



CONDITIONAL USE

Petition Application

Pre-Application Meeting Date: March 5, 2024

Petitioner: Barrel & Flask, LLC.

Address: 4180 Golden Gate Blvd E, Naples FL 34120

Phone: 239-304-0414 Email: Sara@barrelandflask.com

Agent for Petitioner: Sara Hainsworth, Manager

Address: 4180 Golden Gate Blvd E, Naples FL 34120

Phone: 239-304-0414 Email: Sara@barrelandflask.com

Property Owner: Naples Liberty Group, LLC

Address: 9921 Interstate Commerce Drive, Fort Myers, Florida, 33913

Phone: 508-326-1810 Email: wad@cgpllc.net

Address of Subject Property: 4947-4951 Tamiami Trail North, Naples, FL 34103

Full Legal Description: N Naples Est Lots 9 & 10 or 1772 PG 34

Size of Parcel: 3.91 acres

Existing Zoning: Commercial Highway

Current Use of Land: 16-Community Shopping Center

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

Section 58-503 (16): Cocktail lounge

Petition Request and Summary of Facts: _____

Request: Petitioner requests conditional use approval for an upscale retail package liquor store with tasting bar at 4949 Tamiami Trail North Suite 105-109 (approximately 4,682 S.F). The business concept behind Barrel & Flask is that customers can purchase samples (less than ½ oz.) of different products before purchasing.

Fact: Barrel & Flask possesses a 4COP Quota license to allow for the operation of a tasting bar.


Fact: Under the Code 58-503, this proposed usage falls within the definition of a 'Cocktail Lounge'.

Fact: Under the Code, operation of a 'Cocktail Lounge' within the Commercial Highway zone requires conditional use approval from the City Council.

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.

William A Depietri

Printed Name of Property Owner


Signature of Property Owner

2/16/2024

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.

Barrel & Flask, LLC

Printed Name of Petitioner


Signature of Petitioner (Manager)

2/15/2024

Date

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.

Sara Hainsworth

Printed Name of Petitioner's Agent


Signature of Petitioner's Agent (Manager)

2/15/2024

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: Commercial Highway

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

Petition request utilizes existing retail space in a retail capacity within the existing Commercial Highway zone. While maintaining the Goals, Objectives, and Policies of the Comprehensive Plan, the proposed business is compatible with the following applicable objectives and policies:

Objective 1: Manage reuse to ensure it is orderly, balanced and compatible.

Policy 1-1: Proposed use does not increase the existing building coverage.

Policy 1-2: Proposed use is consistent with the permitted use with regard to density/intensity.

Policy 1-5: Proposed use does not reduce existing landscape buffer nor create an exterior condition necessitating modification of existing buffers.

Policy 1-11: Proposed use signage will be incorporated into existing signage fixtures consistent with existing signage appearance.

Objective 4: Proposed use within existing retail space poses no impact to natural resources.

Objective 5: Proposed use is consistent with and allowable within Commercial Highway designation in FLUM.

Objective 6: Proposed use within existing retail space poses no impact to historical resources.

Objective 7: Proposed use is outside of the Naples Airport zone.

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.

The petition request does not require any changes to the existing ingress/egress or to any structures thereon.

- 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.

Petitioned use does not alter the current use of the site.

- 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.

Petitioned use does not require alteration of the current refuse and service areas.

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

Petitioned use does not require any modification of existing utility services.

- 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.

Petitioned use does not create any hazardous or nuisance features requiring
modification of existing screening and buffering.

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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.

Petitioned use is compatible with existing sign structures and exterior lighting. Barrel & Flask will be listed on the existing Retail Plaza pylon as allowed under Code.

- 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.

Petitioner is unaware of any undeveloped properties within the 400 foot radius of the subject suite that would be hindered from being developed and used under their current zoning.

- 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 existing retail center and land space is adequate in terms of size, shape, and type of building for the Petitioners proposed use.

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

Petition does not request any exterior changes to existing building and is compatible with the adjacent properties in the district and geographic area.

- 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.

There are no similar non-residential conditional uses within the existing shopping center.

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 foot-candle at the lot lines of the subject property. In addition, the standards for illumination set forth in Section 56-89 shall also be met.

Petitioners proposed use does not necessitate changes to existing exterior illumination.

- (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.

Petitioners proposed use does not require any of the aforementioned elements.

- (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.

Petitioners proposed use requires no changes to the retail centers existing parking.

- (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.

Petitioners proposed use requires no changes to the existing retail center landscaping.

- (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.

Petitioners proposed use does not create hazardous or adverse impacts requiring mitigation.

- (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.

Current tenants in the retail plaza operate as late as 10:30 pm certain nights. Petitioner use hours will be consistent with the other tenants in the retail plaza.
