



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – March 15, 2010 – 10:40 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  
John Sorey, III, Vice Mayor

**Council Members:**

Douglas Finlay  
Teresa Heitmann  
Gary Price, II  
Samuel Saad, III  
Margaret Sulick

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**Also Present:**

William Moss, City Manager  
Robert Pritt, City Attorney  
Tara Norman, City Clerk  
Vicki Smith, Technical Writing Specialist  
Roger Reinke, Assistant City Manager  
Robert Middleton, Utilities Director  
Michael Bauer, Natural Resources Manager  
Thomas Weschler, Chief of NPDF  
Ron Wallace, Streets & Stormwater Director  
Robin Singer, Planning Director  
David Lykins, Community Services Director

Lois Bolin  
Bob Vayda  
Lisa Swirda  
Albert Muniz  
Marvin Easton  
Albert Katz  
Edward Ten Eyck

**Media:**

Jenna Buzzacco-Foerster, Naples Daily News

Other interested citizens and visitors.

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**SET AGENDA.....ITEM 2**

**MOTION by Price to SET THE AGENDA considering Items 5 and 11 prior to Item 4; seconded by Sulick and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).**

**PUBLIC COMMENT.....ITEM 3**

(10:41 a.m.) **Bob Vayda, Architect for Naples Casamore**, provided a brief update regarding the non-phased construction schedule for the complex as well as noting that property maintenance vehicles would be provided parking within its confines of the project, not along Gulf Shore Boulevard. **Lois Bolin, representing Naples Backyard History**, briefly reviewed ongoing projects with regard to its working waterfront museum located within Tin City, as well as coordinated efforts with City staff endeavoring to install rain gardens at all exhibit sites. She also expressed support for City-sponsored festivals (see Item 7 below), recommending Naples

Heritage Festival for the May event. She also noted that Collier County would be represented at the Florida History Fair and National History Day competition. In response to Council Member Price, Dr. Bolin clarified that the City of Naples Heritage Trail Map contained in a recent publication reflected the locales and manner in which the City developed; one had been developed for Collier County also, she added. Dr. Bolin further explained that the maps were intended for use during historical walking tours of the City and Mayor Barnett recommended that she coordinate with City staff should future publications reflect the City of Naples in their name.

**INTEGRATED WATER RESOURCES PLAN UPDATE.....ITEM 5**

**The Plan provides for a reduction in potable water use by supplementing water supplies with reclaimed water and surface water from the Golden Gate Canal for landscape irrigation in order to meet current and future water demand. A status report on the implementation of the Plan will be provided and include: the drilling of an aquifer storage recovery (ASR) exploratory well, plans to proceed with a second exploratory well and a monitoring well; preliminary design options for a water transmission line, from the Golden Gate Canal; and status of environmental permitting.** Utilities Director Robert Middleton indicated the presence of Albert Muniz, project manager and engineer of Hazen and Sawyer, who would be participating in the presentation. (It is noted for the record that a printed copy of the electronic presentation for this item is contained in the file for this meeting in the City Clerk's Office.) He said that the South Florida Water Management District (SFWMD) had concurred with the City's course of action to reduce potable water demands and would therefore in the near future grant the City a 20-year water use permit to support the City's drinking water supply. Mr. Middleton enumerated the following advantages to implementing an aquifer storage and recovering (ASR) program:

- Reduce potable water demands (from 270 to 200 gallons per capita per day/GPCD);
- Extend the useful life of the City's water treatment facility;
- Maximize use of irrigation (reclaimed, reuse or alternative) water;
- Optimize use of excess surface water; and
- Reduce surface discharge to Gordon River/Naples Bay.

He then described the ASR concept which would develop a storage layer of recoverable, treated reuse water that with some additional treatment would be introduced into the irrigation system, supplemented with a minimum of 5-million gallons per day (MGD) extracted from the Golden Gate Canal and blended with recovered irrigation water. Permits for use of Golden Gate Canal water are anticipated in the near future and other aspects of this portion of the project, including research and negotiations for an intake site, as well as expectation of the final design of the intake system are expected to occur in July of 2011.

Mr. Muniz then described the overall scheduling projections for the project (Attachment 1). He noted that the current exploratory well would be converted to a monitoring well which would realize a cost savings of \$200,000 to \$300,000. He cited continuing support for the project from both SFWMD and the Florida Department of Environmental Protection (FDEP) and explained that extensive amounts of data had already been collected through core drilling, including identification of a zone where there is sufficient separation from potential areas where drinking water might be derived; namely, 10,000 milligrams per liter or less of total dissolved solids (TDS). However, confinement has not yet been established. Mr. Muniz then provided statistics comparing rainfall, water production and wastewater flows as well as reuse and discharge into

the Gordon River. He displayed a chart (Attachment 2) which compared these flows, noting that with ASR technology the goal was to eliminate flows into the Gordon River altogether. He then enumerated the following, indicating that the target is to provide between 3 and 5 MGD of irrigation water with reclaimed and surface water supplies:

- Average potable demand = 17.33 MGD;
- Irrigation demand (60%) = 10.40 MGD;
- Available reuse = 6.72 MGD;
- Deficit = 3.68 MGD;
- Critical period is March through May;
- Assume 30% recovery;
- Volume to meet irrigation during critical period ~ 1,000,000,000 gallons (6.24 MGD for 90 days); and
- One ASR well delivers 1 MGD (need 6-8 wells).

Mr. Muniz then described procedures and equipment used to derive core samples and conduct various other types of required testing. He further explained that should the City's ASR test well have been drilled at a shallower depth into the Lower Hawthorn Aquifer, costly monitoring would have been required to demonstrate this zone. However, by drilling below the Hawthorn level, monitoring and complying with various criteria is significantly less and therefore represents a substantial cost savings over time (Attachment 3). Mr. Muniz then reviewed specifics of the drilling of the ASR test well, indicating that results had been satisfactory and that the ASR zone chosen was deemed to be productive, reiterating that there is significant separation between the zone where reuse water is to be injected and the area considered a source of drinking water supply (Attachment 4). In response to Vice Mayor Sorey, Mr. Muniz explained that while an early exploratory well had provided valuable data, it was not to the depth of the test well. He also said that well capacity was expected to be such that the number of wells needed might in fact be reduced.

Mr. Muniz then said that in the coming week permits would be applied for to construct the second, as well as future ASR wells, all of which the FDEP is allowing to be included in one submittal and predicting that the process would be accelerated to allow the City to take advantage of the excess supply of reuse water available in summer months. Council Member Sulick sought clarification with regard to the ratio of monitoring wells to the number of ASR wells installed. Mr. Muniz said that it is hoped that future wells can be located within a proximity to the original monitoring well thereby avoiding the need to install any additional ones. Utilities Director Middleton indicated that the FDEP would prefer that the monitoring well be located within 200 feet; however, separation of wells should take into account that they not override each other but still provide some overlapping of zones. Mr. Middleton then reviewed the funding plan (Attachment 5), although some modifications may occur as capital costs are projected in 2011 to 2014.

Mr. Middleton then cited the following with regard to the current status of the irrigation water system:

- February 2010 – Chlorides averaged 255 mg/l;
- Current annual average chloride – 279 mg/l;
- 657 total available connections in Port Royal;
- 443 resident inquiries to connect;

- 373 applications received;
- 248 residents connected; and
- 24 public medians, cul-de-sacs, and beach ends connected.

In response to Council Member Heitmann, Mr. Middleton stated that there will now be a sufficient water supply for customers in the area where the irrigation water system is in place; he also pointed out however that the City may cease service to golf courses if this is dictated by the demand from residential customers. If all potential customers were connected, the residential demand is estimated at 2.5 MGD. Due to the current usage of the irrigation water system in the Port Royal area, the potable water system is experiencing a significant lowering of demand.

Council Member Finlay asked whether locating lines for the Golden Gate Canal supply in the canal bed in the proximity of the River Reach property on the east side of the Gordon River would be possible and Mr. Middleton explained that there would be permitting concerns since the Army Corps of Engineers (ACOE) considers this a navigable waterway. This could however be among the options evaluated.

The following program steps were then enumerated:

- Complete ASR Well No. 1;
- Start ASR Well No. 2 and monitoring well;
- Prepare and submit Class V injection well permits for ASR Wells;
- If feasible, begin testing of ASR wells by fall 2010; and
- If feasible, continue expansion of ASR program.

In response to Council Member Heitmann, Mr. Muniz explained that chloride levels of recovered water would be monitored after blending with canal water; however, should a certain limit of chloride be reached, recovery would cease until further reclaimed water is stored underground.

In conclusion, Mr. Middleton noted that at that week's regular meeting, Council would be asked to approve a contract for installation of the next ASR well and an amendment to the Hazen and Sawyer contract for construction administration and design for the next phase of the program.

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**Recess: 11:55 a.m. to 12:22 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Sorey who left the meeting at 11:55 a.m. and returned at 3:09 p.m. during consideration of Item 7 below. It is also noted that although Item 11 was to be discussed prior to Item 4, due to the length of Item 5 above, Council decided to await the return of Vice Mayor Sorey to proceed with Item 11 (see below).**

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**EAST NAPLES BAY DREDGING PROJECT .....ITEM 4**

**The proposed dredging project in canals within the Royal Harbor, Golden Shores, and Oyster Bay Subdivisions is proposed to be funded by the current 0.5 mil property tax levy for properties within the East Naples Bay Special Taxing District. Prior to proceeding with the project as designed, City Council sought confirmation that the affected property owners support the proposed project. A straw poll was conducted and 90% of respondents indicated support. City Council will confirm whether to proceed with the dredging of canals. Natural Resources Manager Michael Bauer reviewed the steps taken to date with regard to the planned dredging of East Naples Bay. He said that it is estimated that some 20,000 cubic yards of material is to be removed, approximately 3,000 cubic yards of which will most likely be rock. Council had determined to use the \$1-million in taxing district funds with the City loaning**

the district the remaining \$2-million needed for the project; this would be repaid over time from taxing district revenues with no increase in the amount paid by property owners in the district. A straw poll had also been conducted in January among all property owners in the East Naples Bay Special Taxing District; of the 840 ballots mailed, approximately 50% were returned with 90% indicating that they are in favor of the dredging project, Dr. Bauer said. He said that Council concurrence was therefore being sought to move forward, pending receipt of permits; the project would then be advertised for bid.

Observing that the City would be utilizing \$2-million of its \$14-million non-ad valorem bonding capacity, Council Member Price asked whether an amortization schedule had been established for repayment of the City by the taxing district. It was noted that the final payment amount would be established once a bid price was arrived at. Mr. Price however pointed out that all of the citizens would be relinquishing bonding capacity for one district from the standpoint that the loan would consume cash that could be used to repay other bond issues. He urged Council to be cognizant of this fact. Council Member Heitmann said that she shared this concern, and Council Member Sulick received clarification that repayment to the City of the approximately \$2-million loan would be over a period of 15 years; Mrs. Sulick pointed out that another neighborhood wishing to dredge had been advised that the work was to be funded by the neighborhood. Mrs. Heitmann expressed concern that less than 50% of the total district had voted in favor of the project, although City Manager William Moss said that if the matter had been added as a referendum on the 2010 City of Naples General Election, there would most likely have resulted in fewer individuals making their wishes known.

In response to Council Member Saad, City Manager Moss explained that if the City is not proposing to issue bonds it is not affecting its bonding capacity; this would only occur if a decision were made to finance the dredging project via a bond issue, he added. Instead, the City is utilizing cash reserves which will be repaid by property owners in the district through their special taxing district.

*Consensus that staff proceed to bid following receipt of required permits (also referred to in prior discussions as Option 3; see also materials contained in the file for this meeting in the City Clerk's Office).*

**DRUG FREE COLLIER PARTNERSHIP .....ITEM 6**

**A partnership among a private not-for-profit organization and law enforcement agencies has been formed as a means to strengthen the community's resolve to decrease juvenile substance abuse through education and prevention. A presentation will summarize the mission and activities of the program.** (It is noted for the record that a printed copy of an electronic presentation made by Chief Tom Weschler is contained in the file for this meeting in the City Clerk's Office.) The mission of this program was stated as an effort to strengthen the community's resolve to decrease juvenile substance abuse through education and prevention. This is accomplished through various outreach efforts to both juveniles and adults as well as community organizations and alcohol vendors. Another aspect of the program is Operation Medicine Cabinet where expired or unused pharmaceuticals are collected to prevent their being disposed of in the wastewater system or the landfill. This keeps these materials away from those other than for whom the prescriptions were intended. While collection days are scheduled at pharmacies, collection boxes are increasingly being offered at police stations for greater convenience; Naples Police Department will soon have such a box which is to be funded from

monies derived from drug enforcement related confiscations. Chief Weschler also announced a program on April 21st which will be a town hall meeting at the Police Department for those who are under the legal drinking age. This is designed not only to raise awareness of the dangers of underage drinking, but of serving alcohol to minors at house parties. A panel will be offered with representatives from law enforcement, government, health care, law and youth.

**RESIDENTIAL BOAT DOCK CODE REVISIONS.....ITEM 9**  
**Staff, in response to a request by the Moorings Bay Special Taxing District, has drafted changes to the Land Development Code pertaining to City-wide boat dock construction. The draft amendment returns to City Council for discussion prior to re-submittal to the Planning Advisory Board.** Planning Director Robin Singer described the proposed amendments which she said had been initiated by the Moorings Bay Citizens Advisory Committee some time ago; staff had been working with Natural Resources Manager Michael Bauer, and subsequently a review by the Planning Advisory Board (PAB) had resulted in additional modifications, she added. She clarified that the proposed ordinance was intended to include the vessel itself in the maximum 30 foot measurement for extended piers. (A summary of the amendments excerpted from the staff report are appended as Attachment 6. It is also noted for the record that the ordinance under review is contained in the file for this meeting in the City Clerk's Office.) Ms. Singer also pointed out that definitions have been added to assist in enforcement as well as a dock application requirement where the position of the vessel must be shown. Furthermore, the Presidents Council (property owner associations) had asked that a post-installation survey be required which, Ms. Singer said, is fairly common among other communities; however, this provision was added following the final review by the Moorings Bay Citizens Advisory Committee. Council Member Sulick stated her support for the requirement for a post-installation survey. The Committee also did not address the issues of limiting the number of docks because it was believed that such a limit would encourage construction of larger docks; on multi-family sites, however, installation of ten slips or more requires compliance with marina siting requirements, she said.

Among the other elements cited by Ms. Singer was a prohibition of piers that interfere with safe navigation and a prohibition of rafting to a moored vessel. In addition, a prohibition against piers being used as viewing/sitting platforms had been added, she said, stating that docks and piers cannot contain structures which extend into the waterway. The latter, she said, was not intended to preclude someone from using a lawn chair or fishing from a dock but instead to eliminate more permanent improvements for activities which are not strictly necessary for the docking of a vessel.

While individual neighborhoods have specific dock regulations within the Code of Ordinances, one of the proposed amendments deals with neighborhood-specific rules for properties such as those that front on Moorings Bay, and are intended to prevent interference with the channel, Ms. Singer said. Although both channel mapping and dredging in the past have been somewhat inadequate, the ordinance amendment was drafted based on aerial photography so as to create as few nonconformities as possible, including the surface area allowed for docking facilities. The sole other neighborhood-specific change involved Royal Harbor where a 25% limit was established for a pier and vessel to extend into the waterway. Finally, a section to address floating vessel platforms, allowed under state law, was added at the behest of the City Attorney, Ms. Singer said.

Council Member Finlay recalled that the process which resulted in creation of the proposed ordinance had sought to not impair navigation, but to require that docks remain within the side yard setbacks, and limit the size of piers. Mr. Finlay however took issue with the 30 foot limitation for dock and vessel because an owner could then be precluded from acquiring even a slightly larger vessel. City Attorney Robert Pritt said that this requirement could however be legally imposed and was intended to prevent the obstruction of neighbors' views when a larger vessel is introduced; this is also a reason for strict adherence to side yard setbacks. Mr. Finlay responded, however, that if this is the case, boat lifts should also be regulated. Council Member Price indicated he, too, did not concur with imposing the aforementioned 30 foot limitation.

Council Member Finlay also urged that the natural resources statement (Subsection (b)(1), Application Requirements) be more clearly defined. He said that there was a need to differentiate between a simple communication from the property owner with regard to natural resources which might be present on the site where a pier is constructed and a requirement for a formal environmental survey by a professional. Dr. Bauer clarified that the intent was an assertion by the property owner or the dock builder that they had determined that no marine resources, such as oyster beds or sea grasses, would be impacted; however, it was not intended to impose a further financial burden upon the property owner. Council Members Saad and Price concurred with Mr. Finlay and City Attorney Pritt and City Manager Moss suggested that this particular requirement might be removed altogether. Later in the discussion, Mr. Pritt also suggested that application requirements be moved from individual portions of the Code and compiled in a separate section, pointing out that it is incumbent upon staff to perform due diligence in the processing of an application.

During the discussion it was also learned that the Natural Resources staff no longer reviews dock permits due to the overwhelming number of applications received during the period of 2006-07; the directive for review of dock and pier permits is not articulated in the Code of Ordinances because references to these functions are shown as the responsibility of the City Manager. It was also suggested that while the level of natural resources vary between neighborhoods, specific areas of concern might be identified in advance.

Council then resumed its discussion of the 30-foot limitation encompassing dock and boat, with Council Member Finlay observing that the larger the boat, the closer it must be moored to the shore so that the dock and vessel comply. Ms. Singer clarified that staff had not introduced this restriction but that it had been added by the Moorings Bay Citizens Advisory Committee due to line-of-sight considerations. Council Member Price said that his concern was that safe navigation be preserved, not the distance a dock and vessel are allowed to extend into the waterway. Mr. Price also received clarification from Mr. Pritt that as long as a dock or pier is within the riparian lines, there should not be a legal problem, although the dockage of a large vessel blocking waterfront views could result in a dispute between neighbors. Council Member Heitmann agreed that the quality of life for residents could be negatively affected by blockage of views.

**Public Comment:** (1:48 p.m.) **Edward Ten Eyck, 2600 Gulf Shore Boulevard North, #34,** indicated that he had lived on Moorings Bay for over 30 years and has been active in the Save The Bays organization. He said he found it troubling to limit a vessel and dock to 30 feet since there are currently many installations on Moorings Bay which exceed this standard. He favored

the current Code which does not address the length of the vessel. He also expressed concern that condominiums with more than ten boat slips would be out of compliance if this measure were enacted. These locations also do not, in most respects, comport with the definition of marina, Mr. Ten Eyck said. **Albert Katz, 3100 Gulf Shore Boulevard North and member of the Moorings Bay Advisory Committee**, pointed out that the access channel in the Moorings Bay System no longer exists based on a recent professional survey. He said that the ordinance under consideration had been two years in the drafting, with the assistance of the City staff, and he assured Council that both safety and aesthetics had been considered. He further said that this was an attempt to facilitate enforcement by providing City staff with a more definitive statement of regulations. During a brief interchange with Council Member Price, Mr. Katz acknowledged that the Moorings Bay channel does not in fact exist at the present time.

Council Member Finlay received confirmation from staff that the City's general provisions with regard to restoration of a nonconformity would apply if a dock larger than the proposed 30-foot limit were destroyed by fire or natural disaster.

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**Recess: 2:01 p.m. to 2:19 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened and discussion of Item 9 continued.**

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Prior to continuing the discussion, City Manager Moss noted that the ordinance must again undergo PAB review and requested that the Council therefore provide staff with guidance on changes which would also be reviewed by the Moorings Bay Citizens Advisory Committee. It was also clarified by Dr. Bauer that the impetus for this ordinance revision was to remove restrictions upon the configuration of docks and therefore eliminate disputes as to whether specific installations had complied; the proposal would allow any configuration as long as the dock or pier is placed within the envelope as outlined. Council Member Sulick suggested that the ordinance as proposed move forward absent a section addressing Moorings Bay, which could then be dealt with separately.

Council Member Finlay then expressed concern that Section (b)(3) would require a post-construction survey by a professional surveyor even for a minor expansion of an existing dock or pier. Mr. Moss clarified that this particular proposal had come from the Presidents Council, not the Moorings Bay Citizens Advisory Committee. Mr. Finlay also asked for clarification of the point of measurement of the 30-foot limit; City Attorney Pritt noted that this measurement must also take into account the limit of 25% of the width of the waterway.

Council Member Finlay also received clarification that the prohibition of viewing or sitting platforms (Subsection (c)(4)(d)) does not include use of folding chairs. He also expressed concern that condominiums would be subject to marina siting criteria when they do not perform the same functions as marinas. In conclusion, he said that he also found the 30% area limit overly restrictive. City Manager Moss suggested that this be increased to 35%. Council Member Price received clarification that the area from which the percentage is calculated is that which is within the property setbacks and no more than 30 feet into the waterway.

Council Member Sulick stressed the need to require an as-built survey on dock and pier construction to prevent changes from being made after a permit had been issued; otherwise, the City would be required to do extensive verification. Other Council Members agreed that this requirement should remain in the draft ordinance (Subsection (b)(3)). Council also concurred



that Subsection (b)(1) should be revised to eliminate the first sentence and relocate the remainder of the text dealing with submerged natural resources to the general provisions in the section immediately below, minus the words “make a reasonable effort.”

Council Member Price questioned the manner in which it would be determined that a vessel was navigating safely (Subsection (c)(1)). Dr. Bauer and City Attorney Pritt agreed that while this provision would be adequate to determine navigability, staff would confirm that there are other standards in state and federal law that can be used in the determination of whether safe navigation can be adhered to in a particular location. With regard to the requirement that street addresses be affixed to docks and piers, staff clarified that this section was merely being relocated from elsewhere in the Code and that it applies to all new construction.

Various Council Members stated their opposition to Subsection (4)(d) dealing with prohibition of sitting or viewing platforms, noting that the prohibition for roofed structures already appears elsewhere in the Code. Council Member Price reiterated the need to remove consideration of the vessel from the 30-foot pier or dock limit, noting the 25% rule with regard to the width of the adjoining canal. Council Member Finlay reiterated his concern with regard to the height of boat lifts and their impact on waterfront views.

*Direction that staff review concerns as discussed above, forward draft to Planning Advisory Board (PAB), and return to Council for further consideration.*

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**It is noted for the record that Vice Mayor Sorey returned to the meeting at 3:09 p.m. during discussion of Item 7 below.**

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**CITY-SPONSORED FESTIVAL EVENTS.....ITEM 7**

**City Council agreed to sponsor two festival events during the "shoulder" season, following Easter weekend through December. A report will summarize plans for the special events.**

Community Services Director David Lykins reviewed his memorandum dated March 9, 2010 (Attachment 7) regarding two City-sponsored community festivals to be held during the shoulder season (period immediately adjacent to most active tourist season). Proposed as City Fest; the first is intended to incorporate a series of events between May 1 and 15; the second event is planned in late October. While similar to the Tropicool Fest of the 1990's, City Fest will focus on the core businesses within the downtown area as opposed to county-wide. The secondary event in late October is intended as a prelude to the Naples International Film Festival; however, final activities have not been confirmed. Participating associations for the May event include the Downtown Naples Association (DNA) and Third Street South Merchants Association; destinations include Fifth Avenue South, Bayfront, Downtown District, Crayton Cove, and Tin City. Other participants include the Sugden Theatre with the Naples Players and the Naples Art Association.

The City's annual tennis tournament for juniors and adults occurs during the entire month of May, as does National History Month and Naples History Month. The Naples Pathway Coalition, in conjunction with the Naples Police Department, will host a Bike Rodeo May 8; other activities include Third Street Gallery Walk; After Dark with Phil Fisher; Wednesdays on the Waterfront (Bayfront and Tin City); Tributes to Local History with the Backyard History Museum; and a Heritage Fest concept. The DNA is also considering for the Fifth Avenue South area a Fashion Show (Dress It Up Downtown) and a Muscle Car Show (Rev It Up Downtown)

on Mother's Day. The intent is to end the event May 15 with a dance band at Tin City following a Family Day in Cambier Park, which would include bounce houses, slides, clowns, and face painting; a high school band competition is also being considered. Promotion for these events includes the City's website and television channel, Naples Daily News, Visitors TV, Concierge Magazine, the DNA website, and Third Street Calendar. The schedule for May will be finalized within the month, Mr. Lykins said, and marketing will commence in April. The committee will seek additional input from City Council for the October event at a later date.

Council Member Sulick concurred with the selection of May because of its historical importance; and recommended that the committee include the Naples Historical Society. Despite the assertion that retailers in the "D" Downtown area might possibly be included (see Attachment 7), Mrs. Sulick pointed out that the intent is to include all retailers and restaurants. Director Lykins concurred, noting that the committee is relying on the retailers and restaurants to offer specials during these events. Mrs. Sulick also suggested baseball in the park rather than Muscle Car Show as more appropriate on Mother's Day; Mr. Lykins confirmed that the events had in fact not been finalized, although he agreed to consider an alternative.

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**It is noted for the record that Vice Mayor Sorey returned at 3:09 p.m.**

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With regard to the Naples International Film Festival in October, Mr. Lykins stated that some films will be shown at the Norris Center and Cambier Park, with other activities being considered as a prelude to that festival. Council Member Sulick spoke in support of scheduling numerous events over several days in order to accommodate the anticipated number of attendees and provide more choices to the public. Mr. Lykins noted that the October event (7-10 days) is not intended as a duplication of the May event (two weeks) and not all events would result in street closures.

Council Member Price concurred with the concept of a two-week festival, but opposed Tin City as a venue for the large concluding event due to parking availability and pointing out that another large event, the annual Great Dock Canoe Race, would take place in that area the week before. He suggested instead closing Fifth Avenue South with restaurants placing tables outside and including bands and music; he also suggested that a high school band competition take place at that time at Cambier Park. He further pointed out that there is an abundance of parking at the City's two garages. Mr. Price further suggested incorporating stone crab season and Oktoberfest in October; but Director Lykins noted that other venues are considering a River Fest at that time.

Council Member Sulick noted that the emphasis is to draw people to downtown retailers and restaurants and therefore recommended against outside food vendors; Mr. Price concurred, noting that the intent is to include other areas of the City and a two-week event provides more choices for the public. City Manager William Moss questioned whether Council would consider having the final event on Third Street South since it is unknown whether the street lighting project will impact the use of Fifth. Council Member Heitmann however supported holding the final event at Tin City as patrons could walk to the City's two parking garages and also noted that the Great Dock Canoe Race is at Crayton Cove, not Tin City. She suggested instead having a large event in October at Cambier Park; for example, Drug Free Collier might consider a family event at Cambier Park which may include middle school bands.

During further discussion, Mayor Barnett recommended moving forward with the May event with subsequent discussion concerning October; he however requested clarification concerning parking for the event at Tin City. Mr. Lykins explained that the intent is to close the street in front of Tin City; utilize the Renaissance Village property across the street for parking, as well as the parking available at the various commercial sites in the area, including the bank's parking garage, the Florida Gulf Coast University lot, and the City garage on Sixth Avenue South. The intent is for a family-type event in Cambier Park in the afternoon, then finishing at Tin City; music will be performed under the covered parking area. Council Member Sulick suggested that the theme be historical Naples (Heritage Fest), noting that the Great Dock Canoe Race is a historical event; however, Council Member Price cautioned that using historical references in naming the event might negatively affect attendance.

***Consensus to name the event City Fest and conclude the event at Tin City (Price dissenting).***

In response to Council Member Heitmann, Director Lykins clarified that event committee members include representatives from the DNA, the "D" Downtown area, Crayton Cove, Third Street Association, and Tin City. Council Member Price requested that a representative from Bayfront be included. In response to Council Member Heitmann, Mr. Lykins confirmed that Council had authorized a total of \$10,000 for the two events to cover estimated personnel costs (police and fire). Advertising will be underwritten by event sponsors, some of which have already made a commitment, Mr. Lykins said, and reiterated that the City will participate by noticing events on its website and television channel.

***Consensus to proceed as presented.***

**LAND CONSERVATION AND PRESERVATION PROGRAM.....ITEM 8**

**Funds are available for the acquisition of property. Staff will present the locations of property that were previously considered for acquisition to meet the intent of the Program.**

Community Services Director David Lykins reported that the Land Conservation Trust Fund had been established by Council in 1998 for acquisition of open space, with acquisition criteria being developed in 2005. The fund balance is approximately \$754,000. The Naples Downtown Public Open Space Trust Fund is an additional source in the "D" Downtown District but can only be used to acquire open space within that district. Revenue is collected from developers desiring to incorporate higher density; the fund balance is approximately \$596,000. However, he noted, unless prohibited, there could be a future request for a refund, if a property for which additional density was purchased is in fact not developed. Mr. Lykins then delivered an electronic presentation regarding potential land available within the City (Attachment 8). (It is noted for the record that a printed copy of this material is contained in the file for this meeting in the City Clerk's Office.) He further agreed to provide Council with lot dimensions and square footage of the properties presented. With regard to supplemental funding options, Mr. Lykins advised that various Florida programs cited were suspended due to budget deficiencies. He further noted that an appraisal had already been obtained for the property at 12 Fifth Avenue North (Attachment 9) as a potential support facility (parking) in conjunction with the River Park pool redevelopment.

Mayor Barnett suggested determining the availability of the Fleischmann parcel at 860 12th Avenue South. Council Member Heitmann questioned whether any of the properties listed were in fact for sale. Mr. Lykins indicated that while some had been posted, staff has not contacted the owners. Vice Mayor Sorey said that he had requested discussion now as an opportune time to add greenspace both due to the current economic environment and funding was limited to this

purpose. Although priorities could be set with regard to the Land Conservation Trust Fund, Vice Mayor Sorey suggested that a master plan first be established for the Downtown Trust Fund since desirable greenspace had not been identified.

Vice Mayor Sorey suggested first determining the availability of the Fleischmann property adjacent to the City Dock then the property adjacent to Rodgers Mini-park (Third Street South). Council Member Price and Mayor Barnett concurred, and Mayor Barnett clarified for Council Member Heitmann that he had previously discussed the Fleischmann property with the owners. Vice Mayor Sorey noted that the aforementioned property could be used for upland facilities such as restrooms for the City Dock. If all Fleischmann holdings at that location were purchased, uses could include public access, boat launch, and additional marina and upland facilities. If the property adjacent to Rodgers Park is sold to someone other than the City, Vice Mayor Sorey noted, it could affect the City's ability to stage future events. Mr. Lykins noted that parking already exists on the property adjacent to Rodgers Park, which would only require cosmetic improvements. Mr. Sorey suggested replacing the existing parking area with turf blocks for permeability.

Council Member Sulick requested that after identifying properties for sale, staff provide lot dimensions and square footage, as well as an overview of their suitability to both the Downtown District and the City as a whole. She also questioned purchasing expensive waterfront property unless a more passive use is considered and hard surface paving is avoided. Council Member Saad concurred with acquiring the upland Fleischmann property, but Council Member Finlay supported first considering the property adjacent to Rodgers Mini-park due to potential costs; Mr. Finlay further recommended that acquisition of the three Fleischmann parcels be determined by referendum. In response to Council Member Heitmann, Mayor Barnett explained that previous consideration of the Renaissance Village (located on northwest corner of US 41 and Goodlette-Frank Road) property had been dropped since Council was unwilling to underwrite an appraisal. During further discussion, it was determined that staff would include the Renaissance Village property for consideration, include lot dimensions, square footage, and assessed value (from Collier County records) of the properties listed; Council would then proceed with priorities.

*Direction that staff return with additional information regarding properties discussed above, as well as Renaissance Village property (located at US 41 and Goodlette-Frank Road.).*

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**Recess: 4:01 p.m. to 4:15 p.m.** It is noted for the record that the same Council Members were present when the meeting reconvened. It is also noted that Mayor Barnett indicated that Item 11 would be considered next and Item 10 possibly continued to the March 17 Regular meeting.

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**Continued to 03/17/10 Regular Meeting (see below) .....ITEM 10**  
**DISCUSSION OF PERMITTED, CONDITIONAL AND PROHIBITED USES.** Conflicts within the Land Development Code (LDC) concerning allowed uses in zoning districts, and recent requests for uses within certain districts that are currently not allowed, have prompted staff to develop proposed amendments to the LDC for discussion.  
**COMPREHENSIVE PLAN AMENDMENTS.....ITEM 11**  
Following the adoption of the comprehensive plan amendments based on the Evaluation and Appraisal Report, staff was asked to further amend the plan to remove extraneous

**objectives and policies. In addition to the elimination of policies that are not required, staff is also recommending substantive changes to the elements in order to address recent legislative changes and local issues.** Planning Director Robin Singer explained that City Council had sought to determine whether any further areas could be removed from the Comprehensive Plan in light of the proposed Constitutional Amendment 4, Home Town Democracy, which would mandate the referendum process whenever a change is contemplated. Ms. Singer then reviewed the proposed changes outlined in her memorandum dated March 8, 2010, concerning Density in the Downtown Mixed Use land use designation, Transportation Concurrency, and Parks and Recreation Level of Service Standards (Attachment 10).

In response to City Attorney Robert Pritt, Director Singer explained that City Council indicated its desire that the City not become a Transportation Concurrency Exception Area (TCEA). This would have resulted in the City being designated as a Dense Urban Land Area (DULA) and would preclude development in the “D” Downtown District and roads could not be improved to mitigate additional trips. However, other improvements could be made such as adding sidewalks, bike paths, and mass transit. City Manager William Moss noted that should the City accept the TCEA/DULA designation, mobility fees would be collected by the state rather than the current collecting of impact fees by Collier County; at least the County is a known entity with regard to the amount of anticipated disbursement of impact fees whereas state disbursements are unknown, he added. Although Council Member Sulick expressed concern with intensity of potential development in fringe areas such as the Davis Boulevard/US 41 triangle area over which the City has no control, Ms. Singer confirmed that Collier County did not qualify as a DULA and must continue with transportation concurrency.

Mr. Pritt requested that staff determine whether it is critical that this element be incorporated in the Comprehensive Plan or in another location to reserve future Councils’ ability to make decisions on projects. He cautioned that all development would cease if it were incorporated in the Comprehensive Plan. Council Member Heitmann noted that residents had nevertheless expressed concern with traffic during the visioning process and Amendment 4 would ultimately allow them to decide whether a project moves forward. Council Member Price however stressed that Amendment 4 would affect Council’s ability to make decisions at a local level. City Attorney Pritt explained that this issue is still being discussed by the State Legislature and could change drastically in the coming three months.

Ms. Singer further noted that the language limiting density and intensity is contained in the Future Land Use Element (FLUE); the appropriate method of limiting density is in the FLUE instead of limiting improvements in other areas. With regard to parks and recreation level of service (LOS) standards, she explained that she incorrectly reported that LOS issues were eliminated when it was determined that there were 900 fewer residents; however, there are still deficiencies with regard to horseshoe pits, racquetball courts, shuffleboard courts, and volleyball courts based on current population. The Community Services Advisory Board (CSAB) had therefore recommended altering LOS standards for horseshoe pits to 1/ 6,000; 1/5,000 for both racquetball and shuffleboard courts; and 1/2,600 for volleyball courts. The CSAB may decide to revise other LOS standards after reviewing the results of a survey that will be mailed to residents in the future. The CSAB did not discuss borderline deficiencies, however, she added.

In response to Vice Mayor Sorey, Ms. Singer explained that LOS standards are not required in the Comprehensive Plan; Council may wish to follow other cities by implementing more general LOS requirements. In response to Council Member Sulick, Director Singer explained that although the Community Services Department can determine the number of City and County users for the facilities it monitors, staff determined that a survey will be mailed in the future to approximately 10% of the residents to determine needs and interest in new facilities. Ms. Sulick noted however that the issue is whether the City should pay for additional facilities based on use by non-City residents. City Manager Moss also questioned why these issues are included in the Comprehensive Plan since they would be addressed during the normal course of business.

Council Member Price noted that he had previously requested that horseshoe pits be removed from LOS standards. Council Member Heitmann agreed, noting borderline deficiencies in boat ramps, community centers, and beaches. City Manager Moss further explained that if property is acquired and LOS standards remain in the Comprehensive Plan, the facilities in which deficiencies exist must be built. Vice Mayor Sorey noted that the issue concerning beaches relates to beach end parking and not miles of beach, but nevertheless recommended removing as much as is practicable from the Comprehensive Plan in this regard.

City Attorney Pritt recommended that in light of Amendment 4, the Comprehensive Plan should contain language relating only to goals, objectives, and policies; everything else is data, analysis, and supporting documents. Vice Mayor Sorey confirmed with Mr. Pritt that general statements with regard to goals and policies could be removed to another document, as well as other non-mandatory goals, objectives, or policies. Mr. Pritt noted however, a statutory review of requirements since there may be some optional elements the City would wish to preserve.

Ms. Singer explained that staff recommends removing the elements highlighted in the Parks, Recreation, and Open Space Element (a copy of which is contained in the file for this meeting in the City Clerk's Office); the only requirement is for a comprehensive system of public and private sites for recreation, including but not limited to: natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities. Elements not highlighted are either explicitly required by State Statute or have a specific relationship with another element in the Comprehensive Plan. Many of the items highlighted in the FLUE were incorporated in the 1998 Comprehensive Plan and subsequently incorporated into the Code of Ordinances. Ms. Singer suggested that the items removed from the Comprehensive Plan could be incorporated into the Code of Ordinances; however, City Attorney Pritt noted that those elements are already in the Code since the information in the Comprehensive Plan must be incorporated into the Code of Ordinances within one year of adoption. Ms. Singer confirmed for Council Member Heitmann that since the Residential Impact Statement (RIS) is in the Code, it could be removed from the Comprehensive Plan; and if Council is uncomfortable with this, staff could simplify the language instead.

Ms. Singer then noted two elements in the Transportation Element that she felt were outdated and recommended removal: Policy 7-6 - Favorably consider annexations that would provide enhancements to the pedestrian and bicycle pathway options for existing residents; and Policy 1-13 - Explore the possibility of implementing the design and transportation recommendations made in the "Fifth Avenue South/US 41 Urban Design Charrette" (a.k.a. "The Trent Green

Report") dated February 2004. City Attorney Pritt concurred, further noting that he had previously advised that any language beyond statutory requirements concerning annexations be removed.

In response to Council Member Price, Ms. Singer explained that the City already has general standards for open space; if the desire is to establish LOS standards beyond what is stated, one could be established.

Council Member Price expressed concern with hastily removing items which could impact those things which are important to the character of the City; the City is unique in part because the Comprehensive Plan has been followed, he added. City Manager Moss cautioned that another separate document be employed so as to avoid submitting any materials to the State that Council might later regret.

In a discussion of various density requirements in such areas as the Fifth Avenue South Special Overlay and "D" Downtown Districts, Ms. Singer agreed to consider limiting residential density to 12 units per acre overall. She further explained that the proposed deletion of the language pertaining to parking for seated assemblies and unspecified uses is because parking requirements are addressed in specific zoning districts.

Council then concurred with consolidating all of the categories concerning parks and recreation in order to provide the flexibility of adding facilities when necessary to meet the needs of the community. With regard to removing the elements highlighted in the Parks, Recreation and Open Space Element, Ms. Singer confirmed that these policies are not required by the State. City Attorney Pritt explained that Council would review this information again following the Planning Advisory Board (PAB) hearing. Due to what he characterized as a vagueness of Amendment 4, Council Member Saad recommended removing everything from the Comprehensive Plan except for the minimum required by law.

***Consensus to proceed with deletions as presented 4-3 (Finlay-yes, Heitmann-no, Price-no, Saad-yes, Sorey-yes, Sulick-no, Barnett-yes).***

During further discussion, Director Singer confirmed that the Residential Impact Statement is contained in the Code of Ordinances; the highlighted element concerning beaches however represents a change and will not be deleted.

Council Member Sulick recommended retaining Policy 1.3.1 (Protect single-family residential neighborhoods from the undesirable impacts of through traffic movements); further expressing the belief that support for Amendment 4 resulted from the public believing that proper vetting had not occurred when changes were made, as well as a desire for consistency. Council Member Heitmann agreed. Council Member Saad pointed out that if passage of Amendment 4 should not occur, the City could rebuild the Comprehensive Plan. Council Member Price reiterated his concern that removing elements from the Comprehensive Plan diminishes the guidance needed to maintain the appearance of the City. In response to Vice Mayor Sorey, City Attorney Pritt explained that over the past 10 years, little attention has been paid to the Comprehensive Plan other than required action such as the annual approval of the Evaluation and Appraisal Report (EAR) and developer-initiated amendments. Although the height amendment to the Charter

enacted in 2000 overrode Council in that regard, Mr. Pritt said that he felt Council would maintain the character of the community regardless of where the source of its action is placed.

**BRIEFING BY CITY MANAGER .....ITEM 12**

(It is noted for the record that a copy of the City Manager's report is contained in the file for this meeting in the City Clerk's Office.) During the review of his report, City Manager William Moss noted receipt of a Notice of Intent from Collier County Conservation Collier Program regarding the purchase of a parcel of property lying within the City's boundaries; Council's consent must be given prior to such an action, he explained. Council requested that further discussion be scheduled during that week's regular meeting (see Item 13 below).

**REVIEW OF 03/17/10 REGULAR MEETING AGENDA .....ITEM 13**

City Manager William Moss noted that that day's Item 10 (Discussion of Permitted, Conditional and Prohibited Uses) would be added as Item 21. With regard to Item 16 (Cambridge/Perry Park improvements), Vice Mayor Sorey requested additional information regarding native plantings being utilized and Council Member Price questioned the type of bid process used with regard to Item 18 (ASR Exploratory Well contract).

**CORRESPONDENCE / COMMUNICATIONS .....**

(5:40 p.m.) In response to a suggestion by Council Member Price, consensus was forthcoming that Council would participate in testing to ascertain their personal preferences with regard to communication modalities with others as well as methods for receipt of information; this is to occur sometime in May or June during a workshop. Council Member Heitmann reiterated Council's need for additional information with regard to the land purchase by Collier County noted in Item 12 above. Vice Mayor Sorey expressed concern that beach renourishment funding continues to be targeted to fund advertizing by the Tourist Development Council (TDC) and that he had received comments from the River Park neighborhood regarding the lack of promised landscape buffering by Florida Power & Light (FPL) at its substation located at Third Street South and 12<sup>th</sup> Street. Council Member Sulick recommended that Mayor Barnett forward a letter to the collier County Board of Commissioners expressing Council's objection to the diversion of beach renourishment funding recommended by hoteliers on the TDC.

**ADJOURN.....**

5:52 p.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Tara A. Norman, City Clerk

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Brenda A. Blair, Technical Writing Specialist

Minutes Approved: 04/21/10



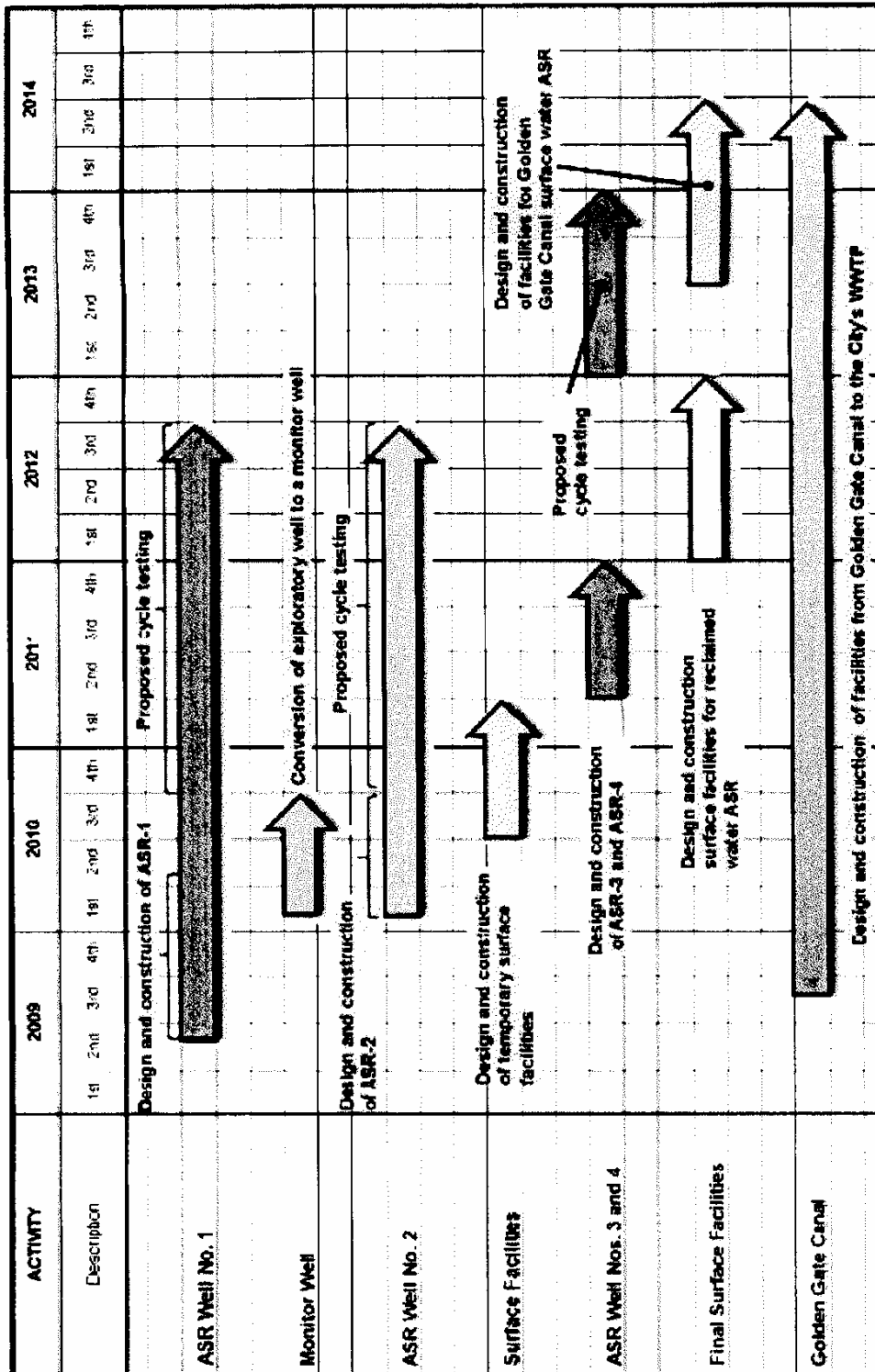
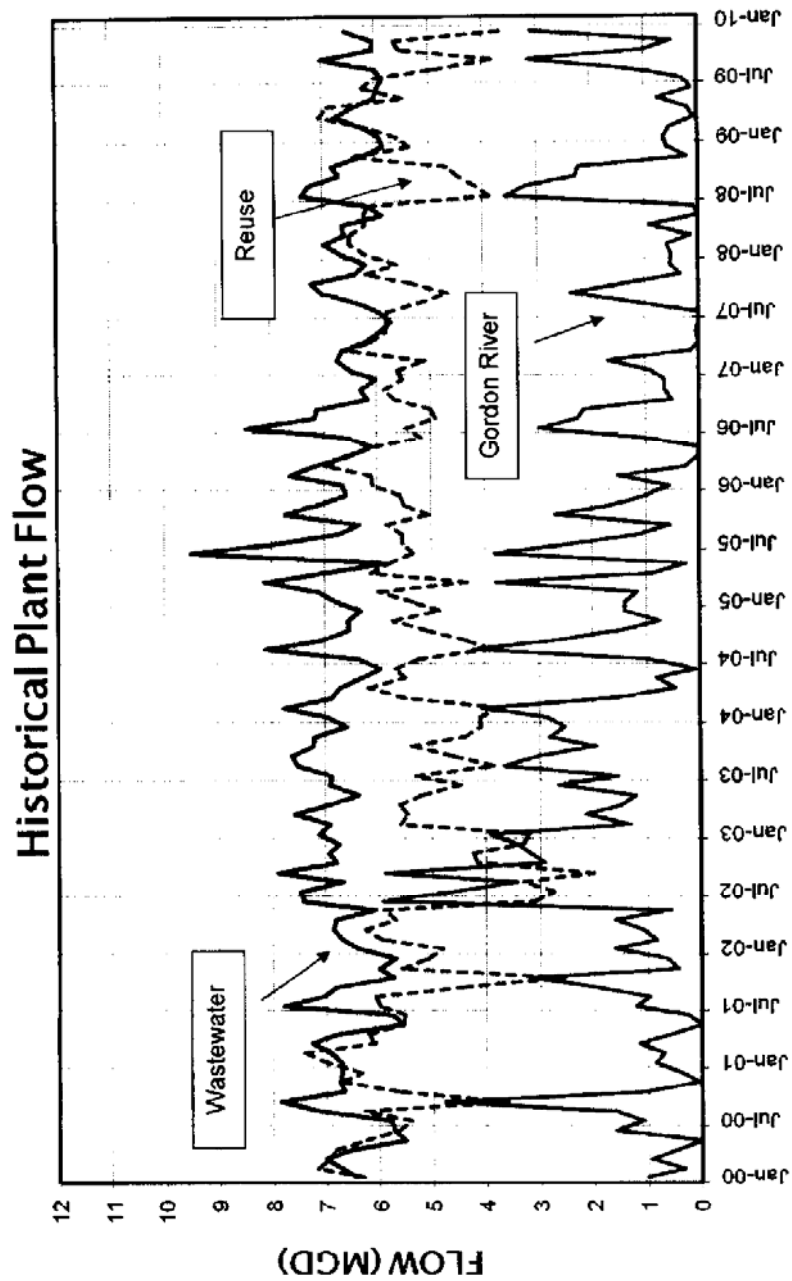


Figure 11  
Implementation Schedule

**HAZEN AND SAWYER**  
Environmental Engineers & Scientists

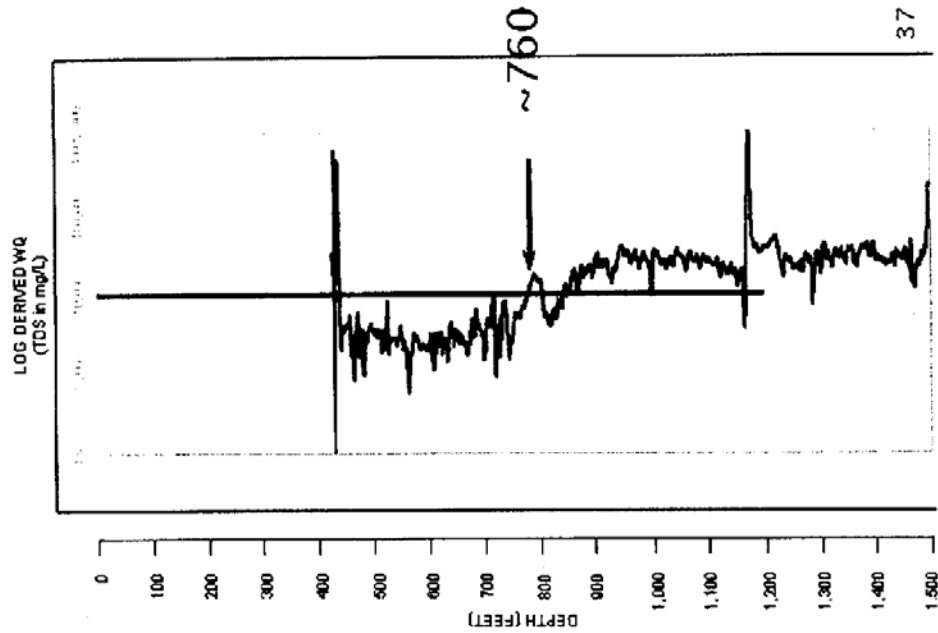


## Log derived water quality

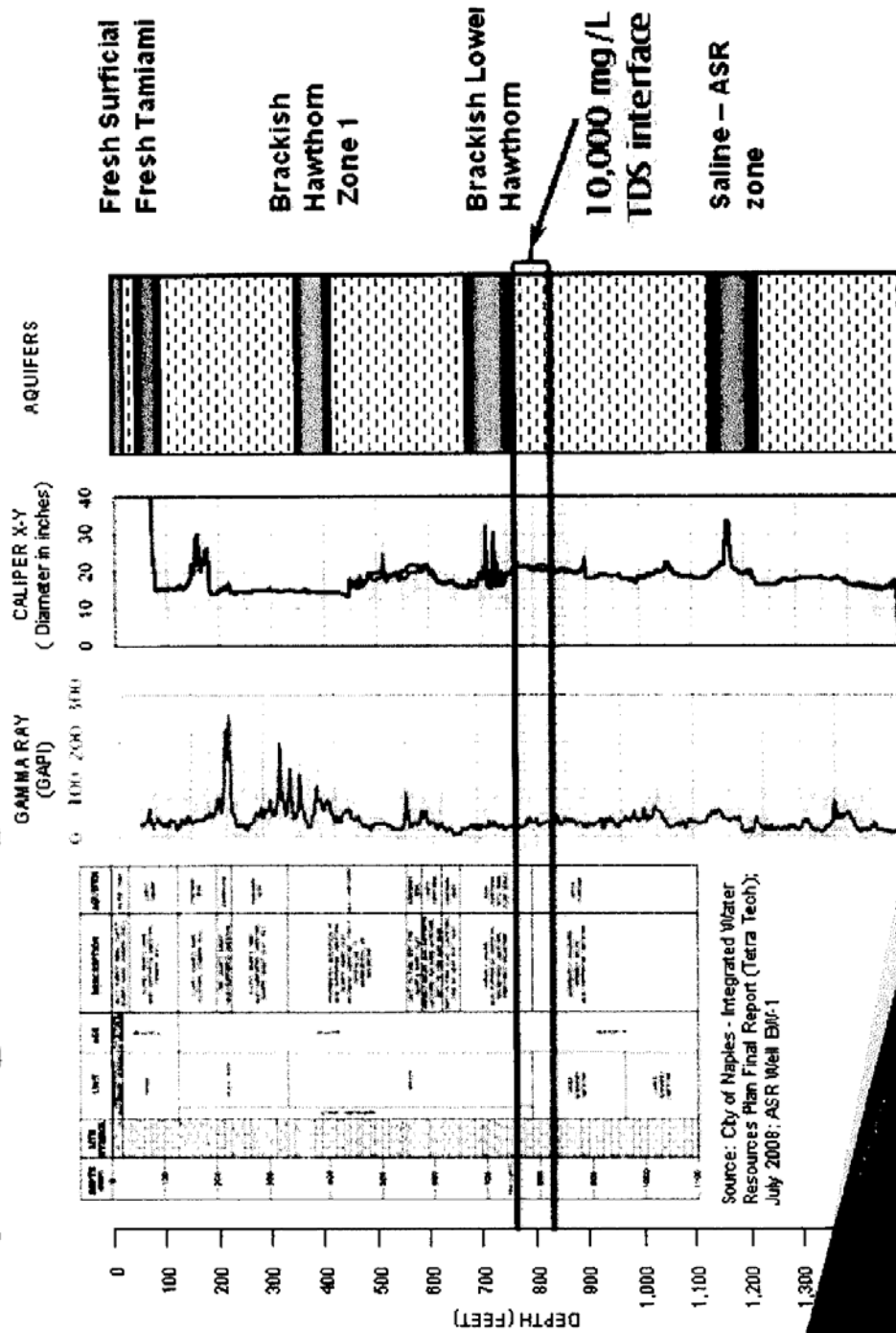
Use information related to  
water quality and porosity  
to calculate down-hole  
water quality

Note: packer test 785–805'  
showed TDS of 12,000  
mg/L

10,000 mg/L TDS interface  
estimated at 760 feet



# Hydrogeologic column



# Adopted funding plan

	Project Elements				TOTALS
	ASR Well Program	Canal Water Supply	System Expansion	Water Use Permitting	
Planning Costs	\$4,675,000	\$5,100,000	\$10,060,000	\$165,000	\$20,000,000
FY 2009	\$850,000	\$100,000	\$202,500	\$165,000	\$1,317,500
FY 2010 →	\$1,275,000	\$1,300,000			\$2,575,000
FY 2011	\$1,275,000	\$400,000			\$1,675,000
FY 2012	\$1,275,000	\$1,650,000			\$2,925,000
FY 2013		\$1,650,000			\$1,650,000
FY 2014			\$9,857,500		\$9,857,500
<b>TOTALS:</b>	\$4,675,000	\$5,100,000	\$10,060,000	\$165,000	\$20,000,000

Excerpt from 3/1/10 staff report regarding amendment to  
Section 56-93, Piers and Boatlifts

- The application requirements have been amended to include a natural resources survey and dimensioned diagrams indicating the size and location of the boat to be moored at the proposed dock. The application requirements will also include the submittal of a post-construction survey.
- The general standards have been amended to require the posting of addresses and to clarify that the regulations apply to residential docks up to ten slips. More than ten slips on a property shall require compliance with the marina siting criteria.
- The regulations applying to docks and piers in Moorings Bay have been amended to remove references to the channel because the channel location has not been properly mapped. The previous regulations have been replaced by a standard requirement that the dock and pier not extend further than 30 feet from the seawall or into the side setbacks and that the surface area of the improvements is not to exceed 30% of the area contained within the setbacks and 30 foot extension. Vessels moored to the dock may extend beyond 30 feet but in no instance can the dock and vessel exceed 25% of the width of the waterway. Vessels cannot extend into side setback areas.
- The regulations applying to Royal Harbor have been amended to provide for 50% clear navigation in the channels. This was covered previously under general requirements but this clarification is necessary to insure compliance.
- The application requirements have been amended to include a natural resources survey and dimensioned diagrams indicating the size and location of the boat to be moored at the proposed dock. The application requirements will also include the submittal of a post-construction survey.
- The general standards have been amended to require the posting of addresses and to clarify that the regulations apply to residential docks up to ten slips. More than ten slips on a property shall require compliance with the marina siting criteria.
- The regulations applying to docks and piers in Moorings Bay have been amended to remove references to the channel because the channel location has not been properly mapped. The previous regulations have been replaced by a standard requirement that the dock and pier not extend further than 30 feet from the seawall or into the side setbacks and that the surface area of the improvements is not to exceed 30% of the area contained within the setbacks and 30 foot extension. Vessels moored to the dock may extend beyond 30 feet but in no instance can the dock and vessel exceed 25% of the width of the waterway. Vessels cannot extend into side setback areas.

- The regulations applying to Royal Harbor have been amended to provide for 50% clear navigation in the channels. This was covered previously under general requirements but this clarification is necessary to insure compliance.
- A section has been added regarding floating platforms as required under State Statutes
- Non-conforming docks are covered by the general non-conformity section of the code so the non-conformity section pertaining to docks and piers has been removed.

City of Naples

**NAPLES CITY COUNCIL AGENDA MEMORANDUM****Workshop Meeting Date: March 15, 2010**

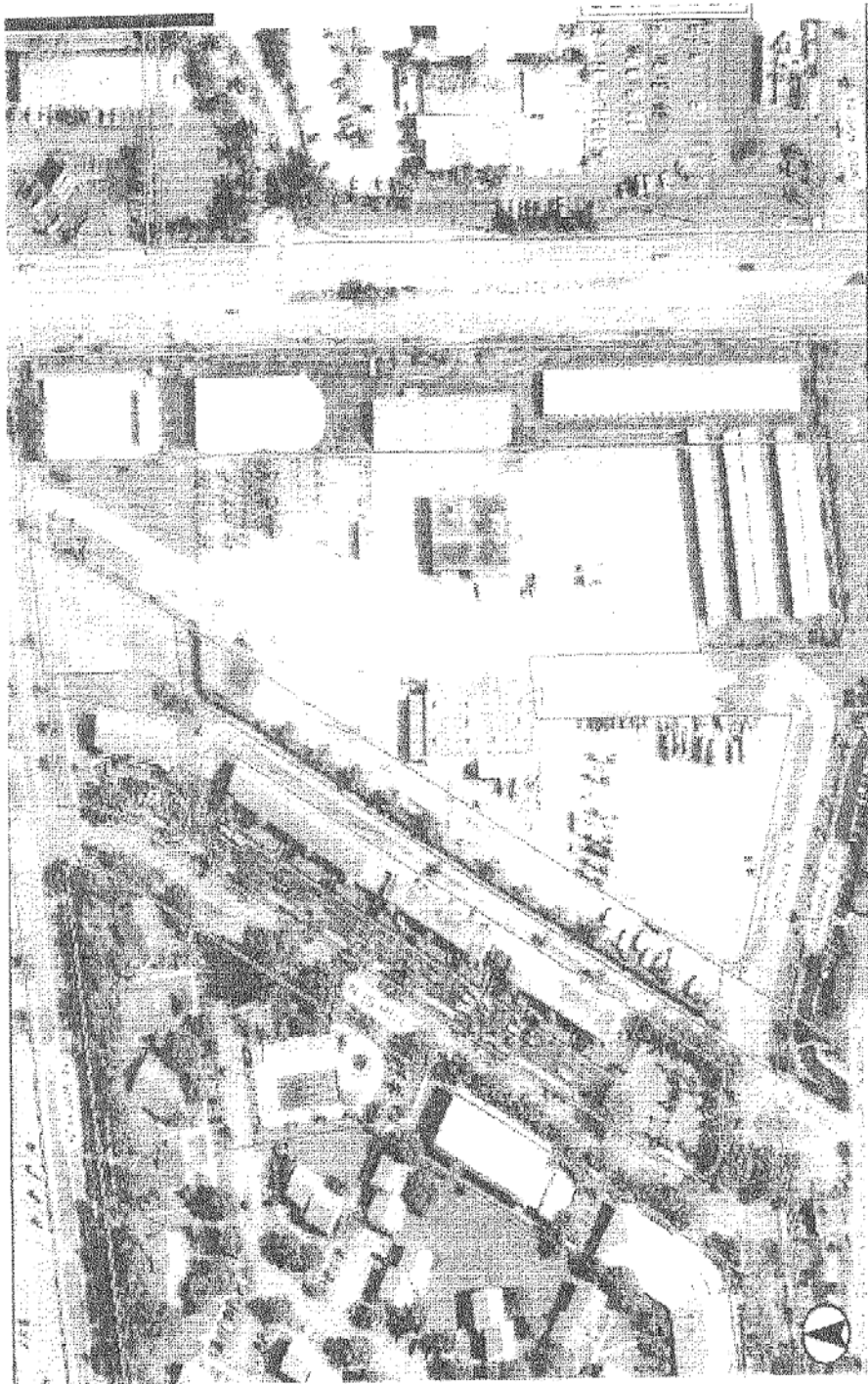
Agenda Item:	Prepared By: David M. Lykins, Director	
7	Date: March 9, 2010	Department: Community Services
<b>SUBJECT:</b> Discussion regarding Community Festivals.		
<b>BACKGROUND:</b> During the Regular City Council Meeting of March 3, 2010, Council Member Price requested a status report on the City-sponsored street festival proposal discussed during the City Council Workshop of December 14, 2009.  The proposal supported by consensus of City Council directed City staff to facilitate two City-sponsored community festivals to be scheduled following Easter in what is considered the "shoulder" season for local tourism and retail activity.  Event consideration was to include the time period for the first event between Easter and Memorial Day, with a secondary event between October and December. Guidelines supported by City Council were to restrict carts, food stands, and booths. Band(s) and table(s) on the street would be permitted event elements.  Staff has met or communicated with representatives of the Downtown Naples Association, the 3 <sup>rd</sup> Street South Association and Tin City.  The first event is intended to include a series of City events occurring between May 1 <sup>st</sup> and ending on May 15 <sup>th</sup> , essentially reviving a modified "Tropicool Fest" initially started in 1990. Activities within this time period are the Taste of Collier (Bayfront - May 2), Naples Daily News Jazz Band Concert (Cambier Park - May 2), Tropicool 5K run (May 2), Great Dock Canoe Race (Crayton Cove - May 8) Farmers Markets, Thursday's on Third and other smaller venues throughout the weekdays.  Representatives of the participating associations believed an organized showcase of City events and destinations will offer greater returns and participation through promotional venues and benefit many downtown merchants on 5 <sup>th</sup> Avenue South, 3 <sup>rd</sup> Street South, Bayfront, Crayton Cove, Tin City and possibly retailers within the D-Downtown area who will likely offer tie-in specials throughout the event schedule. Organizers are finalizing the addition of a Muscle Car Show, family activities in Cambier Park and ending the event series with a community "Riverfest" at Tin City on May 15 <sup>th</sup> with bands and outdoor music.  The second event is being planned in late October as a prelude to the Naples International Film Festival. Final activities are not confirmed as of present.  Staff and association representatives will present a summary of festival details during the March 15, 2010 Workshop.		
Reviewed by Department Director Dave Lykins	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
Council Action:		



Land Preservation and Green Space Program Presentation

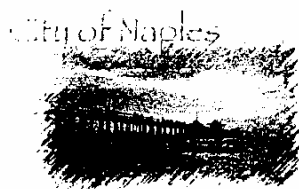
Available properties:

500 Goodlette Road North  
12 5th Avenue North  
Between Naples Depot and Renaissance Village  
1095 1st Avenue South  
1101 1st Avenue South  
10 Central Avenue  
980 1st Avenue North  
1 12th Street North  
309 9th Street; 9 3rd Avenue South; 3 10th Street South  
649 Central Avenue  
1135 3rd Street South – Adjoining Rodgers Park  
860 12th Avenue South  
1305 8th Street South  
13 8th Street South



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12 5<sup>th</sup> Avenue North

**NAPLES CITY COUNCIL AGENDA MEMORANDUM**Workshop Meeting Date: March 15, 2010

Agenda Item:	11	Prepared By: Robin D. Singer, Director
		Date: March 8, 2010 Department: Planning
<b>SUBJECT:</b> Comprehensive Plan Amendments.		
<p><b>BACKGROUND:</b> Following the adoption of the Comprehensive Plan Amendments based on the Evaluation and Appraisal Report, staff was asked to further amend the Plan to remove extraneous objectives and policies. Staff has scanned the Future Land Use Element, Parks, Recreation and Open Space Element, Transportation Element, and Concurrence Management System Element for objectives and policies that are not required under F.S. 163.3177. The remaining elements of the Plan have also been reviewed but had already been reduced as part of the EAR based amendment process. The policies of the revised elements that could be removed have been highlighted in the attached copies of the elements. The Support Documents contain the data and analysis to support the findings of the various elements of the plan and staff would not recommend amending those at this time. As previously discussed, staff recommends removing the Neighborhood Action Plans in their entirety and creating a separate Neighborhood Planning document.</p> <p>In addition to the elimination of policies that are not required, staff is also recommending substantive changes to the elements in order to address recent legislative changes and local issues.</p> <p><b>Density in the Downtown Mixed Use Land Use</b> The Downtown Mixed Use Land Use designation covers an area that includes the Fifth Avenue South Special Overlay District, the D Downtown District and the Bayfront PD north to the Commons PD. Within that are densities that have been identified as applying to those areas generally within the boundaries of the D Downtown district and those areas outside of those boundaries. The density limit within the boundaries is 12 units per acre and the density limit outside the boundaries is based on parking, similar to the Fifth Avenue South Special Overlay District. A question came up as to what the density limit would be for the privately owned property between the Bayfront PD and the City-owned properties along Riverside Circle. After discussion with the City Attorney it was decided that the density limit that would be applied to a residential PD in that area should be 18 units per acre provided the parking met the requirements. However, this is not clear in the Future Land Use Element and there should be some clarification. The proposed change found on page 6 of the element would limit density to that allowed in the underlying zoning district not to exceed 18 units per acre for a residential only development and 12 units per acre for a mixed use development. This is compatible with the zoning code requirements and earlier determinations.</p> <p><b>Transportation Concurrence</b> Following a request by Collier County Commissioner Coyle, City Council reached a consensus that, despite being categorized as a dense urban land area and possible designation as a transportation concurrence exception area provided in Senate Bill 360, the City should opt out of the designation and continue to maintain transportation concurrence in cooperation with Collier County. Language has been added to memorialize that decision.</p>		

**NAPLES CITY COUNCIL AGENDA MEMORANDUM**Workshop Meeting Date: March 15, 2010

Page Two

Agenda Item:

11

**BACKGROUND (cont.):****Parks and Recreation Level of Service Standards**

In 2009 the Community Services Advisory Board recommended changes to the level of service standards to eliminate deficiencies that the Board felt only existed on paper and to consolidate categories of facilities in order to better target needed facilities and avoid having to add facilities where not needed. The issue became controversial as a development project was proposed that would potentially push the City into a deficient level of service for linear miles of beachfront. However, the population estimate for 2009 showed a reduction in permanent population sufficient to resolve the conflict without changing the level of service. Staff may have reported at that time that the population reduction eliminated all deficiencies, but there are several that preceded the discussion that still remain. Several other categories of facilities are borderline, meaning they show deficiencies under the projected population. The CSAB revised their recommendation at their October 13, 2009 meeting to only correct existing deficiencies by adjusting the level of service. The CSAB will again be discussing this issue at their March 9, 2010 meeting. Staff will recommend that the level of service standards for all deficient and borderline categories be adjusted as the actual use of the facilities does not show a need for improvements. A consolidation of categories would still be advised but should be discussed with City Council before moving further.

Deficient	Current Standard	Current Deficiency	Proposed Standard
Horseshoe Pits	1 / 2,500	4.66	1 / 7,000
Racquetball Courts	1 / 2,500	3.66	1 / 5,000
Shuffleboard Courts	1 / 5,000	0.41	1 / 5,000
Volleyball Courts	1 / 2,000	1.83	1 / 3,000
Borderline		Projected Deficiency	
Boat Ramps	1 / 8,000	0.02	1 / 9,000
Community Centers	1 / 8,000	0.02	1 / 9,000
Community Beaches	1 mi. / 2,500	0.58	1 / 3,000

Staff recommends the strikethrough and underline amendments noted in the attached elements of the plan. City Council should discuss the highlighted policies and consider whether to eliminate those policies that are not required under F.S. 163-3177.

Reviewed by Department Director  
Robin D. Singer

Reviewed by Finance  
N/A

Reviewed by City Manager  
A. William Moss

City Council Action: