

Naples Planning and Land Use Regular Meeting Minutes July 28, 2009

Regular Meeting

Commission Present: Chairman Dale Harrison, Jim Richards, Walter Gale, Lane Webb and Cresta Slaugh

Commission Absent: Vice Chairman Jim Garner and Stanley Johnson

Council Rep Present: Kenneth Reynolds

Others Present: Malia Bascom, Chris Hoem and Brandy Salazar

Open Ceremonies Chairman Dale Harrison welcomes everyone out to the meeting and calls the Regular meeting to order. Walter Gale led the pledge of allegiance and the invocation was offered by Cresta Slaugh

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

**Approval of Agenda
July 28, 2009** Jim Richards moved to approve the agenda for July 28, 2009. Walter Gale seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Walter Gale	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Disclosures: Chairman Dale Harrison for the I-1/IR-1 Zone, his family owns property in this zone.

**Approval of Minutes
June 23, 2009** Chairman Dale Harrison would like the motion revised to reflect the agreement of a six foot chain link fence with privacy slats. Jim Richards moved to approve the minutes with the Chairman's revision. Lane Webb seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Walter Gale	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Commercial Development
Gasses Plus
Discuss Façade and Landscape
990 South 1500 East
Parcel # 05:047:0016

Chris Hoem: Gases Plus will be remodeling the old I.F.A. building. They will be replacing one of the front doors with a window, cover the building with stucco, and use stone under the windows. Lane Webb: Is the building going to stay the same size? Chris Hoem: They will only be remodeling. They will not be adding an addition. Chairman Dale Harrison would like to see more colors with the rock and not so much stucco. Chris Hoem: Should I ask them for a color scheme? Chairman Dale Harrison: Yes, I would prefer a split face look. Jim Richards would like to give the recommendation that the Commission would like to see more of a southwest architecture. Chris Hoem: For the landscaping they will be adding five trees or shrubs and ADA sidewalks. Chairman Dale Harrison: I would like to see the ADA sidewalk extended to the second entrance of the property. Cresta Slauch: I don't think that there is enough room for twenty foot landscape strips and the parking. The parking has always been tight on this property. Chris Hoem: I have looked at the available space for the parking and there is sufficient room. Chairman Dale Harrison: Is this a comparable business to Airgas? Chris Hoem: Yes. Chairman Dale Harrison: Where is the fire hydrant? Chris Hoem: They will have to comply with Fire codes. Chairman Dale Harrison: I would like to see the sidewalk extend to the second entrance, a full color rendering for a southwest design for the facade and that they comply with fire code. We need to make sure that the shrubs or trees do not interfere with the line of sight.

Review and Update Land Use Ordinance
Chapter 02-01

Chris Hoem: The highlighted areas are questions I have and the red text will be the changes. Page 1, second paragraph; Chris Hoem reads: It is hereby declared that any use of real property within the boundaries of Naples City which is not specifically permitted or approved as a conditional use is strictly prohibited. Any person or entity requesting a re- zone or a change in a classification or condition or characteristic of a zone or requesting or engaging any use which is not permitted pursuant to the terms of this ordinance is in violation of the ordinance. Chris Hoem: I understand this is saying that if someone applies for a rezone then they are in violation of the ordinance. I will work with the City Attorney to come up with a better explanation. Page 2, 02-01-002, changed from "lessen" to "reduce". Page 3, 02-01-006 originally reads: The City finds that the maintenance of nuisances within Naples City adversely affects the health, welfare and safety of the residents of the City and others visiting there. Any designated nuisance shall be and the same hereby is, declared to be unlawful and a public nuisance; the city building official and/or city attorney may commence action or proceedings for the abatement of. The party violating this ordinance shall pay all costs and attorney fees incurred by Naples City in enforcing this ordinance. It has been changed to read: The City finds that the existence of nuisances within Naples City adversely affects the health, welfare and safety of the residents of the City and others visiting there. Any designated nuisance shall be and the same hereby is, declared to be unlawful and a public nuisance; the city building official and/or city attorney may commence action or proceedings for the abatement of the nuisance. The party violating this ordinance shall pay all costs and attorney fees incurred by Naples City in enforcing this ordinance. Page 4, 02-01-007, Goal One used to say: With these

increases in improved living environment, due to a three program, also come increases in service costs to the public. To reduce tree care cost it will be necessary to set the education to select the best tree for the right place at planting time for our area. Trees carefully selected to meet the need at hand, whether it is for beauty, shade, or screening, will contribute to quality of life in the Naples community. It now reads: A tree program improves our living environment, but also increases service costs to the public. To reduce tree care cost it will be necessary to set the education to select the best tree for the right place at planting time for our area. Trees carefully selected to meet the need at hand, whether it is for beauty, shade, or screening, will contribute to quality of life in the Naples community. Page 6, Section 8: Spacing; It reads: The spacing of the street trees will be in accordance with the three (3) species size classes listed in Section 7 of this Ordinance, No trees maybe planted closer together than the following: Small trees: Thirty (30) feet. Medium trees: Forty (40) feet. Large trees: Fifty (50) feet. I think we need to change the spacing of the trees. Our present regulations should state that we would like to have the trees a healthy distance apart and that could be on a case by case basis. The size and type of tree will change the regulations. Section 9: The distance trees maybe planted from curbs or curb-lines and sidewalks or sidewalk line will be in accordance with three (3) species size classed listed in Section 7 of this Ordinance, and no trees maybe planted closer to any curb or curb-line or sidewalk or sidewalk line than the following: Small Trees Seven (7) feet, Medium Trees Eight (8) feet, and Large Trees Nine (9) feet. The idea behind this is so the City doesn't assume responsibility for maintenance. We need to state somewhere in the ordinance that the business or the developer will assume responsibility for their street trees. My recommendation is to write for utility easements. Walter Gale: We need to look at having a small variety for street trees that the City can provide the developer. This list will have trees that won't get too tall or too broad. Chris Hoem: Page 6, section 10 states: No street tree shall be planted closer than fifty (50) feet of any street corner. Jim Richards: Fifty feet is a little excessive. If this were the case, there are many lots that would only be capable of planting one tree on their lot. I think that Walter Gale's idea for a list of smaller trees at maturity would be very helpful; this would give the developers flexibility. Chris Hoem: Section 12, I have corrected some misspelled words and added irrigation. Section 14 reads: Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches, so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space ten (10) feet above the surface of the sidewalk, sidewalk line, or street. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. Chris Hoem: This takes care of the view being obstructed, but some trees don't grow ten feet tall. I would like to add that short trees must be further away to comply with the line of sight. Chris Hoem: Stanley Johnson suggested that 02-01-007.01 Section 12 and Section 15 should read that the City Tree Board shall have the right to cause the removal of any tree. I will type all of the changes we have discussed and bring it back before the Commission.

Chapter 02-28

Chris Hoem: I corrected the spelling of Chapter and added the IR-1 zone for light industrial and residential zone. The city council would like for the IR-1 zone to be taken off the zoning map. I know this was discussed very heavily with the Planning Commission and the

residents, however, this issue never made it to the City Council. I have read through all of the agendas and the minutes. I was unable to find any discussion for this matter. I am aware that the residents that live in the areas shown as IR-1 on our zoning maps believe they live in and Industrial/ Residential Zone, but that is not the case. The City has never adopted this zone, but we did have it shown on our zoning maps.

Chairman Dale Harrison: How do we classify the homes in the industrial areas? We would be taking property owners' rights away. I do not feel comfortable telling Naples residents that they cannot buy a house and later build on that same property. Jim Richards: I agree with the Chairman. We added the IR-1 zone so we wouldn't be taking property owners' rights away. Chris Hoem: I am aware that the residents believe they are in the IR-1 zone. The council would like to leave it alone as the I-1 zone for now until someone comes in and wants to build a home where it was thought that the IR-1 zone existed. Jim Richards: We need to note that our recommendation is to wait and address this zone when someone proposes to build. Chairman Dale Harrison would like the minutes to show that his family owns property in this particular zone; he was unaware that there was an issue with the I-1/IR-1 zone or disclosures. Page 2, 02-28-003, I would like to verify that the terminology in the second paragraph "one hundred (100) head" is the correct terminology. The Commission chooses to keep the current terminology. Chris Hoem: Page 3 mentions that a planning (planing) mill is a permitted use. I think we should change the wording to wood mill, I believe this would be better understood. Page 4: Conditional uses, livestock feed yards and hog farms. This will become a conditional use for anything over 100 heads or thirty hogs. Temporary dwellings for employees up to two (2) structures housing no more than six (6) persons for a period not to exceed one (1) year. Should that be six persons per structure or six persons total for the two structures? Chairman Dale Harrison: Are we trying to make these temporary living structures or caretaker dwellings? Chris Hoem: This does not state that this is a caretaker dwelling. We need to add Caretaker dwelling to the definitions. Chairman Dale Harrison: I think that we should regulate the caretakers' dwelling to be one home and a single family dwelling. Chris Hoem: Craig Blunt has recommended to add the bulk sales of gas and oil service and chemical products. 02-28-005 reads: Solid waste storage facilities shall be located so that it is screened from all public streets. Chris Hoem asks the Commission if they would like to regulate how much these are screened. Chairman Dale Harrison: We need to know what is going to be stored behind the fences. If it can be seen over the fence then I think that the fence should be required to be tall enough to obscure the view. We should require that solid waste should be screened 80% from highway 40. Chris Hoem reads 02-28-005: Where any industrial zone adjoins any lot in a residential zone, there shall be provided and maintained along such property line a six (6) foot wooden or ornamental masonry or other decorative solid fence or wall of a neutral color, and/or landscaping which, in the opinion of the city will adequately protect the adjoining residential property. The Commission would like to remove wooden and add vinyl to the types of fencing allowed. Change Chris Hoem: Two paragraphs down, CPUD

zones needs to be changed to C and C-1 zones. I have added numbers 1 through 4 in front of the list of permitted uses. I added this entire section: 02-28-005.01 Landscaping requirements; it reads: The Developer shall provide a plat design of the meaningful landscape and its maintenance. The components, layout, arrangement, and size shall be approved by the Planning Commission. Meaningful landscaping is grass, trees, shrubs, xeriscape, etc., in an appealing layout and size arrangement approved by the Planning Commission. Landscaping shall be maintained. The minimum area requirements for landscaping are as follows: 1. A minimum 20 foot strip of landscape measured from back of sidewalk, along the frontage; OR 2. A minimum of 5% of the total lot area landscaped near the frontage. A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements at the Planning Commission's option. The design for curb and gutter in Industrial zones shall be either high-back or modified high-back, but modified height-back shall only be allowed where there is no sidewalk. 02-28-007: The following uses shall be permitted in the I-2, Heavy Industrial Zone: Any use listed as permitted or conditional use in the C-1 and I-1 zones shall be permitted in the I-2 zone, except for the following uses, which are not permitted: Motels, hotels, churches, schools, travel-trailer courts, day-care nurseries, and residential dwellings, except caretaker dwellings. Petroleum refining and petroleum crude oil storage, Rock crushing, Other uses not mentioned in the C-1 and I-1 zones, Agricultural Farms. Jim Richards: Caretaker dwellings should not be a permitted use, it is a conditional use. Chris Hoem: The first sentence needs to be moved or revised. The list of permitted uses runs together with the non permitted uses. Chairman Dale Harrison: I don't think we should allow C-1 uses in the I-2 zone. The City would be opening itself up for complaints to put commercial with heavy industrial. The changes to be made are to amend agricultural farms to large agricultural farms of 20 acres or more and to remove any other uses not permitted in the C-1 zones.

General Business

Chris Hoem asks to table the update for time limits on plans for a further date. Basically, approvals are good for a year. The Commission discusses the possibility of a project update if they have not started six months after the approval. Chairman Dale Harrison: I would like the developers to keep the Commission informed on their intentions and why they might have had to delay the project.

Chris Hoem updates the Commission on the State Law for Planning Commission Chairman. The minimum requirements as per state law allows the Chairman to start a motion and to vote at any time, not just to break a tie. The Commission is regulated by your own bylaws. Chairman Dale Harrison would like to be put on the agenda for the next City Council meeting for a recommendation on Planning Commission Chairman's rights.

Chairman Dale Harrison: I would like to keep Jim Garner as a regular Commission Member but we need to ask him if he would like to step

down from the Vice Chairman position. The Commission understands he has prior engagements and cannot make it to many meetings. I am not going to be able to make it to every meeting; the Vice Chairman should be here in the Chairman's absence.

Chairman Dale Harrison: Tuscany Condos on 500 East are falling down. This property is not safe. We need to work with the attorney on this and do something about it as soon as possible. Brandy Salazar: We are working with the attorney; we are doing everything possible to get that property in compliance. We cannot trespass onto the property and clean it up. We have sent notices by certified mail, but the property is not owned by Remington Commercial anymore, we have just found out who the new owner is. Craig Blunt is trying to get in contact with anyone from the company who will agree to getting the property cleaned up. I will talk with Craig Blunt tomorrow to check on any progress with the property owners. Chairman Dale Harrison: The bus stop is in front of the property. Kids have been playing on the unfinished buildings for a while now; somebody is going to get hurt. We need to take care of this soon. I would like to have an update brought back to the Commission at the next meeting.

Adjourn

Walter Gale moved to adjourn. Chairman Dale Harrison seconded the motion.

Roll Call Taken:

Jim Richards	Aye
Walter Gale	Aye
Lane Webb	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Next Planning and Land Use Meeting will be held on August 11, 2009 at 7:00 p.m.