

**Naples Planning and Land Use  
Public Meeting  
April 19, 2016**

**Commission Present:** Mark Partridge, Szeth Simmons, Andrew Bentley and Mishelle Rowell

**Commission Absent:** Chris Clark, Cresta Slauch

**Others Present:** Heidi Lundberg, Ken Reynolds, Mayor Dean Baker, Shane Mayberry, Denice Stringham, Michael Johnson, and H McNeish.

**Verification of full Quorum** Mark Partridge verified a full quorum.  
All three commission members will be voting in tonight's meeting. Andrew Bentley came in late, and will also be voting.

**Approval of Agenda** Mark Partridge motions to approve the agenda for the April 19, 2016 meeting, Szeth Simmons seconds the motion

All in favor:

|                        |            |
|------------------------|------------|
| <b>Mark Partridge</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

**Approval of Minutes** Szeth Simmons motions to approve the March 15, 2016 minutes. Mishelle Rowell seconds the motion.

All in favor:

|                        |            |
|------------------------|------------|
| <b>Mark Partridge</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.

**PLANNING/DISCUSSION**

Final Plan Review FedEx Ground-Naples

Mrs. Heidi Lundberg introduced FedEx and mentioned their proposal to waive requirements in exchange for a turn around. More detail on the waiver will be given by FedEx. Mrs. Lundberg also stated staff's recommendation is to approve the final plans with conditions they complete the missing items listed in the city engineer's, Chris Clark, memo. Time was turned the time over to Mr. H McNeish. Mr. McNeish described the FedEx process and the previous meetings. He stated his is pleased with the progress they have made through this process. From the last meeting, we have heard very clearly the comments from engineering and Ashley Valley Water comments. They have been addressed in the submitted plans. There was some discussion last time about the dead end on 1000 south. Confluent and FedEx share the concern of the dead-end and its unfinished condition. Since March they have been studying that condition as well as the other items relative to the design of the project. He presented a slideshow with the proposal to the city. FedEx is proposing giving the City a right of way for a turn around on 1000 south in exchange for reducing the parking stalls to 9x19, no parking islands, and a trash enclosure by site landscaping, not a specific screen. Mr. McNeish quoted section 02-28-016(B) from the Land Use Ordinances. It states: "General Provisions Waivers: The city and the developer will need to mutually agree to waive a mandated guideline/provision..."

In exchange for the right of way that is necessary we be allowed to have the smaller dimensions for the parking lot, and an unscreened trash enclosure. Mr. McNeish explained the reasoning for the smaller parking lots; to be able to include all the parking spots needed, it would encroach on the 100% solution for the turn around. It would create a challenge to create both in that situation. An updated landscaping plan was presented. They have increased the number of trees and landscaping adjacent to and surround the parking field; and also increased the number of trees between the truck dock and the parking field. They are also asking for waiver of the parking islands, bearing in mind the extra landscaping they will put in. Mr. McNeish stated we believe we have a win-win opportunity here for the City and FedEx. He also added FedEx would be worried about having their driveway become the turnaround area if a turnaround isn't built. We are happy to answer any questions and earn your approval tonight so we can move forward to City Council next month.

Commissioner Partridge recognized a comment from the public.

Mr. Shane Mayberry asked if FedEx doesn't bring any revenue to the City and only impact, I don't think the City should be paying for the roundabout. He also stated his concerns about idling trucks in the winter time, the fumes would be bad. Mr. Mayberry stated he wants a provision that they don't allow idling to go on. Ms. Denise Stringham had a concern about trees. Ms. Stringham stated they have an irrigation line right there. Mr. Mayberry expressed they don't want the roots of the trees are anywhere near the irrigation line. They mentioned they have had problems with that in the past. Commissioner Partridge explained the canal issue has been brought up since the start. It was brought to their attention. Mr. Mayberry asked if they could keep their root zones away so they don't go into the irrigation line. Commissioner Bentley stated as far as the idling goes most of their vehicles are intended to be inside the enclosure, and don't think the idling will be an issue. Commissioner Partridge mentioned there will be semi-trucks loading and unloading in the morning and night. Mr. McNeish confirmed, yes. He also mentioned that the semi-truck drivers are time motivated, so they won't be idling long. The regional and distribution vans will be inside the facility. Mr. McNeish explained the process for loading and unloading. Mr. Mayberry asked if they were concerned with the idling. Mr. McNeish responded and said FedEx wouldn't be idling any greater than any other industrial facility in an industrial park. The majority of the vehicles will be the standard delivery vans. Commissioner Partridge commented on the root problem. He asked how deep the irrigation line is. Commissioner Simmons stated it is about three or four foot deep in front of the FedEx property.

Ms. Stringham asked if there would be an impact with the trucks turning around up there. Mr. Mayberry said it shouldn't be an impact. Commissioner Simmons commented they already have trucks turning around up there now. Ms. Stringham asked where the trees will be planted. Mr. McNeish stated they are dedicated to field verify the irrigation line because it cannot be found on any city map or any other documentation. He also expressed if any adjustment needs to be done, we're committed to making those adjustments. Mr. Mayberry and Ms. Stringham stated they have had several breaks in that irrigation line in the past few years. They asked if FedEx will be running gas lines across the road. Mr. Mayberry mentioned Blue Stakes will not be able to find the irrigation line, but the City has been good about notifying developers about the irrigation line. He also mentioned they do not want to be shut down because they will sue for damages on a daily basis. Mr. Mayberry asked the City if they can put a basis that it would be \$1,000 a day fine to the developer for each day the irrigation line is down. Commissioner Bentley informed Mr. Mayberry that FedEx has been aware of the irrigation line since the very first meeting. Commissioner Partridge also explained it has been a concern since day one. They know about it, it will be there responsibility to not dig into it. Commissioner Simmons mentioned since there have been so many issues with it lately, we have tried to get ahead of it on this development, I believe they have addressed it. Ms. Stringham commented when Strata came through a few years ago and had a line go through the irrigation line, there was no leak until later and after the fact then there was a problem. Commissioner Partridge asked if Strata took care of it. Mr. Mayberry

affirmed they did, but the irrigation line was down for a long time. Ms. Stringham mentioned they might not know if they hit it until later down the road. Commissioner Bentley expressed all that is normal that happens with neighbors and ditches, and construction. Commissioner Simmons expressed how damaging it is if the irrigation line is down. Mr. Mayberry agreed, that is why he wants the City to put a provision in that there is a \$1,000 a day fine whether through negligence or diligence. Commissioner Bentley commented on the turnaround. He mentioned the County was supposed to complete the turnaround on that street. Commissioner Partridge replied we currently have a hammerhead there, just not paved like expected. Commissioner Bentley mentioned there was research being done on the County's responsibility to finish the turnaround. Mr. Mayberry voiced his concerns that the City shouldn't have to pay for the turnaround; we're not responsible for the impact. Commissioner Partridge expressed the County may not come and pay for it, we want to improve our area and our roads and this is the only way we are going to do it. We may have to pay for turnaround just to help out our situation. Commissioner Simmons commented FedEx is donating the land for free if we do this waiver, so that would solve the roundabout. It may be dirt, until the road gets improved at a future date. Mr. Mayberry stated we wouldn't need a roundabout if FedEx didn't move there. Commissioner Bentley replied if it's the end of the street, at some point it needs a roundabout. Commissioner Simmons also replied BHI never cared if people turned around on their property. Mayor Baker expressed his priorities to get a paved roundabout down there and make it look good and decent. We're grateful FedEx is willing to give us that right of way so we can make that. Commissioner Bentley asked about the property across the street from the new FedEx building, and if they would be giving us any type of easement for that. Mayor Baker stated there is no way we can enforce that until he went to develop it or change the use of it. Commissioner Bentley asked if there was any way if the County were to come in and finish that. Mayor Baker responded we looked into it and there is no way.

Commissioner Partridge asked why they couldn't just decrease the number of parking stalls instead of making them smaller. Mr. McNeish replied they do have a requirement to put in the 79 parking spaces, which is above the minimum for this use. He explained why FedEx is requiring so many stalls; they are accounting for shift changes, and seasonal hiring. Commissioner Partridge wanted confirmation it will be strictly employees and no customer drop off. Mr. McNeish affirmed there will only be employees, there is sophisticated security for employees only. He also mentioned FedEx will be hiring upon opening of the facility, bringing new employment as well as increased tax based income. Commissioner Partridge asked if there were any questions or comments about the 9x19 parking stalls. He also asked Mr. McNeish if the reasoning for wanting to waive the parking lot island landscaping because the space is needed for the parking spots. Mr. McNeish said yes, those parking sizes are standard for FedEx facilities. He also mentioned they in a way inherited the design with 79-9x19 stalls. Mr. McNeish addressed they can't move the parking field because of the topography; they need to put their retention pond in the other areas. He also stated they have increased the number of trees and landscaping in that area; we understand the purpose of islands are to mitigate parking fields, we are increasing the buffer with landscaping between the parking field and the road. Commissioner Bentley asked what kind of trees will be used. Mr. Michael Johnson referred the commissioners to the packet they received with the landscape plan and plant list. Commissioner Partridge mentioned the gentleman with the landscaping gave a good presentation last time, in turn we receive comments and we face another issue, it would be great if he were here to answer some questions. Mr. McNeish also mentioned the landscaper is local and would expect he is choosing plant materials that are compatible with the soil types and other factors here so it is successful plant. Commissioner Bentley stated by the Planning and Zoning approving the plans we are not assessing any of the responsibility for what happens to the trees, all that is between FedEx and the irrigation line owners. Mr. McNeish stated his is just as motivated to not have an issue with that irrigation line as they are. Commissioner Bentley asked if any of Chris Clark's items been addressed. Ms. Stringham asked if it was necessary to have the trees. Commissioner Partridge stated

the City requires landscaping and trees. Mr. Mayberry commented they could do a row of lilacs or bushes instead. Commissioner Partridge replied if there is such a major concern about trees, they could change and do that. Ms. Stringham asked if they would do that for their own interest, and tell the landscaper. Commissioner Simmons stated if it is approved in our ordinances at this point, we have no say as long as they follow the ordinance. We would have to go into another meeting and address the ordinance change at that point. Ms. Stringham asked if we could have another meeting to change this. Mr. Mayberry commented he hopes they're not saying if it's in the ordinance they can go ahead and put trees there and infiltrate our irrigation line. Commissioner Simmons responded we can try to work with the developer but if they wanted to they could as far as the ordinance goes. Mr. McNeish asked for clarification on the location of the irrigation line. Many replied it is in the road right of way, not on their property. Mr. McNeish stated they have known about it and which is why it didn't show up on our survey. Mr. Mayberry explained it is in the curb or right next to the curb. Mr. McNeish addressed they would not be touching that with their construction. He stated they have committed to field verify the location and adjust as necessary. Mr. Johnson, who is responsible for all the construction has heard all your comments. Mr. McNeish voiced the irrigation line is not on the FedEx property, but on the public right of way. It doesn't make it a non-factor in the construction; we are committed to be as sensitive to that as possible. Ms. Stringham and Mr. Mayberry asked if the roundabout will be curbed. Commissioners stated FedEx has nothing to do with the roundabout other than giving the City the land, if they have a problem with that they will have to bring that up to the City.

Commissioner Partridge asked Mrs. Lundberg about the parking stalls and staff's recommendation. Mrs. Lundberg responded our ordinance calls for a 10'x 20' parking stall, but as long as we agree and staff sees a 9'x 19' stall acceptable. Commissioner Partridge asked why FedEx doesn't want to put a trash enclosure. Mr. McNeish responded we are proposing using landscaping instead of a fence. There will be multiple layers of landscaping buffers before you reach the building. It is also 430 feet off of the roadway. Commissioner Partridge asked about the two color façade. Mr. McNeish stated they understand the desire for the two toned façade to break up a large building. The façade renderings were presented to the commissioners.

Commissioner Partridge asked about the memo with line items from the city engineer, Chris Clark. Mr. McNeish and Mr. Johnson both acknowledged they received the memo that afternoon. Mr. McNeish mentioned several of the items have been addressed in the meeting so far. Commissioner Partridge asked the staff what their recommendations are concerning the memo from the city engineer. Mrs. Lundberg stated staff also received the memo that afternoon, but it looks like a lot of the items have been addressed. Commissioner Bentley mentioned it looks like the summary areas haven't been addressed, 2a and 5a. Mr. McNeish stated those items will be addressed before the final meeting with City Council, and noted they are technical errors that need to be corrected. Commissioner Partridge asked Mrs. Lundberg if staff believes everything is in order on the final plans. Mrs. Lundberg replied the city engineer reviewed the plans and the memo is what he found that needed corrections. Commissioner Partridge asked if there were any other items they wanted to discuss before we make a motion. He mentioned he would like all the items in the memo from the city engineer to be fixed before the final plan goes to City Council. Commissioner Partridge stated he would like the tree guy to address the root problem with the trees in the front of the property. Ms. Stringham asked how far back the trees would be planted; there should be some sort of right of way. Commissioner Bentley suggested Ms. Stringham and FedEx exchange numbers. Ms. Stringham asked where their protection is. Commissioner Bentley stated it is an issue between the irrigation line owners and the property owners. Ms. Stringham asked why there can't be another meeting to discuss the landscaping on this project. Mr. McNeish said they can commit to the landscape architect to specifically identify trees that will not penetrate the right of way. Ms. Stringham asked who is going to make sure that will happen. It was noted by Commissioners, since it is a public

meeting and on record FedEx will be held responsible. Commissioner Simmons commented there isn't an ordinance that says about the type of trees penetrating the rights of ways. If Ms. Stringham wants it changed or addressed, it will need to go through Joshua Bake first and start the process.

**Motion**

Andrew Bentley makes a motion to approve the final plan review for FedEx Ground Naples advising the council we are willing to make waivers to reduce the parking stalls to 9x19, no parking islands, trash enclosure screening by site landscaping, not specific; with the provisions that they have all the items in Chris Clark's checklist met, and they publicly admitted to a landscape design that will not penetrate the right of way to the irrigation line in the road. Mark Partridge seconds the motion.

All in favor:

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|------------------------|------------------|
| <b>Mark Partridge</b>  | <b>Aye</b>       |
| <b>Szeth Simmons</b>   | <b>Abstained</b> |
| <b>Andrew Bentley</b>  | <b>Aye</b>       |
| <b>Mishelle Rowell</b> | <b>Abstained</b> |

Motion failed.

Szeth Simmons described his concern for adding items to the motion that aren't in the ordinance.

Ms. Stringham asked how Naples City was going to protect them and their rights. Commissioner Bentley stated it would be a matter of civil law. Commissioner Simmons stated it needs to be addressed in a different meeting. Ms. Stringham stated she will stand for her rights for life. She also mentioned there should be a 25 foot easement that is state mandated. Commissioner Bentley stated approving this plan will not affect your water rights in any way.

**Motion**

Andrew Bentley makes a motion to approve the final plan review for FedEx Ground Naples with the recommendation we do make a waiver to reduce the parking stalls to 9x19, waive the parking islands, waive the trash enclosure screening by site landscaping, and the approval be hinged upon the checklist given by Chris Clark be addressed. Szeth Simmons seconds the motion.

All in favor:

|                        |            |
|------------------------|------------|
| <b>Mark Partridge</b>  | <b>Aye</b> |
| <b>Szeth Simmons</b>   | <b>Aye</b> |
| <b>Andrew Bentley</b>  | <b>Aye</b> |
| <b>Mishelle Rowell</b> | <b>Aye</b> |

Motion carried with all voting Aye.  
None opposed.

Discussion on Ordinance Changes for Rear Setbacks in Cul-de-Sacs

Mrs. Heidi Lundberg explained the changes made to the R-3, A-1, RA-1, RA-2, R-1, and R-2 zones. The changes made are:

- Back setbacks changed to Rear setbacks
- Sentenced added to rear setbacks in A-1, RA-1, RA-2, R-1, and R-2 zones "measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 8 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 20 feet."
- Sentence added to rear setbacks in R-3 zone "measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 5 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 10 feet."

Mrs. Lundberg also stated it was Mr. Bake's recommendation to leave the last sentence "in no case shall any home be closer than 20 or 10 feet." Commissioner Simmons asked if the setbacks affect the fire code. Mrs. Lundberg replied the building official stated the setbacks don't affect the fire code. The buildings will need to be built to fire code, and the closeness of the building doesn't have an impact. Commissioner Bentley asked about casitas, and if making these changes would make it easier to build a guest house on a smaller lot. Mrs. Lundberg noted staff will look into that. She also asked if there were any opinions on changes to be made before the public hearing next month. There was discussion on the "no closer than 20 feet" addition. Commissioner Bentley and Partridge agreed to leave it all in.

#### Discussion on Ordinance Changes for Accessory Building Setbacks

Mrs. Lundberg stated in talking with the building official, the fire codes and the closeness of the buildings don't have a great effect on accessory buildings. The changes made are:

- "For the purpose of determining front, side, and rear setback requirements, any separate building situated within ~~15~~ 5 feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building."
- Accessory buildings side setback: "Same as main building, unless the accessory building is ~~15~~ 5 feet behind the main building, then the side setback is 5 feet."

Commissioner Bentley stated his only concern would be fire hazard. Mrs. Lundberg replied in talking with the building official, he mentioned they would have to be built to fire code which would make them safe.

Mrs. Lundberg announced there was one other change in the RA-1 zone under 02-22-003 Area Requirements. There were two different lot size requirements, the .75 acre requirement was removed. Also, there was formatting done to A-1 and RA-1 zones to make them uniform with the other zones. Commissioner Partridge stated he likes how it is and to move forward with the public hearing to make the changes.

#### Discussion on Ordinance Changes for 02-28 Industrial Zone

Commissioner Partridge expressed his concerns with the ordinance in the industrial zone. He stated his concerns with allowing metal buildings. We have been enforcing nice looking facades and we should have it in our industrial and commercial zones, even if they are more than 400' off the highway. Commissioner Partridge asked others how they felt. Commissioner Bentley stated he likes the idea of a highway corridor, even 600' off the highway.

Discussion on facades located in Naples. Commissioner Bentley stated the "southwestern" type wording didn't have enough teeth to enforce. Discussion on the façade presented in the FedEx project and whether or not it looks southwestern. Discussion on a highway corridor. Commissioner Partridge would like to address this further. Discussion on Downtown Commercial and Industrial requirements. Mayor Baker mentioned there is an industrial overlay section that describes the highway corridor. Discussion on the appearance of a metal building.

#### **ITEMS FOR FUTURE DISCUSSION**

Commissioner Bentley commented we still do not have a hearing officer.

Commissioner Partridge expressed his concern of no lighting along the road by the Naples Park and school. Mayor Baker stated we need to talk with the rec district about the lighting in the parking lot.

Discussion on the lighting along the 1900 south street. Commissioner Bentley asked if we could turn the south side of the street into a fire zone so no one will park on that side. Mayor Baker replied we can do that. He suggested putting a raised crosswalk for safety.

Discussion on the dangers of the 1900 South road. Commissioner Bentley suggested an activity speed zone. Commissioner Partridge commented he doesn't want the

speed limit above 20 mph on that street ever. Commissioner Bentley asked if there was a way to address it with a pathway. He asked if there was anything to make it safer. Mayor Baker stated the main issues are when school is out and during girls' softball. The solution might be to put speed bumps, about three of them.

**ADJOURN**

Andrew Bentley motions to adjourn, Szeth Simmons seconds the motion.

All in favor:

|                        |            |
|------------------------|------------|
| <b>Mark Partridge</b>  | <b>Aye</b> |
| <b>Szeth Simmons</b>   | <b>Aye</b> |
| <b>Andrew Bentley</b>  | <b>Aye</b> |
| <b>Mishelle Rowell</b> | <b>Aye</b> |

Motion carried with all voting Aye.

None opposed.

**The next Planning and Zoning meeting will tentatively be held May 17, 2016 in the Naples City Council Chambers @ 7:30 P.M.**