

**City of Naples Application for
DEVELOPMENT
AGREEMENT**

Date Received _____
File Number _____
Staff Reviewer _____

Petitioner: Old Naples Hotel LLC, a Delaware limited liability company
Address: 6500 Rock Spring Drive, Suite 5, Bethesda, Maryland 20817
Telephone #: 301-564-1500 Fax #: 301-564-1501 E-mail: jody.rice@rsplimited.com

Agent for Petitioner: John M. Passidomo
Address: 821 Fifth Avenue South, Naples, Florida 34102
Telephone #: 239-261-9300 Fax #: 239-261-9782 E-mail: jmpassidomo@napleslaw.com

Owner of Property: 2000 Neapolitan Limited Partnership, a Florida limited partnership
Address: 6500 Rock Spring Drive, Suite 5, Bethesda, Maryland 20817
Telephone #: 301-564-1500 Fax #: 301-564-1501 E-mail: jody.rice@rsplimited.com

Owner of Property: Third Street Plaza, LLC, a Florida limited liability company
Address: 6500 Rock Spring Drive, Suite 5, Bethesda, Maryland 20817
Telephone #: 301-564-1500 Fax #: 301-564-1501 E-mail: jody.rice@rsplimited.com

Ground Lessee of Property: Old Naples Hotel LLC, a Delaware limited liability company
Address: 6500 Rock Spring Drive, Suite 5, Bethesda, Maryland 20817
Telephone #: 301-564-1500 Fax #: 301-564-1501 E-mail: jody.rice@rsplimited.com

Address/Location of Subject Property: 1160 and 1170 3rd Street South, Naples, Florida 34102

Legal Description of Property Involved: See attached Exhibit A (the "Property")

Existing Zoning: C1 Retail Shopping District

Total Acreage/Square Footage of Subject Property: Approximately 2.11 acres / 91,758 square feet

Current Use of Land: Shopping center

Proposed Duration of Agreement: 4 years

Petition Request and Summary of Facts Including Number of Dwelling Units and Floor Area of Non-Residential by Use:

THE PROPERTY

The Property is comprised of a 2.11 acre site zoned C1 Retail Shopping District on the City of Naples Zoning Map and bounded on the west by Gordon Drive, on the north by Broad Avenue South, on the east by Third Street, and on the south by commercial development and a parking lot in the Third Street South Shopping District. Permitted uses include restaurants, with or without cocktail lounges, and retail shops; conditional uses include transient lodging facilities.

CURRENT CONDITIONS

The Property contains a 54,510 square foot shopping center historically comprised of restaurant, retail and office uses and an underground parking facility to accommodate those uses. Deliveries for the restaurants, retail and office uses were customarily made, and refuse for the restaurant, retail and office uses picked up, via an east/west alley located at grade along the southern perimeter of the Property across the street from single family homes on Gordon Drive.

THE PROPOSAL

This application proposes to:

- (i) raze the shopping center and its underground parking facility;
- (ii) redevelop the Property into a 109 room hotel, ancillary hotel facilities comprised of a 930 square foot publicly accessible café/bar with 2,805 square feet of outdoor dining, a 1,651 square foot publicly accessible hotel sundry shop, a 1,575 square foot publicly accessible spa, and other amenities reserved exclusively for use of and

access by hotel guests, and 3,781 square feet of retail commercial space on Third Street South; and

- (iii) reconstruct the existing underground parking facility to accommodate the new development.

NUMBER OF DWELLING UNITS AND FLOOR AREA OF NON-RESIDENTIAL BY USE

No dwelling units are proposed and the floor area of non-residential by use is:

Guest Room Area, including Corridor/Circulation and Housekeeping Support: 87,948 square feet;

Third Street Retail: 3,781 square feet;

Cafe, including Outdoor but Covered Seating as well as Solarium: 3,245 square feet;

Fitness: 1,575 square feet;

Spa: 1,575 square feet;

Hotel Sundries: 1,650 square feet;

Lobby/Living Room plus Public Restrooms: 4,007 square feet;

Beach Mud Room: 450 square feet; and

Hotel Back of House: 23,408 square feet.

THE APPLICATION

Petitioner respectfully requests that, if City Council approves the contemporaneous Site Plan with Deviations Application, it adopt the attached Development Agreement (Exhibit B) to reconcile an apparent ambiguity in the Code of Ordinances and prevent conditional uses for transient lodging, valet parking option and parking needs analysis under the Site Plan with Deviations Application from expiring if a building permit is not issued within 12 months after approval of those conditional uses.

Sec. 46-33(g)(3) of the Naples Code of Ordinances pertaining to Site Plan with Deviations provides:

Time limits. The following time limitations shall apply to site plans with deviations:

- a. Upon the effective date of a resolution approving a site plan with deviations, construction shall commence within 48 months. "Construction," for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the approved consolidated development plan and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.
- b. The city manager may grant a one-year extension of the commencement date upon a determination that plans have been submitted for building permit review, prior to the commencement date, which substantially match the approved site plan documents. Thereafter, the city council, by resolution, may grant a one-year extension of the commencement date upon a determination that a good faith effort to commence construction has been made.

Sec. 46-34 of the Naples Code of Ordinances pertaining to Conditional Uses provides in pertinent part:

Any conditional use granted by the city council shall expire 12 months after the date of approval of such conditional use unless a building permit based upon and incorporating the

conditional use is issued within the 12-month period, or, if a building permit is not required, the expiration date shall be 12 months from the date of approval if by that date the use for which the conditional use was granted has not been commenced.

Petitioner is accordingly uncertain as to whether, if City Council approves the Site Plan with Deviations Application, construction shall commence within 48 months as provided in Sec. 46-33(g)(3) or within 12 months as provided in Sec. 46-34.

Petitioner therefore respectfully requests that, if City Council approves the Site Plan with Deviations Application, it adopt the attached Development Agreement to clarify that:

- (i) construction shall commence within 48 months as provided in Sec 46-33(g)(3) of the Code of Ordinances, and
- (ii) the conditional uses will not expire 12 months after the date of approval as provided in Sec. 46-34 of the Code of Ordinances.

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.

2000 Neapolitan Limited Partnership, a Florida limited partnership
By: One Neapolitan, LLC, a Florida limited liability company
General Partner

By:  2/2/18
Anne D. Camalier, Manager Date

Third Street Plaza, LLC, a Florida limited liability company

By:  2/2/18
Charles A. Camalier, III, Manager Date

Ground Lessee of Property:
Old Naples Hotel LLC, a Delaware limited partnership

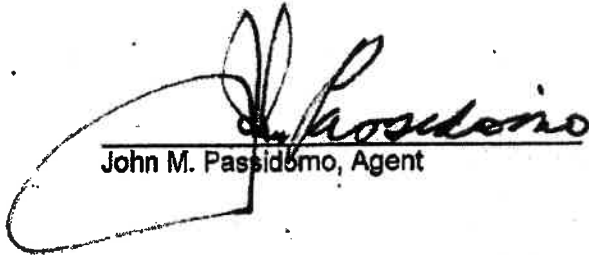
By:  2/2/18
Charles A. Camalier, III, Manager Date

In signing below I acknowledge that I am the authorized petitioner and/or 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.

Old Naples Hotel LLC, a Delaware limited partnership

By: 
Charles A. Camaller, III, Manager

2/2/18
Date


John M. Passidomo, Agent

2.2.18
Date

Address below how the proposed development meets the development standards of the Land Development Code and specifically how the development will affect the level of service standards for the City as outlined in Chapter 48 Concurrency Management Program and Monitoring Requirements of the City of Naples Code of Ordinances.

The existing 2.11-acre site hosts a roughly 54,510 sf plaza consisting of 38 commercial store spaces. Each of these stores has a restroom with the plaza also including a public restroom equivalent to another 6 store fronts. The plaza also hosted as many as 4 restaurants in place of some of the storefronts, where these restaurants were factored into the existing scenario as well. FDEP 64E-6.008 System Size Determination was used to analyze the existing wastewater production and the proposed wastewater production for the development described below. The proposed development will consist of a 109 hotel rooms with the ancillary supportive spaces open to hotel guests only, such as a restaurant, spa and sundry shop. In addition to the hotel, there is 3,781 sf of commercial space comprising 2 store fronts, open to the public. The estimated wastewater generation and correlating potable water usage for the proposed development is essentially equal to that of the existing development. Therefore, we do not predict a negative impact to the LOS for wastewater or potable water. Solid waste generation from the proposed development would likely be somewhat similar to the existing development. Even so, additional measures have been proposed to limit potential impacts to the LOS such as a trash compactor, comingled recycle dumpsters and a bio-digester in the hotel restaurant. The proposed development will host an on-site stormwater management system that meets or exceeds the current City of Naples Stormwater Ordinance, which was not in place at the time of the existing development design. The existing development also hosted an on-site stormwater management system, although we cannot determine the design criteria from the civil plans. In coordination with City stormwater staff, some stormwater improvements will be made in the public right of way. These improvements will include a direct connection from the proposed development outfall to the main large diameter storm pipe on Broad Ave S. leading to the stormwater pump station at the east end of Broad Ave S. The existing development outfalls into a small diameter City storm pipe, which may only be tied into a gravity system. Additionally, a new stormwater catch basin and a new length of storm pipe would be installed in the 3rd St S. right of way, which would improve the runoff capture

along that street. For these aforementioned reasons, there should be a beneficial impact to the stormwater LOS. The transportation impact statement demonstrates that the proposed development will have less trips generated than the existing development. Therefore, the impact to the traffic LOS should also be positive.