



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Valentino Perez, Public Works Director

**DATE:** July 11, 2024

**RE:** RE: Consideration of an Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC

### SUMMARY:

The Impact Fee Credit Agreement between the City of Palm Bay and CRE-KL Malabar Owner, LLC for Proportionate Fair Share (PFS) contribution payment for a project, generally referred to as 'Malabar Springs', includes approximately 294.70 acres located north of Malabar Road and west of Heritage High School.

On November 17, 2022, City Council adopted Ordinance 2022-117 granting Final Development Plan approval and PUD zoning for Malabar Springs consisting of 885 residential units (653 single-family detached, 106 single-family attached, and 126 multi-family), for which the total Transportation Impact Fees (TIF) are estimated to be \$3,474,347.54.

The Traffic Impact Study performed by LTG, Inc. for Malabar Springs notes that the Owner/Developer will be responsible for a proportionate fair share totaling \$2,960,718.47, for impacts to the following off-site public improvements as a result of the project traffic:

- Widen St. Johns Heritage Parkway (SJHP) from Malabar Road to Pace Drive from 2 to 4 lanes
- Add an eastbound left turn lane (dual lefts) at the intersection of SJHP and Malabar Road
- Add a 1200-foot northbound receiving lane on SJHP just north of the intersection of SJHP and Malabar Road
- Add a southbound right turn overlap phase at the intersection of SJHP and Malabar Road
- Optimize splits and phasing sequence at the intersection of SJHP and Malabar Road
- Optimize splits and phasing sequence at the intersection of SJHP and Emerson Drive (PM peak hour only)
- Signalize the intersection of Malabar Road and Watoga Avenue
- Extend the westbound right turn lane at the intersection of SJHP and Malabar Road by 25 feet
- Extend the southbound left turn lane at the intersection of SJHP and Malabar Road by 55 feet

- Extend the southbound right turn lane at the intersection of SJHP and Malabar Road by 75 feet

The Owner/Developer's estimated Transportation Impact Fees (TIF) will exceed the Proportionate Fair Share (PFS). Upon execution of this Agreement, the Owner/Developer shall pay to the City the PFS prior to issuance of a final plat for any phase. The balance of TIF will be due upon building permit issuance.

**REQUESTING DEPARTMENTS:**

Public Works

**FISCAL IMPACT:**

There is no fiscal impact at this time. The Owner/Developer shall deposit the proportionate fair share payment as provided in the Agreement and such deposits will be reviewed and confirmed for both transportation impact fee value and transportation impact fee credit.

**STAFF RECOMMENDATION:**

Motion to approve the Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC and authorize the Mayor to execute the agreement.

**ATTACHMENTS:**

1. Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC