



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE

CU25-00001 – Martinez Gym

PLANNING & ZONING BOARD HEARING DATE

April 2, 2025

PROPERTY OWNER & APPLICANT

M&R United, Inc. (Marina Martinez, Rep.)

PROPERTY LOCATION/ADDRESS

A portion of Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 2.12 acres. Located north of and adjacent to Jupiter Blvd SE, at the intersection of Jupiter Blvd SE and Emerson Dr SE; Tax Account 2923467

SUMMARY OF REQUEST

A **Conditional Use** to allow indoor recreation in the NC, Neighborhood Commercial District, in accordance with Section 173.021 of the Palm Bay Code of Ordinances.

Existing Zoning

NC, Neighborhood Commercial

Existing Land Use

COM, Commercial

Site Improvements

Existing Commercial Building

Site Acreage

Approximately 2.12 acres

SURROUNDING ZONING & USE OF LAND**North**

RS-1, Single-Family Residential; Developed Single Family Homes

East

NC, Neighborhood Commercial; Daycare

South

IU, Institutional; Community of Christ Church

West

NC, Neighborhood Commercial; Existing Commercial Building

BACKGROUND:

The owner of the property, represented by tenant Marina Martinez, is requesting a Conditional Use to allow for indoor recreation within the NC, Neighborhood Commercial zoning district at 3565 Jupiter Blvd SE Units 2 and 3. The subject property is located north of and adjacent to Jupiter Blvd SE, at the intersection of Jupiter Blvd SE and Emerson Dr SE. This site was developed in 2006 as a multi-tenant commercial building with a gas station and convenience store.

Prior to this application, units 2 and 3 were occupied by Martinez Law. An interior renovation was completed in this space (permit BL22-05464) to allow for both office space and open floor space for a gym. The applicant is proposing the operation of a boxing gym and fitness center to serve the community and cater to special needs, youth classes, and adult fitness and self-defense.

ANALYSIS:

Certain land uses require special consideration on an individual basis to determine their suitability for location within particular zoning districts. In the Neighborhood Commercial zoning district, indoor recreation is a conditional use and must contain less than 5,000 square feet to be eligible for approval per section 173.021, Table 173-2 of the Land Development Code. The proposed unit is just over 2,000 square feet which complies with that condition. The tenant to the north of this unit is currently in use as a massage parlor, and the tenant to the south of this unit houses a gas station, café, and convenience store.

CODE REQUIREMENTS:

Table 173-2, Uses in Office, Commercial, and Mixed-Use Districts, in the Code of Ordinances establishes indoor recreation as a conditional use in the Neighborhood Commercial district. To be granted conditional use approval, requests are evaluated upon review criteria items (1) through (8) of Section 172.024(F) of the Code of Ordinances. A review of these items is as follows:

Item (1): 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 another emergency.

This site has right-in, right-out driveway ingress and egress on Emerson Dr SE, and right-in, right-out driveway access ingress and egress on Jupiter Blvd SE. There is a Space Coast Area Transit stop at the southeast corner of the subject property on the north side

of Jupiter Blvd SE. There are existing external public sidewalks on both Emerson Dr SE and Jupiter Blvd SE, and both public sidewalks connect to the sidewalk internal to the site at the east and northwest corners of the commercial building. This adequately provides for pedestrian safety and demonstrates substantial conformance with site design requirements.

Item (2): Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

Currently, the site appears to have eighty (80) shared parking spaces, including four (4) ADA spaces. There is one loading zone located in front of the dumpster pad at the northwest corner of the property. This number of parking and loading spaces was sufficient when the site plan was approved. When evaluated using our current parking requirement calculations, the number of parking and loading spaces remain sufficient, and can accommodate the proposed new use.

Item (3): Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Palm Bay Utilities has no objection to the proposed gym. All required utilities are currently provided to the building.

Item (4): Adequate screening or buffering will be provided to protect and provide compatibility with adjoining properties.

Existing parking lot and perimeter landscaping and buffering is compliant with the original approved site plan.

Item (5): Signs, if any, and proposed exterior lighting will be designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

There is an existing wall sign above the entrance to the unit which does not interfere with traffic safety. Any changes to the existing sign will require a building permit application and conformance with section 178.013, Appendix A concerning the schedule of signs in commercial zoning districts. Changes to existing signs and the installation of future signs will require compliance with section 178.017 which outlines the construction and design of signs including the shielding of illuminated signs.

Item (6): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The existing building and site comply with all setbacks and yard requirements. The approved site plan shows that 33% of the site is pervious and remains in substantial conformance with the approved landscape plan. No additional outdoor space will be required for the proposed use.

Item (7): 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 existing driveways and shared parking lot follow an approved traffic design, and this design will not be affected by the proposed gym use. There is the potential for the gym to generate indoor noise from music and equipment use. As this property is adjacent to a residential zoning district, the applicant will be required to adhere to section 92.06 of the Palm Bay Code of Ordinances concerning noise and maximum permissible sound levels.

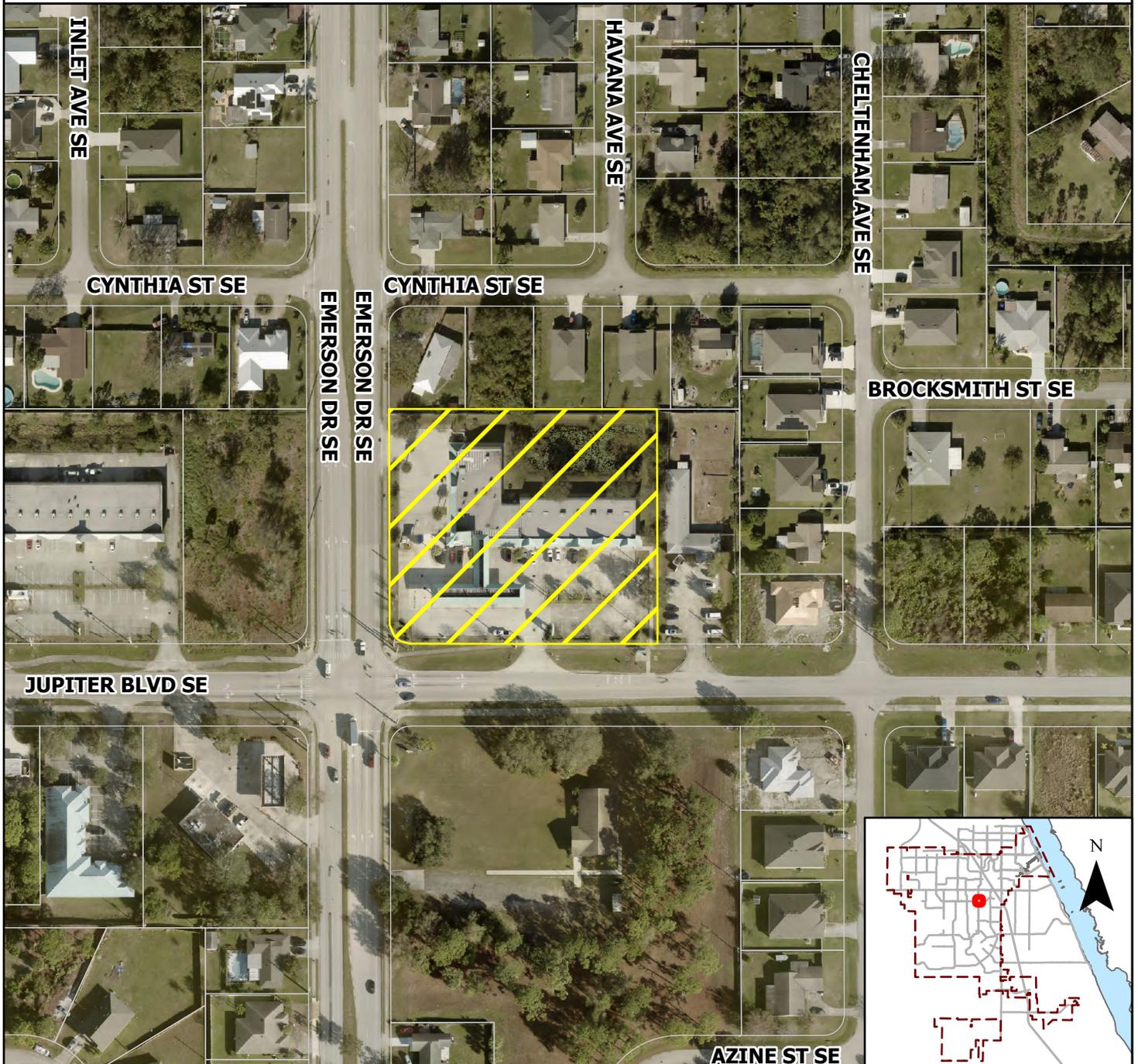
Item (8): Development and operation of the proposed use will be in full compliance with any additional conditions which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begin or be completed, or both.

City Council has the authority to impose any additional justifiable restrictions and/or conditions to ensure harmony and compatibility with surrounding properties and existing uses. The conditional use must commence within 2 years from the date of approval, and this will be evidenced by the issuance of a Business Tax Receipt. A Change of Occupancy/Use may be required as applicable.

STAFF FINDINGS:

Staff recommends Case CU25-00001 for approval.

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



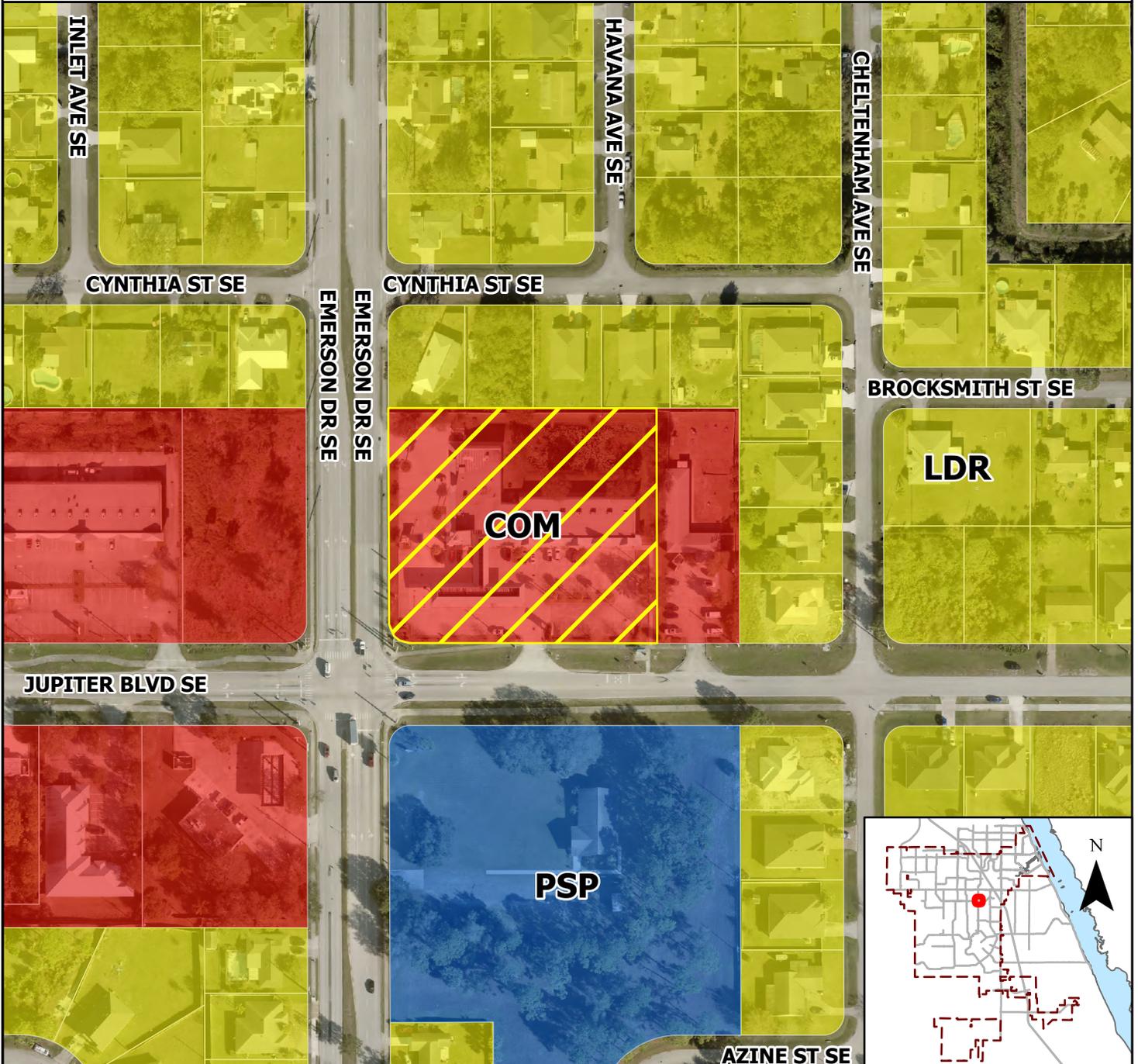
AERIAL LOCATION MAP

CASE: CU25-00001

Subject Property

Located on the northeast corner of Jupiter Blvd SE and Emerson Drive SE, specifically at 3565 Jupiter Blvd SE, Units 1-11

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FUTURE LAND USE MAP

CASE: CU25-00001

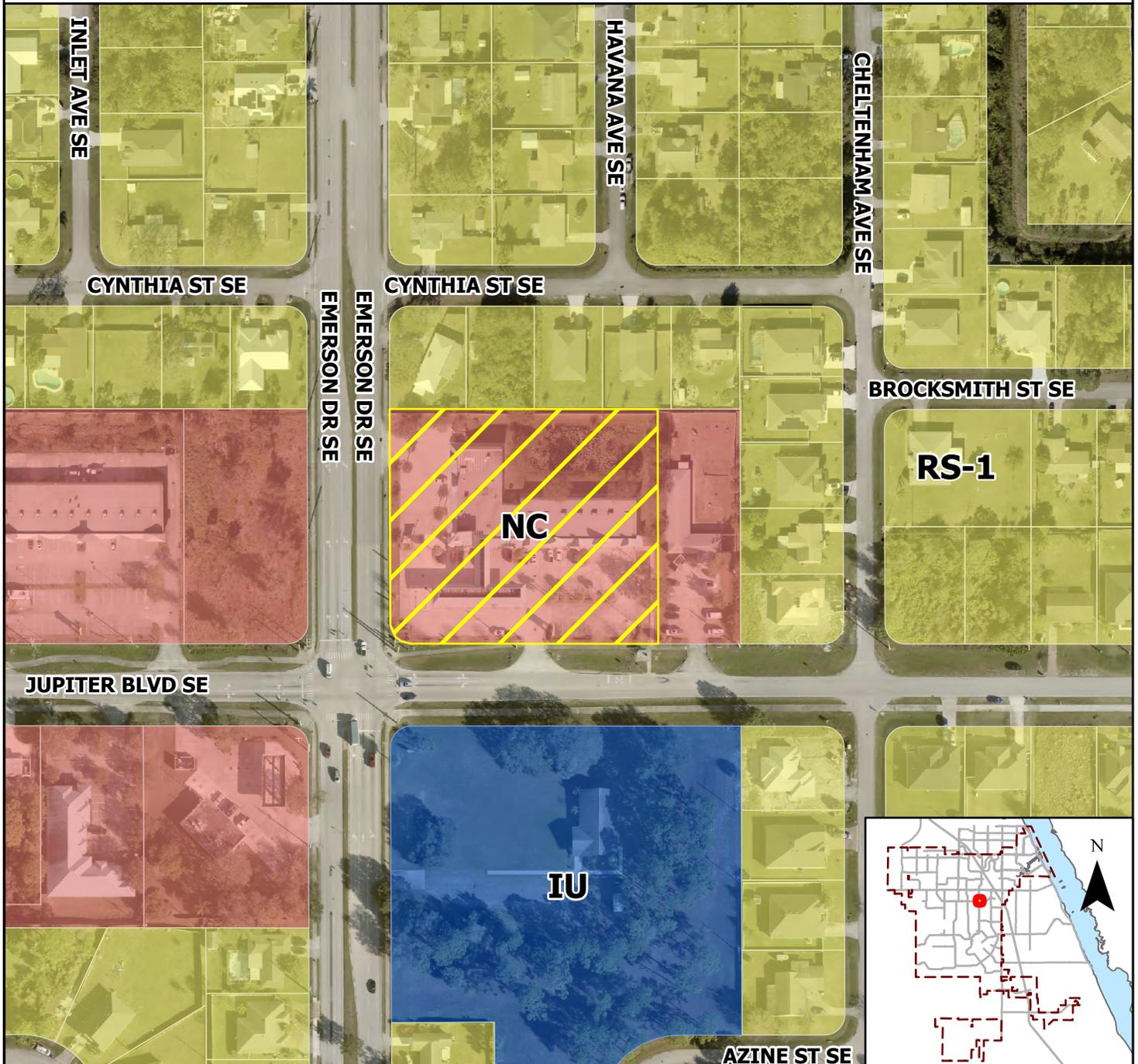
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Future Land Use Classification

COM - Commercial

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ZONING MAP

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Subject Property

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Zoning District

NC - Neighborhood Commercial