

**Naples Planning and Land Use  
Public Hearing  
January 19, 2016**

**Commission Present:** Andrew Bentley, Szeth Simmons, Mark Partridge, Cresta Slaugh, Chris Clark  
Mishelle Rowell

**Commission Absent:**

**Others Present:** Joshua Bake, Heidi Lundberg, Ken Reynolds, Shannon Karren

**Verification of full Quorum** Mark Partridge verified a full quorum. Andrew Bentley, Szeth Simmons, Mark Partridge, Cresta Slaugh and Chris Clark will be voting in tonight's meeting.

**Approval of Agenda** Cresta motions to approve the agenda January 19, 2016 meeting, Szeth seconds the motion

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**Disclosures** None

Chris Clark came in late and Mishelle Rowell, will no longer vote.

**Planning Commission election of Chairman and Vice-Chairman**  
Mark Partridge voted Chairman  
Szeth Simmons voted Vice-Chairman

**Approval of Minutes** Chris Clark motions to accept the October 20, 2015 and November 10, 2015 minutes. Cresta Slaugh seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**PLANNING**  
Land Use Ordinance Changes:

Joshua Bake stated the changes presented relate back to our special meeting in November 2015, in an effort to clean up our ordinances and simplify. Currently we have an industrial/commercial overlay section which has a lot of the design standards for commercial and industrial. They are different in certain areas, yet are encompassed in the same section of the code. We decided in that meeting for recommendation and approval to council separate those out and take everything in the C/I overlay that relates to industrial put in the industrial section; everything that relates to commercial put in the commercial section, and take out of the commercial section the C1 zone and create its own section with everything from the commercial/industrial overlay section and put that in its own ordinance section as

well. We're not changing any of the substantive of the ordinance but we are clarifying where they are at so it is easier to read, so individuals know what expectations they have and what is required of them if they bring an industrial or commercial development. It's all in one section to eliminate any of that confusion. Joshua Bake turned the time over to Heidi Lundberg to explain a lot of the changes.

Heidi Lundberg presented the changes with a PowerPoint presentation and a handout. The changes are as follows:

Land Use Ordinance 02-26 was split into Commercial C, and Downtown Commercial C-1; 02-26 Commercial C and 02-27 Downtown Commercial C-1. Three sections were changed to reflect the split; 02-26-001 Purpose and Intent, 02-26-004 Permitted Uses, and 02-26-005 Site Development Standards.

02-27 Commercial & Industrial Overlay was first formatted to be easier to follow and to make the entire chapter uniform. The definitions of Commercial and Downtown-Commercial on page 4 were corrected to reflect C as non-downtown and C-1 as downtown. Spelling and grammar errors were corrected. Pages 5, 8, 9, 10, 25, 28, 33, 34, and 44

In chapter 02-28 Industrial, we removed Commercial Village Cores, Business Park, and Mixed Village Cores. We also removed Retail/Commercial/Office from project type on page 10. 02-27 Commercial/Industrial Overlay was then added into the 02-28 chapter.

In chapter 02-26 Commercial C we removed Industrial, Naples Retail Commercial Center, and Commercial Villages Cores. We also removed Industrial from project type on page 10. 02-27 Commercial/Industrial Overlay was then added into the 02-26 chapter.

In the new chapter 02-27 Downtown Commercial C-1, we removed Industrial and Mixed Use Village Cores. We also removed Industrial from project type on page 10. 02-27 Commercial/Industrial Overlay was then added into the new 02-27 Downtown Commercial chapter.

Joshua Bake pointed out that none of the substantive issues were changed; it's the location of where they are located.

Chris Clark commented we need to simplify each section by putting all information for development requirements in one section.

Joshua said we do have a site plan section in our administration chapter 02-03.

Chris Clark commented it would be easier to simplify and combine the development requirements into one section so it's not in each chapter for Commercial, Industrial, etc.

Joshua said this was not a final product, the idea was to establish the section in industrial, that does need changes done to it, but now we have an industrial section where we can look at just industrial and clean that up. The purpose of tonight was to create the set different sections. What is in the section does need to be fixed.

Joshua said the Planning and Zoning Commissioners would spend one meeting going through one section and making changes, and then going on through the Land Use Ordinance editing one at a time.

Mark asked for any other comments, Joshua said this is why we have this discussion under the planning section, so the commissioners and staff can talk about the changes before the public hearing.

## Naples City Form Based Code Changes/Suspension:

Joshua Bake said this does relate back to our special meeting as well. The first item we have is to add the new road design. We have seen this new road design multiple times; again I would like to thank Commissioner Clark for creating this. This relates to the road standards for the Form Based Code, and makes it more workable and useable. That was the first recommendation to make that recommendation to council to adopt those changes for the road designs.

Once the new road design is adopted the next recommendation will be to suspend the Form Based Code per our conversations earlier; suspend it indefinitely with the idea of looking at it in a year or when development does start. It's not for a set time, it can be brought up any time, and if anyone wants to put it on the agenda we'll have it brought up. One of the discussions we had, was the purpose of the Form Based Code is and it is to get design standards to develop the area as a whole. One of the problems we discussed, is we have a lot of bare ground, so to get that first time risk taker to come in, it's a big burden on that person to go into a Form Based Coded area. The idea of the discussion was to suspend it while we work on that first person to get in. If we had development already, the Form Based Code would be fantastic. With it being bare ground, it is too restrictive. Joshua Bake said we discussed the road standards for our C-1, 40 feet of road are not enough for our C-1 zone; we are going to address that right now so a developer doesn't come in and think a 40 foot road is enough. We are not getting rid of our Form Based Code, it is a wonderful product, and we are just suspending it until we get some development in.

Discussion on new Fire Station's high cost due to the Form Based Code. Joshua said that is why the recommendation is to change the road standards in the Form based Code, but then suspending it. We can still make changes to it, it will just be suspended.

Chris Clark wanted to make sure we add "Downtown" to the new Commercial C-1 chapter 02-27. It was noted to make those changes.

## Conditional Use Permit:

We have a conditional use permit application that is pending due to relocation of the business. Joshua Bake wanted to use this as a training exercise to discuss Conditional Use Permits. We do have new permits/applications so individuals know what is required of them. In the Land Use Ordinance 02-28-004 I-1 Zone, Conditional Uses do require an 8 foot fence that is not part of the conditional use, it is a requirement. Joshua Bake said the State Ombudsman is making a strong push to let cities and towns know if it is in our ordinance it is ok. You can put reasonable conditions on it, but you made a commitment that it is an ok use in that zone. The Land Use Ordinance 02-08 lists the Conditional Uses purpose and requirements.

Josh said the State Ombudsman is making a big push to eliminate public hearings from conditional use permits. Conditional use permit public hearings are not there to see if neighbors are going to like it; the city has made a commitment that it is ok with certain conditions. The only time the city can say no to a conditional use is if it is detrimental to the city and its citizens. Once a conditional use permit is granted it is permanent. If they try to change it or amend it they lose it. You cannot go back and change the conditions once it has been approved.

As we are going through our ordinances we will look at those conditional uses

Andrew Bentley asked how to regulate the neighborhood meeting the applicant needs to do. Joshua Bake responded by saying we could rewrite our ordinance. The main part is it puts due diligence on the developer, because we can't control that meeting. If there is a concern with the commission, we can say we will have a public meeting on that. Andrew asked if there is a way to put that in there, how they manage to report that meeting. Joshua said we could add more to ordinance; the hard part is the oversight. The public will receive a letter regardless, if we have a concern we can have a public hearing. Do we want to have a public hearing and hear the concerns of everybody when it's something we cannot change? We want people to be heard, but if you give the people the opportunity to speak you need to be prepared to listen and do something if you can. If they are coming in to talk about how they don't like car dealerships because we don't like Dodges, there isn't really anything we can do. That part of our ordinance (referring to the neighborhood meeting) is nice, but doesn't have a lot of strength behind it. It's a good

thing, because it puts some of the burden on the developer, but again we don't have a way to police it.

Andrew said we could send a representative out there to observe the meeting.

Joshua said we could change our ordinance to where they have to have a meeting with the public and have a city staff personnel attend. We do have other ways of notifying them, and the ability to have a public hearing.

Mark turned the time over to Shannon Karren.

Shannon Karen said 5D Recycling will be out of the property behind Nalco by the end of March, it has been sold to Nalco. They have already started the cleanup, I don't know if it will relocate in Naples or not.

Joshua Bake said if it does relocate in Naples that is when they will come and re-apply for the conditional use permit. Since they have been in the process of selling their property, they submitted an application and we had them come before the planning and zoning commissioners so you are aware of what is going on. This is mainly to keep you in the loop.

Chris Clark asked what the issue was with the conditional use. Was the question whether they were operating under the conditional use?

Joshua Bake replied that they had applied, and then were moving. Rather than going through all the proper steps, by the time we got full approval, they would be moving anyway. This was to keep everyone informed.

Mark Partridge asked if there were any questions, no comments.

**Motion**

Andrew Bentley motions to start the public hearing to eliminate chapter 02-27, Chris Clark seconds the motion.

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.  
None opposed.

**Public Hearing to Eliminate Chapter 02-27**

No comments

**Motion**

Chris Clark motions to close the public hearing to eliminate chapter 02-27, Szeth Simmons seconds the motion.

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.  
None opposed.

**Motion**

Andrew Bentley motions to start the public hearing to change Industrial chapter 02-28, Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.  
None opposed.

**Public Hearing to Change Industrial Zone Chapter 02-28**

No comments

**Motion**

Andrew Bentley motions to close the public hearing to change Industrial chapter 02-28, Cresta Slaugh seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.

None opposed.

**Motion**

Szeth Simmons motions to start the public hearing to change Commercial zone chapter 02-26, Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.

None opposed.

**Public Hearing to Change Commercial Zone chapter 02-26**

Joshua Bake mentioned the commissioners can say “so moved” when motioning instead of saying the whole motion twice.

**Motion**

Cresta Slaugh motions to close the public hearing to change the commercial zone chapter 02-26, Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.

None opposed.

**Motion**

Chris Clark motions to start the public hearing to create Commercial Downtown chapter in 02-27, Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motioned carried with all voting Aye.

None opposed.

**Public Hearing to Create Commercial Downtown chapter in 02-27**

No comments

**Motion**

Cresta Slaugh motions to close the public hearing to create Commercial Downtown chapter in 02-27, Chris Clark seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

**Szeth Simmons**                      **Aye**  
**Chris Clark**                              **Aye**

Motioned carried with all voting Aye.  
None opposed.

**Motion**

Andrew Bentley motions to start the public hearing to add new road design to Naples City Form Based Code, Szeth Simmons seconds the motion.

All in favor:

**Mark Partridge**                      **Aye**  
**Cresta Slaugh**                      **Aye**  
**Andrew Bentley**                      **Aye**  
**Szeth Simmons**                      **Aye**  
**Chris Clark**                              **Aye**

Motioned carried with all voting Aye.  
None opposed.

**Public Hearing to add new road design to Naples City Form Based Code**

No comments.

**Motion**

Szeth Simmons motions to close the public hearing to add new road design to Form Based Code, Chris Clark seconds the motion.

All in favor:

**Mark Partridge**                      **Aye**  
**Cresta Slaugh**                      **Aye**  
**Andrew Bentley**                      **Aye**  
**Szeth Simmons**                      **Aye**  
**Chris Clark**                              **Aye**

Motioned carried with all voting Aye.  
None opposed.

**Motion**

Cresta Slaugh motions to start the public hearing to suspend the Naples City Form Based Code, Szeth Simmons seconds the motion.

All in favor:

**Mark Partridge**                      **Aye**  
**Cresta Slaugh**                      **Aye**  
**Andrew Bentley**                      **Aye**  
**Szeth Simmons**                      **Aye**  
**Chris Clark**                              **Aye**

Motioned carried with all voting Aye.  
None opposed.

**Public Hearing to Suspend the Naples City Form Based Code**

No comments

**Motion**

Szeth Simmons motions to close the public hearing to suspend the Naples City Form Based Code, Cresta Slaugh seconds the motion.

All in favor:

**Mark Partridge**                      **Aye**  
**Cresta Slaugh**                      **Aye**  
**Andrew Bentley**                      **Aye**  
**Szeth Simmons**                      **Aye**  
**Chris Clark**                              **Aye**

Motioned carried with all voting Aye.  
None opposed.

**Action Items**

None

**Motion**

Cresta Slaugh makes a motion to recommend to City Council to:

- Eliminate the Land Use ordinance chapter 02-27
- Change the Industrial Zone chapter 02-28
- Change the Commercial zone chapter 02-26
- Create C1 zone in chapter 02-27 and changing name to Downtown Commercial C1
- Change the Naples City Form Based Code to incorporate the new road design
- Suspend the Naples City Form Based Code

Szeth Simmons seconds the motion.

Mark Partridge asks for further comments. No comments.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye.

None Opposed.

**ITEMS FOR FUTURE DISCUSSION**

Cresta Slaugh asked what is going on with the Airport. Joshua explained the situation and how everything has been resolved to this point.

Andrew Bentley asked if we have made any headway on an appellate board or hearing officer. Joshua Bake agreed we need to get it done before we have an appeal, but we do not currently have one.

Joshua Bake displayed the Land Use Ordinance Index created by Heidi Lundberg. Everyone can have access to this. If there are any topics that might come up let us know and make sure we can get it added and updated. We do also have an FAQ sheet for each section to supplement our checklists/applications. You might want to have with you; they have the more common questions.

May 5<sup>th</sup> is set for the open house for the new Fire Station 5:30pm. Joshua Bake asked the commissioners to wear their Naples City shirt if they have one. We are planning on a pretty big event with a lot of people there.

Due to budget conditions, we will be buying the DVD for planning training instead of attending them, and to add to our library.

**ANNUAL OPEN AND PUBLIC MEETINGS TRAINING**

**ADJOURN**

Chris Clark motions to adjourn, Cresta Slaugh seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye.

None opposed.

**The next Planning and Zoning meeting will tentatively be held February 16, 2016 in the Naples City Council Chambers @ 7:30 P.M.**

