



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2469, **Version:** 1

Subject:

Approval Re: Second Amendment to Developer's Agreement with Benchmark Melbourne 35 Associates, Limited Partnership and the City of West Melbourne

Fiscal Impact:

There should be no fiscal impact to Brevard County. A transportation impact fee credit in the amount of \$441,887.00 remains in effect until April 3, 2023. Since this development is entirely within the City of West Melbourne, the potential fiscal impact will be to reduce transportation impact fee collections within the City by no more than the full amount of the credit.

Dept/Office:

Planning and Development Department

Requested Action:

It is requested that the Board of County Commissioners consider approval of the Second Amendment to the Developer's Agreement between Brevard County, City of West Melbourne and Benchmark Melbourne 35 Associates, Limited Partnership; authorize the Chair to announce the date and time of the second public hearing as February 23, 2021 beginning at 9:00 am; authorize the Chair to execute the agreement as amended on behalf of the County if approved; and authorize the Budget Office to execute any budget changes necessary to implement the Agreement as amended.

Summary Explanation and Background:

This Developer's Agreement was originally adopted on April 2, 2013 by the Board of County Commissioners. As originally adopted, the Agreement required Benchmark Melbourne 35 Associates, LP (M35) to construct certain roadway improvements on Hollywood Boulevard beginning at its intersection with Palm Bay Road; provides M35 with vesting for transportation concurrency for a period of ten years; awards M35 a transportation impact fee credit, and provides for the purchase of right-of-way along Hollywood Boulevard.

The First Amendment to the Developer's Agreement was approved by the Board of County Commissioners on January 8, 2019. The effect of that amendment was to reduce shopping center land use and add a 260-room hotel to the development program.

The effect of the Second Amendment to the Developer's Agreement, as proposed, will be to allow a child day care facility, automotive care center and medical office within the development while reducing the shopping

center land use. The external trip generation from the development will be balanced through the use of a traffic equivalency matrix. The City of West Melbourne will consider approval of the Second Amendment to the Developer's Agreement on February 2, 2021.

Clerk to the Board Instructions:

After the second public hearing on February 23, 2021, have three copies of the Second Amendment to the Developer's Agreement executed on behalf of the County and return them to Planning and Development for recording.