



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Lisa Frazier, Growth Management Director

DATE: June 25, 2024

RE: Resolution 2024-20, extending the commencement period for a conditional use granted for retail automotive gas/fuel sales in CC (Community Commercial District) zoning, on property located at the northeast corner of St. Johns Heritage Parkway and Emerson Drive NW (2.15 acres) (Case CU23-00005, Ascot Palm Bay Holdings, LLC).

SUMMARY:

At the July 6, 2023, Regular Council Meeting, City Council adopted Resolution 2023-19 granting a conditional use to the applicant, Ascot Palm Bay Holdings, LLC, for retail automotive gas/fuel sales in CC, Community Commercial zoning district at the northeast corner of St. Johns Heritage Parkway and Emerson Drive NW. The resolution granted a one (1) year commencement period.

At the July 20, 2023, Regular Council meeting, City Council approved Ordinance 2023-49 which amended Section 185.089, Conditional Uses; Conditions Governing Application; Procedures. Among the changes to this section, the commencement period was changed to two (2) years from the date the conditional use is granted.

Ascot Palm Bay Holdings, LLC has provided a Letter of Authorization to their engineer of record, Mr. Jarod C. Stubbs, P.E. of Kimley-Horn & Associates, Inc. Their formal site plan application was submitted for review on November 7, 2023. On May 2, 2024, the City received a request seeking an extension to the commencement period of the conditional use granted under Resolution 2023-19, which expires on July 5, 2024. This is the applicant's first request for an extension. The reason for the request is that the site plan review is approaching approval but may require more time than allotted by the conditional use approval.

If approved, the new expiration of the conditional use permit will be July 5, 2025, an extension of one (1) year, allowing a two (2) year commencement period from the date the conditional use was originally granted.

There were no adverse comments from staff.

REQUESTING DEPARTMENTS:

Growth Management

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Motion to approve the Resolution amending Resolution 2023-19, Section 3, authorizing and extension to the conditional use through July 5, 2025.

ATTACHMENTS:

1. Applicant Extension Request
2. Resolution 2023-19 – Initial Conditional Use
3. Resolution 2024-20