

Naples Planning and Land Use Regular Meeting Minutes June 23, 2009

Regular Meeting

Commission Present: Chairman Dale Harrison, Jim Richards, Stanley Johnson, Lane Webb and Cresta Slaugh

Commission Absent: Vice Chairman Jim Garner and Walter Gale

Council Rep Present: Kenneth Reynolds

Others Present: Sam Scott, Steve Wells, Paul Sims, Dave Hatch, Morgan Philpot, Chris Larson, Chris Hoem and Brandy Salazar

Open Ceremonies Chairman Dale Harrison welcomes everyone out to the meeting and calls the Regular meeting to order. Jim Richards leads the pledge and the invocation was offered by Cresta Slaugh

Verification of Full Quorum: Chairman Dale Harrison verifies a full quorum.

**Approval of Agenda
June 9, 2009** Jim Richards moved to approve the agenda for June 23, 2009. Stanley Johnson seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Disclosures: None

**Approval of
The Regular
Minutes for
June 9, 2009** Stanley Johnson moved to approve the Regular Minutes for June 9, 2009. Lane Webb seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Industrial Development

Wheeler Machinery

Review Agreement to Erect a Wall

I-1 Zone

1340 South 1500 East

Parcel # 05:129:0012

Steve Wells: I am the facility manager for Wheeler Machinery. We came before the Commission back in May 13, 2008 for a re-zone for our expansion. We agreed to erect a wall around Wheeler's property along with the entire plan for the expansion of Wheelers property. There was going to be a commercial development as well on the other side of our wall. Since then the commercial development has fallen through. We would like to postpone building the wall and put up a chain link fence for the time being. We are not asking to relinquish our agreement to build the wall, just postpone it. If or when commercial or residential is developed next to Wheeler's property; we would want to put the wall up. Chairman Dale Harrison: What would be back there? Steve Wells: It would be used for equipment storage. Jim Richards: Are you going to gravel the yard? Steve Wells: Yes, we will make the appropriate changes as needed. Chairman Dale Harrison: I don't see the point in spending the money right now with the current economy and no planned development around this property. Jim Richards: We will give you some options for the time being. A chain link fence with privacy slats will work fine for securing the property and your equipment at this time. We will re address the block wall at the time of future development around the property. The wall will have to go up as a buffer. Stanley Johnson moved to approve the six foot chain link fence with privacy slats until further development around Wheeler's property. Jim seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Residential Subdivision Development

Ashley Ridge

Continuation of Concept Plan

RA-1 and A-1 Zones

2815 East 1500 South

Parcel # 05:126:0012, 05:126:0014, 05:126:0017,

05:126:0018, 05:126:0019

Paul Sims: June of 2008 we brought an idea to you for Ashley Ridge, a condominium project with the idea of an assisted living facility and a hospice center within the development. This development will also include single family. I have had trouble with financing but we have financing in place, we anticipate to close the loan in four to six weeks. Our intent is to close that loan and finalize the engineering. The first phases we are planning to finish are on the hill and along the road. The property below the dugway will not be developed until the improvements to the dugway have been completed. My request to the Commission tonight is I would like to re-approve the concept plan. Jim Richards asks what type of materials will be used for the façade of the buildings. Paul Sims: The siding on the buildings will be cedar and stucco siding with some stone. Cresta Slaugh: How many buildings do you plan on building in the first phase? Paul Sims: Four buildings. There would be four units per floor with three floors. My intent with

Lloyd Barton's house is to turn it into a club house. We also plan on putting a club house with the lower part of the development. Ken Reynolds: The last time this project came before the Commission, it was said that the water and sewer would not be able to handle this development. Paul Sims: We will have to put a sewer pump station for the lower portion of the development, when development is started below the dugway. We have met with Ashley Valley Water and Sewer and I have a letter of service from them stating that they will be able to meet the water and sewer needs of Ashley Ridge. Jim Richards moved to approve the extension of the concept for Ashley Ridge. Stanley Johnson seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Scenic Byways
Discussion on De-Designation
Or Segmentation Highway 40

Morgan Philpot: We came before the City Council requesting the segmentation of a couple parcels of land along highway 40, 3 to be precise. The purpose of that request is so we would be able to move and raise the existing billboards. Segmentation has to happen at the City level. We had come to Naples City with the request to move a sign on Mark Brown's property and we were given permission by the city to move it. We went to the state to get the permit and they denied it because we were on a scenic byway. This is the first time we have ever known that we were subject to that legislation. We actually tried to go the Scenic Byway Commission to get permission to move the sign was denied. We then asked a representative to change the legislation so segmentation could happen at the city level. That is why we are here today. The signs that we would like to move are: the sign that sits on Mark Browns property, the sign on the lot north of the Studio 6 motel and eventually the sign that sits by Microtel Inn. Bob Chaudahari, the owner of Studio 6, would like to buy the property that our sign sits on. We would love to sell the property to him but we do not want to lose our rights to that sign. We would like to move the sign up a little bit so they can level out the ground. If we were allowed to raise our sign, they would be able to fill in and level the neighboring property. Mark Brown would like to develop his property. We got permission from the city then was nixed by the Byway Committee. If we cannot move that sign, Mr. Brown is hindered by it. So we are requesting the segmentation of those two properties. Chris Hoem: If we de-segment those two properties, you will be able to move or replace it and basically you wouldn't have to follow city ordinance for height, etc. Morgan Philpot: We will have to. We will still be subject to every law that we would be subject to otherwise. The scenic byway law does not change the nature of your ordinances; it changes our inability to move. We don't want to see cities or ourselves be bound by a federal oriented law and that is exactly what happened. Guy Larson: We would like to accommodate a neighbor by raising our sign. Mr. Chaudahari would like to buy the property but we will not sell unless we can raise the billboard. We would like to raise the sign and move it to the northern property line. This sign is low and dilapidated. If a developer comes in and wants to

combine this property with his own, we are limited to what we can do with our sign. It is an eye sore. Basically that piece of property would have to stay as vacant land because of the current scenic byway laws. Basically what we would like the city to do is to segment these three properties so we can move and improve our signs. I would still come before the commission and present our ideas for the signs through the permitting process. Jim Richards: Is the sign going to be any larger? Guy Larsen: No, it would be the same size as the existing one. Right now we are not asking to enlarge or add additional signs, we are just asking to raise and improve the existing signs. Jim Richards: How high do you want to raise the signs? Guy Larsen: Right now the sign by Studio 6 is probably only going to be 15 feet from the ground to the top of the sign; the pole would probably may only be about three feet. Somebody could easily climb on the sign. We would probably want to raise the sign ten to fifteen feet and move it to the North border of the property. The standard height for a sign like this is about thirty-five feet so we are asking to raise the sign about another fifteen feet, it would be the same for the other two signs. Morgan Philpot talks about the legislation making changes so that Cities can segment out of the scenic byway. Naples City would be the first city to segment the entire city out o the scenic byway if that is the route chosen. Chairman Dale Harrison: I agree that the signs need to be moved and if the segmentation is possible, we should seriously consider the option. I would like the city attorney to review the possibility of the segmentation. Jim Richards: I like the idea of Naples preserving its liberty from the byway committee. I agree that the attorney should look at the options and advise us on the possibilities. Chris Hoem: If what these gentlemen say is true, my opinion would be that we should de-segment the entire corridor in the city. Jim Richards moved to ask Dennis Judd to look at the law of scenic byway de-segmentation for our City and as a recommendation from the Planning Commission to take the scenic byway designation completely out of the City and de-segment the three areas Reagan has asked for tonight. Stanley Johnson seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Planning Commission Bylaws
Update Planning Commission Bylaws

Chris Hoem: The changes that were made are in section 2 and section 10. The number of members in section two was changed from 9 to 5. Stanley Johnson: The number of alternates was not changed from five to two. Chris Hoem: I believe the reason it was left in is there is a maximum number of five alternates. This leaves adding members to the Commission at the Commission's discretion. Alternate voting was also specified to only one alternate can vote in a quorum at one time. Chairman Dale Harrison: According to state training, whoever is sitting in the Chairman seat cannot be part of the quorum-except to break a tie. Section 10, compensation now reflects 02-04 in the Landuse Ordinance. Section 15, Chairman approved signature was added and reviewed by the city attorney. Jim Richard moved to approve the bylaws with the stipulation that Chris Hoem research the Chairman or

Pro tem Chairman's ability in a quorum. Stanley Johnson seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Items for Future Discussion

Chris Hoem: Studio 6 is ready to put up the sign. They want the sign to be 35 feet high. Mike Chaudahari doesn't have the time to wait for an ordinance change so he is taking this issue to the Board of Adjustments.

Chairman Dale Harrison: I would like to suggest that the Commission to watch the Ashley Ridge development very close. The Commission needs to regulate phases. We have plenty of empty homes in our city as it is.

Adjourn

Stanley Johnson moved to adjourn. Cresta Slaugh seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Stanley Johnson	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Next Planning and Land Use Meeting will be held on July 14 2009 at 7:00 p.m.