



## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Lisa Frazier, AICP, Growth Management Director

**DATE:** October 17, 2024

**RE:** CU24-00006 – Gas Station - Royal Wash PSL LLC (Chelsea Anderson, Mangrove Title and Legal PLLC, Rep.) – A Conditional Use to allow for retail automotive gas/fuel sales in a CC, Community Commercial District, in accordance with Section 173.021 and Table 173-2 [reference formerly known as Section 185.043(D)(3)] of the Palm Bay Code of Ordinances – Lots 1 Through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Located at the southeast corner of Babcock Street SE and Malabar Road SE, specifically at 1300 Malabar Road SE

### SUMMARY:

The subject site is located at the intersection of Babcock Street NE and Malabar Road NE on the southeast corner. The property was platted in 1966 as part of Port Malabar Unit Thirty-Eight Subdivision and consists of 1.15 acres. The conditional use request is specifically to allow a retail automotive gas/fuel sales store to be developed in the Community Commercial District. The applicant has provided a conceptual plan with a proposed 9,564 square foot 7-Eleven convenience store and gas station.

The applicant has also concurrently applied for a Rezoning (Case Z24-00002) from GU, General Use Holding to CC, Community Commercial for the subject parcel, which is scheduled for first reading on October 17, 2024. The rezoning must be approved by the City Council prior to taking action on the conditional use request, as the proposed use is not allowed in the current zoning district for the site (General Commercial District).

### REQUESTING DEPARTMENTS:

Growth Management

**STAFF RECOMMENDATION:**

Staff recommends Case CU24-00006 be approved with conditions (as noted in the attached staff report).

**Planning & Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

**Motion** by Ms. Jordan, **Seconded** by Mr. Boerema to submit Case CU24-00006 to the City Council for denial.

**Result:** Carried 3 to 2

**Aye:** Boerema, Jordan, Olszewski

**Nay:** McLeod, Warner

**Abstain:** None

**ATTACHMENTS:**

- 1 CU24-00006 - Staff Report
- 2 CU24-00006 - Survey
- 3 CU24-00006 - Site Sketch
- 4 CU24-00006 – Traffic Study
- 5 CU24-00006 – Citizen Participation Plan Report
- 6 CU24-00006 - Application
- 7 CU24-00006 - Letter of Authorization
- 8 CU24-00006 - Legal Acknowledgement
- 9 CU24-00006 - Legal Ad
- 10 CU24-00006 - Resolution 2024-XX
- 11 CU24-00006 – Applicant Request for Continuance