand Central Station is integral to revitalizing the 41-10 District and that the City itself had requested construction of a roadway through the property. Mr. Morton then noted that NCH has pledged to conform as much as possible to the 41-10 Master Plan standards and that the amended plans have reduced density, instituted deed restrictions, and increased green space. Mr. Morton stated that the City has worked with NCH staff throughout the process and urged that it to now move forward with this project.

NCH Healthcare Systems representative Jack Allrick noted that the amended plan reduces intensity, parking, and apartment dwelling units. He also noted that a forward shift of the buildings on the proposed Third Avenue extension would satisfy setback requirements as well as increase traffic flow in the development. Mr. Allrick added that the proposal complies with the Comprehensive Development Code, the Community Redevelopment Plan, and the 41-10 Master Plan. He then read into the record a letter from Mr. Morton regarding the amended plan (Attachment 1), and reviewed all the changes.

Council Member Herms stated that he was uncertain whether the project actually met all setback regulations. Council Member Coyle however stressed that the setbacks meet applicable 41-10 Master Plan standards and noted that this debate may actually be intended to halt development of this deteriorated property. Council Member Herms however objected to the project because of its density and lack of conformance to the character of Naples. He added that citizens would object to the entrance on Tenth Street and that the residential units on the site would be illegal. Council Member Van Arsdale stated that the project would mirror existing standards on Fifth Avenue South, and would help to create a vital neighborhood. Mayor Barnett noted citizen benefits. Council Member Tarrant however stated that the project would be a significant revenue producer for NCH, and voiced concern regarding intensity, density, building heights, and the impact on ad valorem taxes. Mr. Morton stated that while the hospital is a public charity, it would pay taxes for those for-profit occupants unrelated to NCH. Mr. Tarrant nevertheless requested an analysis of the tax impact to the City.

Council Member Herms stated that zoning Code requires that density calculations not include the square footage of the streets, which in this case, would result in excess dwelling units. Council Member Coyle, however, noted that residential uses generally reduce traffic, require fewer parking spaces, and would help to create a stable year-round economic base. Mr. Morton stated that he would recommend to NCH that it investigate funding the construction of the Third Avenue South extension.

**Public Input:** 11:00 a.m. **Bill Boggess, 1100 Eighth Avenue South**, questioned the rationale for extending Third Avenue. Council Member Tarrant predicted that it would move traffic from Bayfront Marketplace across the street, and would increase traffic. Mr. Boggess urged that the City instead place a four-way stop sign on 10<sup>th</sup> Street and Eighth Avenue South. He also questioned the success of residential units on Fifth Avenue, and urged that Council take time to carefully review this project. **Amy Rego, 1060 Sixth Street South**, City Council candidate, recommended that Council await the City Attorney's legal opinion on zoning Code conflicts. Council Member Coyle stressed that the proposed building heights meet current zoning requirements, and would exceed those specified by the proposed building height referendum by merely a few feet. **Scott Cameron, 690 Banyan Circle**, a commercial realtor, stated that NCH is one of his company's favored clients because it has served the community for many years. He added that the project would be ideal for the community, would facilitate the 41-10 Master Plan, and therefore urged its approval.

Planning Director Ron Lee clarified the floor area ratio and total square footage. Council Member Herms said that the proposed project would substantially increase the property's current building density, and noted the lack of loading zones. Council briefly discussed options for a roundabout in the center of the development.

**MOTION by Van Arsdale to APPROVE ON FIRST READING SPECIFYING THE ALTERNATE ROUNDABOUT FOR THE THIRD AVENUE SOUTH EXTENSION. This motion was seconded by Barnett and carried 5-2, all members present and voting (Van Arsdale-yes, Nocera-yes, Tarrant-no, Coyle-yes, Herms-no, MacKenzie-yes, Barnett-yes).**

Council Member Coyle voiced approval for the development noting that its medical offices and treatment facilities would benefit area citizens. Council Member Herms objected to the project for such reasons as excessive height and density, the need for setback variances, and a lack of loading zones. Vice Mayor MacKenzie noted that Council's input and the hospital's commitment have greatly improved the plan, and Mayor Barnett commented on community benefits.

**Recess 11:30 a.m. to 11:39 a.m. It is noted for the record that all Council Members were present when the meeting reconvened.**

**ORDINANCE (First Reading).....ITEM 9-a  
AN ORDINANCE GRANTING REZONE PETITION 00-R2 IN ORDER TO AMEND  
THE PLANNED DEVELOPMENT DOCUMENT FOR OLD NAPLES SEAPORT,  
MORE PARTICULARLY DESCRIBED HEREIN, IN ORDER TO ADD RESIDENTIAL  
UNITS AS A PERMITTED USE AND MODIFY THE SITE DESIGN; PROVIDING A  
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by Planning Director Ron Lee (11:39 a.m.). Mr. Lee explained that the primary purpose of the rezone request is to eliminate the entire commercial aspect of the project except for the restaurant, and to construct 16 residential units; the Planning Advisory Board (PAB) recommends approval. Petitioner's attorney John Passidomo stated that the Planned Development (PD) document was prepared in response to the marketplace, the surrounding neighborhood, the PAB, and City Council. The project's objectives are to create an integrated mixed-use development, ensure architectural quality, develop a pedestrian friendly environment, and preserve and enhance public accessibility to the waterfront. He added that the project would adhere to principles espoused in the Old Naples Action Plan and would therefore create balance between commercial and residential uses, provide incentives for less intensive uses, effect transitions from residential to commercial uses, and encourage conversion of commercial to

residential. He noted that Council had previously urged residential uses for this property upon its review of a previous plan prepared by a contract developer.

Architect David Corbin stated that although the property has a successful restaurant, it has a failing retail component. He noted that goals for the plan include meeting housing density, building less than 42 feet in height, minimizing the impact of parking and traffic on the site, and maintaining compatibility between the mixed uses. He added that public easements and waterfront access would be improved by the addition of signage, landscaping, and shading devices. He then reviewed images of the project, copies of which are contained in the file for this meeting in the City Clerk's Office.

(See below.)

**CORRESPONDENCE & COMMUNICATIONS (11:59 a.m.) .....**

At this point in the meeting, Council Member Tarrant stated that South Florida Water Management District (SFWMD) officials had conceded that the Calusa Bay lakes violate the 300-foot setback requirement. They however are not recommending filling in the lakes, and are instead pursuing other options. He therefore requested that Council direct the City Attorney to file a lawsuit against the developer. City Attorney Kenneth Cuyler stated that a lawsuit may be in order, but urged that Council first receive as much information as possible prior to making that determination. City Manager Kevin Rambosk confirmed that SFWMD would provide a final recommendation to Council by February. (See Page 10.)

**Recess 12:05 p.m. to 1:31 p.m. It is noted for the record that all Council Members were present when the meeting reconvened.**

**(Item 9-a continued from above) .....**

Planning Director Ron Lee clarified requirements for front and side yard setbacks in the C2-A Waterfront Commercial zoning district and confirmed that the project meets density and lot coverage standards. Council Member Herms questioned whether the project would go through a conditional use procedure; however, Mr. Lee stated that the PD rezoning would substitute. Mr. Herms commented that should the petitioners build a parking garage, they would be allowed additional commercial square footage on the parcel and therefore cautioned that a PD could create increased density. Vice Mayor MacKenzie stated that previous Councils had granted various concessions such as allowing off-site parking and encroachments into the public rights-of-way in order to make this a commercial success, and that it now will instead be predominately residential. She therefore suggested reviewing these changes. Mr. Lee confirmed that the building height would be 40 feet, and would meet the proposed charter amendment. Council Member Tarrant voiced approval for the petitioner's efforts in endeavoring to provide an important community benefit.

**Public Input:** None: (1:45 p.m.)

**MOTION by Tarrant to APPROVE ON FIRST READING WITH THE UNDERSTANDING THAT THE CITY WILL RETAIN THE PUBLIC RIGHTS-OF-WAY ON THE NORTH AND EAST SIDES OF THE DEVELOPMENT. This motion was seconded by Van Arsdale and carried 6-1, all members present and voting (MacKenzie-yes, Van Arsdale-yes, Tarrant-yes, Coyle-yes, Herms-no, Nocera-yes, Barnett-yes).**

During the vote, Council Member Herms took the position that the setbacks violate the underlying zoning requirements and noted he would clarify the issue with the City Attorney prior to Second Reading.

**RESOLUTION 00-8758..... ITEM 9-b  
A RESOLUTION GRANTING APPROVAL OF A RESIDENTIAL IMPACT  
STATEMENT FOR THE OLD NAPLES SEAPORT PLANNED DEVELOPMENT**

**REZONE LOCATED AT 1001 10<sup>TH</sup> AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**Public Input:** None. (1:45 p.m.)

**MOTION by Van Arsdale to APPROVE RESOLUTION 00-8758 AS SUBMITTED; seconded by Coyle and carried 6-1, all members present and voting (Coyle-yes, Herms-no, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**Recess 1:45 p.m. to 1:49 p.m. It is noted for the record that all Council Members were present when the meeting reconvened.**

**RESOLUTION 00-8758-A (Denied) .....ITEM 7**  
**A RESOLUTION GRANTING THE APPLICATION FOR VESTED RIGHTS OF WARM WEATHER INVESTMENTS, INC. WITH RESPECT TO BAY SHORE VILLAS COOPERATIVE; AND PROVIDING AN EFFECTIVE DATE.** Title not read. City Manager Kevin Rambosk explained that the petitioner had filed for vested rights to permit Bay Shore Villas to develop at seven habitable floors over one story of parking consistent with R3-15 zoning, prior to the rezoning of the property to R3-15 Moorings, which limits building height to three habitable floors over one story of parking.

City Attorney Kenneth Cuyler explained that this is the public hearing pursuant to the City's vested rights claim procedure and that he would represent Council; staff would represent itself, and Attorney Howard Smith would represent the petitioner. The City Clerk then administered a voluntary oath to those intending to offer testimony on this issue; witnesses responded in the affirmative. City Attorney Cuyler noted the petitioner would speak first offering testimony and evidence, followed by staff, and then Council deliberations. Council Members Herms, Nocera, Tarrant, and Mayor Barnett indicated that they had not spoken to anyone regarding this matter. Vice Mayor MacKenzie noted that she had spoken to many of the project's neighbors and the City Attorney; Council Member Van Arsdale stated that he had not spoken to anyone recently; and Council Member Coyle stated that he had spoken to many members of the public.

Attorney Smith stated that the petitioner has no intention at this time of redeveloping the property so that the reason for the hearing is to ensure that the petitioner exhausts all his remedies so as to subsequently seek a greater remedy under another pending application. (City Attorney Cuyler clarified that the greater remedy referred to was under the Burt Harris Act, which Council was not considering at that time.) Attorney Smith stated that the petitioner merely seeks recognition of what had occurred, namely a taking of rights and value without any connection to a proposed development.

Petitioner Steven Mirowitz stated that he is a real estate investor and owns 80% of Warm Weather Investments, which in turn owns a majority of the units and 92% of the stock at Bay Shore Villas. He confirmed his awareness of the City's Comprehensive Plan and the proposed down zoning when considering purchase of the property, but anticipated filing an appeal for diminished property value. He stated that the subsequent rezone reduced the number of habitable floors from seven to three and estimated the loss of value to be at least \$500,000.00 from the previous highest and best use of the property. He therefore requested that the property be grandfathered under the previous zoning so that he may have the right to develop to its fullest potential. He added that he believes he is the only affected owner holding a controlling interest in an entire complex.



Council Member Herms confirmed that the property would accommodate a maximum of 21 units and under old zoning would be 3,720 square feet and 3,205 square feet per unit under a new, or a differential of 515 square feet. In addition to smaller units, Mr. Mirowitz noted that the lower height would diminish views. City Attorney Cuyler however interjected that although this hearing is for the vested rights claim, the petitioner is also submitting evidence that would be more properly submitted under a Burt Harris Act claim. He then stressed that diminution of value has no connection to vested rights.

Mr. Mirowitz confirmed that prior to purchase, he had met with City staff, including then City Manager Richard Woodruff, the City Attorney, and then Planner Ron Lee regarding possible Comprehensive Plan implications, but had believed actual rezoning must occur in order to limit building height to three stories over parking. Planning Director Ron Lee however questioned whether Mr. Mirowitz was aware that State law requires that zoning be brought into compliance with the Comprehensive Plan; Mr. Mirowitz stated that he believed the rezone to be likely.

Mr. Richard Woodruff confirmed that upon preparation of a new City Comprehensive Plan approximately two years ago, Council, staff, citizens, and affected property owners participated in workshop or individual discussions regarding the east side of Gulf Shore Boulevard between Banyan Boulevard and Mooringline Drive. He stated after staff analysis of both sides of the street, Council opted to limit height to three stories over parking on the east side in order to preserve Bay views. He confirmed that he did discuss this issue with Mr. Mirowitz, who had conveyed to him his interest in purchasing Bay Shore Villas. Mr. Woodruff stated that he stressed to Mr. Mirowitz that staff could not issue a building permit even if the rezoning had not yet occurred, and that he responded that he was not interested in redevelopment and merely wanted to purchase income-producing property. Mr. Woodruff then stated that staff had emphasized to Mr. Mirowitz that they believed him to be ineligible to pursue a vested rights claim not being the owner of the property at the time of the Comprehensive Plan amendment. Attorney Smith proposed that Mr. Mirowitz might not have fully understood his options under an appeals process. Mr. Woodruff added that because zoning must comply with the Comprehensive Plan, should a Council subsequently refuse to adopt subsequent zoning, it would have to amend the Comprehensive Plan. Attorney Smith therefore concluded that Council theoretically could have voted against the rezoning.

Although he invested in the property with knowledge of the proposed down zoning, Mr. Mirowitz stated that he doubted the appropriateness of the City's actions, and reiterated that he intended to file an appeal for his property based upon a compelling argument as to its unfairly diminished value. He added that he might also ask the seller to transfer all rights and interests in the property to him. City Attorney Cuyler however disputed that vested rights can legally be transferred. Vice Mayor MacKenzie noted for the record a Gulf Shore Colony Club petition requesting Council to oppose any action that would modify current zoning. (A copy is contained in the file for this meeting in the City Clerk's office.)

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**It is noted for the record that Council Member Herms left the meeting at 3:04 p.m.**

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**Public Input:** 3:04 p.m. **Merrill Johnson, address not given**, Moorings Property Owners Association President, requested that Council oppose the vested rights petition in order to retain the appearance of Gulf Shore Boulevard. **Franklin Starks, 1717 Gulf Shore Blvd. North**, Gulf Shore Property Owners Association President, read a letter into the record (See Attachment 2) requesting that Council honor existing zoning in order to avoid high-rise development and greater density. In response to Council Member Van Arsdale, City Attorney Cuyler predicted that the City would prevail in a vested rights lawsuit.

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**MOTION by Coyle to DENY RESOLUTION 00-8758-A AS SUBMITTED; seconded by Nocera and carried 6-0 (Coyle-yes, Herms-absent, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

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**Recess 3:13 p.m. to 3:19 p.m.** It is noted for the record that all Council Members were present when the meeting reconvened.

**CORRESPONDENCE & COMMUNICATIONS (3:19 p.m.)** (Continued from Page 7) ..... Council Members Tarrant, Herms, Coyle, and Nocera indicated support for a lawsuit against the Calusa Bay developers regarding installation of lakes near City wells. Vice Mayor MacKenzie however advocated first determining whether the developer would agree to fill in the lakes, fix the wells, or reimburse the City for costs. Council Member Van Arsdale and Mayor Barnett also proposed deferring action until the outcome of the negotiation process.

**It is noted for the record that Council Member Coyle left the meeting at 3:20 p.m.**

City Attorney Kenneth Cuyler stated that he would confirm in writing that he has no conflict of interest in this case. Although premature at this time, he said he could file a mandatory injunction in order to force the developer to move the lake the required distance from the wells or fill it in as well as filing for damages due to the shutdown of City wells. Vice Mayor MacKenzie supported the possibility of a lawsuit. City Attorney Cuyler noted that the City is endeavoring to cooperate with the South Florida Water Management District (SFWMD), but that it is currently unknown whether this body has legal immunity. He added that the City would learn in the near future whether SFWMD staff will recommend that the developer move or fill in the lake; therefore he suggested postponing action pending the Board's ultimate decision.

***It was the consensus of Council to delay until February 9<sup>th</sup> consideration of the lawsuit against the Calusa Bay developer.***

**ORDINANCE 00-8759.....ITEM 10-a**  
**AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 99-CPASS4, ASSIGNING A PUBLIC, SEMI-PUBLIC INSTITUTIONAL FUTURE LAND USE DESIGNATION TO PROPERTY LOCATED AT 1601 BURNING TREE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (3:31 p.m.).

**Public Input:** None. (3:31 p.m.)

**MOTION by Van Arsdale to ADOPT ORDINANCE 00-8759 ON SECOND READING; seconded by Nocera and carried 4-2 (Nocera-yes, Tarrant-no, MacKenzie-yes, Coyle-absent, Van Arsdale-yes, Herms-no, Barnett-yes).**

**ORDINANCE 00-8760.....ITEM 10-b**  
**AN ORDINANCE GRANTING REZONE PETITION 99-R15 IN ORDER TO REZONE PROPERTY AT 1601 BURNING TREE DRIVE FROM "R1-10," RESIDENCE DISTRICT TO "PS," PUBLIC SERVICE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**Public Input:** None. (3:33 p.m.)

**MOTION by Van Arsdale to ADOPT ORDINANCE 00-8760 ON SECOND READING; seconded by Nocera and carried 4-2 (Coyle-absent, Nocera-yes, Tarrant-no, MacKenzie-yes, Herms-no, Van Arsdale-yes, Barnett-yes).**

**RESOLUTION 00-8760-A .....ITEM 12**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO WITH CHANGES AS APPROVED BY THE CITY ATTORNEY, BETWEEN THE CITY OF NAPLES AND OWEN-AMES-KIMBALL COMPANY, TO PROVIDE CONSTRUCTION**

MANAGEMENT AT RISK SERVICES FOR THE CONSTRUCTION OF THE DEVELOPMENT SERVICES BUILDING, SOLID WASTE ADMINISTRATION BUILDING, AND WASTEWATER OPERATIONS BUILDING IN AN AMOUNT NOT-TO-EXCEED \$3,760,000; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (3:34 p.m.). Building Official William Overstreet stated that the price contains a 5% contingency, and may actually be lower.

**Public Input:** None. (3:37 p.m.)

**MOTION** by Van Arsdale to **APPROVE RESOLUTION 00-8760-A AS SUBMITTED**; seconded by Nocera and carried 6-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

**RESOLUTION 00-8761.....ITEM 13**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH RATE INCREASES TO THE APPROVED CONTRACT BETWEEN SUNLIFE OF CANADA AND THE CITY OF NAPLES TO PROVIDE MEDICAL STOP LOSS INSURANCE FOR THE CITY'S SELF-INSURED EMPLOYEE HEALTH BENEFITS PLAN FOR THE PLAN YEAR JANUARY 1, 2000 THROUGH DECEMBER 31, 2000; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (3:37 a.m.). Assistant City Manager William Harrison stated that although the cost of medical services has escalated, the health insurance internal billing rate has remained constant for the past five years.

**Public Input:** None. (3:40 p.m.)

**MOTION** by Van Arsdale to **APPROVE RESOLUTION 00-8761 AS SUBMITTED**; seconded by Tarrant and carried 6-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

**RESOLUTION 00-8762.....ITEM 14**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM DEEMED APPROPRIATE BY THE CITY ATTORNEY, BETWEEN THE CITY OF NAPLES AND SALTSMAN CONSTRUCTION, INC., TO CONSTRUCT THE SOUTH GORDON DRIVE BEACHFRONT T-GROIN PROJECT, AT A COST NOT TO EXCEED FIVE HUNDRED SEVENTY THREE THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$573,790.00); AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (3:40 p.m.). Natural Resources Manager Jon Staiger confirmed that the project would be underwritten by Tourist Development Council funds, and that Humiston & Moore would perform project management on behalf of the City.

**Public Input:** None. (3:43 p.m.)

**MOTION** by Van Arsdale to **APPROVE RESOLUTION 00-8762 AS SUBMITTED**; seconded by Nocera and carried 6-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

**RESOLUTION 00-8763.....ITEM 15**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM DEEMED APPROPRIATE BY THE CITY ATTORNEY, BETWEEN THE CITY OF NAPLES AND SUBOCEANIC CONSULTANTS, INC., TO PROVIDE ENGINEERING AND PERMITTING SERVICES, PROJECT OVERSIGHT, AND PERMIT COMPLIANCE MONITORING SERVICES FOR THE NAPLES BEACH RESTORATION USING THE PARKER SAND WEB SYSTEM IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY SIX THOUSAND SEVEN HUNDRED FORTY DOLLARS (\$366,740.00); AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (3:43 p.m.). After receiving confirmation that City staff could legally

oversee the project, Council Member Tarrant recommended that Council approve without the expenditure for the engineering consultant. Natural Resources Manager Jon Staiger however stated that this outlay also involves permitting and extensive monitoring. Council Member Herms noted that Bill Parker of Parker Beach Restoration does not favor the coastal engineer assigned to the project, and made a motion to name Bob Crawford, Suboceanic Consultants President, as the engineer of record for the permitting process; however, this motion was not seconded.

**Public Input:** 3:50 p.m. **Bill Parker**, Parker Beach Restoration, stated his view that the project does not require a coastal engineer. Vice Mayor MacKenzie suggested Mr. Crawford as an outside neutral observer to measure the accumulated sand.

Council Member Tarrant made a motion to approve the project but without a consultant and to create an interlocal agreement between the City and County to provide monitoring. This motion was not seconded. Council Member Herms then made a motion, seconded by Mayor Barnett, to approve Suboceanic Consultants but to exclude the proposed coastal engineer. Dr. Staiger stated that the effect of this action would depend on the permit negotiations, as State negotiators are all coastal engineers. He added that although this would not affect the fee, it might take longer to obtain the permit. Council Member Nocera made a motion to approve the item as submitted; however, there being no second, he subsequently withdrew it.

**MOTION by Herms to APPROVE RESOLUTION 00-8763 APPROVING SUBOCEANIC CONSULTANTS BUT EXCLUDING THE PROPOSED COASTAL ENGINEER; seconded by Barnett and carried 4-2 (Herms-yes, Coyle-absent, Nocera-yes, Van Arsdale-no, MacKenzie-yes, Tarrant-no, Barnett-yes).**

During the vote, Vice Mayor MacKenzie noted that although she has not supported the Parker Beach Restoration project, she did support an outside observer. Council Member Tarrant stated that he could not support using a consultant in this project.

**OPEN PUBLIC INPUT (4:02 p.m.)**.....

**Walter Giel, 225 Eighth Avenue South**, stated that he believed the shuffleboard courts at Cambier Park to be in disrepair; however, Council reaffirmed (Van Arsdale/Herms/6-0 Coyle absent) its prior acceptance of the courts.

**RESOLUTION 00-8764.....ITEM 16-a**  
**A RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING ADVISORY BOARD FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING MAY 7, 2001; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (4:06 p.m.).

**Public Input:** None. (4:06 p.m.)

**MOTION by MacKenzie to APPOINT JOHN SOREY (this motion was not seconded). This motion failed 2-4. (Coyle-absent, Tarrant-no, MacKenzie-yes, Herms-no, Van Arsdale-no, Nocera-yes, Barnett-no).**

**MOTION by Herms to APPOINT ROBERT NAVARRE (RESOLUTION 00-8764 AS SUBMITTED); seconded by Van Arsdale and carried 6-0 (MacKenzie-yes, Van Arsdale-yes, Tarrant-yes, Coyle-absent, Herms-yes, Nocera-yes, Barnett-yes).**

A motion by Vice Mayor MacKenzie to appoint Kevin Carroll was not voted upon.

**RESOLUTION 00-8765.....ITEM 16-b**  
**A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE FOR THE BALANCE OF A**

**TWO-YEAR TERM, EXPIRING OCTOBER 6, 2000; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**MOTION by Barnett to APPOINT MICHAEL SIMONIK (RESOLUTION 00-8765 AS SUBMITTED); seconded by Nocera and carried 6-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

A motion by Vice Mayor MacKenzie to appoint Vernon Dibeler was not voted upon.

**It is noted for the record that Council Member Van Arsdale left the meeting at 4:13 p.m.**

**RESOLUTION 00-8766.....ITEM 17**  
**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN APPLICATION FOR A HIGHWAY BEAUTIFICATION GRANT AND IF SUCCESSFUL ENTER INTO A FLORIDA HIGHWAY BEAUTIFICATION GRANT AGREEMENT AND LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION AND MAINTENANCE OF LANDSCAPE DEVELOPMENT IMPROVEMENTS LOCATED ON A PORTION OF STATE HIGHWAY 45 (U.S. 41) BEGINNING AT GOODLETTE ROAD TO DAVIS BOULEVARD BETWEEN MILEPOST 12.31 AND MILEPOST 12.855 WITHIN THE CITY OF NAPLES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (4:13 p.m.).

**Public Input:** None. (4:13 p.m.)

**MOTION by MacKenzie to APPROVE RESOLUTION 00-8766 AS SUBMITTED; seconded by Nocera and carried 5-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-yes).**

**.....ITEM 18**  
**AUTHORIZE NEGOTIATIONS FOR THE CONSTRUCTION OF A BOX CULVERT EXTENSION ON GOLDEN GATE BOULEVARD AT THE CYPRESS CANAL \ VENDOR: ZEP CONSTRUCTION, INC. \ AMOUNT: NOT TO EXCEED \$195,000.00 \ FUNDING: CIP NO. 99L04.** (4: 13 p.m.) Development Services Director Richard Gatti explained this project as necessary to resolve a conflict between the City's 36-inch raw water and the County's expansion of the box culvert under Golden Gate Boulevard at the Cypress Canal. He added that the City would select its own contractor and then negotiate the contract on the basis of unit prices received on a similar project. Mr. Gatti confirmed that the County is intending to widen the bridge on the canal.

**Public Input:** None. (4:15 p.m.)

**MOTION by Herms to APPROVE ITEM 18 AS SUBMITTED; seconded by Tarrant and carried 5-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-yes).**

**.....ITEM 19**  
**AUTHORIZE PURCHASE OF A STREET SWEEPER \ VENDOR: MCCLAIN/ SOUTHLAND EQUIPMENT CO. \ AMOUNT: \$112,500.00 \ FUNDING: CIP #00V19.** (4:15 p.m.) City Manager Kevin Rambosk requested that Council waive competitive bidding in order to purchase the street sweeper using the prices, terms, and conditions of a competitive bid issued by the City of Largo. Council briefly discussed the sweeper's cyclonic system.

**Public Input:** None. (4:20 p.m.)

**MOTION by Nocera to APPROVE ITEM 19 AS SUBMITTED; seconded by Herms and carried 5-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-yes).**

Council Member Tarrant proposed featuring the device on “The Naples Report”.

**RESOLUTION 00-8767.....ITEM 20**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO AND MADE A PART HEREOF, WITH CHANGES AS APPROVED BY THE CITY ATTORNEY, BETWEEN THE CITY OF NAPLES AND CAMP DRESSER & MCKEE INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR DRAINAGE BASIN NO. III STORMWATER PUMP STATION AND SYSTEM IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (4:20 p.m.). Development Services Director Richard Gatti explained that this basin’s entire system is undersized, and that Camp Dresser & McKee’s recommended improvements would provide hydraulic and water quality modeling.

**Public Input:** None. (4:24 p.m.)

**MOTION by Nocera to APPROVE RESOLUTION 00-8767 AS SUBMITTED; seconded by Herms and carried 5-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-yes).**

After a brief discussion, Council determined that the City would not provide information flyers on either the Fleischmann property acquisition or the building height referendum questions.

**RESOLUTION 00-8768..... ITEM 5-i**  
**A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH ANGIE BREWER & ASSOCIATES, IN THE AMOUNT OF \$52,283.85, TO PROVIDE FOR THE UPDATING OF THE STORMWATER FACILITIES PLAN; AND PROVIDING AN EFFECTIVE DATE.** Title not read. (4:24 p.m.) Assistant City Manager William Harrison commented on what he described as the excellent savings afforded by the State Revolving Loan Fund (SRLF) and stated that Angie Brewer is expert in facilitating this program for the City. He added that the Department of Environmental Protection (DEP) must approve this overall master plan, and subsequently the City could apply for funding on an individual project basis. Development Services Director Richard Gatti stated that the next project scheduled for application for SRLF financing is stormwater improvements to Drainage Basin III.

**Public Input:** None. (4:32 p.m.)

**MOTION by Tarrant to APPROVE RESOLUTION 00-8768 AS SUBMITTED; seconded by Herms and carried 5-0 (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-yes).**

Vice Mayor MacKenzie requested that Mr. Gatti investigate traffic concerns at the corner of Ninth Street and Sixth Avenue South.

**OPEN PUBLIC INPUT (4:32 p.m.).....**

**Bill Boggess, 1100 Eighth Avenue South,** requested that the City implement traffic control measures at the intersection of Tenth Street and Eight Avenue South. He also noted that State officials have commenced an internal investigation with regard to the handling of the Collier County beach rock removal project.

**CORRESPONDENCE & COMMUNICATIONS (4:35 p.m.).....**

Council Member Tarrant noted that a citizen (Suzanne Schache) had been assessed a large fine for a Code violation, which had however been subsequently reduced to \$1500.00 due to the efforts of Council Member Nocera. He then requested that Council waive the fine entirely; Council concurred and agreed to present this item to the new Council. / Mayor Barnett noted the scheduled Community Redevelopment Agency (CRA) meeting had been postponed. / Vice Mayor MacKenzie referenced a citizen concern whether lights in the Third Street district met

**City Council Regular Meeting – January 19, 2000 9:00 a.m.**

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specifications; City Manager Kevin Rambosk noted he would research and provide that information to Council. / Council Member Nocera requested that staff provide a traffic update of the intersection of Ninth Street and Ninth Avenue. / He also reminded Council of the Annual Bonfire Festival to be held on January 29<sup>th</sup> at 4:00 p.m.

**ADJOURN** (4:38 p.m.) .....

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Prepared by:

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Jessica R. Rosenberg, Recording Specialist

Minutes approved: 3/1/00

19-Jan-00

Dear Mr. Mayor and City Council Members:

Over the past few months, Community Health Care, Inc. has received numerous requests for changes to our original Grand Central Station redevelopment proposal. Such changes have involved reductions in density, height and intensity, along with requests for additional greenspace, pedestrian walkways, and trees. Included in such requests have been varying interpretations of zoning codes and ordinances which have placed this project under the strictest interpretations of the law.

In every instance we have not waived in changing our plans to meet the requests and requirements of all who have provided input.

As a result of the Planning Advisory Board hearing, our plan was accepted with overwhelming approval, pending the contingencies which we have agreed to in the accompanying Memorandum of Understanding.

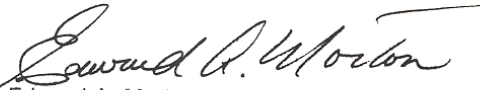
Two additional items, setbacks along the Goodlette Road corridor, and the maximum allowable density of 8 dwelling units per acre were discussed but not deemed valid. In subsequent discussions with members of your staff and others, we believe it is in the best interest of all concerned to adhere to these code regulations. We therefore agree to extend the Goodlette Road setbacks to 50 feet plus an additional 25 feet per story, and we have reduced the number of dwelling units on this site to correspond with the allowable 8 units per acre.

Our latest revision to the site plan reflects these changes.

It is our understanding that our present plan complies with all zoning ordinances and regulations applicable to this site, including the Comprehensive Development Code, the Community Redevelopment Plan, and the 41-10 Master Plan.

While much of our original plan has been changed in scope, we believe that the review process has worked. This parcel will be a tremendous benefit not only to the revitalization of the Gateway District, but to the entire Naples community. We look forward to working with you as we make this community benefit a reality.

Sincerely,



Edward A. Morton  
Community Health Care, Inc.



GULF SHORE PROPERTY OWNERS ASSOCIATION

Jan. 14, 2000

Mayor William Barnett  
Naples City Hall  
735 Eighth Street So.  
Naples, Fla. 34102

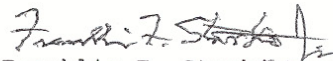
Dear Mayor Barnett and Members of the Naples City Council:

With regard to the request for Vested Petition 99-VR1(99-037) pertaining to Bay Shore Villas we, Members of Gulf Shore Property Owners Association, wish to remind Council that we strongly advocated changes in zoning to reduce building heights on Gulf Shore Blvd. No. which Council approved and included in the Comprehensive General Plan for Naples. All of this was in process prior to the negotiations for purchase of Bay Shore Villas by the former owner and the now present owner of 21 of 24 Units. It is certainly evident that purchasers had full notice of the change of zoning requirements.

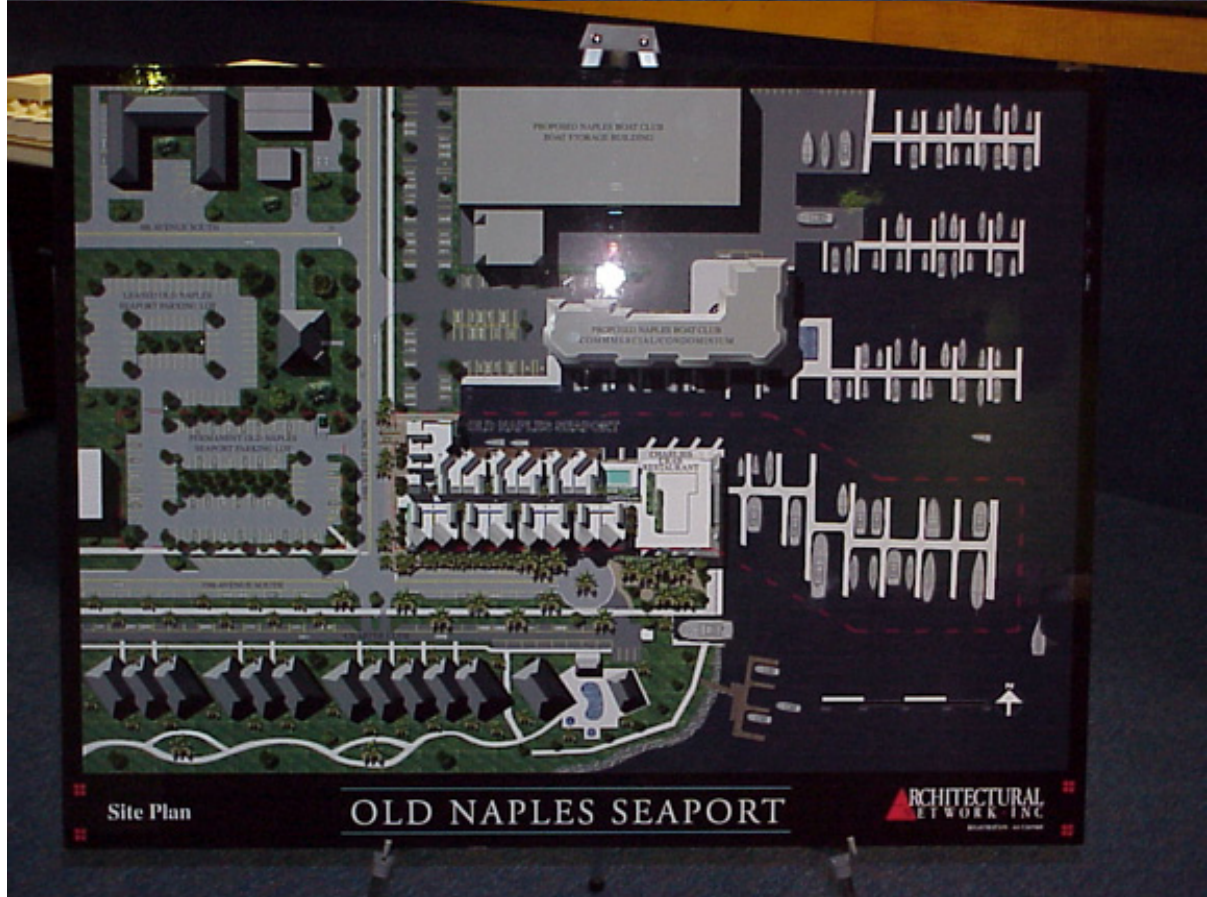
Residents on Gulf Shore Blvd. from the Beach Club to Doctor's Pass were overwhelmingly interested in keeping this particular area of Naples much as it has been, and not allow, in our opinion, the adverse effect of high rise development as such has occurred in cities on Florida's east coast, and in recent years in the area north of Park Shore Drive in Naples.

Those now requesting vested rights are endeavoring to avoid compliance with zoning requirements they were well aware of prior to their purchase of the property in question. They now wish to be allowed to not honor present zoning so to allow themselves to create greater density by increasing the number and size of apartments or condominiums. All for what they hope will be a financial gain for themselves. To the detriment of long time residents of the area, they will have brought unwanted change to our residential area long after they have left. We hereby respectfully urge you, the City Council, to endorse and honor the zoning which now exists and deny their request.

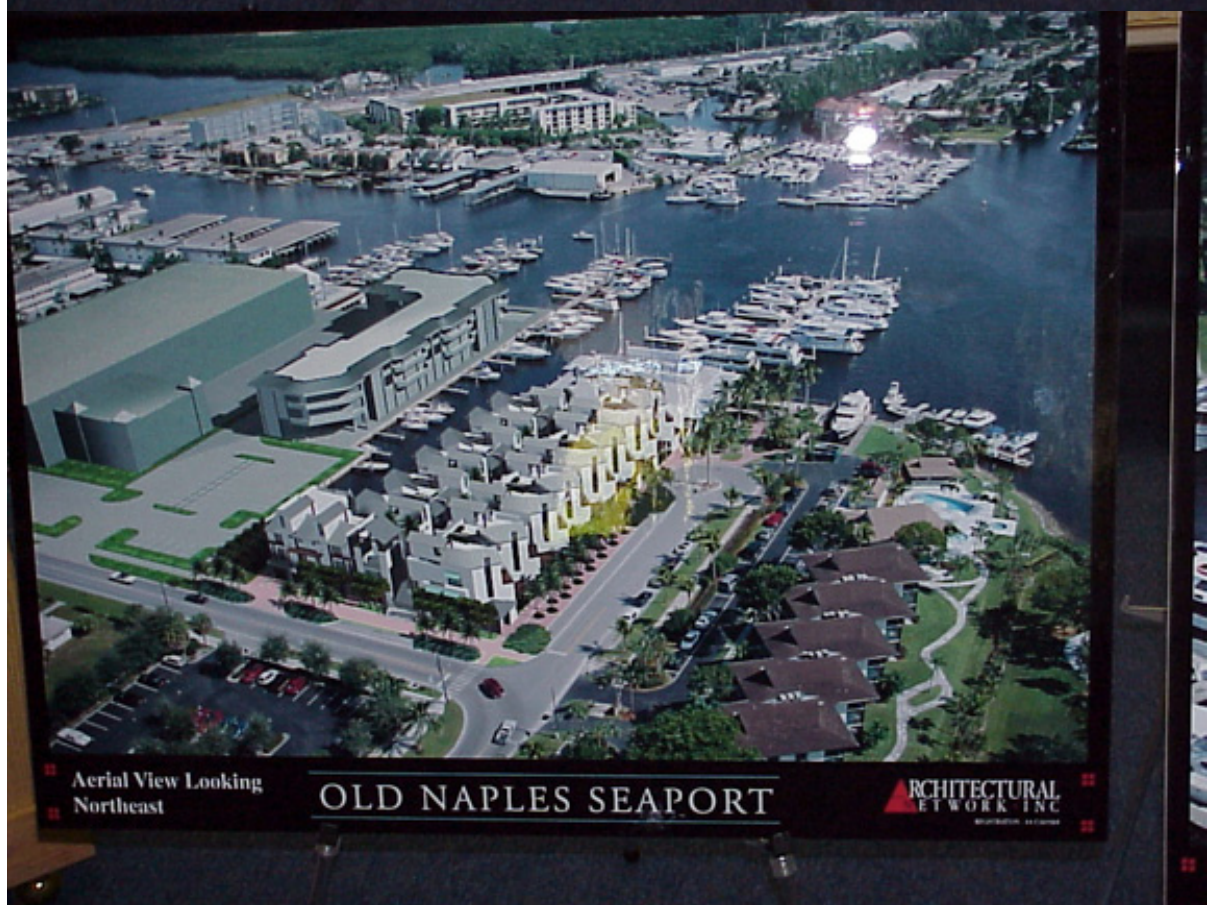
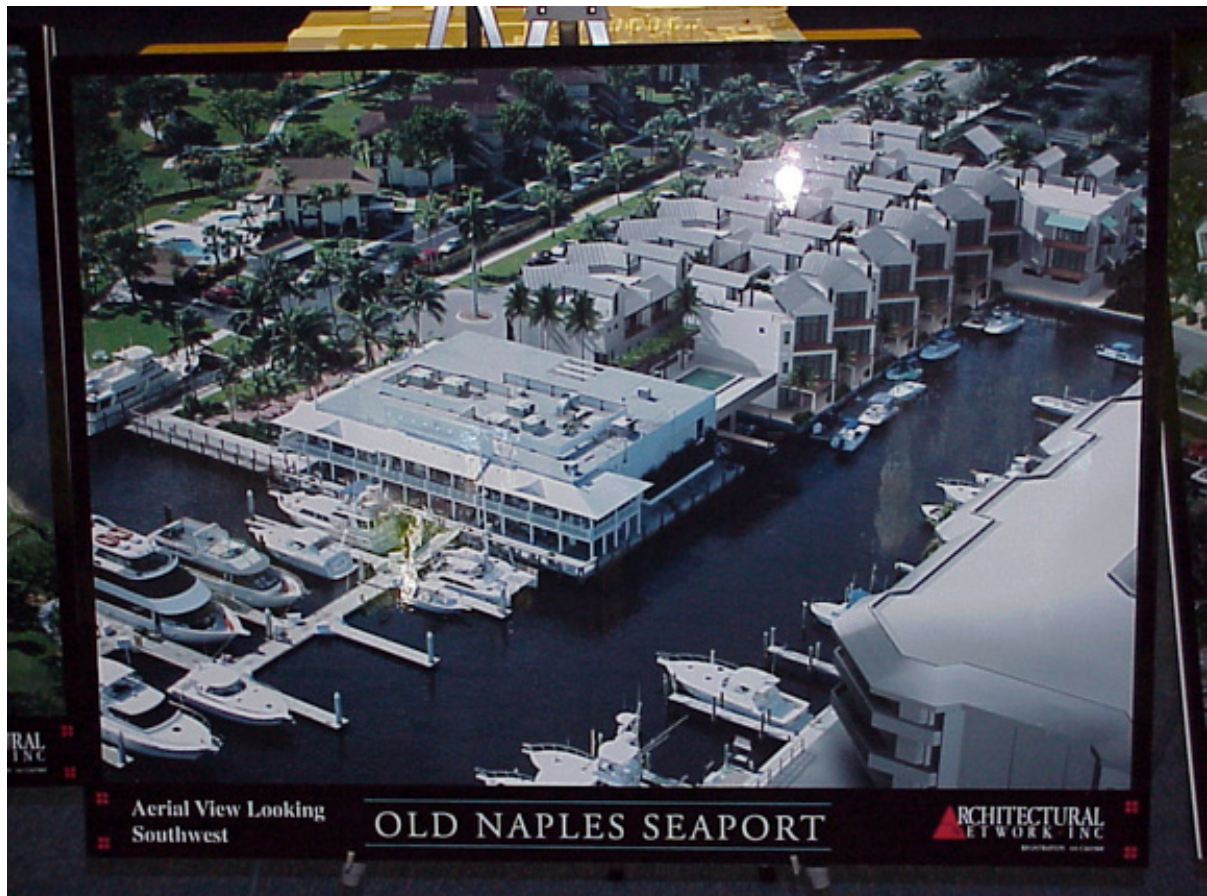
Respectfully submitted,



Franklin F. Starks, President  
Gulf Shore Property Owners Assn.











West Elevation



North Elevation



South Elevation

Building Elevations

OLD NAPLES SEAPORT

ARCHITECTURAL  
NETWORK INC.  
BIRMINGHAM, ALABAMA

