

## **RESOLUTION 2024-39**

**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 DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BABCOCK STREET AND MALABAR ROAD, 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 District) zoning to allow for retail automotive gas/fuel sales on property legally described herein, has been made by Royal Wash PSL 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 the City Council approve the conditional use, and

**WHEREAS**, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Sections 185.043 and 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 retail automotive gas/fuel sales on property zoned CC (Community Commercial District), which property is legally described as follows:

Lots 1 through 6, Block 2211, Port Malabar Unit 38, according to the plat thereof as recorded in Plat Book 20, Page 118, of the Public Records of Brevard County, Florida; Section 3, Township 29S, Range 37E; containing 1.15 acres, more or less.

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

- A. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'A';
- B. Case Z24-00002 for the subject site shall first be approved by the City Council (adoption of rezoning ordinance);
- C. Five-foot wide sidewalks shall be required along Malabar Road;
- D. Potential access conflicts shall be resolved during site plan review (southeast corner driveway);
- E. The administrative site plan review shall be subject to the current Land Development Code; and
- F. 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

Applicant: Royal Wash PSL LLC

Case: CU24-00006

cc: Brevard County Recording  
Applicant  
Case File