

RESOLUTION NO. 06-2009

A RESOLUTION OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA; GRANTING A CONDITIONAL USE PERMIT, CUP-2009-1, TO QUATRARO ENTERPRISES, INC. AND FHILLY BOYZ, INC.; ALLOWING FOR THE ON PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE EASTERN BUILDING IN ACCORDANCE WITH TOWN OF GRANT-VALKARIA CODE SECTION 62-1906 (1) ON PROPERTY DESCRIBED HEREIN; 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, Fhilly 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 premises of the eastern building on the Property; and

WHEREAS, Section 62-1906 (1), Town of Grant-Valkaria Code provides that a bar or cocktail lounge may be a conditional use in the BU-1/BU-2 zoning classification; and

WHEREAS, the eastern building is currently zoned BU-1 and;

WHEREAS, beer and wine is being served on the premises of the western building in accordance with Resolution No. 04-2007, as amended from time to time; and

WHEREAS, the Council has determined that a CUP may be granted for the sale and service of beer and wine on the premises of the eastern building and that reasonable conditions for such sale and service of beer and wine may be imposed on the CUP.

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

Section 1. Quatraro Enterprises, Inc, and Fhilly Boyz, Inc., Lessee, are hereby granted a conditional use permit, CUP 2009-01, to operate a bar or cocktail lounge to serve beer and wine for consumption on premises from the eastern building on the Property subject to the following conditions:

- 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 Fhilly 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 eastern 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 eastern 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 shall be operated on the Property;
- 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, if necessary;
- K. There shall be no sales or consumption of alcoholic beverages outside of the walls of the eastern building as it exists as of the effective date of this Resolution;
- L. 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;
- M. The primary use of the eastern building shall be a restaurant. Should the primary use of the eastern building cease as a restaurant, then this CUP shall be null and void.

Section 2. Any violation of any of the conditions set forth in Section 1 of this Resolution or Resolution No. 04-2007, as amended from time to time, 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 Fhilly Boyz, 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 8th DAY OF APRIL, 2009.

TOWN OF GRANT-VALKARIA
BREVARD COUNTY, FLORIDA

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk