

RESOLUTION NO. 16-2009

A RESOLUTION OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA; AMENDING RESOLUTION NO. 05-2009; 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 Resolution 05-2009 to operate a bar or cocktail lounge to serve beer and wine for consumption on the western building premises on the Property; and

WHEREAS, the Council has determined that Resolution No. 05-2009 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. 05-2009 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 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 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 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 as of the date of adoption of this resolution 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. 15-2009, 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