Chairman Ball called the meeting to order and presided.

1. **Roll Call**

Present:
- David Ball, Chairman
- Wayne Arnold
- Wafaa Assaad
- John Cardillo, Alternate (arrived 8:31 a.m.)
- James Hughes
- James Krall
- James Melican

Also Present:
- Robin Singer, Planning Director
- Robert Pritt, City Attorney
- Adam Benigni, Planner
- Jessica Rosenberg, Deputy City Clerk
- George Archibald, Traffic Engineer
- John Passidomo
- Peter Caleshu

Absent:
- Gloria Kovacs
- Amy Lockhart, Non-Voting School Board Rep

(It is noted for the record that all documentation electronically appended hereto are also contained in the file for this meeting in the City Clerk’s Office.)

2. **Changes to the Agenda**

None.

It is noted for the record that Member Cardillo arrived during consideration of Item 3.

3. **Approval of Minutes**

   **MOTION** by Assaad to **APPROVE** the minutes of January 9, 2013 as submitted; seconded by Krall and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).

Minutes

4. **Public Hearing: VARIANCE PETITION 13-V3 (13-011).** Request for a Variance from Section 58-1134(a)(1) and 58-568 of the Code of Ordinances to allow the railing and lift for a roof top spa to exceed the maximum building height of three stories and 42 feet by five feet in order to allow the railing and lift 49'-0" above the 1st-floor FEMA elevation.

   **Petitioner** - Philip J. McCabe as Trustee of the Philip J. McCabe Revocable Trust;
   **Location** - 690 5th Avenue South;
   **Agent** - John M. Passidomo, Esq., Cheffy Passidomo

Title read by Chairman Ball. This being a quasi-judicial proceeding, Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Members then made ex parte disclosures to the effect that each was familiar with or had visited the site; Members Assaad, Melican, Ball, and Cardillo had not had contact; Member Krall had contact with Architect Bob Vayda; Member Hughes received two letters; and Member Arnold had a brief conversation with the petitioner’s agent, John Passidomo.
Planning Director Robin Singer noted the following correction to the agenda title “…three stories and 42 feet by five seven feet…”.

Attorney John Passidomo provided a summary of the history of the project and noted that Mr. Cooney of Stofft Cooney Architects had submitted correspondence the previous day explaining the two reasons for the variance request.

Director Singer reviewed the staff report and noted that staff recommended approval. She subsequently confirmed for Member Arnold that the petitioner could have achieved the same result by requesting approval of a site plan with deviations if the drain issue had been known prior to receiving initial project approval.

**Public Comment:** Peter Caleshu, 601 7th Avenue South, expressed concern with increasing the height limitation.

In response to Member Assaad, Attorney Passidomo explained that although neither he nor his law firm had been engaged when construction commenced, the health department does not have a variance application process. He further stated that the spa had been installed, however, it could not be used unless the variance is granted and railings as well as the lift are installed. In response to Member Assaad, Director Singer explained that the remainder of the structure had met all requirements and received a Certificate of Occupancy (CO), however, the spa requires a separate permit.

**MOTION by Arnold to RECOMMEND APPROVAL of Petition 13-V3 (13-011); seconded by Hughes and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).**

**Application & Plans**
**Staff Report**
John Cooney Letter (Supplemental Document)
Inn on Fifth letter (Handout / Staff)
McCabe (Supplemental PowerPoint)

5. **Public Hearing: EASEMENT VACATION PETITION 13-EV1 (13-012). Consider a request to vacate a portion of the public right-of-way along the West side of Gordon Drive located East of and adjacent to properties at 3888, 3860 and 3850 Gordon Drive.**

**Petitioner** - William J. & Sharon L. Stein; Buechel Family Limited Partnership c/o Dr. Frederick F. Buechel, Sr.; and CPM Investments L.P. c/o Mr. Charles P. Morgan; Charles P. Morgan, individually, and Roxanna L. Morgan, individually. **Location** - 3888 Gordon Drive; 3860 Gordon Drive; and 3850 Gordon Drive; **Agent** - John M. Passidomo, Esq., Cheffy Passidomo

Title read by Chairman Ball. All those intending to offer testimony had previously been sworn. Members made ex parte disclosures to the effect that each had not had contact; Members Assaad and Melican had visited the site; Members Krall and Arnold had driven by the site; and Members Ball, Hughes, and Cardillo were familiar with the site.

Attorney John Passidomo provided a brief history. In response to Member Krall, he stated that should the area to be vacated contain utilities, a utility easement would be provided to the City.

Planning Director Robin Singer reviewed the staff report and noted that staff recommends approval subject to the conditions delineated in the report. Attorney Passidomo confirmed for Member Krall that should a structure be placed on parcel one, the setback would in fact be affected.

In response to Chairman Ball, Traffic Engineer George Archibald (sworn separately) explained that Gordon Drive had been relocated multiple times to create buildable lots on the west side of the roadway, between Gordon Drive and the ever changing shoreline of the Gulf of Mexico. As
a result, he said, a series of resolutions had been passed by City Council to recognize the relocation of Gordon Drive as well as other land use provisions to allow development of the properties and create a uniform 70-foot wide Gordon Drive right-of-way. He further anticipated that the petition before the Board that day was likely the last of the vacations affecting the beach estates platted lots.

Public Comment: None.

MOTION by Melican to RECOMMEND APPROVAL of Petition 13-EV1 (13-012); seconded by Krall and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).

Application & Plans
Staff Report
Resolution
Stein (Supplemental PowerPoint)

Title read by Chairman Ball. Planner Adam Benigni reviewed the staff report and explained that the purpose for the text amendment would be to remove a density restriction of 26 units per acre for transient lodging facilities. He then provided a brief history of zoning districts that had received similar text amendment approvals from both the Planning Advisory Board (PAB) and City Council, and stated that City Council had directed staff to draft an amendment pertaining to transient lodging as well.

In response to Member Krall, Mr. Benigni stated that the 26 units per acre restriction is not necessary because other types of restrictions exist, such as the 42-foot height limitation, whereby the density could be controlled. He further said that no open space requirements for transient lodging facilities exist; solely setbacks and landscaping restrictions.

MOTION by Hughes to RECOMMEND APPROVAL of Petition 13-T1 (13-013); seconded by Arnold and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).

Staff Report
Ordinance
7. Public Hearing: TEXT AMENDMENT PETITION 12-T9 (12-130). An Ordinance amending Chapter 16, Article VII - Seawalls and Revetments and Chapter 52, Article IV - Section 52-92 - Water Resources of the Code of Ordinances as they pertain to Seawalls, Revetments and Waterways. Petitioner - City of Naples; Agent - Erica J. Goodwin, AICP, Planner II; Location - Citywide

Planning Director Robin Singer briefly reviewed the staff report and stated that following discussion with various departments and private sector individuals, the text amendment would be considered by the Board at the March meeting.

MOTION by Assaad to CONTINUE Petition 12-T9 (12-130) to March 13, 2013; seconded by Melican and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).

Director Singer subsequently requested that any Board Members requiring clarification or additional information direct them to Planner Erica Goodwin or herself prior to the March meeting. Member Melican recommended the following staff report corrections: 1) Page 1,
paragraph entitled PREVIOUS ACTION – revise the year in the date of March 26, 2013; and 2) Page 5, paragraph entitled Allowing new recessed boat slips?, subparagraph entitled Recommendation - review verbiage. Member Krall recommended revising page 3 of the staff report to replace all references to National Geodetic Vertical Data (NGVD) with North American Vertical Data (NAVD).

Staff Memorandum
Staff Report
Ordinance

It is noted for the record that Items 8 through 11 were considered concurrently.

8. Public Hearing: COMPREHENSIVE PLAN AMENDMENT PETITION 12-CPASS1 (12-133). An ordinance determining small-scale comprehensive plan amendment petition 12-CPA1 in order to amend the Future Land Use designation on a 6.7 acre (+/-) parcel from public, semi-public, private recreation to downtown mixed use for the property located Riverside Circle immediately south of 110 Riverside Circle. Petitioner - Sig Pull, LLC; Location - Southeast corner of Central Avenue and Goodlette-Frank Road South; Agent - John M. Passidomo, Cheffy Passidomo

Application & Plans
Staff Report
Resolution
Supplemental PowerPoint

9. Public Hearing: REZONE TO PLANNED DEVELOPMENT PETITION 12-R3 (12-134). Consideration of an Ordinance determining Rezone to Planned Development petition 12-R3 to rezone approximately 22.37 acres (19.43 upland acres) zoned PD, Planned Development and PS, Public Service to PD, Planned Development in order to allow for single-family townhomes, boat slips and a town center. Petitioner - Sig Pull, LLC; Location - Southeast corner of Central Avenue and Goodlette-Frank Road South; Agent - John M. Passidomo, Cheffy Passidomo

Application & Plans
Ordinance

10. Public Hearing: SUBDIVISION PLAT PETITION 12-SD10 (12-132). Consideration of a resolution determining Subdivision/Replat petition 12-SD10 for preliminary plat approval for the Lighthouse Point plat, containing approximately 12.721 acres, in the PD, Planned Development District. Petitioner - Sig Pull, LLC; Location - Southeast corner of Central Avenue and Goodlette-Frank Road South; Agent - John M. Passidomo, Cheffy Passidomo

Application & Plans
Ordinance

11. Public Hearing: SITE PLAN PETITION 12-SP15 (12-121). Site Plan Review for Lighthouse Point at Naples to consist of 56 single-family homes and approximately 3,400 square feet of non-residential space on 12.721 acres, in the PD, Planned Development District. Petitioner - Sig Pull, LLC; Location - Southeast corner of Central Avenue and Goodlette-Frank Road South; Agent - John M. Passidomo, Cheffy Passidomo

Application & Plans
Ordinance

Titles read by Chairman Ball. All those intending to offer testimony had previously been sworn. Members made ex parte disclosures to the effect that each had either visited or was familiar with the site; Member Arnold had a conversation with the petitioner's agent John Passidomo; Members Cardillo, Hughes, Ball, Kral, and Melican had not had contact; and Member Assaad had a brief discussion with Charles Thomas.

Attorney John Passidomo provided a history of the current project as well as the previously approved and subsequently abandoned Gordon River Homes project, and stated that the petitioner would abide by conditions set forth in the staff. In response to Member Krall's concerns regarding traffic implications, Mr. Passidomo explained that the project intensity is
approximately 300 percent less than the previous project. He further stated that the public access easement mirrors another easement along the linear park across the roadway. It is the intent of the petitioner to commence the process of facilitating access to the Gordon River Greenway, he added.

Planner Adam Benigni briefly reviewed the staff report and noted that staff recommended approval subject to conditions set forth in the report.

In response to various members, Mr. Passidomo stated that:
- Although the property is outside the airport overlay, the PD Planned Development document contains a covenant requiring that prospective buyers be provided notice that an airport exists nearby.
- Minimum lot sizes would be 2,000 square feet.
- Lot depths and widths would vary.
- All swimming pools would be inside the building envelopes (the roof, exterior walls and floor of a structure; elements form a barrier that separates the interior of the building from the outdoor environment) and not in the rear yards.
- Requests for variances, waivers, or exemptions are not anticipated.
- There would be no basketball courts, tennis courts, or swing sets.
- The recreation amenity would be 3,500 feet of Gordon River waterfront and each property would have a boat dock.
- A pier would be added to one existing dock and other docks in a state of disrepair would be rebuilt.
- Boat docks would be for residents only and none would be rented.

In response to Member Arnold, Planner Benigni enumerated the documents that are included in PD’s, which are attached to rezone ordinances. He further explained that increasing density would require replatting and a new site plan.

Traffic Engineer George Archibald reviewed the traffic impacts contained in the staff report and explained the recommendations and conditions set forth by the Streets & Stormwater Department. Mr. Passidomo subsequently assured Member Arnold that the petitioner would abide by the Goodlette-Frank Road right turn lane commitment as articulated in the PD document.

In response to Member Assaad, Mr. Passidomo stated that the petitioner prefers a non-gated community, however, that decision is not final.

**MOTION by Melican to RECOMMEND APPROVAL of Petition 12-CPASS1 (12-133); seconded by Arnold and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).**

**MOTION by Melican to RECOMMEND APPROVAL of Petition 12-R3 (12-134); seconded by Arnold and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).**

**MOTION by Melican to RECOMMEND APPROVAL of Petition 12-SD10 (12-132) as amended as follows: Deleting the second Section 2 in the resolution, regarding recordation with the Collier County Clerk of the Circuit Court. The motion was seconded by Arnold and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).**
MOTION by Melican to RECOMMEND APPROVAL of Petition 12-SP15 (12-121) subject to conditions delineated in the staff report; seconded by Arnold and unanimously carried (Arnold-yes, Assaad-yes, Cardillo-yes, Hughes-yes, Kovacs-absent, Krall-yes, Melican-yes, Ball-yes).

Application & Plans (Large Document / loads slowly)

12. CORRESPONDENCE AND COMMUNICATION
Planning Director Robin Singer stated that iPad training for Board Members would be provided immediately following the meeting. In addition, Member Arnold noted that he would be absent for the April Planning Advisory Board (PAB) meeting.

13. ADJOURN
10:26 a.m.

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David Ball, Chairman

Patricia L. Rambosk, City Clerk

Minutes prepared by:

______________________________
Elizabeth A. Rogers, Administrative Coordinator

Minutes Approved: ____________

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