RESOLUTION 08-11970
Meeting of 3/5/08

A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 08-LE03 AND RESIDENTIAL IMPACT STATEMENT PETITION 08-RIS03 FOR LIVE ENTERTAINMENT AT BELLA MARIA CAFÉ LOCATED AT 489 5TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bella Maria Café, petitioner, has requested live entertainment and residential impact statement approval for indoor live entertainment consisting of a solo performer from 8:00 p.m. to 12:00 a.m., seven days a week and outdoor live entertainment consisting of a guitarist or keyboardist with one speaker from 6:00 p.m. to 10:00 p.m., seven days a week; and

WHEREAS, Franco Iribarren has been authorized by the owner to file this petition; and

WHEREAS, after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria for granting the petition have been met and that the petition should therefore be approved;

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

Section 1. That Live Entertainment Petition 08-LE03 is hereby approved for Bella Maria Café located at 489 5th Avenue South, more fully described as:

SEE ATTACHED DESCRIPTION

Section 2: That Residential Impact Statement Petition 08-RIS03 is hereby approved for Bella Maria Café.

Section 3. That approval of this Live Entertainment Petition is subject to the following conditions:

1. Live entertainment shall consist of a solo performer from 8:00 p.m. to 11:30 p.m., seven days a week indoors only.

2. Noise levels shall comply with the Code Section 22-37, "Noise."

3. This live entertainment approval shall expire annually and may be renewed annually.

4. In addition to any other enforcement action or penalty provided by ordinance or law, failure to comply with the conditions contained herein may subject the holder to revocation of the permit, in accordance with the City of Naples revocation ordinance (02-9778).
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Section 4. That this resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest: 
Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk: 3-27-08
EXHIBIT "A"

BEGINNING at the Southeast corner of Block 16, Tier 5, PLAN OF NAPLES, according to plat in Plat Book 1, Page 8, Public Records of Collier County, Florida; thence West along the North side of Fifth Avenue South 150 feet; thence North parallel with Fifth Street 150 feet; thence East parallel with Fifth Avenue South 150 feet to the West side of Fifth Street; thence South along the West side of Fifth Street 150 feet to the POINT OF BEGINNING.