

4. 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, Ascot Palm Bay Holdings, LLC). (Quasi-Judicial Proceeding)



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



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Tania Ramos, Principal Planner

CASE

CU24-00007 – Heritage Corners

PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

PROPERTY OWNER & APPLICANT

Ascot Palm Bay Holdings, LLC (Nathan Laners, Blackfin Partners Investments, Inc. and Derek Ramsburg, P.E., Kimley-Horn & Associates, Inc., Reps.)

PROPERTY LOCATION/ADDRESS

Tract 750, Section 20, Township 28, Range 36, Brevard County, Florida, containing 2 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW. Tax Account 2865969

SUMMARY OF REQUEST

A **Conditional Use** 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.

Current Zoning

CC, Community Commercial District

Current Land Use

COM, Commercial

Site Improvements

Vacant Land

Site Acreage

2 acres

SURROUNDING ZONING & USE OF LAND

North

AU, Agricultural Residential (Brevard County); Vacant Land

East

CC, Community Commercial; Vacant Land

South

AU, Agricultural Residential (Brevard County); Vacant Land

West

AU, Agricultural Residential (Brevard County); Vacant Land

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, Commercial Use

BACKGROUND:

The subject property is a two (2) acre parcel located at the southwest corner of St. Johns Heritage Parkway and Emerson Drive NW. The applicant has provided a conceptual 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. The conditional use request is specifically to allow retail automotive gas/fuel sales store to be developed in the Community Commercial District.

ANALYSIS:

Section 185.043(D)(3) of the Code of Ordinances establishes retail automotive gas/fuel sales as a conditional use in the Community Commercial District and provides specific requirements to be met before permitting this use. An administrative site plan review will be required to ensure compliance with all applicable codes.

Retail automotive gas/fuel sales establishments shall be located on arterial roadways, at a signalized intersection of a major collector road, or on corner lots at the intersection of collector streets or a higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. The Transportation Element of the adopted Palm Bay Comprehensive Plan has St. Johns Heritage Parkway classified as a minor arterial urban roadway from Pace Drive NW to Emerson Drive NW and continuing north to Simon Road. Emerson Drive NW is classified as a major collector urban roadway from Jupiter Boulevard NW to St. Johns Heritage Parkway.

No more than two (2) corner lots at any intersection shall be used for retail gasoline or automotive fuel sales. The northeast corner of Emerson Drive and St. Johns Heritage Parkway received conditional use approval for retail automotive gas/fuel sales on July 6, 2023, via Resolution 2023-19 and a site plan for a Circle K convenience store is currently under review. This application, if approved, will be the second corner lot at this intersection approved for retail gasoline or automotive fuel sales.

A minimum street frontage of one hundred and fifty (150) feet on each abutting street is required. In addition, no driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification. The conceptual plan shows approximately three hundred (300) feet of frontage along St. Johns Heritage Parkway, and approximately three hundred (300) feet of frontage along the proposed Emerson Road extension. The driveway access points are both at least two hundred seventy (270) feet from the intersection.

The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation. Gasoline, fuel pumps,

storage tanks and other service island equipment are required be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

There are no supply wells within one thousand (1,000) feet of the project. The underground storage tanks and service island appear to meet the required separations on the conceptual site plan, although adjustments may be necessary during the administrative site plan review. The conceptual plan shows seventy-one (71) feet from the fuel pumps to the southern property line. The site is surrounded by vacant land with a Brevard County zoning designation of AU, Agricultural Residential. However, rezoning to a city zoning classification will be required prior to any development. The future land use in the surrounding area is Commercial as approved under Ordinance 2006-95. There is an additional fifty (50) feet of land with a Commercial future land use adjacent to the property on the south side, exceeding the one hundred (100) foot separation requirement.

Signs, if any, and proposed exterior lighting will be designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties. Proposed sign locations are not shown on the conceptual plan, but they will be required to meet setbacks, height and area restrictions as outlined in Chapter 178 during the administrative site plan review. Lighting and photometric plans will also be required. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons. Although capacity is not indicated on the conceptual plan, underground storage tanks are shown. Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ [176.01](#) et seq. of the code of ordinances. This will also be reviewed in detail during the administrative site plan review.

CODE REQUIREMENTS:

To be granted conditional use approval, requests are evaluated upon items (A) through (H) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A): 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 other emergencies.

Ingress and egress driveways at St. Johns Heritage Parkway are proposed to be right turn in

and right turn out only. Access is also proposed at the Emerson Drive extension. The conceptual plan shows interior traffic lanes onsite at thirty-five (35) feet width for two-way traffic. This will accommodate vehicular traffic movement as well as delivery of fuel and/or emergency traffic. For pedestrian safety, Public Works has indicated that the project will be required to provide sidewalks along the right-of-way frontage and on-site to off-site sidewalk connections.

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

Section 185.140(G)(10) of the Code of Ordinances establishes parking requirements for food stores at one (1) space for each two hundred (200) square feet of gross floor area. The proposed retail automotive gas/fuel sales establishment is 4,853 square feet, which will require twenty-four (24) parking spaces. Thirty (30) parking spaces are provided. A loading space is not required for food stores under 5,000 square feet.

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

The Utilities Department stated they have no objections to the proposed project. Any necessary upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The conceptual plan indicates twenty-five (25) foot landscaping buffers will be provided adjacent to adjoining properties to the west and south. A landscape plan has not been included with the concept plan, but a proposed stormwater pond is shown within the landscaping buffer. The adjoining properties are currently vacant with a future land use of Commercial, so compatible development can be anticipated. The project will be required to meet all landscaping requirements during the administrative site plan review.

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

Proposed sign locations are not shown on the conceptual plan. Signage, lighting, and photometric plans will be required for administrative site plan review. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

Item (F): Yards and open spaces will be adequate to properly serve the proposed

development and to ensure compatibility with adjoining properties.

On the conceptual plan, the site appears to meet all setback requirements. The adjoining properties are currently vacant with a future land use of Commercial, so compatible development can be anticipated. Setback and landscaping requirements are reviewed in depth during the administrative site plan review, and the project will be required to meet all code requirements.

Item (G): 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 proposed project is located on St. Johns Heritage Parkway which is classified as a minor arterial urban roadway in the City of Palm Bay 2045 Comprehensive Plan. Emerson Drive NW is classified as a major collector urban roadway from Jupiter Boulevard NW to St. Johns Heritage Parkway. Adequate ingress and egress and off-street parking areas have been provided. The use will not constitute a nuisance or hazard as proposed and will be compatible with the permitted uses of adjacent properties.

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

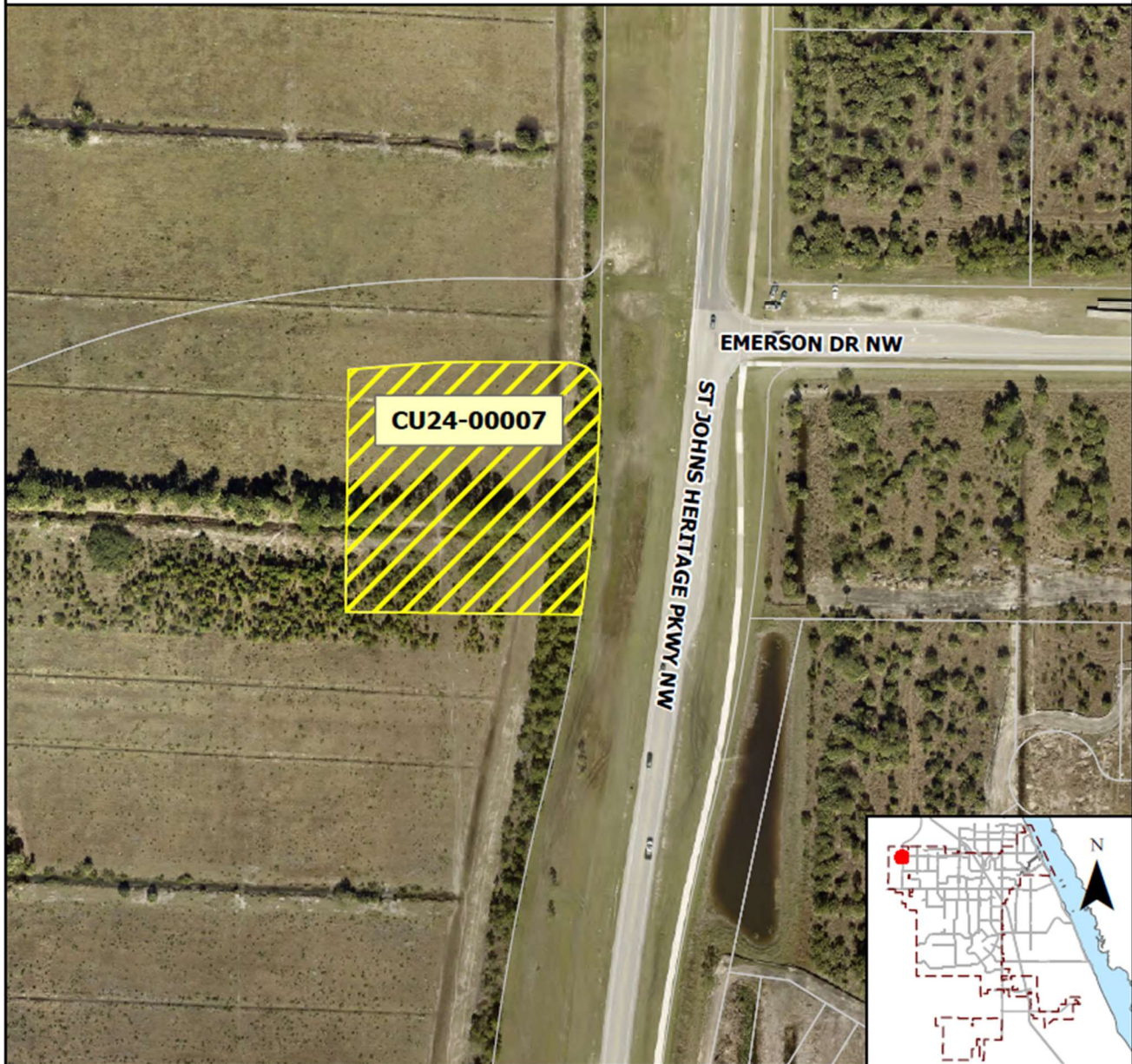
The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

STAFF FINDINGS:

Staff recommends Case CU24-00007 for approval.



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



AERIAL LOCATION MAP

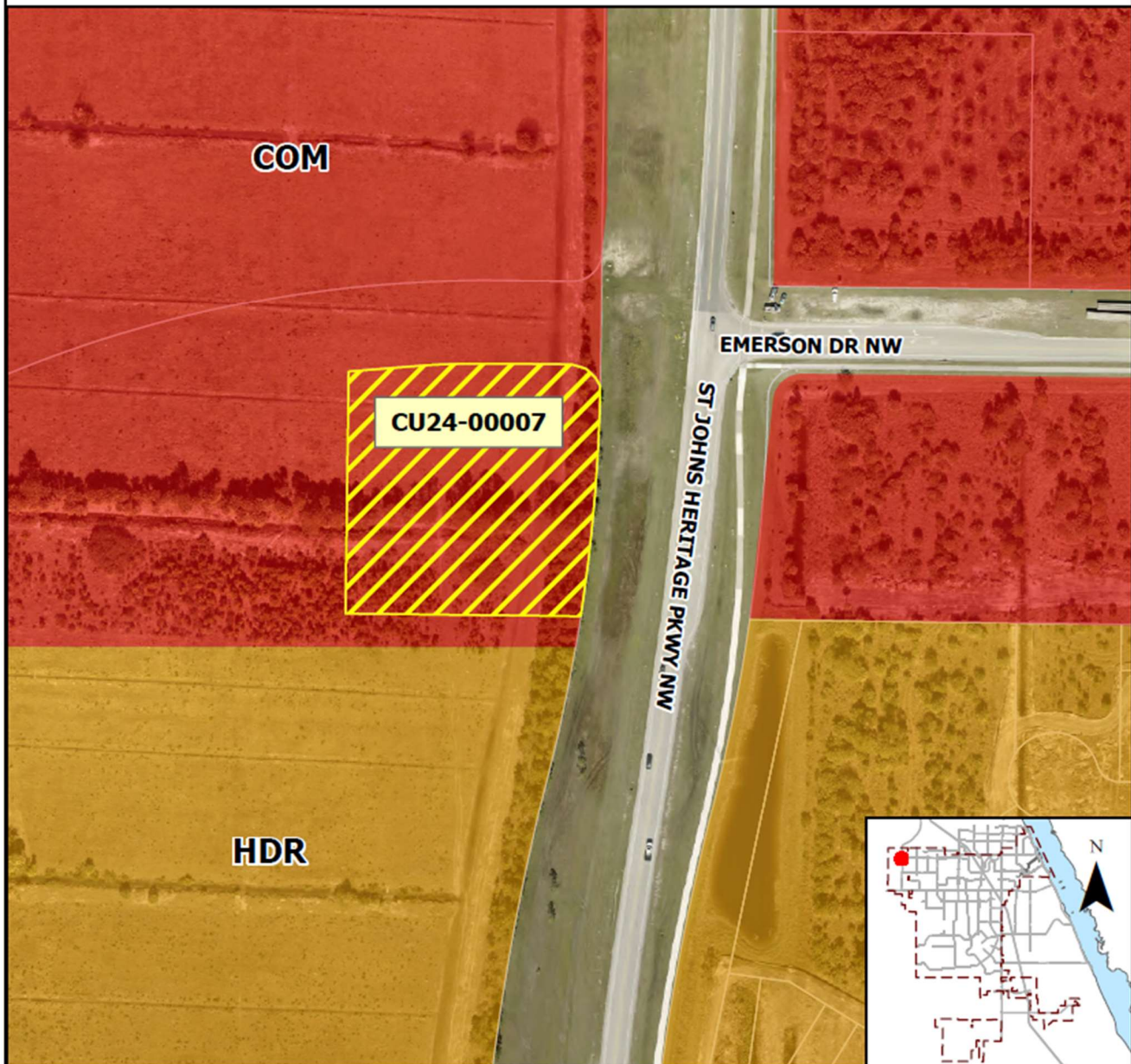
CASE: CU24-00007

Subject Property

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW



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



FUTURE LAND USE MAP

CASE: CU24-00007

Subject Property

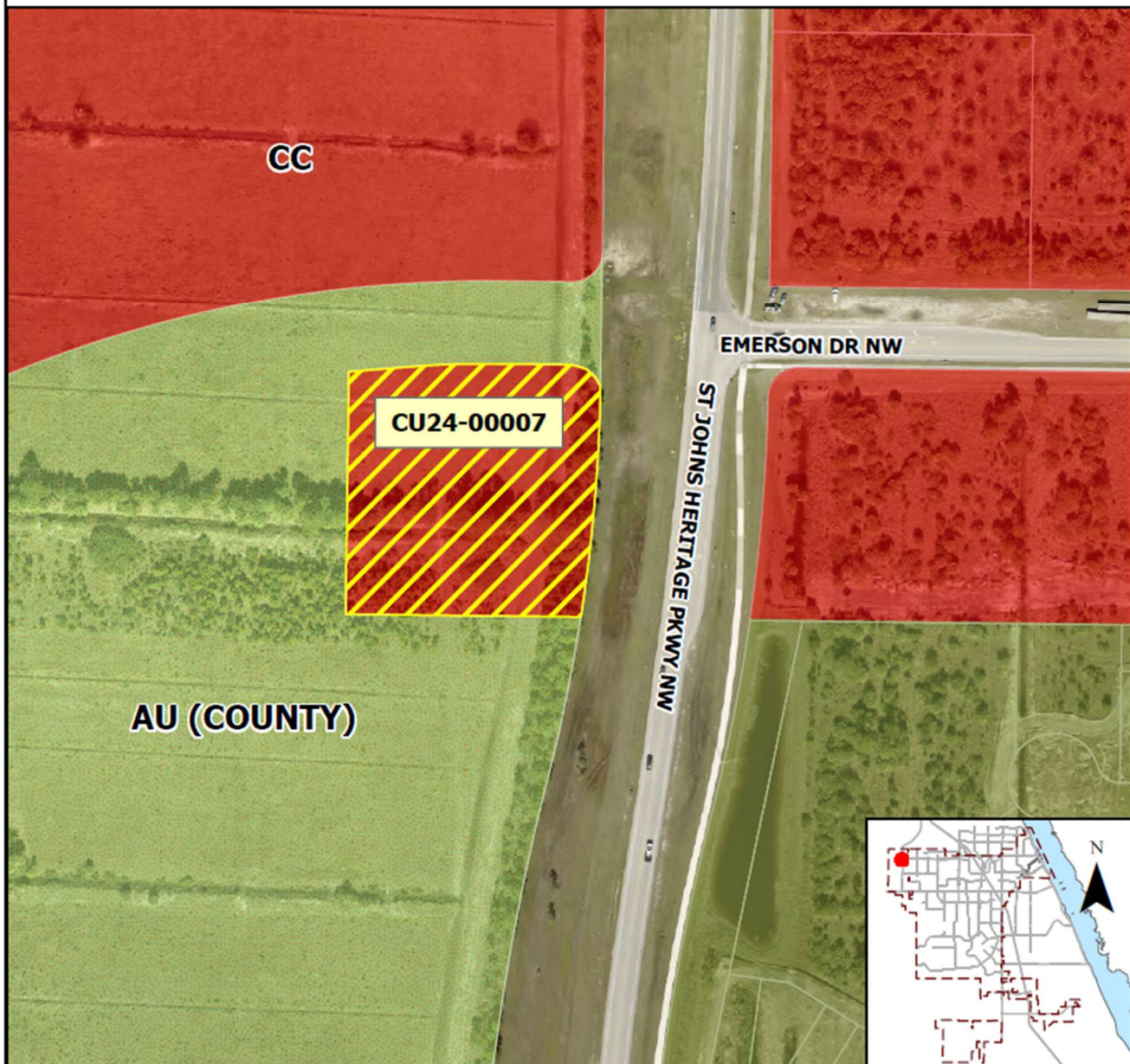
West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW

Future Land Use Classification

COM - Commercial



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



ZONING MAP

CASE:CU24-00007

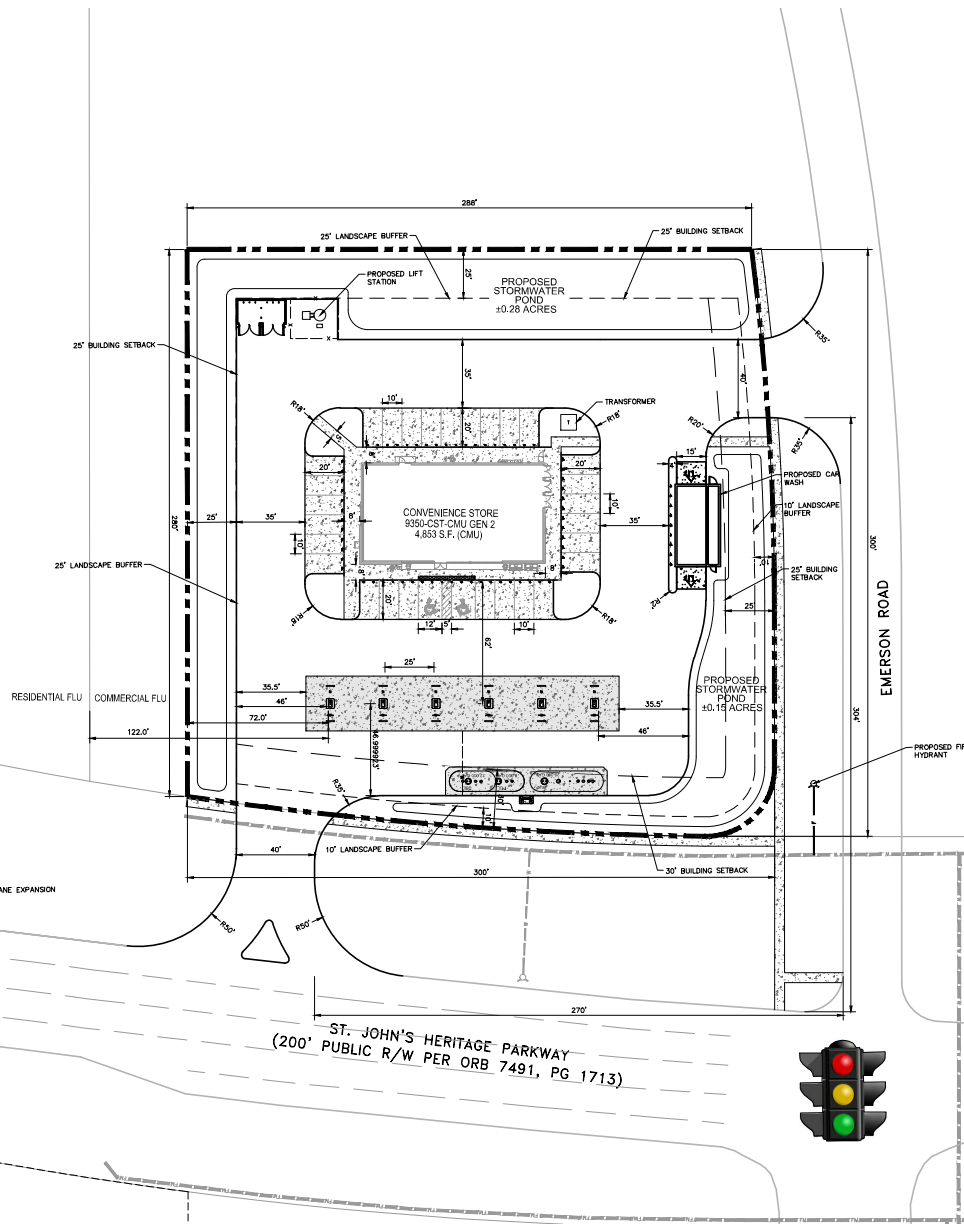
Subject Property

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW

Zoning District

CC - Community Commercial

K:\ORL_CAD\34918806-7-11 Palm Bay\CAD\CONCEPT\SP-03.dwg



SITE DATA:

PARCEL AREA:	2.00 ACRES (87,104 SF)
FUTURE LAND USE:	COM (COMMERCIAL)
EXISTING ZONING:	COMMUNITY COMMERCIAL
PROPOSED ZONING:	N/A
MAX. ALLOWED BUILDING HEIGHT:	70'
PROPOSED BUILDING HEIGHTS:	35' MAX

PROPOSED IMPERVIOUS AREA

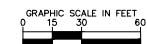
BUILDING AREA:	4,853 SF
ASPHALT AREA:	43,538 SF
CONCRETE AREA:	5,360 SF
SIDEWALK LENGTH:	371 LF
CURB LENGTH:	2,161 LF

PARKING REQUIRED:

1 SPACE / 200 SF	24 SPACES
4,853 SF BUILDING	24 SPACES
TOTAL SPACES REQUIRED	24 SPACES

PARKING PROVIDED:

PROPOSED HANDICAP SPACES (12'x20')	2 SPACES
PROPOSED REGULAR SPACES (10'x20')	28 SPACES
PROPOSED ON-SITE SPACES:	30 SPACES



ST. JOHN'S HERITAGE PARKWAY &
EMERSON ROAD

PALM BAY, FL

CONCEPTUAL SKETCH

09/18/2024 - CONTACT DEREK E. RAMSBURG, P.E. (407) 427-1642

SP-03

Kimley»Horn



CITIZEN PARTICIPATION PLAN REPORT

Applicant should follow established Citizen Participation Plan as specified in §169.005 CITIZEN PARTICIPATION PLANS.

CASE DETAILS

Applicant Name:	Blackfin Partners Investments, Inc
Project Name:	Heritage Corners Parcel C-17
Case Type:	Conditional Use
Case Description:	Conditional Use for convenience store with fuel sales
Intended Month of Submission:	June 2024

INFORMATION ON THE CITIZEN PARTICIPATION PLAN MEETING

Notice to the Public (Date):	6/6/2024
Date CPP was Held:	6/12/2024
Location of the Meeting:	Via Microsoft Teams online
Number of Attendees:	1



DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

[illegible]



LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
1.	Chris Heine	2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
11.		12.	
13.		14.	
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35.		36.	
37.		38.	
39.		40.	
41.		42.	
43.		44.	
45.		46.	
47.		48.	
49.		50.	



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.

A handwritten signature in black ink, appearing to read "D. Ramsburg".

Signature

Derek Ramsburg, PE

6/13/2024

Typed Name and Title

Date



June 6, 2024

Applicant: Blackfin Partners Investments, Inc.

Project: Heritage Corners Parcel C-17

Location: SW Corner of Emerson Drive & St Johns Heritage Parkway

Application Request: Retail Automotive Gas/Fuel Sales

RE: *Notice of Citizen Participation Meeting on June 12, 2024*

Blackfin Partners Investments, Inc. has recently submitted an application for a Conditional Use Permit to the City of Palm Bay. This application specifically pertains to the establishment of retail automotive gas/fuel sales, along with the addition of a car wash facility. It is important to note that both retail automotive gas/fuel sales and car washes are classified as conditional uses within the Community Commercial zoning district. As a result, a public meeting will be conducted to discuss the proposed project in further detail.

You are invited to attend the Citizen Participation meeting on behalf of Blackfin Partners Investments, Inc. During this meeting, we will discuss the request, address any questions you may have, and record any feedback you may offer. Following this meeting, we will then present the information gathered to City Staff, the Planning and Zoning Board, and City Council as we move through the review and public hearing process for this request.

Please be informed that we will have additional explanatory information available for you at the meeting. If you have any questions you would like to submit in advance of the meeting, we would appreciate the opportunity to review them in advance to be sure that we bring appropriate information to answer your questions or address your concerns at the meeting.

Date: June 12, 2024

Time: 4:00 – 5:30 P.M.

Location: Via Zoom

If you have any further questions, please do not hesitate to contact our office or email me at derek.ramsburg@kimley-horn.com.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Derek Ramsburg".

Derek Ramsburg, P.E.
Project Engineer

Project Details: CU24-00007

Project Type: Conditional Use

Project Location: nan Palm Bay, FL
Milestone: Submitted
Created: 6/4/2024
Description: Heritage Corners Parcel C-17
Assigned Planner: Tania Ramos

Contacts

Contact	Information
Owner/Applicant	Chris Heine PO Box 540669 Lake Worth, FL 33454 (561) 772-9520 nlanders@blackfinpartners.com
Legal Representative	Derek Ramsburg, P.E. 200 S Orange Avenue Orlando, FL 32801 (407) 427-1642 derek.ramsburg@kimley-horn.com
Legal Representative (2)	Nathan Landers 4440 PGA Boulevard Palm Beach Gardens, FL 33410 (561) 601-8080 nlanders@blackfinpartners.com
Submitter	Derek Ramsburg 200 S Orange, Suite 600 Orlando, FL 32801 derek.ramsburg@kimley-horn.com
Assigned Planner	Tania Ramos FL tania.ramos@palmbayflorida.org

Fields

Field Label	Value
Block	750
Lot	
Township Range Section	28-36-20
Subdivision	00

Project Details: CU24-00007

Year Built	
Use Code	6100
Use Code Desc	GRAZING LAND - SOIL CAPABILITY CLASS II - VACANT
Lot Size	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2865969
Flu Description	Commercial
Flu Code	COM
Zoning Description	Community Commercial
Zoning Code	CC
Size of Area (acres)	
Conditional Use Sought	CUP for retail automotive gas/fuel sales
or Special Requirements Use	Not Applicable
Are You a Property Owner of Record?	False
Tax Account Number(s)	2865969
Parcel Number(s)	28-36-20-00-750
Resolution Number	

June 19, 2024

Re: Letter of Authorization

As the property owner of the site legally described as:

28-36-20-00-750

I, Owner Name: Chris Heine

Address: PO Box 540669, Lake Worth, FL 33454

Telephone: 561-772-9520

Email: Heine0728@aol.com

hereby authorize:

Representative: Nathan Landers, Blackfin Partners Investments Inc.

Address: 4440 PGA Blvd., Suite 600

Telephone: 561-299-0036

Email: nlanders@blackfinpartners.com

to represent the request(s) for:

Conditional Use and Site Plan Review



Chris Heine

(Property Owner Signature)



STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19 day of June, 2024 by

Chris Heine

, property owner.

Jeffrey Hirsch

, Notary Public

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

June 19, 20 24

Re: Letter of Authorization

As the property owner of the site legally described as:

28-36-20-00-750

I, Owner Name: Chris Heine

Address: PO Box 540669, Lake Worth, FL 33454

Telephone: 561-772-9520

Email: Heine0728@aol.com

hereby authorize:

Representative: Derek Ramsburg, PE

Address: 200 S. Orange Ave. Suite 600, Orlando, FL 32806

Telephone: 407-427-1642

Email: derek.ramsburg@kimley-horn.com

to represent the request(s) for:

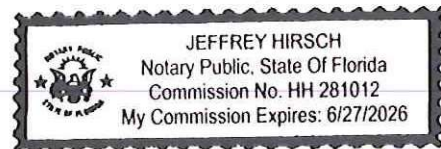
Conditional Use and Site Plan Review

Chris Heine

(Property Owner Signature)

STATE OF Florida

COUNTY OF Palm Beach



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19 day of June, 20 24 by

Chris Heine

, property owner.

Jeffrey Hirsch

Jeffrey Hirsch, Notary Public

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

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:

Derek Ramsburg

On:

6/4/2024 5:16:57 PM

☒ CU24-00007

Select Language ▼

Ad Preview

Ad#10581366; 2/19/24

AO#10581368, 7/19/24
 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 October 2, 2024, at the City Council on October 17, 2024, 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:

1. **CU23-00015 - Richard Pribell and Joyce Lechan-Pribell (Stephen L. Conteaguero of Nasor Yeager Gerson Harris & Fumero Law

Firm, Rep.)
A. Conditional Use to allow the construction of a dock within a Conservation District, in accordance with Section 173.021 [reference formerly known as Section 185.043(D)(3), Floodway Conservation District, FC.] of the Palm Bay

Ccda of Ordinances.
A portion of Tax Parcel 755, Section 26, Township 28, Range 37, Brevard County, Florida, containing approximately 10 acres. Located north of and adjacent to Port Malabar Equine and adjacent to Port Malabar Equine.

2.2.2.*Z24-00002 - Royal Wash PSL LLC (Chelsea Anderson, Mangrove Title) and Legal PLLC, Rep.) A Zoning Change from a GC, General Commercial District to a

CC, Community Commercial Districts 1 Through 6, Block 2211, Port Maitland Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Located at the southeast corner of Babcock Street S and

Malabar Road SE, specifically at 13300 Malabar Road SE
 LLC. **CU24-00006 - Royal Wash PSL
 33.3 (Chelsea Ardersen, Mangrove
 Title and Local LLC, Rep.)

A Conditional Use to allow for retail automotive gasoline sales in a CC, Community Commercial District, in accordance with Section 173.02 and Table 173-2 (reference formerly known as Section 185.143(D)(3)) of the Palm Bay Code of Ordinances, affects 1 Through 4, Block 2211 Port

Malabar Unit 38, Section 3, Township 29S, 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 3300 Malabar Road SE

Holdings, LLC, Chris Heine (And
Saunders, P.E., BSE Consultants,
Inc. and Nathan Londers, Blackfin
Partners Investments, Inc., Reps.)

Reference formerly known as Section 185.043(D)(9)) of the 2010 Bay Code of Ordinances. Twp Parcel 507, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 3.37 acres. Located south of and adjacent to Emerson Drive NW, in

the vicinity east of St. Johns
Heritage Parkway NW
5. SC024-00007 - Ascot Palm Bay
Holdings, LLC, Chris Heine
(Nathan Landers, Blackfin Part-
ners Investments, Inc. and Derek
Ramsburg, P.E., Kimley-Horn &
Associates, Inc., Reps.)

A Conditional Use to allow retail automotive gas/fuel sales in c CC, Community Commercial District, in accordance with Section 173.02 and Table 173-2 (reference formerly known as Section 185.043(D)(3)) of the Palm Bay Code of Ordinances, Tax Parcel 750, Section 20, Township

28. Range 36, Brevard County, Florida, containing 2 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW (*** indicates quasi-judicial request).

any decision made by the Planning 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 ensure that a verbatim transcript of the proceedings is provided.

ings is made, which record includes the testimony and evidence upon which the appeal is based (FS 288.005). Such person must provide a method for recording the proceedings verbatim.

Please contact the Pam Bay Land Development Division at (321) 733-

2011 should you have any questions regarding the referenced cases.
Cfandra Powell
Planning Specialist

Chandra Powell

From: Tania Ramos
Sent: Monday, October 7, 2024 3:29 PM
To: Chandra Powell; Carol Gerundo
Subject: FW: CU24-00007 Staff Report

From: Ramsburg, Derek <Derek.Ramsburg@kimley-horn.com>
Sent: Monday, October 7, 2024 3:28 PM
To: Tania Ramos <Tania.Ramos@palmbayflorida.org>; Nathan Landers <nlanders@blackfinpartners.com>
Cc: Steve Lipofsky <slipofsky@blackfinpartners.com>
Subject: RE: CU24-00007 Staff Report

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, that will work.

Derek Ramsburg, P.E.
Kimley-Horn | 200 S. Orange Avenue, Suite 600, Orlando, FL 32801
Direct: 407-427-1642

****I will be out of office from 10/14-10/25 with limited access to emails.****

From: Tania Ramos <Tania.Ramos@palmbayflorida.org>
Sent: Monday, October 7, 2024 3:26 PM
To: Ramsburg, Derek <Derek.Ramsburg@kimley-horn.com>; Nathan Landers <nlanders@blackfinpartners.com>
Cc: Steve Lipofsky <slipofsky@blackfinpartners.com>
Subject: RE: CU24-00007 Staff Report

Derek,

We will update our memo to request a continuance to 11/7. Council will have to vote to approve the continuance. Please confirm this is acceptable.

Thank you,



From: Ramsburg, Derek <Derek.Ramsburg@kimley-horn.com>
Sent: Monday, October 7, 2024 1:41 PM
To: Tania Ramos <Tania.Ramos@palmbayflorida.org>; Nathan Landers <nlanders@blackfinpartners.com>
Cc: Steve Lipofsky <slipofsky@blackfinpartners.com>
Subject: RE: CU24-00007 Staff Report

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tania,

Due to some scheduling concerns, are we able to push our Conditional Use application from the City Council agenda on the 17th to the next meeting on 11/7?

Thanks,

Derek Ramsburg, P.E.
Kimley-Horn | 200 S. Orange Avenue, Suite 600, Orlando, FL 32801
Direct: 407-427-1642

****I will be out of office from 10/14-10/25 with limited access to emails.****

From: Tania Ramos <Tania.Ramos@palmbayflorida.org>
Sent: Wednesday, September 25, 2024 3:23 PM
To: Ramsburg, Derek <Derek.Ramsburg@kimley-horn.com>; Nathan Landers <nlanders@blackfinpartners.com>
Cc: Steve Lipofsky <slipofsky@blackfinpartners.com>
Subject: RE: CU24-00007 Staff Report

This looks great, thank you!



From: Ramsburg, Derek <Derek.Ramsburg@kimley-horn.com>
Sent: Wednesday, September 25, 2024 2:41 PM
To: Tania Ramos <Tania.Ramos@palmbayflorida.org>; Nathan Landers <nlanders@blackfinpartners.com>
Cc: Steve Lipofsky <slipofsky@blackfinpartners.com>
Subject: RE: CU24-00007 Staff Report

RESOLUTION 2024-42

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN CC (COMMUNITY COMMERCIAL) ZONING; WHICH PROPERTY IS GENERALLY LOCATED WEST OF AND ADJACENT TO ST. JOHNS HERITAGE PARKWAY NW AND IN THE VICINITY WEST OF EMERSON DRIVE NW, 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 CC (Community Commercial) zoning to allow for retail automotive gas/fuel sales on property legally described herein, has been made by Ascot Palm Bay Holdings, LLC., and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on October 2, 2024, which voted to recommend to the City Council approval, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Section 185.088, 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 retail automotive gas/fuel sales on property zoned CC (Community Commercial), which property is legally described as follows:

Tax Parcel 750, of the Public Records of Brevard County, Florida; Section 20, Township 28, Range 36; containing 2 acres, more or less.

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

- A. Ingress and egress to the site shall be limited in access to Northview Street;
- B. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'A';
- C. Outgoing deliveries shall be limited to the hours of 6:30 A.M. and 9:00 P.M.;
- D. An eight (8) foot high opaque masonry wall or fence shall be erected along the west property line; and
- E. 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 2024-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, held on _____, 2024.

ATTEST:

Rob Medina, MAYOR

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Resolution 2024-42
Page 3 of 3

Applicant: Ascot Palm Bay Holdings, LLC.
Case: CU24-00007

cc: Brevard County Recording
Applicant
Case File