

RESOLUTION NO. 15-2009

A RESOLUTION OF THE TOWN OF GRANT -VALKARIA, BREVARD COUNTY, FLORIDA; AMENDING CONDITIONAL USE PERMIT, CUP-2009-01, TO QUATRARO ENTERPRISES, INC.; 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 desires an amendment to CUP 2009-01 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, the Council has determined that a CUP 2009-01 should be amended.

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

Section 1. Conditional use permit, CUP 2009-01, is amended to authorize the operation of 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 Brevard County ordinances and codes and future codes and ordinances of the Town;
- B. The applicant 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 apply to the property located at 5890 Highway U.S. 1, Grant, Fl, 32949 and is non-transferable to any other property and shall not be transferable to any other building on the Property;
- 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 Brevard County Code of Ordinances 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 as of the date of adoption of this resolution 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 for a period in excess of 365 days from the date of adoption of this resolution, 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. 16-2009, 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 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 26th DAY OF AUGUST, 2009.

TOWN OF GRANT-VALKARIA
BREVARD COUNTY, FLORIDA

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk