

4. Resolution 2025-14, granting a conditional use to allow for proposed indoor recreation in NC (Neighborhood Commercial District) zoning, in accordance with Section 173.021, Palm Bay Code of Ordinances, on property located at the northeast corner of Jupiter Boulevard and Emerson Drive (2.12 acres) (Case CU25-00001, M&R United Inc., Monica Shah). (Quasi-Judicial Proceeding)



## MEMORANDUM

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

**FROM:** Scott Morgan, Interim City Manager

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

**DATE:** April 3, 2025

**RE:** Resolution 2025-14, granting a conditional use to allow for proposed indoor recreation in NC (Neighborhood Commercial District) zoning, in accordance with Section 173.021, Palm Bay Code of Ordinances, on property located at the northeast corner of Jupiter Boulevard and Emerson Drive (2.12 acres) (Case CU25-00001, M&R United Inc., Monica Shah). (Quasi-Judicial Proceeding)

### SUMMARY:

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. 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.

### REQUESTING DEPARTMENTS:

Growth Management

### STAFF RECOMMENDATION:

Motion to approve.

### Planning & Zoning Board Recommendation:

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

**Motion** by Ms. Jordan, **Seconded** by Mr. McNally, to submit Case CU25-00001 to the City Council for approval.

**Result:** Carried 7 to 0

**Aye:** Karaffa, Warner, Filiberto, Higgins, Jordan, McNally, Norris

**Nay:** None

**Abstain:** None

**ATTACHMENTS:**

1. CU25-00001 Staff Report
2. CU25-00001 Site Plan
3. CU25-00001 Citizen Participation Plan
4. CU25-00001 Narrative
5. CU25-00001 Application
6. CU25-00001 Letter of Authorization
7. CU25-00001 Legal Acknowledgement
8. CU25-00001 Legal Ad
9. Resolution



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## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

**Prepared by**

Christina Hall, Planner

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**CASE**

CU25-00001 – Martinez Gym

**PLANNING & ZONING BOARD HEARING DATE**

April 2, 2025

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**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

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**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

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**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

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**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.

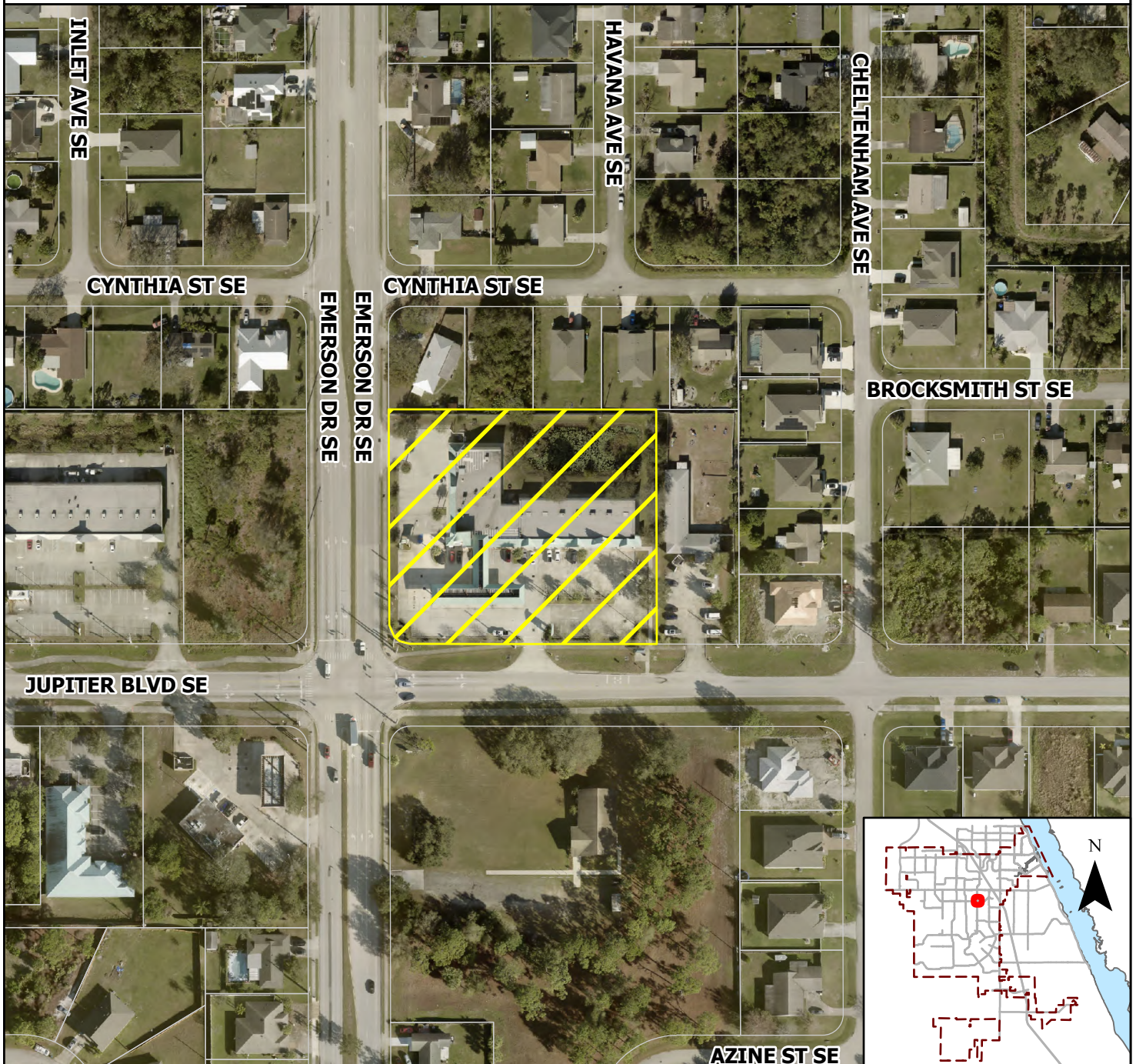
#### **STAFF FINDINGS:**

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**

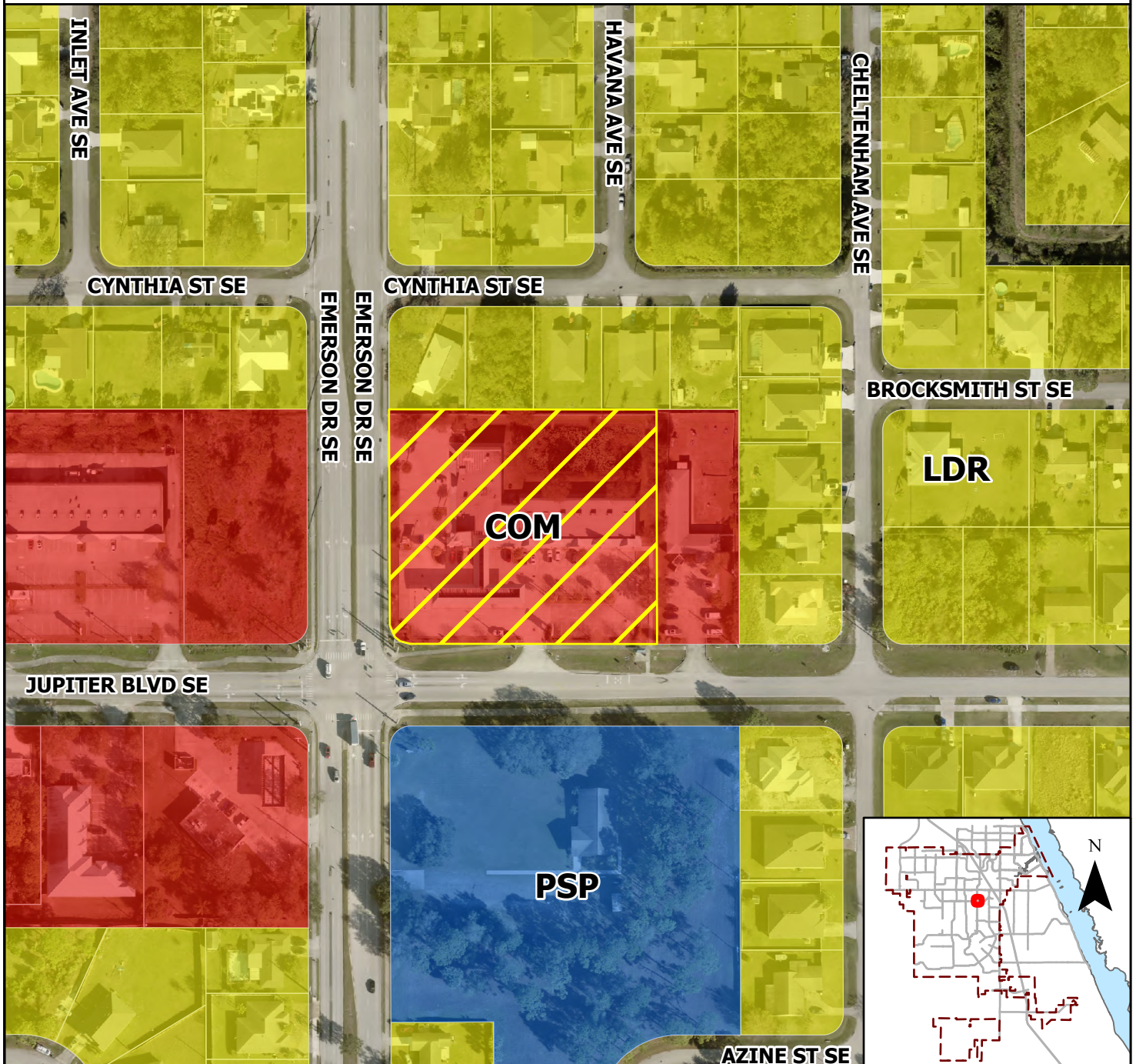
### Subject Property

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

### Subject Property

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### Future Land Use Classification

COM - Commercial





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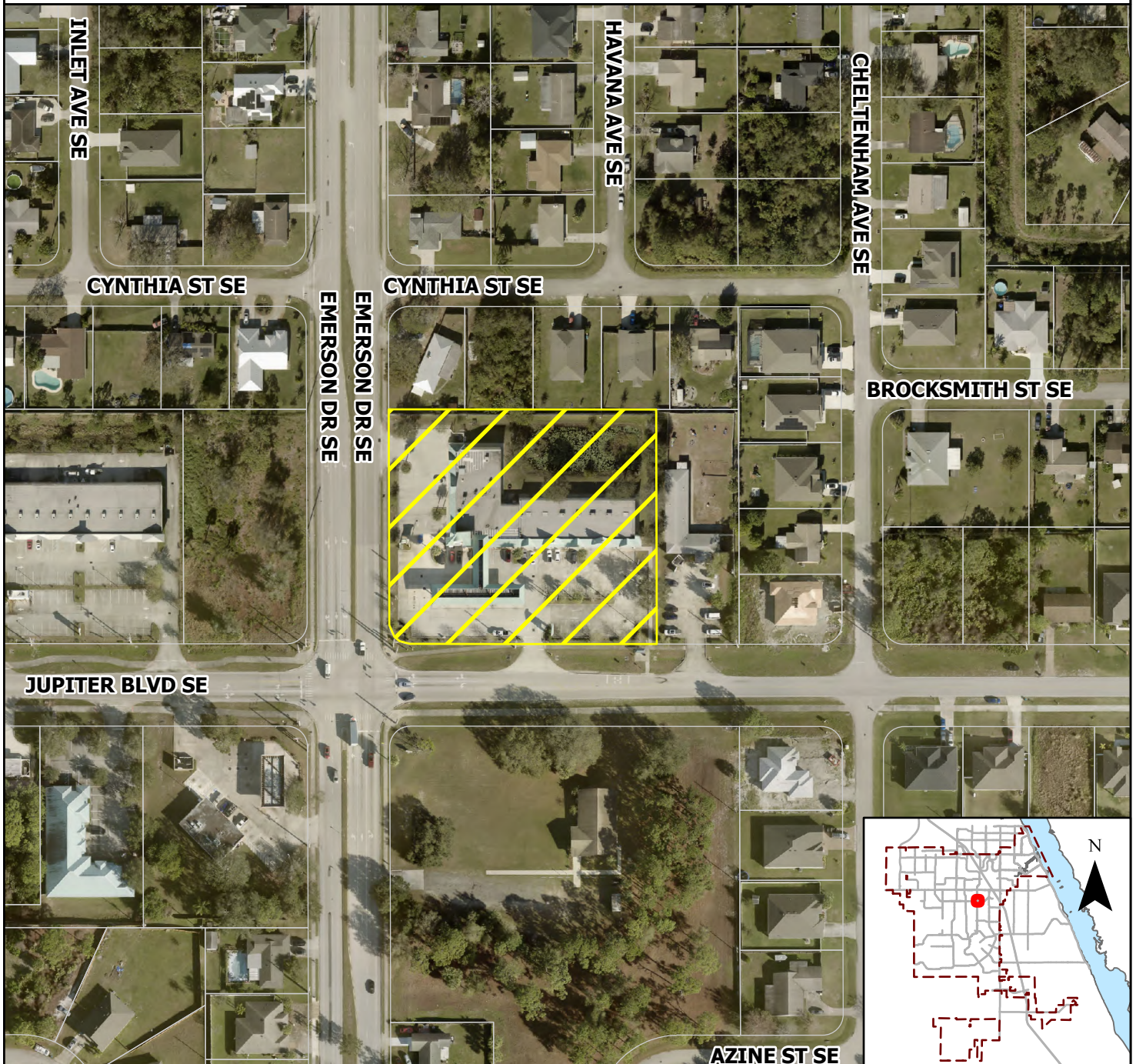
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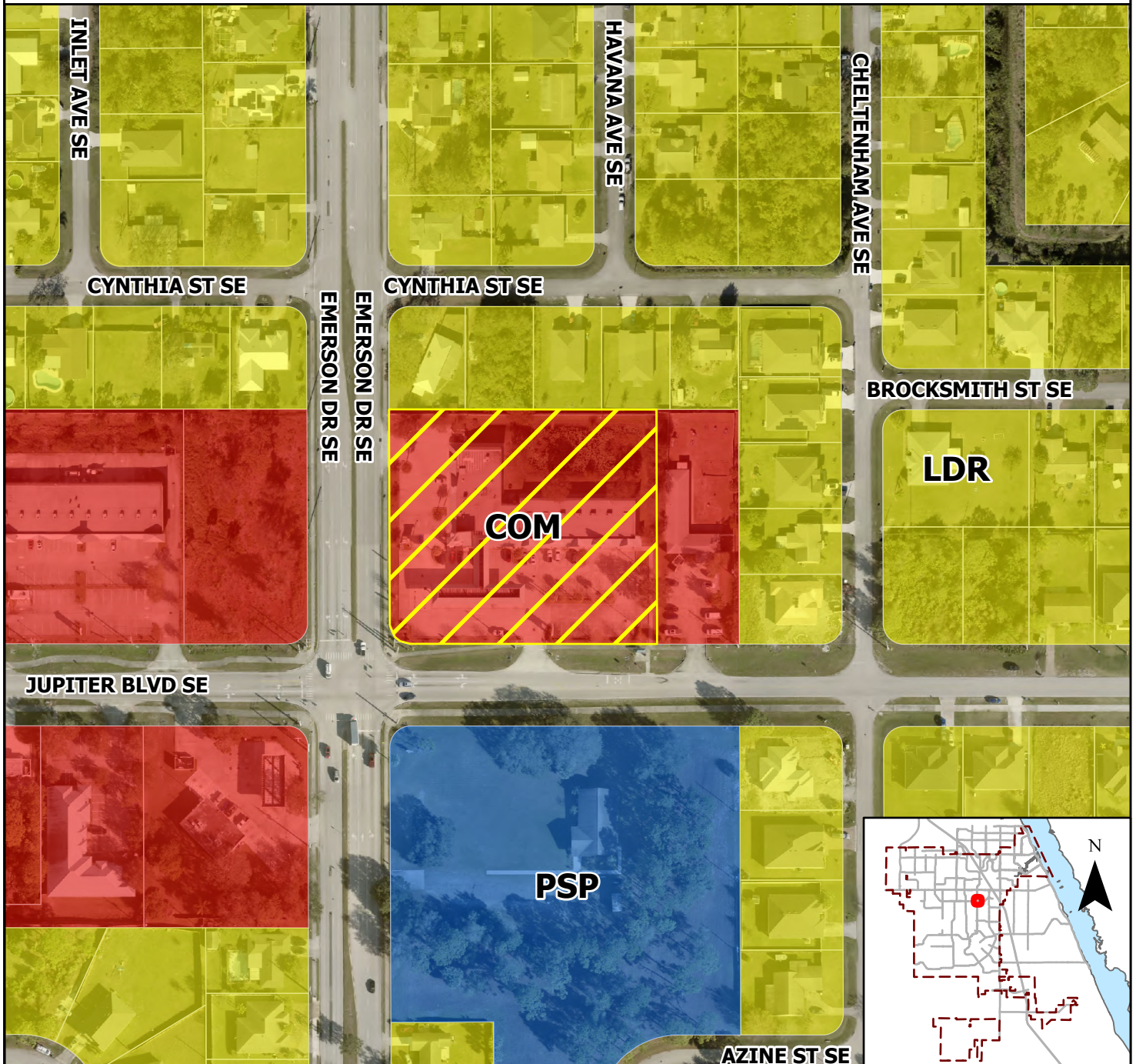
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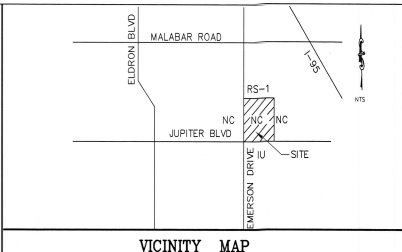
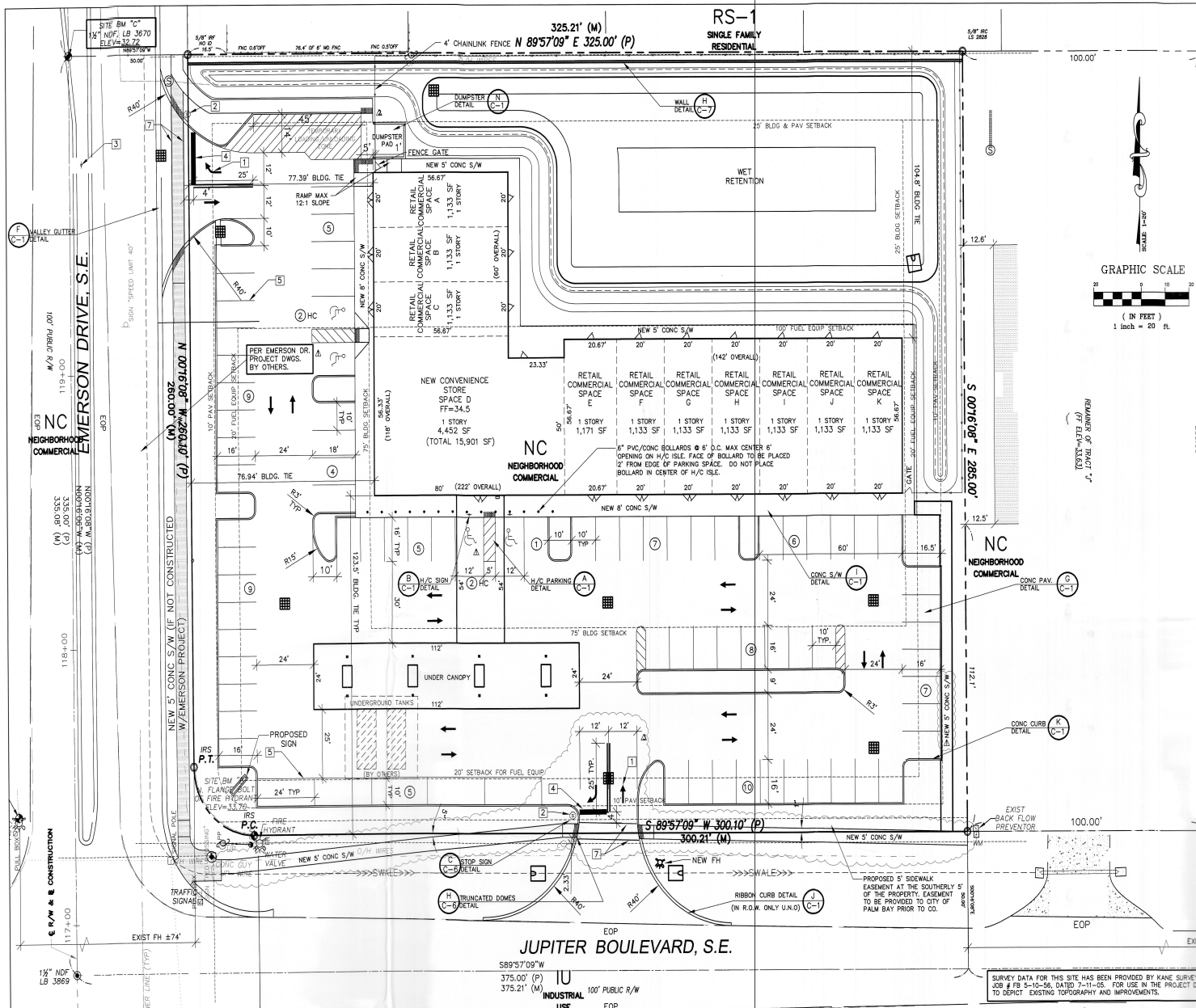
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### Zoning District

NC - Neighborhood Commercial



**PROJECT DESCRIPTION:**  
CONSTRUCT NEW 4,000 SF CONVENIENCE STORE W/ GAS PUMPS (8 PUMP STATIONS) AND 11,901 SF OF RETAIL/COMMERCIAL SPACE WITH ASSOCIATED PARKING, PAVING, & STORM WATER RETENTION. THE NEW STORE WILL BE ORDINARY TYPE V CONSTRUCTION, UNPROTECTED, UNSPRINKLED, MASONRY WALLS WITH PRE-ENGINEERED WOOD TRUSSES.

**OWNER:**  
SHEIN INTERNATIONAL, INC.  
1200 MALABAR RD. UNIT 3  
PALM BAY, FL 32909  
PHONE: (321) 258-8400  
FAX: (321) 254-4568  
CONTACT: NEW GANDHA

**ENGINEER:**  
M.E. CONSTRUCTION, INC.  
7607 CORAL DRIVE  
WEST MELBOURNE, FL 32904  
PH: (321) 723-6861  
FAX: (321) 851-1952  
CONTACT: MR. STEVE MONROE, P.E.

**LEGAL DESCRIPTION:** SEE C-3  
**TAX ID:** 25-37-05-01-0000-0000-0000  
**LAND USE DESIGNATION:** NEIGHBORHOOD COMMERCIAL  
**ADJACENT ZONING:** NORTH NC SOUTH NC  
**CONSTRUCTION TYPE:** TYPE IV, MASONRY WALLS, WOOD TRUSSES, UNSPRINKLED  
**CURRENT USE:** VACANT LOT

BUILDING		PARKS, PUMPS AND SERVICE AREAS		PARKING/PAVING	
REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
NORTH 20'	±43.5'	NORTH 100'	±215.2'	NORTH 20'	±26.5'
SOUTH 20'	±123.1'	SOUTH 20'	±20'	SOUTH 10'	10'
EAST 25'	±26'	EAST 20'	±174'	EAST 10'	10'
WEST 75'	±78.9'	WEST 20'	±6.5'	WEST 10'	10'

PARKING REQUIREMENTS:		PARKING PROVIDED:	
USE	SPACES/SP	USE	SPACES/SP
CONVENIENCE STORE	4,000	1/200 SP	20
RETAIL SPACE	11,901	1/200 SP	60
TOTAL REQUIRED PARKING (NC 4 H/C)			80 SPACES

**PARKING PROVIDED:** 80 SPACES (INC 4 H/C) + 8 FUELING POSITIONS  
**EXISTING IMPROVED AREAS:** VACANT LAND

AREA	SP	AC	%
BUILDING	15,901	0.308	17.2
PARKING / PAVING	39,538	0.908	42.7
SIDEWALK	5,784	0.132	6.2
TOTAL	61,203	1.405	66.1

**TOTAL PERVIOUS AREA:** = 31,422 SF = 0.721 AC = 33.9%

- NOTES:**
- CITY OF PALM BAY SITE PLAN APPROVAL REQUIRED.
  - ST. JOHNS WATER MANAGEMENT DISTRICT PERMIT REQUIRED.
  - CITY OF PALM BAY DRIVEWAY PERMIT REQUIRED FOR EACH DRIVEWAY (2 TOTAL).
  - UNDERGROUND STORAGE TANKS REQUIRED FOR CONSUMABLE MATERIALS IN EXCESS OF 200 GALLONS.
  - WATER FOR FIRE FIGHTING PURPOSES SHALL BE AVAILABLE PRIOR TO COMBUSTIBLES BEING BROUGHT ON SITE.
  - DELETED.
  - FIRE HYDRANTS SHALL BE LOCATED NOT FARTHER THAN EIGHT FEET NOR LESS THAN THREE FEET FROM AN IMPROVED SURFACE.
  - EVERY BUILDING SHALL BE ACCESSIBLE TO FIRE DEPARTMENT APPARATUS BY WAY OF ACCESS ROADS CONSTRUCTED OF HARD, ALL-WEATHER DRIVING SURFACE OF NOT LESS THAN 20 FEET WIDE AND HAVING A 13 FOOT 8 INCH VERTICAL CLEARANCE. ACCESS ROADS SHALL BE CAPABLE OF SUPPORTING HEAVY FIRE APPARATUS. ANY DEAD END FIRE DEPARTMENT ACCESS ROADS IN EXCESS OF 150 FEET SHALL BE PROVIDED WITH APPROVED PROVISIONS FOR THE TURNING AROUND OF FIRE APPARATUS. NFPA 241, 5-4.3, APPLIES TO CANOPY & STRIPPED YELLOW MEDIAN IF RAISED.
  - THE FIRE INSPECTOR SHALL WITNESS THE FOLLOWING INSPECTIONS FOR NEW FUEL TANKS PRIOR TO FINAL APPROVAL: A) LOCATION, B) DEPTH, C) ANCHORING METHOD, D) DISPENSER, E) COVER. CONTRACTOR MUST SUBMIT FORM 17-61.090 (5) TO D.E.P. (DEPARTMENT OF ENVIRONMENTAL REGULATIONS) FOR POLLUTANT STORAGE TANK INSTALLATION PROGRAM WITHIN 30 DAYS OF COMPLETION OF THE TANK INSTALLATION.
  - WARNING SIGNS SHALL BE CONSPICUOUSLY POSTED IN THE DISPENSING AREA WITH THE FOLLOWING WORDING: A) WARNING - IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS, B) NO SMOKING, C) STOP MOTOR. NFPA 30A-8-7.1.
  - INSTALL APPROVED ADDRESS IDENTIFICATION (EARTH LEGBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY). THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND BE AT LEAST 6" IN HEIGHT. NFPA 1, 5-7.1.
  - LANDSCAPE WITHIN SIGHT DISTANCE TRIANGLE SHALL BE IN ACCORDANCE WITH FOOT INCH #548.
  - RESULTS OF PAVEMENT TESTS SHALL BE SUBMITTED TO THE CITY OF PALM BAY. SEE COVER FOR ADDITIONAL INFORMATION.
  - THERE IS NO INTERSECTION OF COLLECTOR STREETS OR HIGHER CLASSIFICATION WITHIN 100' OF NORTH OR WEST PROPERTY CORNERS.
  - SIZE SLOPES OF RETENTION AREA AND SLOPES GREATER THAN 3:1 SHALL BE SLOODED.
  - SIDEWALKS MUST MEET CITY OF PALM BAY STANDARDS. CROSS-SECTIONS & PROFILES SHALL BE MAINTAINED. SIDEWALKS SHALL BE 5' TO 8' WIDE WITH MAX. TRANSVERSE SLOPE OF 3% AND A MAX. CROSS SLOPE OF 2%.
  - DEVELOPMENT & OPERATIONS OF FUEL PUMPS & ATTENDANT STORAGE TANKS SHALL BE IN COMPLIANCE WITH CHAPTER 176 OF PALM BAY CODE OF ORDINANCE.
  - ACCESS ROADS SHALL NOT BE CONSTRUCTED IN ANY MANNER, INCLUDING OBSTRUCTION BY PARKED VEHICLES. NFPA 241, 7.5.5.3.
  - ALL PAVEMENT MARKINGS AND SIGNS SHALL BE THE PERPETUAL MAINTENANCE RESPONSIBILITY OF THE OWNER OR ASSIGNS.
  - FIRE HYDRANTS AND APPLIANCES SHALL BE KEPT ACCESSIBLE TO THE FIRE DEPARTMENT AT ALL TIMES. A CLEARANCE OF SEVEN AND ONE HALF FEET IN FRONT OF AND TO THE SIDES OF FIRE HYDRANTS AND APPLIANCES SHALL BE MAINTAINED. CLEARANCE OF FOUR FEET TO THE REAR OF FIRE HYDRANTS SHALL BE MAINTAINED.
  - GATES AT THE SIDEWALKS SHALL MEET THE REQUIREMENTS FOR LOOKS AND LATCHES ON EXIT DOORS WHENEVER THE BUILDING IS OCCUPIED.

**NOTE:**  
CONTRACTOR MUST CALL FOR UTILITY LOCATIONS 48 HOURS PRIOR TO CONSTRUCTION.  
CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE, TYPE, ETC. OF ALL EXISTING STRUCTURES UTILITIES (ABOVE AND BELOW GROUND) AND ALL OTHER EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

**CONTACT:**  
SUNSHINE UTILITY LOCATES 1-800-432-4770  
PALM BAY UTILITIES (321) 852-3438

**TYPE IV REFLECTOR PATTERN**

**LIGHT DETAIL**

**CITY OF PALM BAY RIGHT-OF-WAY USE:**

- "SPECIFICATIONS, CONDITIONS AND DETAILS" FOR RIGHT OF WAY USE MAY BE OBTAINED THROUGH THE CITY OF PALM BAY WEBSITE, AT WWW.PALMBAYFLORIDA.ORG. LINKS ARE: CITY DEPARTMENTS, PUBLIC WORKS, TWO DIVISION, "RIGHT-OF-WAY USE PROCEDURES AND REQUIREMENTS MANUAL." CONTRACTOR TO OBTAIN & ADHERE TO ALL REQUIREMENTS WITHIN THIS MANUAL PER CITY OF PALM BAY.

**CITY OF PALM BAY CONDITIONS OF DRIVEWAY & DRAINAGE PERMITS:**

- THE APPLICANT IS REQUIRED TO FOLLOW PROCEDURES AND MEET THE REQUIREMENTS AS OUTLINED IN CITY OF PALM BAY CODE OF ORDINANCES. REQUIREMENTS FOR DRIVEWAY INSTALLATION AND LOT DRAINAGE CAN BE FOUND IN CHAPTERS 176 & 174.
- THE APPLICANT MUST PROTECT ALL EXISTING UTILITIES AND WILL BE RESPONSIBLE FOR REPAIR TO ANY DAMAGE OCCURRING IN THE RIGHT OF WAY. THE APPLICANT IS REQUIRED TO FOLLOW ALL RIGHT OF WAY USE REQUIREMENTS.
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**TRAFFIC SIGNAGE & STRIPING TO BE PER FOOT REQUIREMENTS**

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- 30" X 30" ENGINEERING GRADE STOP SIGN (R1-1)
- RIGHT TURN ONLY (BELOW)
- ONE WAY (POINT RIGHT)
- 24" WIDE WHITE STOP BAR (4" MIN FROM CROSSWALK)
- 6" SINGLE WHITE
- 4" STRIPED YELLOW MEDIAN
- 12" WHITE CROSSWALK (PER FOOT INDEX 17346)

**LEGEND**

**ENGINEERS CERTIFICATION**  
NOTE: NOT VALID WITHOUT ORIGINAL SIGNATURE, DATE, AND SEAL.  
STEVEN W. MONROE PE # 61778

SIGNATURE: *Steven W. Monroe*  
DATE: AUGUST 28, 2007

**ON-SITE TRAFFIC CONTROL**

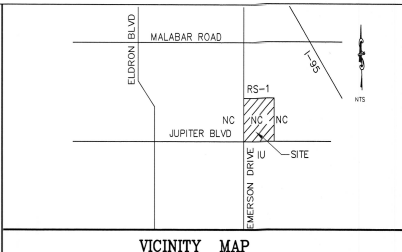
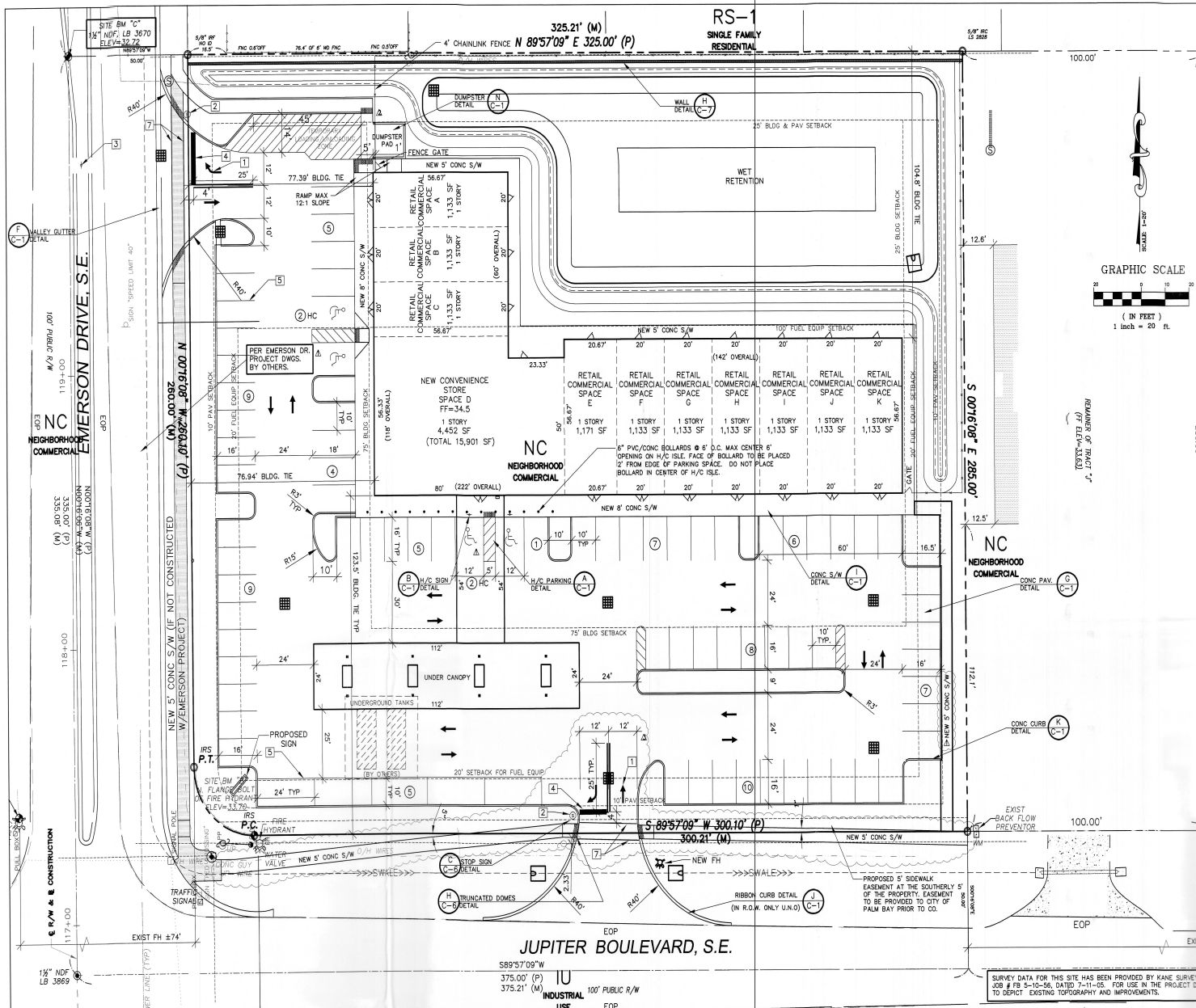
**M.E. Construction, Inc.**  
7607 Coral Drive, West Melbourne, FL 32904  
(321) 723-6869 Fax (321) 851-1952  
Engineering # 7219 General Contracting # 2379

**SITE PLAN**

**PROJECT NUMBER:** 30486  
**SHEET DESCRIPTION:** EMERSON & JUPITER CONVENIENCE STORE  
**DATE OF ORIGINAL ISSUE:** 12/21/05  
**REV. DATE:** 1/17/06  
**DESCRIPTION:** 1. 1/17/06 SM REVISED PER CITY OF PALM BAY  
2. 6/27/08 SM REVISED PER CITY OF PALM BAY  
3. 8/28/07 SM REVISED SIDEWALK ALONG JUPITER BLVD

**PROJECT NUMBER:** 30486  
**SHEET 4 OF 10**





**PROJECT DESCRIPTION:**  
CONSTRUCT NEW 4,000 SF CONVENIENCE STORE W/ 4 GAS PUMPS (8 PUMP STATIONS) AND 11,901 SF OF RETAIL/COMMERCIAL SPACE WITH ASSOCIATED PARKING, PAVING, & STORM WATER RETENTION. THE NEW STORE WILL BE ORDINARY TYPE V CONSTRUCTION, UNPROTECTED, UNSPRINKLED, MASONRY WALLS WITH PRE-ENGINEERED WOOD TRUSSES.

**OWNER:**  
SHEIN INTERNATIONAL, INC.  
1200 MALABAR RD. UNIT 3  
PALM BAY, FL 32909  
PHONE: (321) 258-8400  
FAX: (321) 254-4568  
CONTACT: NEW GANDHA

**ENGINEER:**  
M.E. CONSTRUCTION, INC.  
7607 CORAL DRIVE  
WEST MELBOURNE, FL 32904  
PH: (321) 723-5881  
FAX: (321) 851-1952  
CONTACT: MR. STEVE MONROE, P.E.

**LEGAL DESCRIPTION:** SEE C-3  
**TAX ID:** 25-37-05-01-0000-0000-0000  
**ZONING:** NC  
**ADJACENT ZONING:** NORTH NC, SOUTH NC, WEST NC, EAST NC  
**CONSTRUCTION TYPE:** TYPE IV, MASONRY WALLS, WOOD TRUSSES, UNSPRINKLED  
**CURRENT USE:** VACANT LOT  
**PROPOSED BUILDING HEIGHT:** BUILDING = 12'-4" RISE = 22'-7" (14'-0" CLEARANCE)  
**SETBACKS:**

BUILDING		PARKING		PARKING/PAVING	
REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
NORTH 20'	±43.5'	NORTH 100'	±215.2'	NORTH 20'	±26.5'
SOUTH 20'	±123.1'	SOUTH 20'	±20'	SOUTH 10'	10'
EAST 25'	±26'	EAST 20'	±174'	EAST 10'	10'
WEST 75'	±78.9'	WEST 20'	±6.5'	WEST 10'	10'

PARKING REQUIREMENTS:		PARKING PROVIDED:	
USE	SF	SPACES/SF	REQ.
CONVENIENCE STORE	4,000	1/200 SF	20
RETAIL SPACE	11,901	1/200 SF	60
TOTAL REQUIRED PARKING (NC 4 H/C)			80 SPACES

PARKING PROVIDED:		EXISTING IMPROVED AREAS VACANT LAND	
AREA	SF	AC	%
BUILDING	15,901	0.368	17.2
PARKING / PAVING	39,538	0.908	42.7
SIDEWALK	5,784	0.132	6.2
TOTAL	61,203	1.405	66.1

**TOTAL PERVIOUS AREA:** = 31,422 SF = 0.721 AC = 33.9%  
**NOTES:**

- CITY OF PALM BAY SITE PLAN APPROVAL REQUIRED.
- ST. JOHNS WATER MANAGEMENT DISTRICT PERMIT REQUIRED.
- CITY OF PALM BAY DRIVEWAY PERMIT REQUIRED FOR EACH DRIVEWAY (2 TOTAL).
- UNDERGROUND STORAGE TANKS REQUIRED FOR CONSUMABLE MATERIALS IN EXCESS OF 200 GALLONS.
- WATER FOR FIRE FIGHTING PURPOSES SHALL BE AVAILABLE PRIOR TO COMBUSTIBLES BEING BROUGHT ON SITE.
- DELETED.
- FIRE HYDRANTS SHALL BE LOCATED NOT FARTHER THAN EIGHT FEET NOR LESS THAN THREE FEET FROM AN IMPROVED SURFACE.
- EVERY BUILDING SHALL BE ACCESSIBLE TO FIRE DEPARTMENT APPARATUS BY WAY OF ACCESS ROADS CONSTRUCTED OF HARD, ALL-WEATHER DRIVING SURFACE OF NOT LESS THAN 20 FEET WIDE AND HAVING A 13 FOOT 8 INCH VERTICAL CLEARANCE. ACCESS ROADS SHALL BE CAPABLE OF SUPPORTING HEAVY FIRE APPARATUS. ANY DEAD END FIRE DEPARTMENT ACCESS ROADS IN EXCESS OF 150 FEET SHALL BE PROVIDED WITH APPROVED PROVISIONS FOR THE TURNING AROUND OF FIRE APPARATUS. NFPA 241, 5-4.3, APPLIES TO CANOPY & STRIPPED YELLOW MEDIAN IF RAISED.
- THE FIRE INSPECTOR SHALL WITNESS THE FOLLOWING INSPECTIONS FOR NEW FUEL TANKS PRIOR TO FINAL APPROVAL: A) LOCATION, B) DEPTH, C) ANCHORING METHOD, D) DISPENSER, E) COVER. CONTRACTOR MUST SUBMIT FORM 17-61.000 (5) TO D.E.P. (DEPARTMENT OF ENVIRONMENTAL REGULATIONS) FOR POLLUTANT STORAGE TANK INSTALLATION PROGRAM WITHIN 30 DAYS OF COMPLETION OF THE TANK INSTALLATION.
- WARNING SIGNS SHALL BE CONSPICUOUSLY POSTED IN THE DISPENSING AREA WITH THE FOLLOWING WORDING: A) WARNING - IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS, B) NO SMOKING, C) STOP MOTOR. NFPA 30A-8-7.1.
- INSTALL APPROVED ADDRESS IDENTIFICATION (EARTH LEGBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY). THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND BE AT LEAST 6" IN HEIGHT. NFPA 1, 5-7.1.
- LANDSCAPE WITHIN SIGHT DISTANCE TRIANGLE SHALL BE IN ACCORDANCE WITH FOOT INCH #548.
- RESULTS OF PAVEMENT TESTS SHALL BE SUBMITTED TO THE CITY OF PALM BAY. SEE COVER FOR ADDITIONAL INFORMATION.
- THERE IS NO INTERSECTION OF COLLECTOR STREETS OR HIGHER CLASSIFICATION WITHIN 100' OF NORTH OR WEST PROPERTY CORNERS.
- NO MOUNDING OR PUBLIC SUPPLY WITHIN 100' OF ON-SITE GASOLINE FUEL PUMPS, STORAGE TANKS OR EQUIPMENT.
- DIMENSIONS SHOWN ARE TO FACE OF CURB.
- SIZE SLOPES OF RETENTION AREA AND SLOPES GREATER THAN 3:1 SHALL BE SLOTTED.
- SIDEWALKS MUST MEET CITY OF PALM BAY STANDARDS. CROSS-SECTIONS & PROFILES SHALL BE MAINTAINED. SIDEWALKS SHALL BE 5' TO 8' WIDE WITH MAX. TRANSVERSE SLOPE OF 3% AND A MAX. CROSS SLOPE OF 2%.
- DEVELOPMENT & OPERATION OF FUEL PUMPS & ATTENDANT STORAGE TANKS SHALL BE IN COMPLIANCE WITH CHAPTER 176 OF PALM BAY CODE OF ORDINANCE.
- ACCESS ROADSWAYS SHALL NOT BE OBSTRUCTED IN ANY MANNER, INCLUDING OBSTRUCTION BY PARKED VEHICLES. NFPA 241, 7.5.5.3.
- ALL PAVEMENT MARKINGS AND SIGNS SHALL BE THE PERPETUAL MAINTENANCE RESPONSIBILITY OF THE OWNER OR ASSIGNS.
- FIRE HYDRANTS AND APPLIANCES SHALL BE KEPT ACCESSIBLE TO THE FIRE DEPARTMENT AT ALL TIMES. A CLEARANCE OF SEVEN AND ONE HALF FEET IN FRONT OF AND TO THE SIDES OF FIRE HYDRANTS AND APPLIANCES SHALL BE MAINTAINED. CLEARANCE OF FOUR FEET TO THE REAR OF FIRE HYDRANTS SHALL BE MAINTAINED.
- GATES AT THE SIDEWALKS SHALL MEET THE REQUIREMENTS FOR LOOKS AND LATCHES ON EXIT DOORS WHENEVER THE BUILDING IS OCCUPIED.

**NOTE:**  
CONTRACTOR MUST CALL FOR UTILITY LOCATIONS 48 HOURS PRIOR TO CONSTRUCTION.  
CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE, TYPE, ETC. OF ALL EXISTING STRUCTURES UTILITIES (ABOVE AND BELOW GROUND) AND ALL OTHER EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

**CONTACT:**  
SUNSHINE UTILITY LOCATES 1-800-432-4770  
PALM BAY UTILITIES (321) 852-3438

**TYPE IV REFLECTOR PATTERN**

**LIGHT DETAIL**

**CITY OF PALM BAY RIGHT-OF-WAY USE:**

- "SPECIFICATIONS, CONDITIONS AND DETAILS" FOR RIGHT OF WAY USE MAY BE OBTAINED THROUGH THE CITY OF PALM BAY WEBSITE, AT WWW.PALMBAYFLORIDA.ORG. LINKS ARE: CITY DEPARTMENTS, PUBLIC WORKS, TWO DIVISION, "RIGHT-OF-WAY USE PROCEDURES AND REQUIREMENTS MANUAL." CONTRACTOR TO OBTAIN & ADHERE TO ALL REQUIREMENTS WITHIN THIS MANUAL PER CITY OF PALM BAY.

**CITY OF PALM BAY CONDITIONS OF DRIVEWAY & DRAINAGE PERMITS:**

- THE APPLICANT IS REQUIRED TO FOLLOW PROCEDURES AND MEET THE REQUIREMENTS AS OUTLINED IN CITY OF PALM BAY CODE OF ORDINANCES. REQUIREMENTS FOR DRIVEWAY INSTALLATION AND LOT DRAINAGE CAN BE FOUND IN CHAPTERS 176 & 174.
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**LEGEND**

**ENGINEERS CERTIFICATION**  
NOTE: NOT VALID WITHOUT ORIGINAL SIGNATURE, DATE, AND SEAL.  
STEVEN W. MONROE PE # 61778

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**SHEET 4 OF 10**



## CITIZEN PARTICIPATION PLAN REPORT

Applicant should follow established Citizen Participation Plan as specified in §172.012 CITIZEN PARTICIPATION PLANS.

### CASE DETAILS

Applicant Name:	<del>XXXXXXXXXX</del> Marina Martinez
Project Name:	Martinez Gum
Case Type:	Special Conditions Permit
Case Description:	SCP for operation of Boxing Club
Intended Month of Submission:	January

### INFORMATION ON THE CITIZEN PARTICIPATION PLAN MEETING

Notice to the Public (Date):	12/19/24
Date CPP was Held:	12/27/24
Location of the Meeting:	Palm Bay Public Library 1520 Port Malabar
Number of Attendees:	0

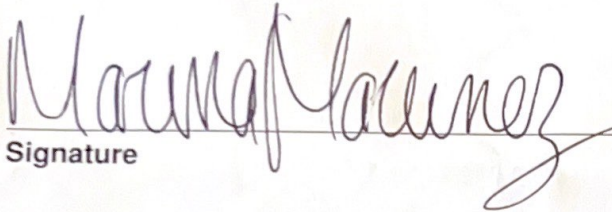




**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT  
SUBMISSION**

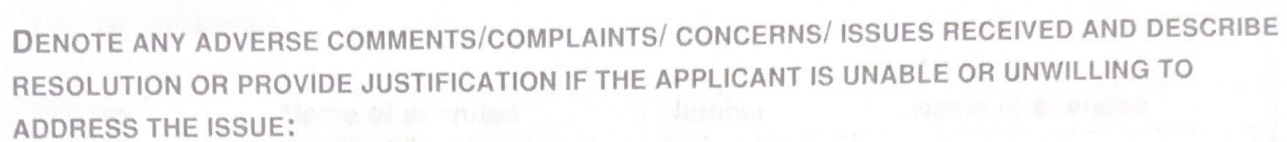
1. Copy of notice sent and mailing list (separate attachment)
  - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time, location, and project.
2. Material distributed or presented at the meeting (separate attachment)

**I hereby certify that information provided as part of this report is correct.**

  
Signature

Marina Martinez  
Typed Name and Title

January 2, 2025  
Date

[illegible]





### LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
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3.		4.	
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# NOTICE OF CITIZEN PARTICIPATION MEETING

**APPLICANT:** Marina Martinez

**PROPERTY ADDRESS:** 3565 Jupiter Blvd SE Ste 2 & 3 Palm Bay FL 32909

**REQUEST:** Conditional Use to Operate a Boxing Gym

Dear Resident, Property Owner, or Interested Party:

Marina Martinez, owner of Martinez Gym, intends to file an application for Conditional Use to operate a boxing gym from the property located at 3565 Jupiter Blvd SE. This location currently operates as a law office. The total acreage is 2.12 for the property with Martinez Gym proposed to be 2,266 sq ft. The future land designation is commercial, with a zoning designation of neighborhood commercial. Gyms and fitness centers are a conditional use in this zoning district.

Pursuant to section 172.012(B)(1) of the Land Development Code, every application for development which requires a public hearing must include a citizen participation plan and report.

Please allow this correspondence to serve as notice of a Citizen Participation Meeting scheduled for the following date, time, and location:

**Friday, December 27, 2024**

**9:30 am**

**Palm Bay Public Library**

**1520 Port Malabar Blvd NE**

**Palm Bay FL 32905**

Any interested parties are encouraged to attend this meeting to discuss the proposed application, actively participate in the town's development procedures and provide public comments.

Sincerely,

Marina Martinez

# Martinez Gym Concept Plan

---

## 1. Vision & Mission

- **Vision:** To become a community hub for fitness, empowerment, and personal growth, where people of all abilities and backgrounds can experience the transformative power of boxing.
  - **Mission:** To provide accessible and high-quality boxing programs for individuals of all ages and abilities, focusing on fitness, self-defense, mental resilience, and community building. We believe that boxing is not just a sport, but a tool for personal development, empowerment, and positive change.
- 

## 2. Target Audience & Programs

### A. Special Needs Boxing Classes

- **Goal:** Empower individuals with special needs through boxing training, offering an inclusive environment where physical, mental, and emotional development can flourish.
- **Key Features:**
  - Adaptive techniques and equipment.
  - Focus on motor skills, coordination, social interaction, and self-confidence.
  - Tailored to the unique needs of each individual, with one-on-one or small group instruction.
  - Emphasis on positive reinforcement, mental clarity, and physical fitness.
  - Integration of caregivers and families into the gym environment for added support.
- **Age Range:** All ages, with individual assessments for different levels of ability.

### B. Free Youth Boxing & Fitness Classes

- **Goal:** Provide youth with the tools to stay active, build discipline, and grow through the sport of boxing, all while learning the importance of physical fitness, teamwork, and resilience.
- **Key Features:**
  - Free classes to ensure accessibility for all youth, especially in underprivileged areas.
  - Focus on foundational boxing skills, agility, strength, and fitness.
  - Mentorship and positive role models from experienced boxers and coaches.
  - Fun and interactive activities that teach boxing basics while promoting fitness and self-discipline.
  - Community engagement through tournaments or “Fight Nights” to showcase progress and celebrate achievements.



- **Age Range:** 7-17 years old.

### C. Adult Boxing, Self-Defense, and Healthy Lifestyles Classes

- **Goal:** Equip adults with self-defense skills, physical fitness, and the mental fortitude to live healthier, more active lifestyles.
  - **Key Features:**
    - **Boxing for Fitness:** High-energy group classes focused on improving cardiovascular health, strength, endurance, and stress relief.
    - **Self-Defense Training:** Practical techniques for personal safety, including situational awareness, striking, and defensive moves.
    - **Healthy Lifestyle Workshops:** Classes on nutrition, mindfulness, and overall wellness.
    - Community-building events such as wellness challenges, social workouts, and group fitness classes.
    - Options for beginners, intermediate, and advanced boxers.
  - **Age Range:** 18+ years.
- 

## 3. Facility Design & Layout

- **Boxing Ring Area:** Central to the gym, with a professional-size boxing ring that can be used for training, events, and exhibitions.
  - **Training Zones:**
    - **Boxing Training Area:** Includes punching bags, speed bags, heavy bags, and shadow boxing zones. Focused on high-intensity workouts, drills, and technique.
    - **Fitness and Strength Zone:** For circuit training, functional fitness, and bodyweight exercises. Includes free weights, kettlebells, and resistance bands.
    - **Youth Corner:** A designated space for youth classes, with age-appropriate equipment (lighter bags, agility ladders, fun drills).
    - **Special Needs Zone:** A quiet, sensory-friendly area with adaptive equipment and space for focused, individualized training.
  - **Classroom/Wellness Space:** For group classes, workshops, and seminars on nutrition, mental wellness, and health education.
  - **Community Lounge Area:** A place where members can socialize, relax, and interact after classes. This fosters a sense of community and belonging.
  - **Locker Rooms:** With accessible amenities and a clean, comfortable environment.
- 

## 4. Staffing & Training

- **Experienced Coaches:** Certified boxing coaches with experience in training all age groups, fitness levels, and abilities. A special focus on coaches trained in adaptive sports for special needs classes.

- **Support Staff:** Trainers with backgrounds in self-defense, fitness, youth coaching, and wellness.
  - **Community Engagement Team:** Volunteers and mentors from the local area who can act as role models for youth and provide additional support to special needs clients.
  - **Ongoing Education:** Staff will undergo regular training on adaptive coaching, de-escalation techniques, and the latest fitness trends to ensure they provide the highest standard of service.
- 

## 5. Marketing & Community Outreach

- **Brand Identity:**
    - Use a logo and color scheme that conveys strength, community, and inclusivity.
    - Create a strong social media presence, sharing success stories, testimonials, and training tips.
    - Promote the gym as a welcoming place for all abilities and backgrounds, showcasing diverse members.
  - **Programs and Events:**
    - Host community events such as free youth boxing clinics, health fairs, and self-defense workshops.
    - Organize amateur boxing tournaments or showcases for youth and adults.
    - Offer periodic open houses and trial classes to bring new members into the gym.
  - **Partnerships:**
    - Partner with local schools, community organizations, and businesses to provide outreach and create awareness of your free youth classes and special needs programs.
    - Collaborate with local health providers to promote overall wellness.
  - **Membership Tiers:**
    - Offer different membership levels: Pay-as-you-go, monthly, and annual subscriptions.
    - Provide family or group discounts, especially for families with special needs members or multiple children involved in youth programs.
    - Offer financial assistance or scholarships for underprivileged families to access free youth boxing classes.
- 

## 6. Budget & Funding

- **Initial Setup Costs:** Gym equipment (boxing rings, bags, weights, special needs adaptive equipment), renovations for accessibility, and marketing materials.
- **Revenue Streams:**
  - Membership fees.
  - Private coaching and personal training sessions.
  - Fundraising through community events.

- Merchandise sales (gym apparel, equipment).
    - Donations or grants for community outreach programs.
  - **Funding Strategy:**
    - Apply for grants that support fitness, youth programs, and special needs initiatives.
    - Host fundraising events such as charity boxing tournaments or fun runs.
    - Crowdfunding campaigns or local business sponsorships.
- 

## 7. Success Metrics

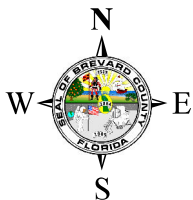
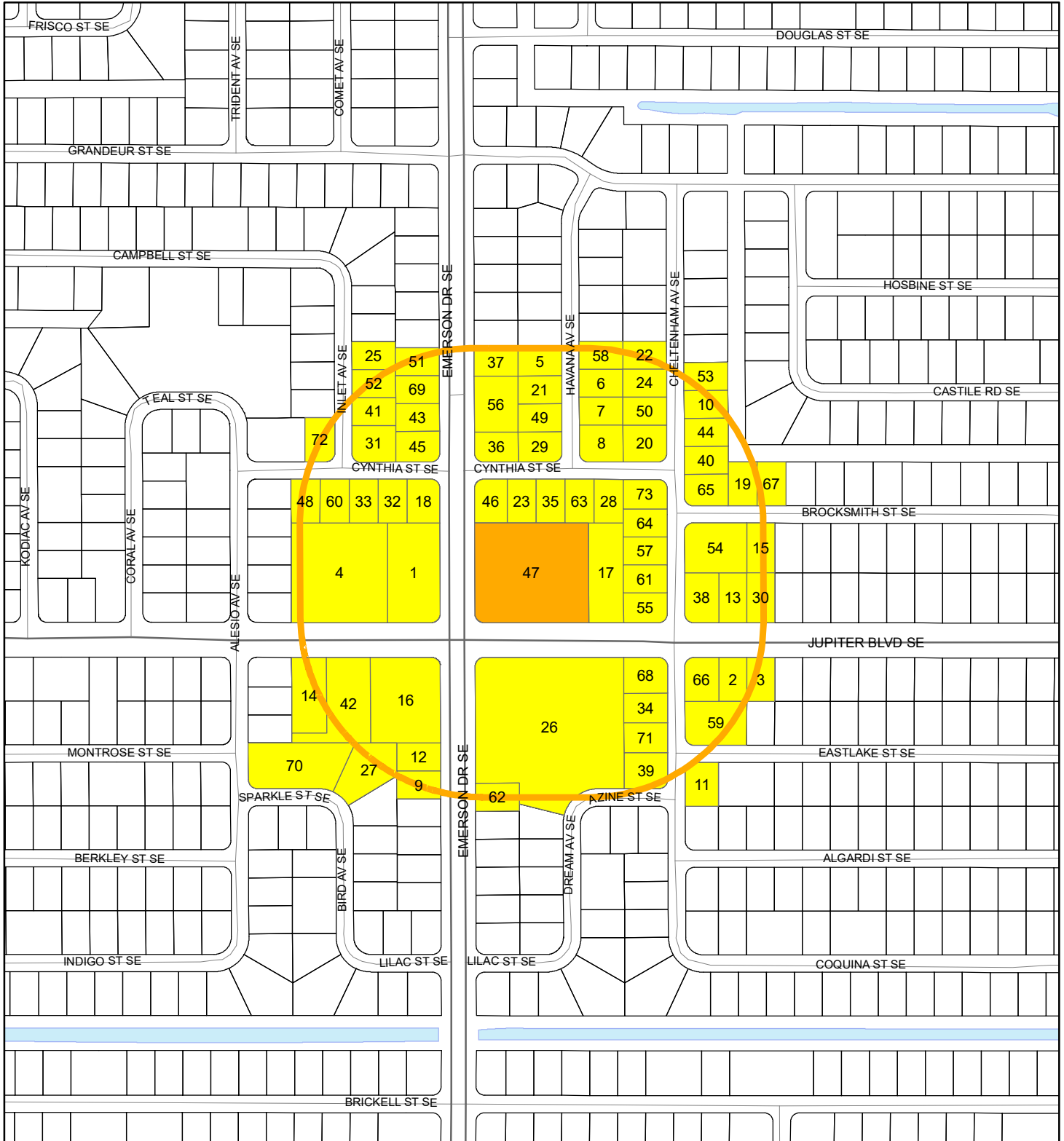
- **Retention Rates:** Track how many members renew their memberships, especially for free youth programs and special needs classes.
  - **Community Impact:** Measure the number of youth served, positive feedback from parents and caregivers, and any progress in the well-being of participants.
  - **Health and Fitness Outcomes:** Evaluate improvements in fitness levels, boxing technique, and self-defense capabilities.
  - **Growth & Reach:** Measure the number of new sign-ups, social media engagement, and the gym's visibility in the community.
- 

## Conclusion

Martinez Gym's concept focuses on inclusivity, community, and personal growth through boxing. With programs catering to special needs, free youth classes, and adult fitness/self-defense, your gym can serve as a cornerstone of empowerment, health, and connection for everyone in your community.

# RADIUS MAP

M & R UNITED INC  
Christina\_Hall\_2923467



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/6/2025

- Buffer
- Subject Property
- Notify Property
- Parcels



## CITIZEN PARTICIPATION PLAN REPORT

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### CASE DETAILS

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Project Name:	Martinez Gum
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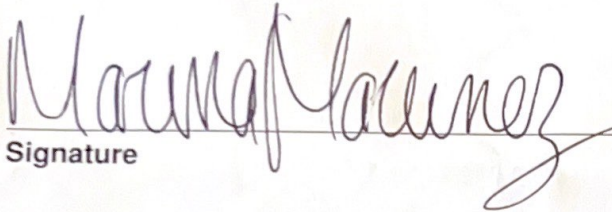




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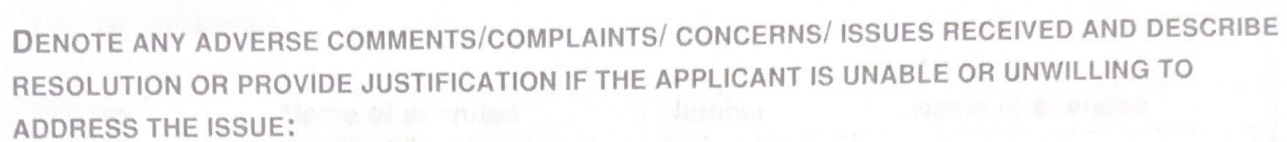
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Typed Name and Title

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Date

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Marina Martinez, owner of Martinez Gym, intends to file an application for Conditional Use to operate a boxing gym from the property located at 3565 Jupiter Blvd SE. This location currently operates as a law office. The total acreage is 2.12 for the property with Martinez Gym proposed to be 2,266 sq ft. The future land designation is commercial, with a zoning designation of neighborhood commercial. Gyms and fitness centers are a conditional use in this zoning district.

Pursuant to section 172.012(B)(1) of the Land Development Code, every application for development which requires a public hearing must include a citizen participation plan and report.

Please allow this correspondence to serve as notice of a Citizen Participation Meeting scheduled for the following date, time, and location:

**Friday, December 27, 2024**

**9:30 am**

**Palm Bay Public Library**

**1520 Port Malabar Blvd NE**

**Palm Bay FL 32905**

Any interested parties are encouraged to attend this meeting to discuss the proposed application, actively participate in the town's development procedures and provide public comments.

Sincerely,

Marina Martinez

# Martinez Gym Concept Plan

---

## 1. Vision & Mission

- **Vision:** To become a community hub for fitness, empowerment, and personal growth, where people of all abilities and backgrounds can experience the transformative power of boxing.
  - **Mission:** To provide accessible and high-quality boxing programs for individuals of all ages and abilities, focusing on fitness, self-defense, mental resilience, and community building. We believe that boxing is not just a sport, but a tool for personal development, empowerment, and positive change.
- 

## 2. Target Audience & Programs

### A. Special Needs Boxing Classes

- **Goal:** Empower individuals with special needs through boxing training, offering an inclusive environment where physical, mental, and emotional development can flourish.
- **Key Features:**
  - Adaptive techniques and equipment.
  - Focus on motor skills, coordination, social interaction, and self-confidence.
  - Tailored to the unique needs of each individual, with one-on-one or small group instruction.
  - Emphasis on positive reinforcement, mental clarity, and physical fitness.
  - Integration of caregivers and families into the gym environment for added support.
- **Age Range:** All ages, with individual assessments for different levels of ability.

### B. Free Youth Boxing & Fitness Classes

- **Goal:** Provide youth with the tools to stay active, build discipline, and grow through the sport of boxing, all while learning the importance of physical fitness, teamwork, and resilience.
- **Key Features:**
  - Free classes to ensure accessibility for all youth, especially in underprivileged areas.
  - Focus on foundational boxing skills, agility, strength, and fitness.
  - Mentorship and positive role models from experienced boxers and coaches.
  - Fun and interactive activities that teach boxing basics while promoting fitness and self-discipline.
  - Community engagement through tournaments or “Fight Nights” to showcase progress and celebrate achievements.



- **Age Range:** 7-17 years old.

### C. Adult Boxing, Self-Defense, and Healthy Lifestyles Classes

- **Goal:** Equip adults with self-defense skills, physical fitness, and the mental fortitude to live healthier, more active lifestyles.
  - **Key Features:**
    - **Boxing for Fitness:** High-energy group classes focused on improving cardiovascular health, strength, endurance, and stress relief.
    - **Self-Defense Training:** Practical techniques for personal safety, including situational awareness, striking, and defensive moves.
    - **Healthy Lifestyle Workshops:** Classes on nutrition, mindfulness, and overall wellness.
    - Community-building events such as wellness challenges, social workouts, and group fitness classes.
    - Options for beginners, intermediate, and advanced boxers.
  - **Age Range:** 18+ years.
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## 3. Facility Design & Layout

- **Boxing Ring Area:** Central to the gym, with a professional-size boxing ring that can be used for training, events, and exhibitions.
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  - **Community Lounge Area:** A place where members can socialize, relax, and interact after classes. This fosters a sense of community and belonging.
  - **Locker Rooms:** With accessible amenities and a clean, comfortable environment.
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## 4. Staffing & Training

- **Experienced Coaches:** Certified boxing coaches with experience in training all age groups, fitness levels, and abilities. A special focus on coaches trained in adaptive sports for special needs classes.

- **Support Staff:** Trainers with backgrounds in self-defense, fitness, youth coaching, and wellness.
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  - **Ongoing Education:** Staff will undergo regular training on adaptive coaching, de-escalation techniques, and the latest fitness trends to ensure they provide the highest standard of service.
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## 5. Marketing & Community Outreach

- **Brand Identity:**
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## 6. Budget & Funding

- **Initial Setup Costs:** Gym equipment (boxing rings, bags, weights, special needs adaptive equipment), renovations for accessibility, and marketing materials.
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    - Host fundraising events such as charity boxing tournaments or fun runs.
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- 

## 7. Success Metrics

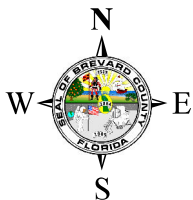
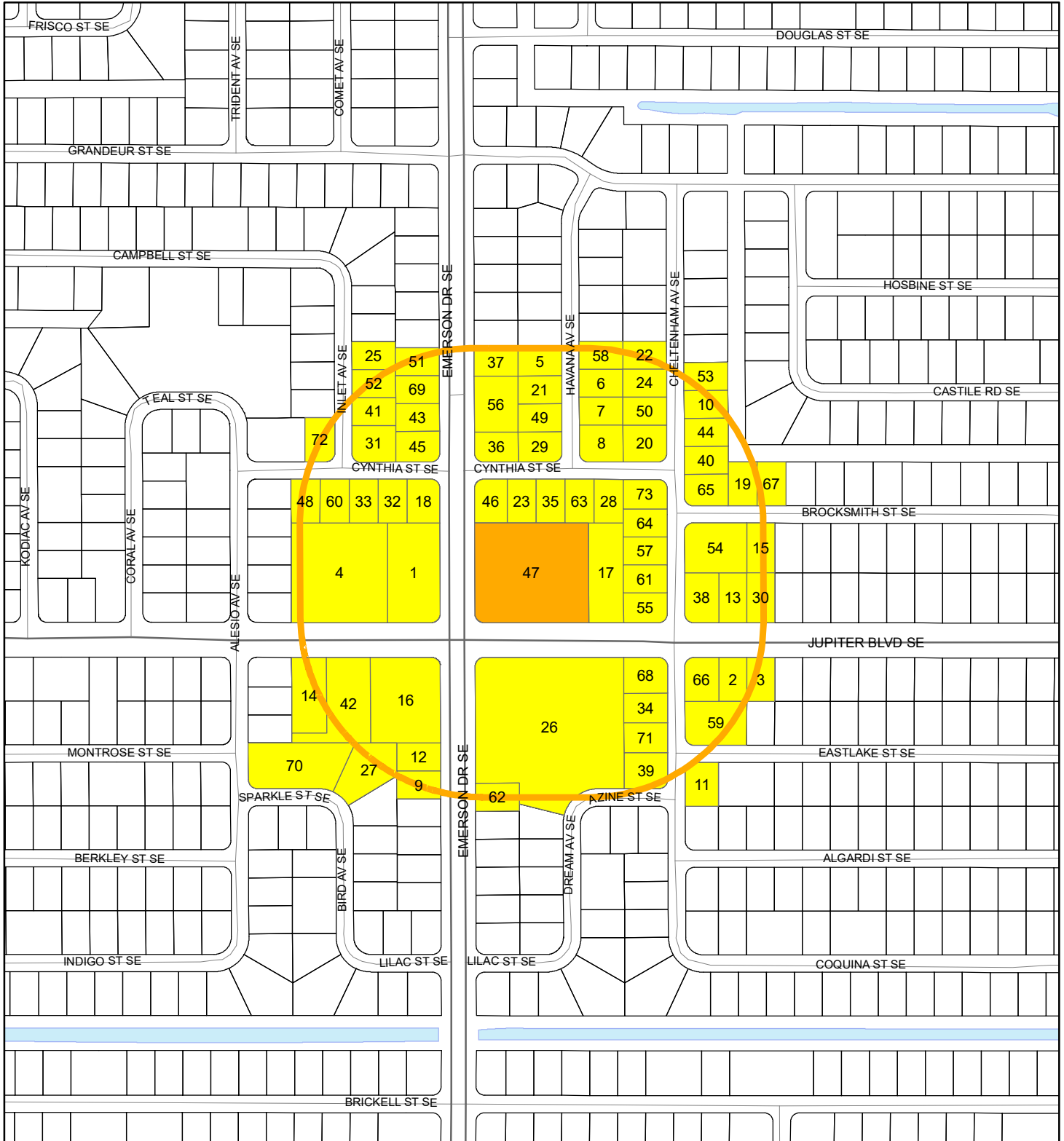
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## Conclusion

Martinez Gym's concept focuses on inclusivity, community, and personal growth through boxing. With programs catering to special needs, free youth classes, and adult fitness/self-defense, your gym can serve as a cornerstone of empowerment, health, and connection for everyone in your community.

# RADIUS MAP

M & R UNITED INC  
Christina\_Hall\_2923467



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/6/2025

- Buffer
- Subject Property
- Notify Property
- Parcels



# Martinez Gym Concept Plan

---

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# Project Details

Please enter details below



## Application Information

Pre-Application Meeting Date

12 / 17 / 2024

Pre-Application Meeting No.

PREM24- 00090

Parcel Number(s)

2 & 3

Tax Account Number(s)

2923467

Conditional Use Sought

Gym

or Special Requirements Use

Not Applicable



Only one Conditional Use allowed per application

Size of Area (acres)

2.12

Are You a Property Owner of Record?



No

Notarized Owner(s) consent required to authorize all Representatives.

## Staff Only

Staff Legal Description



Resolution Number

## Location Information

### Assessed Value

\$814,620.00

### Block

J

### Building SqFt

17,875

### Flu Code

COM

### Flu Description

Commercial

### Homestead Exemption

### Land Value

\$426,640.00

### Lot

### Lot Size

2.12

### Market Value

\$890,990.00

### Township Range Section

29-37-05

### Subdivision

GJ

### Tax ID

2923467

### Taxable Value Exemption

\$814,620.00

### Use Code

1110

Use Code Desc

RETAIL STORE - MULTIPLE UNITS

Year Built

Multiple

Zoning Code

NC

Zoning Description

Neighborhood Commercial



☒ CU25-00001

Undo

Save

Select Language | ▼

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Please enter details below



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Select Language | ▼

December, 20 24

Re: Letter of Authorization

As the property owner of the site legally described as:

3565 Jupiter Blvd Se Ste 2 Palm Bay FL 32909

I, Owner Name: Monica Shah

Address: 402 High Point Dr, Cocoa FL 32926

Telephone: 321-631-0245

Email: Monica@southeastpetro.com

hereby authorize:

Representative: Marina Martinez

Address: 3565 Jupiter Blvd SE Palm Bay SE 2 and 3 Palm Bay FL 32909

Telephone: 321-419-8943

Email: rogers.marina97@gmail.com

to represent the request(s) for:

Conditional Use permit, to use suites as a boxing club

  
(Property Owner Signature)

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30<sup>th</sup> day of December, 20 24 by

Monica Shah, property owner.

, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



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# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

**Accepted By:**

Marina

**On:**

1/2/2025 3:51:41 PM

☒ CU25-00001

Select Language ▼

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Select Language ▼





Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**AFFIDAVIT OF PUBLICATION**

Elena Sarazua  
attn: Accounts Payable  
City Of Palm Bay  
120 Malabar Rd Se  
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

03/20/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/20/2025

Legal Clerk

*Nancy Heyrman*  
Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$111.71  
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**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

Ad#11139443 03/20/2025

CITY OF PALM BAY, FLORIDA

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on April 2, 2025, and by the City Council on April 3, 2025, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. \*\*CU25-00001 - M & R United Inc., Monica Shah (Marina Martinez, Rep.)

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

Tract J, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 2.12 acres. Located at the northeast intersection of Jupiter Boulevard SE and Emerson Drive SE, specifically at 3565 Jupiter Boulevard SE, Units 2 and 3

\*\*Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Chandra Powell  
Planning Specialist

NANCY HEYRMAN  
Notary Public  
State of Wisconsin



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**AFFIDAVIT OF PUBLICATION**

Elena Sarazua  
attn: Accounts Payable  
City Of Palm Bay  
120 Malabar Rd Se  
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

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CITY OF PALM BAY, FLORIDA

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on April 2, 2025, and by the City Council on April 3, 2025, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. \*\*CU25-00001 - M & R United Inc., Monica Shah (Marina Martinez, Rep.)

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

Tract J, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 2.12 acres. Located at the northeast intersection of Jupiter Boulevard SE and Emerson Drive SE, specifically at 3565 Jupiter Boulevard SE, Units 2 and 3

\*\*Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

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Chandra Powell  
Planning Specialist

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

## **RESOLUTION 2025-14**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR INDOOR RECREATION IN NC (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF JUPITER BOULEVARD AND EMERSON DRIVE, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for a conditional use in NC (Neighborhood Commercial District) zoning to allow for indoor recreation on property legally described herein, has been made by M&R United Inc., and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on April 2, 2025, which voted to recommend to the City Council  , and

**WHEREAS**, all provisions applicable to the conditional use under Chapter 172, Development Review Procedures, Section 172.024 of the Palm Bay Code of Ordinances, have been addressed by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby grants a conditional use to allow for indoor recreation on property zoned NC (Neighborhood Commercial District), which property is legally described as follows:

Tract "J", except E 100 Feet, Port Malabar Unit 9, according to the plat thereof as recorded in Plat Book 15, Page 8, of the Public Records of Brevard County, Florida; Section 05, Township 29S, Range 37E; containing 2.12 acres, more or less.

**SECTION 2.** The conditional use is granted subject to the applicant complying with the following:

- A. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'A';
- B. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 3.** The conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence within two (2) years of issuance of the first permit shall void the conditional use. The Applicant may seek an administrative extension of one (1) year by submitting a written request within sixty (60) days prior to the date of expiration.

**SECTION 4.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2025-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, held on \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Rob Medina, MAYOR

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Applicant: M&R United Inc.  
Case: CU25-00001

cc: Brevard County Recording  
Applicant  
Case File

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