

RESOLUTION NO. 08-2010

AN RESOLUTION OF THE TOWN OF GRANT -VALKARIA, BREVARD COUNTY, FLORIDA; GRANTING A CONDITIONAL USE PERMIT, CUP-2010-01 TO DEPUTY DOG HOLDINGS LLC; ALLOWING FOR THE ON PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH BREVARD COUNTY CODE SECTION 62-1906 (1) ON THE PROPERTY DESCRIBED HEREIN; PROVIDING FOR CONDITIONS; PROVIDING FOR REVOCATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Deputy Dog Holdings, LLC. owns the following described real property in the Town of Grant-Valkaria:

PROPERTY DESCRIBED AS FOLLOWS:

Parcel ID: 29-38-34-25-00007.0-0011.00

(COMPLETE LEGAL DESCRIPTION ON FILE AT TOWN HALL)

(hereinafter the “Property”); and

WHEREAS, Deputy Dog Holdings, LLC. requests the following Conditional Use Permit for the Property:

- 1) Conditional Use Permit (CUP) No. CUP-2010-01 to serve beer and wine, consumption on premise (State Liquor License 2-COP) at 6060 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, as adopted by the Town of Grant-Valkaria on the date of the Town’s incorporation, provides for alcoholic beverages for on-premises consumption may be 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 CUP.

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

Section 1. Deputy Dog Holdings, LLC is hereby granted a conditional use permit, CUP 2010-01, to allow the service of beer and wine for consumption on premises on the Property subject to the following conditions:

- A. The hours of sale and/or service of alcoholic beverages shall be 7:00 a.m. till 10:00 p.m. Sunday through Saturday.
- B. The seating requirement will be in accordance to the Fire Safety Law.

- C. There will be music allowed in and outside the building according to Brevard County Code section 62-2271.
- D. There will be outside sales and consumption of beer and wine in the seating area as indicated on ~~the site plan~~ Exhibit A.
- 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 requiring a permit located thereon;
- F. The Applicant shall comply with all requirements as set forth in applicable Brevard County ordinances and codes, as adopted by the Town on the date of the Town's incorporation, and future codes and ordinances of the Town including special event permits.
- G. The conditional use shall only be allowed for this applicant at 6060 Highway US1, and is non-transferable to any other person, firm, corporation or other entity or to any other property. If the applicant is 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.
- ~~H. 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.~~
- I. 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.
- J. The primary use of the building shall be ~~a hotdog/ice cream restaurant~~ food preparation and service. Should the primary use of the building cease as ~~a restaurant~~ food preparation and service, 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 may result in a revocation, change in conditions set forth in section 1 or other action the Council deems appropriate with respect to any CUP granted herein. Before the Council takes any action on a CUP 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 14th DAY OF JULY, 2010.

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk