

RESOLUTION 2023-45

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN NC (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EMERSON DRIVE AND GLENCOVE AVENUE, 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 retail automotive gas/fuel sales has been made by Sunrise Plaza Enterprise, Inc., on property legally described herein, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 6, 2023, 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, Sections 185.042 and 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 NC (Neighborhood Commercial District), which property is legally described as follows:

A portion of Tract "I", Port Malabar Unit 44, according to the plat thereof as recorded in Plat Book 21, Page 155, of the Public Records of Brevard County, Florida; Section 22, Township 28S, Range 36E; containing 3.00 acres, more or less.

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

- A. Constructing the structures relevant to retail automotive gas/fuel sales in accordance with the site plan which is, by reference, incorporated herein as Exhibit 'A'.
- B. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B'.
- C. 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 2023- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2023.

ATTEST:

Rob Medina, MAYOR

Terese M. Jones, CITY CLERK