



## MEMORANDUM

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

**FROM:** Tania Ramos, Principal Planner

**THRU:** Suzanne Sherman, City Manager

**DATE:** October 17, 2024

**RE:** Resolution 2024-42, granting a conditional use to allow retail automotive gas/fuels in CC (Community Commercial District) zoning, on property located west of and adjacent to St. Johns Heritage Parkway, in the vicinity west of Emerson Drive (2.00 acres) (Case CU24-00007, Heritage Corners Retail Automotive Gas/Fuel Sales - Ascot Palm Bay Holdings, LLC, Chris Heine). (Quasi-Judicial Proceeding)

### SUMMARY:

The applicant has requested that the item be continued to November 7, 2024. Pursuant to Section 51.02 of the Palm Bay Code of Ordinances, once a matter has been advertised for public hearing, any request for continuance by an applicant shall be made in writing to the city.

Ascot Palm Bay Holdings, LLC (Nathan Landers, Blackfin Partners Investments, Inc. and Derek Ramsburg, P.E., Kimley-Horn & Associates, Inc., Reps.) has submitted a Conditional Use request 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. The undeveloped 2-acre parcel is located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW.

Section 173.021 and Table 173-2 [reference fka Section 185.043(D)(3)] of the Code of Ordinances establishes a retail automotive gas/fuel sales as a conditional use in the Community Commercial District and Section 174.041 [reference fka Section 185.043(D)(3)] provides specific design standards and requirements to be ensured through the administrative site plan review process. The applicant has provided a conceptual site 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.

Conditional Use requests are evaluated upon items (1) through (8) of the Review Criteria of Section 174.024(F) [reference fka Section 185.087] of the Code of Ordinances. The proposed development meets the minimum requirements for approval of a conditional use. City Council has the authority to request additional and reasonable conditions and safeguards associated with this conditional use.

**REQUESTING DEPARTMENTS:**

Growth Management

**STAFF RECOMMENDATION:**

Approval

**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 CU24-00007 to the City Council for approval.

**Result:** Carried 5 to 0

**Aye:** Boerema, Jordan, McLeod, Olszewski, Warner

**Nay:** None

**Abstain:** None

**ATTACHMENTS:**

1. Staff Report
- 2 Site Plan
- 3 Survey
- 4 Citizen Participation Plan Report
- 5 Application
- 6 Letters of Authorization
- 7 Legal Acknowledgement
- 8 Legal Ad
- 9 Request for Continuance
- 10 Resolution