



OUTDOOR DINING

Petition Application

Pre-Application Meeting Date: _____

Petitioner: Peggy Lamb

Address: 2640 Golden Gate Parkway, Suite 105, Naples, FL 34105

Phone: Cell 239 919-6964; work -239 302-6685 Email: plamb@halstatt.com

Agent for Petitioner: MATTHEW H. KRAGH

Address: 2059 Tamiami Trail East Naples, Florida 34112

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

Property Owner: HALSTATT LLC

Address: 2640 Golden Gate Parkway, Suite 105, Naples, FL 34105

Phone: 239.919.6964 Email: plamb@halstatt.com

Address of Subject Property: 2600 GOLDEN GATE PARKWAY, Naples, FL 34105

Full Legal Description: ALL THAT PART OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26; THENCE SOUTH 89°18'30" WEST, A DISTANCE OF 50.01 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-31 (AIRPORT- PULLING ROAD); THENCE NORTH 00°06'58" EAST, A DISTANCE OF 1,558.76 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE NORTH 00°06'58" EAST ALONG SAID LINE, A DISTANCE OF 534.46 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°56'04"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 39.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-886 (GOLDEN GATE PARKWAY); THENCE SOUTH 89°11 '27" WEST ALONG SAID SOUTHERLY RIGHT -OF-WAY LINE, A DISTANCE OF 1,094.59 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 00°06'58" WEST, A DISTANCE OF 408.63 FEET; THENCE NORTH 89°11 '27" EAST, A DISTANCE OF 1,008.99 FEET; THENCE SOUTH 00°06'58" WEST, A DISTANCE OF 66.45 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 69.00 FEET AND A CENTRAL ANGLE OF 89°59'48"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 108.38 FEET; THENCE SOUTH 89°53'02" EAST, A DISTANCE OF 14.00 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 53°15'16" WEST, A RADIAL DISTANCE OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 53°08'18", A DISTANCE OF 32.46 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

Size of Parcel: 109,248 SQFT

Existing Zoning:

HIGHWAY COMMERCIAL
CORRIDOR MANAGEMENT OVERLAY DISTRICT
RESOLUTION 95-7581
RESOLUTION 89-5750 (OR BOOK 1603, PG 1438)

Current Use of Land: RETAIL/RESTAURANT/OFFICE

Seating Area (SQ FT): 525 Public Property: Private Property:

Number of Tables: 12 Number of Chairs: 24

Petition Request and Summary of Facts: THE PROPOSED APPLICATION IS FOR OUTDOOR DINING AT THE NEWLY APPROVED COFFEE SHOP BUILDING SHELL AT 2600 GOLDEN GATE PARKWAY IN NAPLES. THE INTENDED TENANT WILL BE STARBUCKS COFFEE AND THE USE OF THE OUTDOOR DINING AREA IS FOR THEIR PATRONS.

ONE (1) UNDER AIR AREA OF 2,500 SQFT. INCLUDES SEATING, COFFE SHOP, OFFICE, AND BATHROOMS.

- ONE (1) COVERED OUTDOOR AREA OF 525 SQFT. INCLUDES OUTDOOR SEATING AREA. (2) CEILING FANS, AND NEW OUTDOOR DINING FURNITURE.

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.

Peggy Lamb
Printed Name of Property Owner

[Signature]
Signature of Property Owner

3/26/24
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.

Matthew H Kragh
Printed Name of Petitioner

MATTHEW KRAGH
Signature of Petitioner

04-05-2024
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 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

MATTHEW KRAGH
Signature of Petitioner's Agent

04-05-2024
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.

MHK Response: The private outdoor dining is under a canopy and does not interfere with pedestrian or vehicular circulation or access to the café indoor space. The private outdoor dining is located adjacent to the café building and allows pedestrians to pass on either side.

- 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 of table waste generated by restaurant customers.

MHK Response: Acknowledged, the tenant will be required to clean the premises on a daily basis in accordance with these guidelines.

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

MHK Response: Acknowledged. We do not anticipate alcoholic beverages to be served within the area of the outdoor dining requested in this petition.

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

MHK Response: All Signage from Starbucks will be permitted as required by code.

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

MHK Response: The outdoor dining hours of operation will have the same hours as the principal restaurant. Operation hours will be Monday to Friday: 5 AM to 9 PM Saturday & Sunday: 5 AM to 8 PM

- 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.

MHK Response: Acknowledged. The parking provided in accordance to the requirements.

- 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.

MHK Response: The seating area will not interfere with egress and the submitted plans comply with a current Life Safety codes for egress.

- 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.

MHK Response: Acknowledged. N/A. The proposed outdoor dining does not exceed 25 percent of the total area of the primary restaurant operation.

- 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.

MHK Response: The outdoor dining does not exceed this requirement.

- 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.

MHK Response: Acknowledged. This outdoor dining is not on a sidewalk and allows adequate pedestrian passage.

- 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.

MHK Response: Acknowledged. There will be no kitchen or bar equipment in the outdoor dining area.

- 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 a time that the outdoor dining may not be in operation, all tables, chairs and accessories must be stored inside.

MHK Response: It is not the intention of the operator to close at any time of year.

- 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.

MHK Response: Acknowledged. This ODD is not in public R.O.W.

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.

MHK Response: Acknowledged. The illumination will not exceed .5 foot-candle at the lot lines and will meet the standards in section 56-8.

- (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.

MHK Response: Noise level will be consistent with those in section 22-37. There is no proposed live entertainment proposed for this area.

- (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.

MHK Response: Acknowledged. The proposed parking meets the minimum requirements of the code.

- (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.

MHK Response: Acknowledged, landscaping has met the code requirements for the City of Naples Site plan application and Design Review Board processes.

(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.

MHK Response: Not applicable

(6) Hours of operation. Where the proposed hours of operation extend to between 9:00 pm and 8:00 am, security measures shall be taken to ensure monitoring of the premises, including parking areas.

MHK Response: Acknowledged. Operation hours will be Monday to Friday: 5 AM to 9 PM
Saturday & Sunday: 5 AM to 8 PM