

Naples City Council looks to get more control over site plan approvals for new developments



Laura Layden

Naples Daily News

Naples City Council may soon get more involved in the review and approval process for new developments.

On Wednesday, council approved an ordinance on first reading that would give it more power to determine the fate of commercial and multifamily projects, from office buildings and restaurants to condos and townhomes.

The thumbs up came with some trepidation.

With a 4-3 vote in favor, council narrowly advanced the ordinance, with requests for modifications and more information from city staff before making a final decision.

After the vote, Mayor Teresa Heitmann, one of the four supporters, suggested it could take three or four readings to get the ordinance right.

It's scheduled for a second reading and public hearing on March 1.

The new rules would change the site plan review and approval process, making it more subjective for projects of a certain size, allowing council to consider their broader impacts on neighbors – and the city.

As currently proposed, the ordinance would apply to:

- New principal buildings and structures – and additions – of more than 1,000 square feet

- New landscaping, lighting, paving and restriping projects of more than 10,000 square feet

Those projects would require public hearings before the Planning Advisory Board and City Council, with council making the final decision.

In case you missed it: Naples City Council looks to crack down on lot combinations to preserve city's charm

More like this: Naples City Council won't seek any immediate changes to home construction rules post-Ian

The new rules would exclude buildings or structures in single-family zoning districts.

Now, projects that meet the city's code requirements and obtain site plan approval from city staff after a multi-department review don't require a public hearing, or further input from the planning board or council, unless they're within a planned development, or PD.

A planned development allows for greater flexibility in design and layout. More simply put, the special zoning district enables developers to sidestep the usual zoning rules to fit their objectives and needs, but not without getting more creative and facing more scrutiny.

Vice Mayor Mike McCabe, who described the proposed ordinance as "really good," motioned to approve it, with tweaks.

He and a few other councilors asked for a handful of changes to clarify the standards and requirements for review.

Development "got out of whack"

Councilman Terry Hutchison seconded McCabe's motion.

He said the city needs to take action to fix a site plan review process that has "got out of whack," resulting in developments that don't fit with their surroundings – or the city's vision to preserve its small-town charm.

"This is what we are elected to do," Hutchison said. "And I suggest that we embrace the work that's before us, we provide consistency, we provide clarity to our community in what our built-out community is going to look like. And let's get on with the city's business."

Councilwoman Beth Petrunoff sided with the majority.

She stressed the need to get the language for the new regulations right, but to move forward.

The new process, she said, must be fair and impartial, but effective in managing development and growth, so it doesn't get even more out of hand.

"Traffic is the No. 1 complaint we have," Petrunoff said.

Councilors Ray Christman, Ted Blankenship and Paul Perry voted against the ordinance, raising various concerns about its wording and implications.

With unanswered questions, Christman suggested continuing the first reading to a future meeting, to give staff time to come back with more information and options and potential revisions to the ordinance. But he didn't find support.

One of Christman's concerns is about city council's increasing workload, as it continues to take on more responsibilities once trusted to staff, from the consideration of lot combinations in residential neighborhoods to the approval of outdoor dining for restaurants, even if it's just for a few seats.

Under the new site plan regulations, the city's planning director told council it could have to review another 30 to 35 projects a year.

Christman questioned whether council would just be replicating the work of staff in most cases – and not spending enough time on more important city issues, such as beaches and water quality.

Councilman Blankenship said he wanted to make the new process as tight and predictable as possible. He felt the ordinance as worded didn't do that.

He fears the new regulations could have unintended consequences, hurting small businesses and rebuilding efforts from Hurricane Ian, by creating more red tape that will increase the cost of development.

Before the vote, Blankenship suggested creating a tiered process, excluding smaller projects. He proposed raising the threshold for the extra review by Council to 5,000 square feet from 1,000 square feet.

"I worry about the time and cost," he said.

A motion to approve the ordinance with the higher threshold failed, for a lack of a second.

New rules could add a layer of uncertainty

In explaining his opposition to the ordinance, Commissioner Perry said as proposed it could add a layer of uncertainty to developers and arbitrarily hold them to higher standards, for requirements such as storm water management and green space.

"I know what we are trying to do," he said. "We are trying to make these great projects, but I struggle with all these ambiguities in the wording that permit us to just arbitrarily decide it's good enough or it's not good enough."

As written, he said, the rules are sure to negatively impact redevelopment efforts in the city, causing apprehension and confusion among developers and property owners.

Matthew Kragh, president of MHK Architecture & Planning, whose work can be seen in projects throughout the city, told council the new rules could open a "real can of worms," politicizing what's now a more empirical, or fact-based process.

"What are you voting on if we are meeting code? That is what I don't understand," he said.

If the ground rules change, Kragh asked Council to consider exempting any projects in the queue from them. In some cases, he said, those applicants have already spent millions of dollars in fees to get where they're at in the current process, which appears more predictable.

The city adopted the current site plan process in 2008. Developments that deviate from code are judged under stricter criteria.

For applicable projects, site plan approval is required for the issuance of a building permit.

In 2020, City Council eliminated a site plan review and approval process for planned developments that allowed deviations from the code, finding it too lenient.

The stated intent was the same at that time: To provide consistent development standards and to preserve the city's distinctive character and culture, in keeping with its vision.