

## **ORDINANCE 2024-10**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'PALM BAY POINTE WEST' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO BABCOCK STREET, IN THE VICINITY NORTH AND SOUTH OF ST. JOHNS HERITAGE PARKWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning to allow a mixed-use development with a 668-unit multiple-family residential subdivision and 16 adjacent commercial parcels to be known as 'Palm Bay Pointe West' on property legally described herein, has been made by Kimaya, LLC, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on February 7, 2024, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

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

**SECTION 1.** The City Council of the City of Palm Bay hereby grants Final Development Plan approval for 'Palm Bay Pointe West' on property zoned PUD (Planned Unit Development), which property is legally described as follows:

Tax Parcels 1, 4, 5, 500, 750, and 751, along with Tracts SM-2 and OS1 of Waterstone Plat One P.U.D., of the Public Records of Brevard County, Florida; Sections 3 and 4, Township 30S, Range 37E; containing 84.75 acres, more or less.

**SECTION 2.** The Final Development Plan is granted subject to the staff comments contained in the Staff Report, incorporated herein as Exhibit 'A', and the following items being submitted with construction plans as follows:

- A. A preliminary subdivision plat and a boundary and title opinion.
- B. Deed restrictions establishing development standards.

**SECTION 3.** The property shall be developed in substantial conformance with the Final Development Plan, which is, by reference, incorporated herein as Exhibit 'B', except as may be modified by the conditions of approval. The applicant shall comply with all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 4.** This ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-\_\_\_\_\_, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-\_\_\_\_\_, held on \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Rob Medina, MAYOR

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

City of Palm Bay, Florida  
Ordinance 2024-10

Reviewed by CAO: \_\_\_\_\_

Applicant: Kimaya, LLC  
Case: FD23-00012

cc: Brevard County Recording  
Applicant  
Case File