



# OUTDOOR DINING

## Petition Application

**Pre-Application Meeting Date:** 03/07/202

**Petitioner:** Laina Kennedy

Address: 16627 Firenze Way, Naples, FL 34110

Phone: (571) - 355-4130                      Email: laina@mistero1.com

**Agent for Petitioner:** MHK Architecture- Mark McLean

Address: 2059 Tamiami Trail E, Naples, FL, 34112

Phone: (239) - 250-9915                      Email: mmclean@mhkarchitecture.com

**Property Owner (Building):** WSR1075, LLC

Address: 3066 Tamiami Trail North Suite 201, Naples, FL 34103

Phone: (239) 649-6310                      Email: SolomonA@ronto.com

**Property Owner (Land):** Eleven Eleven Condominium Association- Kevin Kelly

Address: 1111 Central Ave, Naples, FL 34102

Phone: (239) - 692-8597                      Email: naplescentralllc@gmail.com

**Address of Subject Property:** 1101 Central Ave, Naples, FL 34102

Full Legal Description: Tract one, Naples Early Edition, According to the Plat Thereof Recorded in Plat Book 50, Pages 21-23, of the Public Records of Collier County, Florida.

Size of Parcel: 0.923 Acres/ 40,196 Square Feet

Existing Zoning: PD Planned Development

Current Use of Land: Vacant Patio

Seating Area (SQ FT): 476 Square Feet      Public Property:                       Private Property:

Number of Tables: 10      Number of Chairs: 20

Petition Request and Summary of Facts:

This Outdoor Dining Application is for the space that will become Mister O1 Pizza's patio space. It is to include 20 chairs and 10 tables. The seating groups consist of (2) two top tables pushed together to create 5 seating groups of 4. The existing patio is entirely on private property, and all of the proposed work is within the patio area.

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.

Kevin Kelly/President  
Eleven Eleven Central Condominium Association, Inc.

Printed Name of Property Owner

  
Signature of Property Owner

4/1/24  
Date

ANTHONY SOLOMONO  
Printed Name of Building Owner

  
Signature of Building Owner

3/28/2024  
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 the Proposed Policy Guidelines for Presentation of Petitions to the Naples City Council approved under Resolution 01-9397.

Laina Kennedy

Printed Name of Petitioner

  
Signature of Petitioner

03-28-24  
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.

Matthew H Kragh  
Printed Name of Petitioner's Agent

  
Signature of Petitioner 's Agent

03-28-24  
Date

Land Development Code

Section 56-126(d) of the City of Naples Land Development Code provides the submittal requirements and criteria for issuance of a permit for Outdoor Dining. 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. Prior to granting an Outdoor Dining permit, City Council shall ensure that:

- a) The operation of an outdoor dining area will not be conducted in such a way as to become a public nuisance and the operation of such business will not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets. The dining will not interfere with access to adjacent tenants of a building, with required fire egress or access by handicapped individuals.

*Acknowledged. The Outdoor Dining area has been designed to not disrupt travel paths of the sidewalk. It does not disrupt access to the adjacent tenant. The egress paths have been outlined on the plans.*

- b) The restaurant owner/operator will be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash and litter will be removed daily. Public sidewalk trash containers cannot be used as a means of disposing table waste generated by restaurant customers.

*Acknowledged. Mister O1 will have an appropriate plan for disposal of trash, which does not rely on public containers.*

- c) Established conventional restaurants with liquor licenses may serve alcoholic beverages in the outdoor dining area in compliance with Chapter 6.

*Mister O1 will only serve beer and wine and will obtain their 2COP license to do so.*

- d) Unless otherwise provided in the Code, no additional signage, menu boards or sandwich signs are allowed in the outdoor dining area.

*There will be no additional signage for the outdoor dining area.*

- e) The outdoor dining area's hours of operation will be no greater than that of the principal restaurant.

*Acknowledged, the outdoor dining area will maintain the same hours of operation as the principal building.*

- f) Parking requirements will be three spaces for every 1,000 square feet of outdoor dining area on private property and five spaces for every 1,000 square feet of outdoor dining area on public property. Outdoor dining in the D Downtown District on public or private property will provide three spaces for every 1,000 square feet. Outdoor dining in the Fifth Avenue South Special Overlay District will not require additional parking. Outdoor dining which is less than 100 square feet in any district is exempt from providing additional parking.

*Mister O1's Outdoor Dining Component (476 SQFT) will require 2 parking spaces based on the 3 per 1000 SQFT requirement. There was (36) parking spaces provided at completion of Phase 4 of Eleven Eleven Central, with a requirement of (12). Since then, Narrative Coffee has required an additional (3) parking spaces to satisfy their outdoor dining requirements. There are still an additional 21 spots (36-12-3=21), and therefore adequate parking for Mister O1 Outdoor Dining.*

- g) Outdoor dining areas will not intrude upon designated components of egress such as exit discharge, exit discharge being defined as that portion of a means of egress between the termination of an exit and a public way. Outdoor dining areas will not interfere with pedestrian access between tenant spaces.

*Acknowledged, refer to plan, which illustrates there are no obstructions to the following components listed.*

- h) Outdoor dining areas on public property will not occupy an area more than 25 percent of the total area of the primary restaurant operation.

*Not applicable. The Outdoor Dining is not on public property.*

- i) Outdoor dining areas on public property will be restricted to the length of the sidewalk or public right-of-way immediately fronting the café or restaurant.

*Not applicable. The Outdoor Dining is not on public property.*

- j) For outdoor dining on public property there will be maintained a minimum of a five-foot clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, including umbrellas, chairs and tables, in order to allow adequate pedestrian movement, unless previously exempted by the city manager or the city council. The five-foot or 50 percent clear area will be measured and maintained when chairs and tables are occupied. The outdoor dining area will be located adjacent to the building facade, with the five-foot or 50 percent clear pedestrian passage provided between the dining area and the edge of the pavement or landscaping. Umbrellas will maintain seven feet of vertical clearance from the pavement. Tables and chairs will be oriented so that chairs pull out parallel to the sidewalk.

*Not applicable, the outdoor dining will be located on private land that is presently a Common Element of the Condo Association. Nevertheless, there is a clear path of travel for pedestrians circulating through the patio.*

- k) No kitchen or bar service equipment will be located on public property. For outdoor dining on private property all kitchen and bar service equipment used to service the outdoor dining area will be screened from view and placed so as not to impact adjacent property owners.

*There will be (1) discrete service station for the bussing of tables, that is obstructed from view of any patrons, both of Mister O1 and of the patrons of the surrounding tenant's businesses. Refer to last sheet of the submittal for an image.*

- l) It is permissible for an outdoor dining establishment to terminate the operation of the outdoor dining on a seasonal basis without the outdoor dining permit being terminated. During such time that the outdoor dining may not be in operation, all tables, chairs and accessories must be stored inside.

*Acknowledged. Mister O1 does not plan to terminate any operations seasonally.*

- m) No fencing, railings, plantings or other barriers may be installed or erected to delineate the outdoor seating area in the public right-of-way.

*Acknowledged, no such obstructions are proposed in this plan.*

## 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.

*There is no lighting being proposed near the lot line. There are string lights proposed, however, these only occur directly over the seating area, which will be sufficiently obscured from view by the residents.*

- (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.

*Acknowledged, this is a small seating area that will not generate extreme amounts of noise, and there will be no outdoor live entertainment, nor any music.*

- (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.

*Acknowledged. Refer to response to comment (f) in the previous section for more details on parking plan.*

- (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.

*Acknowledged. Adequate landscape buffers have already been implemented on this site and therefore we do not believe additional buffering is needed at this location.*

- (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.

*Acknowledged, Mister O1 will cooperate should the city deem any additional mitigation measures should be taken.*

- (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. Tenant will be open 11am-9pm Sunday-Thursday, and Friday-Saturday 11am-10pm, as permitted by the Tenant's lease agreement. Security measures via a camera system will be taken during all hours of operation.*