

## **RESOLUTION 2024-42**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN CC (COMMUNITY COMMERCIAL) ZONING; WHICH PROPERTY IS GENERALLY LOCATED WEST OF AND ADJACENT TO ST. JOHNS HERITAGE PARKWAY NW AND IN THE VICINITY WEST OF EMERSON DRIVE NW, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for a conditional use in CC (Community Commercial) zoning to allow for retail automotive gas/fuel sales on property legally described herein, has been made by Ascot Palm Bay Holdings, LLC., and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on October 2, 2024, which voted to recommend to the City Council approval, and

**WHEREAS**, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Section 185.088, of the Palm Bay Code of Ordinances, have been addressed by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby grants a conditional use to allow for retail automotive gas/fuel sales on property zoned CC (Community Commercial), which property is legally described as follows:

Tax Parcel 750, of the Public Records of Brevard County, Florida; Section 20, Township 28, Range 36; containing 2 acres, more or less.

**SECTION 2.** The conditional use is granted subject to the applicant complying with the following:

- A. Ingress and egress to the site shall be limited in access to Northview Street;
- B. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'A';
- C. Outgoing deliveries shall be limited to the hours of 6:30 A.M. and 9:00 P.M.;
- D. An eight (8) foot high opaque masonry wall or fence shall be erected along the west property line; and
- E. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 3.** The conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence within two (2) years of issuance of the first permit shall void the conditional use. The Applicant may seek an administrative extension of one (1) year by submitting a written request within sixty (60) days prior to the date of expiration.

**SECTION 4.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2024-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, held on \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Rob Medina, MAYOR

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

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Applicant: Ascot Palm Bay Holdings, LLC.  
Case: CU24-00007

cc: Brevard County Recording  
Applicant  
Case File