



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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**Prepared by**

Tania Ramos, Principal Planner

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### CASE

CU24-00007 – Heritage Corners

### PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

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### PROPERTY OWNER & APPLICANT

Ascot Palm Bay Holdings, LLC (Nathan Laners, Blackfin Partners Investments, Inc. and Derek Ramsburg, P.E., Kimley-Horn & Associates, Inc., Reps.)

### PROPERTY LOCATION/ADDRESS

Tract 750, Section 20, Township 28, Range 36, Brevard County, Florida, containing 2 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW. Tax Account 2865969

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### SUMMARY OF REQUEST

A **Conditional Use** to allow retail automotive gas/fuel sales in the Community Commercial District, in accordance with 173.021 and Table 173-2 [reference fka Section 185.043(D)(3)] of the Palm Bay Code of Ordinances.

#### Current Zoning

CC, Community Commercial District

#### Current Land Use

COM, Commercial

#### Site Improvements

Vacant Land

#### Site Acreage

2 acres

### SURROUNDING ZONING & USE OF LAND

#### North

AU, Agricultural Residential (Brevard County); Vacant Land

#### East

CC, Community Commercial; Vacant Land

#### South

AU, Agricultural Residential (Brevard County); Vacant Land

#### West

AU, Agricultural Residential (Brevard County); Vacant Land

### COMPREHENSIVE PLAN

#### COMPATIBILITY

Yes, Commercial Use

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**BACKGROUND:**

The subject property is a two (2) acre parcel located at the southwest corner of St. Johns Heritage Parkway and Emerson Drive NW. The applicant has provided a conceptual plan with a proposed 4,853 square foot 7-Eleven convenience store and gas station. An accessory car wash is also proposed for the site. The conditional use request is specifically to allow retail automotive gas/fuel sales store to be developed in the Community Commercial District.

**ANALYSIS:**

Section 185.043(D)(3) of the Code of Ordinances establishes retail automotive gas/fuel sales as a conditional use in the Community Commercial District and provides specific requirements to be met before permitting this use. An administrative site plan review will be required to ensure compliance with all applicable codes.

Retail automotive gas/fuel sales establishments shall be located on arterial roadways, at a signalized intersection of a major collector road, or on corner lots at the intersection of collector streets or a higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. The Transportation Element of the adopted Palm Bay Comprehensive Plan has St. Johns Heritage Parkway classified as a minor arterial urban roadway from Pace Drive NW to Emerson Drive NW and continuing north to Simon Road. Emerson Drive NW is classified as a major collector urban roadway from Jupiter Boulevard NW to St. Johns Heritage Parkway.

No more than two (2) corner lots at any intersection shall be used for retail gasoline or automotive fuel sales. The northeast corner of Emerson Drive and St. Johns Heritage Parkway received conditional use approval for retail automotive gas/fuel sales on July 6, 2023, via Resolution 2023-19 and a site plan for a Circle K convenience store is currently under review. This application, if approved, will be the second corner lot at this intersection approved for retail gasoline or automotive fuel sales.

A minimum street frontage of one hundred and fifty (150) feet on each abutting street is required. In addition, no driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification. The conceptual plan shows approximately three hundred (300) feet of frontage along St. Johns Heritage Parkway, and approximately three hundred (300) feet of frontage along the proposed Emerson Road extension. The driveway access points are both at least two hundred seventy (270) feet from the intersection.

The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation. Gasoline, fuel pumps,

storage tanks and other service island equipment are required be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

There are no supply wells within one thousand (1,000) feet of the project. The underground storage tanks and service island appear to meet the required separations on the conceptual site plan, although adjustments may be necessary during the administrative site plan review. The conceptual plan shows seventy-one (71) feet from the fuel pumps to the southern property line. The site is surrounded by vacant land with a Brevard County zoning designation of AU, Agricultural Residential. However, rezoning to a city zoning classification will be required prior to any development. The future land use in the surrounding area is Commercial as approved under Ordinance 2006-95. There is an additional fifty (50) feet of land with a Commercial future land use adjacent to the property on the south side, exceeding the one hundred (100) foot separation requirement.

Signs, if any, and proposed exterior lighting will be designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties. Proposed sign locations are not shown on the conceptual plan, but they will be required to meet setbacks, height and area restrictions as outlined in Chapter 178 during the administrative site plan review. Lighting and photometric plans will also be required. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons. Although capacity is not indicated on the conceptual plan, underground storage tanks are shown. Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ [176.01](#) et seq. of the code of ordinances. This will also be reviewed in detail during the administrative site plan review.

#### **CODE REQUIREMENTS:**

To be granted conditional use approval, requests are evaluated upon items (A) through (H) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

**Item (A):** Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

Ingress and egress driveways at St. Johns Heritage Parkway are proposed to be right turn in

and right turn out only. Access is also proposed at the Emerson Drive extension. The conceptual plan shows interior traffic lanes onsite at thirty-five (35) feet width for two-way traffic. This will accommodate vehicular traffic movement as well as delivery of fuel and/or emergency traffic. For pedestrian safety, Public Works has indicated that the project will be required to provide sidewalks along the right-of-way frontage and on-site to off-site sidewalk connections.

**Item (B):** Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Section 185.140(G)(10) of the Code of Ordinances establishes parking requirements for food stores at one (1) space for each two hundred (200) square feet of gross floor area. The proposed retail automotive gas/fuel sales establishment is 4,853 square feet, which will require twenty-four (24) parking spaces. Thirty (30) parking spaces are provided. A loading space is not required for food stores under 5,000 square feet.

**Item (C):** Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The Utilities Department stated they have no objections to the proposed project. Any necessary upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

**Item (D):** Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The conceptual plan indicates twenty-five (25) foot landscaping buffers will be provided adjacent to adjoining properties to the west and south. A landscape plan has not been included with the concept plan, but a proposed stormwater pond is shown within the landscaping buffer. The adjoining properties are currently vacant with a future land use of Commercial, so compatible development can be anticipated. The project will be required to meet all landscaping requirements during the administrative site plan review.

**Item (E):** Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Proposed sign locations are not shown on the conceptual plan. Signage, lighting, and photometric plans will be required for administrative site plan review. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

**Item (F):** Yards and open spaces will be adequate to properly serve the proposed

development and to ensure compatibility with adjoining properties.

On the conceptual plan, the site appears to meet all setback requirements. The adjoining properties are currently vacant with a future land use of Commercial, so compatible development can be anticipated. Setback and landscaping requirements are reviewed in depth during the administrative site plan review, and the project will be required to meet all code requirements.

**Item (G):** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The proposed project is located on St. Johns Heritage Parkway which is classified as a minor arterial urban roadway in the City of Palm Bay 2045 Comprehensive Plan. Emerson Drive NW is classified as a major collector urban roadway from Jupiter Boulevard NW to St. Johns Heritage Parkway. Adequate ingress and egress and off-street parking areas have been provided. The use will not constitute a nuisance or hazard as proposed and will be compatible with the permitted uses of adjacent properties.

**Item (H):** Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

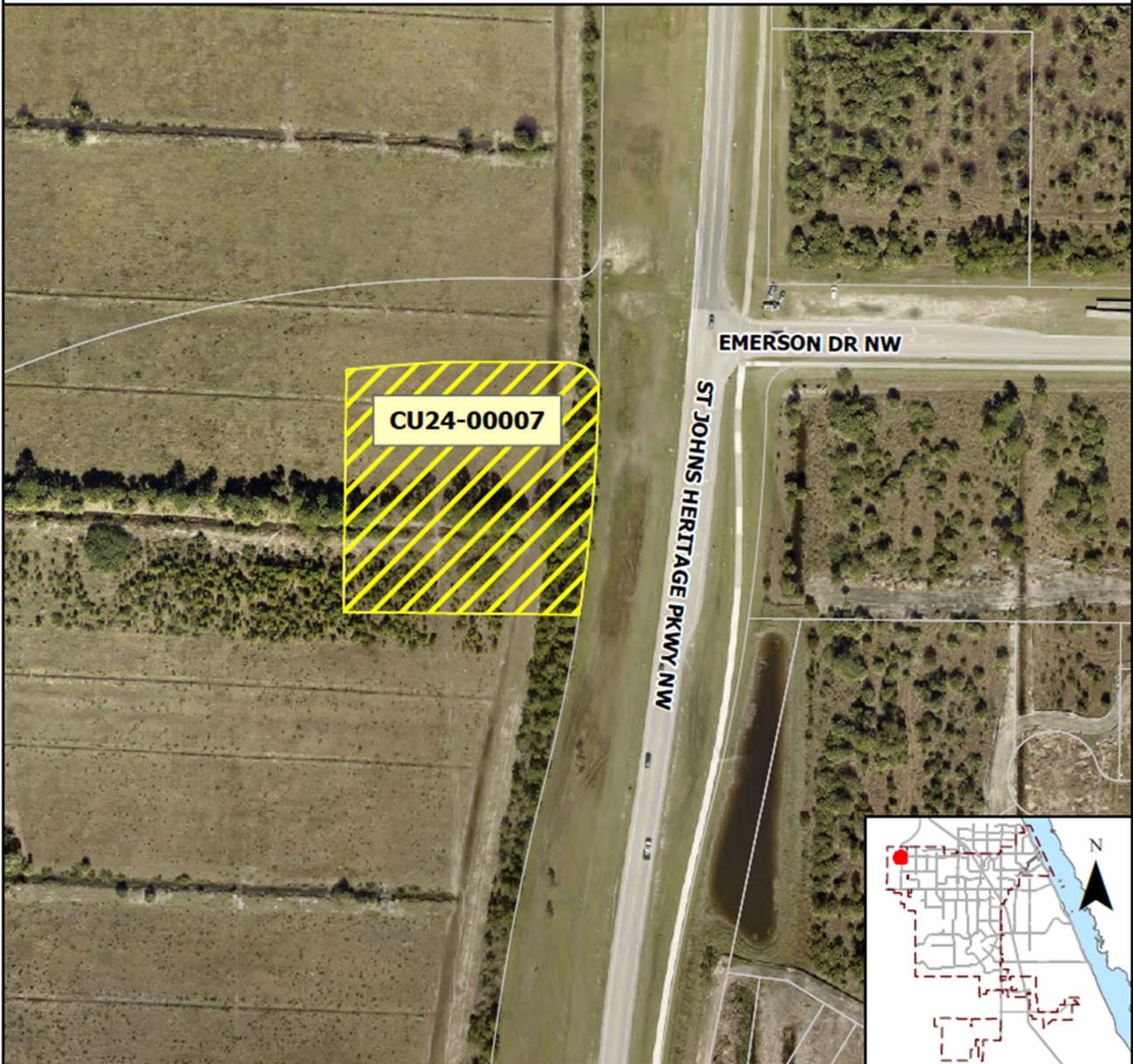
The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

**STAFF FINDINGS:**

Staff recommends Case CU24-00007 for approval.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



**AERIAL LOCATION MAP**

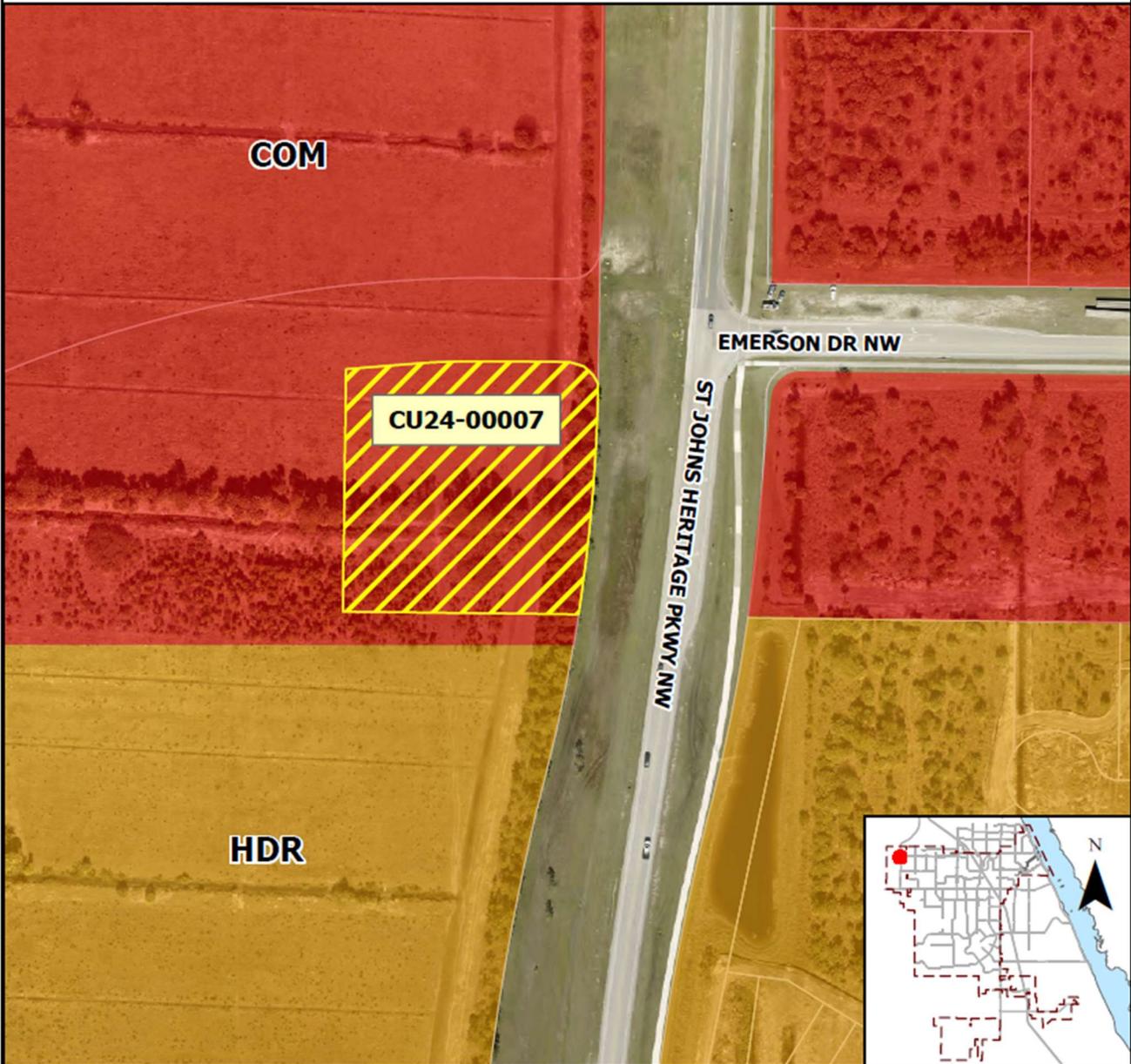
**CASE: CU24-00007**

**Subject Property**

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW



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**FUTURE LAND USE MAP**

**CASE: CU24-00007**

**Subject Property**

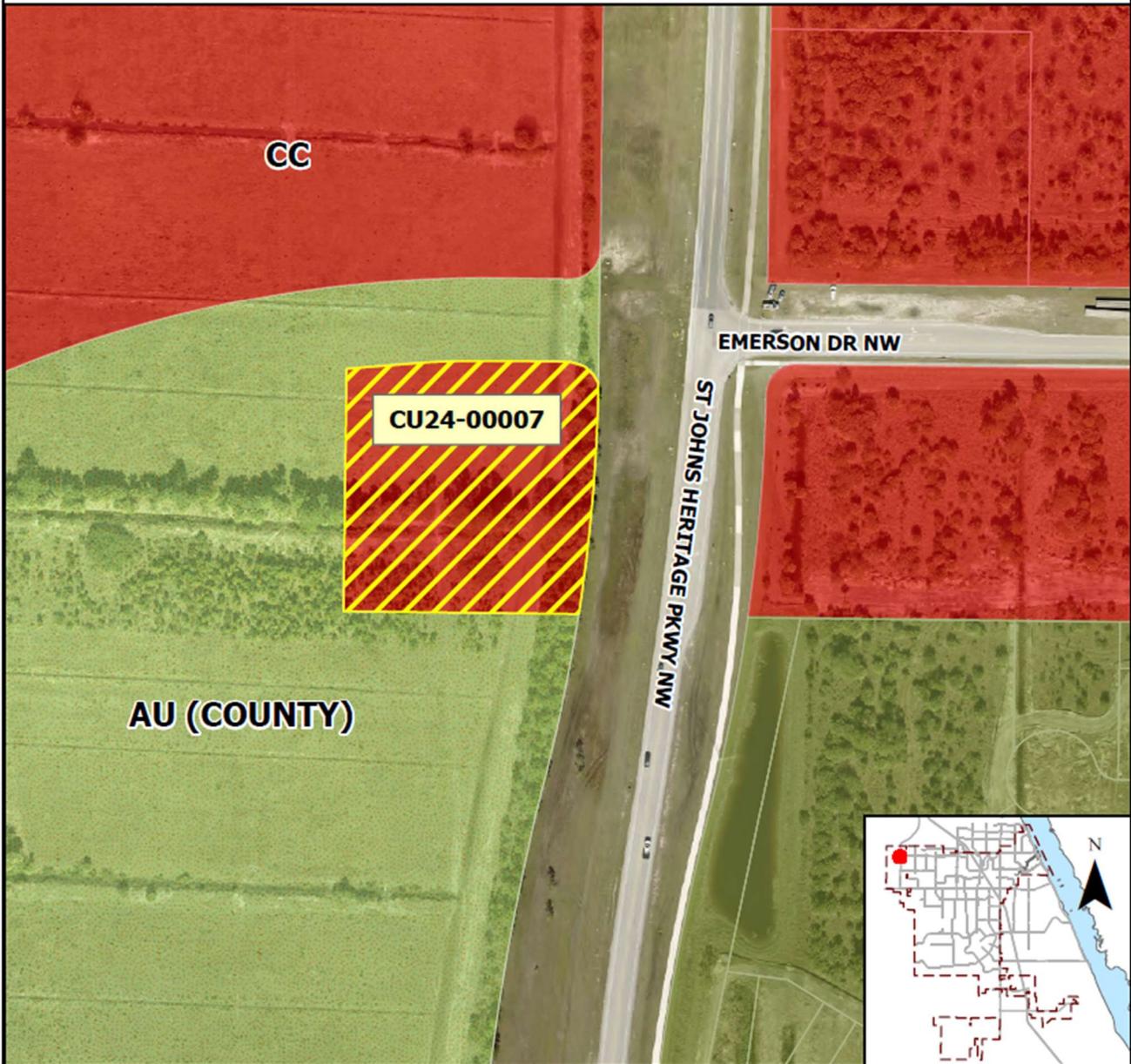
West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW

**Future Land Use Classification**

COM - Commercial



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**ZONING MAP**

**CASE:CU24-00007**

**Subject Property**

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW

**Zoning District**

CC - Community Commercial