

RESOLUTION NO. 24-2008

A RESOLUTION OF THE TOWN OF GRANT -VALKARIA, BREVARD COUNTY, FLORIDA; GRANTING A CONDITIONAL USE PERMIT, CUP-2008-04 TO TREASURE COAST MARINA AND BOAT YARD, INC., 5185 US HIGHWAY 1; ALLOWING FOR THE ON PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH BREVARD COUNTY CODE SECTION 62-1482 (3) AND 62-1906 (1) ON THE PROPERTY DESCRIBED HEREIN; PROVIDING FOR CONDITIONS; PROVIDING FOR REVOCATION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Treasure Coast Marina and Boat Yard, Inc. (Treasure Coast Marina) owns the following described real property in the Town of Grant-Valkaria:

**PROPERTY DESCRIBED AS FOLLOWS:**

**Lots 31 And 32, Block B, Replat Of Jorgensen's Plat Of Grant, Florida, According To The Plat Thereof As Recorded In Plat Book 9, Page 64, And In Plat Book 2, Page 64, Of The Public Records Of Brevard County, Florida;**

**LESS HOWEVER, That Part Of The Following Described Land Lying In Lots 31 And 32, Easterly Of And Within 110 Ft Of The Survey Line Of SR 5, Sec. 70010, Said Survey Line Described As: Begin On An Easterly Extension Of The Northerly Line Of Lot 5, Block "A" Of JORGENSEN'S PLAT OF GRANT As Recorded In Plat Book 2, Page 64, Of The Public Records Of Brevard County, Florida, At A Point 32.80 Feet Easterly Of The Northeast Corner Of Said Lot 5; Thence North 22 Degrees 52' West 2535.6 Feet To The Beginning Of A Curve Concave Easterly Having A Radius Of 5729.65 Feet; Thence Northwesterly 58.66 Feet Along Said Curve Through A Central Angle Of 00 Degrees 35'12" To The North Line Of Section 28, Township 29 South, Range 38 East, At A Point 3108.18 Feet East Of The Northwest Corner Thereof.**

(hereinafter the "Property"); and

**WHEREAS**, Treasure Coast Marina requests the following Conditional Use Permit for the Property:

- 1) Conditional Use Permit (CUP) No. CUP-2008-04 to serve alcoholic beverages consumption on premise (State Liquor License 4COP) at 5185 US Highway 1 in accordance with Chapter 62, Article VI, Division 4, Subdivision VI.

**WHEREAS**, sections 62-1482 (3) and 62-1906 (1), Brevard County Code provides alcoholic beverages for on premise consumption as a conditional use in the BU-2 zoning classification; and

**WHEREAS**, the Property is currently zoned BU-2; and

**WHEREAS**, the Council has determined that reasonable conditions may be imposed on the Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, that:**

**Section 1.** Treasure Coast Marina and Boat Yard, Inc. is hereby granted a Conditional Use Permit, CUP 2008-04, to serve alcoholic beverages for consumption on premise on the Property subject to the following conditions:

- A. The hours of operation for consumption of alcoholic beverages shall be the following:
  - Sunday through Thursday, 7:00 a.m. until midnight
  - Friday through Saturday, 7:00 a.m. until 2:00 a.m.
  - Sunday prior to a Federal Holiday where the Holiday falls on a Monday, 7:00 a.m. until 2:00 a.m.
- B. There will be music allowed in and outside the building according to section 62-2271 of the Code of Ordinances;
- C. Consumption is limited to the proposed restaurant and bar area shown on the submitted drawings (Exhibit A) and on the outside deck and docks east of the building shown on the submitted survey.
- D. Applicant shall apply to the Council for an amendment to the Conditional Use Permit in the event of future expansion of the Property and any improvements requiring a permit located thereon;
- E. The Applicant shall comply with all requirements as set forth in applicable Brevard County ordinances and codes and future codes and ordinances of the Town;
- F. The conditional use shall only be allowed for this applicant at 5185 Highway US1, and is non-transferable to any other person, firm, corporation or other entity or to any other property.

**Section 2.** Any violation of any of the conditions set forth in section 1 of this Resolution may result in a revocation, change in conditions set forth in section 1 or other action the Council deems appropriate with respect to any Conditional Use Permit granted herein. Before the Council takes any action on a Conditional Use Permit due to an alleged violation of any condition in section 1, the Council will provide the owner a notice of hearing and an opportunity to be heard at the scheduled hearing.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ON THIS 10<sup>th</sup> DAY OF September, 2008.

TOWN OF GRANT-VALKARIA  
BREVARD COUNTY, FLORIDA  
(signature on file)

\_\_\_\_\_  
Del Yonts, Mayor

ATTEST:

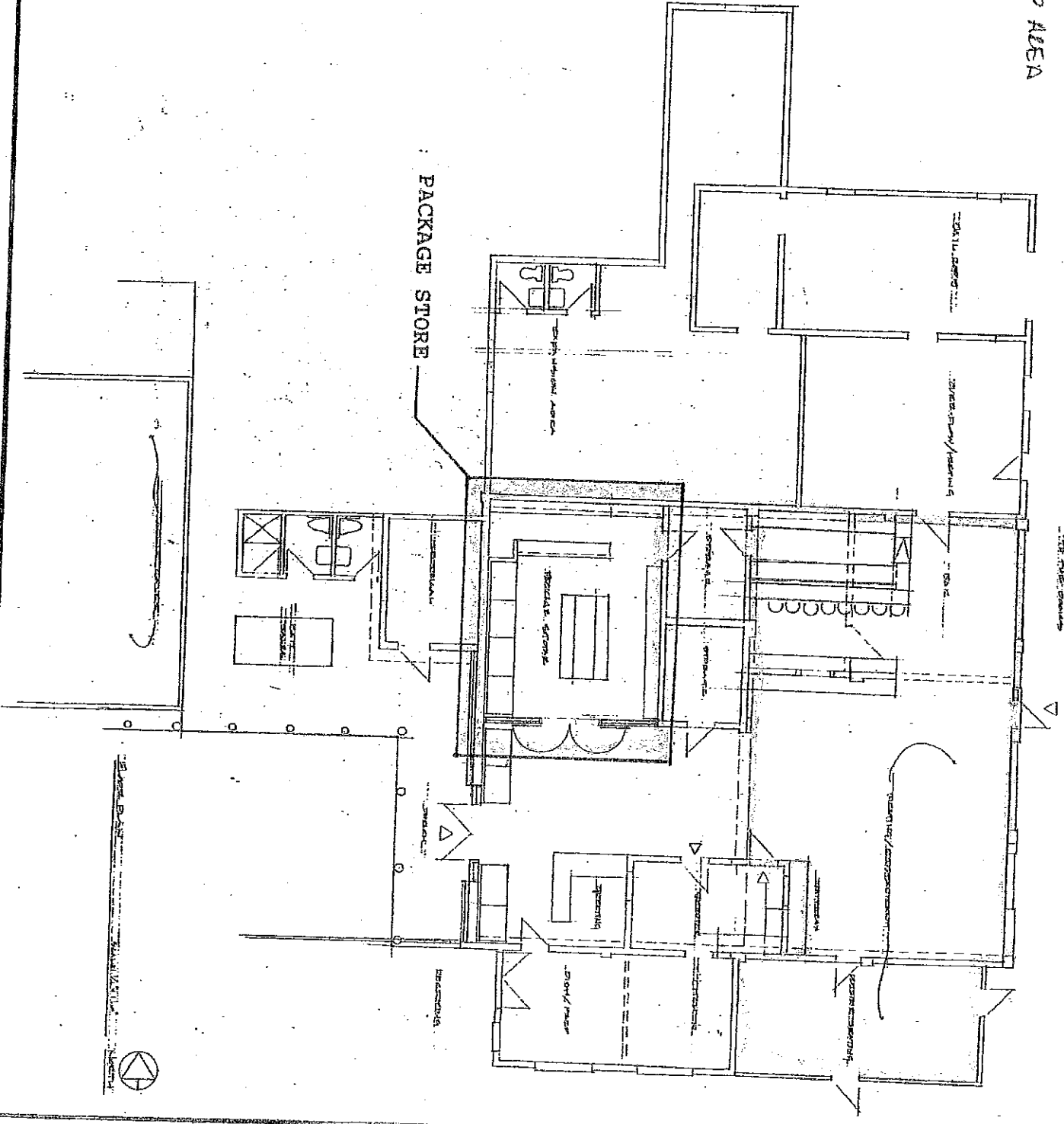
(signature on file)

\_\_\_\_\_  
Susanne Krueger, Town Clerk

# EXHIBIT A

KITCHEN/PAKAGE AREA  
DINING AREA  
PACKAGE  
LIQUOR  
SALES

PACKAGE STORE



THE TREASURE COAST MARLIN AND RESTAURANT  
5185 US-HIGHWAY 1  
GRANT-VILLAGE, FLORIDA

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
TAX COLLECTOR


A-1

