

December 2024

Ashton Park Planning and Zoning Board FLU Factors of Analysis

REQUEST:

1. The overall acreage of the project is approximately 1,568 acres and previously the eastern approximately 1435 acres was granted a City of Palm Bay FLU designation of Urban Mixed Use (UMU). This application requests the western approximately 133 acres to be granted the same UMU FLU.

2. The entire project area of approximately 1,568 acres is seeking a zoning of Planned Unit Development (PUD) through the City Preliminary Development Plan (PDP) and final development plan (FDP) process concurrently.

PROPOSED FLU Amendment: from R-1 and NC (both Brevard County designations) to Urban Mixed Use (UMU) on the western approximately 133 acres. The 1,435 acres to the east already have this FLU designation for compatibility.

(a) Whether the proposed amendment will have favorable or unfavorable effect on city's budget, or the economy of the city?

Ashton Park will have an unbelievably favorable effect on the City's budget and the overall health of the economy of the City of Palm Bay. When successful it will be one of the single largest economic boosting projects ever in Palm Bay. Please see the enclosed economic and fiscal impact analysis and infographic for Ashton Park.

UMU encourages concentrations of high intensity mixed-use development within a pedestrian friendly environment—primarily at the intersection of arterial roadways. In addition, UMU desires a range of housing types, commercial, office, recreation, and institutional uses. Ashton Park is located at both south corners of the intersection of existing Micco Road and the future extension of the St. Johns Heritage Parkway (SJHP). It is the project's intention to continue the Parkway south and east through the future community. In this case, it is intended to provide pockets of high intensity horizontal mixed-use development concentrated on the western portion of the master plan.

The commercial development includes creating a destination downtown for all Palm Bay residents that is sorely needed and desired by current residents in our experience. It intends to include retail, personal service establishments, daycare centers, church/religious uses, restaurants, financial institutions, office uses, food service, theaters, professional office uses, and medical/veterinary clinics. The residential includes a wide-ranging mix of housing types including apartments, townhomes, age restricted community and single family lots ranging in size from 40 foot wide to large 1 acre plus lots.

Enclosed is an economic feasibility analysis based on less than the proposed overall master plan because it was completed prior to the additional 133 acres added to the west. In summary the project will provide more than the following:

- Current assessed value of the property estimated to be \$21M, the project buildout assessed value is estimated to be \$3.4B.
- The project estimates adding over 13,000 jobs and provide housing for over 15,000 residents.
- It is projected to increase the Brevard County economic base by 10%.
- It will generate over \$1.5B to various local and regional taxing authorities over a 20-year horizon.
- Over a 20-year period, Ashton Park will generate a net operating fiscal surplus of over \$430M more for the city than it will cost to provide services. In addition, the project as proposed providing land for schools, police, fire and public parks that would be maintained by the CDD and not by the city.
- It will contribute of \$102M in development impact fees.

(b) Whether the proposed amendment will adversely affect the level of service of public facilities.

UMU proposes a variety of uses and is consistent with the City Council's vision for more viable commercial development that can be supported by the proposed residential not just from this project but the southeastern portion of the city. The project will include extending the SJHP from the current I-95 interchange to Micco Road and then through Ashton Park. That provides substantial improvements to the surrounding roads existing level of service (LOS) and improved emergency evacuation. The project is providing extensive open space and recreation open to the public including regional trails, public parks, trailhead for horseback riding, an amphitheater, and interconnectivity with the surrounding EELs preservation lands to the north and Sebastian State Preserve to the south. Both of those are publicly accessible with miles of more public trails. This significantly improves public recreation LOS.

Ashton Park is providing a master planned 30-acre school site to help that the Brevard County Schoolboard would like to develop to help school LOS. It will also extend the City's utility infrastructure including extensions of both water and wastewater force mains. The City has completed one and is near completion on two water and wastewater plant expansions with capacity intended for this and other anticipated regional developments. The city has invested tens of millions of dollars for these expansions for the ability to improve their utility LOS so this project will not adversely affect the LOS of public facilities it will be a huge benefit.

Utilities: Infrastructure Solutions Services reviewed the updated development plan provided by the City of Palm Bay Utilities for Ashton Park. Based on their review, they calculated a total of 7,010 equivalent residential connections (ERCs) for the updated development. The previous version of Ashton Park, as noted in the Revised Ashton Park Water LOS Analysis dated July 18, 2023, had 6,800 ERCs. This represents a 210 ERC (3%) increase over the previous plan. However, this 3% increase in ERCs does not impact the conclusions or recommendations of the July 18, 2023, LOS Analysis. Attached is the July 18, 2023, Revised Ashton Park Water Level of Service Hydraulic Analysis.

The Utilities Department has no objection to the proposed Development. Note, this area of the City is currently at capacity for water and sewer. Several large-scale projects must be completed prior to connection to either system. Upon development of the site, the following shall apply for connection to the City's Water and Sewer Utilities System:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water systems 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 of Palm Bay's 2024 Water and Wastewater Master Plans identify proposed mainline extensions with the City's current pipe sizing requirements. Contact the Utilities Engineering Department (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.

Drainage: The Public Works Department has no objection to the proposed FLU amendment. If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies. Any proposed stormwater management system will be reviewed and approved by the city during the site plan review process. Working phasing plans including on site and off site with corresponding drainage and offsite improvements for associated work.

Public Schools: A 30-acre site is planned for a future school, large enough to accommodate an elementary, middle, and/or high school, or even a combined campus. The site will be accessible from three separate locations, which will help distribute traffic during peak school hours. According to the attached School Capacity Availability Determination Letter from the School Board of Brevard County, the adjacent high school concurrency service area is projected to have sufficient capacity for the total number of projected and potential students from the Ashton Park development. However, there is a shortfall in capacity within both the elementary and middle school concurrency service areas, as well as in adjacent areas. The District is actively monitoring the rapid development in this region and sees an opportunity to collaborate

with the developer on a mitigation agreement for a potential school site within the development.

Recreation and Open Space: The proposed FLU amendment will increase the demand for recreation services as compared to the existing public needs. However, the requested use will not exceed the existing parkland or recreational level of service standards for the planning area. Ashton Park project is intended to be a walkable community with 75.5 acres of landscape buffers and pedestrian connectivity. The proposed project includes substantial green spaces, public parks, and interconnected open areas, with planned regional trails extending for miles. Additionally, a master clubhouse with various amenities is planned for some of Ashton Park's residents. The existing property features beautiful trees, particularly native hardwoods, which will be preserved to the extent possible.

Transportation: The proposed Ashton Park project is classified as a rural major collector per the Brevard County TPO and maintained by Brevard County.

Using the Trip Generation Rates per ITE 11th Edition Trip Generation Manual, trips were calculated per land use as identified in the Ashton Park Preliminary Development Plan dated August 2024. The changes include the addition of a Town Center which includes a reduction in overall multifamily units and increase in overall residential, townhomes, and downtown apartment units.

The proposed Ashton Park PUD including the proposed change will impact the existing 2 lane roadway capacity of Micco Road and Babcock Street to be deficient in level of service (D). Micco Road along the project site westward to Babcock Street, and to the east from Dottie Drive to Fleming Grant Road will need to be widened to four (4) lanes, Babcock Street from Micco Road to St. John's Heritage Parkway (SJHP) will need to be widen to six (6) lanes to accommodate the resulting traffic projected to be produced from the proposed development to maintain the adopted level of service (D). Attached is the revised Ashton Park's LOS Analysis.

This analysis does not take into consideration the future SJHP extension, as there is currently no official agreement with the developer and the maintaining agency to fund and construct that roadway extension.

(c) Whether the proposed amendment will adversely affect the environment or the natural or historical resources of the city or the region as a result of the proposed amendment.

The project will not adversely affect the environment or any natural/historical resources. The entire project has been disturbed historically and has minimal natural vegetation. Please see the enclosed environmental reports. There is only one 1.03-acre remnant wetland on the property. There may be some wood stork and small kite habitat, but the project proposes to provide on-site lakes, so we anticipate no impact or more likely even more and improved habitat. There are possibly gopher tortoises but those can be

permitted to be relocated off-site. Finally, there are known Audubon crested caracara in the region but none on this property.

There appears to be no other protected species, but more detailed studies will be provided at the time of site plan development permitting.

(d) Whether the amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment.

This project proposes a wide-ranging variation of residential housing include the following:

- Apartments.
- Townhomes.
- Single family lots varying from 40-foot wide to acre plus oversized lots.
- Age restricted community (286 units, ±65 acres)

To the north of this project are two large master planned developments called Emerald Lakes and Lotis Palm Bay. They are combined 1900 plus acres with substantial amounts of commercial development providing employment opportunities and a need for more housing. This project is ideally situated nearby with more proposed commercial including a sorely needed downtown district at the intersection of two major roadways. This project also will extend the SJHP allowing direct access to Interstate 95 providing through the other two developments providing even more reasonable access to places of employment throughout Brevard County. The amendment will have a substantially favorable effect on the ability to find adequate housing reasonably accessible to their places of employment.

(e) Whether the proposed amendment will promote or adversely impact public health, safety, welfare, or aesthetics of the region of the city.

The proposed amendment will promote public health, safety, welfare and aesthetics of this region of the city. Currently the Interstate 95 interchange that was paid for by taxpayer dollars through FDOT extends approximately 1200 linear feet into Emerald Lakes east and there is public right-of-way and City owned parcels intended for stormwater treatment for the future extension of the Parkway that is part of the City's master plan. This project would propose to extend the Parkway to Micco Road and then through the heart of Ashton Park. This project also is proposing to be a catalyst two City utility main extensions including water and wastewater.

The Parkway improves the entire region of the city including better accessibility and hurricane evacuation for current and future residents.

(f) Whether the requested amendment is consistent with all elements of the Comprehensive Plan and established levels of service.

UMU and this project are consistent with the elements of the Comprehensive Plan and established levels of service. It is consistent with FLU 1.3A through F, FLU 1.4A through C, and FLU 1.5A, (B & C are not applicable), 1.5D through F. FLU 1.1, 1.1, and 1.6 through 1.8 are not applicable. FLU 1.9 is consistent by providing a 30-acre school site as well as the likelihood of daycare/VPK facilities. The proposal is consistent with FLU-2.1 as detailed herein and FLU 2.2 is not applicable.

(g) Whether the request maximizes compatibility (consistent with the definition found in Florida Statutes 163.31699) between uses.

Not applicable – it is not an urban infill it is a master planned mixed use community. However, it is completely compatible with the proposed and existing adjacent FLU in the eastern portion of this project, Lotis Palm Bay and Emerald Lakes to the north.

(h) Whether the request provides for a transition between areas of different character, density, or intensity.

The western approximately 133 acres of Ashton Park provides a completely compatible transition between Lotis Palm Bay proposed to the north and the eastern portion of Ashton Park. To the west is Interstate 95 providing great visibility for the long-term success of the proposed commercial, and to the east is a large canal buffering and providing transition to existing single family located outside the City in Brevard County. Finally, to the north and south are large County and State maintained preservation lands open to the public. These provide an ideal transition from our project's proposed regional trails, public trailhead, and other open space/recreational amenities open to all Palm Bay residents. Finally, it also extends both the SJHP and City utility mains that are part of the City's master plan.

(i) Whether the request locates higher density and intensity uses in areas which already feature adequate vehicular access and access to public facilities.

Not applicable – this site does not have existing vehicular access nor public facilities, it proposed to extend the SJHP to and through Ashton Park as well as City utilities.

j) Whether the request has potential for creating land use inequities per Policy FLU-1.12A of the Comprehensive Plan.

The creation of this land use is compatible with Policy FLU-1.12A. There are no environmental injustices as identified above. There is no component that will lead to water pollution or other impairments that will create higher rates of disease or health problems. There is no heavy industrial proposed that impacts the US EPA definition adopted in 2019.

The project proposes to include only native landscaping throughout, preserving native vegetation and incorporating Florida-friendly options on-site wherever feasible. A portion of the site was previously a tree farm, so we plan to preserve as many of the large native trees from the farm as possible.

Attainable housing is a significant need in Palm Bay and new housing options (particularly multi-family) offer opportunities to the populations currently underserved. This project will enhance housing availability.

Food Deserts are apparent when affordable or good quality fresh food is not available. The site provides for neighborhood commercial uses such as restaurants, grocery, or specialty food stores that provide fresh food.

The project provides essential public facilities such as a school site, linear parks, public walking trails, interconnectivity between the residential and neighborhood commercial uses, extension of the Parkway, and extension of the City's utilities. In addition, it provides interconnectivity access to County and State preservation lands to the north and south of the site including a new public trailhead. The project provides for interconnectivity with all typical modes of transportation. There are roadways, sidewalks, and separate trails throughout. Most are publicly accessible and interconnect the residential, commercial hubs, and even the preservations areas to the north and south of the project. Both have public trails throughout them. We have public regional roads and trails along the south side of Micco Road, through the heart of the development with the extension of the Parkway, along the majority of the southern boundary adjacent to the St. Sebastian Preserve, and north/south through multiple corridors including a regional trail that follows the gas easement.

During the review of the original Ashton Park Comprehensive Plan Amendment (Ordinance 2023-05), the Florida Department of Commerce and the Florida Department of Environmental Protection provided the following technical comments:

- Florida Department of Commerce technical comments:
 - The proposed package partially included data and analysis to support the requested revisions. However, the data and analysis did not adequately demonstrate the availability and planning for adequate public facilities for the demand generated by the maximum development potential of the proposed land use. Florida Statutes require that any future land use plan amendment shall be based upon survey, studies, and data regarding the subject area, including the availability of water supplies, public facilities, and services. Before adoption, the City should include data and analysis for planning purposes pursuant to section 163.3177(6)(a)2, F.S., that demonstrates adequate public facility capacity exists for the proposed land use.
 - **Response:** A Transportation and Utilities LOS was completed for the proposed Ashton Park project.
 - The proposed Future Land Use map amendment allows for a potential increase from 4,840 dwelling units and 1,071,200 square feet of non-residential development to 43,060 dwelling units and 125,048,563 square feet of non-residential development. In a conversation with the Department, city staff clarified the city is not likely to approve development at the levels allowed by the proposed Future Land Use category. As part of the City's consideration in whether to adopt the proposed amendment the city should also consider a site-specific policy establishing the level and type of development the city is

planning for that can be supported with data and analysis demonstrating public facilities are adequately planned for.

- **Response:** The city's Future Land Use Map designates areas for high-intensity mixed-use development within a pedestrian-friendly environment, primarily at the intersection of arterial roadways. The proposed project site allows for a variety of housing types, as well as commercial, office, recreational, and institutional uses. The maximum density permitted is 40 dwelling units per acre (50 with a density bonus) and a Floor Area Ratio (FAR) of 2.5 (3.5 with an intensity bonus).
- Florida Department of Environmental Protection technical comments:
 - The Central Indian River Lagoon (CIRL) Basin Management Action Plan (BMAP) outlined by Section 403.067(7), F.S. and adopted by secretarial order, identifies and frames actions to address and restore impaired state waters. The Clean Waterways Act (Chapter 2020-150, Laws of Florida) further refines actions taken by the BMAPs. Activities associated with the proposed land use change have the potential to impact water quality. Per Executive Order 23-06, actions to reduce nutrient contributions to the CIRL from sources are prioritized to expedite water quality restoration within the subbasin. These actions include the proper siting, treatment, and disposal of wastewater in accordance with BMAP requirements, implementation of current and future onsite sewage treatment and disposal system (OSTDS) prohibitions, stormwater controls, and the implementation of adequate sediment and erosion control practices to mitigate any groundwater or surface water impacts. Any additional nitrogen and phosphorus loading to the basin will be evaluated and may require additional restoration actions by the city. The Department would also encourage the city to continue coordination with the County on the wastewater feasibility plans as outlined in the Clean Waterways Act (403.067(7)(a)9, F.S.). In addition to a wastewater treatment plan, the Department recommends implementing actions for conservation of green space and/or pervious area as much as practicable to assist with stormwater conveyance, groundwater recharge, and water quality integrity.
 - **Response:** The applicant and the city fully acknowledge the importance of addressing water quality concerns and are committed to adhering to the BMAP requirements and the guidelines outlined in Executive Order 23-06. We will ensure that all activities associated with the proposed land use change are designed to minimize nutrient contributions to the CIRL Basin. Specifically, we will prioritize proper siting, treatment, and disposal of wastewater, in compliance with current and future onsite sewage treatment and disposal system (OSTDS) regulations and implement stormwater controls as well as sediment and erosion control practices.
 - We also recognize the need for continued coordination with the County on wastewater feasibility plans as per the Clean Waterways Act. Furthermore, we will explore opportunities to conserve green spaces and pervious areas on the project site to assist with stormwater management, groundwater recharge, and overall water quality protection.

- We will continue to work closely with all relevant agencies to ensure that any potential nitrogen and phosphorus loading is carefully evaluated and that the necessary restoration actions are implemented. We appreciate your guidance and will take all recommended actions into consideration as we move forward with the planning and development process.
- The St. Sebastian River Preserve State Park – the following concerns should be noted regarding the increased density of the proposed mixed-use development:
 - Prescribed Fire Management and Wildland-Urban Interface – prescribed fire is a management tool frequently used in the park to maintain and restore diverse natural communities and reduce hazardous fuel loads associated with overgrown vegetation. An increase in density on lands surrounding the park hampers the Department's ability to apply prescribed fire, potentially resulting in increased fuel loads which create hazardous wildfire potential. Currently, the preserve is restricted to burning only when prevailing winds will carry smoke away from Interstate 95, existing developed areas, other smoke sensitive areas, and Herndon Swamp. As a result, the zones immediately adjacent to the proposed Ashton Park must be burned with a southwest wind component which sends smoke directly to the proposed development. Alteration of the allowable burn conditions may result in conflicts with the dormant season of the habitat.
 - **Response:** The applicant and the city understand the importance of prescribed fire as a management tool for maintaining diverse natural communities and reducing hazardous fuel loads, and we are committed to considering these concerns in the planning process. We acknowledge that an increase in density near the park could complicate the Department's ability to conduct prescribed burns, potentially increasing the wildfire risk.
 - We will carefully evaluate the potential impacts of the proposed development on prescribed burn conditions and work to minimize any conflicts. Specifically, we will consider the wind direction and ensure that the planning and layout of the development account for smoke dispersal to prevent any adverse effects on the burning process or the dormant season of the habitat.
 - Additionally, we will explore options for buffering the development from areas where prescribed fires are conducted, in order to support the Department's management efforts while minimizing risks to the surrounding community. We are committed to working with your agency and other relevant stakeholders to ensure that both fire management goals and development needs are addressed in a balanced and sustainable way.

- Other consideration is an increase in suburban density surrounding the preserve, where landscaping restrictions are not present and/or enforced, is likely to exacerbate invasive/non-native plant infestations on the preserve by providing extensive nearby non-native seed sources.
 - **Response:** The project proposes to include only native landscaping throughout, preserving native vegetation and incorporating Florida-friendly options on-site wherever feasible. A portion of the site was previously a tree farm, so we plan to preserve as many of the large native trees from the farm as possible.