RESOLUTION 08-12065
Meeting of 5/21/08

A RESOLUTION DETERMINING LIVE ENTERTAINMENT PERMIT RENEWAL FOR YABBA ISLAND GRILL, LOCATED AT 711 5TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 56-125(i) of the Land Development Code provides for annual renewal of live entertainment permits; and

WHEREAS, Resolution 07-11648 was approved June 6, 2007, granting renewal of a live entertainment permit for Yabba Island Grill, located at 711 5th Avenue South; and

WHEREAS, Yabba Island Grill has requested renewal of the live entertainment under the same conditions adopted in Resolution 07-11648; and

WHEREAS, Timothy Wynn, owner of the subject property, has authorized Skip Quillen to file this petition; and

WHEREAS, the Police and Emergency Services Department and the Code Enforcement Division have reported no documented noise complaints for the location in the past year; and

WHEREAS, City Council finds that the renewal of the live entertainment permit should therefore be granted;

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

Section 1. That live entertainment permit renewal is hereby granted for Yabba Island Grill, located at 711 5th Avenue South, more fully described as:

FROM A POINT ON THE NORTH SIDE OF FIFTH AVENUE SOUTH, AT THE SOUTHWEST CORNER OF BLOCK 16, TIER 8, NAPLES SEABOARD AND GULF RY. CO., ACCORDING TO PLAT IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF COLLIERS COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING, THENCE RUN EAST ALONG THE NORTH SIDE OF FIFTH AVENUE SOUTH, 196 FEET; THENCE NORTH 150 FEET; THENCE WEST 196 FEET; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

Section 2. That this live entertainment permit renewal is subject to the following conditions:

1. All live entertainment shall be limited to three performers and shall cease at 11:30 p.m.

2. One performer singing and playing guitar shall be allowed on the patio between the hours of 4:30 p.m. and 9:00 p.m.
3. During indoor performances all windows, doors, and patio enclosures shall remain closed, with the exception that patrons and staff may enter and exit.

4. All noise levels shall comply with Code Section 22-37, "Noise."

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

6. Speakers and entertainer shall face in toward the establishment rather than toward the street.

7. 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 (No. 02-9778).

Section 3. That this resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Tara A. Norman, City Clerk

Attest:

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk: 6-5-08