

## **RESOLUTION 2025-14**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR INDOOR RECREATION IN NC (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF JUPITER BOULEVARD AND EMERSON DRIVE, 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 NC (Neighborhood Commercial District) zoning to allow for indoor recreation on property legally described herein, has been made by M&R United Inc., and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on April 2, 2025, which voted to recommend to the City Council  , and

**WHEREAS**, all provisions applicable to the conditional use under Chapter 172, Development Review Procedures, Section 172.024 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 indoor recreation on property zoned NC (Neighborhood Commercial District), which property is legally described as follows:

Tract "J", except E 100 Feet, Port Malabar Unit 9, according to the plat thereof as recorded in Plat Book 15, Page 8, of the Public Records of Brevard County, Florida; Section 05, Township 29S, Range 37E; containing 2.12 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. 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 2025-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, held on \_\_\_\_\_, 2025.

ATTEST:

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

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

Applicant: M&R United Inc.  
Case: CU25-00001

cc: Brevard County Recording  
Applicant  
Case File