



CONDITIONAL USE

Petition Application

Pre-Application Meeting Date: _____

Petitioner: NCH Community Hospital, Inc.

Address: 350 7th Street North, Naples, FL 34102

Phone: 239-624-2854; Email: jack.ullrich@nchmd.org

Agents for Petitioner: Robert Mulhere, FAICP, Sr. VP, Hole Montes, a Bowman Company

Address: 950 Encore Way, Naples, FL 34110; Ph. 239-254-2000; BobMulhere@hmeng.com

Richard Grant, Esquire, Gunster, 5551 Ridgewood Dr., Ste. 501, Naples, FL 34105

Phone: 239-514-1000 Email: Rgrant@gunster.com

Property Owner: Naples Community Hospital, Inc.

Address: 350 7th Street North, Naples, FL 34102

Phone: 239-624-2854 Email: jack.ullrich@nchmd.org

Address of Subject Property: 350 7th Street North, Naples 34102 (Parcel No. 14038880000)

Full Legal Description: See attached survey

Size of Parcel: 13.72

Existing Zoning: M-Medical Zoning District

Current Use of Land: Hospital and associated medical facilities

Applicable Section(s) of the Land Development Code: See attached Summary of Facts

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 the Proposed Policy Guidelines for Presentation of Petitions to the Naples City Council approved under Resolution 01-9397.

Jack B. Ullrich, Executive Director Corporate Real Estate & Construction
Printed Name of Property Owner (Appointed Representative)

Jack B. Ullrich 7/10/23
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 the Proposed Policy Guidelines for Presentation of Petitions to the Naples City Council approved under Resolution 01-9397.

Jack B. Ullrich, Executive Director Corporate Real Estate & Construction
Printed Name of Petitioner (Appointed Representative)

Jack B. Ullrich 7/10/23
Signature of Property Owner 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 the Proposed Policy Guidelines for Presentation of Petitions to the Naples City Council approved under Resolution 01-9397.

Robert J. Mulhere, FAICP, Sr. Vice President
Printed Name of Petitioner's Agent

[Signature]
Signature of Petitioner's Agent

9-22-2023
Date

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.

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

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

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

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

See attached Summary of Facts.

- 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.

See attached Summary of Facts.

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.

See attached Summary of Facts

- (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.

See attached Summary of Facts.

- (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.

See attached Summary of Facts.

- (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.

See attached Summary of Facts.

- (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.

See attached Summary of Facts.

- (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.

See attached Summary of Facts.
