



Melbourne City Council
May 12, 2026
City Manager's Item Report

Department:	Community Development
Presenter:	Cindy Dittmer
Council District:	3
Reading Number:	1
Quasi-judicial Item (Disclosure Required):	Yes
Public Hearing:	Yes
Item Number:	C.12.

Subject:

Ordinance No. 2026-21, Conditional Use (CU2024-0009) with Site Plan Approval (PLAN2024-0016)
Circle K Convenience Store

Background/Consideration:

This is the first reading of an ordinance granting a conditional use to allow a convenience store with gas pumps, with site plan approval on a 2.1±-acre property, in a C-P zoning district (Commercial Parkway) located on the west side of South Babcock Street, south of NASA Boulevard and north of Hibiscus Boulevard (1300 South Babcock Street - Tax Account #2729493). The property has a Mixed Use Future Land Use classification, is within the Midtown Activity Center, and is located in Council District 3.

The property is currently developed with a 7,325± square foot financial institution including parking, landscaping and stormwater. The applicant is requesting a Conditional Use approval to develop a 5,200±-square foot convenience store with 14 fueling stations. The subject property is currently zoned C-P (Commercial Parkway), which is a mixed-use zoning category typically designated along major roadway corridors and is designated with a Mixed Use Future Land Use. In the mixed-use zoning categories, there needs to be additional scrutiny to address whether convenience stores with gas pumps are compatible. Convenience stores with gas pumps require a Conditional Use approval in the C-P zoning district.

With the location of this property within the former Babcock Street CRA corridor and within the Midtown Activity Center with a Mixed Use Future Land Use (as designated within the Comprehensive Plan), staff has some concerns about the compatibility of convenience store with gas pumps as a principal use in this area.

Within the goals and objectives of the Comprehensive Plan, the use of this property as a convenience store with gas pumps does not: meet the intended mixed use, higher density and intensity uses within an Activity Center; exhibit a compact urban design; satisfy the need for a walkable type of use; nor address the stated uses within the Mixed Use future land use of retail, office, low/medium/high residential, recreational or institutional. These uses would have met the goals of the Redevelopment Plan of the former Babcock CRA to further develop support services to support the concentration of employers near the Melbourne International Airport, where a concentration of employment is located. However, the proposed use is an allowable conditional use request within the C-P zoning district and the proposed site plan adheres to all use standards for convenience stores



with gas pumps, as outlined within City Code.

The site plan indicates access to both Rialto Place (along the north property line), and the existing eastern driveway connecting to the southern property, with internal, connecting drives on both sides of the fuel pump area. The existing driveway on Babcock Street will be modified as an entrance only to reduce vehicular conflicts with the internal driveway connection to the south. The site plan provides the required 20 parking spaces, and complies with all use standards related to architectural standards, façade and roofline standards, canopy, landscaping and lighting.

The subject property is located on an arterial roadway, surrounded by commercial development, restaurants, and vacant commercial land (under construction for a hotel). On the east side of Babcock Street is Melbourne High School, with I-1 zoning. There are no single-family residential lots located within 500 feet of the subject property; a multi-family residential development is located 530± feet to the north (Madison Midtown Apartments).

On April 16, 2026, the Planning and Zoning Board voted 5-to-2 to recommend approval of this request.

Fiscal/Budget Impact:

N/A

Requested Action:

Approval of Ordinance No. 2026-21 with PLAN2024-0016 based upon the findings and conditions contained in the Planning and Zoning Board memorandum.

Memorandum

To: Jenni Lamb, City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Cheryl A. Dean, AICP, Planning Manager
Re: **Conditional Use (CU2024-0009) with Site Plan Approval Request (PLAN2024-0016) Circle K Convenience Store**
Date: April 30, 2026

Owner/Applicant/Representative

- Owner – Lemonade MM Melbourne Babcock LLC
- Applicant / Representative – Jarod Stubbs, PE, Kimley Horn & Associates, Inc.

Proposed Actions

For the overall 2.1± acres of property, the following actions are requested:

- **Conditional Use Request** – to construct a convenience store with gas pumps in a C-P (Commercial Parkway) zoning district; and
- **Site Plan Approval Request** – to redevelop the property with a 5,200±-square foot convenience store with 14 fueling stations.

Location

The subject property is located on the west side of South Babcock Street, south of NASA Boulevard and north of Hibiscus Boulevard, in Township 27, Range 37, Section 33 (1300 South Babcock Street - Tax Account 2729493). The property is located in Council District 3 and is within the Midtown Activity Center.

History

The property is currently developed with a 7,325± square foot financial institution originally constructed in 1974 as a Republic Bank, including parking, landscaping and stormwater. In 2005, the building became BB&T Bank and then later through merger, became Truist Bank, which operated until 2022.

Adjacent Property Information

Frontage: Along the east property line, South Babcock Street, a city-maintained

arterial roadway.

Other Access: Along the north property line, Rialto Place, a 70-foot-wide flag to Lot 2 of the Rialto Place Subdivision (PB41, PG 3), recorded in 1994.

Along the south property line, a private access connection to the commercial property owned by 1450 S Babcock LLC.

To the East: Across South Babcock Street, Melbourne High School

Zoning: I-1

Land Use: Public Lands/Institutional

To the West: Lot 4, Rialto Place Subdivision, currently under construction for the Baywood Hotel (CU2024-0001/Ordinance No 2024-47, PLAN2024-0001).

Zoning: C-C-P (Commercial Parkway District)

Land Use: Mixed Use

To the North: Across Rialto Place Lot 2, Flying Burro restaurant

Zoning: C-P

Land Use: Mixed Use

To the South: Developed property owned by 1450 S Babcock LLC

Zoning: C-C-P

Land Use: Mixed Use

The property has a Mixed Use Future Land Use Map classification.

Conditional Use Analysis

The applicant is requesting a Conditional Use approval to develop a 5,200±-square foot convenience store with 14 fueling stations. Convenience stores with gas pumps require a Conditional Use approval in the C-P zoning district. The Conditional Use standards are presented in Appendix B, Article IX, Section 5.

The Conditional Use standards require a determination that the requested Conditional Use will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and are in harmony with the general purpose of the zoning ordinance. The character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings, and traffic conditions in the vicinity are all factors that shall be taken into account.

The subject property is located on an arterial roadway, surrounded by commercial development, restaurants, and vacant commercial land (under construction for a hotel). Across Babcock Street is Melbourne High School, with I-1 zoning. There are no single-family residential lots located within 500 feet of the subject property; a multi-family residential development is located 530± feet to the north, (Madison Midtown Apartments).

City Code: City Code, Appendix B, Article V, Section 2(d) Table 1B identifies convenience stores with gas pumps as a permitted use in the heavy commercial and industrial zoning categories (M-1, and M-2); however, a conditional use is required for commercial zoning categories (C-2, C-P and C-E). This means that convenience stores

with gas pumps are considered to be more compatible and well-suited in an industrial/heavy commercial area and need to be carefully considered in a mixed use commercial area. The subject property is currently zoned C-P (Commercial Parkway), which is a mixed-use zoning category typically designated along major roadway corridors. In the mixed-use zoning categories, there needs to be additional scrutiny to address whether convenience stores with gas pumps are compatible.

Babcock Street CRA Redevelopment Plan: The Babcock Street CRA was established in 1997 sunset in 2024 and included 544±-acres along the Babcock Street corridor. The Babcock Street CRA Redevelopment Plan was revised in 2008 and the subject property was located within the Central Area/Core Area of the Babcock Street Plan and was comprised of retail, restaurant, school and office uses.

The Redevelopment Plan for the former Babcock CRA identified an opportunity to further develop support services, such as dining, retail, hotel and meeting facilities to support the concentration of employers near the Melbourne International Airport, where a concentration of employment is located.

With the location of this property within this section of the Babcock Street corridor and the Midtown Activity Center, staff has some concerns about the compatibility of convenience store with gas pumps as a principal use in this area.

The use of this property as a convenience store with gas pumps does not exhibit compact design components and multiple uses per building. Page 81 of the Redevelopment Plan identified mixed use as “more than one use per structure”, with typically multi-level (2-3 stories), and the plan provides examples such as office/commercial, or residential/office/retail. As cited in the Redevelopment Plan, this type of mixed use development enables “residents to live, work and shop without having to travel out of the area and hopefully without the use of a vehicle.” The proposed development does not meet this description, as the applicant does not intend to provide more than the retail sales of fuel and convenience items. A convenience store with gas pumps is also not meeting the desired uses for the Community Redevelopment Area of retail, office and dining.

The Comprehensive Plan: The 2010 Comprehensive Plan updated the future land use designations by establishing a new Mixed Use Future Land Use classification (as a replacement to old land uses with two or more land use classifications). The Comprehensive Plan was updated to reflect the future need for infill within the City’s urban core areas, and language was improved for consistency with the Babcock Street Redevelopment Plan. The city was required by the State to identify maximum densities (up to 30 units per acre) and intensities (a Floor Area Ratio of 2) within the Babcock Street CRA. The city made these changes within the Babcock Street CRA to encourage more dense patterns of infill development and redevelopment where infrastructure exists to support a greater intensity, also adopted within the Comprehensive Plan and City Code.

The subject proposal for a convenience store with gas pumps provides a 0.057 FAR for the site. The applicant has the ability to construct a much denser and more urban type development on the subject property that meets the description of mixed use as described

in the Babcock Street Community Redevelopment Plan.

1. Objective 1.4 identifies the Mixed-Use Corridor land use category is intended to provide a mixture of residential, commercial, recreational and institutional uses generally along major transportation corridors in the City. Uses listed include commercial uses – specifically retail and office, low-medium-high residential uses, recreational uses and institutional uses. While a convenience store with gas pumps is required to be located on an arterial roadway, such use is better suited for a General Commercial Corridor.
2. Policy 1.4.2 identifies that higher densities and intensities should be closer to the activity centers as a factor for determining appropriateness of mixed use. In addition, the mixed use future land use designation shall encourage a compact and walkable environment to reduce vehicle miles traveled. A convenience store with gas pumps is generally not considered to be a walkable use.
3. Objective 1.11 states that the city's urban nodes, including the Midtown Activity Center, shall reflect the need to intensify and consolidate complementary land uses to prevent urban sprawl. The proposed development does not intensify or consolidate complimentary land uses.
4. Policy 2.1.1: Ensure the zoning district regulations allow an intensification of buildings within activity centers and mixed-use corridors to achieve appropriate densities and intensities. This property is located within the Midtown Activity Center, which permits up to 30 units per acre and a 2 FAR. The proposed development has a 0.057 FAR.
5. Objective 2.2 of the Future Land Use Element states that the city will reinforce the city's Activity Center areas, including the Midtown Activity Center, as compact, mixed-use activity centers. The proposed development does not propose compact, mixed-uses.
6. Policy 2.2.4: Continue promoting mixed-use on single sites, with retail businesses and restaurants on the ground floor and office and residential on the upper floors of downtown and midtown buildings. This proposal offers no mixed uses on a single site, nor proposed retail or office with residential on upper floors of the buildings.

Site Plan Analysis

City Code, Appendix B, Article IX, Section 6, establishes general standards to consider when evaluating the merits for a site plan approval request. The applicant is proposing to construct a 5,200±-square foot, single-story, convenience store with 14 fueling stations.

Demolition: A 7,325±-square foot, bank with drive-thru, will be demolished for the construction of the new project.

Proposed Development: As identified in the site plan, the 5,200± square foot convenience store building is proposed centrally within the parcel, between the stormwater pond and the fueling area/canopy. Two, north/south, internal thru drives are proposed: one directly in front of the building for vehicular access to the building; and one located in front of the canopy parallel to the Babcock Street right-of-way for primarily for truck access to the fuel tanks and vehicular access to the fuel dispensers. The proposed

single-story building exceeds all minimum setback requirements for the C-P (Commercial Parkway) zoning district.

Access: The plan proposes to use the existing driveway connecting to Rialto Place along the north property line, and the existing eastern driveway connecting to the property owned by 1450 S Babcock LLC to the south. The existing driveway on Babcock Street will be modified as an entrance only, to reduce vehicular conflicts with the internal driveway connection to the south. Details will be coordinated with the Engineering Department during construction plan review.

The access to adjacent properties has been in place historically with no recorded easements. The driveway to the north will be located in the same location with no changes. The applicant has been coordinating with the property owner to the south to obtain the easement, which has been agreed upon but not yet recorded. As such, staff has added a condition that the applicant provide the necessary access easements from both adjacent property owners prior to construction plan approval.

Parking: Parking requirements for the project have been met. The proposed plan requires a total of 20 parking spaces (based on the convenience store use plus number of employees) and the applicant has provided 20 parking spaces, including one handicapped-accessible parking space, along with a minimum of six bicycle spaces located at the southeast corner of the building.

Use Standards are addressed: The site, as designed, addresses the following use standards identified in City Code, Appendix B, Article VI, Section 2(G):

	<u>Required</u>	<u>Provided</u>
Minimum lot size (based on 14 fueling stations)	40,000 sq. ft.	91,476± sq. ft.
Minimum floor area	300 sq. ft.	5,200± sq. ft.
Maximum height requirements (convenience store)	30 ft. tall	23± ft. tall
Minimum frontage on Arterial/Collector street	150 linear ft.	310 linear ft.
Minimum fuel tank setbacks (front/other)	20 ft./50 ft.	36 ft./114 ft.
Minimum dispensing unit setbacks (front/other)	50 ft./50 ft.	71 ft./66 ft.
Minimum Tanks/Dispensers setbacks adjacent to schools	100 ft./100 ft.	176 ft./211 ft.

Additional Use Standards are addressed: In conjunction with the additional standards for convenience stores with gas pumps, the site was also reviewed for compliance with these standards. The site complies with:

- Architecture and façade standards;
- Building entry standards, providing at least four design elements;
- Multi-sided façade treatment standards, including changes to the wall plane and utilizing a mix of building materials;
- Roofline standards, incorporating at least three of the design elements;
- Shading and massing techniques, such as adding planter beds, utilizing subtle changes and a mix of materials, color and texture, and trees in paved areas;
- Canopy requirements, including the provision of additional design features for canopy height over 18 feet;

- Pump island standards, ensuring compatibility with the architecture of the building and providing pedestrian safety;
- Landscaping;
- Lighting, including the use of materials and fascia around lights to direct light downward;
- Signage, ensuring that no canopy signs exceed the maximum height of 18 feet; and
- Outdoor speakers, permitting only low volume speakers that are located in the front areas of the store and canopy areas only so as to not affect adjacent properties.
- Canopy Height: Specifically for the canopy height, the applicant has requested 18.5 feet in height. With the current code standards, the applicant is required to provide a minimum of two additional design standards to the site for a canopy greater than 18 feet tall. The applicant has incorporated a minimum of two additional design standards, including:
 - An increase in trees and interior vehicular use area landscaping by 10% of the total required amount; and
 - Canopy supports are 100% clad with materials directly applied from the building.

Other required improvements: The project will require stormwater management and the applicant is proposing to provide a stormwater pond along the west property line. Details of stormwater will be coordinated during the construction plan review process in compliance with Chapter 50, City Code. The landscape improvements proposed with the project, as identified on the landscape exhibit (Sheets L0.50 thru L2.51), meet the requirements of City Code. The details of the landscaping improvements will also be coordinated through the construction plan review process.

Summary

This is a request to allow a convenience store with 14 fueling stations in a proposed C-P zoning district on Babcock Street. Consideration of this request, approval or denial, should be based solely on the proposed use of convenience store/gas pumps and not consideration of a particular brand or occupant. For staff's recommendation, the proposed use was analyzed for all applicable Comprehensive Plan policies and the City's Zoning and Land Development Regulations, along with consistency with the Babcock Street CRA Redevelopment Plan.

From the aspect of zoning and land development regulations, as regulated in City Code, the project is consistent. The applicant has demonstrated that the proposed convenience store with gas pumps will meet all applicable zoning regulations (setbacks, height, etc.), as well as the specific design standards identified in the City's use standards. The project is more than 530± feet from the closest multi-family residential development (no single-family residential development is nearby and the project meets the applicable level of service standards.

Regarding the Comprehensive Plan, although the project meets some components of applicable policies, it is still lacking in the following areas which are further described within the findings:

- It does not create proper urban form, as outlined in the Comprehensive Plan;

- It does not approach the maximum development potential of the site; and
- Does not conform to a mixed-use land use, as described in Objective 1.4 of the Future Land Use Element.

The project could go further in meeting the mixed-use development requirements by:

- Adding office and commercial uses within the existing footprint of the convenience store building;
- Incorporating residential development; and/or
- Providing an additional floor to the convenience store building and adding office/retail uses.

Therefore, the paradox occurs when considering that today with the C-P zoning on the property, a convenience store with gas pumps is allowed with approval of a conditional use; however, when considering the property's Mixed Use Future Land Use classification and its location within the Midtown Activity Center, this property would be more suitable for urban, mixed-use development with multiple stories and a mix of office/retail/restaurant and residential uses. The proposed convenience store/gas pump use will not enhance the revitalization efforts in the area due to the lack of providing retail/restaurant service opportunities to the high employment area and the existing and proposed residential areas.

Mobility

The subject property is located on the west side of Babcock Street south of NASA Boulevard. This site is located in Mobility District A (Melbourne International Airport Area).

The applicant is proposing a new 5,200± square foot convenience store with 14 fueling stations. Per a Traffic Impact Study (TIS) submitted by the applicant, total new trip generation for this project is estimated to be 900 trips per day via access from South Babcock Street. This new trip generation figure includes reflects pass-by-trips. The TIS also shows that Babcock Street operates with sufficient capacity and acceptable level of service (LOS) under daily existing, background, and buildout conditions. After review of the site plan and traffic study, Engineering Department staff determined that proper access would be needed to reach the traffic signal just south of the subject site. A condition has been added that requires the applicant to demonstrate that the appropriate easements have been created/obtained/provided to allow traffic at the subject site to access the traffic signal at Bulldog Boulevard and Babcock Street as well as to Rialto Place. The applicant will be responsible for providing seven (7) mobility improvements or making a payment in lieu of constructing the improvements.

Water and Sewer Concurrency: The City's Ten-Year Water Supply Facilities Work Plan indicates that adequate potable water and sewer are available to serve the subject site. The Lake Washington Water Treatment Plant provides water to this site. Adequate City sewer service is also available for this property.

JPA review Comments

The project is not located within the Joint Planning Agreement review area.

Planning and Zoning Board Action

On April 16, 2026, the Planning and Zoning Board voted 5 to 2 to recommend approval of the requests.

Recommendation

Based on the findings contained within the Planning and Zoning Board memorandum, for a 2.1±-acre property, located on the west side of South Babcock Street, south of NASA Boulevard and north of Hibiscus Boulevard, the Planning and Zoning Board and the Community Development Department recommend:

Approval of CU2024-0009, conditional use to allow a convenience store with gas pumps in the C-P zoning district; and with **Approval of PLAN2024-0016**, formal site plan comprising of a single-story, 5,200± square foot, convenience store with 14 fueling positions, prepared on a three-sheet plan by Jarod Stubbs, P.E., Kimley Horn and Associates Inc, of Daytona Beach, Florida, Project Number 149880155, with a signed and sealed date of March 12, 2026, and pursuant to the following conditions:

- a. The conditional use shall comply with the use standards for a convenience store with gas pumps; and
- b. The conditional use shall be in conformance with the formal site plan (PLAN2024-0016) and associated conditions.
- c. Any change to the Site Plan will require reevaluation by the City Engineering Department and Community Development Department.

Any substantial change to the Site Plan as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff and/or the Planning and Zoning Board, Local Planning Agency.

- d. The applicant shall provide the necessary cross access easements from the property owners adjacent to the north (Rialto Place) and south (1450 S Babcock LLC) prior to construction plan approval.
- e. The architectural design proposed for the building, canopy and pump islands shall be substantially consistent with the renderings submitted by the applicant.
- f. The applicant shall coordinate a final landscape plan with City staff, during the construction plan review process.
- g. Based upon the proposed canopy height of approximately 18.5 feet tall, the applicant shall provide a minimum of two additional design standards, as identified in Appendix B, Article VI, Section 2(G), convenience stores with gas pumps.
- h. Appropriate environmental permits must be obtained as part of the construction plan review process.

Memorandum

To: Mayor and Council
From: Dr. Ray Shackelford, Acting Chair, Planning and Zoning Board
Re: **Conditional Use Request (CU2024-0009) with Site Plan Approval Request (PLAN2024-0016) Circle K Convenience Store**
Date: April 17, 2026
Owner: Lemonade MM Melbourne Babcock LLC
Applicant/ Representative: Jarod Stubbs, PE, Kimley Horn & Associates, Inc.

The Planning and Zoning Board, at its regular scheduled meeting on April 17, 2026, reviewed the above-referenced request for Conditional Use and Site Plan approval.

Following review and discussion, the Planning and Zoning Board voted 5-to-2 to recommend approval on the following requests on an overall 2.1± acres of property, located on the west side of South Babcock Street, south of NASA Boulevard and north of Hibiscus Boulevard.

- **Conditional Use Request** – to construct a convenience store with gas pumps in a C-P (Commercial Parkway) zoning district; and
- **Site Plan Approval Request** – to redevelop the property with a 5,200±-square foot convenience store with 14 fueling stations.

These actions were based on a three-sheet plan by Jarod Stubbs, P.E., Kimley Horn and Associates Inc, of Daytona Beach, Florida, Project Number 149880155, with a signed and sealed date of March 12, 2026, and including the findings and conditions identified below:

Findings for Conditional Use

1. While the proposal is consistent with Policy 1.2.1 of the Future Land Use Element, it does not approach the maximum development potential of the site. The subject property is designated as Mixed Use on the City's Future Land Use Map and is located within the Midtown Activity Center. The City's Comprehensive Plan encourages infill development and redevelopment within the Mixed Use Future Land Use classification. Future Land Use Element Policy 1.2.1 identifies the maximum density and intensity for the various land

use classifications. The maximum FAR allowed for this property in the Midtown Activity Center (designated as Mixed Use) is 2.0 and the maximum residential density is 30 units per acre. The subject proposal indicates a .057 FAR for the site. The applicant has the ability to construct a more dense and more urban type mixed use development on the subject property.

2. While the proposal is located in a Mobility District and does not result in an unacceptable LOS for Babcock Street, the project does not fully implement Transportation Element Policy 1.3.4 which states the City shall require that new development be compatible with, and further, the Goals, Objectives and Policies of the Transportation Element. Requirements for the compatibility of new development may include, but are not limited to locating parking to the side or behind the development to provide pedestrian accessibility of building entrances and walkways to the street, rather than separating the building from the street by parking and providing clearly delineated pedestrian routes through parking lots to safely accommodate pedestrian and bicycle circulation and to minimize potential bicycle/pedestrian and automobile interaction.
3. While the project is permitted with approval of a Conditional Use and is consistent with the C-P Zoning District, the project does not fully implement Objective 1.11 of the Future Land Use Element which states that the city's urban nodes, including the Midtown Activity Center, shall reflect the need to intensify and consolidate complementary land uses to prevent urban sprawl. The proposed convenience store with gas pumps does not intensify or combine complimentary land uses. The subject proposal indicates a .057 FAR for the site. The applicant has the ability to construct a more urban type mixed use development on the subject property.
4. While the C-P Zoning District is consistent with the property's Mixed Use land use, the development proposal does not fully implement Future Land Use Element Policy 2.1.1 which states the City should ensure the zoning district regulations allow an intensification of buildings within activity centers and mixed-use corridors to achieve appropriate densities and intensities. This property is located within the Midtown Activity Center, which permits up to 30 units per acre and a 2 FAR. The proposed development has a 0.057 FAR.
5. While the proposal is permitted as a Conditional Use in the C-P District, it does not fully comply with Future Land Use Element Objective 2.2 which states that the city will reinforce the city's Activity Center areas, including the Midtown Activity Center, as compact, mixed-use activity centers. The proposed development (a convenience store with gas pumps) does not propose compact, mixed-uses on the subject site.
6. The adopted Future Land Use Map contains and identifies appropriate locations for the future land use categories. The maximum densities/intensities for each category are identified in the Comprehensive Plan. The zoning map

and land development regulations may impose more restrictive densities and intensities of development based on height requirements, land coverage standards, setbacks, minimum lot size requirements, traffic and circulation standards, landscaping and breezeway requirements, and other such dimensional and development criteria. The proposed Conditional Use for a convenience store with gas pumps can be considered within the Mixed Use Future Land Use Map category. The convenience store will be located on a commercial site that is zoned C-P. A bank is currently located on this property. This building will be demolished so that the proposed convenience store with gas pumps can be constructed on the subject property. The C-P zoning district permits a variety of commercial uses and a convenience store with gas pumps is a conditional use in this district.

7. The proposal should not change the general character of the area since the proposed convenience store with gas pumps will be located on a site that is used for commercial purposes. However, the subject development does not include a mix of uses which is permitted in the Midtown Activity Center. A bank structure is currently located on the subject property.
8. Once the conditions for approval are incorporated by the applicant into the Site Plan, the proposal will be partially in compliance with the goals, objectives, and policies from the City's Comprehensive Plan. This proposal is only partially consistent with the policies in the Future Land Use Element since it proposes development that does not propose compact, mixed-uses on the subject site.
9. The Conditional Use must meet the requirements of City Code (Appendix B, Article IX, Section 5), and therefore will not have a detrimental effect on the surrounding area, public facilities, and private, commercial and/or service facilities available within the area. More specifically, the proposed changes should not cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments:
 - a. The appearance and function of the neighborhood will not be significantly lessened due to the proposed Conditional Use since the subject site is currently used for commercial purposes. A 7,325±-square foot, bank building constructed in 1974 is already located on the subject site. This building will be demolished in conjunction with the development of the proposed convenience store with gas pumps facility. However, the subject development does not include a mixed use component which is permitted in the Midtown Activity Center.
 - b. The application does not appear to impact the preservation of any city, state or federally designated historic, scenic, archaeological, or cultural resources.

- c. The proposed project should not change the general character of the area since a variety of commercial establishments are located in the general vicinity of the subject property. The subject site is presently used for commercial purposes. New parking, landscaping, and stormwater retention features for the proposed convenience store with gas pumps will be constructed on the subject property.
 - d. The application will not have significant adverse impacts on the livability and usability of nearby land due to: noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of any outside displays, storage, or activities, potential for increased litter, and privacy and safety issues. The proposed convenience store will be located on a commercial property that is adjacent to an arterial roadway.
10. Adequate transportation facilities are in place to serve the subject property. The site has direct access to Babcock Street. Babcock Street is a north-south arterial roadway that connects the eastern part of the City to U.S. Highway 1 and SR 507. Average daily traffic counts exceed 26,150 automobile trips in this area (2024).
 11. The proposed Conditional Use is in compliance with the standards outlined in City Code, Part III, Land Development Regulations, Appendix B, Article V, Section 2 (use and dimensional standards table) and Appendix B, Article IX, Section 5 (Conditional Uses). A convenience store with gas pumps is a conditional use in the C-P district. The C-P zoning is consistent with the property's Mixed Use land use designation.
 12. The proposal will not have any adverse impact on the public health, safety, welfare, economic order, or aesthetics of the city since the proposed development is permitted with a Conditional Use in a C-P zoning district. The subject site is also located in an area of commercial land uses and zoning patterns.

Findings for the Site Plan

1. Per the Comprehensive Plan, the Zoning Map and Land Development Regulations may impose more restrictive densities and intensities of development based on height requirements, land coverage standards, setbacks, minimum lot size requirements, traffic and circulation standards, landscaping and breezeway requirements, and other such dimensional and development criteria. The applicant has submitted a site plan that meets the requirements of City Code.
2. The proposed lot coverage, building setbacks, off-street parking requirements, retention and landscape areas, and other performance standards for this use meet the requirements of the City of Melbourne Zoning Code and Land

Development Code, as depicted on the site plan, and the proposed commercial use is compatible with adjacent uses in the area.

3. The zoning for the property is C-P, which permits the consideration of commercial projects and a convenience store with gas pumps is a conditional use in this zoning district. The C-P zoning district is intended to apply to areas located adjacent to a main highway. The types of uses permitted and restrictions are intended to serve the needs of the motorist and provide an amenable impression of the city. Approval of the site plan is contingent upon endorsement of the requested conditional use.
4. The proposal is specifically consistent with Goal 1 of the Future Land Use Element. The purpose stated in this Goal is to meet the needs of population growth through public and private development and redevelopment, and through the appropriate distribution, location, and extent of land use, consistent with adequate levels of service, efficient use of facilities, and protection of natural resources and environmental lands. The proposal is located in a C-P Zoning District and is compatible with land use and development patterns in the neighboring area.
5. The proposed use provides the minimum off-street parking area required for the type of use, and shall provide the amount of space needed for the proper and safe loading and unloading of vehicles.
6. The applicant shall demonstrate, prior to construction plan approval, the financial and technical capacity to complete any improvements and the mitigation necessitated by the development as proposed, and has made adequate legal provision to guarantee the provision of such improvements and mitigation.
7. The proposed project has been evaluated for water and sewer capacity being available for the proposed project. The City's Ten-Year Water Supply Facilities Work Plan indicates that adequate potable water is available to serve the subject site.
8. The proposed project has been evaluated for consistency with the City's mobility standards. Transportation Element Objective 3.1 states that the City of Melbourne shall support mobility within five mobility districts throughout the City with strategies that address alternative modes of transportation by providing context-appropriate sidewalks, bikeways, transit facilities, parking management and improvements that will contribute to specific and identified mobility needs within the city.

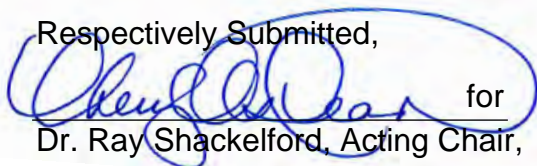
Conditions

- a. The conditional use shall comply with the use standards for a convenience store with gas pumps; and

- b. The conditional use shall be in conformance with the formal site plan (PLAN2024-0016) and associated conditions.
- c. Any change to the Site Plan will require reevaluation by the City Engineering Department and Community Development Department.

Any substantial change to the Site Plan as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff and/or the Planning and Zoning Board, Local Planning Agency.
- d. The applicant shall provide the necessary cross access easements from the property owners adjacent to the north (Rialto Place) and south (1450 S Babcock LLC) prior to construction plan approval.
- e. The architectural design proposed for the building, canopy and pump islands shall be substantially consistent with the renderings submitted by the applicant.
- f. The applicant shall coordinate a final landscape plan with City staff, during the construction plan review process.
- g. Based upon the proposed canopy height of approximately 18.5 feet tall, the applicant shall provide a minimum of two additional design standards, as identified in Appendix B, Article VI, Section 2(G), convenience stores with gas pumps.
- h. Appropriate environmental permits must be obtained as part of the construction plan review process.

Respectively Submitted,



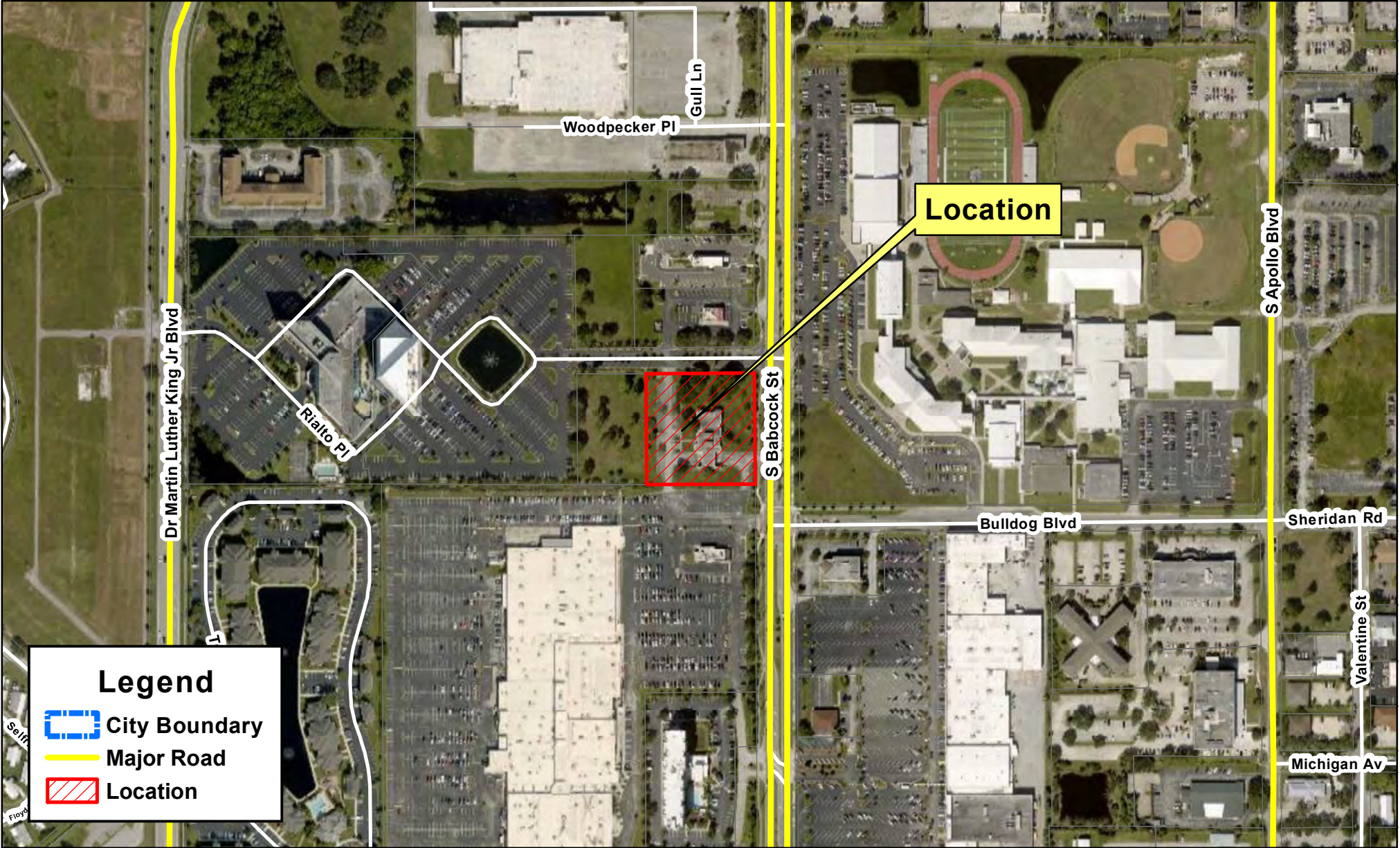
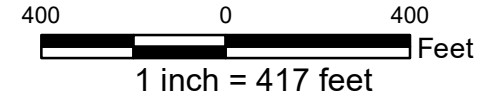
for

Dr. Ray Shackelford, Acting Chair,
Planning and Zoning Board




**CIRCLE K GAS STATION
LOCATION MAP
CU2024-0009 | PLAN2024-0016**



GIS Portal: <https://maps.mlbf.org/arcgis>
ArcGIS Online: <https://mgis.maps.arcgis.com>



Legend

-  City Boundary
-  Major Road
-  Location

DISCLAIMER: Illustrative purposes only. No warranties, expressed or implied, are provided for the property records and mapping data herein or for their use or interpretation by the User. The City of Melbourne assumes no liability for any damages, losses, costs or expenses including but not limited to those arising from any User's use or misuse of the property records or mapping data provided herein.

Page 134

Title: CIRCLE K GAS STATION
Author: Olivia Bachtold
Department/Division: Community Development Department
Last Updated: 3/31/2026 4:06:55 PM
Document Name: CIRCLE K LOCATION Map
Document Location: \\ad.mlbf.org\Shares\mlbf_groups\COMMUNITY_DEVELOPMENT\PEIP&ZBOARD2026\Maps\MXD\CIRCLE K LOCATION Map.mxd

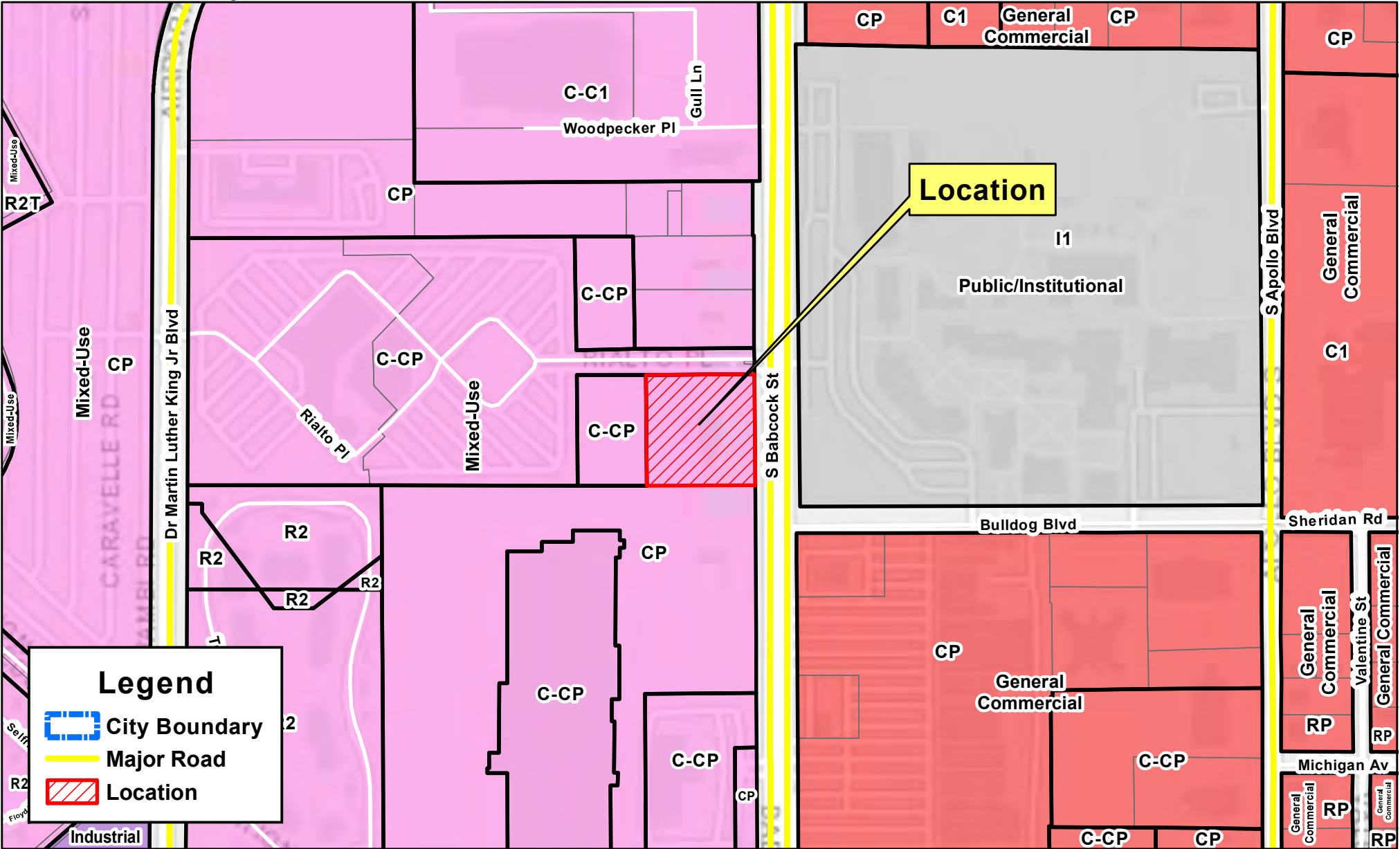
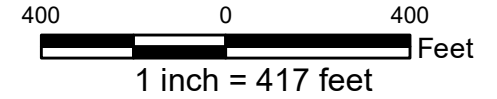
City of Melbourne
Information Technology Department
GIS Division
900 E Strawbridge Av Room 324
Melbourne, FL 32901
P: (321) 608.7700
Fax: (321) 608.7719
Email: GIS@mlbf.org

Item No. C. 12.

**CIRCLE K GAS STATION
FUTURE LAND USE & ZONING MAP
CU2024-0009 | PLAN2024-0016**



GIS Portal: <https://maps.mlbf.org/arcgis>
ArcGIS Online: <https://mgis.maps.arcgis.com>



Legend

- City Boundary
- Major Road
- Location

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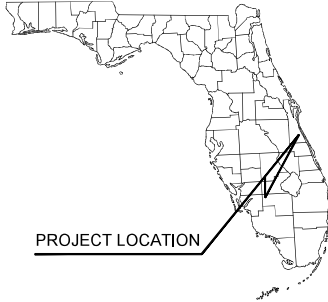
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Department/Division: Community Development Department
Last Updated: 4/10/2026 1:32:08 PM
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Document Location: \\ad.mlbf.org\Shares\mlbf_groups\COMMUNITY_DEVELOPMENT\PED\IP&ZBOARD2026\Maps\MXD\CIRCLE K FLU & Z Map.mxd

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Melbourne, FL 32901
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Item No. C. 12.

Drawing name: K:\DAB\csh\14880155-Circle K - S Babcock St. & Rialto Pl\CADD\SP\PlanSheet\C.O. - COVER.dwg CO. No. 12, 2026, 9:02am by: Derek Dillingham
 This document, together with the contracts and related instruments thereto, is intended only for the specific purpose and client for which it was prepared. It is not to be used for any other purpose without the prior written authorization and approval by Kimley-Horn and Associates, Inc. and its related entities.

FORMAL SITE PLAN FOR CIRCLE K - S BABCOCK ST & RIALTO PL



1300 S BABCOCK ST
MELBOURNE, FLORIDA
MARCH 12, 2026

BREVARD COUNTY PARCEL ID: 27-37-33-00-756

PROJECT LOCATION



VICINITY MAP

SECTION 33, TOWNSHIP 27S, RANGE 37E

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF A 5,200 SF BUILDING, 7 FUELING POSITIONS, AND ASSOCIATED INFRASTRUCTURE.

LEGAL DESCRIPTION

FROM THE NE CORNER OF SECTION 33, TOWNSHIP 27 SOUTH, RANGE 37 EAST, RUN S.00° 18' E., 3581.19 FT.; THENCE S. 89° 42' W., 70.00 FT. TO THE WEST LINE OF BABCOCK ST., AND THE POINT OF BEGINNING, CONTINUE THENCE S. 89° 42' W., 300.00 FT.; THENCE S. 00° 18' E., 310.00 FT.; THENCE N. 89° 42' E., 300.00 FT TO SAID WEST LINE OF BABCOCK ST., THENCE N. 00° 18' W., 310 FT.; TO THE POINT OF BEGINNING, CONTAINING 2.135 ACRES IN BREVARD COUNTY, FLORIDA.

BEING THE SAME PROPERTY CONVEYED TO FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OSCEOLA COUNTY, A CORPORATION ORGANIZED UNDER THE LAWS OF THE UNITED STATES OF AMERICA BY WARRANTY DEED FROM CATMAN INTERNATIONAL TRUST COMPANY LIMITED, AS TRUSTEE UNDER THE KNOTT CHILDREN'S TRUST, A CATMAN ISLANDS, B.W.I., DATED JULY 26, 1973, RECORDED IN BOOK 1364, PAGE 365, RECORDS OF BREVARD COUNTY, FLORIDA.

TRUIST BANK, A NORTH CAROLINA BANKING CORPORATION, ITS SUCCESSOR BY MERGER, BY VIRTUE OF CERTIFICATE OF MERGER DATED AS DECEMBER 7, 2019. TRUIST BANK, FORMERLY KNOWN AS BRANCH BANKING AND TRUST COMPANY, AS SUCCESSOR BY MERGER TO REPUBLIC BANK, AS SUCCESSOR TO FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OSCEOLA COUNTY.

PROJECT TEAM

OWNER:

LEMONADE MM MELBOURNE BABCOCK LLC
100 HIGH STREET, SUITE 410
BOSTON, MA 02110
CONTACT: JOSHUA ANDERSON
PHONE: (407) 580-6173
EMAIL: OBERRY@LEMONADEGROUP.COM

LANDSCAPE ARCHITECT:

KIMLEY-HORN AND ASSOCIATES, INC.
6876 MARWICK LN SUITE 350
ORLANDO, FL 32827
CONTACT: MATTHEW FRANKO, PLA
PHONE: (407) 427-1629
EMAIL: MATT.FRANKO@KIMLEY-HORN.COM

DEVELOPER:

CIRCLE K STORES INC.
218 PENDELTON STREET
WAYCROSS, GA 31591
CONTACT: DJANE BERRY
PHONE: (407) 580-6173
EMAIL: DBERRY@KIMSENSINGROUP.COM

SURVEYOR:

ALTAMAX SURVEYING
910 BELLE AVENUE, SUITE 1100
CASSLERBERRY, FL 32708
CONTACT: JAMES D. BRAY, PSM
PHONE: (407) 677-0200
EMAIL: JAMES@ALTAMAXSURVEYING.COM

CIVIL ENGINEER:

KIMLEY-HORN AND ASSOCIATES, INC.
1530 CORNERSTONE BLVD, SUITE 200
DAYTONA BEACH, FL 32117
CONTACT: JAROD STUBBS, P.E.
PHONE: (386) 258-1511
EMAIL: JAROD.STUBBS@KIMLEY-HORN.COM

ARCHITECT:

ROC COLLABORATIVE
11921 FREEDOM DRIVE, SUITE 1110
RESTON, VA 20190
CONTACT: MEGAN LARGENT
PHONE: (703) 668-0086
FAX: (703) 668-0085

UTILITY PROVIDERS

WATER & SEWER:

CITY OF MELBOURNE
2885 HARPER ROAD
MELBOURNE, FL 32904
CONTACT: JOSE ROSADO
PHONE: (321) 668-5100

CABLE/TELEPHONE:

CHARTER COMMUNICATIONS
4145 S FALKENBURG RD, SUITE 4
RIVERVIEW, FL 33578
CONTACT: JERROLD KAISER
PHONE: (321) 338-1928

POWER:

FLORIDA POWER & LIGHT
4215 UP THE GROVE LN
ENH/WP8 BLDG 8
WEST PALM BEACH, FL 33407
CONTACT: JOEL BRAY
PHONE: (386) 586-6403

GAS:

FLORIDA CITY GAS
4180 US-1
ROCKLEDGE, FLORIDA 32956
CONTACT: MICHAEL BRAD
PHONE: (321) 213-6253

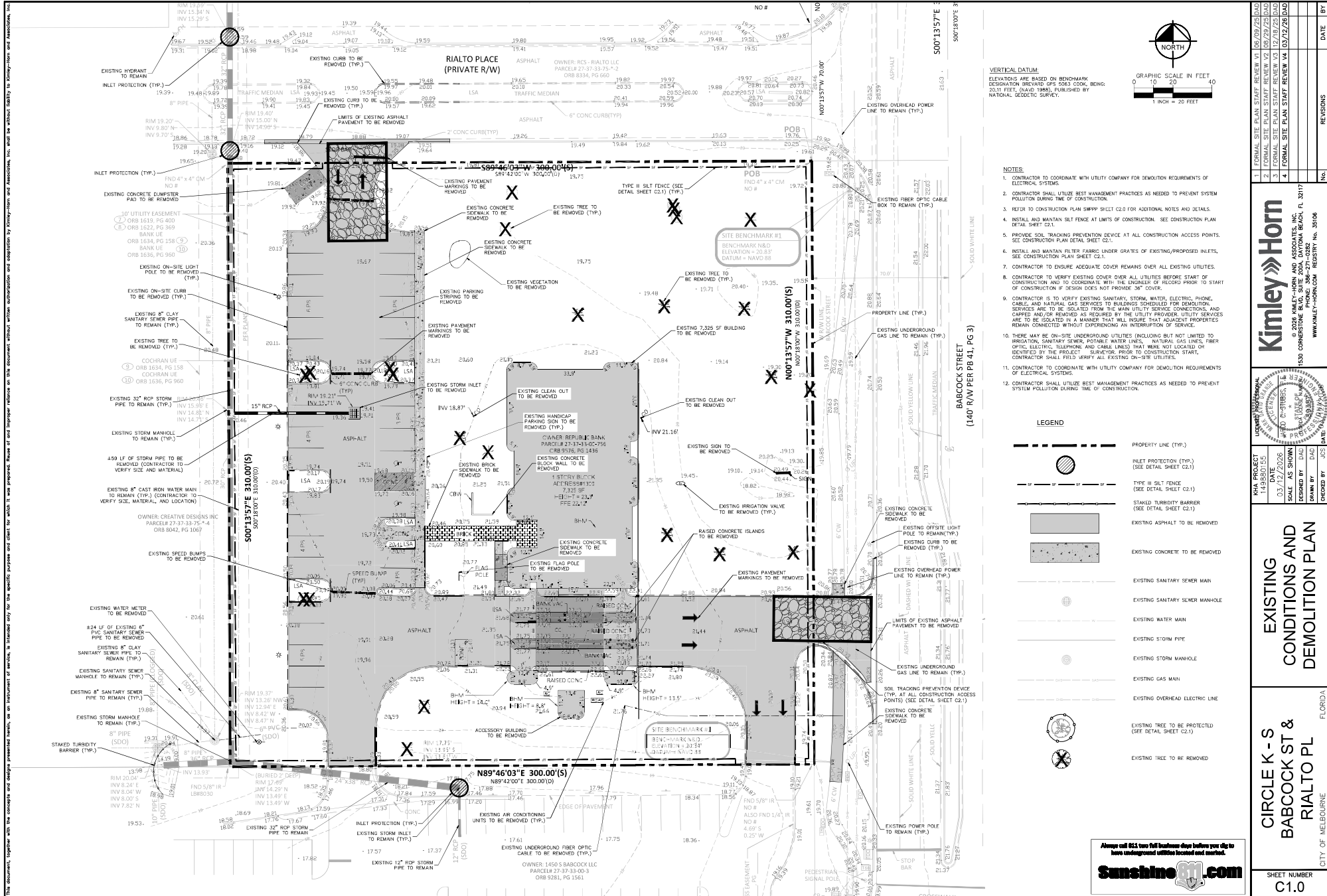
PREPARED BY
Kimley»Horn

© 2026 KIMLEY-HORN AND ASSOCIATES, INC.
1530 CORNERSTONE BLVD, SUITE 200, DAYTONA BEACH, FL 32117
PHONE: 386-271-0282
WWW.KIMLEY-HORN.COM REGISTRY No. 35106



JAROD C. STUBBS, P.E.
FL. P.E. # 69387
03/12/2026

CIRCLE K - S BABCOCK ST & RIALTO PL
 ENGINEER'S PROJECT No. 14980155
 DATE: 03/12/2026
 DRAWN BY: JCS
 CHECKED BY: JCS
 APPROVED BY: JCS



- VERTICAL DATUM**
ELEVATIONS ARE BASED ON BENCHMARK DESIGNATION BREVARD GPS 2063 COOK, BEING 20.71 FEET (NAVD 1983), PUBLISHED BY NATIONAL GEODETIC SURVEY.
- NOTES**
- CONTRACTOR TO COORDINATE WITH UTILITY COMPANY FOR DEMOLITION REQUIREMENTS OF ELECTRICAL SYSTEMS.
 - CONTRACTOR SHALL UTILIZE BEST MANAGEMENT PRACTICES AS NEEDED TO PREVENT SYSTEM POLLUTION DURING TIME OF CONSTRUCTION.
 - REFER TO CONSTRUCTION PLAN SWPPY SHEET C2.0 FOR ADDITIONAL NOTES AND DETAILS.
 - INSTALL AND MAINTAIN SILT FENCE AT LIMITS OF CONSTRUCTION. SEE CONSTRUCTION PLAN DETAIL SHEET C2.1.
 - PROVIDE SOIL TRACKING PREVENTION DEVICE AT ALL CONSTRUCTION ACCESS POINTS. SEE CONSTRUCTION PLAN SHEET C2.1.
 - INSTALL AND MAINTAIN FILTER FABRIC UNDER GRATES OF EXISTING/PROPOSED INLETS. SEE CONSTRUCTION PLAN SHEET C2.1.
 - CONTRACTOR TO ENSURE ADEQUATE COVER REMAINS OVER ALL EXISTING UTILITIES.
 - CONTRACTOR TO VERIFY EXISTING COVER OVER ALL UTILITIES BEFORE START OF CONSTRUCTION AND TO COORDINATE WITH THE ENGINEER OF RECORD PRIOR TO START OF CONSTRUCTION IF DESIGN DOES NOT PROVIDE "X" COVER.
 - CONTRACTOR IS TO VERIFY EXISTING SANITARY, STORM, WATER, ELECTRIC, PHONE, CABLE, AND NATURAL GAS SERVICES TO BUILDINGS SCHEDULED FOR DEMOLITION. SERVICES ARE TO BE ISOLATED FROM THE MAIN UTILITY SERVICE CONNECTIONS, AND CAPPED AND/OR REMOVED AS REQUIRED BY THE UTILITY PROVIDER. UTILITY SERVICES ARE TO BE ISOLATED IN A MANNER THAT WILL INSURE THAT ADJACENT PROPERTIES REMAIN CONNECTED WITHOUT EXPERIENCING AN INTERRUPTION OF SERVICE.
 - THERE MAY BE ON-SITE UNDERGROUND UTILITIES (INCLUDING BUT NOT LIMITED TO IRRIGATION, SANITARY SEWER, POTABLE WATER LINES, NATURAL GAS LINES, TELEPHONE, ELECTRIC, TELEPHONE AND CABLE LINES) THAT WERE NOT LOCATED OR IDENTIFIED BY THE PROJECT SURVEYOR PRIOR TO CONSTRUCTION START. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING ON-SITE UTILITIES.
 - CONTRACTOR TO COORDINATE WITH UTILITY COMPANY FOR DEMOLITION REQUIREMENTS OF ELECTRICAL SYSTEMS.
 - CONTRACTOR SHALL UTILIZE BEST MANAGEMENT PRACTICES AS NEEDED TO PREVENT SYSTEM POLLUTION DURING TIME OF CONSTRUCTION.

LEGEND

	PROPERTY LINE (TYP.)
	INLET PROTECTION (TYP.) (SEE DETAIL SHEET C2.1)
	TYPE II SILT FENCE (SEE DETAIL SHEET C2.1)
	STAKED TURBIDITY BARRIER (SEE DETAIL SHEET C2.1)
	EXISTING ASPHALT TO BE REMOVED
	EXISTING CONCRETE TO BE REMOVED
	EXISTING SANITARY SEWER MAN
	EXISTING SANITARY SEWER MANHOLE
	EXISTING WATER MAIN
	EXISTING STORM PIPE
	EXISTING STORM MANHOLE
	EXISTING GAS MAIN
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING UNDERGROUND GAS LINE TO REMAIN (TYP.)
	EXISTING UNDERGROUND POWER LINE TO REMAIN (TYP.)
	EXISTING TREE TO BE PROTECTED (SEE DETAIL SHEET C2.1)
	EXISTING TREE TO BE REMOVED



Kimley Horn
INCORPORATED
1500 CONESTOGUE BLVD., SUITE 200A, DAYTONA BEACH, FL 32117
WWW.KIMLEY-HORN.COM REGISTERED NO. 38006

EXISTING CONDITIONS AND DEMOLITION PLAN

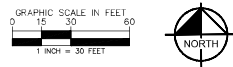
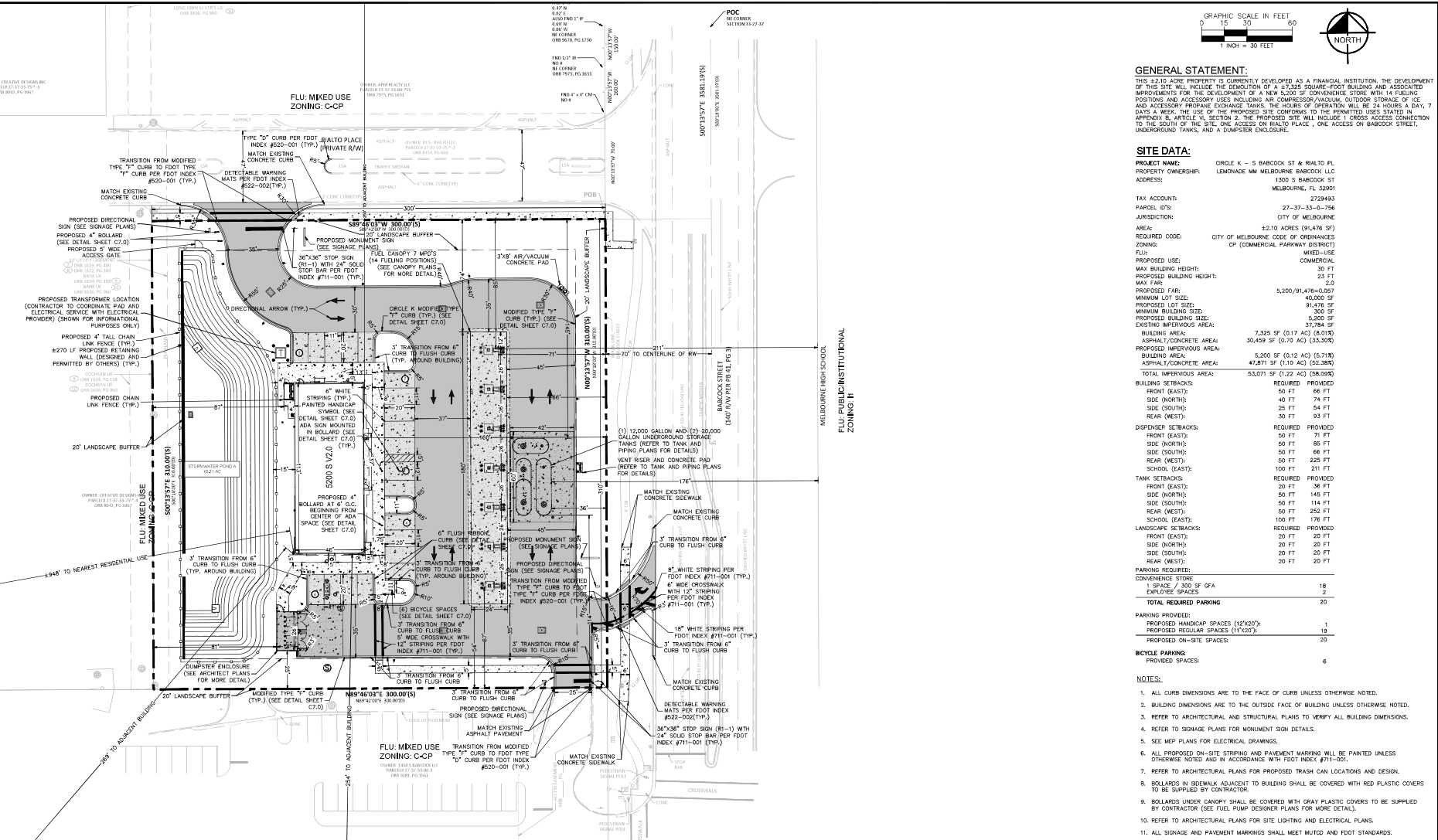
**CIRCLE K - S
BABCOCK ST &
RIALTO PL**

CITY OF MELBOURNE, FLORIDA

SHEET NUMBER C1.0

NO.	DATE	REVISIONS
1	08/09/25	FINAL SITE PLAN STAFF REVIEW V1
2	08/29/25	FINAL SITE PLAN STAFF REVIEW V2
3	07/03/25	FINAL SITE PLAN STAFF REVIEW V3
4	05/12/25	FINAL SITE PLAN STAFF REVIEW V4

THIS DOCUMENT, TOGETHER WITH THE CONCEPT AND DESIGN PRESENTED HEREIN, OR AN INSTRUMENT OF SERVICE, IS PREPARED ONLY FOR THE SPECIFIC PURPOSE AND GREAT FOR WHICH WAS PROPOSED. THESE OF AND THEREAFTER REDUCE OR ENLARGE WITHOUT NOTICE OR PERMISSION OF THE ENGINEER OR ARCHITECT. THE ENGINEER OR ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED TO THEM BY THE CLIENT. THE ENGINEER OR ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED TO THEM BY THE CLIENT. THE ENGINEER OR ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED TO THEM BY THE CLIENT.



GENERAL STATEMENT:
 THIS 12.0 ACRE PROPERTY IS CURRENTLY DEVELOPED AS A FINANCIAL INSTITUTION. THE DEVELOPMENT OF THIS SITE WILL INCLUDE THE CONSTRUCTION OF A 87,325 SQUARE-FOOT BUILDING AND ASSOCIATED IMPROVEMENTS FOR THE DEVELOPMENT OF A NEW 5,000 SF CONVENIENCE STORE WITH 14 PUMPING POSITIONS AND ACCESSORY USES INCLUDING AIR COMPRESSION, VACUUM, OUTDOOR STORAGE OF ICE, AND ACCESSORY PROPANE EXCHANGE TANKS. THE HOURS OF OPERATION WILL BE 24 HOURS A DAY, 7 DAYS A WEEK. THE USE OF THE PROPOSED SITE CONFORMS TO THE PERMITTED USES LISTED IN APPENDIX B, ARTICLE VI, SECTION 2. THE PROPOSED SITE WILL INCLUDE 1 CROSS ACCESS CONNECTION TO THE SOUTH OF THE SITE, ONE ACCESS ON BABCOCK ST., ONE ACCESS ON BABCOCK STREET, UNDERGROUND TANKS, AND A DUMPSTER ENCLOSURE.

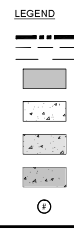
SITE DATA:
 PROJECT NAME: CIRCLE K - S BABCOCK ST & RIALTO PL
 PROPERTY OWNERSHIP: LEMONADE MM MELBOURNE BARBOCK LLC
 ADDRESS: 1300 S BABCOCK ST
 MELBOURNE, FL 32901
 TAX ACCOUNT: 2729493
 PARCEL ID'S: 27-37-33-0-756
 JURISDICTION: CITY OF MELBOURNE
 AREA: 12.00 ACRES (51,498 SF)
 REQUIRED CODE: CITY OF MELBOURNE CODE OF ORDINANCES
 ZONING: CP (COMMERCIAL PARKWAY DISTRICT)
 FILL: UNDEVELOPED
 PROPOSED USE: COMMERCIAL
 MAX BUILDING HEIGHT: 30 FT
 PROPOSED BUILDING HEIGHT: 23 FT
 MAX FAR: 2.0
 PROPOSED FAR: 5,200/91,476(5.68)
 MINIMUM LOT SIZE: 91,476 SF
 PROPOSED LOT SIZE: 5,200 SF (0.12 AC) (5,719)
 MINIMUM BUILDING SIZE: 300 SF
 PROPOSED BUILDING SIZE: 5,200 SF
 EXISTING INTERMEDIUM AREA: 37,784 SF
 BUILDING AREA: 7,325 SF (0.17 AC) (8,016)
 ASPHALT/CONCRETE AREA: 30,459 SF (0.70 AC) (33,500)
 PROPOSED INTERMEDIUM AREA: 5,200 SF (0.12 AC) (5,719)
 ASPHALT/CONCRETE AREA: 47,871 SF (1.10 AC) (52,386)
 TOTAL INTERMEDIUM AREA: 53,571 SF (1.22 AC) (58,095)
 BUILDING SETBACKS: PROVIDED
 FRONT (EAST): 50 FT 66 FT
 SIDE (NORTH): 40 FT 74 FT
 SIDE (SOUTH): 25 FT 54 FT
 REAR (WEST): 30 FT 93 FT
 DISPENSER SETBACKS: REQUIRED PROVIDED
 FRONT (EAST): 50 FT 71 FT
 SIDE (NORTH): 50 FT 85 FT
 SIDE (SOUTH): 50 FT 66 FT
 REAR (WEST): 50 FT 222 FT
 SCHOOL (EAST): 100 FT 211 FT
 TANK SETBACKS: REQUIRED PROVIDED
 FRONT (EAST): 50 FT 36 FT
 SIDE (NORTH): 50 FT 145 FT
 SIDE (SOUTH): 50 FT 114 FT
 REAR (WEST): 50 FT 252 FT
 SCHOOL (EAST): 100 FT 176 FT
 LANDSCAPE SETBACKS: REQUIRED PROVIDED
 FRONT (EAST): 20 FT 20 FT
 SIDE (NORTH): 20 FT 20 FT
 SIDE (SOUTH): 20 FT 20 FT
 REAR (WEST): 20 FT 20 FT
 PARKING REQUIRED:
 1 SPACE / 300 SF OF GFA 18
 EMPLOYEE SPACES 2
 TOTAL REQUIRED PARKING 20
 PARKING PROVIDED:
 PROPOSED HANDICAP SPACES (12% OF 20) 19
 PROPOSED REGULAR SPACES (11X20') 19
 PROPOSED ON-SITE SPACES: 20
 BICYCLE PARKING:
 PROVIDED SPACES: 6

- UNDERGROUND STORAGE NOTES:**
- THREE (3) UNDERGROUND STORAGE TANKS ARE BEING PROPOSED.
 - ONE (1) TANK IS SIZED FOR 12,000 GALLONS AND THE OTHER TWO (2) ARE SIZED FOR 20,000 GALLONS.
 - THE UNDERGROUND TANKS ARE NOT LOCATED WITHIN A PRIMARY OR SECONDARY ADJUTER RECHARGE AREA.
 - A STAGE 1 FUME RECOVERY WILL BE PROVIDED.
- PUMP ISLAND NOTES:**
- EXTERIOR LIGHTING UTILIZES LED BULBS AND FIXTURES.
 - A MAXIMUM OF 60 FOOT CANDLES IS PROVIDED AT CANOPY AREA.
 - COLORS, MATERIALS AND DETAILING OF THE VARIOUS COMPONENTS OF THE PUMP ISLAND COMPFORM THE BUILDING.
 - THIS PROJECT PROVIDES HOOP BOLLS TO PROTECT THE DISPENSING UNITS.

- CONVENIENCE STORE NOTES:**
- ARCHITECTURAL AND FACADE: THE EAST AND SOUTH ROOFLINES DO NOT EXCEED 50% UNINTERRUPTED LENGTH OF THE BUILDING WALLS.
 - ROOFLINES EXCEEDING 75 FEET FRONTING A RIGHT-OF-WAY OR ADJACENT TO RESIDENTIAL ZONING THE FOLLOWING 3 FEATURES ARE PROVIDED:
 A. ARCHITECTURAL OR DECORATIVE ROOF MATERIALS THROUGHOUT THE BUILDING
 B. ARCHITECTURAL OR DECORATIVE ROOF MATERIALS THROUGHOUT THE BUILDING
 C. SPOLAS, STEEPLES, OR TOWERS THROUGHOUT THE BUILDING AND CENTRAL ENTRY TOWER
 - BUILDING ENTRIES: THE FOLLOWING 4 FEATURES ARE PROVIDED:
 A. ALUMINUM AWNING
 B. TEXTURE STUCCO
 C. RAISED SMOOTH STUCCO
 D. PLASTER
 - SHADING AND MASSING: THE FOLLOWING DESIGN TREATMENTS ARE PROVIDED:
 A. PLANTING BEDS AROUND THE BUILDING
 B. PLASTER
 C. TREES IN PAVED AREAS
 - LIGHTING:
 A. A MAXIMUM 30 FOOT CANDLES IS PROVIDED AT GRADE FOR THE CONVENIENCE STORE. ALL EXTERIOR LIGHTING UTILIZES LED BULBS AND FIXTURES.
 B. ALL EXTERIOR LUMINAIRES UTILIZE LEDS
 C. EXTERIOR LIGHTING FIXTURES ARE COMPATIBLE WITH ARCHITECTURAL ELEMENTS LOCATED THROUGHOUT THE DEVELOPMENT
 D. EXTERIOR LIGHTING IS SHIELDED OR REDUCED SO AS TO NOT CAUSE HAZARDOUS GLARE

- CANOPY NOTES:**
- THE CANOPY DOES NOT INCORPORATE EXPOSED LIGHTED BANDS OR FIXTURES
 - THE CANOPY SUPPORTS ARE CLAD WITH STONE AND STUCCO UP TO 8' AFF., A TOTAL OF 20% OF THE COLUMN.
 - ALL DOWNPOUTS ARE INTEGRATED INTO THE CANOPY STRUCTURE.
 - THE CANOPY FASCIA COMPLIMENTS THE BUILDING ARCHITECTURE WITH A WHITE FASCIA BOARD AND COLORS THAT COMPLIMENT THE BUILDING.
 - THE LOWEST POINT OF THE CANOPY FASCIA IS 15.5' THE FASCIA IS 3 FEET IN HEIGHT FOR AN OVERALL HEIGHT OF 18.5'. THE CANOPY IS HANDY HEIGHT TABLE. THE FOLLOWING ADDITIONAL DESIGN ELEMENTS WILL BE IMPLEMENTED:
 A. AN INDICATING TREES AND INDOOR RESIDUAL USE AREA LANDSCAPING BY 10% OF THE TOTAL REQUIRED AMOUNT.
 B. CANOPY SUPPORTS ARE CLAD 100% OF MATERIALS DIRECTLY APPLIED FROM THE BUILDING.
 - LIGHTING: CANOPY LIGHTING SHALL BE SHIELDED, COVERED OR REDUCED.

- CITY OF MELBOURNE NOTES:**
- STORMWATER SHALL MEET THE APPLICABLE REQUIREMENTS OF CHAPTER 95.
 - DUMPSTER SHALL MEET THE APPLICABLE REQUIREMENTS OF APPENDIX D, CHAPTER 9, ARTICLE II. SEPARATE PERMIT IS REQUIRED.
 - WALLS/FASCIA SHALL MEET THE APPLICABLE REQUIREMENTS OF APPENDIX D, CHAPTER 9, ARTICLE II. SEPARATE PERMIT IS REQUIRED.
 - PARKING SHALL MEET THE APPLICABLE REQUIREMENTS OF APPENDIX D, CHAPTER 9, ARTICLE V.
 - LANDSCAPING SHALL MEET THE APPLICABLE REQUIREMENTS OF APPENDIX D, CHAPTER 9, ARTICLE VI.
 - SIGNS SHALL MEET THE APPLICABLE REQUIREMENTS OF APPENDIX D, CHAPTER 11 AND APPENDIX B, ARTICLE VI, SECTION 2(6). SEPARATE PERMIT IS REQUIRED.
 - THIS DEVELOPMENT SHALL REQUIRE A 2-INCH POTABLE WATER METER AND A 2" POTABLE WATER IRRIGATION METER.
 - OUTDOOR SPEAKERS WILL NOT BE INSTALLED AND SHALL COMPLY WITH APPENDIX B, ARTICLE VI SECTION 2(6).



SUNSHINE 311.COM
 Always call 311 first for fast service before you call to have underground utilities located and marked.

NO.	REVISIONS	DATE
1	FORMAL SITE PLAN REVIEW V1	08/09/25 DAD
2	FORMAL SITE PLAN REVIEW V2	08/29/25 DAD
3	FORMAL SITE PLAN REVIEW V3	07/19/25 DAD
4	FORMAL SITE PLAN REVIEW V4	05/12/25 DAD

NO.	REVISIONS	DATE
1	FORMAL SITE PLAN REVIEW V1	08/09/25 DAD
2	FORMAL SITE PLAN REVIEW V2	08/29/25 DAD
3	FORMAL SITE PLAN REVIEW V3	07/19/25 DAD
4	FORMAL SITE PLAN REVIEW V4	05/12/25 DAD

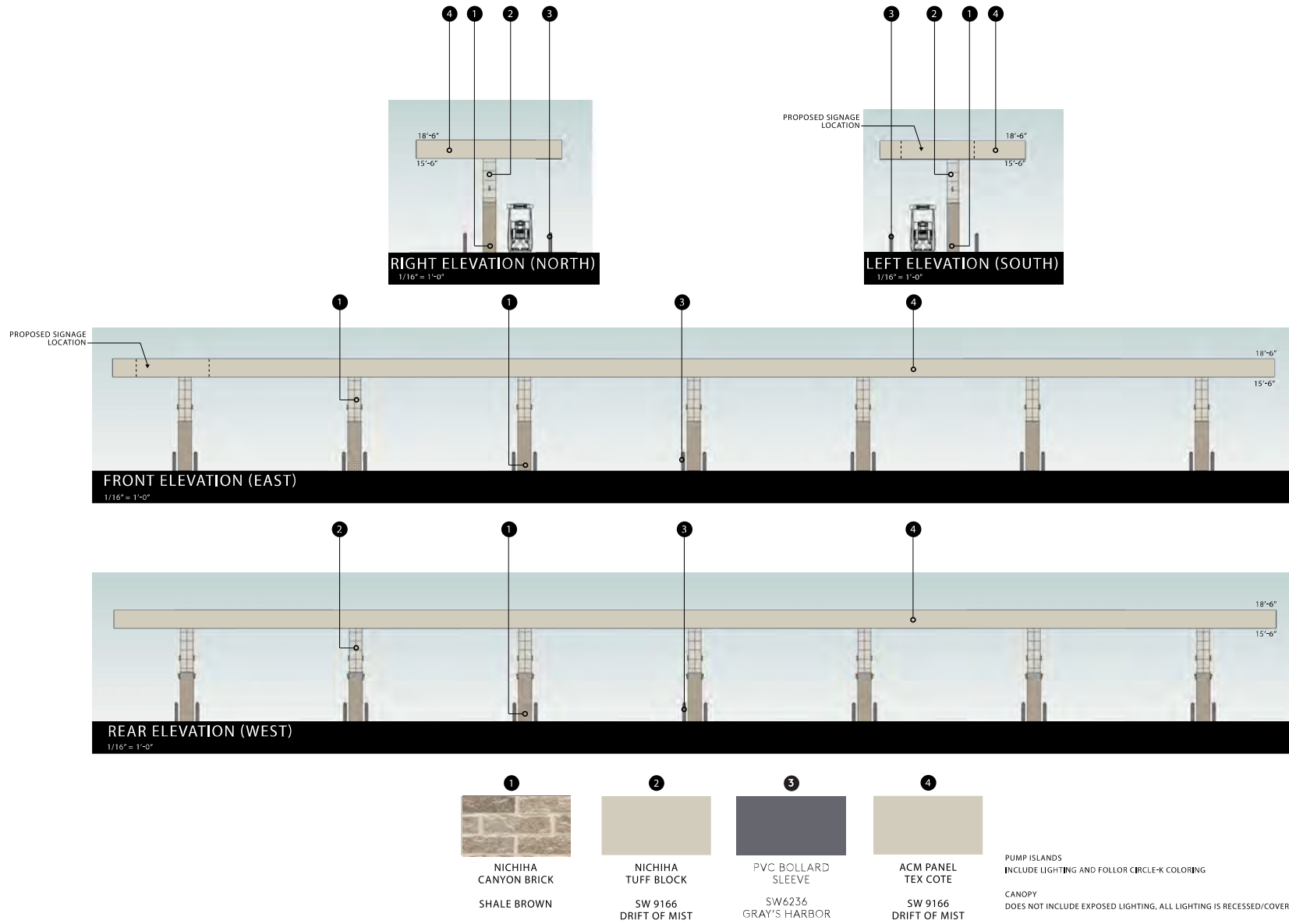
FORMAL SITE PLAN

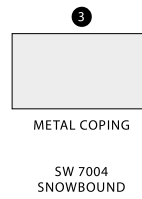
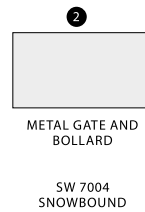
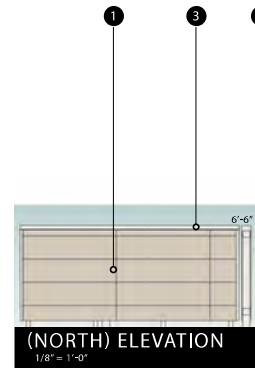
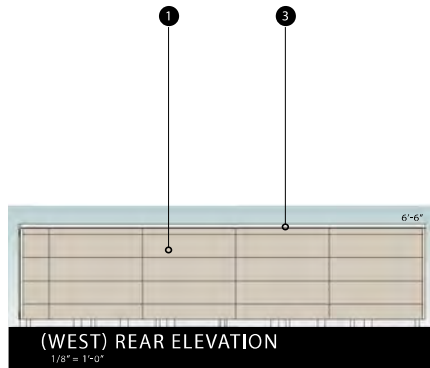
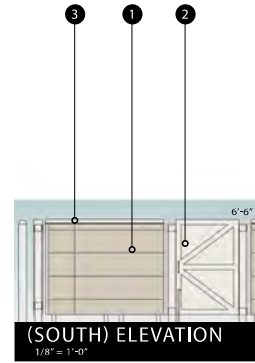
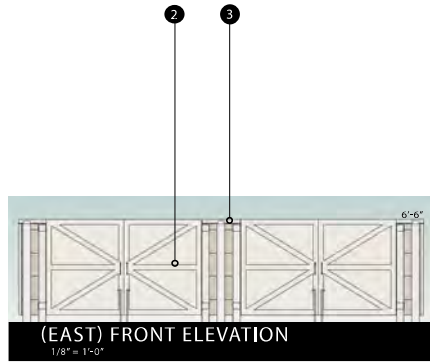
CIRCLE K - S BABCOCK ST & RIALTO PL

FLU-MIXED USE ZONING: C-CP

SHEET NUMBER C2.0

CITY OF MELBOURNE







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ORDINANCE NO. 2026-21

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, AS IT RELATES TO THE GENERAL ZONING ORDINANCE NO. 2005-120, BY GRANTING A CONDITIONAL USE TO ALLOW FOR A CONVENIENCE STORE WITH GAS PUMPS ON A 2.1±-ACRE PROPERTY ZONED C-P (COMMERCIAL PARKWAY), LOCATED ON THE WEST SIDE OF SOUTH BABCOCK STREET, SOUTH OF NASA BOULEVARD AND NORTH OF HIBISCUS BOULEVARD (1300 SOUTH BABCOCK STREET); PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING THAT THE CONDITIONAL USE GRANTED HEREIN MAY BE REVOKED BY CITY COUNCIL IF THE CONDITIONS OF APPROVAL ARE NOT MET; PROVIDING THAT THE PROPERTY SHALL BE DESIGNATED ON THE OFFICIAL ZONING MAP BY THE SYMBOLS C-C-P; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (CU2024-0009/PLAN2024-0016)

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the Official Zoning Map, as it relates to the General Zoning Ordinance No. 2005-120 of the City of Melbourne, is hereby amended by granting a conditional use to allow for a convenience store with gas pumps on a 2.1±-acre property zoned C-P (Commercial Parkway), located on the west side of South Babcock Street, south of NASA Boulevard and north of Hibiscus Boulevard (1300 South Babcock Street). The property is described as:

FROM THE NE CORNER OF SECTION 33, TOWNSHIP 27 SOUTH, RANGE 37 EAST, RUN S. 00°18' E., 3581.19 FT.; THENCE S. 89°42' W., 70.00 FT. TO THE WEST LINE OF BABCOCK ST. AND THE POINT OF BEGINNING. CONTINUE THENCE S. 89°42' W., 300.00 FT; THENCE S. 00°18' E., 310.00 FT; THENCE N. 89°42' E., 300.00 FT. TO SAID WEST LINE OF BABCOCK ST., THENCE N. 00°18' W., 310 FT.; TO THE POINT OF BEGINNING. CONTAINING 2.135 ACRES IN BREVARD COUNTY, FLORIDA.

BEING THE SAME PROPERTY CONVEYED TO FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OSCEOLA COUNTY, A CORPORATION ORGANIZED UNDER THE LAWS OF THE UNITED STATES OF AMERICA BY WARRANTY DEED FROM CAYMAN INTERNATIONAL TRUST COMPANY LIMITED, AS TRUSTEE UNDER THE KNOTT CHILDREN'S TRUST, A CAYMAN ISLANDS, B.W.I., DATED JULY 26, 1973, FILED FOR RECORD JULY 27, 1973, RECORDED IN OR BOOK 1364, PAGE 985, RECORDS OF BREVARD COUNTY, FLORIDA.

TRUIST BANK, A NORTH CAROLINA BANKING CORPORATION, ITS SUCCESSOR BY MERGER, BY VIRTUE OF CERTIFICATE OF MERGER DATED AS OF DECEMBER 7, 2019. TRUIST BANK, FORMERLY KNOWN AS BRANCH BANKING AND TRUST COMPANY, AS SUCCESSOR BY MERGER TO REPUBLIC BANK, AS SUCCESSOR TO FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OSCEOLA COUNTY.

SECTION 2. That the conditional use request is hereby approved subject to the following conditions:

- a. The conditional use shall comply with the use standards for a convenience store with gas pumps.
- b. The conditional use shall be in conformance with the formal site plan (PLAN2024-0016) and associated conditions.

SECTION 3. That PLAN2024-0016 for a site plan comprising of a single-story, 5,200± square foot convenience store with 14 fueling stations, prepared on a three-sheet plan by Jarod Stubbs, P.E., Kimley Horn and Associates, Inc. of Daytona Beach, Florida, Project Number 149880155, with a signed and sealed date of March 12, 2026, is hereby approved subject to the following conditions:

- a. Any change to the Site Plan will require reevaluation by the City Engineering Department and Community Development Department.

Any substantial change to the Site Plan as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff and/or the Planning and Zoning Board, Local Planning Agency.
- b. The applicant shall provide the necessary cross access easements from the property owners adjacent to the north (Rialto Place) and south (1450 S Babcock LLC) prior to construction plan approval.
- c. The architectural design proposed for the building, canopy and pump islands shall be substantially consistent with the renderings submitted by the applicant.
- d. The applicant shall coordinate a final landscape plan with City staff, during the construction plan review process.
- e. Based upon the proposed canopy height of approximately 18.5 feet tall, the applicant shall provide a minimum of two additional design standards, as identified in Appendix B, Article VI, Section 2(G), convenience stores with gas pumps.

- f. Appropriate environmental permits must be obtained as part of the construction plan review process.

SECTION 4. That the conditional use granted by this ordinance may be revoked by the City Council if the conditions of approval in Sections 2 and 3 of this ordinance are not met. Such action would require notice to the property owner and a public hearing before City Council. Upon issuance of a final order by City Council revoking the conditional use granted by this ordinance, the conditional use granted herein shall expire and become null and void and the use of the premises shall revert to the previous and more restricted use classification.

SECTION 5. That the above-described property shall be designated on the Zoning Map by the symbols C-C-P to indicate that said premises shall be restricted for that particular conditional use along with the uses permitted in the C-C-P (Commercial Parkway) Zoning District.

SECTION 6. That it is hereby found and determined that the conditional use requested satisfies the criteria established in City Code, Part III, Land Development Regulations, Appendix B, Article V, Section 2 (use and dimensional standards table) and Appendix B, Article IX, Section 5 (C) (Conditional Uses).

SECTION 7. That this ordinance shall become effective 30 days from the date of adoption of this ordinance and, if appealed or otherwise judicially contested, until resolution of any judicial contests or appeals. The amendment shall be duly recorded within five business days after the 30-day period has expired and resolution of any judicial contests or appeals.

SECTION 8. That this ordinance was passed on the first reading at a regular meeting of the City Council on the _____ day of _____, 2026, and adopted on the final reading at a regular meeting of the City Council on the _____ day of _____, 2026.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2026-21