

RESOLUTION NO. 05-2009

A RESOLUTION OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA; AMENDING RESOLUTION NO. 04-2007; PROVIDING FOR CONDITIONS; PROVIDING FOR REVOCATION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, QUATRARO ENTERPRISES, Inc. (Quatraro) owns the following described real property in the Town of Grant-Valkaria:

Tax parcel 1, as recorded in ORB 5498, Pages 4371 &4372, Public Records, Brevard County, Florida, Section 34, Township 29, Range 38 on 1.19 acres.

(hereinafter the "Property"); and

**WHEREAS**, Quatraro owns two buildings on the Property hereinafter designated as the eastern building and western building; and

**WHEREAS**, Quatraro has granted authorization to its lessee, Philly Boyz, Inc. to apply for a conditional use permit (CUP) to operate a bar or cocktail lounge to serve beer and wine for consumption on the western building premises on the Property in Resolution No. 04-2007; and

**WHEREAS**, the Council has determined that Resolution No. 04-2007 should be amended.

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

**Section 1.** Resolution No. 04-2007 is amended as follows:

- A. The applicant shall comply with all requirements as set forth in applicable Town of Grant-Valkaria ordinances and codes and future codes and ordinances of the Town;
- B. The applicant and Philly Boyz, Inc., Lessee, shall comply with the State of Florida Beverage Laws, Title XXXIV, of the Florida Statutes concerning the sale of beer and wine for consumption on premises;
- C. This conditional use shall only be allowed for this applicant and Lessee at 5890 Highway U.S. 1, Grant, Fl, 32949 and is non-transferable to any other person, firm, corporation or other entity or to any other property and shall not be transferable to any other building on the Property. If the applicant and/or Lessee are a corporation, partnership, limited partnership, limited liability company or other similar legal entity, the transfer of more than fifty (50) percent of the legal or equitable interest in such legal entity to any other person, firm, corporation, or other entity shall be deemed a prohibited transfer hereunder;
- D. The CUP shall only be for and applicable to the western building on the Property. ;
- E. Applicant shall apply to the Council for an amendment to the CUP in the event of future expansion of the Property and any improvements to the western building located thereon, except as provided in subparagraph K;
- F. No adult entertainment, as that term is defined by the Town of Grant-Valkaria Code;

- G. The hours of sale and/or service of alcoholic beverages shall be 10 a.m. – 10 p.m. Sunday through Thursday and 10 a.m. – 11 p.m. Friday and Saturday;
- H. The maximum number of patrons shall not exceed forty-nine (49);
- I. No outside music or public address (P.A.) system shall be allowed;
- J. There shall be no sale or service of alcoholic beverages until the applicant obtains a State of Florida alcohol beverage license for the consumption of beer and wine on premises;
- K. No noise or vibration from any source shall be audible or discernible to a person of normal sensibilities located on any residentially zoned property in the Town from the property line from which the noise or vibration is emanating.

**Section 2.** Any violation of any of the conditions set forth in section 1 of this Resolution or Resolution No. 06-2009 may result in a revocation of the CUP, change in conditions set forth in Section 1 or other action the Council deems appropriate. Before the Council takes any action on the CUP due to an alleged violation of any condition in Section 1, the Council will provide the owner and Billy Bob, Inc., Lessee, 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 8<sup>th</sup> DAY OF APRIL, 2009.

TOWN OF GRANT-VALKARIA  
BREVARD COUNTY, FLORIDA

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk