

## **ORDINANCE 2023-05**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on February 1, 2023, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on February 2, 2023, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity for review and comment, and

**WHEREAS**, the Florida Department of Economic Opportunity submitted a Comment Report regarding this amendment, and

**WHEREAS**, the City Council of the City of Palm Bay has considered the Comments provided and has addressed all items, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on September 7, 2023, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay desires to adopt said amendment to the Comprehensive Plan of the City of Palm Bay.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Micco Park Village District and RES 1 (Residential Unit per Acre) (Brevard County) to Urban Mixed Use, which property is legally described herein as Exhibit 'A'.

**SECTION 2.** The Future Land Use Map is hereby changed to reflect this amendment.


**SECTION 3.** All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan. Policy FLU-3.2A, Table FLU-2, of the Comprehensive Plan shall be amended to include special conditions as identified in Exhibit 'B'.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 5.** This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida

Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2023-03, held on February 2, 2023; and read in title only and duly enacted at Meeting 2023-22, held on September 7, 2023.

  
Rob Medina, MAYOR

ATTEST:

  
Teresse M. Jones, CITY CLERK

Reviewed by CAO: 

Applicant: MLCI Investments, Ltd.; Brevard 270, LLC; David Lee, LLC; Brevard Property Holdings, LLC; MLCI Realty II, LLC; MLCI Realty, Ltd.; L&L Collections, LLC; Trustees of the William H. Lee Revocable Trust; Tiffany Dismukes Floyd

Case: CP-40-2022

cc: Brevard County Property Appraiser  
Applicant  
Case File



ALTA/NSPS LAND TITLE SURVEY  
FOR: PALM BEACH LAND GROUP, LLC  
CITY OF PALM BEACH, BREVARD COUNTY, FLORIDA



## **Conditions**

### **Density and Intensity Regulations**

1. Any development associated with this Comprehensive Plan Future Land Use Map amendment must be commenced through a Planned Development zoning district in substantial conformance with the submitted conceptual plan (Exhibit 'B.1'), subject to developer initiated adjustments not to exceed a 10% change in acreage for any given place type identified in Exhibit 'B.1'.

### **Public School Level of Service Analysis Requirements**

1. The School District of Brevard County has the "right of first refusal" per terms to be determined during the Planned Development zoning review process, for the proposed school site identified on the conceptual plan (Exhibit 'B.1') associated with the Ashton Park Development.

### **Parks and Open Space Level of Service Analysis Requirements**

2. All park space shall be publicly accessible but privately maintained by the developer or any successors.

### **Transportation Level of Service Analysis Requirements**

1. Micco Road Improvements: From the project site to Babcock Street will need to be improved to four lanes, pending improvements to other Rights of Way providing direct access to the project site. If improvements to other Rights of Way providing direct access to the project site are planned for prior to development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Planned Development Zoning District application process.

2. Babcock Street Improvements: From Micco Road to St. John's Heritage Parkway will need to be improved to four lanes, pending improvements to other Rights of Way providing direct access to the project site. If improvements to other Rights of Way providing direct access to the project site are planned for prior to development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Planned Development Zoning District application process.

### **Utilities Level of Service Analysis Requirements**

#### **Water Service Requirements**

1. 24-inch water main extension from the intersection of Cogan Drive and Paigo Street to Mara Loma Boulevard. A majority of this pipeline will be placed in the "FPL corridor." Note: The City is working with other developers to construct this pipeline; however, there are currently no agreements in place.

2. 24-inch water main extension along St. John's Heritage Parkway from Mara Loma Boulevard to the proposed Southern Booster Pump Station.

3. 24-inch water main extension along St. John's Heritage Parkway from the Southern Booster Pump Station and through the Emerald Lakes West development.

4. 20-inch water main extension along St. John's Heritage Pkwy from the Emerald Lakes West development through the Emerald Lakes East and Pete Holdings developments.

5. Construction of the Southern Booster Pump Station with four (4) 125 hp pumps, one (1) 35 hp pump, and one 0.5 MG prestressed concrete ground storage tank.

6. 24-inch water main extension along Micco Road to the Ashton Park development.

7. Additionally, due to the amount of growth in southeast Palm Bay and the timing of this growth, other mainline extensions may be required to support the ultimate buildout of Ashton Park, including the construction of additional water transmission infrastructure along the FPL Corridor, Cogan Drive, and/or Osmosis Drive SE.



#### Sewer Service Requirements

1. 20-inch force main extension from the intersection of Cogan Drive and Paigo Street to Babcock Street. A majority of this pipeline will be placed in the "FPL corridor." Note: The City is working with another developer to install this pipeline. Construction materials are currently on site and the force main is expected to be installed prior to completion of the SRWRF.
2. Construction of a master pump station that will serve the entire Ashton Park development. This pump station is expected to be located along Micco Road near the western edge of Ashton Park.
3. 20-inch force main extension along Micco Road and Babcock Street from Ashton Park to the FPL Corridor.
4. Additionally, due to the amount of growth in southeast Palm Bay and the timing of this growth, other mainline extensions may be required to support the ultimate buildout of Ashton Park, including the construction of additional force mains along the FPL Corridor, Cogan Drive, and/or Osmosis Drive SE.

#### Summary of General Utilities Requirements

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test infrastructure of adequate size to accommodate the development and to connect to the City's water and sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner will be required to extend and/or loop service from the On-Site Facilities to the existing water and wastewater connection points. [§ 200.11(D)(2) - Off-site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the new utilities required to serve the development. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance. [§ 200.11(D) & (E)]. The City is currently revising the Water and Wastewater Master Plans that identify proposed mainline extensions with the City's current pipe sizing requirements. The final Master Plans will be completed in 2023. Contact the Utilities Engineering Division (321-952-3410) to obtain these Master Plans.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Departments Policies, Procedures and Standards Handbook and the Standard Detail Drawings.
6. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.



# ASHTON PARK

Exhibit 'B.1'



**RESIDENTIAL SITE INFORMATION**

TRADITIONAL TOWNHOMES	419 LOTS
TOWNHOMES/VILLAS	142 LOTS
40' WIDE LOTS	2,081 LOTS
50' WIDE LOTS	1,543 LOTS
60' WIDE LOTS	113 LOTS
0.5 TO 3 ACRE LOTS	76 UNITS
MULTI-FAMILY	746 UNITS
<b>TOTAL</b>	<b>5,484 LOTS/UNITS</b>

**COMMERCIAL SITE INFORMATION**

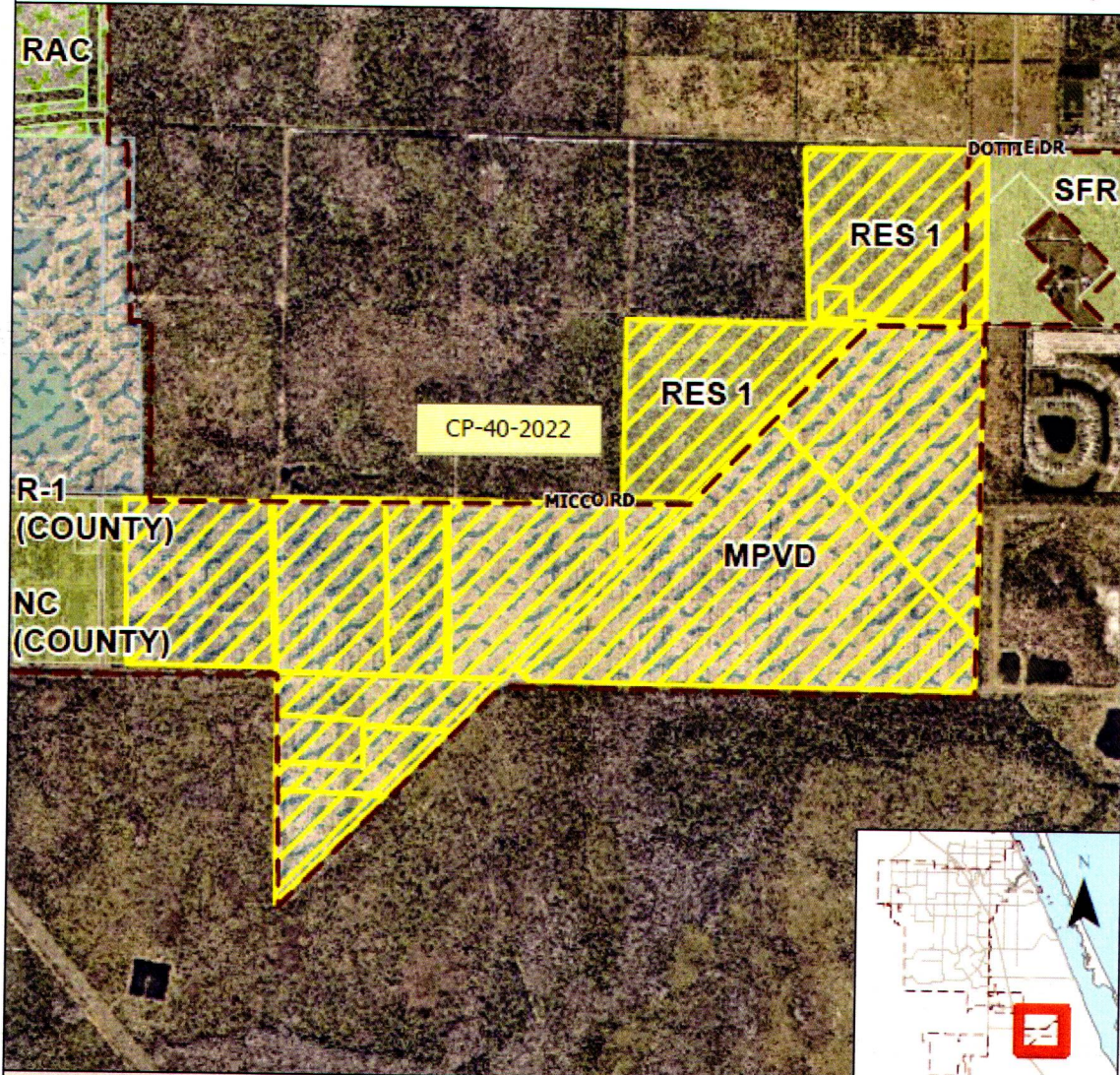
TOWN CENTER	41.27 AC
POLICE/FIRE	2.4 AC
SCHOOL	30.0 AC
COMMERCIAL	78.64 AC

5/18/23  
ASHTON PARK  
MASTER PLAN  
**CONSTRUCTION ENGINEERING GROUP**  
Consulting Engineers





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



## FUTURE LAND USE MAP CASE: CP-40-2022

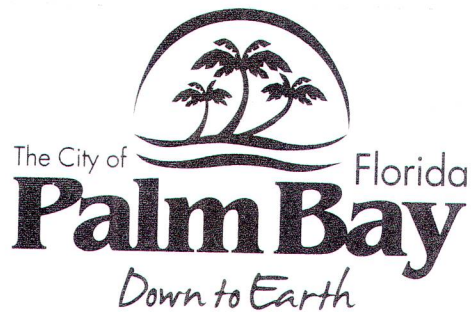
### Subject Property

Located north, south, east and west of Micco Road, in the vicinity south of Dottie Drive

### Future Land Use Classification

MPVD, RES 1 – Micco Park Village District, Residential 1





September 25, 2023

MLCI Investments, Ltd., MLCI Realty II, LLC, and Brevard 270, LLC  
c/o David Logan  
313 65<sup>th</sup> Trail North  
West Palm Beach, FL 33413

David Lee, LLC, Brevard Property Holdings, LLC, L&L Collections, LLC, Trustees of  
William H. Lee Revocable Trust  
c/o Dan Logan  
360 Columbia Drive, Suite 100  
West Palm Beach, FL 33409

Tiffany Dismukes Floyd  
P.O. Box 69  
Kenansville, FL 34739

Dear Messrs. Logan and Logan, and Ms. Floyd:

Enclosed is a certified copy of Ordinance 2023-05.

The City Council approved the ordinance at Regular Council Meeting 2023-22, held on  
September 7, 2023.

If you should have any questions or require additional information, please contact Ms.  
Lisa Frazier, AICP, Growth Management Director, at (321) 733-3042.

Sincerely,

CITY OF PALM BAY

  
Terese M. Jones, CMC  
City Clerk

/tjl

Enclosure: Ordinance 2023-05

cc: Jake Wise, Construction Engineering Group LLC

Case CP-40-2022

Legislative Department

120 Malabar Road SE • Palm Bay, FL 32907-3009  
Phone: 321.952.3414 • Fax: 321.953.8971  
Visit our website: [www.palmbayflorida.org](http://www.palmbayflorida.org)



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Jesse Anderson, Acting Growth Management Director

**DATE:** 9/7/2023

**RE:** Ordinance 2023-05, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north, south, and west of Micco Road, in the vicinity south of Dottie Drive, from Micco Park Village District and RES 1 (Residential Unit Per Acre) (Brevard County) to Mixed Use (1,435.36 acres) (Case CP-40-2022 – MLCI Investments, Ltd.; Brevard 270, LLC; David Lee, LLC; Brevard Property Holdings, LLC; MLCI Realty II, LLC; MLCI Realty, Ltd.; L&L Collections, LLC; Trustees of the William H. Lee Revocable Trust; Tiffany Dismukes Floyd), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Applicants David Logan, MLCI Investments, Ltd.; Brevard 270, LLC; MLCI Realty II, LLC, MLCI Realty, Ltd. / David Lee, David Lee, LLC / Harvey Oyer, Brevard Property Holdings, LLC / Tiffany Dismukes Floyd / Murray Daniel Logan, L&L Collections, LLC / Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust (Jake Wise, P.E. Construction Engineering Group, LLC, Rep.) submitted a large-scale Comprehensive Plan Future Land Use Map amendment from RES 1 (Brevard County) and Micco Park Village Use to Mixed Use for approximately 1,435.36 acres, generally located north, south, east, and west of Micco Road, in the vicinity south of Dottie Drive.

The intended use for the 1,435.36-acre property is intended for a mixed-use development to be known as 'Ashton Park'. The proposed land use amendment would be considered compatible, as the diversity and mixture of residential and non-residential uses provides for a more efficient distribution of compatible land uses. Moreover, it further addresses the long-term growth of the City by providing residents with diverse housing options (i.e. single-family, townhome, and apartment style multifamily) and a downtown corridor. In addition to these aspects, Ashton Park is intended to be a near self-sufficient community in respect to services and amenities internally provided. For example, the Ashton Park development is intended to provide avenues for alternative transportation, a collocated fire and police station, a school site, and civic/open space. The development further proposes hybrid commercial and industrial flex space, in addition to a modernized version of the central business district downtown to attract new commercial and industrial developments in proximity to the Interstate 95 interchange at St. Johns Heritage Parkway. The proposed distribution of uses across this project area is conceptually depicted in Exhibit A attached, along with this staff report.



At the Regular Council Meeting held on January 19, 2023, City Council approved the first reading of Ordinance 2023-01 providing for the voluntary annexation of approximately 302.70 acres, a portion of this 1,435.36-acre property known as 'Ashton Park'. At a Regular Council meeting held on February 2, 2023, City Council approved the second and final reading for Ordinance 2023-01. City Council also approved the first reading of Ordinance 2023-05, providing for amending the Future Land Use of the entire 1,435.36-acre property to Mixed Use.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Motion to approve Case CP-40-2022.

**Planning and Zoning Board Recommendation:**

The Planning & Zoning Board recommended unanimous approval on February 1, 2023.

**ATTACHMENTS:**

**Description**

CP-40-2022 - Ashton Park - Staff Report revised

CP-40-2022 - Exhibit A - Ashton Park Conceptual Master Plan

CP-40-2022 - Ashton Park Survey

CP-40-2022 - Ashton Park Citizen Participation Plan Report

CP-40-2022 - Ashton Park Application

CP-40-2022 - Ashton Park LOS Analysis Utilities

CP-40-2022 - Ashton Park LOS Analysis Traffic

CP-40-2022 - Capacity Letter - BPS

P&Z minute excerpt

Ordinance 2023-05 (REVISED)

Ordinance 2023-05, Exhibit A

Ordinance 2023-05, Exhibit B