



OUTDOOR DINING

Petition Application

Pre-Application Meeting Date: _____

Petitioner: Marquee Coffee I, LLC (dba Bad Ass Coffee of Hawaii)

Address: 1400 Gulf Shore Boulevard North, Unit 148, Naples, FL 34102

Phone: 312.961.3004

Email: ardel@marqueecoffeell.com

Agent for Petitioner: Stephen McKenna

Address: 733 18th Avenue South, Naples, Florida 34102

Phone: 630.546.3765

Email: smckenna16@gmail.com

Property Owner: Charleston Square of Naples, LLC, c/o CRE Consultants, LLC

Address: 12140 Carissa Commerce Court, Suite 102, Fort Myers, FL 33966

Phone: 239-481-3800 X202

Email: Edward.clarke@creconsultants.com

Address of Subject Property: 1400 Gulf Shore Boulevard North, Unit 148, Naples, FL 34102

Full Legal Description: *See Exhibit A to this Petition.*

Size of Parcel: *The Petitioner's unit has a gross leasable area of 1,688 square feet.*

Existing Zoning: Planned Development, PD Name: Charleston Square

Current Use of Land: *The proposed outdoor dining area (PODA) is located on private property currently used for the ingress and egress of tenants and guests of the building's residential and commercial units.*

Seating Area (SQ FT): 150 sq. ft.

Public Property: Private Property: X

Number of Tables: Four (4)

Number of Chairs: Eight (8)

Petition Request and Summary of Facts: *Petitioner operates a retail coffee shop as the franchisee of the Bad Ass Coffee of Hawaii brand of coffee shops and related products. Petitioner's lease provided for the use of a small area adjacent to Petitioner's unit for limited outdoor seating in the PODA. Petitioner will not be serving patrons in the PODA. Instead, patrons of the coffee shop will be invited to consume takeaway beverages and light food at tables in the PODA. The PODA will operate according to the strict cleanliness, safety, and hours of operation requirements of Naples' Codes and its lease, which was executed with the building owner and approved by the residential homeowners' association.*

Attached to this Petition are: Exhibit A (Legal Description); Exhibit B (Parking Diagram); Exhibit C (Life Safety Plan); Exhibit D (Dimensions and Sketch); and Exhibit E (Photos, Drawings or Brochures).

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 Section 10 Special Procedures for Quasi-Judicial Proceedings and Administrative Appeals adopted by City Council under Resolution 2023-15019.

Edward Clarke
Printed Name of Property Owner


Signature of Property Owner

3/11/24
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 Section 10 Special Procedures for Quasi-Judicial Proceedings and Administrative Appeals adopted by City Council under Resolution 2023-15019.

Ardel McKenna

Printed Name of Petitioner

Ardel McKenna

Signature of Petitioner

Ardel McKenna

Date

3/13/2024

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Stephen McKenna

Printed Name of Petitioner's Agent

Signature of Petitioner's Agent

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.

The proposed outdoor dining area (PODA) is located in an exterior hallway 10' wide and an adjoining private walkway 7' wide. The PODA's tables, chairs, and planters will be adjacent to the Petitioner's exterior walls and protrude into the hallway and walkway no more than 3', providing significant space for tenant and guest ingress and egress. See Exhibit D, attached.

- 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.

The PODA is adjacent to the Petitioner's establishment and patrons have immediate access to one an outdoor garbage receptacle in the PODA and multiple garbage receptacles within the Petitioner's establishment. In addition, the establishment serves only take-out beverages (coffee, tea and related drinks), light, handheld food products (e.g., sandwiches, bagels, etc.) and related plastic utensils. As such, cleanup of trash and litter is critical to the overall appearance of the establishment and easily accomplished with the given facilities. Additionally, Petitioner is obligated under its lease to keep its establishment and the PODA in clean and safe condition at all times.

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

Noted.

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

No additional signage, menu boards, or sandwich boards will be used in the proposed PODA.

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

The PODA's hours of operation will be identical to the Petitioner's coffee shop.

- 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.

The PODA is located on private property and is only ~150 square feet. See Exhibit B for a parking plan showing the ample parking adjacent to and within a short walking distance from the PODA.

- 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.

See response to Section (a) above.

- 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.

The PODA is approximately 150 square feet, which is less than 10% of the Petitioner restaurant's 1,688 square feet of 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.

The PODA is located on private 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.

The PODA is located on private property.

- 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.

The PODA is located on private property. No kitchen or bar service equipment is being used.

- 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.

If the PODA is not operated on a seasonal basis, all tables, chairs and accessories will be stored inside.

- 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.

The PODA is located on private property.

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.

Additional illumination will not exceed 0.5 footcandles at the lot line of the PODA. All standards for illumination set forth in Section 56-89 will be met.

- (2) Noise. Physical barriers exist and operation plans are in place to ensure 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.

No physical barriers are needed to ensure that noise levels are consistent with Section 23-37. Petitioner will not be operating a drive-thru lane. While no outdoor speakers have been installed in the PODA, any that are subsequently installed will be pointed away from the nearby residences.

- (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.

All parking is being provided on private property governed by the residents' homeowners' association. All ingress and egress have been in place for many years with no conflict with traffic in the residential area.

- (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.

All landscaping, buffering, and glare avoidance measures have been approved by the local homeowners' association and have been in existence for many years. The PODA will not affect these measures or their effectiveness in any way.

- (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.

Petitioner's lease, as approved by the building's homeowners' association, specifically approves of the use of an outdoor dining area. In entering into that lease, the homeowners' association was fully aware of the nature of Petitioner's business (essentially, a coffee show) and the use of an outdoor dining area with that business.

- (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.

Per the lease entered into between the Petitioner and the owner of the building and approved by the homeowners' association, Petitioner's hours of operation cannot exceed 6AM – 8PM.

EXHIBIT A
To Outdoor Dining Petition Application of
Marquee Coffee I, LLC

**LEGAL DESCRIPTION OF CHARLESTON PLACE BUILDING 2
(FIRST FLOOR CONDOMINIUM)**

COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK "J", COQUINA SANDS UNIT 2, AS RECORDED IN PLAT BOOK 3, PAGES 53 AND 54 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE N.90°00'00"E., ALONG THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 152.61 FEET; THENCE S.00°00'00"W., A DISTANCE OF 75.02 FEET TO THE **POINT OF BEGINNING**; THENCE N.90°00'00"E., A DISTANCE OF 16.67 FEET; THENCE N.00°00'00"E., A DISTANCE OF 5.33 FEET; THENCE N.90°00'00"E., A DISTANCE OF 33.33 FEET; THENCE S.00°00'00"W., A DISTANCE OF 5.33 FEET; THENCE N.90°00'00"E., A DISTANCE OF 16.67 FEET; THENCE S.00°00'00"W., A DISTANCE OF 202.33 FEET; THENCE S.90°00'00"W., A DISTANCE OF 7.00 FEET; THENCE S.00°00'00"W., A DISTANCE OF 6.67 FEET; THENCE S.90°00'00"W., A DISTANCE OF 59.67 FEET; THENCE N.00°00'00"E., A DISTANCE OF 65.00 FEET; THENCE S.90°00'00"W., A DISTANCE OF 8.67 FEET; THENCE N.00°00'00"E., A DISTANCE OF 2.00 FEET; THENCE S.90°00'00"W., A DISTANCE OF 5.67 FEET; THENCE N.00°00'00"E., A DISTANCE OF 9.00 FEET; THENCE S.90°00'00"W., A DISTANCE OF 11.33 FEET; THENCE N.00°00'00"E., A DISTANCE OF 44.33 FEET; THENCE S.90°00'00"W., A DISTANCE OF 11.17 FEET; THENCE N.00°00'00"E., A DISTANCE OF 57.33 FEET; THENCE N.90°00'00"E., A DISTANCE OF 7.75 FEET; THENCE N.45°00'00"E., A DISTANCE OF 7.55 FEET; THENCE N.90°00'00"E., A DISTANCE OF 23.75 FEET; THENCE N.00°00'00"E., A DISTANCE OF 26.00 FEET TO THE **POINT OF BEGINNING**.

AND

COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK "J", COQUINA SANDS UNIT 2, AS RECORDED IN PLAT BOOK 3, PAGES 53 AND 54 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE S.00°00'00"W., ALONG THE WEST LINE OF SAID LOT 10 THE SAME BEING THE EAST RIGHT-OF-WAY LINE OF GULF SHORE BOULEVARD A 80 FOOT RIGHT-OF-WAY A DISTANCE OF 73.35 FEET; THENCE N.90°00'00"E., A DISTANCE OF 108.78 FEET TO THE **POINT OF BEGINNING**; THENCE N.90°00'00"E., A DISTANCE OF 11.17 FEET; THENCE S.00°00'00"W., A DISTANCE OF 22.33 FEET; THENCE S.90°00'00"W., A DISTANCE OF 11.17 FEET; THENCE N.00°00'00"E., A DISTANCE OF 22.33 FEET TO THE **POINT OF BEGINNING**.

AND

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WAY LINE OF GULF SHORE BOULEVARD A 80 FOOT RIGHT-OF-WAY A DISTANCE OF 343.69 FEET; THENCE N.90°00'00"E., A DISTANCE OF 108.78 FEET TO THE **POINT OF BEGINNING**; THENCE N.90°00'00"E., A DISTANCE OF 10.42 FEET; THENCE S.00°00'00 W., A DISTANCE OF 24.33 FEET; THENCE S.90°00'00"W., A DISTANCE OF 10.42 FEET; THENCE N.00°00'00"., A DISTANCE OF 24.33 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE-DESCRIBED PROPERTY IS FROM ELEVATION 7.00 FEET TO 18.92 FEET (N.G.V.D)

EXHIBIT B
to Outdoor Dining Petition Application of
Marquee Coffee I, LLC

Parking Plan

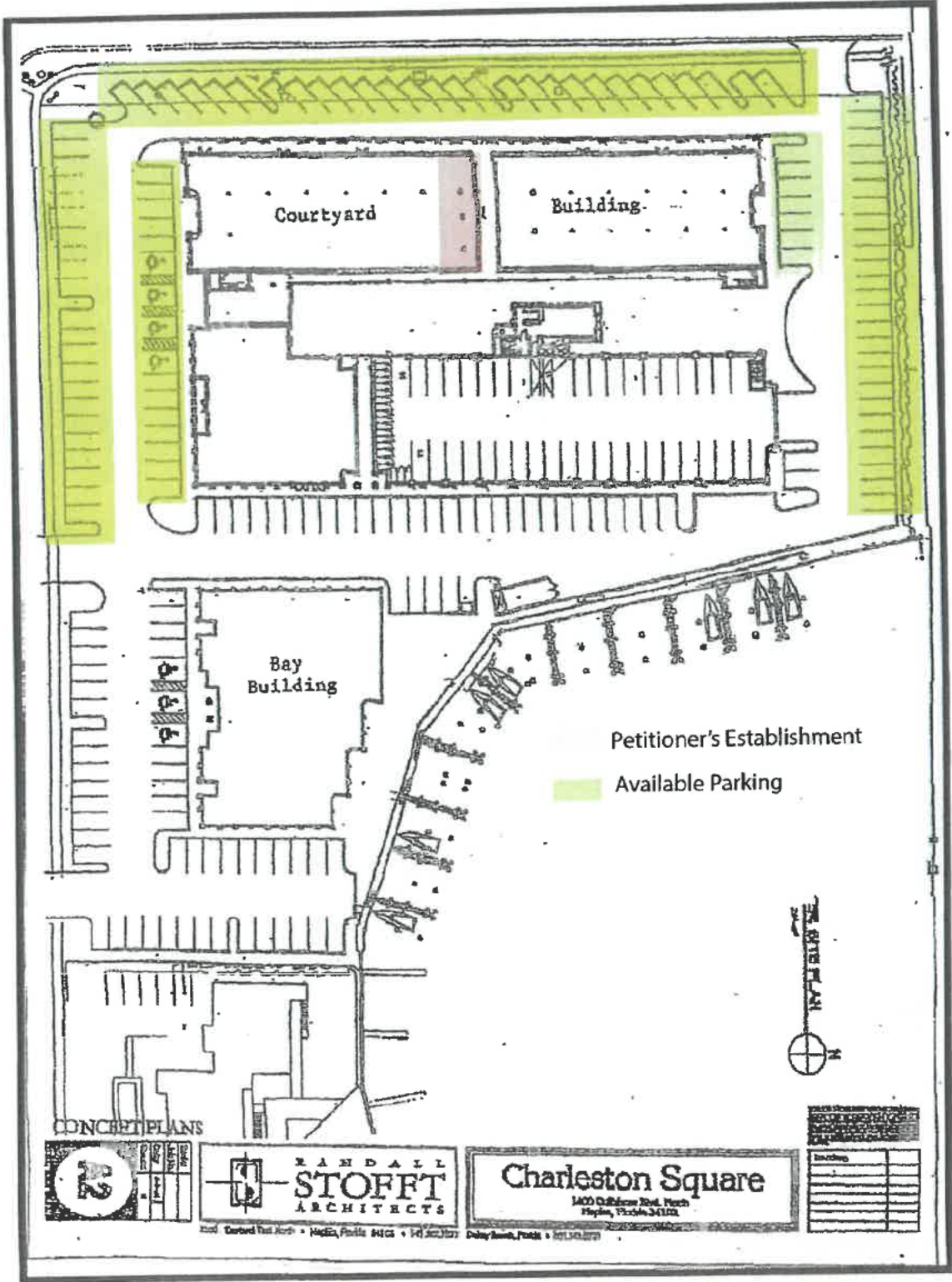


EXHIBIT B (cont.)
List of All Uses on Property and
Square Footage of Each Unit
(restaurants highlighted)

Charleston Square - Courtyard Bldg.

STE #	UNIT SF	LSE PCT	TENANT	
100	2,700	11.72%	WSR-NB, LLC Ronto Realty	Office/showroom
106	1600	6.95%	Waterside Builders	Office
112	818	3.55%	Kitchen Bath Naples, Inc	Retail Showroom
118	400	1.74%	Vacant Conference RM	Office
124	1,000	4.34%	Kidd, CPA	Office
130	1520	6.60%	dba ST-Tropez Home, LLC	Retail
134	1406	6.10%	Wilbrett Construction Company	Office
136	1412	6.13%	Vacant	Retail
142	1200	5.21%	Youngquist	Office
148	1688	7.33%	Marquee Coffee I, LLC, dba Bad Ass Coffee of Hawaii	Restaurant
154	1200	5.21%	Yuying Ye and Joseph M. Poach	Retail
160/166/172	3600	15.63%	Youngquist Brothers, LLC	Showroom
178	1200	5.21%	Sunningdale Restoration FL, LLC	Office
184	2400	10.42%	Keep, LLC	Retail
	888	3.86%	Common Area	
Total	23,032	100.00%		

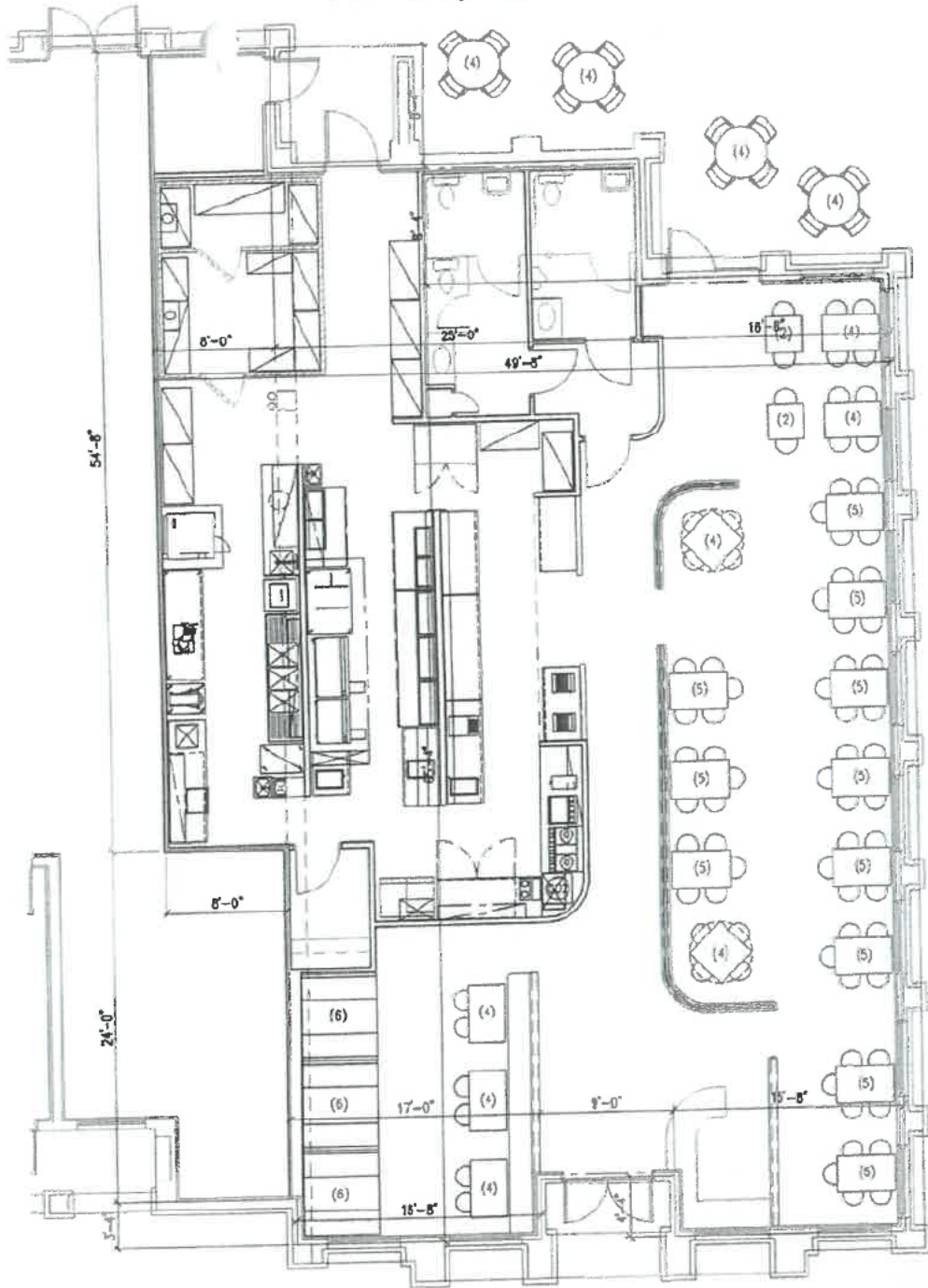
Charleston Square - Bay Building

STE #	UNIT SF	LSE PCT	TENANT	
100	3,266	16.69%	First Watch*	Restaurant
110	335	1.71%	John R. Wood	Office
130	5,000	25.56%	Vacant	Office
200	2663	13.61%	Heartland Dental	Medical
210	1100	5.62%	Heartland Dental	Medical
220	3167	16.19%	Granite Real Estate LLC	Office
230	1081	5.53%	Oakstone Law PL	Office
240	1149	5.87%	NASSIF Development	Office
	1,802	9.21%	Common Area	
Total	19,563	100.00%		

2nd Story

*See next page for restaurant seating diagram

EXHIBIT B (cont.)



FIRST WATCH
3327 SQ. FT.


	SCALE 1/4" = 1'-0" DRAWN BY: [] CHECKED BY: [] DATE: []	RANDALL STOFF ARCHITECTS	CHARLESTON SQUARE PHASE I NAPLES 1400 GULFSHORE BOULEVARD FLORIDA	REVISIONS [] [] [] []
	3300 Tamiami Trail North • Naples, Florida 34103 • 811-282-2827 Fax: 811-282-2828			

EXHIBIT C
to Outdoor Dining Petition Application of
Marquee Coffee I, LLC

Life Safety Floor Plan

BAD ASS COFFEE - NAPLES

THE BAD ASS COFFEE BULLDOG BRAND, AKA THE BAD ASS COFFEE, IS A REGISTERED TRADEMARK OF THE BAD ASS COFFEE COMPANY, INC. © 2023

CONSTRUCTION DOCUMENTS

2 MARCH 2023



studio | shop.
architects ideas culture

EXHIBIT D
to Outdoor Dining Petition Application of
Marquee Coffee I, LLC
Dimensions and Sketch

IMPORTANT MEASUREMENTS

Hall (seating area)

Length: 43'

Width: 11'

Area: 473 sq. ft

Occupant Load**; 31

Sidewalk Area

Length: 27'

Width*: 7'

Area: 189 sq. ft

Occupant Load**; 12

For Tables and Chairs to be used, see Exhibit E

CO#_ = Chair Option

TO#_ = Table Option

* Measured from Building to parking lot Curb.

** Calculated at 1 Person / 15 sq. ft.

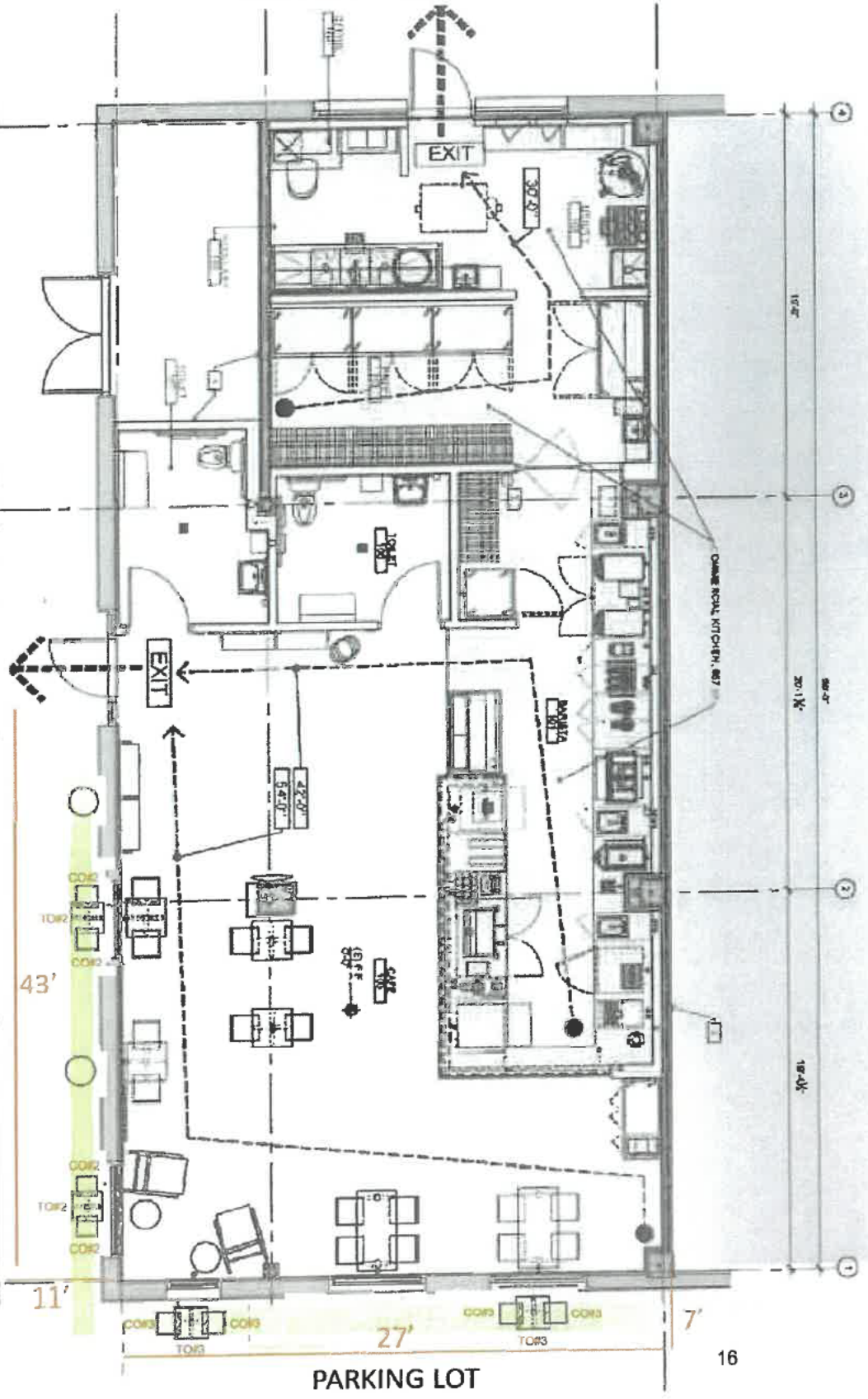


EXHIBIT E
to Outdoor Dining Petition Application of
Marquee Coffee I, LLC
Photos, Drawings or Brochures

The following are pictures and dimensions (Height X Width X Depth) of the outdoor furniture to be used on the proposed outdoor dining area:

Chair Option #1
36" X 21" X 24"



Table Option #1
18" X 15" X 18"



Chair Option #2
34" X 21 1/2" X 21"



Table Option #2
29" X 29" X 31 1/2"



Chair Option #3
29" X 21" X 24"



Table Option #3
29 1/2" X 30" X 30"



Planters
20" X 21"



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Ardel McKenna

Printed Name of Petitioner

ARDEL MCKENNA

Signature of Petitioner

Ardel McKenna

Date

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Printed Name of Petitioner's Agent

[Signature]

Signature of Petitioner's Agent

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