



**CONDITIONAL USE**  
Petition Application

Pre-Application Meeting Date: 1-5-2023

Petitioner: Stoyan Panayotov *SP*

Address: 4343 North Tamiami Trail, Naples, Florida

Phone: 239-331-0363 Email: escargot41new@gmail.com

Agent for Petitioner: Stoyan Panayotov *SP*

Address: 4343 North Tamiami Trail, Naples, Florida

Phone: 239-331-0363 Email: escargot41new@gmail.com

Property Owner: BRIXMOR PARK SHORE SC LLC

Address: 4343 North Tamiami Trail, Naples, Florida

Phone: 239-331-0363 Email: escargot41new@gmail.com

Address of Subject Property: 4343 North Tamiami Trail, Naples, Florida

Full Legal Description: BRIXMOR PARK SHORE SC LLC

Parcel ID: 20760400001

UNPLATTED LANDS 16 49 25 COMM SE CNR SEC 16, W 150FT, N 585FT TO POB, W 175FT, S 175FT, W 236.18FT SWLY 257.85FT, N 44 DEG W 314.64FT, N 515.09FT, N 26 DEG E 576.91FT, E 520FT, N 63 DEG E 111.8FT, S 576FT, W 100FT, S 100FT, E 100FT, S 407FT TO POB

Size of Parcel: 21.83 Acres

Existing Zoning: Multi tenant facility



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In signing below I acknowledge and attest that I am the owner of the property described above and/or the duly appointed representative of the owner(s) of the property described above; that I understand the nature and ramifications of this petition relative to the property; that I hereby authorize the petitioner and their agent to represent the property during any deliberations regarding this petition; that I allow access to the property by City staff and City elected and appointed officials for the purpose of inspecting the premises relative to this petition; that all information contained in this petition and associated materials is correct; that any incorrect information may render the final decision and recommendations on this petition void; and that I have read Section 10 Special Procedures for Quasi-Judicial Proceedings and Administrative Appeals adopted by City Council under Resolution 2023-15019.

**Stephen Trommsdorff**  
Printed Name of Property Owner


  
Signature of Property Owner

**04/10/2024**  
Date

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In signing below I acknowledge that I am the authorized petitioner for this petition and I attest to the accuracy of all information contained in this petition and associated materials; that I understand that any incorrect information may render the final decision and recommendations on this petition void; and that I have read Section 10 Special Procedures for Quasi-Judicial Proceedings and Administrative Appeals adopted by City Council under Resolution 2023-15019.

**Stoyan Panayotov**  
Printed Name of Petitioner

  
Signature of Petitioner

**04/10/2024**  
Date

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In signing below I acknowledge that I am the authorized petitioner's agent for this petition and I attest to the accuracy of all information contained in this petition and associated materials; that

I understand that any incorrect information may render the final decision and recommendations on this petition void; and that I have read Section 10 Special Procedures for Quasi-Judicial Proceedings and Administrative Appeals adopted by City Council under Resolution 2023-15019.

Stoyan Panayotov



04/10/2024

Printed Name of Petitioner's Agent

Signature of Petitioner 's Agent

Date

Comprehensive Plan

At the quasi-judicial hearing and as part of the following application, the petitioner has the burden of proving by competent, substantial evidence that the petition request is consistent with the City of Naples Comprehensive Plan and the relevant Goals, Objectives and Policies of all elements contained therein.

Future Land Use Designation of the Subject Property:

Not Applicable. This is tenant in-fill space in an existing mall.

Identify the applicable Goals, Objectives, and Policies and describe how the petition request is compatible with each: Not Applicable. This is tenant in-fill space in an existing mall.

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Land Development Code

Section 46-34(d) of the City of Naples Land Development Code provides the criteria considered for approval of a Conditional Use. At the quasi-judicial hearing and as part of the following application, the petitioner has the burden of proving by competent, substantial evidence that the following criteria have been met. In its deliberations concerning the granting of a Conditional Use, the Planning Advisory Board and City Council shall carefully consider the following guidelines and standards:

- 1) Ingress and egress to the subject property and the proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, shall be adequate and not potentially detrimental to existing or anticipated uses in the vicinity and particularly not detrimental to property immediately adjacent to the subject site.

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This tenant in-fill space is located in an existing strip mall structure and parking. The existing structure has already provided for traffic flow for both vehicular and pedestrian and meets all local and national codes. The provided documents of the site plan illustrate existing compliance.

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- 2) Off-street parking and loading areas, where required or requested by the property owner, shall be adequate and well-designed, and relate well, in terms of proximity, access and the like, to the uses intended to be serviced, with particular attention to the items listed in subsection (d)(1) of this section and the smoke, noise, glare, dust, vibrations, fumes, pollution or odor effects related to the vehicular use area or the

conditional use, and such shall not be detrimental to the adjoining properties in the general area.

This tenant in-fill space is located in an existing strip mall structure and parking. The existing structure has already provided for traffic flow for both vehicular and pedestrian and meets all local and national codes. The provided documents of the site plan illustrate existing compliance.

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- 3) Refuse and service areas, with particular reference to the items listed in subsections (d) (1) and (2) of this section, shall be adequately screened so as not to be visible from adjacent properties or a public right-of-way and shall be located in such a way as not to be a nuisance, by virtue of smoke, noise, glare and the like, to adjacent properties.

The existing refuse of the existing restaurant will be used for the new space. Refuse is described and illustrated on the staging plan. There is no dumpster on site and the material is to be transported and a temporary trailer daily.

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- 4) Utilities, whether public or private, shall be adequate and not detrimental with reference to location, availability, adequacy and compatibility.

Not Applicable. This is tenant in-fill space in an existing mall. Space has existing utilities.

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5) Screening, buffering or separation of any nuisance or hazardous feature, with reference to type, dimensions and character, shall be fully and clearly represented on the submitted plans and shall be adequate to protect adjacent properties.

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Not Applicable. This is tenant in-fill space in an existing mall space. There are no hazardous features.

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6) Proposed signs and exterior lighting shall be considered with reference to glare, traffic safety and compatibility and harmony with surrounding properties and shall be determined to be adequate, safe and not detrimental or a nuisance to adjacent properties.

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Not Applicable. This is tenant in-fill space in an existing mall space. Signs are existing and complies with the local zoning and parcel criteria.

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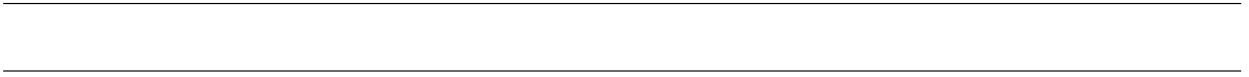
7) A determination shall be made that the proposed development will not hinder development of the nearby vacant properties with a permitted use in the subject zone district.

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Not Applicable. This is tenant in-fill space in an existing mall space. This project will not hinder development of nearby vacant properties.

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8) The land and buildings which are involved shall be adequate, in terms of size, shape, type of building and the like, to ensure compatibility with the proposed conditional use.

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Not Applicable. This is tenant in-fill space in an existing mall space. Mall is adequate in terms of size, shape and type of building.

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9) The proposed development shall be compatible and appropriate with respect to adjacent properties and other property in the district and geographic area.

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Not Applicable. This is tenant in-fill space in an existing mall space. Mall is existing.

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10)The collective impact of similar non-residential conditional uses shall not result in a single service district or have a negative effect on adjacent property values.

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Not Applicable. This is tenant in-fill space in an existing mall space. There is no negative impact on adjacent property values.

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Residential Impact Criteria

Pursuant to Section 46-43(d), petitions which result in the establishment, expansion or intensification of a commercial activity on property containing residential units, within 300 feet of a property containing residential units, or within 300 feet of a property zoned for residential use, shall also comply with the following Residential Impact Criteria:

- (1) Illumination. Illumination levels shall not exceed 0.5 footcandle at the lot lines of the subject property. In addition, the standards for illumination set forth in Section 56-89 shall also be met.

Acknowledged. This is tenant in-fill space in an existing mall space. The existing lamination meet section 56-89.

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- (2) Noise. Physical barriers exist and operation plans are in place to insure that noise levels shall be consistent with those identified in Section 22-37. Businesses with external speakers such as outdoor live entertainment, drive-thru lanes and automotive dealerships, must take measures to ensure that speakers are pointed away from residences and sound is buffered.
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Not Applicable. This is tenant in-fill space in an existing mall space. There will be no outdoor noise.

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- (3) Parking and access. Parking must meet the minimum requirements and be adequate to avoid any overflow into the residential area. Parking areas shall be situated and buffered to avoid impacting the residential areas. Primary vehicular ingress and egress shall, where possible, be located to avoid conflict with traffic in the residential area. Pedestrian connections with public sidewalks and residential areas are encouraged.
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This is tenant in-fill space in an existing mall space. Parking has been calculated and illustrated on the site plans and meet minimum requirements.

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(4) Landscape buffer. Landscaping provides adequate screening between the commercial activity and the residential units including buffering noise and the glare from vehicular headlights. Based on the project design and surrounding development patterns, additional landscaping and screening may be required to provide adequate buffering as determined by the City Council. Where possible, existing landscaping buffers shall be upgraded to meet or exceed the requirements of Chapter 50, Article III, Landscaping and Tree Protection.

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Not Applicable. This is tenant in-fill space in an existing mall space.

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(5) Mitigation of hazardous or adverse impacts. All hazardous or adverse impacts to adjacent residences in adjacent residential zoning shall be adequately addressed in a mitigation plan to minimize or eliminate such hazardous or adverse impacts. The City reserves the right to require additional mitigation when it finds the identified impacts are not adequately addressed.

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Not Applicable. This is tenant in-fill space in an existing mall space.

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(6) Hours of operation. Where the proposed hours of operation extend to between 9:00 pm and 8:00 am, the security measures shall be taken to ensure monitoring of the premises including parking areas.

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Existing mall has security.

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