



# CONDITIONAL USE

## Petition Application

**Pre-Application Meeting Date:** 1.13.2023

**Petitioner:** Halstatt, LLC

Address: 2640 Golden Gate Parkway, Suite 105, Naples, FL 34105

Phone: 239.302.6685 Email: plamb@halstatt.com

**Agent for Petitioner:** Jessica Harrelson, AICP –Peninsula Engineering

Address: 2641 Golden Gate Parkway, Suite 201, Naples, FL 34105

Phone: 239.403.6751 Email: jharrelson@pen-eng.com

**Additional Agent for Petitioner:** Richard Yovanovich, Esq. –Coleman, Yovanovich & Koester

Address: 4001 Tamiami Trail North, Suite 300, Naples, FL 34103

Phone: 239.435.3535 Email: ryovanovich@cyklawfirm.com

**Property Owner:** Halstatt, LLC

Address: 2640 Golden Gate Parkway, Suite 105, Naples, FL 34105

Phone: 239.302.6685 Email: plamb@halstatt.com

**Address of Subject Property:** 2600 Golden Gate Parkway, Naples, FL 34105

Full Legal Description: The full legal description is contained within the attached Exhibit A.

Size of Parcel: 10.33-acres (Overall Site Area)

Existing Zoning: Highway Commercial

Current Use of Land: General/Professional/Medical Offices

**Applicable Section(s) of the Land Development Code:**

LDC Section 58-501-512 “Highway Commercial District”, Section 58-1045 “Corridor Management Overlay-Setbacks”, 58-1050 “Corridor Management Overlay-Landscaping Standards”

**Petition Request and Summary of Facts:**

The conditional use petition is seeking to permit a drive-up window on the subject property, as accessory to a permitted use, per LDC Section 58-503(7). The site, known as Poinciana Professional Park, is located at the SW corner of Golden Gate Parkway and Airport Road within the Highway Commercial Zoning District and designated Highway Commercial, per the Future Land Use Map of the City’s Comprehensive Plan.

A development agreement, between the property owner and the City of Naples, was approved in 1989 upon annexation into the City which vested existing development and provided development standards for future development/redevelopment of the site; see Resolution 1989-5750 for reference. Furthermore, a Variance Petition was granted in 1995 to allow a reduced front yard setback from Golden Gate Parkway with the provision that the petitioner attempt to maintain the landscape buffer requirement; refer to Resolution 95-7581.

The property consists of an overall ±10.33-acres and is currently comprised of three (3) separate buildings that are utilized for professional and medical office uses. The Applicant proposes to construct two (2) separate retail buildings on ±2.5-acres within the northeast corner of the property. The new development will consist of a 10,000 SF retail building with 730 SF of outdoor dining space and a separate stand-alone 2,500 SF cafe with a drive-up window and 525 SF of outdoor dining space.

There are two (2) existing points of ingress/egress that will remain in place with one direct connection to Airport Rd and one direct connection to Golden Gate Parkway. The site has been designed to accommodate adequate on-site traffic flow and circulation, required parking, landscape buffers, pedestrian connections, and water management.

The proposed improvements have been appropriately located on the subject property to eliminate potential impacts to adjacent land uses.

The drive-through lane has been designed along the northern property line, and the menu board and speaker will face towards the Airport Road-Golden Gate Parkway intersection, to eliminate potential impacts to adjacent land uses. The drive-through lane has also been planned to allow for sufficient vehicular stacking to prevent interruptions in on-site traffic flow and circulation.

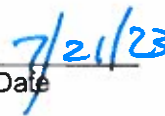
In signing below I acknowledge and attest that I am the owner of the property described above and/or the duly appointed representative of the owner(s) of the property described above; that I understand the nature and ramifications of this petition relative to the property; that I hereby authorize the 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.

  
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Katherine Sproul, CEO  
in behalf of Halstatt, LLC

  
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Signature of Property Owner

  
\_\_\_\_\_

Date

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.

Katherine G Sprawl  
Printed Name of Petitioner  
Katherine Sprawl, CEO,  
on behalf of Halstatt LLC

[Signature]  
Signature of Petitioner

7/21/23  
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.



Jessica Harrelson, AICP  
Printed Name of Petitioner's Agent

\_\_\_\_\_  
Signature of Petitioner 's Agent

03/25/2024  
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: Highway Commercial

Identify the applicable Goals, Objectives, and Policies and describe how the petition request is compatible with each:

The improvements proposed have been designed to promote the City's Vision Work Plan by providing a design that fosters the small-town character and charm of Naples. The development also promotes the City's Critical Element Goals, which include "Strengthen the economic health and vitality of the City" and to "Maintain an extraordinary quality of life for residents". The development will create jobs and offer goods and services to City residents and visitors.

The site has been designed with a lot coverage less than 30%, which complies with Policy 1-1 of the Future Land Use Element of the City's Comprehensive Plan, which allows a maximum 30% lot coverage for developments within the Highway Commercial designation. The site is also designed with a network of pedestrian walkways and connections, consistent with Policy 1-8.6.

The property lies within the Coastal High Hazard Area and does not increase population; therefore, is consistent with Objective 5 of the Conservation and Coastal Management Element.

The addition of retail uses within the City's designated 'Bears Paw Planning Neighborhood' promotes mixed-use land use zoning that will reduce trip lengths, number of trips and/or time of travel, consistent with Policy 9-2 of the Transportation Element.

## **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.

Existing ingress/egress locations along Golden Gate Parkway and Airport Road will remain in place and will be utilized to access the proposed development. The site has been designed to provide sufficient on-site traffic flow and circulation for all vehicle types, including emergency and solid waste services. The property is constructed with an existing network of sidewalks and additional pedestrian accommodations are proposed with the current site improvements. The proposed development will not have a negative impact on adjacent properties.

Per the Traffic Impact Statement, prepared by Trebilcock Consulting Solutions, the proposed development does not create any significant or adverse impacts on the area roadway network. None of the analyzed links are projected to operate below the adopted Level of Service standards with or without the project at 2025 future build-out conditions. Based on the traffic evaluation presented in the TIS, the proposed project is not a significant or adverse traffic generator on the surrounding roadway network. There is adequate and sufficient capacity to accommodate the proposed development.

- 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.

Additional off-street parking and loading spaces have been designed and provided to accommodate the proposed site improvements. An overall parking plan, prepared by Peninsula Engineering, has been included to demonstrate that sufficient off-street parking and loading spaces are provided for both existing and proposed uses. The site's existing and proposed vehicular use areas have no negative impact on adjacent properties.



- 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 refuse and services areas have been designed to be adequately setback and screened from adjacent rights-of-ways and surrounding properties. Refer to the site plan, prepared by Peninsula Engineering.

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

The Project is located within the City of Naples Utilities water and sewer service area. Potable water service and fire protection for the Project will be provided via a single connection to an existing 16-inch public water main within Airport Pulling Road North. The site is fed through an existing 10-inch watermain that runs throughout the site. During this phase of construction, the existing 10-inch PVC water main within our project area will be relocated to accommodate the location of proposed building #2. This will be completed with two separate hot taps and coordination with City of Naples to ensure potable service and fire protection to the site will not be compromised. Upon utility permitting the fixture counts will be evaluated to ensure the appropriately sized meters are in place for each new building. Easements are proposed along the water main path for future turnover to the City of Naples Utilities for ownership and maintenance.

As with the existing irrigation service to the site, the proposed development's irrigation will also be serviced via the City of Naples public water system.

Sanitary sewer service will be provided via a private gravity system located within the development. The existing gravity main flows to a privately owned and maintained lift station that is also located within the site. During this phase of construction an existing manhole will be relocated and extended to provide service to the proposed buildings. A level of service analysis will be completed on the existing Lift Station to ensure there is capacity within the existing facilities.

Utilities will be permitted separately through a City of Naples Utility Permit.

- 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.

Twenty-foot (20') wide landscape buffers will be provided along the boundaries of the proposed development, adjacent to rights-of-way, per the regulations of the Highway Commercial Zoning District and further permitted per the Development Agreement and Variance Petition. Mature, dense vegetation exists along Poinciana Professional Park property boundaries, which sufficiently screens the overall site from adjacent uses. Refer to the site plan and landscape plans, prepared by Peninsula Engineering.

- 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.

The two (2) existing monument signs, located at each entrance will remain. A third freestanding sign is proposed at the northeast corner of the proposed development. Due to the site's combined street frontage, the property is permitted three (3) freestanding signs, each 60 square feet and 15' in height. The new sign will meet these requirements. Refer to the site plan for sign locations.

- 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.

There are no undeveloped, vacant properties adjacent to the subject site. The proposed development will not hinder development on any nearby properties.

- 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.

The proposed development is located at the northeast corner of the subject property, at a high traffic intersection, which is an ideal location for commercial development inclusive of drive-through facilities. The existing and proposed buildings are designed to be adequate, in terms of size, shape, and type to ensure compatibility with the proposed conditional use (a drive-up window as an accessory to a permitted use within the HC Zoning District). Refer to the site plan prepared by Peninsula Engineering and the architectural plans prepared by MHK.

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

The proposed development has been designed to be compatible and appropriate with respect to adjacent properties and land uses and other property in the district and geographic area. Adequate setbacks and buffers will be provided from abutting properties and the design of the proposed development, including the location of refuse & service areas and the drive-up window, have been strategically placed to further address compatibility with adjacent land uses.

- 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.

The drive-through facility will not result in a single service district or negatively impact adjacent property values.

## 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.

New site lighting installed for the development will not exceed 0.5 footcandles at the lot lines adjacent to residentially zoned property. Illumination complies with standards set forth in LDC Section 56-89. Refer to the lighting plans prepared by Trebilcock Consulting Solutions.

- (2) Noise. Physical barriers exist and operation plans are in place to ensure 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.

The drive-up window is located over 1,000' from the nearest residential building within the Bear's Paw Community and has been strategically designed to be located at the corner of Airport Rd and Golden Gate Parkway. The drive-through lane runs parallel with adjacent rights-of-way, and the menu board and speaker face towards the Airport Road/Golden Gate Parkway intersection. The drive-through is separated from residential uses by an existing golf course, mature dense vegetation, and existing 3-story office buildings which provide physical barriers to ensure there are no impacts to adjacent residential development.

- (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.

The site has been designed to provide sufficient parking for all on-site land uses. Please refer to the Overall Parking Plan included in the plan set, prepared by Peninsula Engineering.

- (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.

Twenty-foot (20') perimeter landscape buffers will be installed along both Golden Gate Parkway and Airport Road, to screen the proposed development from adjacent rights-of-way. Existing perimeter buffers located along developed portions of the overall site will remain. The existing buffers contain mature vegetation that screens the overall site from adjacent land uses. Refer to the landscape plans prepared by Peninsula Engineering.

- (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.

There are no hazardous or adverse impacts proposed to adjacent residential zoning.

- (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.

Acknowledged.