

RESOLUTION 12-13023

A RESOLUTION DETERMINING WAIVER OF DISTANCE PETITION 12-WD1 FOR OLDE CHURCH 811, LLC, TO OBTAIN AN ALCOHOLIC BEVERAGE LICENSE TYPE 4COP WITHIN 400 FEET OF AN ESTABLISHED CHURCH ON PROPERTY owned BY OLDE CHURCH 811, LLC, AND LOCATED AT 811 7TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 56-122(b) of the Code of Ordinances requires approval of a waiver of distance for establishments seeking a liquor license that are within 400 feet of any established church or school; and

WHEREAS, Olde Church 811, LLC, has requested a Waiver of Distance in order to obtain an alcoholic beverage license Type 4COP to serve beer, wine and liquor for consumption on premises within 400 feet of an established church; and

WHEREAS, Olde Church 811, LLC, is the owner of the property, authorized John M. Passidomo, Esq., of Cheffy Passidomo, agent, to file this petition; and

WHEREAS, after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council specifically finds that the 400-foot distance does not have an impact on the normal operation of any school or church, based on the factors listed in Subsection 56-122(f)(1) of the Code of Ordinances, and the petition should therefore be granted;

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

Section 1. That Waiver of Distance Petition 12-WD1 for Olde Church 811, LLC to obtain an alcoholic beverage license Type 4COP to serve beer, wine and liquor for consumption on premises within 400 feet of an established church on property owned by Olde Church 811, LLC, located at 811 7th Avenue South, is hereby granted, said property more fully described as:

LOTS 13 THROUGH 17, BLOCK 14, TIER 9, TOWN OF NAPLES, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 8, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

Section 2. The hours of operation for the restaurant shall be limited to evenings, weekends and holidays.

Section 3. 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 18TH DAY OF JANUARY, 2012.

Bill Barnett, Mayor

Attest:

Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

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Date filed with City Clerk: _____