

RESOLUTION NO. 04-2007

A RESOLUTION OF THE TOWN OF GRANT -VALKARIA, BREVARD COUNTY, FLORIDA; GRANTING A CONDITIONAL USE PERMIT, CUP-2007-1, TO QUATRARO ENTERPRISES, INC.; ALLOWING FOR THE ON PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH BREVARD COUNTY 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, 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 premises on the Property; and

**WHEREAS**, section 62-1906 (1), Brevard County Code provides that a bar or cocktail lounge may be a conditional use in the BU-1/BU-2 zoning classification; and

**WHEREAS**, the Property is currently zoned BU-1/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.** Quatraro Enterprises, Inc, and Philly Boyz, Inc., Lessee, are hereby granted a conditional use permit, CUP 2007-01, to operate a bar or cocktail lounge to serve beer and wine for consumption on premises 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 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 western building on the Property. No alcohol sales or consumption shall be permitted in or on any other building located 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 Brevard County Code of Ordinances, except that the current adult arcade operated in the eastern building, shall be operated on the Property. If the current adult arcade operated in the eastern building on the Property is subsequently determined to be a violation of Florida Law by a court of competent jurisdiction or due to a change in Florida Law, then such adult arcade use shall immediately cease;
- 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. There shall be no sales or consumption of alcoholic beverages outside of the walls of the western building as it exists as of the effective date of this Resolution. The Town Council recognizes that there is a wrap around porch on the western building and a portion of it is currently outside. If the owner or Fhilly Boyz, Inc., Lessee, desires to close this area in then this CUP will be applicable to this newly closed in area, without the necessity of a new or amended CUP. Any such enclosure must be approved by the Town including the issuance of proper permits for such enclosure;
- L. No noise or vibration from any source shall be audible or discernible to a person of normal sensibilities located on any property currently zoned residential 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 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 Philly 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 14th DAY OF March, 2007.

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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Karlene Folts, Town Clerk