

9. 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) (CONTINUED FROM 10/17/24 RCM)



MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Tania Ramos, Principal Planner

THRU: Suzanne Sherman, City Manager

DATE: November 7, 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, Ascot Palm Bay Holdings, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 10/17/24 RCM)

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

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landdevelopmentweb@palmabayflorida.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.

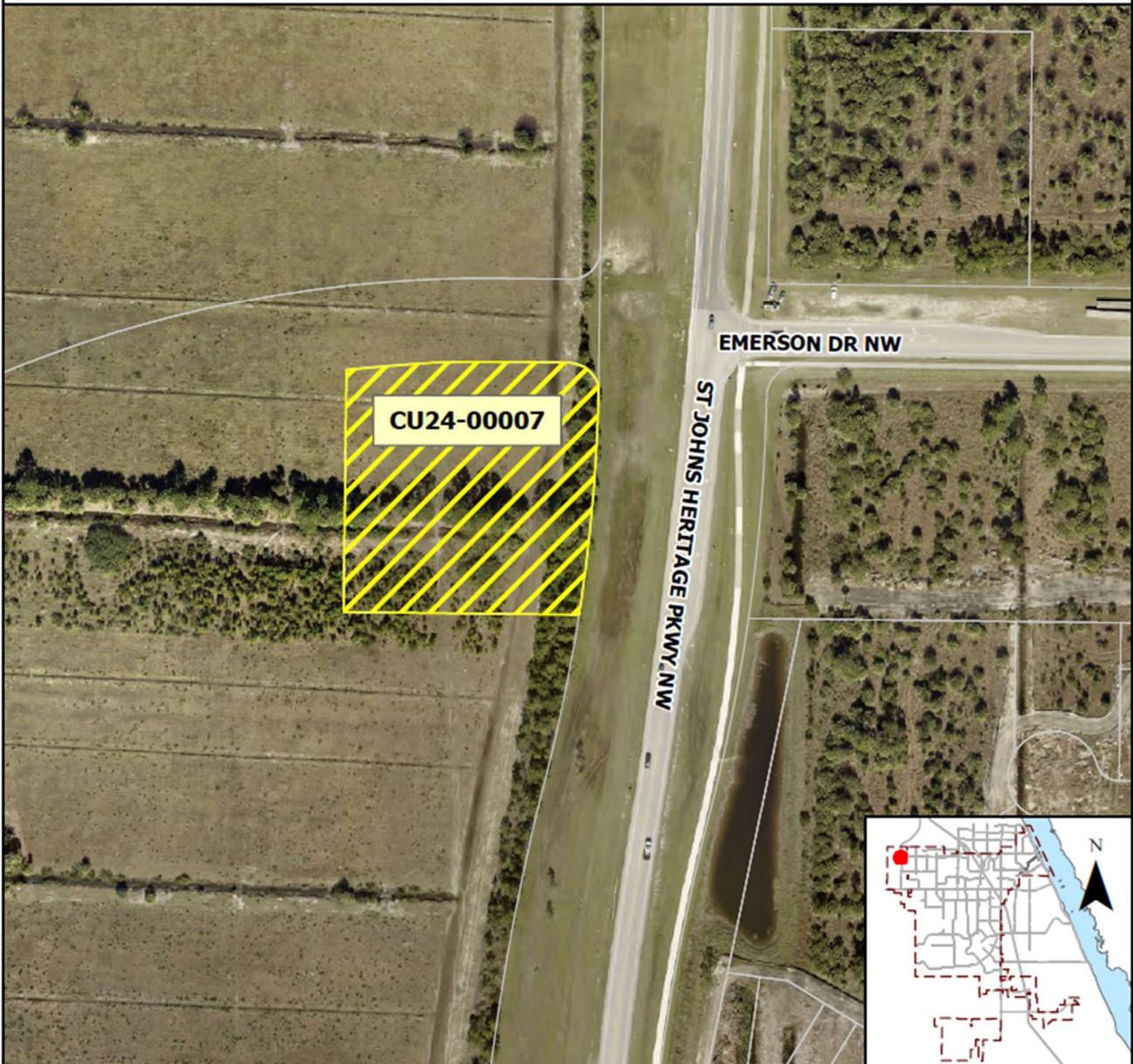
The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

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

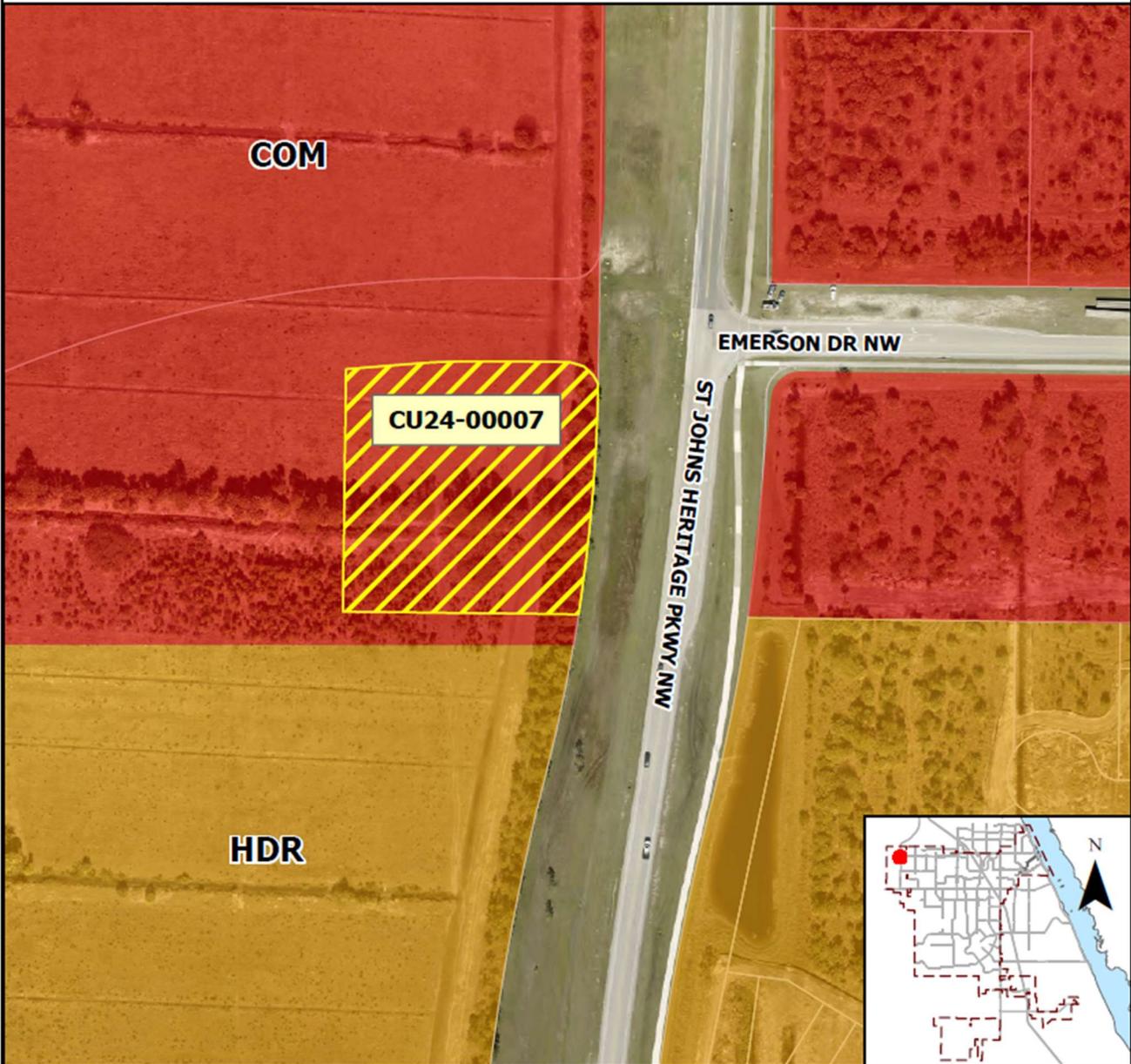
CASE: CU24-00007

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

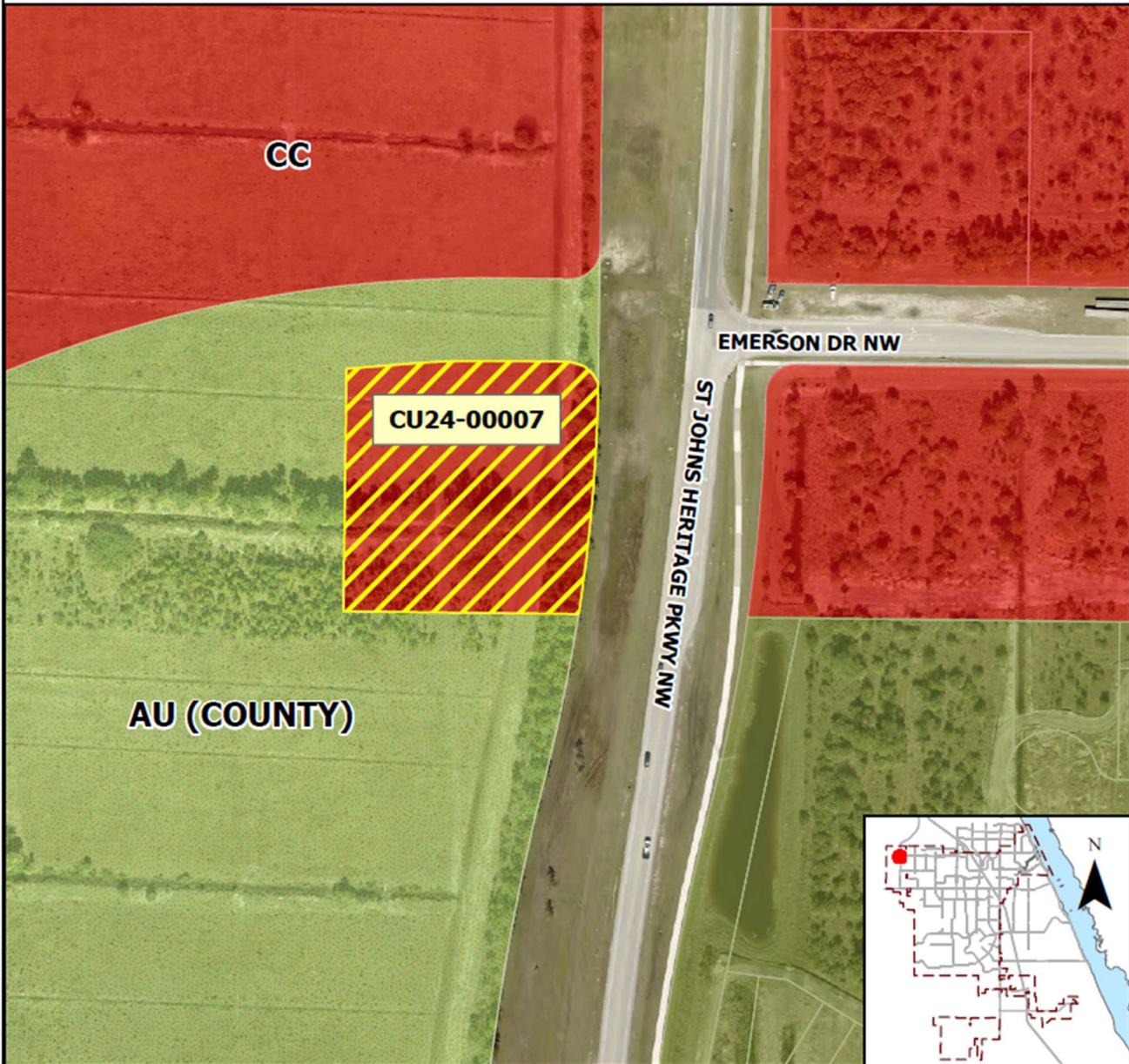
West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity west of Emerson Drive NW

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

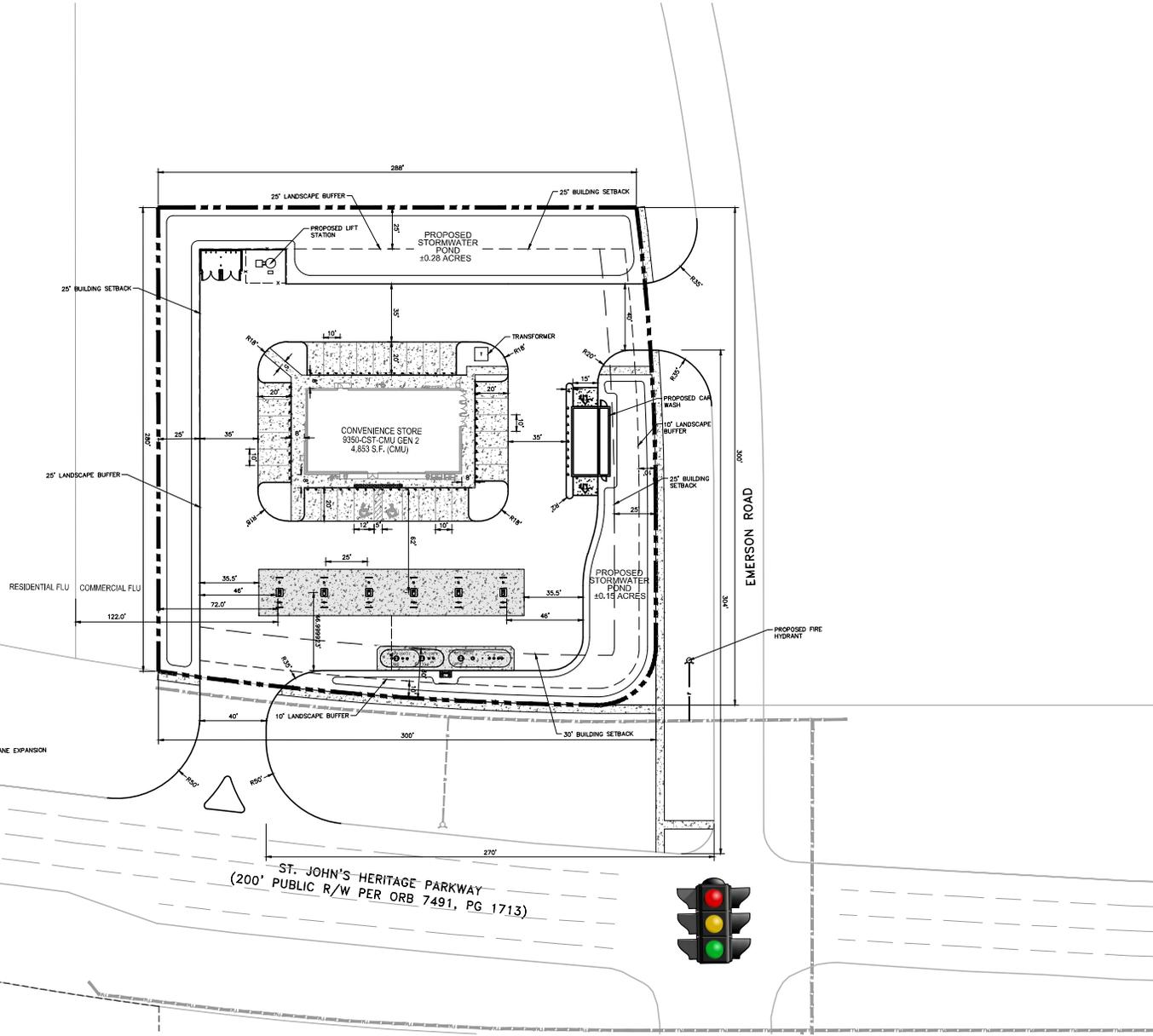
Subject Property

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

Zoning District

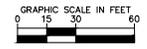
CC - Community Commercial

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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:	43,536 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
PARKING PROVIDED:	
PROPOSED HANDICAP SPACES (1:2'x20')	2 SPACES
PROPOSED REGULAR SPACES (10'x20')	28 SPACES
PROPOSED ON-SITE SPACES:	30 SPACES



SP-03

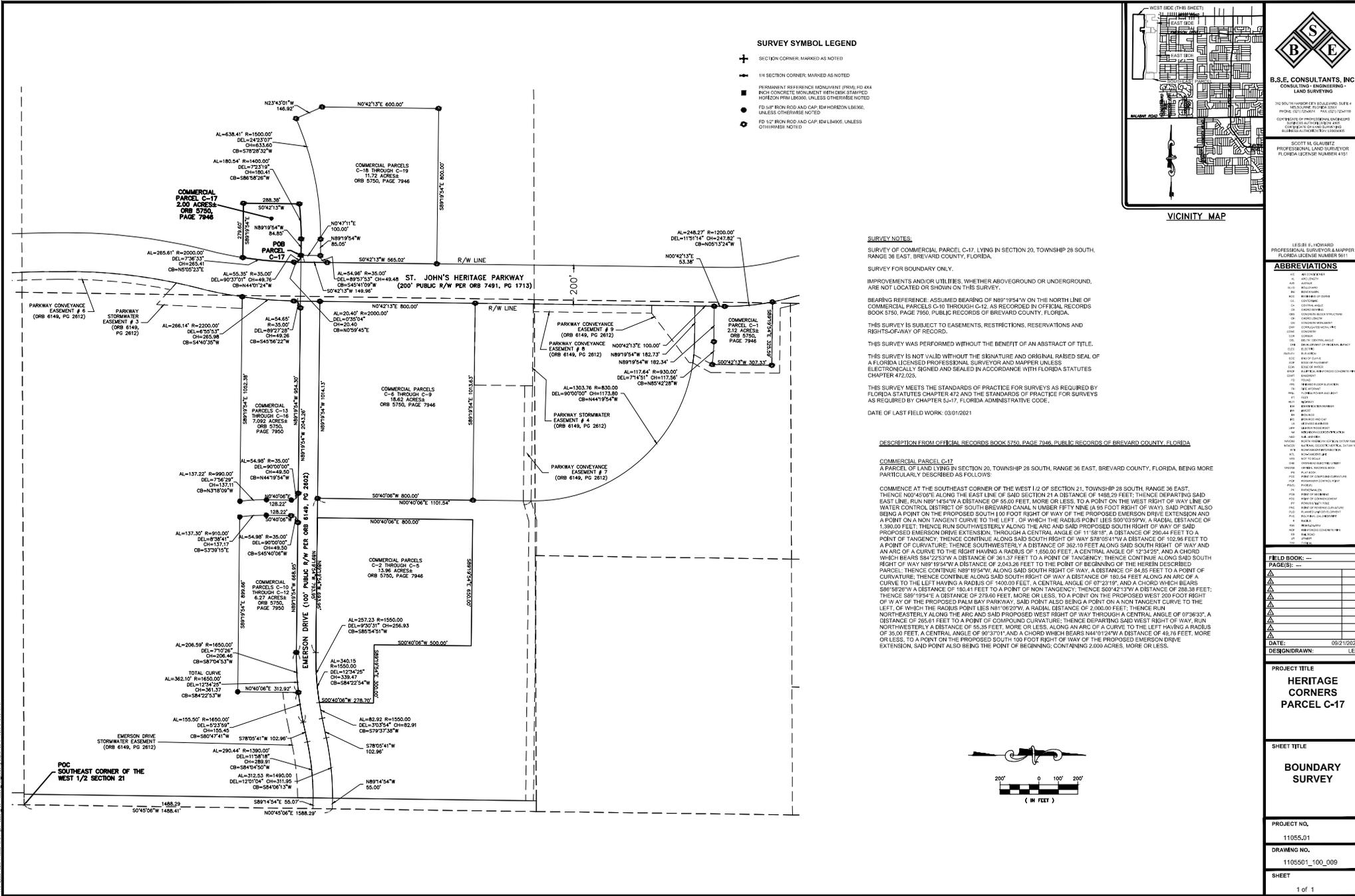
ST. JOHN'S HERITAGE PARKWAY & EMERSON ROAD

PALM BAY, FL

CONCEPTUAL SKETCH

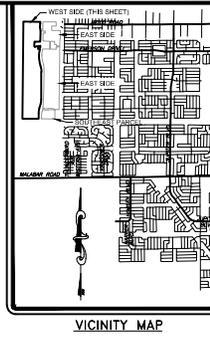
09/18/2024 - CONTACT DEREK E. RAMSBURG, P.E. (407) 427-1642





SURVEY SYMBOL LEGEND

- ⊕ SECTION CORNER, MARKED AS NOTED
- ⊕ 1/4 SECTION CORNER, MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); HD 4x4 INCH CONCRETE MONUMENT WITH CRK STAMPED HORIZONTAL PLAIN IRON, UNLESS OTHERWISE NOTED
- FD 3/4" IRON ROD AND CAP, ID# H0804, UNLESS OTHERWISE NOTED
- FD 1/2" IRON ROD AND CAP, ID# L0406, UNLESS OTHERWISE NOTED



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 PROFESSIONAL LAND SURVEYOR
 FLORIDA LICENSE NUMBER 4157

ABBREVIATIONS

AL	ARC LENGTH
AS	AS SHOWN
BE	BEARING
BL	BLOCK
CB	CURVE BEARING
CD	CURVE DISTANCE
CE	CURVE CENTER
CH	CHORD
CI	CURVE INTERSECTION
CM	CURVE MIDDLE
CO	CURVE OFFSET
CS	CURVE START
CT	CURVE TANGENT
CU	CURVE UNION
CV	CURVE VERGENCE
DE	DEPARTING BEARING
DI	DISTANCE
DO	DISTANCE OFFSET
DP	DISTANCE POINT
DS	DISTANCE START
DT	DISTANCE TANGENT
DU	DISTANCE UNION
EA	EASEMENT AREA
EB	EASEMENT BEARING
EC	EASEMENT CENTER
ED	EASEMENT DISTANCE
EE	EASEMENT END
EF	EASEMENT FROM
EG	EASEMENT GROUND
EH	EASEMENT HEIGHT
EI	EASEMENT INTERSECTION
EJ	EASEMENT JUNCTION
EK	EASEMENT KNOT
EL	EASEMENT LENGTH
EM	EASEMENT MIDDLE
EN	EASEMENT NORTH
EO	EASEMENT OFFSET
EP	EASEMENT POINT
EQ	EASEMENT QUANTITY
ER	EASEMENT RADIUS
ES	EASEMENT START
ET	EASEMENT TANGENT
EU	EASEMENT UNION
EV	EASEMENT VERGENCE
EW	EASEMENT WEST
EX	EASEMENT EXTENSION
EY	EASEMENT YIELD
EZ	EASEMENT ZONE
FA	FACILITY AREA
FB	FACILITY BEARING
FC	FACILITY CENTER
FD	FACILITY DISTANCE
FE	FACILITY END
FF	FACILITY FROM
FG	FACILITY GROUND
FH	FACILITY HEIGHT
FI	FACILITY INTERSECTION
FJ	FACILITY JUNCTION
FK	FACILITY KNOT
FL	FACILITY LENGTH
FM	FACILITY MIDDLE
FN	FACILITY NORTH
FO	FACILITY OFFSET
FP	FACILITY POINT
FQ	FACILITY QUANTITY
FR	FACILITY RADIUS
FS	FACILITY START
FT	FACILITY TANGENT
FU	FACILITY UNION
FV	FACILITY VERGENCE
FW	FACILITY WEST
FX	FACILITY EXTENSION
FY	FACILITY YIELD
FZ	FACILITY ZONE
GA	GROUND AREA
GB	GROUND BEARING
GC	GROUND CENTER
GD	GROUND DISTANCE
GE	GROUND END
GF	GROUND FROM
GG	GROUND GROUND
GH	GROUND HEIGHT
GI	GROUND INTERSECTION
GJ	GROUND JUNCTION
GK	GROUND KNOT
GL	GROUND LENGTH
GM	GROUND MIDDLE
GN	GROUND NORTH
GO	GROUND OFFSET
GP	GROUND POINT
GQ	GROUND QUANTITY
GR	GROUND RADIUS
GS	GROUND START
GT	GROUND TANGENT
GU	GROUND UNION
GV	GROUND VERGENCE
GW	GROUND WEST
GX	GROUND EXTENSION
GY	GROUND YIELD
GZ	GROUND ZONE
HA	HEIGHT AREA
HB	HEIGHT BEARING
HC	HEIGHT CENTER
HD	HEIGHT DISTANCE
HE	HEIGHT END
HF	HEIGHT FROM
HG	HEIGHT GROUND
HH	HEIGHT HEIGHT
HI	HEIGHT INTERSECTION
HJ	HEIGHT JUNCTION
HK	HEIGHT KNOT
HL	HEIGHT LENGTH
HM	HEIGHT MIDDLE
HN	HEIGHT NORTH
HO	HEIGHT OFFSET
HP	HEIGHT POINT
HQ	HEIGHT QUANTITY
HR	HEIGHT RADIUS
HS	HEIGHT START
HT	HEIGHT TANGENT
HU	HEIGHT UNION
HV	HEIGHT VERGENCE
HW	HEIGHT WEST
HX	HEIGHT EXTENSION
HY	HEIGHT YIELD
HZ	HEIGHT ZONE
IA	INTERSECTION AREA
IB	INTERSECTION BEARING
IC	INTERSECTION CENTER
ID	INTERSECTION DISTANCE
IE	INTERSECTION END
IF	INTERSECTION FROM
IG	INTERSECTION GROUND
IH	INTERSECTION HEIGHT
II	INTERSECTION INTERSECTION
IJ	INTERSECTION JUNCTION
IK	INTERSECTION KNOT
IL	INTERSECTION LENGTH
IM	INTERSECTION MIDDLE
IN	INTERSECTION NORTH
IO	INTERSECTION OFFSET
IP	INTERSECTION POINT
IQ	INTERSECTION QUANTITY
IR	INTERSECTION RADIUS
IS	INTERSECTION START
IT	INTERSECTION TANGENT
IU	INTERSECTION UNION
IV	INTERSECTION VERGENCE
IW	INTERSECTION WEST
IX	INTERSECTION EXTENSION
IY	INTERSECTION YIELD
IZ	INTERSECTION ZONE
JA	JUNCTION AREA
JB	JUNCTION BEARING
JC	JUNCTION CENTER
JD	JUNCTION DISTANCE
JE	JUNCTION END
JF	JUNCTION FROM
JG	JUNCTION GROUND
JH	JUNCTION HEIGHT
JI	JUNCTION INTERSECTION
JJ	JUNCTION JUNCTION
JK	JUNCTION KNOT
JL	JUNCTION LENGTH
JM	JUNCTION MIDDLE
JN	JUNCTION NORTH
JO	JUNCTION OFFSET
JP	JUNCTION POINT
JQ	JUNCTION QUANTITY
JR	JUNCTION RADIUS
JS	JUNCTION START
JT	JUNCTION TANGENT
JU	JUNCTION UNION
JV	JUNCTION VERGENCE
JW	JUNCTION WEST
JX	JUNCTION EXTENSION
JY	JUNCTION YIELD
JZ	JUNCTION ZONE
KA	KNOT AREA
KB	KNOT BEARING
KC	KNOT CENTER
KD	KNOT DISTANCE
KE	KNOT END
KF	KNOT FROM
KG	KNOT GROUND
KH	KNOT HEIGHT
KI	KNOT INTERSECTION
KJ	KNOT JUNCTION
KK	KNOT KNOT
KL	KNOT LENGTH
KM	KNOT MIDDLE
KN	KNOT NORTH
KO	KNOT OFFSET
KP	KNOT POINT
KQ	KNOT QUANTITY
KR	KNOT RADIUS
KS	KNOT START
KT	KNOT TANGENT
KU	KNOT UNION
KV	KNOT VERGENCE
KW	KNOT WEST
KX	KNOT EXTENSION
KY	KNOT YIELD
KZ	KNOT ZONE
LA	LENGTH AREA
LB	LENGTH BEARING
LC	LENGTH CENTER
LD	LENGTH DISTANCE
LE	LENGTH END
LF	LENGTH FROM
LG	LENGTH GROUND
LH	LENGTH HEIGHT
LI	LENGTH INTERSECTION
LJ	LENGTH JUNCTION
LK	LENGTH KNOT
LL	LENGTH LENGTH
LM	LENGTH MIDDLE
LN	LENGTH NORTH
LO	LENGTH OFFSET
LP	LENGTH POINT
LQ	LENGTH QUANTITY
LR	LENGTH RADIUS
LS	LENGTH START
LT	LENGTH TANGENT
LU	LENGTH UNION
LV	LENGTH VERGENCE
LW	LENGTH WEST
LX	LENGTH EXTENSION
LY	LENGTH YIELD
LZ	LENGTH ZONE
MA	MIDDLE AREA
MB	MIDDLE BEARING
MC	MIDDLE CENTER
MD	MIDDLE DISTANCE
ME	MIDDLE END
MF	MIDDLE FROM
MG	MIDDLE GROUND
MH	MIDDLE HEIGHT
MI	MIDDLE INTERSECTION
MJ	MIDDLE JUNCTION
MK	MIDDLE KNOT
ML	MIDDLE LENGTH
MM	MIDDLE MIDDLE
MN	MIDDLE NORTH
MO	MIDDLE OFFSET
MP	MIDDLE POINT
MQ	MIDDLE QUANTITY
MR	MIDDLE RADIUS
MS	MIDDLE START
MT	MIDDLE TANGENT
MU	MIDDLE UNION
MV	MIDDLE VERGENCE
MW	MIDDLE WEST
MX	MIDDLE EXTENSION
MY	MIDDLE YIELD
MZ	MIDDLE ZONE
NA	NORTH AREA
NB	NORTH BEARING
NC	NORTH CENTER
ND	NORTH DISTANCE
NE	NORTH END
NF	NORTH FROM
NG	NORTH GROUND
NH	NORTH HEIGHT
NI	NORTH INTERSECTION
NJ	NORTH JUNCTION
NK	NORTH KNOT
NL	NORTH LENGTH
NM	NORTH MIDDLE
NN	NORTH NORTH
NO	NORTH OFFSET
NP	NORTH POINT
NQ	NORTH QUANTITY
NR	NORTH RADIUS
NS	NORTH START
NT	NORTH TANGENT
NU	NORTH UNION
NV	NORTH VERGENCE
NW	NORTH WEST
NX	NORTH EXTENSION
NY	NORTH YIELD
NZ	NORTH ZONE
OA	OFFSET AREA
OB	OFFSET BEARING
OC	OFFSET CENTER
OD	OFFSET DISTANCE
OE	OFFSET END
OF	OFFSET FROM
OG	OFFSET GROUND
OH	OFFSET HEIGHT
OI	OFFSET INTERSECTION
OJ	OFFSET JUNCTION
OK	OFFSET KNOT
OL	OFFSET LENGTH
OM	OFFSET MIDDLE
ON	OFFSET NORTH
OO	OFFSET OFFSET
OP	OFFSET POINT
OQ	OFFSET QUANTITY
OR	OFFSET RADIUS
OS	OFFSET START
OT	OFFSET TANGENT
OU	OFFSET UNION
OV	OFFSET VERGENCE
OW	OFFSET WEST
OX	OFFSET EXTENSION
OY	OFFSET YIELD
OZ	OFFSET ZONE
PA	POINT AREA
PB	POINT BEARING
PC	POINT CENTER
PD	POINT DISTANCE
PE	POINT END
PF	POINT FROM
PG	POINT GROUND
PH	POINT HEIGHT
PI	POINT INTERSECTION
PJ	POINT JUNCTION
PK	POINT KNOT
PL	POINT LENGTH
PM	POINT MIDDLE
PN	POINT NORTH
PO	POINT OFFSET
PP	POINT POINT
PQ	POINT QUANTITY
PR	POINT RADIUS
PS	POINT START
PT	POINT TANGENT
PU	POINT UNION
PV	POINT VERGENCE
PW	POINT WEST
PX	POINT EXTENSION
PY	POINT YIELD
PZ	POINT ZONE
QA	QUANTITY AREA
QB	QUANTITY BEARING
QC	QUANTITY CENTER
QD	QUANTITY DISTANCE
QE	QUANTITY END
QF	QUANTITY FROM
QG	QUANTITY GROUND
QH	QUANTITY HEIGHT
QI	QUANTITY INTERSECTION
QJ	QUANTITY JUNCTION
QK	QUANTITY KNOT
QL	QUANTITY LENGTH
QM	QUANTITY MIDDLE
QN	QUANTITY NORTH
QO	QUANTITY OFFSET
QP	QUANTITY POINT
QQ	QUANTITY QUANTITY
QR	QUANTITY RADIUS
QS	QUANTITY START
QT	QUANTITY TANGENT
QU	QUANTITY UNION
QV	QUANTITY VERGENCE
QW	QUANTITY WEST
QX	QUANTITY EXTENSION
QY	QUANTITY YIELD
QZ	QUANTITY ZONE
RA	RADIUS AREA
RB	RADIUS BEARING
RC	RADIUS CENTER
RD	RADIUS DISTANCE
RE	RADIUS END
RF	RADIUS FROM
RG	RADIUS GROUND
RH	RADIUS HEIGHT
RI	RADIUS INTERSECTION
RJ	RADIUS JUNCTION
RK	RADIUS KNOT
RL	RADIUS LENGTH
RM	RADIUS MIDDLE
RN	RADIUS NORTH
RO	RADIUS OFFSET
RP	RADIUS POINT
RQ	RADIUS QUANTITY
RR	RADIUS RADIUS
RS	RADIUS START
RT	RADIUS TANGENT
RU	RADIUS UNION
RV	RADIUS VERGENCE
RW	RADIUS WEST
RX	RADIUS EXTENSION
RY	RADIUS YIELD
RZ	RADIUS ZONE
SA	START AREA
SB	START BEARING
SC	START CENTER
SD	START DISTANCE
SE	START END
SF	START FROM
SG	START GROUND
SH	START HEIGHT
SI	START INTERSECTION
SJ	START JUNCTION
SK	START KNOT
SL	START LENGTH
SM	START MIDDLE
SN	START NORTH
SO	START OFFSET
SP	START POINT
SQ	START QUANTITY
SR	START RADIUS
SS	START START
ST	START TANGENT
SU	START UNION
SV	START VERGENCE
SW	START WEST
SX	START EXTENSION
SY	START YIELD
SZ	START ZONE
TA	TANGENT AREA
TB	TANGENT BEARING
TC	TANGENT CENTER
TD	TANGENT DISTANCE
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TU	TANGENT UNION
TV	TANGENT VERGENCE
TW	TANGENT WEST
TX	TANGENT EXTENSION
TY	TANGENT YIELD
TZ	TANGENT ZONE
UA	UNION AREA
UB	UNION BEARING
UC	UNION CENTER
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UG	UNION GROUND
UH	UNION HEIGHT
UI	UNION INTERSECTION
UJ	UNION JUNCTION
UK	UNION KNOT
UL	UNION LENGTH
UM	UNION MIDDLE
UN	UNION NORTH
UO	UNION OFFSET
UP	UNION POINT
UQ	UNION QUANTITY
UR	UNION RADIUS
US	UNION START
UT	UNION TANGENT
UU	UNION UNION
UV	UNION VERGENCE
UW	UNION WEST
UX	UNION EXTENSION
UY	UNION YIELD
UZ	UNION ZONE
VA	VERGENCE AREA
VB	VERGENCE BEARING
VC	VERGENCE CENTER
VD	VERGENCE DISTANCE
VE	VERGENCE END
VF	VERGENCE FROM
VG	VERGENCE GROUND
VH	VERGENCE HEIGHT
VI	VERGENCE INTERSECTION
VJ	VERGENCE JUNCTION
VK	VERGENCE KNOT
VL	VERGENCE LENGTH
VM	VERGENCE MIDDLE
VN	VERGENCE NORTH
VO	VERGENCE OFFSET
VP	VERGENCE POINT
VQ	VERGENCE QUANTITY
VR	VERGENCE RADIUS
VS	VERGENCE START
VT	VERGENCE TANGENT
VU	VERGENCE UNION
VV	VERGENCE VERGENCE
VW	VERGENCE WEST
VX	VERGENCE EXTENSION
VY	VERGENCE YIELD
VZ	VERGENCE ZONE
WA	WEST AREA
WB	WEST BEARING
WC	WEST CENTER
WD	WEST DISTANCE
WE	WEST END
WF	WEST FROM
WG	WEST GROUND
WH	WEST HEIGHT
WI	WEST INTERSECTION
WJ	WEST JUNCTION
WK	WEST KNOT
WL	WEST LENGTH
WM	WEST MIDDLE
WN	WEST NORTH
WO	WEST OFFSET
WP	WEST POINT
WQ	WEST QUANTITY
WR	WEST RADIUS
WS	WEST START
WT	WEST TANGENT
WU	WEST UNION
WV	WEST VERGENCE
WW	WEST WEST
WX	WEST EXTENSION
WY	WEST YIELD
WZ	WEST ZONE
XA	EXTENSION AREA
XB	EXTENSION BEARING
XC	EXTENSION CENTER
XD	EXTENSION DISTANCE
XE	EXTENSION END
XF	EXTENSION FROM
XG	EXTENSION GROUND
XH	EXTENSION HEIGHT
XI	EXTENSION INTERSECTION
XJ	EXTENSION JUNCTION
XK	EXTENSION KNOT
XL	EXTENSION LENGTH
XM	EXTENSION MIDDLE
XN	EXTENSION NORTH
XO	EXTENSION OFFSET
XP	EXTENSION POINT
XQ	EXTENSION QUANTITY
XR	EXTENSION RADIUS
XS	EXTENSION START
XT	EXTENSION TANGENT
XU	EXTENSION UNION
XV	EXTENSION VERGENCE
XW	EXTENSION WEST
XX	EXTENSION EXTENSION
XY	EXTENSION YIELD
XZ	EXTENSION ZONE
YA	YIELD AREA
YB	YIELD BEARING
YC	YIELD CENTER
YD	YIELD DISTANCE
YE	YIELD END
YF	YIELD FROM
YG	YIELD GROUND
YH	YIELD HEIGHT
YI	YIELD INTERSECTION
YJ	YIELD JUNCTION
YK	YIELD KNOT
YL	YIELD LENGTH
YM	YIELD MIDDLE
YN	YIELD NORTH
YO	YIELD OFFSET
YP	YIELD POINT
YQ	YIELD QUANTITY
YR	YIELD RADIUS
YS	YIELD START
YT	YIELD TANGENT
YU	YIELD UNION
YV	YIELD VERGENCE
YW	YIELD WEST
YX	YIELD EXTENSION
YY	YIELD YIELD
YZ	YIELD ZONE
ZA	ZONE AREA
ZB	ZONE BEARING
ZC	ZONE CENTER
ZD	ZONE DISTANCE
ZE	ZONE END
ZF	ZONE FROM
ZG	ZONE GROUND
ZH	ZONE HEIGHT
ZI	ZONE INTERSECTION
ZJ	ZONE JUNCTION
ZK	ZONE KNOT
ZL	ZONE LENGTH
ZM	ZONE MIDDLE
ZN	ZONE NORTH
ZO	ZONE OFFSET
ZP	ZONE POINT
ZQ	ZONE QUANTITY
ZR	ZONE RADIUS
ZS	ZONE START
ZT	ZONE TANGENT
ZU	ZONE UNION
ZV	ZONE VERGENCE
ZW	ZONE WEST
ZX	ZONE EXTENSION
ZY	ZONE YIELD
ZZ	ZONE ZONE

SURVEY NOTES:
 SURVEY OF COMMERCIAL PARCEL C-17, LYING IN SECTION 20, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
 SURVEY FOR BOUNDARY ONLY.
 IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.
 BEARING REFERENCE ASSUMED BEARINGS OF N89°15'4" W ON THE NORTH LINE OF COMMERCIAL PARCELS C-10 THROUGH C-12, AS RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
 THIS SURVEY IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND



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:

	Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
	N/A	N/A	N/A



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.	
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
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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 "Derek 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 or Special Requirements Use	CUP for retail automotive gas/fuel sales 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

Jeffrey Hirsch, Notary Public

Personally Known or Produced the Following Type of Identification:

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: 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.

J. 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 ▼

ADMINISTRATIVE NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on the following matter...

1. *CUD2-0015 - Richard Pribel and Josephine Pribel, Applicants, 13001 Midlabor Road SE, Palm Bay, Florida, for the purpose of considering a Conditional Use to allow the construction of a deck within a C...

2. *CUD2-0016 - Richard Pribel and Josephine Pribel, Applicants, 13001 Midlabor Road SE, Palm Bay, Florida, for the purpose of considering a Conditional Use to allow the construction of a deck within a C...

3. *CUD2-0017 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

4. *CUD2-0018 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

5. *CUD2-0019 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

6. *CUD2-0020 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

7. *CUD2-0021 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

8. *CUD2-0022 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

9. *CUD2-0023 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

10. *CUD2-0024 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

11. *CUD2-0025 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

12. *CUD2-0026 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

13. *CUD2-0027 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

14. *CUD2-0028 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

15. *CUD2-0029 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

16. *CUD2-0030 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

17. *CUD2-0031 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

18. *CUD2-0032 - Ascot Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District, in the Palm Bay Community Commercial District...

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,



Down to Earth. And Up To Great Things™



321.952.3400 ext. 3220

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