

RESOLUTION 2018-14149

A RESOLUTION RELATING TO A SITE PLAN WITH DEVIATIONS; DETERMINING PETITION 18-SPD3 FOR A DEVIATION TO SECTION 58-538 TO ALLOW ELEVATOR SHAFTS, STAIR TOWERS, ACCESS TO AN AMENITY DECK, POOL LIFT FOR ADA COMPLIANCE, CHIMNEYS, MECHANICAL EQUIPMENT AND SCREENING FOR MECHANICAL EQUIPMENT, AND A NON-HABITABLE ROOFTOP CUPOLA TO EXCEED THE ALLOWED MAXIMUM HEIGHT OF 3 STORIES AND 42 FEET BY 7 FEET; A DEVIATION TO SECTION 58-540 TO ALLOW A MAXIMUM LOT COVERAGE OF 50 PERCENT WHERE A MAXIMUM OF 45 PERCENT IS REQUIRED; AND CONSIDER CONDITIONAL USE APPROVALS PURSUANT TO SECTION 58-533 FOR TRANSIENT LODGING, TO SECTION 50-103(e) FOR VALET PARKING, AND TO SECTION 50-107 FOR A PARKING NEEDS ANALYSIS, FOR PROPERTY LOCATED AT 1160 AND 1170 THIRD STREET SOUTH, AND OWNED BY 2000 NEAPOLITAN LIMITED PARTNERSHIP, A FLORIDA LIMITED PARTNERSHIP, AND THIRD STREET PLAZA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND LEASED TO OLD NAPLES HOTEL, LLC, A DELAWARE LIMITED LIABILITY COMPANY, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 2000 Neapolitan Limited Partnership, a Florida limited partnership and Third Street Plaza, LLC, a Florida limited liability company, are the owners of the property located at 1160 and 1170 3rd Street South; and

WHEREAS, John M. Passidomo, Esq., Cheffy Passidomo, has been authorized by the owners to act as agent and file this petition; and

WHEREAS, the petitioner has requested a Site Plan with Deviations for a deviation to Section 58-538 to allow elevator shafts, stair towers, access to an amenity deck, pool lift for ADA compliance, chimneys, mechanical equipment and screening for mechanical equipment, and a non-habitable rooftop cupola to exceed the allowed maximum height of 3 stories and 42 feet by 7 feet; a deviation to Section 58-540 to allow a maximum lot coverage of 50 percent where a maximum of 45 percent is required; and consider conditional use approvals pursuant to Section 58-533 for transient lodging, to Section 50-103(e) for valet parking, and to Section 50-107 for a parking needs analysis, for property located at 1160 and 1170 3rd Street South, and owned by 2000 Neapolitan Limited Partnership, a Florida limited partnership, and Third Street Plaza, LLC, a Florida limited liability company, and leased to Old Naples Hotel, LLC, a Delaware limited liability company; and.

WHEREAS, the Planning Advisory Board, following an advertised public hearing on April 11, 2018, considered the public input, the recommendation of the staff, and the standards and guidelines of Section 46-33(g), Site Plan with Deviations, and recommended by a vote of 4 to 3 that the Site Plan with Deviations requests included as part of Petition 18-SPD3 be approved finding that the criteria have been met; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing on April 11, 2018, considered the public input, the recommendation of the staff, and

the standards and guidelines of Section 46-34(d), Conditional Uses, and recommended by a vote of 4 to 3 that the Conditional Use requests included as part of Petition 18-SPD3 be approved finding that the criteria have been met; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria set forth in Sections 46-33(g), Site Plan with Deviations, of the Code of Ordinances have been met and that the deviations included as part of Petition 18-SPD3 should be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria set forth in Sections 46-34(d), Conditional Uses, of the Code of Ordinances have been met and that the conditional uses included as part of Petition 18-SPD3 should be granted;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Site Plan with Deviations Petition 18-SDP3 requesting a deviation to Section 58-538 to allow elevator shafts, stair towers, access to an amenity deck, pool lift for ADA compliance, chimneys, mechanical equipment and screening for mechanical equipment, and a non-habitable rooftop cupola to exceed the allowed maximum height of 3 stories and 42 feet by 7 feet; a deviation to Section 58-540 to allow a maximum lot coverage of 50 percent where a maximum of 45 percent is required; for property located at 1160 and 1170 3rd Street South, and owned by 2000 Neapolitan Limited Partnership, a Florida limited partnership, and Third Street Plaza, LLC, a Florida limited liability company, and leased to Old Naples Hotel, LLC, a Delaware limited liability company, more fully described in the attached Exhibit A, is hereby approved.

Section 2. That approval of this Site Plan with Deviations is based on the architectural site plans prepared by Hart Howerton, dated April, 2018; the site development plan prepared by Davidson Engineering, dated revised April 25, 2018; the landscape plans prepared by Goetz + Stropes Landscape Architects, Inc., dated revised April 27, 2018; the Traffic Impact Statement prepared by Walker Parking Consultants, dated February, 2018; the Traffic Impact Analysis prepared by Trebilcock Consulting Solutions, PA, dated February 1, 2018; the Valet Parking Plan prepared by Walker Parking Consultants, dated February, 2018; the Parking Needs Analysis Executive Summary prepared by Walker Consultants, dated February, 2018; and the Parking Needs Analysis prepared by Walker Parking Consultants, dated February, 2018, copies of

which are on file in the City Clerk's Office, subject to the following conditions:

1. Landscaping and decorative hardscaping installed within the public right-of-way along Broad Avenue South shall be maintained by the petitioner.
2. Attendants managing the valet station shall control and direct traffic while any service vehicle is backing up the ramp, since this ramp is also used as the exit from the underground parking area.
3. The applicant shall be required to undergo utility plan review with the Utilities Department prior to building permit submittal.
4. The petitioner is required to provide five (5) on-street parking spaces on 14th Avenue South and 4th Street South in accordance with the 385 14th Avenue South Right-of-Way Improvement Plans prepared by Davidson Engineering dated received February 13, 2018.
5. Prior to the issuance of a Certificate of Occupancy, the Petitioner shall pay a fair share contribution of 50 percent of the total design, construction and construction inspections costs for intersection improvements that may include a roundabout, turn lanes, traffic signal or other intersection improvement that expands vehicular capacity at Broad Avenue South and Gordon Drive / 2nd Street South and the petitioner shall also provide reasonable assistance / accommodation at the southeast corner of the intersection for right-of-way easement and temporary construction easement, as needed.
6. The Petitioner shall acquire separate right-of-way permits for the valet operations, maintenance of traffic and the site work within the right-of-way.
7. Recreational facilities on the rooftop shall be excluded from the stormwater quantity rooftop exemption.
8. There shall be no dewatering for the underground parking garage from June through September unless an engineering analysis is provided that demonstrates the capacity of the existing storm sewer system and pump station can adequately handle the additional capacity during the rainy season.
9. Water quality protection and monitoring measures shall be implemented for dewatering operations related to the underground parking garage construction to address odor, nutrients, and turbidity.
10. A performance bond shall be obtained by the Petitioner to insure against any damages in the public right-of-way.
11. The public right-of-way is not intended to be additional area for material storage or to accommodate heavy equipment

necessary to perform ongoing construction activities. Temporary closures and use may be accommodated by acquiring a right-of-way permit in advance of the work.

12. The loading area at the garage entrance shall only be used for deliveries. Pickups to occur from the loading area at the south exit of the garage.
13. Valet operators shall manage all traffic (vehicular, pedestrian, bicycle, etc.) when deliveries are made at the garage entrance.
14. The sidewalk shall not be blocked by delivery vehicles. Vehicles larger than the designated space (if used) shall be allowed to temporarily stage in the available parking area along Broad Avenue South if available and if necessary.
15. Signage and crosswalk markings by all drives shall be determined by the Streets & Stormwater Department at the time a right-of-way permit is issued.
16. Except for the café and outdoor dining area shown on the ground floor plan prepared by Hart Howerton dated April, 2018 in spaces 4, 4a and 4b, no outside visitation for weddings, banquets, meetings, or special events shall be allowed by non-hotel guests in the courtyard or rooftop pool amenity deck.

Section 3. That Site Plan with Deviations Petition 18-SPD3 for consideration of conditional use approvals pursuant to Section 58-533 for transient lodging, to Section 50-103(e) for valet parking, and to Section 50-107 for a parking needs analysis, for property located at 1160 and 1170 3rd Street South, and owned by 2000 Neapolitan Limited Partnership, a Florida limited partnership, and Third Street Plaza, LLC, a Florida limited liability company, and leased to Old Naples Hotel, LLC, a Delaware limited liability company, more fully described in the attached Exhibit A, is hereby approved.

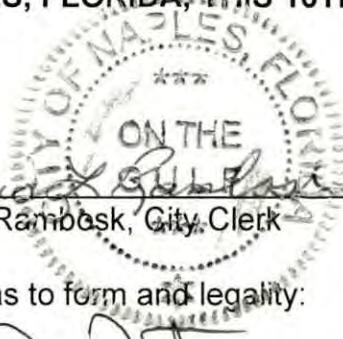
Section 4. That approvals of the Conditional Uses to allow for transient lodging, valet parking, and a parking needs analysis in the C1-Retail Shopping District are pursuant to Section 46-34(d) of the Code of Ordinances.

Section 5. Disclaimer & Permit Condition (Applicable only if federal or state permits are required): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

Section 6. That this resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 16TH DAY OF MAY, 2018.

Attest:

 ON THE
Patricia L. Rambosk
Patricia L. Rambosk, City Clerk

Bill Barnett
Bill Barnett, Mayor

Approved as to form and legality:

Robert D. Pritt
Robert D. Pritt, City Attorney

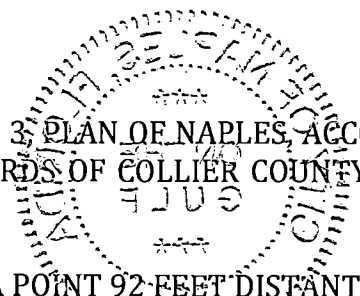
Date filed with City Clerk: 5-18-18

Exhibit A of Resolution
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PROPERTY A:

PARCEL I:

ALL THAT PART OF DOUBLE BLOCKS 7 AND 8, TIER 3, PLAN OF NAPLES, ACCORDING TO THE PLAT IN PLAT BOOK 1, PAGE 8, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



BEGINNING ON THE EAST LINE OF SAID BLOCK AT A POINT 92 FEET DISTANT FROM THE NORTHEAST CORNER THEREOF, THENCE WESTERLY AT RIGHT ANGLES TO SAID EAST LINE 110 FEET, THENCE SOUTHERLY AT RIGHT ANGLES 110 FEET, THENCE EASTERLY AT RIGHT ANGLES 110 FEET TO SAID EAST LINE, THENCE NORTHERLY ALONG SAID EAST LINE 110 FEET TO THE POINT OF BEGINNING.

PARCEL II:

A PARCEL, OR TRACT, OF LAND IN UNDIVIDED DOUBLE BLOCK 7 AND 8, TIER 3, ACCORDING TO A PLAT OR PLAN OF THE TOWN OF NAPLES, AS RECORDED IN PLAT BOOK 1, PAGE 8, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA. THE SAID PARCEL, OR TRACT, BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SAID DOUBLE BLOCK, RUN SOUTH ON THE EAST LINE THEREOF 92 FEET THENCE WEST, PARALLEL WITH THE NORTH BLOCK LINE 110 FEET; THENCE SOUTH PARALLEL WITH THE EAST BLOCK LINE 110 FEET; THENCE WEST, PARALLEL WITH THE NORTH BLOCK LINE 36 FEET; THENCE NORTH PARALLEL WITH THE EAST BLOCK LINE 202 FEET TO THE NORTH LINE OF SAID DOUBLE BLOCK; THENCE EAST ON THE SAID NORTH LINE, 146 FEET, TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM THE FOREGOING PARCELS I AND II THE FOLLOWING:

A PARCEL OR TRACT OF LAND IN UNDIVIDED DOUBLE BLOCK 7 AND 8, TIER 3, PLAN OF NAPLES, PLAT BOOK 1, AT PAGE 8, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF SAID DOUBLE BLOCK, RUN SOUTH ON EAST LINE 92 FEET, THENCE WEST PARALLEL WITH THE NORTH BLOCK LINE 146 FEET, THENCE NORTH PARALLEL WITH THE EAST BLOCK LINE 92 FEET, THENCE EAST 146 FEET ALONG THE NORTH BLOCK LINE TO THE POINT OF BEGINNING.

AND

PROPERTY B:

THAT CERTAIN PROPERTY COMMENCING AT THE NORTHEAST CORNER OF UNDIVIDED DOUBLE BLOCK 7 AND 8, TIER 3, PLAN OF NAPLES, AS RECORDED IN PLAT BOOK 1, PAGE 8, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA:

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THENCE WESTERLY ALONG THE NORTH LINE OF SAID UNDIVIDED DOUBLE BLOCK, 146 FEET FOR A PLACE OF BEGINNING; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF SAID DOUBLE BLOCK, 202 FEET; THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID DOUBLE BLOCK, 24 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF SAID DOUBLE BLOCK 13 FEET; THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID DOUBLE BLOCK, 30 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF SAID DOUBLE BLOCK, 107 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF SAID DOUBLE BLOCK, 200 FEET TO THE WEST LINE OF SAID DOUBLE BLOCK AND THE EAST LINE OF SECOND STREET; THENCE NORTHERLY ALONG THE EAST LINE OF SECOND STREET, 322 FEET TO THE NORTH LINE OF SAID DOUBLE BLOCK; THENCE EASTERLY ALONG THE NORTH LINE OF SAID DOUBLE BLOCK, 254 FEET TO THE PLACE OF BEGINNING;

BEING A PART OF UNDIVIDED DOUBLE BLOCK 7 AND 8, TIER 3, PLAN OF NAPLES, AS RECORDED IN PLAT BOOK 1, AT PAGE 8, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

AND

EASEMENT OF INGRESS AND EGRESS AS CREATED BY THAT CERTAIN GRANT OF EASEMENT DATED DECEMBER 19, 1950, FILED JANUARY 9, 1951, IN DEED BOOK 18, AT PAGE 148, OVER AND ACROSS THE EAST 170 FEET OF THE FOLLOWING DESCRIBED LAND: A STRIP, BELT OR PIECE OF GROUND 13 FEET WIDE EXTENDING UPON AND ACROSS PART OF DOUBLE BLOCK 7 AND 8, TIER 3, PLAN OF NAPLES, ACCORDING TO THE PLAT IN PLAT BOOK 1, PAGE 8, PUBLIC RECORDS OF COLLIER COUNTY FLORIDA, THE CENTER LINE OF WHICH STRIP IS FIXED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID DOUBLE BLOCK 208-1/2 FEET DISTANT FROM THE NORTH LINE THEREOF, THENCE WESTERLY PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 315 FEET; SUBJECT TO THE TERMS AND CONDITIONS OF SAID GRANT OF EASEMENT

CONTAINS 91,758 SQ. FT or 2.11 AC +/-