

## **RESOLUTION 2020-60**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR AN AUTOMOTIVE FUEL DISPENSARY IN LI (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF TAYLOR AVENUE AND KIRBY CIRCLE, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR CONSTRUCTION TO BE IN COMPLIANCE WITH THE SITE PLAN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for a conditional use in LI (Light Industrial and Warehousing District) zoning to permit an automotive fuel dispensary on property legally described herein, has been made by WJJJ Land Holdings, LLC, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on November 4, 2020, 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 185.045, 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 for an automotive fuel dispensary on property zoned LI (Light Industrial and Warehousing District, which property is legally described as follows:

Tax Parcel 3, Falls Commerce Park Subdivision, of the Public Records of Brevard County, Florida; Section 23, Township 28S, Range 37E; containing 1.60 acres, more or less.

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

1. Constructing the structures relevant to the automotive fuel dispensary in accordance with the site plan which is, by reference, incorporated herein as Exhibit 'A'.
2. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B'.
3. 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.**

1. The conditional use must be commenced within one (1) year from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s) which must remain active. Failure to commence such construction within one (1) year of issuance of the first permit shall void the conditional use.
2. Failure to make payment of the business tax within one (1) year shall void the conditional use.

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

This resolution was duly enacted at Meeting 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2020.

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Robert Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

City of Palm Bay, Florida  
Resolution 2020-    

Applicant: WJJJ Land Holdings, LLC  
Case: CU-31-2020

cc: (date) Brevard County Recording  
Applicant  
Case File