



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Kimberly Haigler, Senior Planner

CASE NUMBER

CU24-00001

PLANNING & ZONING BOARD HEARING DATE

July 16, 2024

PROPERTY OWNER & APPLICANT

Kasika Event Hall, Charite Luckensen,
owner

PROPERTY LOCATION/ADDRESS

Tract L, Port Malabar Unit 10, Section 6, Township 29,
Range 37, Brevard County, Florida. Located northwest
of and adjacent to the intersection of Jupiter Boulevard
SE and Eldron Boulevard SE, specifically at 3085
Jupiter Boulevard SE, Units 10 and 11. Tax Account
2925051.

SUMMARY OF REQUEST

A Conditional Use to allow for proposed alcohol service at an eating
establishment in accordance with Section 185.042(D)(6) of the
Palm Bay Code of Ordinances.

Current Zoning

NC, Neighborhood Commercial

Current Land Use

COM, Commercial

Site Improvements

Commercial Plaza

Site Acreage

Approximately 2.44 acres

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential District; Single-Family Residences

East

IU, Institutional Use District; Turner Elementary School

South

NC, Neighborhood Commercial District; daycare and a gas station

West

RS-2, Single-Family Residential District; Single-Family Residences

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, Commercial Use

BACKGROUND:

The subject business is operating within two recently combined units of a commercial plaza located northwest of and adjacent to the intersection of Jupiter Boulevard SE and Eldron Boulevard SE, specifically at 3085 Jupiter Boulevard SE, Units 10 and 11. Tax Account 2925051. The applicant received a Business Tax Receipt with the City as a “small event space,” which is a permitted use in the Neighborhood Commercial zoning district, per section 185.042(B)(11). The facility also holds certification from the Health Department for the limited service of food which has not been prepared on the premises.

Kasik Heritage Corp is a 501(c) non-profit and state statute allows them to receive up to twelve (12) special event licenses for alcohol beverage service per year. The applicant now wishes to acquire a permanent alcohol beverage permit (QUOTA-4COP) with the state and has applied for a conditional use permit per Section 185.042(D)(6).

ANALYSIS:

Section 185.042(D)(6) provides that eating establishments licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR) as a restaurant may serve alcohol with Conditional Use approval. The Kasika Event Hall is not currently licensed with DBPR as a permanent food service establishment. The permanent alcohol licensing requires the establishment to be open full time hours, which the applicant does intend to maintain, however, providing zoning approval of this license would classify the business as a bar/lounge, which is not permitted in the Neighborhood Commercial zoning district.

Furthermore, Florida State Statute 562.45(2)(a) prohibits on premises consumption of alcoholic beverages within 500 feet of the real property of a public or private elementary school, middle school, or secondary school. The exceptions provided by this statute is if the location is licensed as a restaurant which derives at least 51% of their gross revenues from the sale of food and non-alcoholic beverages or for the issuance of temporary licenses to non-profit organizations.

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. Staff did not evaluate these criteria because the applicant does not meet the requirement for the conditional use they are requesting.

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.

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.

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

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

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.

Item (F): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

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.

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, reasonable time limit within which the action for which special approval is requested shall be begin or be completed, or both.

STAFF FINDINGS:

Case CU24-00001 does not meet the requirements for the conditional use requested. The applicant has requested a continuance to the September 4th meeting, rather than a withdrawal, so they may pursue their options.



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



AERIAL LOCATION MAP

CASE:CU24-00001

Subject Property

Northwest of and adjacent to the intersection of Jupiter Boulevard SE and Eldron Boulevard SE



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ZONING MAP

CASE: CU24-00001

Subject Property

Northwest of and adjacent to the intersection of Jupiter Boulevard SE and Eldron Boulevard SE

Zoning District

NC - Neighborhood Commercial



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FUTURE LAND USE MAP

CASE:CU24-00001

Subject Property

Northwest of and adjacent to the intersection of Jupiter Boulevard SE and Eldron Boulevard SE

Future Land Use Classification

COM - Commercial